



STATUTORY INSTRUMENTS.

S.I. No. 311 of 2010

EUROPEAN COMMUNITIES (WELFARE OF FARMED ANIMALS)
REGULATIONS 2010

(Prn. A10/0932)

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S.I. No. 311 of 2010

EUROPEAN COMMUNITIES (WELFARE OF FARMED ANIMALS)
REGULATIONS 2010

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, 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. 93/119/EEC of 22 December 1993¹, Council Directive 98/58/EC of 20 July 1998², Council Directive No. 1999/74/EC of 19 July 1999³ and Commission Directive 2002/4/EC of 30 January 2002⁴, Council Directive No 2007/43/EC of 28 June 2007⁵, Council Directive No. 2008/119/EC of 18 December 2008⁶ and Council Directive No. 2008/120/EC of 18 December 2008⁷, hereby make the following regulations-

Part 1

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Communities (Welfare of farmed animals) Regulations 2010 and come into operation on 30 June 2010.

Interpretation

2. (1) In these Regulations—

“animal” means an animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

“authorised officer” means-

- (a) an authorised officer within the meaning of section 17A (inserted by the Diseases of Animals (Amendment) Act 2001 (No. 3 of 2001)) of the Diseases of Animals Act 1966 (No. 6 of 1966),
- (b) an authorised person or inspector within the meaning of the Protection of Animals Kept for Farming Purposes Act 1984 (No. 13 of 1984),
- (c) an authorised officer within the meaning of the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009),

¹O.J. No. L 340 of 31.12.1993, p. 21.

²O.J. No. L 221 of 8.8.1998, p. 23.

³O.J. No. L 203 of 3.8.1999, p. 53.

⁴O.J. No. L 30 of 31.1.2002, p.44.

⁵O.J. No. L182 of 12.7.2007 p. 19

⁶O.J. No. L010 of 15.1.2009 p. 7

⁷O.J. No. L047 of 18.2.2009 p. 5

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd July, 2010.*

- (d) a member of the Garda Síochána,
- (e) an officer of Customs and Excise, or
- (f) a person appointed under Regulation 30;

“calf” means a bovine animal less than six months old;

“Calves Directive” means Council Directive No.2008/119/EC of 18 December 2008;

“Chicken welfare Directive” means Council Directive No 2007/43/EC of 28 June 2007;

“General Welfare Directive” means Council Directive No. 98/58/EC of 20 July 1998;

“Laying Hens Directive” means Council Directive No. 1999/74/EC of 19 July 1999 and Commission Directive 2002/4/EC of 30 January 2002;

“Minister” means Minister for Agriculture, Fisheries and Food;

“Pigs Directive” means Council Directive No. 2008/120/EC of 18 December 2008;

“premises” includes land, with or without buildings;

“registered veterinary practitioner” has the same meaning as in the Veterinary Practice Act 2005 (No. 22 of 2005);

“Slaughter Directive” means Council Directive No. 93/119/EEC of 22 December 1993.

(2) A word or expression that is used in these Regulations and is also used in the Chicken welfare Directive, the Calves Directive, the General Welfare Directive, the Laying Hens Directive, the Pigs Directive or the Slaughter Directive has, unless the contrary intention appears, the same meaning in these Regulations as it has in the Directive in which it occurs.

Codes of practice

3. (1) The Minister may-

- (a) publish or cause to be published codes of practice, or
- (b) adopt a code of practice published by another person (whether within the State or otherwise),

for the purpose of providing practical guidance relating to any of the purposes of these Regulations.

(2) The Minister may amend or replace a code of practice referred to in paragraph (1).

(3) A person who has in his or her possession or under his or her control an animal of a particular class or description shall have due regard to a code of practice (if any) that relates to an animal of that class or description or kept under similar types of management or husbandry practices, published or adopted in accordance with paragraph (1).

(4) If a person fails to comply with a code of practice, that person is not by reason only of that failure liable in any civil or criminal proceedings but the code of practice is admissible in evidence in proceedings and a court may take account of any failure to act in accordance with it in deciding any question in the proceedings.

Part 2

ANIMAL WELFARE GENERALLY

Scope

4. (1) This Part does not apply to—

- (a) an animal living in the wild,
- (b) subject to paragraph (2), an animal used in competitions, shows, cultural or sporting events or activities while being so used,
- (c) an experimental or laboratory animal that is the subject of a licence issued under the Cruelty to Animals Act 1876, or
- (d) an invertebrate animal.

(2) Notwithstanding paragraph (1)(b), these Regulations apply to an animal of a kind or species that is normally bred or kept for the production of food, wool, skin, fur or feathers or for use in, or for the purpose of, the farming of land or of animal husbandry and, in particular, includes animals of the bovine, ovine, porcine and caprine species, equidae and poultry.

Obligation to ensure welfare of an animal

5. (1) A person shall take all necessary steps to ensure the welfare of an animal in his or her possession, in his or her control or under his or her care and to ensure that the animal is not caused unnecessary pain, suffering or injury.

(2) A person shall ensure that the conditions under which an animal (other than fish, a reptile or an amphibian) is bred or kept, having regard to its species and degree of development, adaptation and domestication, and to its physiological and ethological needs in accordance with established experience and scientific knowledge, comply with Schedule 1.

Part 3

WELFARE OF LAYING HENS

Application of Part 3

6. (1) This Part applies to premises where there are 350 or more laying hens.
- (2) This part is without prejudice to the generality of Regulation 5.

General conditions for keeping laying hens

7. A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a laying hen unless the hen is kept and reared in conditions that comply with Schedule 2.

Free-range or barn systems

8. (1) Subject to paragraph (3), the owner or person in charge of a barn or free-range system used to keep laying hens shall not confine, or cause or permit another person to keep or confine a laying hen unless the premises is equipped—

- (a) with either linear feeders providing at least 10 cm per hen or circular feeders providing at least 4 cm per hen,
- (b) with either continuous drinking troughs providing at least 2.5 cm per hen or circular troughs providing at least 1 cm per hen,
- (c) without prejudice to paragraph (4), with at least one nest for every seven hens, and
- (d) with, subject to paragraph (5), adequate perches without sharp edges, mounted other than above litter, that provide space of at least 15 cm in length per hen.

(2) A person shall not provide or use nipple drinkers or cups in a barn or free-range system unless, without prejudice to paragraph (3), there is at least one nipple drinker or cup for every ten hens.

(3) A person shall not keep a laying hen in a barn or free-range system where drinking points are plumbed in to a water supply unless, at least two nipple drinkers or cups are within reach of each hen.

(4) A person shall not keep a laying hen in a barn or free-range system in group nests unless there is a minimum of 1 square metre of nest space available for every group of a maximum of 120 hens.

(5) A person shall not keep a laying hen in a barn or free-range system unless the horizontal distance between perches is at least 30 cm and the distance between a perch and a wall is at least 20 cm.

(6) A person shall not keep a laying hen in a barn or free-range system unless a littered area, that covers at least one third of the ground surface, of at least 250 square centimetres per hen is provided.

(7) A person shall not keep a laying hen in a barn or free-range system unless the floor is constructed in a manner that adequately supports each forward facing claw of the laying hen.

(8) A person shall not keep a laying hen in a barn or free-range system if-

- (a) the laying hen has access to more than four different levels,
- (b) the headroom between different levels is less than 45 centimetres,
- (c) the hen does not have equal access to drinking and feeding facilities, or
- (d) droppings from one level may fall on another level.

(9) A person shall not keep a laying hen in a barn or free-range system if the laying hens have access to open runs unless-

- (a) there are several popholes, at least 35 centimetres high and 40 centimetres wide and extending along the whole length of the building, giving access to the outer area,
- (b) a total opening of 2 metres is available for each group of 1,000 laying hens,
- (c) open runs are of an area appropriate to the stocking density and nature of the ground in order to prevent contamination, and
- (d) the stocking density does not exceed 9 laying hens per square metre usable area.

(10) A person shall, if laying hens have access to open runs, ensure that the runs are equipped—

- (a) with appropriate shelter to protect the laying hens from predators and weather conditions, and
- (b) where necessary, with appropriate drinking troughs.

Un-enriched cage systems

9. (1) Subject to paragraphs (2) and (3), the owner or person in charge of an un-enriched cage system shall not keep a laying hen in a cage unless-

- (a) the cage has at least 550 unrestricted square centimetres of area (measured in a horizontal plane and not including non-waste deflection plates that may restrict the available area) available for each laying hen in the cage,

- (b) a feed trough, to which each laying hen has unrestricted access, the length of which measures at least 10 centimetres multiplied by the number of laying hens in the cage, is present in the cage,
 - (c) subject to subparagraph (d), a drinking channel, to which each laying hen has unrestricted access, the length of which measures at least 10 centimetres multiplied by the number of laying hens in the cage, is present in the cage,
 - (d) where drinking points are plumbed in, at least two nipple drinkers or cups are within reach of the cage,
 - (e) the cage is at least 40 centimetres high over at least 65 per cent of its floor area and not less than 35 centimetres at any point,
 - (f) the floor of the cage is constructed in a manner that adequately supports each forward facing claw of each hen,
 - (g) the slope of the floor of the cage does not exceed 14 per cent or 8 degrees, and
 - (h) the cage is fitted with suitable claw-shortening devices.
- (2) A person shall not keep or rear laying hens in an un-enriched cage system built, renovated or brought into service for the first time after 1 January 2003.
- (3) A person shall not keep or rear laying hens in an un-enriched cage system after 1 January 2012.

Enriched cage systems

10. (1) The owner or person in charge of an enriched cage system shall not keep a laying hen in an enriched cage system unless-
- (a) each cage has a total area of at least 2000 square centimetres,
 - (b) at least 750 square centimetres, of which a minimum of 600 square centimetres is usable area, is available for each laying hen in each cage,
 - (c) the height of each cage other than above the usable area is at least 20 centimetres at every point,
 - (d) there is a nest in each cage,
 - (e) adequate litter is available in each cage to permit pecking and scratching by each laying hen,
 - (f) appropriate perches, that measure, in length, at least 15 centimetres multiplied by the number of laying hens in each cage, are present in the cage,

- (g) a feed trough, to which each laying hen has unrestricted access, that measures at least 12 centimetres multiplied by the number of laying hens in the cage, is present in each cage,
- (h) subject to subparagraph (i), a drinking system, to which each laying hen has unrestricted access, appropriate to the number of laying hens is provided in each cage,
- (i) if drinking points are plumbed in, at least two nipple drinkers or two cups are within reach of each laying hen,
- (j) there is a minimum aisle width of at least 90 centimetres between tiers of cages,
- (k) there is a minimum distance of 35 centimetres between the floor of the building and the bottom tier of cages, and
- (l) each cage is fitted with suitable claw-shortening devices.

Register

11. (1) The Minister shall cause to be established and maintained a register (“the Register”) of all persons owning, keeping, rearing or having under their control laying hens.

(2) A person shall not own or have in his or her charge or under his or her control a laying hen if he or she is not entered in the Register in relation to the premises where the laying hen is located.

(3) An application under this Regulation shall be in writing, be in a form and include any information that the Minister may require.

(4) The Minister shall not consider an application for registration if the application does not contain all information sought by the Minister.

(5) The Minister may enter a person’s name and particulars on the register, attach conditions to registration, vary a condition, refuse an application or revoke a registration.

(6) Without prejudice to the generality of paragraph (5), the Minister may refuse to enter a person’s name on the Register, or may revoke registration if—

- (a) the application does not comply with this Regulation,
- (b) in the opinion of the Minister, the application contains a statement that is false or misleading in a material respect,
- (c) the premises to which the application or registration relates does not comply, in the opinion of the Minister, with these Regulations,
- (d) the person is, in the opinion of the Minister, not a fit person to keep laying hens,

- (e) he or she is satisfied that these Regulations have not been or will not be complied with,
- (f) the applicant or registered person has committed an offence, whether he or she has been convicted or not, under any enactment relating to animals, animal health, animal welfare or public health,
- (g) the applicant or registered person has failed to comply with a condition of registration,
- (h) a registered person has ceased to keep or rear laying hens at the premises to which registration relates,
- (i) a person is disqualified by a Court of competent jurisdiction under any enactment from keeping, dealing in or having charge or control of, directly or indirectly, laying hens, or
- (j) it is necessary, in the opinion of the Minister—
 - (i) to prevent the risk or spread of disease,
 - (ii) to eradicate disease, or
 - (iii) is necessary, incidental, supplementary or consequential for the purposes of giving effect to an act of the institutions of the European Union.

(7) Without prejudice to the generality of paragraph (5), the Minister shall refuse an application or revoke registration in accordance with paragraph (10) if the applicant or registered person has been convicted, on indictment, of an offence relating to an animal, animal health, animal welfare or public health.

(8) Other than in the case of refusal or revocation under paragraph (7) or (9), if the Minister proposes to revoke a registration, or to refuse an application, he or she shall—

- (a) notify applicant or registered person in writing of the proposal and of the reasons for the proposal, and that he or she may make representations to the Minister in relation to the proposal within 14 days of the notification,
- (b) consider a representation made before deciding whether to proceed with, modify or annul the proposal, and
- (c) notify the applicant or registered person of the decision and the reasons for the decision.

(9) If the Minister is of the opinion that it is necessary to prevent the risk of disease or to give effect to an act of an institution of the European Union, he or she may refuse an application or revoke a registration in accordance with paragraph (10).

(10) If the Minister refuses an application or revokes a registration in accordance with this paragraph, he or she shall—

- (a) notify the applicant or registered person in writing of the decision and the reasons for the decision, and that he or she may make representations to the Minister in relation to the decision within 14 days of the date of the notification,
- (b) consider a representation made, and
- (c) confirm, modify or annul the decision and notify the applicant or registered person of the decision and the reasons for the decision.

(11) A person to whom a registration is granted shall make such returns to the Minister as and when, and in a form that, the Minister may direct.

(12) A person to whom registration is granted ceases to be registered upon he or she informing the Minister, in writing that he or she has ceased to keep laying hens.

(13) The Minister may establish and maintain the register in a form that is not legible if it is capable of being converted into a legible form.

(14) If a person entered in the Register dies the Minister shall, without prejudice to paragraph (7), on the application of the personal representative of such person enter in the Register the name of the personal representative in place of that person.

(15) A person who, on the coming into operation of this Regulation, is registered under Regulation 10 of the Regulations revoked by Regulation 42 (1)(a) is considered to be registered under this Regulation and may be dealt with as if registered under this Regulation.

(16) On the coming into operation of these Regulations, an application for registration under Regulation 10 of the Regulations revoked by Regulation 42(1)(a) is considered to be an application for registration under this Regulation and shall be determined in accordance with this Regulation.

Part 4

WELFARE OF CHICKENS KEPT FOR MEAT PRODUCTION

Application of Part 4

12. (1) This Part applies to premises where there are 500 or more chickens kept for meat production but does not apply to premises—

- (a) with breeding stock only,
- (b) used solely as a hatchery,
- (c) used solely in connection with extensive indoor and free range chickens, or

(d) organically reared chickens.

(2) This part is without prejudice to the generality of Regulation 5.

General conditions for keeping chickens meant for meat production

13. A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a chicken meant for meat production—

(a) unless the chicken is kept and reared in conditions that comply with Part 1 of Schedule 3, and

(b) the stocking density on a premises or on an individual building on a premises—

(i) does not exceed 33 kilogrammes per square metre,

(ii) in the case of a premises that conforms to Parts 1 and 2 of Schedule 3, does not exceed 39 kilogrammes per square metre, or

(iii) in the case of a premises that conforms to Parts 1, 2 and 3 of Schedule 3, does not exceed 42 kilogrammes per square metre.

Training

14. (1) The Minister may approve appropriate training courses for the purpose of ensuring that a person has adequate training in the proper husbandry of chickens kept for meat production and, in particular, the matters listed in Part 4 of Schedule 3

(2) A person providing a course shall furnish—

(a) a person who has successfully completed a training course with a certificate (“certificate in chicken welfare”), and

(b) the Minister with the names and addresses of persons who have successfully completed the course.

(3) Notwithstanding paragraph (2)(a), the Minister may require a person to undergo additional training, if the Minister considers it necessary.

(4) A person shall not purport to act as the owner or keeper of chickens kept for meat production unless he or she has been issued with a certificate in chicken welfare.

(5) The owner or keeper of chickens kept for meat production shall provide, to persons engaged in rearing, handling or transport of the chickens, adequate training regarding the welfare of the chickens, and record the details of that training.

(6) Paragraph (4) does not apply to a person who, immediately before the making of these Regulations, was the keeper or owner of chickens kept for meat

production for a period of not less than five years (the proof of which rests with him or her).

Part 5

WELFARE OF CALVES AND PIGS

Application of Part 5

15. (1) This Part applies to—

- (a) calves confined for rearing or fattening, and
- (b) pigs confined for breeding, rearing or fattening.

(2) Regulations 19(1), (2), (3) and (4) and 20 apply to-

- (a) a premises built, rebuilt or used, for the first time for breeding, rearing or fattening pigs from 1 January 2003, and
- (b) all premises used for breeding, rearing or fattening pigs from 1 January 2013.

(3) This part is without prejudice to the generality of Regulation 5.

Accommodation for calves and pigs

16. (1) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a calf or pig unless the conditions for keeping, rearing and fattening the calf or pig, as the case may be, comply with Part 1 of Schedule 4.

(2) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a calf unless the conditions for keeping, rearing and fattening the calf comply with Part 2 of Schedule 4.

(3) A person shall not have in his or her possession or under his or her control or cause or permit another person to have in his or her possession or under his or her control a pig unless the conditions for keeping, rearing and fattening the pig comply with Part 3 of Schedule 4.

Accommodation for calves

17. (1) Subject to paragraph (3), the owner or person in charge of a premises built, rebuilt or brought into use on or after 1 January 1998 and used for rearing or fattening calves shall not confine, or cause or permit another person to confine a calf-

- (a) over eight weeks of age in an individual pen unless a registered veterinary practitioner certifies that the health or behaviour of the calf requires that it be isolated to receive treatment,

- (b) unless the pen in which the calf is confined is of a width at least equal to the height of the calf at the withers and of a length at least 10% greater than the body length of the calf, measured from the tip of the nose to the caudal end of the pin bone (tuber ischia).

(2) A person shall not keep, or cause or permit another person to keep, a calf in an individual pen with solid walls but a pen shall have perforated walls that ensure that a calf confined therein has direct visual and tactile contact with other calves unless the person is in possession of a certificate from a registered veterinary practitioner that states that the calf, due to health or behaviour, requires to be individually isolated to receive treatment.

(3) A person shall not keep calves in a group, or cause or permit another person to keep calves in a group, unless the unobstructed space available for each calf is at least equal to—

- (a) 1.5 square metres for each calf with a live weight of less than 150 kilogrammes,
- (b) 1.7 square metres for each calf with a live weight of 150 kilogrammes or more but less than 220 kilogrammes, and
- (c) 1.8 square metres for each calf with a live weight of 220 kilogrammes or over.

(4) A person shall not use, or cause or permit another person to use, premises built, rebuilt or brought into operation before 1 January 1998 for rearing or fattening calves unless the premises complies with paragraphs (1), (2) and (3).

(5) This Regulation does not apply to—

- (a) a calf kept with its mother for suckling, or
- (b) a premises with fewer than six calves.

Accommodation for pigs

18. (1) The owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, a pig unless the floor area available to each weaner or rearing pig (other than sows and gilts after service) reared in a group is at least—

- (a) 0.15 square metres for each pig of an average weight of 10 kilogrammes or less
- (b) 0.20 square metres for each pig of an average weight of between 10 kilogrammes and less than or equal to 20 kilogrammes,
- (c) 0.30 square metres for each pig of an average weight of greater than 20 kilogrammes and less than or equal to 30 kilogrammes,

- (d) 0.40 square metres for each pig of an average weight of greater than 30 kilogrammes and less than or equal to 50 kilogrammes,
- (e) 0.55 square metres for each pig of an average weight of greater than 50 kilogrammes and less than or equal to 85 kilogrammes,
- (f) 0.65 square metres for each pig of an average weight of greater than 85 kilogrammes and less than or equal to 110 kilogrammes,
- (g) 1.00 square metre for each pig of an average weight of greater than 110 kilogrammes.

(2) A person shall not keep a pig or cause or permit another person to keep a pig in a building or part of a building if there are continuous noise levels, equal to or greater than 85dBA in the building or part thereof where pigs are kept.

(3) A person shall not keep a pig, or cause or permit another person to keep a pig unless the pig is kept where there is a light intensity of 40 lux or more for a continuous period of at least 8 hours in any 24 hour period.

Accommodation for sows and for gilts after service

19. (1) Subject to paragraphs (2) and (3), the owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, either a sow or a gilt after service unless the floor area available to each sow or gilt after service reared in a group is at least—

- (a) a minimum of 2.50 square metres for each sow in a group of sows or gilts if there are fewer than 6 pigs in the group,
- (b) a minimum of 2.25 square metres for each sow in a group of sows or gilts if there are more than 5 but fewer than 40 pigs in the group,
- (c) a minimum of 2.025 square metres for each sow in a group of sows or gilts if there are 40 or more pigs in the group,
- (d) a minimum of 1.81 square metres for each gilt after service if there are fewer than 6 pigs in the group,
- (e) a minimum of 1.64 square metres for each gilt after service if there are more than 5 but fewer than 40 pigs in the group, or
- (f) a minimum of 1.48 square metres for each gilt after service if there are 40 pigs or more in the group.

(2) A minimum floor area of at least—

- (a) 1.3 square metres for each pregnant sow, or
- (b) 0.95 square metres for each gilt after service,

shall comprise a continuous solid floor and no more than 15% of the floor area referred to in this paragraph shall consist of openings designed for drainage.

(3) Subject to paragraph (4), the owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not confine, or cause or permit another person to confine, either a sow or a gilt in the period commencing 28 days after service and ending 7 days before the expected date of farrowing other than in—

- (a) a group in a pen the sides of which are greater than 2.8 metres in length, or
- (b) a group in a pen the sides of which are greater than 2.4 metres in length if there are no more than five sows or gilts in the group.

(4) A person may keep a sow or gilt to which paragraph (3) refers in an individual pen during the period mentioned in that paragraph if—

- (a) there are no more than 9 sows on the premises, and
- (b) the sow or gilt may turn easily in the pen

(5) A person shall not tether or cause or permit another person to tether a sow or gilt.

(6) A person shall not have in his or her possession or under his or her control a sow or gilt that has been tethered in contravention of paragraph (5).

Use of concrete slatted floors

20. The owner or person in charge of a premises used for breeding, rearing or fattening pigs shall not keep, or cause or permit another person to keep, a pig on a concrete slatted floor unless—

- (a) the maximum width of each opening is no more than—
 - (i) 11 millimetres in any floor where a piglet is kept,
 - (ii) 14 millimetres in any floor where a weaner is kept,
 - (iii) 18 millimetres in any floor where a rearing pig is kept, or
 - (iv) 20 millimetres in any floor where either a sow or a gilt after service is kept,

and
- (b) the minimum width of each slat is at least-
 - (i) 50 millimetres in any floor where a piglet or weaner is kept, or
 - (ii) 80 millimetres in any floor where a rearing pig, a sow or a gilt after service is kept.

Restrictions on certain procedures

21. (1) Subject to paragraph (2), a person shall not carry out or cause or permit another person to carry out a procedure (other than for therapeutic or diagnostic purposes) on a pig that is likely to result in damage to, or loss of a sensitive part of the body or the alteration of the bone structure of, a pig other than—

- (a) non-routine, uniform reduction of corner teeth of piglets, by grinding or clipping, no later than 7 days after birth, leaving an intact smooth surface where injury has occurred to a sow's teats or to the tails or ears of another pig,
 - (b) reduction in length of boars tusks where necessary to prevent injury to other animals or for safety reasons,
 - (c) non-routine docking of part of the tail where injury has occurred to the tail or ear of a pig,
 - (d) castration of male pigs by means that do not involve tearing tissue, or
 - (e) nose ringing when the pig is kept in an outdoor husbandry system.
- (2) (a) Subject to paragraph (3), a procedure outlined in paragraph (1) may only be carried out under hygienic conditions by a registered veterinary practitioner or a person who has competence relating to, and experience of, the procedure.
- (b) A person shall only carry out a procedure specified in paragraph (1) (a) or (c) if the environment, stocking density or the management system in which a pig is reared would not, in the opinion of a registered veterinary practitioner who is familiar with the premises, and has been consulted in a professional capacity regarding the necessity of carrying out the procedure, facilitate injury to the pig.

(3) A person, other than a registered veterinary practitioner, shall not castrate or dock the tail of a pig older than 7 days.

(4) A registered veterinary practitioner shall not castrate or dock the tail of a pig older than 7 days unless the pig is under anaesthetic and additional prolonged analgesia administered by that registered veterinary practitioner.

Import of calves or pigs

22. A person shall not import—

- (a) a calf, or
- (b) a pig,

from a country that is not a member state of the European Union unless the calf or pig is accompanied by a certificate, issued by a competent authority in

that country, certifying that the animal has received treatment at least equal to the treatment provided for in these Regulations.

Part 6

SLAUGHTER OF ANIMALS

Slaughter of an animal

23. (1) A person shall take all necessary care during movement, lairaging, restraint, stunning, slaughter or killing of an animal to ensure that the animal is spared avoidable excitement, pain or suffering.

(2) This part is without prejudice to the generality of Regulation 5.

General requirements for slaughterhouses

24. (1) Subject to paragraph (2), the owner or person in charge of a slaughterhouse shall ensure that-

- (a) the construction, facilities and equipment of the slaughterhouse, and its operation, are such as to spare an animal any avoidable excitement, pain or suffering, and
- (b) a soliped, ruminant, pig, rabbit or poultry brought into the slaughterhouse is—
 - (i) moved and if necessary lairaged in accordance with Part 1 of Schedule 5,
 - (ii) restrained in accordance with Part 2 of Schedule 5,
 - (iii) stunned before slaughter or killed instantaneously in accordance with Part 3 of Schedule 5,
 - (iv) bled in accordance with Part 4 of Schedule 5.

(2) Subparagraph (1)(b)(iii) does not apply in the case of an animal subject to particular methods of slaughter required by certain religious rites, if the religious authority on whose behalf slaughter is carried out is competent to apply and monitor the special provisions which apply to slaughter according to the religious rites of that religion.

(3) A religious authority to which paragraph (2) applies shall operate under the responsibility of a registered veterinary practitioner.

Other requirements for slaughterhouses

25. (1) The owner or person in charge of a slaughterhouse or a person engaged in the slaughter of an animal shall ensure that-

- (a) instruments, restraint and other equipment and installations used for stunning or killing are designed, constructed, maintained and used in such a way as to achieve rapid and effective stunning or killing,

- (b) suitable spare equipment and instruments are kept at the place of slaughter for emergency use and that spare equipment and instruments are properly maintained and are inspected at least once a month,
- (c) subject to paragraph (2), a person shall not move, lair, restrain, stun, slaughter or kill an animal unless that person has the knowledge and skill necessary to perform the tasks humanely and efficiently, and
- (d) a person carrying out the slaughter of an animal takes all necessary care to ensure that the animal is rendered unconscious, killed or slaughtered in a manner or by a means that does not cause unnecessary, avoidable or excessive pain or suffering to the animal.

(2) If an authorised officer is of the opinion that a person employed for slaughtering or killing an animal does not possess the necessary skill, ability and professional knowledge, the owner or the person in charge of the slaughterhouse or other premises shall, in accordance with the directions of the authorised officer and subject to any time limits that he or she may specify, arrange a staff training programme enabling such person to obtain the required training in order to satisfy the standards appropriate to that type of employment.

(3) A person shall comply with a direction under paragraph (2).

Requirements for slaughter or killing other than at a slaughterhouse

26. A person shall not kill or slaughter or cause or permit another person to kill or slaughter a soliped, ruminant, pig, rabbit or poultry, which is to be killed or slaughtered other than at a slaughterhouse unless Regulation 24(1)(b)(ii), (iii) and (iv) are complied with.

Disease control, fur animal, surplus chicks

27. (1) A person shall not slaughter or kill or permit a person to slaughter or kill a soliped, ruminant, pig, rabbit or poultry, if it is to be slaughtered or killed for the purpose of disease control, other than in accordance with Part 5 of Schedule 5.

(2) A person shall not slaughter or kill or permit a person to slaughter or kill an animal farmed for its fur other than in accordance with Part 6 of Schedule 5.

(3) A person shall not slaughter or kill or permit a person to slaughter or kill surplus day-old chicks, and embryos in hatchery waste unless they are killed as rapidly as possible in accordance with Part 7 of Schedule 5.

Emergency and humane killing and slaughtering

28. (1) Regulations 25 and 26 do not apply in the case of an animal which has to be killed immediately for emergency reasons.

(2) Subject to paragraph (3), the owner or person in charge of a seriously injured or diseased animal shall ensure that it is slaughtered or killed immediately to avoid unnecessary suffering, unless a registered veterinary practitioner

considers, after examining the animal, that it is not necessary to slaughter or kill the animal.

(3) A registered veterinary practitioner may authorise the transport of an injured or diseased animal for the purpose of slaughter or killing provided the practitioner is of the opinion that transport does not entail further unnecessary suffering for the animal.

Import of meat

29. A person shall not import meat obtained from a soliped, ruminant, pig, rabbit or poultry from a third country unless it is accompanied by a veterinary certificate certifying that the animal had been slaughtered or killed under conditions which offer guarantees of humane treatment at least equivalent to that granted to an animal of European Union origin.

Part 7

AUTHORISED OFFICERS

Appointment of authorised officer

30. (1) The Minister may, by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of some or all of these Regulations as may be specified in the instrument.

(2) The manager of a local authority may by instrument in writing, appoint such and so many persons as he or she thinks fit to be authorised officers for the purposes of Part 6 of these Regulations.

(3) The Minister or manager of a local authority may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period.

(4) An appointment as an authorised officer ceases-

(a) if it is terminated pursuant to paragraph (3),

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is an officer of the Minister or a local authority, upon the person ceasing to be such an officer.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or manager of a local authority from reappointing as an authorised officer a person to whom that paragraph relates.

(6) An officer of the Minister or of a local authority shall furnish an authorised officer appointed under this Regulation with a warrant of his or her appointment as an authorised officer and, when exercising a power conferred on him or her, the officer, an officer of Customs and Excise or a member of the Garda Síochána shall, if requested by a person affected, produce the warrant or evidence that he or she is such an officer or member to the person.

Functions of authorised officer

31. (1) If an authorised officer has reasonable cause to suspect that—

- (a) an animal is present, has been present or may be present on a premises,
- (b) an animal is or has been killed, slaughtered, processed, stored or otherwise dealt with on a premises, or
- (c) a document relating to an animal is present, was present or may be present on a premises,

the authorised officer may enter the premises and he or she may—

- (i) search the premises,
- (ii) stop a person, vehicle, vessel or container,
- (iii) board and search a vehicle, vessel or container,
- (iv) examine an animal, vehicle, vessel, container or other thing that may be used in connection with an animal,
- (v) take, without payment, samples from an animal, feed or other thing or an article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on a sample such tests, analyses, examinations or inspections as he or she considers necessary or expedient,
- (vi) require the production of a document or thing relating to an animal, feed, vehicle, vessel, container or other thing,
- (vii) retain a document or thing (for so long as is necessary),
- (viii) give a direction to, or request information of, a person regarding an animal, feed, vessel, vehicle, container, premises or other thing as he or she considers necessary,
- (ix) require the name and address of a person and the name and address of any other relevant person including the person to whom an animal or feed, is being delivered or who is causing it to be delivered,
- (x) require of a person the ownership, identity and origin of the animal or feed,
- (xi) make a record whether in writing, by photography or otherwise, or
- (xii) mark or otherwise identify an animal, feed, or a sample taken under subparagraph (v).

- (2) If an authorised officer has reasonable cause to suspect that-
- (a) an offence is being or has been committed under these Regulations,
 - (b) a contravention of an act of the institutions of the European Union relating to animal welfare is being or has been committed, or
 - (c) evidence of an offence or contravention may be, is or has been on a premises-

the authorised officer may, in addition to the powers exercisable by him or her under subsection (1)—

- (i) search a person, where the authorised officer considers it necessary,
- (ii) seize and detain, an animal, carcass, animal product, animal by-product, animal feed, food, vessel, vehicle, container, equipment, machinery or other thing, or
- (iii) dispose of, or require the owner or person in charge of or in possession of an animal, carcass, animal product, animal by-product, animal feed, food or other thing to deal with or dispose of it (or any equipment, machinery, plant or other thing used in connection with, or that may have been in contact with, the animal, carcass, animal product, animal by-product, animal feed or food) in a manner that the authorised officer sees fit.

(3) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling, unless he or she has obtained a search warrant under Regulation 32 other than if he or she has reasonable cause to suspect that before a search warrant could be sought in relation to the dwelling anything to which either paragraph (1) or (2) relates is being or is likely to be destroyed or disposed of.

(4) An authorised officer may use reasonable force, if necessary, in exercise of his or her powers under this Regulation.

(5) An authorised officer, when exercising a power under this Regulation may be accompanied by other persons and may take with him or her, or those persons may take with them, any equipment or materials to assist the officer in the exercise of the power.

(6) An authorised officer is not liable in any proceedings for anything done in the purported exercise of his or her powers under these Regulations if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(7) Without prejudice to the generality of paragraph (1), a direction or requirement of an authorised officer may include conditions prohibiting,

restricting or otherwise controlling the use, processing or movement of an animal as may be specified by the authorised officer.

(8) Nothing in this Regulation operates to prejudice any power to search, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána or an officer of Customs and Excise.

(9) If a member of the Garda Síochána has reasonable grounds to suspect that a person has committed an offence under these Regulations, the member may without warrant arrest the person.

Search warrant

32. (1) If a judge of the District Court is satisfied by information on oath of an authorised officer that there are reasonable grounds for suspecting-

- (a) that evidence of, or relating to, the commission or intended commission of an offence under these Regulations is to be found on a premises,
- (b) there is or was an animal, feed, equipment or other thing made, used or adapted for use (including manufacture and transport) in connection with an animal or feed, on a premises,
- (c) a document or other record related to a thing to which subparagraph (a) or (b) refers is or may be on the premises,

the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter (if necessary by use of reasonable force) the premises, vehicle, vessel or aircraft named in the warrant.

(3) If a premises is entered pursuant to a warrant issued under this Regulation, an authorised officer so entering may exercise all or any of the powers conferred on an authorised officer under these Regulations.

Part 8

WELFARE NOTICE AND EMERGENCY MEASURES

Welfare Notice

33. (1) If an authorised officer is of the opinion that—

- (a) an animal is being caused unnecessary pain, suffering or injury,
- (b) an animal is at risk of being caused unnecessary pain, suffering or injury,
- (c) there is a serious risk to the welfare of an animal, herd or flock or

- (d) the conditions under which an animal, herd or flock is being bred or kept contravene these Regulations,

he or she may serve or cause to be served on the owner or keeper of the animal, herd or flock a notice (“welfare notice”) stating that opinion and directing that—

- (i) an ill or injured animal be cared for in an appropriate manner,
- (ii) veterinary or other specialist advice be obtained in respect of an ill or injured animal,
- (iii) an animal be supplied with feed appropriate to its age and species and in such quantity as will maintain it in good health,
- (iv) an animal be given access to such a supply of suitable liquid as will enable it to fulfil its fluid intake needs,
- (v) one or more animals be moved to and kept in such place as the officer specifies in the notice,
- (vi) one or more animals be sold, destroyed or otherwise disposed of in such manner and at such place (if any) as the officer may specify in the notice,
- (vii) such alterations or additions be made to the premises, land or place at which the animal is kept, or to the equipment and facilities found there, as the officer may specify in the notice,
- (viii) such alterations be made to the manner in which the animal is kept as the officer may specify in the notice, or
- (ix) such other measures be taken as are necessary to ensure that the animal is kept in a manner that complies with these Regulations.

(2) A welfare notice may specify one or more requirements or refer to one or more animals or species of animal.

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

(4) A welfare notice may require the owner or keeper of the animal to choose between two or more of the requirements specified in the welfare notice.

(5) A requirement specified in a welfare notice (in this Regulation referred to as “the earlier welfare notice”) may be modified or withdrawn in a further welfare notice and in that event the earlier welfare notice shall have effect subject to such modification or withdrawal.

(6) A person, including a person upon whom a welfare notice is served, shall not deal with an animal to which the welfare notice relates other than in accordance with the terms of the welfare notice.

(7) In the event of an appeal made pursuant to Regulation 35 a person, including the person appealing, shall not deal with an animal to which a welfare notice relates 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.

(8) If the terms of a welfare notice are confirmed with or without modification by the judge of the District Court hearing an appeal under Regulation 35, a person including the person who made the appeal shall not deal with an animal to which the welfare notice relates other than in accordance with the welfare notice as confirmed.

(9) Any costs pertaining to action required to comply with a welfare notice will be borne by the owner of the animal to which the welfare notice relates.

Service of Welfare Notice

34. (1) A welfare notice shall, subject to paragraph (2), be addressed to the person concerned by name and may be served on a person—

- (a) by giving it to the person,
- (b) by leaving it at the address at which the person ordinarily resides or, where an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, where an address for service has been furnished, at that address, or
- (d) if the address at which the person ordinarily resides cannot be ascertained by reasonable enquiry and the compliance notice relates to a premises, by delivering it to the premises or by affixing it in a conspicuous position on or near the premises.

(2) If a welfare notice is to be served on a person who is the owner or keeper of an animal and the name of the person cannot be ascertained by reasonable enquiry, it may be addressed to that person by using the words “the owner” or “the keeper”.

(3) A person shall not, at any time within 6 months after a welfare notice is affixed under paragraph (1)(d), remove, damage or deface the notification or compliance notice without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

Appeal against welfare notice

35. (1) A person may appeal within 7 days of the service of a welfare notice to the judge of the District Court having jurisdiction in the District Court District where the animal to which the welfare notice relates is situated or to the

judge of the District Court where the person bringing the appeal ordinarily resides or carries on business on the grounds that the notice or any terms thereof are not justified having regard to these Regulations and the objectives of the Calves Directive, Chicken Welfare Directive, General Welfare Directive, Laying Hens Directive or Pigs Directive (hereafter referred to as “an appeal”).

(2) An appeal may be heard at any sitting of the District Court within the appropriate District Court District.

(3) Notice of an appeal shall be served on the Minister at least 2 days 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 welfare notice.

(4) A 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.

(5) A copy of the notice of appeal shall be lodged with the District Court Clerk in the manner specified in the welfare notice (if any) at least 2 days prior to the hearing of the appeal.

(6) On the hearing of an appeal under this Regulation a judge of the District Court may confirm, modify or annul a welfare notice.

Power to seize and dispose of an animal

36. (1) Without prejudice to Regulation 31 or 33, if—

- (a) the owner or keeper of an animal fails to comply with the terms of a welfare notice within the time limit specified therein,
- (b) an authorised officer has reasonable grounds for believing that the terms of a welfare notice will not be complied with,
- (c) a welfare notice has been confirmed with or without modification under Regulation 35 and the notice has not been complied with,
- (d) an authorised officer has reasonable grounds for believing that the terms of a welfare notice which has been confirmed with or without modification under Regulation 35 will not be complied with, or
- (e) pending the determination of an appeal made under Regulation 35, an authorised officer has reasonable grounds for believing that—
 - (i) a welfare notice, or
 - (ii) a direction given pursuant to Regulation 31,

has not been or will not be complied with, an authorised officer may at any time seize the animal at such premises as he or she thinks fit.

(2) An authorised officer may sell or dispose of a seized animal or cause it to be sold or be otherwise disposed of or destroyed in such manner and at such

place as the authorised officer considers appropriate in the circumstances of the case.

(3) Any profits arising out of the sale or disposal of an animal under this Regulation shall be paid to the owner of the animal less any expenses incurred in connection with seizure, maintenance, sale, disposal or destruction of the animal.

(4) The costs (including ancillary costs) of seizure, maintenance, sale, disposal or destruction of an animal under Regulation 31, this Regulation or Regulation 37 are, subject to paragraph (3), recoverable-

- (a) by deducting the costs from any sum that is or becomes payable by the Minister to the owner of the animal, or
- (b) as a simple contract debt in any court of competent jurisdiction from the person who was the owner of the animal at the time of seizure, sale, disposal or destruction took place.

Emergency measures

37. Notwithstanding Regulation 33(1), if an authorised officer who is a veterinary practitioner is of the opinion that an animal-

- (a) is suffering a degree of pain, suffering or injury, or
- (b) is seriously at risk of being subject to a degree of pain, suffering or injury,

and that measures should be taken immediately to relieve its pain or suffering or risk of pain or suffering, he or she may seize, sell, dispose of or destroy or may arrange for the sale, disposal or destruction of the animal.

Part 9

FINAL PROVISIONS

Obstruction, etc

38. A person shall not—

- (a) obstruct or impede an authorised officer in the exercise of his or her functions under these Regulations,
- (b) fail, without reasonable cause, to comply with a requirement or direction of an authorised officer under Regulation 31,
- (c) in purporting to give information to an authorised officer for the performance of the officer's functions under Regulation 31—
 - (i) make a statement that he or she knows to be false in a material particular or recklessly make a statement which is false in a material particular, or
 - (ii) fail to disclose a material particular,

- (d) tamper or otherwise interfere with a sample taken under Regulation 31, or
- (e) aid or abet a contravention of these Regulations.

Forgery

39. (1) A person shall not forge or utter knowing it to be forged a direction or requirement of an authorised officer under Regulation 31 (if the direction or requirement is in written form) or a welfare notice or a document purporting to be an extract therefrom (hereafter in this Regulation referred to as “a forged document”).

(2) A person shall not alter with intent to defraud or deceive, or utter knowing it to be so altered a direction or requirement of an authorised officer under Regulation 31 (if the direction or requirement is in written form) or a welfare notice or an extract therefrom (hereafter in this Regulation referred to as “an altered document”).

(3) A person shall not have, without lawful authority, in his or her possession or under his or her control a forged document or an altered document.

Evidence on certificate

40. (1) In proceedings for an offence consisting of a contravention of these Regulations, a certificate purporting to be signed by a person employed at a laboratory named in the certificate stating the capacity in which that person is so employed and stating any one or more of the following, namely—

- (a) that the person received a sample submitted to the laboratory,
- (b) that, for such period as is specified in the certificate, the person had in his or her custody a sample so submitted,
- (c) that the person gave to such other person as is specified in the certificate a sample so submitted, or
- (d) that the person carried out any laboratory examination and the result of that examination,

is, unless the contrary is proved, evidence of the matters stated in the certificate.

(2) A certificate purporting to be signed by an officer of the Minister and to certify that on a specific day or days or during the whole of a specified period—

- (a) a particular person was registered in the register,
- (b) the registration of a particular person had been revoked, or
- (c) that a particular, registration was subject to a particular condition or conditions,

is, without proof of the signature of the person purporting to sign the certificate or that he or she is an officer of the Minister, evidence, unless the contrary is shown, of the matters stated in the certificate.

(3) In proceedings for an offence under these Regulations the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under paragraph (1) or (2) be given, and the court may for the purpose of receiving oral evidence adjourn the matter.

(4) In proceedings for an offence, evidence of an act of the institutions of the European Community may be given by production of a copy of the act certified by an officer of the Minister to be a copy of the act, and it is not necessary to prove the signature of the officer or that he or she is an officer of the Minister.

(5) Paragraph (4) is in addition to and not in substitution for the European Communities (Judicial Notice and Documentary Evidence) Regulations 1972 (S.I. No. 341 of 1972).

Offences

41. (1) A person who—

(a) contravenes Regulation 5, 7, 8, 9, 10, 11 (2), (12), 13, 14(4), (5), 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 (1), (3), 26, 27, 28 (2), 29, 33 (6), (7), 34 (3), 38 or 39, or

(b) fails to comply with a direction or requirement of an authorised officer under Regulation 31 or the requirements of a welfare notice or a welfare notice confirmed with or without modification,

commits an offence and is liable—

(i) on conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 6 months or both, or

(ii) on conviction on indictment to a fine not exceeding €100,000 or to a term of imprisonment not exceeding 3 years or both.

(2) A summary offence under these Regulations may be prosecuted by—

(a) the Minister, or

(b) in respect of Part 6, the local authority in whose functional area the alleged offence occurs.

(3) If an offence under these Regulations is committed by a body corporate or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons and it is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of any other person who, when the offence was committed, was, or purported to act as, a director, manager, secretary or other officer (including a member of any committee of management or other controlling authority) of the

body, such other person as well as the body, or the person so purporting to act on behalf of the body, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

(5) In a prosecution for an offence under these Regulations, it is not a defence for the defendant to show that Regulation 6 applies to that person in respect of the premises to which the alleged offence relates if he or she is entered in the Register maintained under Regulation 11 unless he or she can show to the satisfaction of the Court that he or she has given notice in accordance with Regulation 11(13) and the Minister is put on notice of this defence no later than 10 days prior to the sitting of the Court where the case is heard.

Revocation and savers

42. (1) The following are revoked—

- (a) the European Communities (Welfare of farmed animals) Regulations 2008 (S.I. No. 14 of 2008),
- (b) the European Communities (Welfare of farmed animals) (Amendment) Regulations 2009 (S.I. No. 32 of 2009), and
- (c) the European Communities (Welfare of farmed animals) (Amendment)(No. 2) Regulations 2009 (S.I. No. 71 of 2009).

(2) A welfare notice within the meaning of the Regulations revoked by paragraph (1) that is in force immediately before the making of these Regulations remains in force and shall be dealt with as if it were a welfare notice.

(3) An appeal under Regulations revoked by paragraph (1) shall be dealt with as if it were an appeal under Regulation 35 of these Regulations.

(4) 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).

(5) In case of conflict, these Regulations prevail over the Slaughter of Animals Act 1935.

CONDITIONS UNDER WHICH AN ANIMAL SHOULD BE KEPT

Staffing.

1. An animal shall be cared for by a sufficient number of persons possessing the appropriate ability, knowledge and professional competence.

Inspection.

2. An animal kept in a husbandry system in which the welfare of the animal depends on frequent human attention shall be inspected at least once a day and an animal in another system shall be inspected at intervals sufficient to detect and allow for action to avoid any suffering.

3. Adequate lighting (fixed or portable) shall be available to enable an animal to be thoroughly inspected at any time.

4. An animal which appears to be ill or injured must be cared for appropriately without delay and, where the animal does not respond to such care, veterinary advice must be obtained as soon as possible. Where necessary, a sick or injured animal shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

Record keeping.

5. The owner or keeper of an animal shall maintain a record of any medicinal treatment given and of the number of mortalities found at each inspection. Equivalent information being kept for other purposes shall suffice.

6. These records shall be retained for a period of at least 3 years and shall be made available to an authorised officer when requested by him or her.

Freedom of movement.

7. The freedom of movement of an animal, having regard to its species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause it unnecessary suffering or injury. Where an animal is continuously or regularly tethered or confined, it must be given the space appropriate to its physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation.

8. Materials to be used for the construction of accommodation, and in particular for the construction of pens and equipment with which an animal may come into contact, must not be harmful to the animal and must be capable of being thoroughly cleaned and disinfected.

9. Accommodation and fittings for securing an animal shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to the animal.

10. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to an animal.

11. An animal kept in buildings must not be kept either in permanent darkness or without an appropriate period of rest from artificial lighting. Where the natural light available is insufficient to meet the physiological and ethological needs of an animal appropriate artificial lighting must be provided.

Animals not kept in buildings.

12. An animal not kept in buildings shall where necessary and possible be given protection from adverse weather conditions, predators and risks to its health.

Automatic or mechanical equipment.

13. All automated or mechanical equipment essential for the health and well-being of an animal must be inspected at least once daily. If defects are discovered these must be rectified immediately or, if this is impossible, appropriate steps must be taken to safeguard the health and well-being of the animal. Where the health and well-being of an animal is dependent on an artificial ventilation system, provision must be made for an appropriate backup system to guarantee sufficient air renewal to preserve the health and well-being of the animal in the event of failure of the system and an alarm system must be provided to give warning of breakdown. The alarm system must be tested regularly.

Feed, water and other substances.

14. An animal must be fed a wholesome diet which is appropriate to its age and species and which is fed to the animal in sufficient quantity to maintain it in good health and satisfy its nutritional needs. No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

15. An animal must have access to feed at intervals appropriate to its physiological needs.

16. An animal must have permanent access to a suitable water supply or be able to satisfy its fluid intake needs by other means.

17. Feeding and watering equipment must be designed, constructed and placed so that contamination of food and water and the harmful effects of competition between animals are minimised.

18. No animal remedy may be administered to an animal other than an animal remedy authorised under and administered in accordance with the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of

2007) and the European Communities (Control of Animal Remedies and their Residues) Regulations 2009 (S.I. No. 183 of 2009) and no other substance may be given to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animal.

Breeding procedures.

19. Natural or artificial breeding or breeding procedures that cause or are likely to cause suffering or injury to an animal must not be practised. This provision does not preclude the use of certain procedures likely to cause minimal or momentary suffering or injury or which might necessitate interventions which would not cause lasting injury.

20. An animal shall not be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.

Schedule 2

Regulation 7.

CONDITIONS UNDER WHICH LAYING HENS SHOULD BE KEPT

1. All laying hens shall be inspected by the owner or person in charge of the premises where they are located at least once each day.

2. The sound level shall be minimised and constant and sudden noises on a premises shall be avoided.

3. Ventilation fans, feeding machinery and other equipment shall be constructed, located, operated and maintained in a manner that causes the least possible noise.

4. Each building used to keep or rear laying hens shall have light levels that are sufficient to allow laying hens to see one another and be seen clearly, to investigate their surroundings visually and show normal levels of activity. Where there is natural light, light apertures shall be placed in a manner that light is distributed evenly within the accommodation.

After the first days of conditioning, lighting shall follow a 24 hour cycle, include an uninterrupted period of darkness of approximately eight hours so that the laying hens may rest and avoid problems such as immuno-depression and ocular anomalies and, otherwise, be such as to prevent health and behavioural problems. An adequate period of twilight, when the light is dimmed and which facilitates the laying hens setting down without disturbance or injury, shall be provided.

5. Without prejudice to paragraph 6, parts of buildings, equipment, machinery or other utensils that may come into contact with laying hens shall be thoroughly cleansed and disinfected at regular intervals.

6. On each occasion when depopulation is carried out, parts of buildings, equipment, machinery or other utensils that may come into contact with laying hens shall be thoroughly cleansed and disinfected prior to the introduction of a new batch of laying hens.

7. While cages are occupied, they shall be kept satisfactorily clean.

8. Droppings must be removed as often as necessary and dead laying hens must be removed when found or, at a minimum, once a day.

9. Each cage shall be constructed in a manner that prevents a laying hen from escaping.

10. Accommodation that comprises two or more tiers of cages must have devices (or other appropriate measures must be taken) to facilitate inspection of each tier and removal of laying hens without difficulty.

11. A cage door must be designed and be of such dimensions that an adult laying hen may be removed without unnecessary suffering or sustaining injury.

12. Mutilation of a laying hen is, without prejudice to point 19 of the Annex of the General Welfare Directive, prohibited.

13. Beak trimming may only be undertaken by trained and competent personnel and the beaks of laying hens over 9 days old shall not be trimmed.

Regulation 13(a)

Schedule 3

Part 1

CONDITIONS APPLICABLE TO PREMISES WHERE CHICKENS ARE KEPT FOR MEAT PRODUCTION.

1. Drinkers

Drinkers shall be positioned and maintained in such a way that spillage is minimised

2. Feeding

Feed shall be either continuously available or meal fed and must not be withdrawn from chickens more than 12 hours before the expected slaughter time.

3. Litter

All chickens shall have permanent access to litter that is dry and easily crumbled on the surface.

4. Ventilation and heating

Ventilation shall be sufficient to avoid a chicken overheating and shall operate, where necessary, in combination with heating systems to remove excessive moisture.

5. Noise

The sound level shall be minimised. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

6. Light

All buildings shall have lighting with an intensity of at least 20 lux during the lighting period, measured at birds-eye level and illuminating at least 80% of the usable area. A temporary reduction in lighting may be allowed when necessary following veterinary advice.

Within seven days of chickens being placed in a building until three days before the anticipated time of slaughter, lighting must follow a 24 hour rhythm and include periods of darkness lasting at least 6 hours, with one period of darkness of at least 4 hours, excluding dimming periods.

7. Inspection

All chickens kept for meat production must be inspected at least twice per day. Special attention must be paid to signs indicating a possible reduced level of welfare or health.

Chickens that are seriously injured or show evident signs of health disorder (such as those having difficulty in walking, abnormal accumulation of fluid or severe malformations), and are likely to suffer, shall receive appropriate treatment or be culled immediately.

A registered veterinary practitioner shall be contacted when necessary.

8. Cleaning

Those parts of a building, equipment, machinery or utensils in contact with chickens shall be thoroughly cleaned and disinfected every time final depopulation is carried out and before new birds are introduced into the building.

After final depopulation of a building, all litter must be removed and an adequate amount of clean litter that conforms to paragraph 3 provided.

9. Record keeping

The owner or keeper shall maintain an accurate record in respect of each building in which chickens are kept of—

- (a) the number of chickens introduced,

- (b) the useable area,
- (c) the hybrid or breed of the chickens,
- (d) the number of birds found dead after each inspection, with an indication of the cause of death, if known,
- (e) the number of birds culled after each inspection with the reasons for culling, and
- (f) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.

The records referred to in this paragraph shall be maintained for at least 3 years and be made available for inspection on request to an authorised officer.

10. Surgical intervention

All surgical interventions which result in damage to or loss of a sensitive part of the body or alteration of bone structure carried out for other than therapeutic reasons or diagnostic purposes are prohibited.

11. Castration

Castration of chickens shall only be carried out in accordance with the direction of a registered veterinary practitioner by persons trained in techniques of castration.

12. Beak trimming

Beak trimming may only be undertaken, after all other measures to prevent feather pecking and cannibalism have failed, by trained and competent personnel and the beaks of chickens over 9 days old shall not be trimmed.

Regulation 13 (b)
(ii)

Part 2

REQUIREMENTS FOR HIGHER STOCKING DENSITIES

1. The owner or keeper shall inform the Minister, at least 15 days prior to the placement of a flock on the premises, of his or her intention to use a stocking density greater than 33 kilogrammes per square metre. The information shall state the exact stocking density proposed.

2. The owner or keeper shall maintain in each house to which a higher stocking density applies documentation describing in detail the production system and, in particular, it shall include technical detail relating to the building and equipment, including-

- (a) an accurate plan of the building including dimensions of areas occupied by chickens,

- (b) ventilation, and, if relevant, cooling and heating system, including their location, a ventilation plan detailing target air quality parameters, such as airflow, air speed and temperature,
- (c) feeding and watering systems and their location,
- (d) alarm systems and backup systems in the event of failure of any automated or mechanical equipment essential for the health and well being of the chickens, and
- (e) floor type and litter normally used.

The information maintained under this paragraph shall be kept updated and made available on request to an authorised officer.

The owner or keeper shall inform the Minister of any changes in a building, equipment or procedures used for the purposes of this Part.

3. The owner or keeper shall ensure that each building on a holding used for the purposes of this Part is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that-

- (a) the concentration of ammonia (NH³) does not exceed 20 parts per million and the concentration of carbon dioxide (CO²) does not exceed 3,000 parts per million measured at the level of the chickens heads,
- (b) the inside temperature, when the outside temperature measures in the shade exceeds 30 degrees centigrade, does not exceed the outside temperature by more than 3 degrees centigrade, and
- (c) the average relative humidity measured inside the building during 48 hours does not exceed 70% when the outside temperature is below 10 degrees centigrade.

Part 3

*Regulation 13 (b)
(iii)*

CRITERIA FOR FURTHER INCREASING STOCKING DENSITY

1. The monitoring of the premises by the Minister over the previous two year period did not show any deficiencies with respect to the requirements of Part 3 of these Regulations.

2. Regular monitoring by the owner or keeper is carried out using codes of practice prepared in accordance with Regulation 3.

3. In at least 7 consecutive, subsequently checked flocks from a house, the cumulative daily mortality rate is less than 1% + 0.6% x the slaughter age of the flock expressed in days.

4. If no monitoring was carried out in the previous two years, at least one inspection shall be carried out to verify compliance with paragraphs 1 to 3.

5. Despite paragraph 3, the Minister may permit an increase in stocking density if the owner or keeper provides sufficient explanation for the exceptional nature of a higher daily cumulative mortality rate or to show that the cumulative daily mortality rate is caused by factors beyond the owner's or keeper's control.

Regulation 14

Part 4

TRAINING

An approved training course shall cover, at least, Community legislation concerning the protection of chickens and, in particular-

- (a) the matters referred to in this Schedule,
- (b) physiology, in particular drinking and feeding needs, animal behaviour and the concept of stress,
- (c) the practical aspects of the careful handling of chickens, catching loading and transporting chickens.
- (d) Emergency care for chickens, emergency killing and culling, and
- (e) Preventive biosecurity measures.

Regulation 16

Schedule 4

Part 1

CONDITIONS UNDER WHICH CALVES AND PIGS SHOULD BE KEPT

1. Materials used for the construction of accommodation and in particular boxes, stalls and equipment with which calves or pigs may come into contact shall not be harmful to the calves or pigs. Those parts of the accommodation with which an animal may 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 Installations Second Edition 1991 (ET 101/1991) or any amendment, modification or replacement to those Rules.

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

4. All automated or mechanical equipment essential for the health and well-being of calves or pigs shall be inspected at least once daily. Where defects are discovered, these shall be rectified immediately or as soon as reasonable. In the

meantime, all appropriate steps shall be taken to safeguard the health and well-being of the calves or 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 calves or pigs in the event of the failure of the system, and an alarm system, independent of the mains electricity supply, shall be provided to inform the owner or person in charge of the breakdown or fire.

The alarm system shall be tested at least once a month and maintained in proper working order.

5. Calves and 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 continuous hours each day. Every source of artificial light shall be mounted so as not to cause discomfort to the calves or pigs.

An adequate source of light shall be available to enable the calves or pigs to be properly inspected at any time.

6. All housed calves reared in groups or in individual pens shall be inspected by the owner or the person in charge at least twice daily. Calves kept outside, and pigs shall be inspected at least once daily.

Any calf or pig that appears to be ill or injured shall be treated appropriately without delay and veterinary advice shall be obtained as soon as possible for any calf or pig that is not responding to the care of the owner or person in charge.

Where necessary, sick or injured calves and pigs shall be isolated in adequate accommodation with dry, comfortable bedding.

A calf or pig shall be able to turn around easily unless such movement is contrary to specific advice from a registered veterinary practitioner.

7. Where tethers are used, they shall not cause injury to the calves and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

Each tether shall be designed to avoid the risk of strangulation or injury and to allow the calf to move in accordance with paragraph 1 Part 2.

8. Housing, pens, equipment and utensils for calves and pigs shall be properly cleansed 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 minimize smell and avoid attracting flies or rodents.

9. Floors shall be smooth but not slippery so as to prevent injury to the calves or pigs and so designed as not to cause injury or suffering to calves or pigs standing or lying on them. Floors shall be suitable for the size and weight of the

calves or 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 calves or pigs. Appropriate bedding shall be provided for all calves less than 2 weeks old. If bedding is provided for pigs, it shall be clean, dry and not harmful to the pigs.

10. (a) Feeding and watering equipment for calves and pigs shall be designed, constructed, placed and maintained so that contamination of feed and water is minimized.
 - (b) Equipment and fittings shall be designed and maintained in such a way as to minimize, as far as is practicable, the exposure of the calves or pigs to spills of feed or water, or to faeces and urine.
11. Calves and pigs shall be cared for by a sufficient number of suitably experienced personnel.

Part 2

Specific Provisions for Calves.

1. Subject to Regulation 5, the accommodation for calves shall be constructed in such way as to allow each calf to lie down, rest, stand up and groom itself without difficulty. Each calf shall have a clean place in which to rest and shall, unless isolated for veterinary reasons, be able to see other calves.
2. Calves shall not be tethered, with the exception of group-housed calves which may be tethered for periods of not more than one hour at the time of feeding milk or milk substitute.
3. All calves shall be provided with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare and for this purpose the food for calves shall contain sufficient iron to ensure an average blood haemoglobin level of at least 4.5 mmol/litre and a minimum daily ration of fibrous food shall be provided for each calf over 2 weeks old, the quantity being raised from 50g to 250g per day for calves from 8 to 20 weeks old.
4. All calves shall be fed at least twice a day. Where calves are housed in groups and not fed ad libitum or by an automatic feeding system, each calf shall have access to the food at the same time as the others in the group.
5. All calves over 2 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. However, in hot weather conditions or for calves that are ill, fresh drinking water shall be available at all times.
6. Each calf shall receive bovine colostrum as soon as possible after it is born and, in any case, within the first 6 hours of life.

*Part 3**Specific Provisions for various Categories of Pigs***Chapter I****ALL PIGS**

1. Subject to Regulation 18, accommodation for pigs shall be constructed in such way as to allow each pig lie down, rest, and stand up without difficulty. Each pig shall have a clean place in which to rest and shall, unless isolated for veterinary reasons, be able to see other pigs.

Each pig shall have access to a clean lying area that is physically and thermally comfortable, adequately drained and that is of sufficient area to allow each pig lie down at the same time.

2. If pigs are kept together, measures shall be taken to prevent fighting that goes beyond normal behaviour and to investigate the causes of fighting. If possible, measures, including provision of plentiful straw or other materials, shall be put in place. Pigs which show persistent aggression towards others or are victims of aggression shall be isolated or kept separate from the group.

3. All pigs shall be provided with an appropriate diet adapted to their age, weight and behavioural and physiological needs, to promote good health and welfare.

4. 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.

5. All pigs over 2 weeks of age shall have permanent access to a sufficient quantity of fresh water.

6. In addition to 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 environmental conditions, management systems and stocking densities, shall be able to obtain straw or any other suitable material or object.

7. Subject to Regulation 18(2), the owner or person in charge shall take all necessary measures to ensure that pigs are not subject to constant or sudden noise.

8. A pig shall have permanent access to a sufficient quantity of suitable material, such as straw, hay, wood, peat or mushroom compost to enable proper investigation and manipulation activities, that does not compromise the health of the pig.

Chapter II

BOARS

9. Subject to paragraph 10, 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 unobstructed floor area of the pen for an adult boar shall be 6 square metres.

10. If pens are used for natural service, the minimum unobstructed floor area of a pen for an adult boar shall be 10 square metres.

Chapter III

SOWS AND GILTS

11. 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 cleaned.

12. Sows and gilts shall be provided with a clean, adequately drained, comfortable lying area and shall, in the week before expected farrowing, be given suitable nesting material unless this is not technically feasible due to the slurry system in use on the premises.

13. An unobstructed area behind the sow or gilt shall be available for the ease of natural or assisted farrowing.

14. Farrowing crates where sows are kept loose shall have some adequate means, such as farrowing rails, to protect the piglets.

15. Sows and gilts shall be provided with a diet that satisfies their nutritional needs and contains sufficient quantity of suitable bulky or high fibre food to satisfy their hunger and the need to chew and to ensure that they do not display signs of hunger.

Chapter IV

PIGLETS

16. Piglets shall be provided with a source of heat and a solid, dry and comfortable lying area, covered with a mat or littered with suitable material, away from the sow where all of them can rest at the same time.

17. Where a farrowing crate is used, the piglets shall have sufficient space to be able to be suckled without difficulty.

18. 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.

Where tooth clipping appears necessary, this shall be carried out within seven days of birth.

19. Subject to paragraph 20, piglets shall not be weaned from the sow at less than 28 days of age unless the welfare or health of the dam or piglets would otherwise be adversely affected.

20. Despite paragraph 19, piglets, if accommodated in specialised housing that has been thoroughly cleaned and disinfected immediately before the introduction of those piglets, may be weaned from the sow at no less than 21 days of age.

21. Housing to which paragraph 20 refers shall be separate, in a manner that adequately prevents the risk or spread of disease, from housing containing sows.

Chapter V

WEANERS AND REARING PIGS

22. 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.

If pigs unfamiliar with one another are to be mixed, they shall be mixed at as early an age as possible and, preferably, within seven days of weaning.

Pigs shall be afforded adequate opportunity to escape and hide from other pigs.

23. An animal remedy shall not be administered, to facilitate mixing of pigs, other than in exceptional circumstances, under and in accordance with the written prescription of a registered veterinary practitioner; that prescription shall be retained by the owner or person in charge of the pigs and a copy shall be retained by the registered veterinary practitioner who prescribes the animal remedy.

Schedule 5

Regulation 24

Part 1

REQUIREMENTS FOR THE MOVEMENT AND LAIRAGING OF ANIMALS IN SLAUGHTERHOUSES.

I. General requirements.

1. A slaughterhouse shall have suitable equipment and facilities available for the purpose of unloading animals from means of transport.

2. Animals shall be unloaded as soon as possible after arrival. If delay is unavoidable they shall be protected from extremes of weather and provided with adequate ventilation.

3. Animals which might injure each other on account of their species, sex, age or origin shall be kept and lairaged apart from each other.

4. Animals shall be protected from adverse weather conditions. If they have been subjected to high temperature in humid weather they shall be cooled by appropriate means.

5. The condition and state of health of the animals shall be inspected at least every morning and evening.

6. Without prejudice to Chapter VI of Annex I to Directive 64/433/EEC, animals which have experienced pain or suffering during transport or upon arrival at the slaughterhouse, and unweaned animals, shall be stunned and slaughtered immediately. If this is not possible, they shall be separated and then stunned and slaughtered as soon as possible and at least within the following two hours. Animals which are unable to walk shall not be dragged to the place of slaughter, but shall be killed where they lie or, where it is possible and does not entail any unnecessary suffering, transported on a trolley or moveable platform to the place of emergency slaughter.

II. Requirements for animals delivered other than in containers.

1. Equipment for unloading animals shall have non-slip flooring and, if necessary, be provided with lateral protection. Bridges, ramps and gangways shall be fitted with sides, railings or some other means of protection to prevent animals falling off them. Exit or entry ramps shall have the minimum possible incline consistent with the animal being able to retain its footing.

2. During unloading, care shall be taken not to frighten, excite or mistreat the animals, and to ensure that they are not overturned. Animals shall not be lifted by the head, horns, ears, feet, tail or fleece in such a way as to cause them unnecessary pain or suffering. When necessary, they shall be led individually.

3. Animals shall be moved with care. Passageways shall be so constructed as to minimise the risk of injury to animals, and so arranged as to exploit their gregarious tendencies. Instruments intended for guiding animals shall be used solely for that purpose, and only for short periods. Instruments which administer electric shocks may be used only for adult bovine animals and pigs which refuse to move, provided that the shocks last no more than two seconds, are adequately spaced out and that the animals have room ahead of them in which to move. Such shocks may be applied only to the muscles of the hindquarters.

4. Animals shall not be struck on, nor shall pressure be applied to, any particularly sensitive part of the body. In particular, animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Blows and kicks shall not be inflicted.

5. Animals shall not be taken to the place of slaughter unless they can be slaughtered immediately. If they are not slaughtered immediately on arrival they shall be lairaged.

6. A slaughterhouse shall be equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather.

7. A lairage shall have:

- (a) floors which minimise the risk of slipping and which do not cause injury to animals in contact with them,
- (b) adequate ventilation, taking into account the extremes of temperature and humidity which may be expected. Where mechanical means of ventilation are required, provision shall be made for emergency back-up facilities in the event of breakdown,
- (c) artificial lighting at a level sufficient to permit inspection of all animals at any time; if necessary, adequate back-up lighting shall be available,
- (d) where necessary, equipment for tethering animals,
- (e) where necessary, adequate supplies of a suitable bedding material for all animals kept in the lairage overnight.

8. Where, in addition to the lairages referred to above, slaughterhouses, have field lairages without natural shelter or shade, appropriate protection from adverse weather shall be provided. Field lairages shall be maintained in such condition as to ensure that animals are not subjected to physical, chemical or other health hazards.

9. Animals which are not taken directly upon arrival to the place of slaughter shall have drinking water available to them from appropriate facilities at all times. Animals which have not been slaughtered within 12 hours of their arrival shall be fed, and shall subsequently be given moderate amounts of food at appropriate intervals.

10. Animals which are kept for 24 hours or more at a slaughterhouse shall be lairaged and, where appropriate, tethered, in such a way that they can lie down and feed without difficulty. Where animals are not tethered, food shall be provided in a way which will permit the animals to feed undisturbed.

III. Requirements for animals delivered in containers.

1. Containers in which animals are transported shall be handled with care, and shall not be thrown, dropped or knocked over. Where possible, they shall be loaded and unloaded horizontally and mechanically.

2. Animals delivered in containers with perforated or flexible bottoms shall be unloaded with particular care in order to avoid injury. Where appropriate, animals shall be unloaded from the containers individually.

3. Animals which have been transported in containers shall be slaughtered as soon as possible; otherwise they shall if necessary be watered and fed in accordance with paragraph 9 of Section II.

Part 2.

RESTRAINT OF ANIMALS BEFORE STUNNING, SLAUGHTER OR KILLING.

1. Animals shall be restrained in an appropriate manner in such a way as to spare them any avoidable pain, suffering, agitation, injury or contusions.

However, in the case of ritual slaughter, restraint of bovine animals before slaughter using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to the animals is obligatory.

2. Animals' legs shall not be tied, and animals shall not be suspended before stunning or killing. However, poultry and rabbits may be suspended for slaughter provided that appropriate measures are taken to ensure that, on the point of being stunned, they are in a sufficiently relaxed state for stunning to be carried out effectively and without undue delay.

Furthermore, holding an animal in a restraint system may in no circumstances be regarded as suspension.

3. Animals which are stunned or killed by mechanical or electrical means applied to the head shall be presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time. The Minister may, however, in the case of solipeds and cattle, authorise the use of appropriate means to restrain head movements.

4. Electrical stunning equipment shall not be used as a means of restraint or immobilisation or to make animals move.

Part 3.

STUNNING OR KILLING OF ANIMALS OTHER THAN ANIMALS REARED FOR FUR.

I. Permitted Methods.

A. Stunning.

1. Captive bolt pistol.
2. Concussion.
3. Electronarcosis.
4. Exposure to carbon dioxide.

B. Killing.

1. Free bullet pistol or rifle.

2. Electrocution.
3. Exposure to carbon dioxide.

C. The Minister may, however, authorise decapitation, dislocation of the neck and the use of a vacuum chamber as a method of killing for certain specific species, provided that Regulation 23 is complied with and that specific requirements laid down in Section III of this Part are met.

II. Specific Requirements for Stunning.

Stunning shall not be carried out unless it is possible to bleed the animals immediately afterwards.

1. Captive bolt pistol.

- (a) Instruments shall be positioned so as to ensure that the projectile enters the cerebral cortex. In particular, it is prohibited to shoot cattle in the poll position.

Sheep and goats may be shot in the poll position if the presence of horns prevents use of the crown position. In such cases the shot shall be placed immediately behind the base of the horns and aimed towards the mouth, and bleeding shall commence within 15 seconds of shooting.

- (b) When using a captive bolt instrument, the operator shall check to ensure that the bolt retracts to its full extent after each shot. If it does not so retract, the instrument shall not be used again until it has been repaired.
- (c) Animals shall not be placed in stunning pens unless the operator who is to stun them is ready to do so as soon as the animal is placed in the pen. Animals shall not be placed in a head restraint until the slaughterman is ready to stun them.

2. Concussion.

- (a) This is only permitted using a mechanically-operated instrument which administers a blow to the skull. The operator shall ensure that the instrument is applied in the proper position and that the correct strength of cartridge is used, in accordance with the manufacturer's instructions, to produce an effective stun without fracture of the skull.
- (b) However, in the case of small batches of rabbits, where a non-mechanical blow to the skull is used, that operation shall be carried out in such a way that the animal is immediately rendered unconscious and remains so until its death and in compliance with Regulation 23.

3. Electronarcosis.

A. Electrodes.

1. Electrodes shall be so placed that they span the brain, enabling the current to pass through it. Appropriate measures shall also be taken to ensure that there is good electrical contact, in particular by removing excess wool or wetting skin.

2. Where animals are stunned individually, the apparatus shall:

(a) incorporate a device which measures the impedance of the load and prevents operation of the apparatus if the minimum required current cannot be passed;

(b) incorporate an audible or visible device indicating the length of time of its application to an animal;

(c) be connected to a device indicating the voltage and the current under load, and be positioned so as to be clearly visible to the operator.

B. Waterbath stunners

1. Where waterbath stunners are used to stun poultry, the level of the water shall be adjustable in order to ensure that there is good contact with the bird's head.

The strength and duration of the current used in this case will be determined by an authorised officer so as to ensure that the animal is immediately rendered unconscious and remains so until death.

2. Where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned shall be maintained.

3. Appropriate measures shall be taken to ensure that the current passes properly, in particular, by the use of good electrical contacts and by wetting the shackle-to-leg contact.

4. Waterbaths for poultry shall be adequate in size and depth for the type of bird being slaughtered, and shall not overflow at the entrance. The electrode which is immersed in the water shall extend the length of the waterbath.

5. If necessary, manual back-up shall be available.

C. Exposure to carbon dioxide.

1. The concentration of carbon dioxide for stunning pigs shall be at least 70% by volume.

2. The chamber in which pigs are exposed to the gas, and the equipment used for conveying the pigs through it, shall be so designed, constructed and maintained as to avoid injury to the pigs and compression of the chest and enable

them to remain upright until they lose consciousness. Adequate lighting shall be provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings.

3. The chamber shall be fitted with devices for measuring the gas concentration at the point of maximum exposure and for giving a clearly visible and audible warning if the concentration of carbon dioxide falls below the required level.

4. Pigs shall be placed in pens or containers in which they can see each other and conveyed into the gas chamber within 30 seconds from their entry into the installation. They shall be conveyed as rapidly as possible from the entrance to the point of maximum concentration of the gas and shall be exposed to it for long enough to ensure that they remain unconscious until they have been killed.

5. The Minister may, on application, and subject to such conditions as he or she may specify, authorise the stunning of poultry by exposure to carbon dioxide or a mixture of other gases or refuse an application.

III. Specific Requirements for Killing.

1. Free bullet pistol or rifle.

These methods, which may be used to kill various species, in particular large farmed game and deer, are subject to authorisation by the Minister, who shall be satisfied, in particular, that these methods are used by duly qualified staff and are in compliance with Regulation 23.

2. Decapitation and dislocation of the neck.

These methods, which are to be used only for killing poultry, are subject to authorisation by the Minister, who shall be satisfied, in particular, that these methods are used by duly qualified staff and are in compliance with Regulation 23.

3. Electrocutation and carbon dioxide.

The Minister may authorise the killing of various species by these methods provided that, in addition to Regulation 23, the specific provisions laid down in paragraphs 3 and 4 of Section II are complied with. The Minister may, to ensure the effectiveness of these methods, lay down the strength and duration of the current used and the concentration and length of exposure to carbon dioxide.

4. Vacuum chamber.

This method, which is to be used only for the killing without bleeding of certain animals for consumption belonging to farmed game species (quail, partridge and pheasant), is subject to authorisation by the Minister. To obtain authorisation the owner or person in charge of the animals shall ensure, in addition to compliance with Regulation 23, that:

- (a) the animals are placed in an airtight chamber in which a vacuum is swiftly achieved by means of a powerful electric pump,
- (b) the vacuum is maintained until the animals are dead,
- (c) the animals are held in groups in transport containers which can be placed in the vacuum chamber, which is designed for that purpose.

Part 4.

BLEEDING OF ANIMALS.

1. For animals which have been stunned, bleeding shall be started as soon as possible after stunning and be carried out in such a way as to bring about rapid, profuse and complete bleeding. In any event, the bleeding shall be carried out before the animal regains consciousness.

2. All animals which have been stunned shall be bled by incising at least one of the carotid arteries or the vessels from which they arise.

After incision of the blood vessels, no further dressing procedures nor any electrical stimulation may be performed on the animals before the bleeding has ended.

3. Where one person is responsible for the stunning, shackling, hoisting and bleeding of animals, that person shall carry out those operations consecutively on one animal before carrying them out on another animal.

4. Manual back-up shall be available where poultry is bled by means of automatic neck-cutters so that, in the event of a breakdown, birds may be slaughtered immediately.

Part 5

KILLING METHODS FOR DISEASE CONTROL.

Permitted Methods.

- 1. Any method permitted under Part 3 that causes certain death.
- 2. Injection of an overdose of a drug with anaesthetic properties if the carcass is to be disposed of in accordance with the Animal By-products Regulation within the meaning of the European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2008 (S.I. No. 252 of 2008).
- 3. In addition, the Minister may, in compliance with Regulation 23, permit the use of other methods for killing conscious animals, ensuring in particular that:
 - (a) if methods are used which do not cause immediate death (for example, captive bolt shooting), appropriate measures are taken to kill the animals as soon as possible, and in any event before they regain consciousness,

(b) nothing more is done to the animals before it has been ascertained that they are dead.

4. Permitted methods of killing for disease control set out in this Schedule shall be carried out by or under the supervision of an authorised officer.

Part 6

METHODS OF KILLING FUR ANIMALS.

I. Permitted methods.

1. Mechanically-operated instruments which penetrate the brain.
2. Injection of an overdose of a drug with anaesthetic properties.
3. Electrocutation with cardiac arrest.
4. Exposure to carbon monoxide.
5. Exposure to chloroform.
6. Exposure to carbon dioxide.

The Minister shall decide on the most appropriate method of killing for the different species concerned in compliance with Regulation 23.

II. Specific requirements.

1. Mechanically-operated instruments which penetrate the brain.
 - (a) Instruments shall be positioned so as to ensure that the projectile enters the cerebral cortex.
 - (b) This method is permitted only if it is followed by immediate bleeding.
2. Injection of an overdose of a drug with anaesthetic properties.

Only those anaesthetics, doses and applications which cause immediate loss of consciousness followed by death may be used.

3. Electrocutation with cardiac arrest.

Electrodes shall be placed so that they span the brain and the heart and the minimum current level used shall lead to immediate loss of consciousness and cardiac arrest. However, for foxes, where electrodes are applied to the mouth and rectum, a current of an average value of 0.3 amps shall be applied for at least 3 seconds.

4. Exposure to carbon monoxide.

- (a) The chamber in which the animals are exposed to the gas shall be designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised.
- (b) The animals shall be introduced into the chamber only after it has been filled with a concentration of carbon monoxide of at least 1% by volume, supplied by a source of 100% carbon monoxide.
- (c) The gas produced by an engine specially adapted for that purpose may be used to kill mustelids and chinchillas provided that tests have shown that the gas used:
 - (i) has been suitably cooled,
 - (ii) has been sufficiently filtered, and
 - (iii) is free from any irritant matter or gas.

The animals cannot be placed in the chamber until the concentration of carbon monoxide has reached at least 1% by volume.

- (d) When inhaled the gas shall first induce deep general anaesthesia and shall then cause certain death.
- (e) The animals shall remain in the chamber until they are dead.

5. Exposure to chloroform.

Exposure to chloroform may be used to kill chinchillas provided that:

- (a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised;
- (b) the animals are introduced into the chamber only if it contains a saturated chloroform-air compound;
- (c) when inhaled, the gas first induces deep general anaesthesia and then causes certain death;
- (d) the animals remain in the chamber until they are dead.

6. Exposure to carbon dioxide.

Carbon dioxide may be used to kill mustelids and chinchillas provided that-

- (a) the chamber in which the animals are exposed to the gas is designed, constructed and maintained in such a way as to avoid injury to the animals and allow them to be supervised,

- (b) the animals are introduced into the chamber only when the atmosphere contains the highest possible concentration of carbon dioxide supplied by a source of 100% carbon dioxide,
- (c) when inhaled, the gas first induces deep general anaesthesia and then causes certain death, and
- (d) the animals remain in the chamber until they are dead.

Part 7

KILLING OF SURPLUS CHICKS AND EMBRYOS IN HATCHERY WASTE.

I. Permitted methods for the killing of chicks.

- 1. Use of a mechanical apparatus causing rapid death.
- 2. Exposure to carbon dioxide.
- 3. However, the Minister may permit the use of other scientifically recognised killing methods provided that they comply with Regulation 5.

II. Specific requirements.

- 1. Use of a mechanical apparatus producing rapid death.
 - (a) The animals shall be killed by an apparatus which contains rapidly rotating mechanically operated killing blades or expanded polystyrene projections.
 - (b) The capacity of the apparatus shall be sufficient to ensure that all animals are killed immediately, even if they are handled in large numbers.
- 2. Exposure to carbon dioxide.
 - (a) The animals shall be placed in an atmosphere with the highest obtainable concentration of carbon dioxide, supplied by a source of 100% carbon dioxide.
 - (b) The animals shall remain in this atmosphere until they are dead.

III. Permitted method of the killing of embryos.

- 1. To kill any living embryos instantaneously, all hatchery waste shall be treated by the mechanical apparatus mentioned in paragraph 1 of Section II.
- 2. However, the Minister may permit the use of other scientifically recognised killing methods provided that they comply with Regulation 23.

*Part 8*MONITORING AND FOLLOW-UP AT SLAUGHTER REGARDING CHICKENS REARED FOR
MEAT PRODUCTION**1. Mortality**

1.1 In the case of stocking densities higher than 33 kilogrammes per square metre, the documentation accompanying the flock shall include the daily mortality rate and cumulative daily mortality rate calculated by the owner or keeper and the hybrid or breed of the chickens.

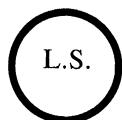
1.2 Under the supervision of the veterinary inspector at the establishment where chickens are to be slaughtered, the data referred to at 1.1 and the number of broilers dead on arrival at the establishment shall be recorded, indicating the premises and house of origin. The veterinary inspector shall check the plausibility of data furnished under 1.1 taking into account the number of broilers slaughtered and the number dead on arrival.

2. Post mortem inspection

In the context of checks carried out under Regulation (EC) No. 854/ 2004 of the European Parliament and of the Council of 29 April 2004, the veterinary inspector at the establishment where chickens are to be slaughtered shall evaluate the results of the post mortem inspection to identify possible indications of poor welfare conditions such as abnormal levels of contact dermatitis, parasitism and systemic illness at the premises or a particular house at the premises of origin.

3. Communication of results

If the mortality rate referred to in paragraph 1 or the results of post mortem inspection referred to at paragraph 2 are consistent with poor animal welfare conditions, the veterinary inspector at the establishment where chickens are to be slaughtered shall communicate the data to the owner or keeper of the animals who shall take appropriate remedial action and make an official report.



GIVEN under my Official Seal,
24 June 2010.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to a series of European Directives concerning the protection of animals including broilers, laying hens, calves and pigs and animals being slaughtered.

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