

2007 No. 402

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

**The Welfare of Animals (Slaughter or Killing) (Amendment)
(England) Regulations 2007**

<i>Made</i> - - - -	<i>14th February 2007</i>
<i>Laid before Parliament</i>	<i>19th February 2007</i>
<i>Coming into force</i> - -	<i>6th April 2007</i>

The Secretary of State has been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community.

He makes the following Regulations under the powers conferred by that section:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2007.

(2) These Regulations come into force on 6th April 2007.

(3) These Regulations apply in relation to England only.

Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995

2.—(1) The Welfare of Animals (Slaughter or Killing) Regulations 1995(c) are amended as follows.

(2) For regulation 15, substitute—

“The killing of animals elsewhere than in a slaughterhouse or knacker’s yard

15.—(1) Subject to sub-paragraph (2) and regulations 16 to 19, where any soliped, ruminant, pig, rabbit or bird is killed elsewhere than in a slaughterhouse or knacker’s yard, it shall be killed in accordance with Parts I and III of Schedule 5.

(2) Schedule 7A (killing birds by exposure to gas mixtures elsewhere than in a slaughterhouse) has effect.”.

(3) In paragraph 11 of Schedule 3—

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.I. 1995/731; the relevant amending instrument is S.I. 2001/3830.

- (a) before sub-paragraph (a), insert “(aa) the use of such an instrument is avoided as far as possible”; and
- (b) for sub-paragraph (a), substitute—
 - “(a) the shocks last no more than one second each, are adequately spaced out and are not used repeatedly if the animal fails to respond;”.
- (4) In paragraph 13 of Schedule 5, for sub-paragraphs (c) and (d) substitute—
 - “(c) for birds only, decapitation or dislocation of the neck;
 - (d) exposure of pigs and birds to gas mixtures at a slaughterhouse in accordance with Schedule 7; or
 - (e) exposure of birds to carbon dioxide or gas mixtures elsewhere than at a slaughterhouse or knacker’s yard in accordance with Schedule 7A”.
- (5) After Schedule 7, insert—

“SCHEDULE 7A

Regulation 15(2)

Killing Birds by Exposure to Gas Mixtures Elsewhere than in a Slaughterhouse

PART I

Interpretation

1. In this Schedule—

“bird” means any domestic fowl, turkey, pheasant, quail, partridge, goose, duck or guinea fowl;

“bird shed” means a building designed and constructed to house birds that has been sealed so as to be capable of containing the gas mixture mentioned in combination 1 in the table in Part V;

“breeder hen” means a domestic fowl which has reached laying maturity and is kept for production of eggs intended for hatching;

“chamber” means a bird shed or gas container in which end of lay hens, end of life breeder hens or birds are killed by exposure to gas or gas mixtures mentioned in the second column of the table in Part V;

“end of lay hen” means a laying hen no longer required for the production of eggs;

“end of life breeder hen” means a breeder hen no longer required for the production of hatching eggs;

“gas container” means a receptacle capable of containing the gas mixtures mentioned in combinations 2 or 3 in the table in Part V;

“gas mixture” means any of the combinations of gases listed in Part V;

“laying hen” means a domestic fowl which has reached laying maturity and is kept for production of eggs not intended for hatching;

PART II

End of lay hens and end of life breeder hens

2.—(1) Subject to paragraphs (2) and (3), end of lay hens and end of life breeder hens may be killed on premises where they have been kept as laying or breeder hens by exposure to gas mixtures in accordance with Part V of this Schedule.

(2) The owner of the end of lay hens or the end of life breeder hens must give the Secretary of State a minimum of five working days' notice specifying—

- (a) the owner's name and address;
- (b) the address of the premises at which the killings will take place;
- (c) the date on which the killings will take place;
- (d) which of the combinations of gas and chamber listed in the table in Part V of this Schedule is intended to be used for the killings;
- (e) the number and age of hens being killed and whether kept as laying or breeder hens.

(3) Part IV of this Schedule applies to the killing of end of lay hens and end of life breeder hens permitted by this paragraph.

PART III

Killing where there is a restriction on movement

3.—(1) The Secretary of State may authorise the killing of birds elsewhere than in a slaughterhouse by exposure to gas mixtures in accordance with Part V of this Schedule if—

- (a) an event occurs in Great Britain that makes the movement of birds from the premises where they have been kept to a slaughterhouse impracticable; and
- (b) it is foreseeable that the welfare of the birds will be compromised as a result of the restrictions on their movement.

(2) An authorisation issued under this paragraph—

- (a) must be in writing;
- (b) may be general or specific;
- (c) is subject to the conditions set out in sub-paragraph (3);
- (d) may include such other conditions as may be specified in the authorisation; and
- (e) may at any time be amended, suspended or revoked by notice in writing—
 - (i) in the case of a general authorisation, by publication in such manner as the Secretary of State sees fit, and
 - (ii) in the case of a specific authorisation, by service on the individual to whom the authorisation was granted.

(3) The conditions referred to in sub-paragraph (2)(c) are that—

- (a) the occupier of the premises takes all reasonable measures to avoid welfare problems in birds affected by restrictions on their movement; and
- (b) following an inspection by him, a veterinary surgeon has confirmed in writing that the welfare of the birds affected by restrictions on their movement will be gravely compromised within 7 days from the date of the inspection.

(4) Part IV of this Schedule applies to the killing of birds authorised by this paragraph.

(5) No person shall kill birds by exposure to gas mixtures elsewhere than in a slaughterhouse except where authorised to do so in accordance with this paragraph.

PART IV

The chamber

Chamber operator

4.—(1) No person may operate a chamber unless he has been assessed competent to do so under Schedule 1 to these Regulations.

(2) No person may operate a chamber consisting of a bird shed except under the direct supervision of a veterinary surgeon.

Construction of the chamber

5. The operator of a chamber used to kill end of lay hens, end of life breeder hens or birds must ensure that the chamber is—

- (a) designed, adapted, constructed, and maintained so as to avoid injury to the hen or bird;
- (b) fitted with an apparatus that can deliver gas mixtures to the chamber in accordance with the combinations listed in the table in Part V of this Schedule;
- (c) fitted with devices which—
 - (i) measure and display the maximum concentration by volume of oxygen in the gas mixture mentioned in combination 3 in that table or the minimum concentration by volume of carbon dioxide mentioned in combination 1 or 2 of that table as a percentage at the point of minimum concentration in the chamber;
 - (ii) where combination 3 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of oxygen rises above 5% for more than 30 seconds; and
 - (iii) where combination 1 or 2 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of carbon dioxide falls below 45% for more than 30 seconds; and
- (d) fitted with a means of visually monitoring birds or hens in the chamber.

Operation of the chamber

6. The operator of the chamber must ensure that—

- (a) every person engaged in the killing is instructed as to the method of operation of the chamber;
- (b) end of lay hens, end of life breeder hens and birds are—
 - (i) rapidly rendered insensible to pain or distress; and
 - (ii) exposed to the gas mixtures mentioned in the second column of the table in Part V long enough to ensure they are killed and in any event for a period of—
 - (aa) where combination 1 in that table is used, not less than 5 minutes;
 - (bb) where combination 2 in that table is used, not less than 2 minutes;
 - (cc) where combination 3 in that table is used, not less than 90 seconds;
- (c) should the visible or audible warning signals provided for in paragraph 5(c)(ii) be activated, more of the gas mixture is immediately supplied to the chamber until the required concentrations are achieved; and
- (d) after exposure to a gas mixture nothing more is done to an end of lay hen, an end of life breeder hen or bird until it is ascertained that it is dead.

PART V

Combinations of gas mixtures and chamber

7. Birds, end of lay hens and end of life breeder hens shall be killed by exposure to one of the combinations of gas mixture and chamber specified in the table below.

Combination table

	<i>Gas mixture</i>	<i>Chamber</i>
<i>Combination 1</i>	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air	bird shed
<i>Combination 2</i>	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air	gas container
<i>Combination 3</i>	Any mixture of argon and carbon dioxide, or other inert gas and carbon dioxide, in atmospheric air where— (a) the concentration of the argon, or the other inert gas, does not exceed 80% by volume; (b) the concentration of carbon dioxide does not exceed 20% by volume; and (c) the final concentration of oxygen does not exceed 5% by volume.	gas container”

14th February 2007

Ben Bradshaw
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations, which apply to England only, amend the Welfare of Animals (Slaughter or Killing) Regulations 1995. The 1995 Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (OJ No. L 340, 31.12.93, p.21).

These Regulations insert a new Schedule 7A into the 1995 Regulations. The amendment permits the killing of end of lay hens by exposure to gas elsewhere than in a slaughterhouse (regulation 2(5)).

Schedule 7A also allows the Secretary of State to authorise the killing of birds by exposure to gas elsewhere than in a slaughterhouse.

These Regulations give effect to amendments, made by Council Regulation (EC) No 1/2005 on the protection of animals during transport (OJ L3, 5.1.2005 p.1), to Council Directive 93/119/EC on the use of instruments which administer electric shocks to adult bovines and adult pigs (regulation 2(3)).

A Regulatory Impact Assessment has been produced for this instrument. Copies can be obtained from Animal Welfare Division of the Department for Environment, Food and Rural Affairs, 1A Page Street, London, SW1P 4PQ.

£3.00

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