

WELSH STATUTORY INSTRUMENTS

2001 No. 2682 (W.223)

ANIMALS, WALES
PREVENTION OF CRUELTY

The Welfare of Farmed Animals (Wales) Regulations 2001

Made - - - - *17th July 2001*

Coming into force - - *31st July 2001*

The National Assembly for Wales, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 and now vested in it^{M1}, and after consultation in accordance with section 2 of the 1968 Act, makes the following Regulations:

Marginal Citations

M1 1968 c.34. See section 50 for a definition of “the Ministers”. In relation to Wales, the powers of “the Ministers” were transferred to the National Assembly for Wales by the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#) .

Title, commencement and application **E+W**

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Wales) Regulations 2001 and, shall come into force on 31st July 2001.

(2) These Regulations shall apply to Wales only.

Interpretation and application **E+W**

2.—(1) In these Regulations —

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

“authorised person” (“*person awdurdodedig*”) means any person authorised by the National Assembly for Wales under section 6 of the Agriculture (Miscellaneous Provisions) Act 1968;

“battery cage” (“*cawell batri*”) means an enclosed space intended for laying hens in a battery system;

“battery system” (“*system fatri*”) means an arrangement of cages in rows or tiers or rows and tiers;

“calf” (“*llo*”) means a bovine animal up to six months old;

“keeper” (“*ceidwad*”) means any person responsible for or in charge of animals whether on a permanent or temporary basis;

[^{F1}“laying hen” (“*iâr ddodwy*”) means a hen of the species *Gallus gallus* which has reached laying maturity and is kept for production of eggs not intended for hatching]

[^{F2}“litter” (“*llaesodr*”) means any friable material enabling the hens to satisfy their ethological needs;]

[^{F2}“nest” (“*nyth*”) means a separate space for egg laying for an individual hen or a group of hens, the floor components of which may not include wire mesh that can come into contact with the bird or birds;]

“pig” (“*mochyn*”) means an animal of the porcine species of any age, kept for breeding or fattening;

“statutory welfare code” (“*cod lles statudol*”) means a code for the time being issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968; and

[^{F3}“usable area” (“*lle y gellir ei ddefnyddio*”) means an area used by laying hens, not including a nesting area, which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45 cm;]

“zootechanical treatment” (“*triniaeth söotechnegol*”) has the meaning given by Article 1(2)(c) of Directive [96/22/EEC](#)^{M2} concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.

- (2) These Regulations shall apply to animals except—
- (a) animals living in the wild;
 - (b) animals whilst at, and animals solely intended for use in, competitions, shows, cultural or sporting events or activities;
 - (c) experimental or laboratory animals; or
 - (d) any invertebrate animals.
- (3) Part 1 of Schedule 6 shall have effect for the purpose of the interpretation of Schedule 6.
- (4) In these Regulations —
- (a) any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations;
 - (b) any reference to a numbered Schedule is a reference to the Schedule to these Regulations so numbered in these Regulations;
 - (c) any reference in a regulation or a Schedule to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference occurs; and
 - (d) any reference to an instrument of the European Community is to that instrument as amended at the time these Regulations are made.

[^{F4}(5) Expressions which are not defined in paragraph (1) above and which appear in Council Directives [91/630/EEC](#) and [2001/88/EC](#) and Commission Directive [2001/93/EC](#) have the same meaning in these Regulations as they have for the purposes of that Community legislation.]

Textual Amendments

- F1** Words in reg. 2(1) substituted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(2)(a)**
- F2** Words in reg. 2 inserted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(2)(b)**

- F3** Words in reg. 2 inserted (6.8.2002) by *The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002* (S.I. 2002/1898), regs. 1(2), **2(2)(c)**
- F4** Reg. 2(5) inserted (14.7.2003) by *The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003* (S.I. 2003/1726), regs. 1(2), **3(2)**

Marginal Citations

- M2** OJ No. L125, 23.5.96, p.3.

Duties on owners and keepers of animals **E+W**

- 3.—(1) Owners and keepers of animals shall take all reasonable steps —
- (a) to ensure the welfare of the animals under their care; and
 - (b) to ensure that the animals are not caused any unnecessary pain, suffering or injury.
- (2) Owners and keepers of animals (other than fish, reptiles and amphibians) shall take all reasonable steps to ensure that the conditions under which the animals are bred or kept comply with the requirements set out in Schedule 1.
- (3) In deciding whether the conditions under which animals are being bred or kept comply with the requirements set out in Schedule 1, the owner and keeper of the animals shall have regard to their species, and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge.

Additional duties on owners and keepers of laying hens kept in battery cages **E+W**

^{F5}4.

Textual Amendments

- F5** Reg. 4 revoked (1.1.2003) by *The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002* (S.I. 2002/1898), regs. 1(3), **2(3)**

[^{F6}Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) **E+W**

5. Owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3.]

Textual Amendments

- F6** Reg. 5 substituted (6.8.2002) by *The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002* (S.I. 2002/1898), regs. 1(2), **2(4)**

[^{F7}Additional duties on owners and keepers of laying hens **E+W**

5A. Owners and keepers of establishments with more than 350 laying hens shall ensure that in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedules 3A, 3B, 3C and 3D.]

Textual Amendments

F7 Reg. 5A added (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002](#) (S.I. 2002/1898), regs. 1(2), **2(5)**

Additional duties on owners and keepers of calves confined for rearing and fattening **E+W**

6. Owners and keepers of calves confined for rearing and fattening shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 4.

Additional duties on owners and keepers of cattle **E+W**

7. Owners and keepers of cattle confined for rearing and fattening shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 5.

Additional duties on owners and keepers of pigs **E+W**

8. Owners and keepers of pigs shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with —

- (a) the requirements set out in Part II of Schedule 6; and
- (b) the requirements set out in Parts III, IV, V or VI of Schedule 6 (as the case may be) applicable to the particular category of pig being kept.

[^{F8}Training **E+W**

8A. Any person who employs or engages persons to care for pigs must ensure that that person has received instructions and guidance on the provisions of these Regulations which relate to pigs.]

Textual Amendments

F8 Reg. 8A inserted (14.7.2003) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2003](#) (S.I. 2003/1726), regs. 1(2), **3(3)**

Additional duties on owners and keepers of rabbits **E+W**

9. Owners and keepers of rabbits shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 7.

Statutory welfare codes **E+W**

10.—(1) Any person who employs or engages a person to care for animals shall ensure that the person attending to the animals —

- (a) is acquainted with the provisions of all relevant statutory welfare codes relating to the animals being cared for;
- (b) has access to a copy of those codes while he or she is caring for the animals; and
- (c) has received instruction and guidance on those codes.

(2) Any person who keeps animals, or who causes or knowingly permits animals to be kept, shall not care for them unless he or she has access to all relevant statutory welfare codes relating to the animals while he or she is caring for to them, and is acquainted with the provisions of those codes.

Powers of authorised persons **E+W**

11. Where an authorised person considers that animals are being kept in a way which is likely to cause unnecessary pain, suffering or injury, or in any other way in contravention of any provision of these Regulations, he or she may serve a notice on the person appearing to him or her to be in charge of the animals requiring that person, within the period stated in the notice, to take any action that the authorised person considers to be reasonably necessary to ensure compliance with these Regulations and the authorised person shall give his or her reasons for requiring that action to be taken.

Powers of entry **E+W**

12. ^{M3} An authorised person exercising powers of entry under the Agriculture (Miscellaneous Provisions) Act 1968 for the purposes of these Regulations may take with him or her a representative of the European Commission acting for the purposes of —

- [^{F9}(a) Council Directive [99/74/EC](#) laying down minimum standards for the protection of laying hens.]
- (b) Council Directive [91/629/EEC](#)^{M4} laying down minimum standards for the protection of calves as amended by Council Directive [97/2/EC](#)^{M5} and Commission Decision [97/182/EC](#)^{M6};
- (c) Council Directive [91/630/EEC](#)^{M7} laying down minimum standards for the protection of pigs; or
- (d) Council Directive [98/58/EC](#)^{M8} concerning the protection of animals kept for farming purposes;

as well as any person he or she takes under powers provided under section 6(3) of that Act.

Textual Amendments

- F9** Reg. 12(a) substituted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), 2(9)

Marginal Citations

- M3** 1968 c. 34.
M4 OJ No.L340, 11.12.91, p.28.
M5 OJ No. L.25, 28.1.97, p.24.
M6 OJ No. L76, 24.2.97, p.33.
M7 OJ No.L340, 11.12.91, p.33.
M8 OJ No.L221, 8.8.98, p.23.

Offences **E+W**

13.—(1) A person who, without lawful authority or excuse —

- (a) contravenes or fails to comply with any provision of these Regulations;
- (b) fails to comply with a notice served under regulation 11 within the time specified in the notice;

(c) makes any entry in a record, or gives any information for the purposes of these Regulations which he or she knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or

(d) causes or permits any of the above,

shall be guilty of an offence under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968.

(2) In any proceedings against an owner or keeper of animals for a failure to comply with regulation 3(1) or 3(2) (as read with regulation 3(3)), the owner or keeper, as the case may be, may rely on his or her compliance with any relevant recommendation contained in a statutory welfare code as tending to establish his or her compliance with the relevant regulation.

Revocations **E+W**

14. The Welfare of Livestock Regulations 1994 ^{M9} and the Welfare of Livestock (Amendment) Regulations 1998 ^{M10} are hereby revoked as regards Wales only.

Marginal Citations

M9 [S.I. 1994/2126](#), amended by [S.I. 1998/1709](#).

M10 [S.I. 1998/1709](#).

^{M11} Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

D. Elis-Thomas
The Presiding Officer

Marginal Citations

M11 [1998 c.38](#).

SCHEDULE 1 **E+W**

Regulations 3(2), 3(3), 4, 5, 6, 7, 8 and 9

GENERAL CONDITIONS UNDER WHICH FARMED ANIMALS MUST BE KEPT

Staffing **E+W**

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

Inspection **E+W**

2.—(1) Subject to sub-paragraph (3), all animals kept in husbandry systems in which their welfare depends on frequent human attention shall be thoroughly inspected at least once a day to check that they are in a state of well-being.

(2) Subject to sub-paragraph (3), animals kept in systems other than husbandry systems in which their welfare depends on frequent human attention shall be inspected at intervals sufficient to avoid any suffering.

(3) Notwithstanding sub-paragraphs (1) and (2), in the following cases, it shall be sufficient for the purposes of this paragraph to comply with the following specific provisions —

- [^{F10}(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;]
- (b) in the case of calves, paragraphs 3 and 4 of Schedule 4; and
- (c) in the case of pigs, paragraph 2 of Schedule 6.

Textual Amendments

F10 Sch. 1 para. 2(3)(a) substituted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(6)(a)**

3. Where animals are kept in a building adequate lighting (whether fixed or portable) shall be available to enable them to be thoroughly inspected at any time.

4. Where any animals (other than poultry) are kept in a building they shall be kept on, or have access at all times to, a lying area which either has well-maintained dry bedding or is well-drained.

5. Any animals which appear to be ill or injured —

- (a) shall be cared for appropriately without delay; and
- (b) where they do not respond to such care, veterinary advice shall be obtained as soon as possible.

6.—(1) Where necessary, sick or injured animals shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

(2) Notwithstanding sub-paragraph (1), in the following cases, it shall be sufficient for the purposes of this paragraph to comply with the following specific provisions —

- (a) in the case of calves, paragraph 5 of Schedule 4; and
- (b) in the case of pigs, paragraph 3 of Schedule 6.

Record keeping **E+W**

7. A record shall be maintained of —

- (a) any medicinal treatment given to animals; and

- (b) the number of mortalities found on each inspection of animals carried out in accordance with any of the following provisions —
- [^{F11}(i) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;]
 - (ii) in the case of calves, paragraph 3 or 4 of Schedule 4;
 - (iii) in the case of pigs, paragraph 2 of Schedule 6; or
 - (iv) in any other case, paragraph 2 of this Schedule.

Textual Amendments

F11 Sch. 1 para. 7(b)(i) substituted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(6)(b)**

8. The record referred to in paragraph 7 shall be retained for a period of at least three years from the date on which the medical treatment was given, or the date of the inspection, as the case may be, and shall be made available to an authorised person when carrying out an inspection or when otherwise requested by such person.

Freedom of movement **E+W**

9. The freedom of movement of animals, having regard to their species and in accordance with established experience and scientific knowledge, shall not be restricted in such a way as to cause them unnecessary suffering or injury.

10. Where animals are continuously or regularly tethered or confined, they shall be given the space appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation **E+W**

11. Materials used for the construction of accommodation, and, in particular for the construction of pens, cages, stalls and equipment with which the animals may come into contact, shall not be harmful to them and shall be capable of being thoroughly cleansed and disinfected.

12. Accommodation and fittings for securing animals shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to them.

13. Air circulation, dust levels, temperature, relative air humidity and gas concentrations shall be kept within limits which are not harmful to the animals.

14. Animals kept in buildings shall not be kept in permanent darkness.

15. Where the natural light available in a building is insufficient to meet the physiological and ethological needs of any animals being kept in it then appropriate artificial lighting shall be provided.

16. Animals kept in buildings shall not be kept without an appropriate period of rest from artificial lighting.

Animals not kept in buildings **E+W**

17. Animals not kept in buildings shall, where necessary and possible, be given protection from adverse weather conditions, predators and risks to their health and shall, at all times, have access to a well-drained lying area.

Automatic or mechanical equipment **E+W**

18. All automated or mechanical equipment essential for the health and well-being of the animals shall be inspected at least once a day to check that there is no defect in it.

19. Where defects in automated or mechanical equipment of the type referred to in paragraph 18 are discovered, these shall be rectified immediately, or if this is impossible, appropriate steps shall be taken to safeguard the health and well-being of the animals pending the rectification of such defects including the use of alternative methods of feeding and watering and methods of providing and maintaining a satisfactory environment.

20. Where the health and well-being of the animals is dependent on an artificial ventilation system —

- (a) provision shall be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system; and
- (b) an alarm system (which will operate even if the principal electricity supply to it has failed) shall be provided to give warning of any failure of the system.

21. The back-up system referred to in paragraph 20(a) shall be thoroughly inspected and the alarm system referred to in paragraph 20(b) shall each be tested at least once every seven days in order to check that there is no defect in the system, and, if any defect is found (whether when the system is inspected or tested in accordance with this paragraph or at any other time), it shall be rectified immediately.

Feed, water and other substances **E+W**

22. Animals shall be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health, to satisfy their nutritional needs and to promote a positive state of well-being.

23. No animals shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause them unnecessary suffering or injury.

24. All animals shall have access to feed at intervals appropriate to their physiological needs (and, in any case, at least once a day), except where a veterinary surgeon acting in the exercise of his profession otherwise directs.

25. All animals shall either have access to a suitable water supply and be provided with an adequate supply of fresh drinking water each day or be able to satisfy their fluid intake needs by other means.

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

27. No other substance, with the exception of those given for therapeutic or prophylactic purposes or for the purpose of zootechnical treatment shall be administered to animals 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 animals.

Breeding procedures **E+W**

28.—(1) Subject to sub-paragraph (2), natural or artificial breeding or breeding procedures which cause, or are likely to cause, suffering or injury to any of the animals concerned shall not be practised.

Changes to legislation: There are currently no known outstanding effects for the The Welfare of Farmed Animals (Wales) Regulations 2001. (See end of Document for details)

(2) Sub-paragraph (1) shall not preclude the use of natural or artificial breeding procedures that are likely to cause minimal or momentary suffering or injury or that might necessitate interventions which would not cause lasting injury.

29. No animals shall be kept for farming purposes unless it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without detrimental effect on their health or welfare.

Electrical immobilisation E+W

30. No person shall apply an electrical current to any animals for the purposes of immobilisation.

^{F12}SCHEDULE 2 E+W

Regulation 4

.....

Textual Amendments

F12 Sch. 2 revoked (1.1.2003) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(3)**

^{F13}SCHEDULE 3 E+W

regulation 5

**ADDITIONAL CONDITIONS UNDER WHICH POULTRY
(OTHER THAN THOSE KEPT IN THE SYSTEMS REFERRED
TO IN SCHEDULES 3A, 3B AND 3C) MUST BE KEPT**

Textual Amendments

F13 Sch. 3 substituted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), **2(7)**

Where any poultry (other than those kept in the systems referred to in Schedules 3A, 3B, and 3C) are kept in a building they shall be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.]

^{F14}SCHEDULE 3A E+W

regulation 5 A

NON-CAGE SYSTEMS

Textual Amendments

F14 Sch. 3A inserted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002 \(S.I. 2002/1898\)](#), regs. 1(2), 2(8), **Sch.**

1. All newly built or rebuilt non-cage systems of production for keeping laying hens and all such systems of production brought into use for the first time shall comply with the requirements of this Schedule.

2. From 1st January 2007, all non-cage systems of production for keeping laying hens shall comply with the requirements of this Schedule.

3. All systems must be equipped in such a way that all laying hens have:

- (a) either linear feeders providing at least 10 cm per hen or circular feeders providing at least 4 cm per hen;
- (b) either continuous drinking troughs providing 2.5 cm per hen or circular drinking troughs providing 1 cm per hen, and, in addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;
- (c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m² of nest space for a maximum of 120 hens;
- (d) perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm; and
- (e) at least 250 cm² of littered area per hen, the litter occupying at least one third of the ground surface.

4. The floors of installations must be constructed so as to support each of the forward-facing claws of each hen's foot.

5. In addition to the requirements of paragraphs 2 and 3—

- (a) If systems of rearing are used where the laying hens can move freely between different levels—
 - (i) there shall be no more than four levels;
 - (ii) the headroom between the levels must be at least 45 cm;
 - (iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens; and
 - (iv) the levels must be so arranged as to prevent droppings falling on the levels below.
- (b) if laying hens have access to open runs:
 - (i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending along the entire length of the building; and in any case, a total opening of 2 m must be available per group of 1,000 hens; and
 - (ii) open runs must be of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination and equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.

6. Subject to paragraph 7, the stocking density must not exceed nine laying hens per square metre of usable area.

7. Where on 3 August 1999 the establishment applied a system where the usable area corresponded to the available ground surface, and the establishment is still applying this system before 6th August 2002, a stocking density of 12 hens per square metre is authorised until 31 December 2011.]

[^{F15}SCHEDULE 3B E+W

CONVENTIONAL CAGE SYTEMS

Textual Amendments

F15 Sch. 3B inserted (6.8.2002) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 (S.I. 2002/1898), regs. 1(2), 2(8), **Sch.**

1. From 1st January 2003 all unenhanced cage systems of rearing laying hens shall comply with the following minimum requirements:

- (a) at least 550 cm² per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen, however where the non-waste deflection plate is placed so as not to restrict the area available for the hens to use, then that area may be included in the measurement;
- (b) a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;
- (c) unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in sub-paragraph (b) above. Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;
- (d) cages must be at least 40 cm high over at least 65% of the cage area and not less than 35 cm at any point (the height being obtained by a vertical line from the floor to the nearest point in the roof and the area being obtained by multiplying 550cm² by the number of birds kept in the cage);
- (e) floors of cages must be constructed so as to support each of the forward-facing claws of each foot of each hen. Floor slope must not exceed 14% or 8 degrees when made of rectangular wire mesh and 21.3% or 12 degrees for other types of floor;
- (f) cages shall be fitted with suitable claw-shortening devices.

2. Rearing laying hens in the cages referred to in this Schedule is prohibited with effect from 1 January 2012.

3. No cages such as are referred to in this Schedule may be built or brought into service for the first time from 1 January 2003.]

[^{F16}SCHEDULE 3C E+W

ENHANCED CAGE SYSTEMS

Textual Amendments

F16 Sch. 3C inserted (6.8.2002) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 (S.I. 2002/1898), regs. 1(2), 2(8), **Sch.**

1. All cage systems for rearing laying hens shall comply with the requirements of this Schedule with effect from 1 January 2012.

2. All cage systems built or brought into service for the purpose of rearing laying hens on or after 1st January 2003 shall comply with the requirements of this Schedule.
3. Laying hens must have—
 - (a) at least 750 cm² of cage area per hen, 600 cm² of which must be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm²;
 - (b) a nest;
 - (c) litter such that pecking and scratching are possible;
 - (d) appropriate perches allowing at least 15 cm per hen.
4. A feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage.
5. Each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen.
6. To facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages.
7. Cages must be fitted with suitable claw-shortening devices.]

[^{F17}SCHEDULE 3D E+W

CONDITIONS APPLICABLE TO ALL SYSTEMS

Textual Amendments

F17 Sch. 3D inserted (6.8.2002) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2002](#) (S.I. 2002/1898), regs. 1(2), 2(8), **Sch.**

1. All hens must be inspected by the owner or the person responsible for the hens at least once a day.
2. The sound level shall be minimised. Constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible noise.
3. All buildings shall have light levels sufficient to allow all hens to see one another and be seen clearly, to investigate their surroundings visually and to show normal levels of activity. Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation.

After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems. Accordingly it must follow a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting approximately one third of the day, so that the hens may rest and to avoid problems such as immunodepression and ocular anomalies. A period of twilight of sufficient duration ought to be provided when the light is dimmed so that the hens may settle down without disturbance or injury.
4. Those parts of buildings, equipment or utensils which are in contact with the hens shall be thoroughly cleansed and disinfected regularly and in any case every time depopulation is carried

Changes to legislation: There are currently no known outstanding effects for the *The Welfare of Farmed Animals (Wales) Regulations 2001*. (See end of Document for details)

out and before a new batch of hens is brought in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean. Droppings must be removed as often as necessary and dead hens must be removed every day.

5. Cages must be suitably equipped to prevent hens escaping.

6. Accommodation comprising two or more tiers of cages must have devices or appropriate measures must be taken to allow inspection of all tiers without difficulty and facilitate the removal of hens.

7. The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.]

^{F18}8.

Textual Amendments
F18 Sch. 3D para. 9 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, Sch.

^{F18}9.

Textual Amendments
F18 Sch. 3D para. 9 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, Sch.

SCHEDULE 4 **E+W**

Regulation 6

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CALVES CONFINED FOR REARING AND FATTENING

Accommodation **E+W**

1.—(1) No calf shall be confined in an individual stall or pen after the age of eight weeks unless a veterinary surgeon certifies that its health or behaviour requires it to be isolated in order to receive treatment.

(2) The width of any individual stall or pen for a calf shall be at least equal to the height of the calf at the withers, measured in the standing position, and the length shall be at least equal to the body length of the calf, measured from the tip of the nose to the caudal edge of the tuber ischii (pin bone), multiplied by 1.1.

(3) Individual stalls or pens for calves (except for those isolating sick animals) shall have perforated walls which allow calves to have direct visual and tactile contact.

- (4) For calves kept in groups, the unobstructed space allowance available to each calf shall be —
- (a) at least 1.5 square metres for each calf with a live weight of less than 150kg;
 - (b) at least 2 square metres for each calf with a live weight of 150 kg or more but less than 200 kg; and
 - (c) at least 3 square metres for each calf with a live weight of 200kg or more.

(5) Each calf shall be able to stand up, turn around, lie down, rest and groom itself without hindrance.

(6) Subject to sub-paragraphs (7) and (8), each calf that is kept on a holding on which two or more calves are kept shall be able to see at least one other calf.

(7) Sub-paragraph (6) shall not apply to any calf that is kept in isolation on a holding on veterinary advice.

(8) For the purpose of calculating the number of calves being kept on a holding in order to determine whether sub-paragraph (6) applies, no account shall be taken of any calf that is being kept in isolation on that holding on veterinary advice.

Transitional provisions for accommodation E+W

2.—(1) Until 1st January 2004, sub-paragraphs (1),(3) and (4) of paragraph 1 shall not apply in relation to accommodation in use before 1st January 1998.

(2) Until 1st January 2004, in the case of accommodation brought into use after 1st January 1994 but before 1st January 1998 —

- (a) where calves are housed in groups, each calf of 150kg or more live weight shall have at least 1.5 square metres of unobstructed floor space, and
- (b) where a calf is housed in an individual stall or pen, the stall or pen shall have at least one perforated wall which enables the calf to see other animals in neighbouring stalls and pens unless isolated for veterinary reasons.

Inspection E+W

3. All housed calves shall be inspected by the owner or keeper of the calves at least twice a day to check that they are in a state of well-being.

4. Calves which are kept outside shall be inspected by the owner or keeper of the calves at least once a day to check that they are in a state of well-being.

5. Where necessary, sick or injured calves shall be isolated in suitable accommodation with dry comfortable bedding.

Tethering E+W

6.—(1) Calves shall not be tethered, with the exception of group-housed calves which may be tethered for a period of not more than one hour when being fed milk or milk substitute.

(2) Where tethers are used in accordance with the preceding sub-paragraph, they shall not cause pain or injury to the calves and shall be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(3) Each tether shall be designed to avoid the risk of strangulation or pain or injury and allow the calf to lie down, rest, stand up and groom itself without hindrance.

Artificially lit buildings E+W

7. Where calves are kept in an artificially lit building then, subject to paragraphs 14 and 16 of Schedule 1, artificial lighting shall be provided for a period at least equivalent to the period of natural light normally available between 9.00 am and 5.00 pm.

Cleansing and disinfection E+W

8.—(1) Housing, stalls, pens, equipment and utensils used for calves shall be properly cleansed and disinfected to prevent cross-infection and the building-up of disease-carrying organisms.

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

Floors E+W

9. Where calves are kept in a building, floors shall —

- (a) be smooth but not slippery so as to prevent injury to the calves;
- (b) be so designed as not to cause injury or suffering to calves standing or lying on them;
- (c) be suitable for the size and weight of the calves; and
- (d) form a rigid, even and stable surface.

Bedding and lying area E+W

10.—(1) All calves shall be provided with appropriate bedding.

(2) All calves shall be kept on, or at all times have access to, a lying area which is clean, comfortable and well-drained and which does not adversely affect the calves.

(3) All housed calves and calves kept in hutches or temporary structures shall be kept on, or at all times have access to, a lying area which is well-maintained with dry bedding.

Bovine colostrum E+W

11. Each calf shall receive bovine colostrum as soon as possible after it is born and in any case within the first six hours of life.

Additional dietary requirements E+W

12.—(1) All calves shall be provided with food which contains sufficient iron to ensure a blood haemoglobin level of at least 4.5mmol/litre.

(2) A minimum daily ration of fibrous food shall be provided for each calf over 2 weeks old, the quantity being raised in line with the growth of the calf from a minimum of 100 g at 2 weeks old to a minimum of 250 g at 20 weeks old.

Muzzling E+W

13. Calves shall not be muzzled.

Feeding E+W

14.—(1) All calves shall be fed at least twice a day.

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

Drinking water E+W

15.—(1) Subject to sub-paragraph (2), all calves shall be provided with a sufficient quantity of fresh drinking water each day.

- (2) Calves shall be provided with fresh water at all times —
- (a) in hot weather conditions, or
 - (b) when they are ill.

SCHEDULE 5 **E+W**

Regulation 7

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CATTLE

1. Where any lactating dairy cows or any cows which are calving are kept in any roofed accommodation they shall have access at all times to a well-drained and bedded lying area.
2. Where any cows which are calving are kept in a building, they shall be kept —
 - (a) in a pen or a yard which is of such a size as to permit a person to attend the cows, and
 - (b) separate from other livestock other than calving cows.

^{F19}SCHEDULE 6 **E+W**

Regulations 2(3) and 8

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

Textual Amendments

- F19** Sch. 6 substituted (14.7.2003) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2003 \(S.I. 2003/1726\)](#), regs. 1(2), **3(4)** (with reg. 2)

PART I **E+W**

INTERPRETATION

1. In this Schedule —
 - “boar” (“*baedd*”) means a male pig after puberty, intended for breeding;
 - “gilt” (“*banwes*”) means a female pig intended for breeding after puberty and before farrowing;
 - “piglet” (“*porchell*”) means a pig from birth to weaning;
 - “rearing pig” (“*mochyn magu*”) means a pig from ten weeks to slaughter or service;
 - “sow” (“*hwch*”) means a female pig after the first farrowing; and
 - “weaner” (“*porchell diddwyn*”) means a pig from weaning to the age of ten weeks.

PART II **E+W**

GENERAL ADDITIONAL CONDITIONS

Inspection **E+W**

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 E+W

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 E+W

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
- (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) does 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 E+W

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 Schedule 1, paragraph 16, to these Regulations.

Prevention of fighting E+W

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 E+W

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 E+W

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

Floors E+W

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

the minimum slat width must be —

- (e) 50 mm for piglets and weaners;
- (f) 80 mm for rearing pigs, gilts after service and sows.

Feeding E+W

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.

Changes to legislation: There are currently no known outstanding effects for the The Welfare of Farmed Animals (Wales) Regulations 2001. (See end of Document for details)

Drinking water **E+W**

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

Environmental enrichment **E+W**

16. To enable proper investigation and manipulation activities to take place, 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 **E+W**

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 **E+W**

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

Interventions **E+W**

^{F20}19.

.....
Textual Amendments
F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

^{F20}20.

.....
Textual Amendments
F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

^{F20}21.

.....
Textual Amendments
F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

^{F20}22.

.....
Textual Amendments
F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

^{F20}23.

Changes to legislation: There are currently no known outstanding effects for the The Welfare of Farmed Animals (Wales) Regulations 2001. (See end of Document for details)

Textual Amendments

F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

F20 **24.**

Textual Amendments

F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

F20 **25.**

Textual Amendments

F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

F20 **26.**

Textual Amendments

F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

Textual Amendments

F20 Sch. 6 paras. 19-26 revoked (28.3.2007) by [The Welfare of Animals \(Miscellaneous Revocations\) \(Wales\) Regulations 2007 \(S.I. 2007/1027\)](#), reg. 1, **Sch.**

PART III **E+W**

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 6m² save as set out in sub-paragraph (b) of this paragraph.

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

PART IV **E+W**

SOWS AND GILTS

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

Farrowing **E+W**

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 **E+W**

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 2.8m in length, except when there are less than 6 pigs in the group, when the sides of the pen must be no less than 2.4m 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 pigs the unobstructed floor area must be increased by 10%. When these animals are kept in groups of 40 or more pigs, 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 0.95m² per gilt and at least 1.3m² 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 **E+W**

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 than the period specified in paragraph 46 above 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 **E+W**

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 square metres for each pig where the average weight of the pigs in the group is 10 kg or less;
- (b) 0.20 square metres 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 square metres 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 square metres 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 square metres 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 square metres 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 square metre for each pig where the average weight of the pigs in the group is more than 110 kg.]

SCHEDULE 7 E+W

Regulation 9

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF RABBITS

1. Any hutches or cages in which any rabbits are kept shall be —
 - (a) of sufficient size to allow the rabbits to move around and to feed and drink without difficulty and to enable all the rabbits kept in them to lie on their sides at the same time, and
 - (b) of sufficient height to allow the rabbits to sit upright on all four feet without having their ears touching the top of the hutch or cage.
2. Where any rabbits are kept in any accommodation which is exposed to the weather, suitable steps shall be taken so as to ensure that the rabbits have access to shelter from the action of the weather (including direct sunlight).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales only, implement the following Community legislation — Council Directive [88/166/EEC](#) laying down minimum standards for the protection of laying hens kept in battery cages (OJ No. L74, 19.3.88, p.83);

Council Directive [91/629/EEC](#) laying down minimum standards for the protection of calves (OJ No. L340, 11.12.91, p.28), as amended by Council Directive [97/2/EC](#) (OJ No. L25, 28.1.97, p.24) and Commission Decision [97/182/EC](#) (OJ No. L76, 24.2.97, p.30);

Council Directive [91/630/EEC](#) laying down minimum standards for the protection of pigs (OJ No. L340, 11.12.91, p.33); and

Council Directive [98/58/EC](#) concerning the protection of animals kept for farming purposes (OJ No. L221, 8.8.98, p.23).

The Regulations (and the Community legislation which they implement) reflect the obligations contained in the European Convention for the Protection of Animals kept for Farming Purposes of 10th March 1976 (European Treaty Series No.87), as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992 (European Treaty Series No.145).

The Regulations apply to all animals kept for farming purposes (subject to certain limited exceptions) (regulation 2(2)).

Regulation 3(1) lays down the general principle that owners and keepers of animals kept for farming purposes must take reasonable steps to ensure the welfare of animals in their care and to prevent them any unnecessary pain, suffering or injury. This principle applies to all animals (including fish, reptiles and amphibians).

The Regulations also provide for general requirements as to the conditions in which all farmed animals (other than fish, reptiles and amphibians) are bred or kept (regulation 3(2) and Schedule 1) and for specific additional requirements as to the conditions in which laying hens kept in battery cages (regulation 4 and Schedule 2), poultry (other than laying hens kept in battery cages) (regulation 5 and Schedule 3), calves (regulation 6 and Schedule 4), cattle (regulation 7 and Schedule 5), pigs (regulation 8 and Schedule 6) and rabbits (regulation 9 and schedule 7) are bred or kept.

Regulation 10 contains provision to ensure that those in charge of animals have access to copies of the welfare codes issued under section 3 of the Agriculture (Miscellaneous Provisions) Act

1968 which apply to the animals being bred or kept and that they are acquainted with those codes. Information relating to the welfare codes that have been issued under the 1968 Act may be obtained from the National Assembly for Wales, Agriculture Policy Division, Cathays Park, Cardiff, CF10 3NQ.

Regulation 11 provides for the service of enforcement notices requiring action to be taken to deal with any breach of the Regulations and regulation 12 provides for a power of entry for persons authorised by the European Commission for the purpose of enforcing Community legislation. Under regulation 13(1), any contravention of the Regulations is an offence under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968. Under section 7 of that Act, the maximum penalty for such an offence is 3 months imprisonment and/or a fine at level 4 on the standard scale (currently, £2,500).

These regulations revoke and replace (with amendments):

The Welfare of Livestock Regulations 1994 (S.I. 1994/2126, amended by S.I. 1998/1709); and
The Welfare of Livestock (Amendment) Regulations 1998 (S.I. 1998/1709).

Schedule 1, which provides for general requirements as to the conditions in which all farmed animals (other than fish, reptiles and amphibians) are bred or kept, contains a number of changes from corresponding provisions in Schedule 4 of the Welfare of Livestock Regulations 1994 (as amended).

In particular, there are a number of requirements which, under the 1994 Regulations, applied only to either animals kept in intensive systems or animals kept in buildings, but the scope of which is now extended to cover all farmed animals (other than fish, reptiles and amphibians). There are also a number of new requirements.

A Regulatory Appraisal has been prepared and published on the National Assembly for Wales web-site (www.wales.gov.uk) Copies may also be obtained from National Assembly for Wales, Agriculture Policy Division, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Farmed Animals (Wales) Regulations 2001.