
STATUTORY INSTRUMENTS

1991 No. 1676

POULTRY

HUMANE SLAUGHTER

The Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991

<i>Made</i>	- - - -	<i>19th July 1991</i>
<i>Laid before Parliament</i>		<i>9th August 1991</i>
<i>Coming into force</i>		
<i>Regulations 1 to 8 and 10</i>		<i>1st September 1991</i>
<i>Regulation 9</i>		<i>1st September 1992</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 3 and 6(2) of the Slaughter of Poultry Act 1967(1) and of all other powers enabling them in that behalf(2), after consultation with such persons and bodies as seem to them representative of the interests concerned in accordance with subsection (6) of the said section 3, hereby make the following Regulations—

Title and commencement

1.—(1) These Regulations may be cited as the Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991 and shall, except for regulation 9, come into force on 1st September 1991.

(2) Regulation 9 shall come into force on 1st September 1992.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Slaughter of Poultry Act 1967;

“bird” means a turkey kept in captivity or a domestic fowl, guinea-fowl, duck, goose or quail so kept;

(1) 1967 c. 24; sections 3 and 6(2) were substituted by sections 6 and 9 of the Animal Health and Welfare Act 1984 (c. 40); see section 8(1) for a definition of “the Ministers”.

(2) In the case of the Secretary of State for Wales by virtue of S.I.1978/272.

“licence” means a licence to slaughter or to stun and slaughter granted under regulation 5 or 6;

“the Rabbinical Commission” means the Rabbinical Commission referred to in Schedule 1 to the Slaughterhouses Act 1974⁽³⁾;

“veterinary surgeon” means a person who is registered in the register of veterinary surgeons or the supplementary veterinary register.

(2) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

Scope

- 3.—(1) These Regulations shall not apply in relation to slaughter
- (a) for a purpose other than a commercial purpose;
 - (b) in pursuance of powers conferred by, or by any instrument made or having effect as if made under, the Animal Health Act 1981⁽⁴⁾;
 - (c) in the course of a procedure authorised under the Animals (Scientific Procedures) Act 1986⁽⁵⁾;
 - (d) by a veterinary surgeon, or a person acting under his direction, where the veterinary surgeon is acting in the exercise of his profession;
 - (e) on premises forming part of an agricultural holding on which the bird was reared, if the slaughter is by means of dislocation of the neck and without prior stunning; or
 - (f) of a bird which is not more than 72 hours old.
- (2) A bird is slaughtered for a commercial purpose if it is slaughtered
- (a) in the course or furtherance of a business or for reward; or
 - (b) by, or on behalf of, the purchaser of the bird on premises belonging to, occupied by or under the control of, the seller of the bird; or
 - (c) in a market place.

LICENCES

Licensing of slaughtermen

- 4.—(1) No person shall slaughter a bird or stun a bird prior to slaughter except—
- (a) under and in accordance with the terms of a licence granted to him by the local authority; or
 - (b) in the course of demonstrating his competence for the purpose of obtaining a certificate or licence as required by regulation 5(1)(a).
- (2) The occupier of any premises shall not cause or permit any person to slaughter a bird or stun a bird prior to slaughter on those premises in contravention of these Regulations.
- (3) Paragraph (1) above shall apply to any person who slaughters or stuns a bird by any method, including any person who is in charge of automatic equipment used to slaughter or stun a bird.

(3) 1974 c. 3.
(4) 1981 c. 22.
(5) 1986 c. 14.

Licences

5.—(1) Where a local authority receives an application from a person for the grant of a licence authorising him to slaughter a bird or to stun a bird prior to slaughter, the local authority shall grant a licence if—

- (a) the application is accompanied by—
 - (i) such a certificate as is described in Schedule 1, or
 - (ii) where the licence will authorise the slaughter of a bird only by the Jewish method, a licence issued to the applicant for that purpose by the Rabbinical Commission in England and Wales or by the Chief Rabbi in Scotland;
 - (b) the applicant is in the opinion of the local authority a fit and proper person to hold a licence;
 - (c) the applicant is not below the age of 18 years; and
 - (d) the applicant provides the information required in paragraph (2) below.
- (2) Any person applying to a local authority for a licence shall in his application state—
- (a) whether he holds or has held a licence granted by any other (and, if so, which) local authority;
 - (b) whether he has been refused a licence or had a licence revoked or suspended by any other (and, if so, which) local authority; and
 - (c) whether he has any similar application pending before any other (and, if so, which) local authority.

(3) A licence granted under this regulation shall remain in force for such period not exceeding 4 years as may be specified in the licence.

(4) A local authority shall not renew such a licence unless in its opinion the applicant remains a fit and proper person to hold a licence.

Provisional licences

6.—(1) The local authority may grant the applicant a provisional licence if—

- (a) the applicant is, in the opinion of the local authority, a fit and proper person to hold a provisional licence, and
- (b) the applicant is not below the age of 18 years.

(2) A provisional licence shall authorise a person to slaughter or stun a bird only in the presence of, and in accordance with any directions given by, a person who is—

- (a) a veterinary surgeon, or
- (b) the holder of a licence granted under regulation 5, or
- (c) the holder of such a certificate as is described in Schedule 1 and one or more of the qualifications listed in paragraph 3 of Schedule 2.

(3) A provisional licence shall remain in force for such period not exceeding 3 months as may be specified in the licence and may be renewed once for a like period.

Refusal, revocation and suspension of licence

7.—(1) A local authority may revoke or suspend a licence if the holder has been convicted of an offence under the Act or of any Regulations made under it or has failed to comply with the terms of a licence granted to him under these Regulations.

(2) If a local authority intends to refuse to grant or renew a licence or intends to modify, suspend or revoke a licence, it shall forthwith give written notice to the applicant or, as the case may be, the licence holder of its intention in the matter.

(3) Except where a licence is modified in accordance with an application made by the licence holder, every notice under paragraph (2) above shall include a statement of the grounds on which the intention is based.

(4) Before refusing, modifying, suspending or revoking any licence the local authority shall give the applicant or licence holder an opportunity to make representations.

Fees

8. A local authority may charge such reasonable fees as it may determine for the grant, renewal and modification of a licence but no fees may be charged for the modification of a licence unless the modification is in accordance with an application made by the licence holder.

Penalties

9.—(1) A person who contravenes or fails to comply with regulation 4(1) or 4(2) shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(2) A person who knowingly or recklessly gives false information for the purpose of obtaining a licence shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(3) A person shall not be guilty of an offence under these Regulations if he proves that he took all reasonable steps and exercised all due diligence to avoid committing such an offence.

(4) A person shall not be guilty of an offence under these Regulations if he proves that by reason of an accident or other emergency the contravention or non-compliance was necessary for preventing physical injury or suffering to any person or bird.

SUPERVISING OFFICERS' QUALIFICATIONS

Specified qualifications which must be held by persons supervising premises used in connection with slaughter of birds.

10. No person shall be nominated by a local authority to supervise premises for the purposes of section 6(2) of the Act (execution of the provisions of the Act and of regulations) unless the local authority is satisfied that he has the qualifications specified in Schedule 2.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

19th July 1991.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

17th July 1991

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

19th July 1991

David Hunt
Secretary of State for Wales

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SCHEDULE 1

Regulation 5(1)(a)(i)

CERTIFICATE FOR THE PURPOSES OF AN APPLICATION FOR A LICENCE

A certificate issued by a veterinary surgeon designated for the purposes of the Poultry Meat (Hygiene) Regulations 1976⁽⁶⁾ or the Poultry Meat (Hygiene) (Scotland) Regulations 1976⁽⁷⁾ certifying that

- (i) the holder has demonstrated that he is a competent person to slaughter a bird or to stun a bird, and
- (ii) the holder has a sufficient knowledge of the provisions of the Act and of any regulations made and codes of practice issued under it and for the time being in force so far as those provisions relate to the slaughter of a bird or, where appropriate, the stunning of a bird, and
- (iii) the holder has a sufficient appreciation of the importance of the protection of birds whilst awaiting and during slaughter against unnecessary pain or unnecessary distress and a sufficient knowledge of the action to be taken where unnecessary pain or unnecessary distress is observed.

SCHEDULE 2

Regulation 10

QUALIFICATIONS NECESSARY FOR NOMINATION UNDER REGULATION 10

A person has the qualifications necessary under regulation 10 if the following description applies to him.

1.—(1) He has sufficient knowledge of the Act and of Regulations and codes of practice made under the Act and of methods of stunning and slaughter to enable him to discharge his duties pursuant to arrangements made under section 6(2) of the Act; and

(2) he is able to ascertain whether automatic equipment used (on premises which are to be placed, or are, under his supervision pursuant to arrangements made under section 6(2) of the Act) for stunning or slaughtering or severing one or more major blood vessels of the neck with the object of causing death is working effectively and is able to give advice, in the event of such equipment not working effectively, as to the action to be taken to avoid unnecessary pain or unnecessary distress to any bird; and

- (a) (3) (a) he is a veterinary surgeon, or
- (b) he is the holder of a certificate described in paragraph 2 below, and has a qualification described in paragraph 3 below.

2. A certificate for the purposes of paragraph 1(3)(b) is a certificate issued by a veterinary surgeon designated for the purposes of the Poultry Meat (Hygiene) Regulations 1976 or the Poultry Meat (Hygiene) (Scotland) Regulations 1976 certifying that

- (a) the holder has demonstrated that he is a competent person to slaughter a bird and to stun a bird, and
- (b) the holder has a sufficient appreciation of the importance of the protection of birds whilst awaiting and during slaughter against unnecessary pain or unnecessary distress and a sufficient knowledge of the action to be taken where unnecessary pain or unnecessary distress is observed.

⁽⁶⁾ S.I. 1976/1209. The relevant amending instrument is S.I. 1990/2486.

⁽⁷⁾ S.I. 1976/1221, to which there are amendments not relevant to these Regulations.

3. A person has a qualification for the purposes of paragraph 1(3)(b) if he is
- (a) an inspector for the purposes of the Poultry Meat (Hygiene) Regulations 1976 or the Poultry Meat (Hygiene) (Scotland) Regulations 1976, or
 - (b) the holder of one or more of the following certificates or diplomas, namely
 - (i) Certificate or Diploma of the former Public Health Inspectors Education Board,
 - (ii) Certificate of Registration of the Environmental Health Officers Registration Board,
 - (iii) Diploma in Environmental Health of the former Environmental Health Officers Education Board,
 - (iv) Diploma in Environmental Health of the Institution of Environmental Health Officers,
 - (v) Certificate of the former Royal Sanitary Institute and Sanitary Inspectors Examination Joint Board,
 - (vi) Certificate of the former Sanitary Inspectors Examination Board,
 - (vii) Certificate in Meat Inspection of the Royal Society for the Promotion of Health,
 - (viii) Certificate or Diploma of the former Royal Sanitary Association of Scotland in sanitary science, law, administration and food inspection,
 - (ix) Certificate or Diploma of the Royal Environmental Health Institute of Scotland.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to the slaughter of poultry, provide for the licensing of poultry slaughtermen and specify qualifications which must be held by persons supervising the premises used in connection with the slaughter of poultry.

In particular, the Regulations

1. prohibit the slaughter, or stunning of a bird (as defined in regulation 2(1)) before slaughter, except in pursuance of a licence or a provisional licence granted by the local authority (regulation 4(1));
2. set out the requirements that must be satisfied before the local authority shall grant a licence (regulation 5);
3. enable the local authority to issue a provisional licence which shall authorise a person to slaughter or stun a bird only if he acts under supervision (regulation 6);
4. enable the local authority to modify, suspend or revoke licences or provisional licences and to charge reasonable fees (regulations 7 and 8);
5. require the local authority to allow the applicant to make representations before it decides to refuse to grant or renew a licence or a provisional licence, or to modify, suspend or revoke a licence or a provisional licence (regulation 7(4));
6. create offences punishable by a fine not exceeding level 3 on the standard scale (currently £500) (regulation 9); and

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7. specify the qualifications to be held by supervisors (regulation 10).

The Regulations come into force on 1st September 1991 except for regulation 9 which comes into force on 1st September 1992.