

2003 No. 299

**ANIMALS, ENGLAND
PREVENTION OF CRUELTY**

**The Welfare of Farmed Animals (England) (Amendment)
Regulations 2003**

Made - - - - - *13th February 2003*

Coming into force - - *14th February 2003*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968(a) and vested in her and after consultation (in accordance with section 2 of the said 1968 Act) with such persons appearing to her to represent any interests concerned as she has considered appropriate, hereby makes the following Regulations, a draft of which has been approved by resolution of each House of Parliament:

Title and commencement

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (England)(Amendment) Regulations 2003.

(2) These Regulations shall come into force on the day after the day on which they are made .

Transitional Provisions

2.—(1) The provisions of paragraph 29(2) of Schedule 6 to the Welfare of Farmed Animals (England) Regulations 2000(b) as amended by these Regulations shall apply to holdings newly built, rebuilt or brought into use for the first time on or after 1st January 2003, but in the case of all other holdings these provisions shall not apply until 1st January 2005.

(2) The provisions of paragraphs 13, 37, 38 and 39 of Schedule 6 to those Regulations shall apply in relation to all holdings newly built, rebuilt or brought into force for the first time on or after 1st January 2003, but in the case of all other holdings these provisions do not apply until 1st January 2013.

Amendments to the Welfare of Farmed Animals (England) Regulations 2000

3.—(1) The Welfare of Farmed Animals (England) Regulations 2000 shall be amended in accordance with this regulation.

(2) In regulation 2 the following shall be inserted after paragraph (4):

(a) 1968 c.34. Functions conferred under the 1968 Act on “the Ministers” were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.

(b) S.I. 2000/1870.

“(5) Expressions which are not defined in paragraph (1) above and which appear in Council Directives 91/630/EEC(a) and 2001/88/EC(b) and Commission Directive 2001/93/EC(c) have the same meaning in these Regulations as they have for the purposes of that Community legislation.”.

(3) After regulation 8 the following shall be inserted:

“ Training

8A Any person who employs or engages persons to attend to pigs must ensure that that person has received instructions and guidance on the relevant provisions of these Regulations.”.

(4) For Schedule 6 there shall be substituted the following Schedule:

“SCHEDULE 6

Regulations 2(3) and 8

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART I

INTERPRETATION

1. In this Schedule—

“boar” means a male pig after puberty, intended for breeding;

“gilt” means a female pig intended for breeding after puberty and before farrowing;

“piglet” means a pig from birth to weaning;

“rearing pig” means a pig from ten weeks to slaughter or service;

“sow” means a female pig after the first farrowing; and

“weaner” means a pig from weaning to the age of ten weeks.

PART II

GENERAL ADDITIONAL CONDITIONS

Inspection

2. All pigs shall be inspected by the owner or keeper of the pigs at least once a day to check that they are in a state of well being.

3. Where necessary, sick or injured pigs shall be temporarily isolated in suitable accommodation with dry comfortable bedding.

Tethering

4. No person shall tether or cause to be tethered any pig except while it is undergoing any examination, test, treatment or operation carried out for any veterinary purpose.

5.—(1) Where the use of tethers is permitted in accordance with paragraph 4, they shall not cause injury to the pigs and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(2) Each tether shall be of sufficient length to allow the pigs to move as stipulated in paragraph 6(2) below and the design shall be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Accommodation

6.—(1) A pig shall be free to turn round without difficulty at all times.

(2) The accommodation used for pigs shall be constructed in such a way as to allow each pig to—

(a) stand up, lie down and rest without difficulty;

(b) have a clean, comfortable and adequately drained place in which it can rest;

(c) see other pigs, unless the pig is isolated for veterinary reasons;

(d) maintain a comfortable temperature; and

(a) OJ No. L 340, 11.12.1991, p. 33.

(b) OJ No. L 316 1.12.2001 p. 1.

(c) OJ No. L 316 1.12.2001 p. 36.

(e) have enough space to allow all the animals to lie down at the same time.

7.—(1) The dimension of any stall or pen used for holding individual pigs in accordance with these regulations shall be such that the internal area is not less than the square of the length of the pig, and no internal side is less than 75% of the length of the pig, the length of the pig in each case being measured from the tip of its snout to the base of its tail while it is standing with its back straight.

(2) Paragraph 7(1) shall not apply to a female pig for the period between seven days before the predicted day of her farrowing and the day on which the weaning of her piglets (including any piglets fostered by her) is complete.

(3) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen—

- (a) while it is undergoing any examination, test, treatment or operation carried out for veterinary purposes;
- (b) for the purposes of service, artificial insemination or collection of semen;
- (c) while it is fed on any particular occasion;
- (d) for the purposes of marking, washing or weighing it;
- (e) while its accommodation is being cleaned; or
- (f) while it is awaiting loading for transportation,

provided that the period during which it is so kept is not longer than necessary for that purpose.

(4) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig in a stall or pen which the pig can enter or leave at will, provided that the stall or pen is entered from a stall or pen in which the pig is kept without contravention of this paragraph.

Artificially lit buildings

8. Where pigs are kept in an artificially lit building then lighting with an intensity of at least 40 lux shall be provided for a minimum period of 8 hours per day subject to paragraph 16 of Schedule 1 to these Regulations.

Prevention of fighting

9.—(1) If pigs are kept together, measures shall be taken to prevent fighting which goes beyond normal behaviour.

(2) Pigs which show persistent aggression towards others or are victims of such aggression shall be isolated or kept separate from the group.

Cleaning and disinfection

10.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as necessary to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and avoid attracting flies or rodents.

Bedding

11. Where bedding is provided, this must be clean, dry and not harmful to the pigs.

Floors

12. Where pigs are kept in a building, floors shall—

- (a) be smooth but not slippery so as to prevent injury to the pigs;
- (b) be so designed, constructed and maintained as not to cause injury or suffering to pigs standing or lying on them;
- (c) be suitable for the size and weight of the pigs; and
- (d) where no litter is provided, form a rigid, even and stable surface.

13. When concrete slatted floors are used for pigs kept in groups the maximum width of the openings must be—

- (a) 11 mm for piglets;
- (b) 14 mm for weaners;
- (c) 18 mm for rearing pigs; and
- (d) 20 mm for gilts after service and sows.

The minimum slat width must be—

- (e) 50 mm for piglets and weaners; and

- (f) 80 mm for rearing pigs, gilts after service and sows.

Feeding

14.—(1) All pigs must be fed at least once a day.

(2) Where pigs are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system feeding the animals individually, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

15. All pigs over two weeks of age must have permanent access to a sufficient quantity of fresh drinking water.

Environmental enrichment

16. To enable proper investigation and manipulation activities, all pigs must have permanent access to a sufficient quantity of material such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such which does not adversely affect the health of the animals.

Prohibition on the use of the sweat-box system

17. Pigs shall not be kept in an environment which involves maintaining high temperatures and high humidity (known as the “sweat-box system”).

Noise levels

18. Pigs shall not be exposed to constant or sudden noise. Noise levels above 85 dBA shall be avoided in that part of any building where pigs are kept.

Interventions

19. Save as set out in paragraphs 21 to 26 of this Schedule, no intervention procedures which result in damage to or loss of a sensitive part of the body or the alteration of bone structure shall be carried out except for therapeutic or diagnostic purposes.

20. The procedures set out in paragraphs 21 to 26 of this Schedule may only be carried out under hygienic conditions by a veterinary surgeon, or where it is legally permitted, by a person who has been trained in accordance with these Regulations and who is experienced in performing the procedures.

21. The following procedures shall not be carried out routinely but only where there is evidence that injuries to sows’ teats or to other pigs’ ears or tails have occurred:

- (a) uniform reduction of corner teeth of piglets by grinding or clipping not later than the seventh day of life of the piglets leaving an intact smooth surface; or
- (b) docking of a part of the tail;

but no tooth reduction or tail docking may be carried out unless other measures to improve environmental conditions or management systems have been taken in order to prevent tail biting and other vices.

22. Male pigs may be castrated provided the means employed do not involve tearing of tissues.

23.—(1) If docking of tails is carried out after the seventh day of life it shall only be performed under anaesthetic and additional prolonged analgesia by a veterinary surgeon.

(2) If castration is carried out after the seventh day of life it shall only be performed by a veterinary surgeon in accordance with the provisions of the Protection of Animals (Anaesthetics) Act 1954(a).

24. Boars’ tusks may be reduced in length where necessary to prevent injuries to other animals or for safety reasons.

25. Nose rings may not be put in animals kept continuously in indoor husbandry systems.

26. Ear tagging or ear notching may be carried out for identification purposes.

(a) 1954 c. 46.

PART III

BOARS

27. Boar pens shall be sited and constructed so as to allow the boar to turn round and to hear, see and smell other pigs, and shall contain clean resting areas.

28. The lying area shall be dry and comfortable.

29.—(1) The minimum unobstructed floor area for an adult boar shall be 6 m² save as set out in paragraph 29 (2) herein.

(2) When boar pens are also used for natural service the floor area must be at least 10 m² and must be free of any obstacles.

PART IV

SOWS AND GILTS

30. Pregnant gilts and sows shall, where necessary, be treated against external and internal parasites.

Farrowing

31. If they are placed in farrowing crates, pregnant sows and gilts shall be thoroughly cleaned.

32. In the week before the expected farrowing time sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used.

33. During farrowing, an unobstructed area behind the sow or gilt shall be available for the ease of natural or assisted farrowing.

34. Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.

35. In the week before the expected farrowing time and during farrowing, sows and gilts may be kept out of sight of other pigs.

Group housing

36. Sows and gilts shall be kept in groups except during the period between seven days before the predicted day of farrowing and the day on which the weaning of piglets (including any piglets fostered) is complete.

37. The pen where the group is kept must have sides greater than 2.8 m in length, except when there are less than 6 individuals in the group, when the sides of the pen must be no less than 2.4 m in length.

38. The total unobstructed floor area available to each gilt after service and to each sow when gilts and/or sows are kept in groups must be at least 1.64 m² and 2.25 m² respectively. When these animals are kept in groups of less than 6 individuals the unobstructed floor area must be increased by 10%. When these animals are kept in groups of 40 or more individuals the unobstructed floor area may be decreased by 10%.

39. For gilts after service and pregnant sows a part of the area required in paragraph 38 equal to at least 0.95 m² per gilt and at least 1.3 m² per sow must be of continuous solid floor of which a maximum of 15% is reserved for drainage openings.

40. Sows and gilts kept on holdings of fewer than 10 sows may be kept individually provided that their accommodation complies with the requirements of paragraphs 6 and 7 of Part II of this Schedule.

41. In addition to the requirements of paragraph 14 of Part II of this Schedule, sows and gilts must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present.

42. All dry pregnant sows and gilts must be given a sufficient quantity of bulky or high fibre food as well as high energy food to satisfy their hunger and need to chew.

PART V

PIGLETS

43. If necessary, piglets shall be provided with a source of heat and a solid, dry and comfortable lying area away from the sow where all of them can rest at the same time.

44. A part of the total floor where the piglets are and which is large enough to allow the animals to rest together at the same time, must be solid or covered with a mat or be littered with straw or any other suitable material.

45. Where a farrowing crate is used the piglets must have sufficient space to be able to be suckled without difficulty.

46. Piglets shall not be weaned from the sow at an age of less than 28 days unless the welfare or health of the dam or piglets would otherwise be adversely affected.

47. Piglets may be weaned up to seven days earlier if they are moved into specialised housings which are emptied and thoroughly cleaned and disinfected before the introduction of a new group and which are separate from housing where other sows are kept.

PART VI

WEANERS AND REARING PIGS

48. Pigs shall be placed in groups as soon as possible after weaning. They shall be kept in stable groups with as little mixing as possible.

49. If pigs unfamiliar with one another have to be mixed, this should be done at as young an age as possible, preferably before or up to one week after weaning. When pigs are mixed they shall be provided with adequate opportunities to escape and hide from other pigs.

50. The use of tranquillising medication in order to facilitate mixing shall be limited to exceptional conditions and only after consultation with a veterinary surgeon.

51. When signs of severe fighting appear, the causes shall be immediately investigated and appropriate measures shall be taken.

52. The unobstructed floor area available to each weaner or rearing pig reared in a group shall be at least—

- (a) 0.15 m² for each pig where the average weight of the pigs in the group is 10 kg or less;
- (b) 0.20 m² for each pig where the average weight of the pigs in the group is more than 10 kg but less than or equal to 20 kg;
- (c) 0.30 m² for each pig where the average weight of the pigs in the group is more than 20 kg but less than or equal to 30 kg;
- (d) 0.40 m² for each pig where the average weight of the pigs in the group is more than 30 kg but less than or equal to 50 kg;
- (e) 0.55 m² for each pig where the average weight of the pigs in the group is more than 50 kg but less than or equal to 85 kg;
- (f) 0.65 m² for each pig where the average weight of the pigs in the group is more than 85 kg but less than or equal to 110 kg; and
- (g) 1.00 m² for each pig where the average weight of the pigs in the group is more than 110 kg.”.

13th February 2003

Elliot Morley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare of Farmed Animals (England) Regulations 2000 (S.I No. 2000/1870) (the 'Principal Regulations') in order to implement Council Directive 2001/88/EC (OJ No. L 316, 1.12.2001 p.1) and Commission Directive 2001/93/EC (OJ No. L 316, 1.12.2001 p. 36) both of which amended Directive 91/630/EEC (OJ No. L 340, 11.12.1991 p. 33) laying down minimum standards for the protection of pigs.

All the amendments to the Principal Regulations have been incorporated into a new Schedule 6 inserted by these Regulations which lays down standards for keeping pigs and deals first with standards applicable to all pigs (Part I) and then with different types of pig in turn (Parts II–VI).

In respect of those holdings which are newly built or rebuilt or brought into use for the first time on or after 1st January 2003, all the provisions contained in the Regulations will apply.

In respect of those holdings which are already in use on that date, certain provisions will not apply immediately. These are set out in Regulation 2.

The main changes introduced by these Regulations are—

- a duty on the person who employs or engages persons to attend to pigs to ensure that they have received instructions and guidance on these regulations. This duty is an addition to the duty contained in regulation 10 of the Principal Regulations;
- additional requirements for accommodation;
- changes to the requirement for lighting. This should be read in conjunction with paragraph 16 of Schedule 1 to the Principal Regulations and with the welfare code prepared pursuant to S 3 of the Agriculture (Miscellaneous Provisions) Act 1968;
- the introduction of maximum widths of openings and minimum slat widths for concrete slatted floors. This provision will not apply to existing holdings until 2013;
- the introduction of more detailed provisions relating to environmental enrichment for pigs;
- a prohibition on constant or sudden noise or noise above 85 dBA;
- the introduction of more detailed provisions relating to surgical interventions such as tail docking and tooth clipping;
- the requirement that boar pens used for natural service must have a minimum unobstructed floor area of 10 m². This provision will not apply to existing holdings until 2005;
- the introduction of a requirement for sows and gilts to be group housed;
- the introduction of new requirements for floor areas for sows and gilts. These provisions will not apply to existing holdings until 2013;
- an increase in the minimum weaning age for piglets from 21 to 28 days except for those using all-in-all-out production systems.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Animal Welfare Division of the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.

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