

L.N. 264 of 2003

**ANIMAL WELFARE ACT
(ACT NO. XXV OF 2001)**

Laying Hens (Protection) Regulations, 2003.

IN exercise of the powers conferred by article 7(2), the Animal Welfare Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title, applicability and scope.

1. (1) The title of these regulations is the Laying Hens (Protection) Regulations, 2003. These regulations lay down minimum standards for the protection of laying hens.

(2) These regulations shall not apply to –

- (a) establishments with fewer than 350 laying hens,
- (b) establishments rearing breeding laying hens.

Such establishments shall, however, continue to be subject to the relevant requirements of European Union Council Directive 98/58/EC.

(3) The scope of these regulations is to implement the provisions found under European Union Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens.

Definitions.

2. (1) The definitions in article 2 of European Union Council Directive 98/58/EC shall apply where necessary.

(2) In addition, the following definitions shall apply for the purpose of these regulations –

- (a) “laying hens” means hens of the species *Gallus gallus* which have reached laying maturity and are kept for production of eggs not intended for hatching;

(b) “litter” means any friable material enabling the hens to satisfy their ethological needs;

(c) “nest” means a separate space for egg laying, the floor components of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens (group nest);

(d) “trading partner” shall have the same meaning as provided in article 2 of the Veterinary Services Act and shall include Member States of the European Union.

(d) “usable area” means an area at least 30 cm wide with a floor slope not exceeding 14 %, with headroom of at least 45 cm. Nesting areas shall not be regarded as usable areas;

Provisions to be applied by the owners and the holders of laying hens.

3. In the territory of Malta the owners and holders of laying hens must apply not only the relevant provisions of European Union Council Directive 98/58/EC and of the Schedule to these regulations but also the requirements specific to each of the systems referred to below, namely -

(a) either the provisions laid down in Chapter I as regards alternative systems;

(b) or the provisions laid down in Chapter II as regards unenriched cage systems;

(c) or the provisions of Chapter III concerning enriched cages.

CHAPTER I

Provisions applicable to alternative systems

Requirements for newly built or rebuilt systems of production.

4. (1) In the territory of Malta all newly built or rebuilt systems of production referred to in this chapter and all such systems of production brought into use for the first time shall comply at least with the requirements below.

(2) All systems must be equipped in such a way that all laying hens have –

(a) either linear feeders providing at least 10 cm per bird or circular feeders providing at least 4 cm per bird;

(b) either continuous drinking troughs providing 2,5 cm per hen or circular drinking troughs providing 1 cm per hen. In addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;

(c) at least one nest for every seven hens. If group nests are used, there must be at least 1 metre squared of nest space for a maximum of 120 hens;

(d) adequate perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm;

(e) at least 250 cm² of littered area per hen, the litter occupying at least one third of the ground surface.

(3) The floors of installations must be constructed so as to support adequately each of the forward-facing claws of each foot.

(4) In addition to the provisions laid down in sub-regulations (1), (2) and (3) of these regulations,

(a) if systems of rearing are used where the laying hens can move freely between different levels -

(i) there shall be no more than four levels;

(ii) the headroom between the levels must be at least 45 cm;

(iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens;

(iv) the levels must be so arranged as to prevent droppings falling on the levels below.

(b) If laying hens have access to open runs –

(i) there must be several pop-holes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending

along the entire length of the building; in any case, a total opening of 2 m must be available per group of 1000 hens;

(ii) open runs must be -

(1) of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination;

(2) equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.

(5) The stocking density must not exceed nine laying hens per m² usable area. However, where the usable area corresponds to the available ground surface, it may, until 31 December, 2011, be authorised a stocking density of 12 hens per m² of available area.

(6) Veterinary Services shall ensure that the minimum requirements laid down in sub-regulation (1) of this regulation apply to all alternative systems from 1 January, 2007.

CHAPTER II

Provisions applicable to rearing in unenriched cage systems

Requirements for cage systems.

5. (1) In the territory of Malta all cage systems referred to in this chapter shall comply at least with the following requirements –

(a) at least 550 cm² per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non waste deflection plates liable to restrict the area available, must be provided for each laying hen;

(b) a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;

(c) unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in paragraph (b) above. Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;

(d) cages must be at least 40 cm high over at least 65 % of the cage area and not less than 35 cm at any point;

(e) floors of cages must be constructed so as to support adequately each of the forward-facing claws of each foot. Floor slope must not exceed 14 % or 8 %. In the case of floors using other than rectangular wire mesh, Veterinary Services may permit steeper slopes;

(f) cages shall be fitted with suitable claw-shortening devices.

(2) Rearing in the cages referred to in this chapter is prohibited with effect from 1 January 2012. In addition, in the territory of Malta no cages such as referred to in this chapter may be built or brought into service for the first time.

CHAPTER III

Provisions applicable to rearing in enriched cages

Requirements for cages.

6. (1) In the territory of Malta all the cages referred to in this chapter shall comply at least with the following requirements –

(a) laying hens must have -

(i) at least 750 cm² of cage area per hen, 600 cm² of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm² ;

(ii) a nest;

(iii) litter such that pecking and scratching are possible;

(iv) appropriate perches allowing at least 15 cm per hen;

(b) a feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage;

(c) each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen;

(d) to facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages;

(e) cages must be fitted with suitable claw-shortening devices.

CHAPTER IV

Final provisions

Registration of establishments.

7. The establishments covered by the scope of these regulations shall be registered by the Veterinary Services and given a distinguishing number which will be the medium for tracing eggs placed on the market for human consumption. The arrangements for implementing this regulation shall be determined in accordance with European Community rules and according to the procedure laid down in article 7(2) of the Animal Welfare Act.

Monitoring inspections by the Veterinary Services.

8. (1) The Veterinary Services shall carry out inspections to monitor compliance with the provisions of these regulations. These inspections may be carried out on the occasion of checks made for other purposes.

(2) Veterinary Services shall report on the inspections carried out in accordance with sub-regulation (1) of this regulation. The reports shall be forwarded to the European Commission.

On-the-spot checks by veterinary experts.

9. (1) Veterinary experts from the European Commission may, in conjunction with the Veterinary Services make on-the-spot checks.

(2) Veterinary Services shall provide the veterinary experts with any assistance they may require for the performance of their tasks. In particular, access on the same basis as officials of the competent authority shall be given to all concerned persons, information and documentation as well as access to places, establishments, installations and means of transport in order for the checks to be carried out.

(3) The Veterinary Services shall take any measures which may prove necessary to take account of the results of the checks.

Penalty for non-fulfilment of obligation.

10. (1) Subject to the provisions of these regulations and of the Animal Welfare Act, a person who infringes any of the provisions arising from these regulations, shall, on conviction, be liable to a fine (*multa*) of not less than two thousand Malta liri and not exceeding six thousand Malta liri.

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Court may also order any person who is found guilty of committing an offence under these regulations to pay for the expenses incurred by the Veterinary Services as a result of the said offence, the revocation of the permit issued under these regulations and the confiscation, retention and disposal of the *corpus delicti*.

Transitional Period.

11. The Director for Veterinary Services shall publish in the Malta Government Gazette and as found under Schedule II to these regulations, the names of the establishments that for a reason or other have been given a temporary derogation to fulfil their obligations in terms of these regulations.

SCHEDULE I

In addition to the relevant provisions of the Annex to European Union Council Directive 98/58/EC, the following requirements shall apply –

(1) All hens must be inspected by the owner or the person responsible for the hens at least once a day.

(2) The sound level shall be minimised. Constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible noise.

(3) All buildings shall have light levels sufficient to allow all hens to see one another and be seen clearly, to investigate their surroundings visually and to show normal levels of activity. Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation.

After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems. Accordingly it must follow a 24hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day, so that the hens may rest and to avoid problems such as immunodepression and ocular anomalies. A period of twilight of sufficient duration ought to be provided when the light is dimmed so that the hens may settle down without disturbance or injury.

(4) Those parts of buildings, equipment or utensils which are in contact with the hens shall be thoroughly cleansed and disinfected regularly and in any case every time depopulation is carried out and before a new batch of hens is brought in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean.

Droppings must be removed as often as necessary and dead hens must be removed every day.

(5) Cages must be suitably equipped to prevent hens escaping.

(6) Accommodation comprising two or more tiers of cages must have devices or appropriate measures must be taken to allow inspection of all tiers without difficulty and facilitate the removal of hens.

(7) The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.

(8) Without prejudice to the provisions of provision 19 of the Annex to European Union Council Directive 98/58/EC, all mutilation shall be prohibited. In order to prevent feather pecking and cannibalism, however, the Veterinary Services may authorise beak trimming provided it is carried out by qualified staff on chickens that are less than 10 days old and intended for laying.

SCHEDULE II

For the purposes of regulation 11 of these regulations, the following laying hen farms have been granted a transitional period till the year 2006 –

1. Farm Registration Number PBLM 051
2. Farm Registration Number PBLM 064
3. Farm Registration Number PBLM 079
4. Farm Registration Number PBLM 065
5. Farm Registration Number PBLM 081
6. Farm Registration Number PLM 007
7. Farm Registration Number PLG 018
8. Farm Registration Number PLM 011
9. Farm Registration Number PLG 008
10. Farm Registration Number PBLM 053
11. Farm Registration Number PLM 016
12. Farm Registration Number PLM 024