

EUROPEAN COMMUNITIES (WELFARE OF PIGS) REGULATIONS 1995

I, IVAN YATES, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 91/630/EEC(1) of 19 November 1991, hereby make the following Regulations:—

REG 1

Title and Commencement

1. (1) These Regulations may be cited as the European Communities (Welfare of Pigs) Regulations, 1995.

(2) These Regulations shall come into operation on the twenty-fifth day of April, 1995.

REG 2

Interpretation

2. (1) In these Regulations—

"approved disinfectant" means a disinfectant which for the time being stands approved by the Minister in accordance with the Diseases of Animals (Disinfectants) Order, 1975 (S.I. No. 273 of 1975);

"authorised officer" means a person who, for the time being, stands appointed under Regulation 9 or an inspector;

"the Council Directive" means Council Directive No. 91/630/EEC of 19 November 1991;

"equipment" includes individual pig pens and stalls;

"inspector" means an inspector within the meaning of the Protection of Animals Kept for Farming Purposes Act, 1984 (No. 13 of 1984);

"the Minister" means the Minister for Agriculture, Food and Forestry;

"premises" includes land, with or without buildings;

(1)O.J No. L340 of 11.12.1991, p. 33.

"third country" means a country which is not a member of the European Communities;

"unnecessary suffering" means, in relation to a pig, pain, distress or suffering that in its kind or degree, or in its object, or in the circumstances in which it occurs, is unreasonable or unnecessary;

"veterinary surgeon" means any person who is lawfully qualified to practise veterinary surgery in the State.

(2) A word or expression that is used in these Regulations and is also used in the Council Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Council Directive.

(3) In these Regulations—

(a) a reference to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other provision is intended;

(b) a reference to a Schedule is to a Schedule to these Regulations;

(c) a reference to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

REG 3

Dimensions of the Holding

3. (1) Subject to the provisions of Regulation 5 and paragraph (2), the owner or person in charge of a holding built or rebuilt or brought into use for the first time after the coming into operation of these Regulations, shall ensure that his holding complies with the following requirements, namely, that the unobstructed floor area available to each weaner or rearing pig reared in a group shall be at least:

- (i) 0.15 square metres for a pig of an average weight of 10 kg or less,
- (ii) 0.20 square metres for a pig of an average weight of between 10 kg and 20 kg,
- (iii) 0.30 square metres for a pig of an average weight of between 20 kg and 30 kg,
- (iv) 0.40 square metres for a pig of an average weight of between 30 kg and 50 kg,
- (v) 0.55 square metres for a pig of an average weight of between 50 kg and 85 kg,
- (vi) 0.65 square metres for a pig of an average weight of between 85 kg and 110 kg,
- (vii) 1.00 square metres for a pig of an average weight of more than 110 kg.

(2) From 1 January 1998, the requirement set down in paragraph (1) shall apply to all holdings.

REG 4

Tethering

4. (1) Subject to the provisions of Regulation 5 and paragraph (3), the tethering of sows and gilts shall be prohibited after 31 December 1995 unless it is performed under the authorisation of the Minister in accordance with paragraph (2). The construction or conversion of installations in which sows and gilts are tethered shall be prohibited after 31 December 1995.

(2) The Minister may authorise by a notice published in a national newspaper the use of installations built prior to 1st January, 1996, which do not meet the requirements of this Regulation.

(3) Notwithstanding the other provisions of this Regulation, the tethering of sows or gilts, as the case may be, is permissible while the animal is undergoing any examination, test, treatment or operation carried out for veterinary purposes or for the purposes of service or artificial insemination.

REG 5

Exemption

5. The provisions of Regulations 3 and 4 shall not apply to holdings with fewer than six pigs or five sows with their piglets.

REG 6

Responsibilities of Care and Welfare

6. A person who owns or for the time being has under his control pigs, and every person engaged in the keeping of pigs, shall ensure that the conditions for keeping for breeding, rearing and fattening of such pigs comply with the general provisions laid down in the Schedule.

REG 7

Imports from Third Countries

7. No person shall import a pig from a third country unless it is accompanied by a certificate, issued by a competent authority of that country, certifying that the animal has received treatment at least equivalent to that granted to animals of European Community origin as provided for in the Council Directive.

REG 8

Powers of Inspection

8. (1) An authorised officer, member of the Garda Síochána or veterinary expert employed by or acting on the authority of the Commission of the European Communities accompanying an authorised officer may at all reasonable times enter any holding, installation, premises or place in which the authorised officer or the member of the Garda Síochána has reasonable grounds for believing that pigs are being bred, reared or fattened, for the purpose of carrying out inspections and supervision as required by these Regulations and the Council Directive.

(2) An inspector may at any holding, installation, premises or place:

(a) examine, inspect or carry out a clinical inspection of any pigs that he may find,

(b) take, without payment of compensation, such samples from pigs, including samples of blood, urine, milk, semen, faeces, hair, saliva, tissue or other thing, or of any article, substance or liquid at the holding, installation, premises or place as he may reasonably require for the purposes of his functions under these Regulations and the Council Directive and carry out or have carried out on the samples such analyses, examinations, checks and inspections as he considers necessary or expedient for the purposes of such functions,

(c) there or at any other place, carry out or have carried out such examinations, checks and inspections of the holding, installation, premises or place and any equipment, machinery or plant and any other article, substance or liquid found there as he reasonably considers necessary or expedient for the purposes of such

functions,

(d) require any person at the holding, installation, premises or place to give him such information and to produce to him such books, certificates, documents or other records within the power or procurement of the person as he may reasonably require for the purposes of such functions,

(e) examine and take copies of, or extracts from, any such records as aforesaid,

(f) subject to the provisions of Regulation 10, seize and detain anything found there which he reasonably believes to be evidence of an offence under these Regulations.

(3) A member of the Garda Síochána shall have all of the powers given to an inspector under paragraph (2) other than the power to examine, test or take samples from pigs.

(4) An authorised officer, other than an inspector, shall have all of the powers given to an inspector under paragraph (2) but shall not have the power to undertake clinical examinations and to take samples of tissue or other thing unless those samples are taken under the supervision of an inspector.

(5) A person shall not, in purported compliance with a requirement under subparagraph (2) (d), give information to an authorised officer or a member of the Garda Síochána that he knows to be false or misleading in a material respect.

REG 9

Authorised Officers

9. (1) The Minister may appoint such and so many persons as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer, when exercising any power conferred on him by these Regulations, shall, if so requested by any person affected, produce evidence in writing of his appointment as an authorised officer or inspector.

(3) A member of the Garda Síochána, not in uniform, when exercising any such power, shall, if so requested by any person affected, produce evidence in writing that he is such a member.

(4) A person shall not obstruct or impede an authorised officer or a member of the Garda Síochána in the due exercise of any of the functions of the officer or member under these Regulations.

REG 10

Powers to Protect the Welfare of Pigs

10. (1) Where an authorised officer is of the opinion that the conditions under which pigs are being kept for breeding, rearing or fattening are in contravention of these Regulations, that there is a serious risk to the welfare of the animals and that measures should be taken to prevent the animals being caused unnecessary suffering, he may serve or cause to be served on the owner or person, who appears to such officer to be in control of the animals, a notice stating that opinion and directing that—

(a) all or some of the animals be moved to and kept in such place as the officer shall specify in the notice, or

(b) such alterations be made to the installations in which the

pigs are being reared as the officer shall specify in the notice,
or

(c) all or some of the animals be destroyed in such manner and at such place as the officer shall specify in the notice.

(2) A requirement contained in a notice may specify a time limit within which it is to be complied with.

(3) A requirement specified in a notice served under paragraph (1) (in this paragraph referred to as "the earlier notice") may be modified or withdrawn in a further such notice and in that event the earlier notice shall have effect subject to such modification or withdrawal.

(4) A notice may require the owner or person in control of the pigs, as the case may be, to choose between two or more of the requirements specified in the notice.

(5) A notice referred to in paragraph (1) may be served on a person by delivery of it by hand, or by sending it by prepaid registered post to or by leaving it at the last known place of abode or business of that person.

(6) (a) A person may appeal within 7 days of the service of the notice under paragraph (1) or paragraph (9) (d) to the judge of the District Court having jurisdiction in the District Court District where such animals are situated or to the Judge of the District Court having jurisdiction in the District Court District where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any of the terms thereof are not justified having regard to the provisions of these Regulations.

(b) An appeal made pursuant to subparagraph (a) may be heard at any sitting of the District Court within the appropriate District Court District.

(c) (i) Notice of an appeal made pursuant to subparagraph (a) shall be served on the Minister and the said notice shall be served at least 48 hours prior to the hearing of the appeal by serving it on the Minister or by leaving it at the place and in the manner specified in the notice issued under this Regulation;
(ii) the notice of appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms thereof are not justified.

(d) A copy of the notice of appeal shall be lodged with the District Court Clerk in the manner specified in the notice issued pursuant to paragraph (1), at least 48 hours prior to the hearing of the appeal.

(7) On the hearing of an appeal under this Regulation a Judge of the District Court may, at his discretion, confirm, modify, or annul the notice served under paragraph (1).

(8) (a) No person, including a person upon whom a notice has been served under paragraph (1), shall deal with the animals concerned other than in accordance with the terms of the notice.

(b) In the event of an appeal against the terms of a notice referred to in subparagraph (a), pursuant to paragraph (6), no person, including the person appealing, shall deal with the animals concerned pending the determination of the appeal other than in accordance with such directions as shall be given in writing to the appellant by an authorised officer.

(c) Where the terms of a notice referred to in subparagraph (a)

are confirmed with or without modification by the Judge of the District Court hearing the appeal made under the said paragraph (6) no person, including the person who made the appeal, shall deal with the animals concerned other than in accordance with such notice as confirmed.

(9) (a) Where:

(i) the owner or person in control of the pigs, as the case may be, fails to comply with the terms of a notice served upon him under paragraph (1) within the time specified therein, or
(ii) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) will not be complied with, or
(iii) a notice served under paragraph (1) has been confirmed with or without modification under paragraph (7) and the notice has not been complied with, or
(iv) an authorised officer has reasonable grounds for believing that the terms of a notice served under paragraph (1) which has been confirmed with or without modification, under paragraph (7) will not be complied with, or
(v) pending the determination of an appeal made pursuant to subparagraph (a) of paragraph (6), an authorised officer has reasonable grounds for believing that directions given pursuant to paragraph (8) have not been or shall not be complied with, an authorised officer may at any time seize the pigs concerned at such holding, installation, premises or place as he thinks fit in the circumstances of the case.

(b) In relation to any seized pigs, an authorised officer may sell them or cause them to be sold or be otherwise disposed of, in such manner and at such place as the authorised officer considers appropriate in the circumstances of the case.

(c) Any profits arising out of the sale or disposal of the pigs under this Regulation shall be paid to the owner of such animals less any expenses incurred in connection with the seizure or the said sale or disposal.

(d) The power under subparagraph (b) may only be exercised where the authorised officer has served notice on the owner of the pigs seized under that paragraph informing him of his right to appeal to the District Court.

(10) The costs of seizure, sale or disposal of the animals under this Regulation shall, subject to the provisions of sub-paragraph (9) (c), be recoverable by the Minister as a simple contract debt in any court of competent jurisdiction from the person who was the owner of such animals at the time the sale or disposal was carried out.

(11) Any costs pertaining to action required under sub-paragraphs (a), (b) and (c) of paragraph (1) will be borne by the person on whom the notice is served.

REG 11

Requirements regarding Treatment

11. An authorised officer may require the owner or person in charge of a pig to obtain veterinary treatment for the animal within a specified time.

REG 12

Offences

12. (1) An offence under these Regulations may be prosecuted by the Minister.

(2) Any person who contravenes a provision of Regulation 3, 4 (1), 6, 7, 8 (5), 9 (4), 10 (8) or 11 shall be guilty of an offence.

(3) Where an offence under these Regulations is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other official of such body, each such person shall be guilty of an offence.

REG 13

Penalties

13. A person guilty of an offence under these Regulations shall be liable, on summary conviction, to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

REG 14

Saver

14. (1) The provisions of these Regulations are in addition to and not in substitution for the Protection of Animals Act, 1911 as amended by the Protection of Animals (Amendment) Act, 1965 (No. 10 of 1965).

(2) The provisions of these Regulations are in addition to and not in substitution for the Protection of Animals Kept for Farming Purposes Act, 1984 (No. 13 of 1984).

REG 15

Proof of Certain Documents

15. A document which purports to be a copy of the National Rules for Electrical Installation ET 101/1991 (2nd Edition) published by the Electro-Technical Council of Ireland (ETCI) or any amendment thereto shall, until the contrary is proved, be accepted in evidence as being a copy of those Rules.

SCHEDULE

Regulation 6

CHAPTER I

General Conditions for Pigs

1. Materials used for the construction of housing, particularly stalls and equipment with which pigs may come into contact shall not be harmful to the pigs. Those parts of the accommodation with which the animals come into contact shall be capable of being thoroughly cleansed and disinfected and shall be thoroughly cleansed and disinfected, using an approved disinfectant, to prevent cross-infection and the build-up of disease-carrying organisms.

2. Electrical circuits and equipment shall be installed in accordance with the terms of the National Rules for Electrical Installation ET 101/1991 (2nd Edition) so as to avoid the risk of electric shocks.

3. Insulation, heating and ventilation of the building shall ensure that air circulation, dust level, temperature, relative air humidity and gas concentrations are kept within limits that are not harmful to the pigs.

4. All automated or mechanical equipment essential to the pigs' health and well-being shall be inspected at least once daily. Where defects are discovered, these shall be rectified immediately or, if this is impossible, appropriate steps shall be taken to safeguard the health and well-being of the pigs until the defect has been rectified, notably by using alternative methods of feeding and maintaining a satisfactory environment.

Where an artificial ventilation system is used, provision shall be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the pigs in the event of the failure of the system, and an alarm system, independent of the mains electricity supply, shall be provided to warn the owner or person in charge of the breakdown or in the event of fire. The alarm system shall be tested at a minimum once a month and maintained in proper working order.

5. Pigs shall not be kept permanently in darkness. To meet their behavioural and physiological needs, the accommodation shall be well lit, by natural or artificial light, for at least 8 hours a day.

Every source of artificial light shall be mounted so as not to cause discomfort to the pigs. An adequate source of light shall be available to enable the pigs to be properly inspected at any time.

6. All pigs reared in groups or in stalls shall be inspected by the owner or person in charge at least once a day. Any pig which appears to be ill or injured shall be treated as appropriate without delay and, where necessary, be isolated in adequate accommodation set aside for this specific purpose, with appropriate dry, comfortable bedding; veterinary advice shall be sought as soon as possible for pigs which are not responding to the care of the owner or person in charge.

7. If pigs are kept together, measures shall be taken to prevent fighting which goes beyond normal behaviour. Pigs which show persistent aggression towards others or are victims of such

aggression shall be isolated or kept separate from the group.

8. Subject to the provisions of Regulation 3, the accommodation for pigs shall be constructed in such a way as to allow each pig to lie down, rest and stand up without difficulty. Each pig shall have a clean place in which to rest and be able to see other pigs, unless that pig is isolated for veterinary reasons.

9. Subject to the provisions of Regulation 4, tethers, where used, shall be designed so as not to cause injury to the pigs and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit; each tether shall be of sufficient length to allow the pigs to move as provided for in paragraph 8. The design shall be such as to avoid, as far as possible, any risk of strangulation or injury.

10. Housing, pens, equipment and utensils for pigs shall be properly cleaned and disinfected to prevent cross-infection and the build-up of disease carrying organisms. Faeces, urine and uneaten or spilt food shall be removed and bedding changed as often as necessary to minimise smell and avoid attracting flies or rodents.

11. Floors shall be smooth but not slippery so as to prevent injury to the pigs and so designed as not to cause injury or suffering to pigs standing or lying on them. Floors shall be suitable for the size and weight of the pigs and form a rigid, even and stable surface. The lying area shall be comfortable, clean, and adequately drained and shall not adversely affect the pigs. Where bedding is provided, this shall be clean, dry and not harmful to the pigs.

12. All pigs shall be provided with an adequate, nutritious and hygienic diet, appropriate to their age, weight and behavioural and physiological needs so as to promote a positive state of health and well-being.

13. All pigs shall be fed at least once a day. Where pigs are housed in groups and not fed ad libitum, or by an automatic feeding system, each pig shall have access to the food at the same time as the others in the group.

14. All pigs over two weeks of age shall have access to a sufficient quantity of fresh water or be able to satisfy their fluid intake needs by drinking other liquids.

15. (a) Feeding and watering equipment for pigs shall be designed, constructed, placed and maintained so that contamination of feed and water is minimised.

(b) Equipment and fittings shall be designed and maintained in such a way as to minimise, as far as is practicable, the exposure of the pigs to spills of feed or water, or to faeces and urine.

16. In addition to the measures normally taken to prevent tail-biting and other vices and in order to enable them to satisfy their behavioural needs, all pigs, taking into account environment and stocking density, shall be able to obtain straw or any other suitable material or object.

17. Pigs shall be cared for by a sufficient number of suitably experienced personnel.

CHAPTER II

Specific Provisions for various Categories of Pigs

I. BOARS

Boar pens shall be sited and constructed so as to allow the boar to turn around and to hear, smell and see other pigs, and to provide for clean resting areas. The lying area shall be dry and comfortable. The minimum pen size for an adult boar shall be 6 square metres. However, a larger area shall be provided where pens are used for service.

II. SOWS AND GILTS

1. Pregnant sows and gilts shall, if necessary, be treated against external and internal parasites. If they are placed in farrowing crates, pregnant sows and gilts shall be thoroughly clean.
2. They shall be provided with a clean, adequately drained, comfortable lying area and shall, if necessary, be given suitable nesting material.
3. An unobstructed area behind the sow or gilt shall be available for the ease of natural or assisted farrowing.
4. Farrowing crates where sows are kept loose shall have some means of protecting the piglets, such as farrowing rails.

III. PIGLETS

1. If necessary, piglets shall be provided with a source of heat and a solid, dry and comfortable lying area away from the sow where all of them can rest at the same time.
2. Where a farrowing crate is used, the piglets shall have sufficient space to be able to be suckled without difficulty.
3. If practised, the castration of male pigs aged over four weeks may be carried out only under anaesthetic by a veterinary surgeon.
4. Tail docking or tooth clipping shall not be carried out routinely except where injuries to sows' teats or to other pigs' ears or tails have occurred as a result of not carrying out these procedures. Where tooth clipping appears necessary, this shall be carried out within seven days of birth.
5. Piglets shall not be weaned from the sow at less than three weeks of age unless the welfare or health of the dam or piglets would otherwise be adversely affected.

IV. WEANERS AND REARING PIGS

Pigs shall be placed in groups as soon as possible after weaning. They should be kept in stable groups with as little mixing as possible.

GIVEN under my Official Seal, this 19th day of April, 1995.

IVAN YATES,
Minister for Agriculture, Food and
Forestry.

EXPLANATORY NOTE.

These Regulations lay down the standards for the protection of pigs kept in intensive or other systems of breeding, rearing or fattening and give effect to Council Directive No. 91/630/EEC of 19 November 1991. The Regulations set down rules for the accommodation of pigs and the general conditions to be met to assure the health and welfare of the pigs.