

Statutory Instrument 1995 No. 731

The Welfare of Animals (Slaughter or Killing) Regulations 1995

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STATUTORY INSTRUMENTS

1995 No. 731

ANIMALS PREVENTION OF CRUELTY

The Welfare of Animals (Slaughter or Killing) Regulations 1995

Made

14th March 1995

Laid before Parliament

14th March 1995

Coming into force

1st April 1995

ARRANGEMENT OF REGULATIONS

PART I INTRODUCTORY

1. Title, commencement and extent
2. Interpretation
3. Application and exemptions
4. Humane treatment of animals
5. Safeguarding the welfare of animals
6. Animal welfare legislation and codes
7. Codes of practice

PART II REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS' YARDS

8. Construction, equipment and maintenance of slaughterhouses and knackers' yards
9. The slaughter of animals in slaughterhouses and knackers' yards
10. The killing of animals in slaughterhouses and knackers' yards
11. The killing of pigs and birds by exposure to gas mixtures
12. Additional provisions for the slaughter or killing of horses

PART III SLAUGHTER AND KILLING ELSEWHERE THAN IN SLAUGHTERHOUSES OR KNACKERS' YARDS

13. Application of Part III
14. The slaughter of animals elsewhere than in a slaughterhouse or knacker's yard
15. The killing of animals elsewhere than in a slaughterhouse or knacker's yard
16. The slaughter or killing of animals elsewhere than in a slaughterhouse or knacker's yard for private consumption
17. The killing or slaughter of animals for the purpose of disease control
18. The killing of fox and mink which are farmed for their fur

19. The killing of surplus chicks and embryos in hatchery waste

20. Birds awaiting slaughter at place of purchase

PART IV
SLAUGHTER BY A RELIGIOUS METHOD

21. Additional requirements for slaughter by a religious method

22. Exemption for slaughter by a religious method

PART V
EXECUTION, OFFENCES AND PENALTIES

23. Powers of authorised persons

24. Obstruction

25. Offences by bodies corporate

26. Offences and penalties

27. Defence

PART VI
REPEALS, REVOCATIONS AND AMENDMENTS

28. Repeals, revocations and amendments

SCHEDULES

Schedule 1
The licensing of slaughtermen

Schedule 2
The construction, equipment and maintenance of slaughterhouses and
knackers' yards

Schedule 3
Requirements for animals awaiting slaughter or killing

Schedule 4
Restraint of animals before stunning, slaughter or killing

Schedule 5
Stunning or killing of animals other than animals reared for fur

- Schedule 6
Bleeding or pithing of animals
- Schedule 7
Killing pigs and birds by exposure to gas mixtures
- Schedule 8
Additional provisions for the slaughter or killing of horses in slaughterhouses and knackers' yards
- Schedule 9
Slaughter or killing methods for the purpose of disease control
- Schedule 10
Methods of killing fox and mink
- Schedule 11
Killing of surplus chicks and embryos in hatchery waste
- Schedule 12
Additional provisions for slaughter by a religious method
- Schedule 13
Repeals
- Schedule 14
Amendments of enactments and regulations
- Schedule 15
Revocations

Explanatory Note

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The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated[1] for the purposes of section 2(2) of the European Communities Act 1972[2] in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations

PART I

INTRODUCTORY

Title, commencement and extent

1.—(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) Regulations 1995 and shall come into force on 1st April 1995.

(2) Subject to paragraph (3) below, these Regulations extend to Great Britain.

(3) Paragraph 2(3) and (4) of Schedule 6 extends to England and Wales.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"animal" includes bird;

"adverse weather condition" means any weather condition, including direct sunlight, which has an adverse affect on the welfare of an animal;

"authorised person" means any person authorised in writing by the Minister for the purposes of these Regulations;

"commercial", in relation to the slaughter or killing of an animal, means slaughter or killing—

(a) in the course or furtherance of a business or for reward;

(b) by, or on behalf of, the purchaser of an animal on premises belonging to, occupied by or under the control of the seller of the animal; or

(c) in a market place;

"container" means any transport crate in which an animal is delivered to a slaughterhouse or knacker's yard;

"contravention", in relation to any provision of these Regulations, includes a failure to comply with that provision, and

"contravenes" shall be construed accordingly;

"horse" includes any hinny, ass or mule;

"killing", in relation to an animal, means causing the death of the animal by any process other than slaughter;

"knacker's yard" means any premises used for the commercial slaughter or killing of solipeds, ruminants, pigs, rabbits or

birds, the flesh of which is not intended for human consumption, including any associated facilities for moving or lairaging

such animals;

"lairaging", in relation to an animal, means keeping the animal in a stall, pen, covered area or field used by a slaughterhouse

or knacker's yard in order to confine it until it is slaughtered or killed or to give it any necessary attention before it is

slaughtered or killed;

"the Minister" means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or

Wales, the Secretary of State;

"the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Wales and the Secretary of State for Scotland acting jointly;

"movement", in relation to an animal, means unloading it or driving it from an unloading place, stall or pen at a slaughterhouse

or knacker's yard to the premises or place where it is to be lairaged, slaughtered or killed;

"pithing", in relation to an animal, means the destruction of its brain tissue after stunning to the extent that irreversible loss of consciousness is ensured;

"restraining pen" means a pen or compartment which is—

(a) suitable for restraining for slaughter by a religious method (as defined in paragraph 2 of Schedule 12) in an upright

position any ox, bullock, cow, heifer or steer or any calf which is too large to be restrained manually on a cradle or

on a table;

(b) constructed so as to permit one animal at a time to be confined in it without discomfort and so as to prevent any

substantial movement of the animal forwards, backwards or sideways once it has been placed in position for

slaughter; and

(c) approved by the Minister under paragraph 3 of Schedule 12;

"restraint", in relation to an animal, means the application of any procedure designed to restrict its movements in order to

facilitate effective stunning or killing;

"slaughter", in relation to an animal, means causing the death of the animal by bleeding;

"slaughterhouse" means any premises used for the commercial slaughter or killing of solipeds, ruminants, pigs, rabbits or

birds the flesh of which is intended for human consumption, including any associated facilities for moving or lairaging such animals;

"stunning", in relation to an animal, means any process which causes immediate loss of consciousness which lasts until death;

"stunning pen" means a pen or compartment which is suitable for confining adult bovine animals while they are being stunned and which is so constructed that it—

(a) permits one animal at a time to be confined in it without discomfort;

(b) prevents any substantial movement forwards, backwards or sideways of an animal confined in it;

(c) restricts the movement of the head of any animal confined in it without causing the animal any avoidable

excitement so as to permit accurate stunning and allows the head of the animal to be released immediately after the animal has been stunned; and

(d) allows unimpeded access to the forehead of the animal confined in it;

"wild game" means wild land mammals which are hunted (including wild mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds.

(2) For the purposes of these Regulations, a person permits any act or omission if he knows of, or might reasonably be expected to know of, that act or omission.

(3) Any reference in these Regulations to a numbered regulation or Schedule shall, except where the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(4) Any provision in these Regulations which applies to an animal awaiting slaughter or killing applies until that animal is dead.

Application and exemptions

3.—(1) These Regulations apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products, to methods of killing animals for the purpose of disease control and to the killing of surplus chicks and embryos in hatchery waste.

(2) These Regulations do not apply to any act lawfully done under the Animals (Scientific Procedures) Act 1986[3].

(3) These Regulations do not apply to any animal which is killed during a sporting event.

(4) These Regulations do not apply to the killing of wild game.

Humane treatment of animals

4.—(1) No person engaged in the movement, lairaging, restraint, stunning, slaughter or killing of animals shall—

- (a) cause any avoidable excitement, pain or suffering to any animal; or
- (b) permit any animal to sustain any avoidable excitement, pain or suffering.

(2) Without prejudice to paragraph (3) below, no person shall engage in the movement, lairaging, restraint, stunning, slaughter or killing of any animal unless he has the knowledge and skill necessary to perform those tasks humanely and efficiently in accordance with these Regulations.

(3) Schedule 1 shall have effect in relation to the licensing of slaughtermen.

(4) Parts II and III below are without prejudice to the generality of paragraphs (1) and (2) above.

Safeguarding the welfare of animals

5. The occupier of a slaughterhouse or knacker's yard shall ensure that at all times when there are live animals on the premises a person (whether or not himself) is available who is competent, and who has authority to take whatever action may be necessary to safeguard the welfare of the animals in accordance with these Regulations.

Animal welfare legislation and codes

6.—(1) The occupier of a slaughterhouse or knacker's yard shall ensure that any person who is involved in any of the activities governed by these Regulations—

- (a) is acquainted with the provisions of the legislation, and of any welfare codes, relevant to the operations that that person carries out;
- (b) has access to a copy of any such welfare code at the slaughterhouse or knacker's yard;
- (c) has received instruction and guidance on the requirements of such legislation and any such welfare code; and
- (d) where, by virtue of paragraph 3 of Schedule 1, any such activity requires a licence, has the appropriate licence.

(2) In this regulation "welfare code" means any current code issued under regulation 7.

Codes of practice

7.—(1) The Ministers may from time to time, after consultation with such organisations as appear to them to represent the interests concerned—

- (a) prepare and issue codes of practice for the purpose of providing guidance in respect of these Regulations; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.

(2) A code prepared in pursuance of this regulation and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Ministers shall not issue the code or revised code, as the case may be, until after the end of a period of 40 days beginning on the day on which the code or the proposed alterations to it were so laid.

(3) If, within the period mentioned in paragraph (2) above, either House resolves that the code be not issued or the proposed alterations be not made, the Ministers shall not issue the code or revised code (without prejudice to their power under that paragraph to lay further codes or proposed alterations before Parliament).

(4) For the purposes of paragraph (2) above—
(a) where a code or proposed alterations are laid before each House of Parliament on different days, the later day shall be taken as the day on which the code or the proposed alterations, as the case may be, was or were laid before both Houses of Parliament; and
(b) in reckoning any period of 40 days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(5) The Ministers shall cause any code issued or revised under this regulation to be printed and distributed, and may make such arrangements as they think fit for its distribution, including causing copies of it to be put on sale to the public at such reasonable price as the Ministers may determine.

(6) A failure on the part of any person to follow any guidance contained in a code issued under this regulation shall not of itself render that person liable to proceedings of any kind.

(7) If, in proceedings against any person for an offence consisting of the contravention of any provision of these Regulations, it is shown that, at any material time, he failed to follow any guidance contained in a code issued under this regulation, being guidance which was relevant to the provision concerned, that failure may be relied upon by the prosecution as tending to establish his guilt.

PART II

REQUIREMENTS APPLICABLE TO SLAUGHTERHOUSES AND KNACKERS' YARDS

Construction, equipment and maintenance of slaughterhouses and knackers' yards
8. Schedule 2 shall have effect in relation to the construction, equipment and maintenance of slaughterhouses and knackers' yards.

The slaughter of animals in slaughterhouses and knackers' yards

9. Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse or knacker's yard for slaughter, that animal shall be—

- (a) moved and lairaged in accordance with Schedule 3;
- (b) restrained in accordance with Schedule 4;
- (c) subject to regulation 22, stunned before slaughter in accordance with Parts I and II of Schedule 5; and
- (d) bled or pithed in accordance with Schedule 6.

The killing of animals in slaughterhouses and knackers' yards

10. Where any soliped, ruminant, pig, rabbit or bird is brought into a slaughterhouse or knacker's yard for killing, that animal shall be—

- (a) moved and lairaged in accordance with Schedule 3;
- (b) restrained in accordance with Schedule 4; and
- (c) subject to regulation 11, killed in accordance with Parts I and III of Schedule 5.

The killing of pigs and birds by exposure to gas mixtures

11. Schedule 7 shall have effect in relation to the killing of pigs and birds by exposure to gas mixtures.

Additional provisions for the slaughter or killing of horses

12. Without prejudice to regulations 9 and 10, Schedule 8 shall have effect in relation to the slaughter or killing of horses.

PART III

SLAUGHTER OR KILLING ELSEWHERE THAN IN SLAUGHTERHOUSES OR KNACKERS' YARDS

Application of Part III

13.—(1) This Part applies to the slaughter or killing of animals elsewhere than in a slaughterhouse or knacker's yard.

(2) This Part does not apply in the case of any animal which has to be killed immediately for emergency reasons relating to the welfare of that animal.

The slaughter of animals elsewhere than in a slaughterhouse or knacker's yard

14. Subject to regulations 16 and 17, where any soliped, ruminant, pig, rabbit or bird is slaughtered elsewhere than in a slaughterhouse or knacker's yard, that animal shall be—

- (a) restrained in accordance with Schedule 4;
- (b) subject to regulation 22, stunned before slaughter in accordance with Parts I and II of Schedule 5; and
- (c) bled or pithed in accordance with Schedule 6.

The killing of animals elsewhere than in a slaughterhouse or knacker's yard
15. Subject to regulations 16 to 19, where any soliped, ruminant, pig, rabbit or bird is killed elsewhere than in a slaughterhouse or knacker's yard, that animal shall be killed in accordance with Parts I and III of Schedule 5.

The slaughter or killing of animals elsewhere than in a slaughterhouse or knacker's yard for private consumption

16. Regulations 14 and 15 shall not apply in respect of any bird, rabbit, pig, sheep or goat which is slaughtered or killed by its owner for his private consumption, provided that—
(a) regulation 4(1) is complied with; and
(b) any such animal that is slaughtered is stunned before slaughter in accordance with Parts I and II of Schedule 5.

The slaughter or killing of animals for the purpose of disease control

17. The slaughter or killing of any animal for the purpose of disease control shall be in accordance with Schedule 9.

The killing of fox and mink which are farmed for their fur

18. The killing of any fox or mink which is farmed for its fur shall be in accordance with Schedule 10.

The killing of surplus chicks and embryos in hatchery waste

19. The killing of any surplus chicks which are less than 72 hours old and embryos in hatchery waste shall be as rapid as possible in accordance with Schedule 11.

Birds awaiting slaughter at place of purchase

20. The occupier or person in charge of any premises at which birds are offered or exposed for sale prior to being slaughtered there shall ensure that, on arrival at the premises, the birds are forthwith—

(a) placed in accommodation in which they are able, without difficulty, to stand upright, turn around and stretch their wings; and
(b) provided with a sufficient supply of wholesome food and clean drinking water.

PART IV

SLAUGHTER BY A RELIGIOUS METHOD

Additional requirements relating to slaughter by a religious method

21. Schedule 12 shall have effect in relation to the slaughter of any animal by a religious method.

Exemption for slaughter by a religious method

22. Schedule 5 (which relates to the stunning and killing of animals) shall not apply to any animal which is slaughtered in accordance with Schedule 12 (which relates to slaughter by a religious method).

PART V

EXECUTION, OFFENCES AND PENALTIES

Powers of authorised persons

23.—(1) An authorised person, upon producing, if required to do so, some duly authenticated document showing his authority, may at any time enter—

(a) any slaughterhouse or knacker's yard; or
(b) any land or premises, other than premises used wholly or mainly as a dwelling, where he reasonably suspects that any activity which is governed by these Regulations is, or has been, carried on, for the purpose of ascertaining whether there is or has been any contravention of these Regulations.

(2) An authorised person shall have power to carry out all checks and examinations necessary for the enforcement of these Regulations.

(3) Without prejudice to the generality of paragraph (2) above, an authorised person may in particular, where he has a reasonable suspicion that there is or has been a contravention of these Regulations—

(a) take samples (and, if necessary, send the samples for laboratory testing) from any animal, carcase or part of a carcase;
(b) take away any carcase or part of a carcase (and, if necessary, send it for laboratory testing);
(c) require the production of any relevant record or document;
(d) inspect any relevant record or document;
(e) take copies of any relevant record or document; and
(f) take away any relevant record or document.

(4) An authorised person may take with him into the slaughterhouse or knacker's yard or onto the premises or land such other persons as he considers necessary, including a representative of the European Commission acting for the purposes of Article 14 of Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing[4].

Obstruction

24.—(1) No person shall—
(a) intentionally obstruct any person acting in the execution of these Regulations;
(b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or

information which that person may reasonably require of him for the purposes of his functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he knows to be false or misleading.

(2) Nothing in paragraph (1)(b) above shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by bodies corporate

25.—(1) Where a body corporate is guilty of an offence under these Regulations and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate; or

(b) any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where an offence under these Regulations is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

Offences and penalties

26.—(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence.

(2) Any person guilty of an offence by virtue of regulation 4(2) or (3) or 24(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence by virtue of regulation 24(1)(c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of any other offence under these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 3 months or both.

(5) Paragraph (1) above shall not apply to anything done or omitted by the Minister or an authorised veterinary surgeon in exercise of functions conferred by these Regulations.

Defence

27. A person who contravenes any provision in these Regulations shall not be guilty of an offence in respect of such contravention if he proves that by reason of accident or other emergency the contravention was necessary for preventing injury or suffering to any person or animal.

PART VI

REPEALS, REVOCATIONS AND AMENDMENTS

Repeals, revocations and amendments

28.—(1) The enactments mentioned in columns 1 and 2 of Schedule 13 are hereby repealed to the extent specified in column 3 of that Schedule.

(2) The enactments and regulations mentioned in Schedule 14 to these Regulations shall have effect subject to the amendments there specified.

(3) The regulations mentioned in columns 1 and 2 of Schedule 15 are hereby revoked.

Angela Browning

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

14th March 1995

Hector Monro

Parliamentary Under Secretary of State, Scottish Office

14th March 1995

(schedules omitted)