



FALKLAND ISLANDS

Livestock and Meat Products (Welfare of Livestock) Regulations 2011

(S.R & O. No. 15 OF 2011)



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[DATE OF COMMENCEMENT: 1 SEPTEMBER 2011]

1 Title

These regulations are the Livestock and Meat Products (Welfare of Livestock) Regulations 2011.

2 Commencement

These regulations come into force on 1 September 2011.

3 Interpretation

In these regulations-

"authorised person" means-

- (a) the Senior Veterinary Officer;
- (b) another Veterinary Officer of the Department of Agriculture;
- (c) a person appointed in writing by the Senior Veterinary Officer to be an authorised person for the purposes of these regulations;

"code of practice" means a code of practice issued (or having continued effect) under section 55 of the Animals (Welfare and Protection) Ordinance 2016;

[s. 8/Ord. 7/22/w.e.f. 03/05/22]

"improvement notice" means a notice issued by an authorised person under regulation 11(2);

"livestock" ...

[s. 8/Ord. 7/22/w.e.f. 03/05/22]

"Senior Veterinary Officer" means the person performing the duties of the senior veterinary officer of the Government; and

[s. 8/Ord. 7/22/w.e.f. 03/05/22]

"unnecessary harm" means-

- (a) unnecessary pain;
- (b) unnecessary suffering;
- (c) unnecessary distress; or
- (d) unnecessary injury.

4 ...

[s. 8/Ord. 7/22/w.e.f. 03/05/22]

5 Responsibility for welfare of livestock

A person is responsible for the welfare of livestock if that person-

- (a) owns the livestock;
- (b) keeps it; or
- (c) has care or control of it.

6 Duties for welfare of livestock: prevention of unnecessary harm

(1) A person who is responsible for the welfare of livestock must take all reasonable steps-

- (a) to ensure the well-being of the livestock; and
- (b) to ensure that the livestock are not caused unnecessary harm.

(2) A person who is responsible for livestock must not-

- (a) deliberately or recklessly cause unnecessary harm to the livestock; or
- (b) permit another person to cause unnecessary harm to the livestock.

7 Duties for welfare of livestock: general requirements

(1) A person who is responsible for livestock must take all reasonable steps to ensure that the conditions under which the livestock is bred or kept comply with the requirements set out in The schedule.

(2) In complying with the duty in paragraph (1), a person who is responsible for livestock must have regard to-

- (a) the livestock's species;
- (b) its degree of development, adaptation and domestication; and
- (c) its physiological and ethological needs (taking into account good practice and scientific knowledge).

8 Duties for welfare of livestock: codes of practice

(1) A person who is responsible for livestock must-

- (a) be acquainted with the codes of practice that apply to the livestock; and
- (b) have access to those codes.

(2) A person who is responsible for livestock must also take all reasonable steps to ensure that anyone employed or engaged to attend to the livestock-

- (a) is acquainted with the codes of practice of practice that apply to the livestock;
- (b) has access to those codes while attending to it.

(3) ...

[s. 8/Ord. 7/22/w.e.f. 03/05/22]

9 Authorised persons: power to enter land or premises

(1) This regulation applies to an authorised person who has reason to believe that livestock is being (or has been) kept on land or premises.

(2) The authorised person may enter the land or premises at a reasonable time, in order to check whether these regulations are being (or have been) complied with.

(3) The power of entry under paragraph (2) may be exercised by reasonable force, if it is necessary to do so.

(4) The authorised person must, if asked do so by anyone else on the land or premises, produce evidence of the authorised person's authority to enter the land or premises.

(5) The authorised person may take on to the land or premises-

- (a) one or more other persons to assist the authorised person; and
- (b) equipment or materials that may reasonably be required.

(6) An authorised person who enters unoccupied land or premises under paragraph (2) must leave them as effectively secured against entry as the authorised person found them.

10 Authorised persons: powers of inspection, etc

(1) The powers in this regulation apply-

- (a) when an authorised person has entered land or premises on which either-
 - (i) livestock is being (or has been) kept; or
 - (ii) the authorised person has reason to believe that it is being (or has been) kept; and
- (b) to the extent that the authorised person considers reasonably necessary for the purpose of finding out whether (and to what extent) these regulations are being complied with.

(2) The powers in this regulation apply whether or not the authorised person has entered the land or premises using the power in regulation 9(2).

(3) The authorised person may require anyone on the land or premises to provide facilities, assistance or information.

- (4) The authorised person may-
- (a) search the land or premises for livestock;
 - (b) inspect or examine livestock on the land or premises; and
 - (c) take photographs and recordings of-
 - (i) the land or premises; and
 - (ii) the livestock.
- (5) The authorised person-
- (a) may require the production of substances and products found on the land or premises; and
 - (b) may also-
 - (i) inspect them;
 - (ii) take and retain possession of them; and
 - (iii) take and retain samples of them or extracts from them for later analysis.
- (6) The authorised person may-
- (a) inspect and copy records (in whatever form they are held) or remove such records to enable them to be copied;
 - (b) inspect and check the operation of-
 - (i) a computer;
 - (ii) equipment linked to or associated with a computer; or
 - (iii) material which is (or has been) used in connection with the records;
 - (c) require a person in charge of (or otherwise concerned with the operation of) the computer, apparatus or material to provide the authorised person with assistance that person reasonably requires (including providing the authorised person with necessary passwords or anything else required for access); and
 - (d) if a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away.

11 Improvement notices

- (1) This regulation applies if an authorised person considers that the way in which livestock is being kept does not meet the requirements of these regulations.
- (2) The authorised person may serve a notice (an "improvement notice") on one or more persons who, in the opinion of the authorised person, is responsible for that the welfare of the livestock.
- (3) The authorised person must specify in the notice-
- (a) what action the authorised person considers reasonably needs to be taken to ensure that the requirements of these regulations are met;

- (b) the reasons for requiring that action to be taken; and
 - (c) a reasonable period within which the action must be taken.
- (4) If more than one action to be taken is specified in an improvement notice-
- (a) the authorised person may specify different periods within which each action must be taken; and
 - (b) each period specified must be reasonable.
- (5) A person who is served with an improvement notice must take all reasonable steps to ensure that the action specified in the notice is taken within the period specified in the notice for that action to be taken.

12 Offences

- (1) It is an offence for a person who is responsible for the welfare of livestock to fail to comply with the duty in regulation 6(1) (to take all reasonable steps to ensure well-being and prevent unnecessary harm).
- (2) It is an offence for a person who is responsible for livestock-
- (a) to deliberately or recklessly cause unnecessary harm to the livestock; or
 - (b) to permit another person to cause unnecessary harm to the livestock.
- (3) It is an offence for a person who is responsible for livestock to fail to comply with the duty in regulation 7(1) (to take all reasonable steps to ensure that the requirements in The schedule are met).
- (4) It is an offence for a person who is responsible for livestock to fail to comply with the duty in regulation 8(1) or 8(2) (to be acquainted with codes of practice and have access to those codes and to ensure the same for others).
- (5) It is an offence for a person intentionally to hinder or obstruct an authorised person in the course of enforcing these regulations.
- (6) Unless the person has a reasonable excuse, it is an offence for a person to fail to provide an authorised person with a facility, assistance or information that the authorised person reasonably requires under regulation 10(3).
- (7) It is an offence for a person who has been required to provide information by an authorised person under regulation 10(3) either-
- (a) intentionally to provide information that is false or misleading in a material particular; or
 - (b) to be reckless as to whether the information is false or misleading in a material particular.
- (8) It is an offence for a person served with an improvement notice to fail to take all reasonable steps to ensure that the action specified in the notice is taken within the period specified in the notice for that action to be taken.

- (9) A person convicted of an offence against paragraph (2) is liable to-
- (a) a fine of up to level 6 on the standard scale;
 - (b) imprisonment for up to 6 months; or
 - (c) a fine of up to level 6 on the standard scale and imprisonment for up to 6 months.
- (10) A person convicted of an offence against paragraph (1), (3), (5), (6), (7) or (8) is liable to-
- (a) a fine of up to level 5 on the standard scale;
 - (b) imprisonment for up to 3 months; or
 - (c) a fine of up to level 5 on the standard scale and imprisonment for up to 3 months.
- (11) A person convicted of an offence against paragraph (4) is liable to a fine of up to level 4 on the standard scale.

SCHEDULE
GENERAL CONDITIONS UNDER WHICH LIVESTOCK MUST BE KEPT

1 Staffing

Livestock must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

2 Inspection

(1) Livestock kept in a husbandry system in which its welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that it is in a state of well-being.

(2) Livestock kept in a husbandry system in which its welfare does not depend on frequent human attention must be inspected at intervals sufficient to avoid suffering.

(3) If livestock is kept in a building, adequate lighting (whether fixed or portable) must be available to enable it to be thoroughly inspected at any time.

3 Sick and injured livestock

(1) Livestock which appears to be ill or injured must be cared for appropriately and without delay.

(2) If ill or injured livestock does not respond to care, veterinary advice must be obtained as soon as possible.

(3) Where necessary, ill or injured livestock must be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

4 Record keeping

(1) A record must be made of-

- (a) all medicinal treatment given to livestock; and
- (b) the number of mortalities found on each inspection of livestock carried out in accordance with paragraph 2(1) or (2).

(2) Records made in order to comply with sub-paragraph (1)-

- (a) must be retained for a period of at least three years from either-
 - (i) the date on which the medicinal treatment was given;
 - (ii) or the date of the inspection; and
- (b) must also be made available to an authorised person on request.

5 Freedom of movement

- (1) The freedom of movement of livestock must not be restricted in a way that causes the livestock unnecessary harm.
- (2) In relation to the duty under sub-paragraph (1), regard must be had to-
 - (a) the species of the livestock; and
 - (b) good practice and scientific knowledge.
- (3) If livestock is continuously (or regularly) tethered or confined, it must be given the space appropriate to its physiological and ethological needs (in accordance with good practice and scientific knowledge).

6 Buildings and accommodation

- (1) Sub-paragraph (2) applies to materials used for the construction of accommodation (and, in particular, for the construction of pens, cages, stalls and equipment with which livestock may come into contact).
- (2) Materials to which this sub-paragraph applies-
 - (a) must not be harmful to the livestock; and
 - (b) must be capable of being thoroughly cleaned and disinfected.
- (3) Accommodation and fittings for securing livestock must be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to the livestock.
- (4) Air circulation, dust levels, temperature, relative air humidity and gas concentrations in buildings in which livestock is kept must be maintained within limits that are not harmful to the livestock.
- (5) Sub-paragraph (6) applies if the natural light available in a building is not sufficient to meet the physiological or ethological needs of the livestock being kept in it.
- (6) If this sub-paragraph applies, appropriate artificial lighting must be provided.
- (7) Livestock kept in buildings must not be kept either-
 - (a) in permanent darkness;
 - (b) without an appropriate period of rest from artificial lighting.

7 Livestock not kept in buildings

- Livestock not kept in buildings must, where necessary and possible, be given protection from-
- (a) adverse weather conditions;
 - (b) predators; and
 - (c) risks to their health.

8 Automated or mechanical equipment

- (1) Sub-paragraphs (2) and (3) apply in relation to automated or mechanical equipment that is essential for the health and well-being of livestock.
- (2) Equipment to which this sub-paragraph applies must be inspected at least once a day to check that there is no defect in it.
- (3) If a defect is found in equipment to which this sub-paragraph applies-
 - (a) the defect must be rectified immediately; or
 - (b) if that is impossible, appropriate steps must be taken to safeguard the health and well-being of the livestock until the defect can be rectified.
- (4) If the health and well-being of livestock is dependent on an artificial ventilation system-
 - (a) provision must be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the livestock in the event of failure of the system;
 - (b) an alarm system must be provided to give warning of a failure of the system; and
 - (c) that alarm system must be tested regularly.

9 Feed and water

- (1) Livestock must be fed a diet which is-
 - (a) appropriate to the age and species of the livestock; and
 - (b) fed in sufficient quantity to-
 - (i) maintain the livestock in good health;
 - (ii) satisfy its nutritional needs; and
 - (iii) promote a positive state of well-being.
- (2) Livestock must not be provided with food or liquid-
 - (a) that contains any substance that may cause it unnecessary harm; or
 - (b) in a manner that may cause it unnecessary harm.
- (3) Livestock must have access to feed at intervals appropriate to its physiological needs.
- (4) Livestock must either-
 - (a) have access to a suitable water supply and be provided with an adequate supply of fresh drinking water each day; or
 - (b) be able to satisfy its fluid intake needs in some other way.
- (5) Feeding and watering equipment must be designed, constructed, placed and maintained so that the following are kept to a minimum-
 - (a) contamination of the food or water; and

- (b) the harmful effects of competition between livestock.

10 Other substances

(1) No substance may be administered to livestock unless it has been demonstrated by scientific studies of animal welfare or established practice that the effect of that substance is not detrimental to the health or welfare of the livestock.

(2) Sub-paragraph (1) does not apply to-

- (a) feed;
- (b) water;
- (c) a substance given to livestock either-
 - (i) for therapeutic or prophylactic purposes; or
 - (ii) for the purpose of zootechnical treatment.

11 Breeding procedures

(1) Natural or artificial breeding or breeding procedures which cause (or are likely to cause) unnecessary harm to livestock must not be practised.

(2) Sub-paragraph (1) does not preclude the use of natural or artificial breeding procedures that-

- (a) are likely to cause only minimal or momentary suffering or injury; or
- (b) might necessitate interventions which would not cause lasting injury.

12 Effect of keeping livestock

Livestock may only be kept for farming purposes if it can reasonably be expected (on the basis of its genotype or phenotype) that it can be kept without any detrimental effect on its health or welfare.