

**2015 No. 161**

**ANIMALS**

**The Welfare of Animals at the Time of Killing (Scotland)  
Amendment Regulations 2015**

<i>Made</i> - - - -	<i>1st April 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>7th April 2015</i>
<i>Coming into force</i> - -	<i>19th May 2015</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Welfare of Animals at the Time of Killing (Scotland) Amendment Regulations 2015 and come into force on 19th May 2015.

**Amendment of the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012**

2.—(1) The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012(b) are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation), in the definition of “qualification certificate”, for paragraph (a) substitute—

“(a) a certificate granted by a body—

- (i) recognised and regulated by the Scottish Qualifications Authority(c) or the Office of Qualifications and Examinations Regulation(d); and
- (ii) which oversees the training and assessment of persons carrying out the killing of animals and related operations confirming the passing of an independent examination as provided for in Article 21(e); or”.

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(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) S.S.I. 2012/321, amended by S.S.I. 2012/355 and S.S.I. 2015/100.

(c) The Scottish Qualifications Authority was established by article 2 of the Scottish Qualifications Authority (Establishment) (Scotland) Order 1996/2248.

(d) The Office of Qualifications and Examinations Regulation was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(e) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing, OJ No L 303, 18.11.2009, p.1.

(3) In Schedule 1, paragraph 6 (captive bolt device)—

- (a) in sub-paragraph (1)(a) for “sub-paragraph (3)” substitute “sub-paragraphs (2) and (3)”;  
and
- (b) in sub-paragraph (2) after “animal” insert “, other than a water buffalo,”.

St Andrew’s House,  
Edinburgh  
1st April 2015

*RICHARD LOCHHEAD*  
A member of the Scottish Government

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 (the “principal regulations”).

Under the principal regulations, one of the requirements for obtaining a certificate of competence is submission by applicants of a qualification certificate in respect of the operation, category of animal and, where appropriate, type of equipment for which a certificate is sought (regulation 8(a)(i) of the principal regulations). The definition of “qualification certificate” includes a certificate granted by a body recognised and regulated by the Scottish Qualifications Authority which oversees the training and assessment of persons carrying out the killing of animals and related operations confirming the passing of an independent examination (regulation 2(1) of the principal regulations).

Regulation 2(2) amends the definition of “qualification certificate” to include certificates granted by bodies recognised and regulated by the Office of Qualifications and Examinations Regulation.

Regulation 2(3) amends the national rule set out in paragraph 6 of Schedule 1 to allow poll stunning of water buffalo.

A business and regulatory impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.

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