

2003 No. 3100

ANIMALS, ENGLAND

**The Registration of Establishments (Laying Hens) (England)
Regulations 2003**

<i>Made</i> - - - -	<i>1st December 2003</i>
<i>Laid before Parliament</i>	<i>2nd December 2003</i>
<i>Coming into force</i> - -	<i>31st December 2003</i>

The Secretary of State, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon her by that section makes the following Regulations:

Title, application and commencement

1. These Regulations may be cited as the Registration of Establishments (Laying Hens) (England) Regulations 2003; they apply only to England and come into force on 31st December 2003.

Interpretation

2.—In these Regulations—

“the Directive” means Commission Directive 2002/4/EC on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC(c);

“establishment” means any site at which 350 or more laying hens are kept;

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

“local authority” means—

- (a) in any part of England where there is, within the meaning of the Local Government Changes for England Regulations 1994(d), a unitary authority for that local government area, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county; or
 - (iii) in each London borough, the council of that borough;

(a) S.I. 1972/1811

(b) 1972 c.68

(c) O.J. No. L 30, 31.1.2002, p.44.

(d) S.I. 1994/867, to which there are amendments not relevant to these Regulations.

(c) in the City of London, the Common Council; and

“register” means the register of establishments maintained by the Secretary of State pursuant to regulation 3.

Creation of a register and provision of a distinguishing number

3.—(1) The Secretary of State shall create and maintain a register of establishments.

(2) The Secretary of State shall, within a reasonable time after receipt of an application, note an establishment on the register, allocate to the establishment a distinguishing number composed in accordance with the Directive and communicate that number to the applicant.

Exchange of information

4.—(1) The Food Standards Agency and the Health Protection Agency shall have access to the register for the purpose of tracing eggs put on the market for human consumption.

(2) The local authority shall have access to the register for the purpose of enforcement of these Regulations.

Prohibition on operation or bringing into service of establishments

5.—(1) After 1st March 2004 no person shall continue to operate an establishment in operation on that date unless an application has been made to note that establishment on the register.

(2) No person shall bring an establishment into operation after 1st March 2004 unless an application has been made to note that establishment on the register and a distinguishing number communicated to the applicant by the Secretary of State.

(3) Applications shall contain the information set out in the Schedule and shall be on a form supplied by the Secretary of State.

(4) The operator of an establishment shall notify the Secretary of State of any change to the information on the register within 28 days.

Powers of authorised officers

6.—(1) An officer authorised by the Secretary of State or the local authority shall, on producing if required to do so some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises (other than premises used exclusively as a dwellinghouse) for the purposes of ascertaining whether there is or has been on or in respect of the premises any contravention of these Regulations.

(2) Such an officer shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may examine and copy documentary or data processing material.

Obstruction

7.—(1) No person shall—

- (a) obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false.

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

Offences by body corporate

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

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

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

Penalties

9.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

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

Enforcement

10. These Regulations shall be enforced by the local authority or the Secretary of State.

1st December 2003

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 5

Information required for each establishment

1. In respect of the establishment:

- (a) the name of the establishment;
- (b) the address of the establishment;
- (c) the farming method or methods operated at the establishment (organic, free range, barn or caged);
- (d) the maximum capacity of the establishment for each farming method operated, stated as the maximum number of laying hens present at one time for that farming method.

2. In respect of the keeper:

- (a) the name of the keeper;
- (b) the address of the keeper;
- (c) where the keeper is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.

3. In respect of the owner, if different from the keeper:

- (a) the name of the owner;
- (b) the address of the owner;
- (c) where the owner is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement for England Commission Directive 2002/4/EC on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC.

The Regulations apply to sites keeping 350 or more laying hens. The Secretary of State is required to create and maintain a register of such establishments recording the details listed in the Schedule and to allocate a distinguishing number to each establishment (regulation 3).

The information in the register will be made available to the Food Standards Agency or the Health Protection Agency where this is necessary to trace eggs put on the market for human consumption (regulation 4).

Establishments may not continue in operation after 1st March 2004 if the information in the Schedule has not been supplied by that date and new establishments may not be brought into operation after that date until a distinguishing number has been communicated (regulation 5).

Regulations 6-10 create offences and provide for enforcement.

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament, together with a Transposition Note setting out how the main elements of Directive 2002/4/EC are implemented in these Regulations. Copies may be obtained from the Animal Welfare Division of the Department of Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.

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