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DRAFT STATUTORY RULES OF NORTHERN  
IRELAND

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**2012 No.**

**WELFARE OF ANIMALS**

**Welfare of Farmed Animals Regulations (Northern Ireland)  
2012**

*Made* - - - - - *xx xxxxxxxxxxxxxx 2012*  
*Coming into operation* - *xx xxxxxxxxxxxxxx 2012*

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The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by Section 11(1), (2) and (3) of the Welfare of Animals Act (Northern Ireland) 2011(a).

The Department has consulted such persons appearing to it to represent any relevant interests as it considers appropriate.

### Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 and shall come into operation on 2012.

### Interpretation

2.—(1) In these Regulations—

“calf” means a bovine animal aged up to six months;

“conventionally reared meat chicken” means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

- (a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;
- (b) that is on a hatchery;
- (c) in relation to which the term “Extensive indoor (barn reared)”, “Free range”, “Traditional free range” or “Free range – total freedom” can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat(b);
- (d) that is organically reared in accordance with Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/1991(c);

“farmed animal” means any animal bred or kept for the production of food, wool, skin or for other farming purposes;

“laying hen” means a hen of the species *Gallus gallus* which has reached laying maturity and is kept for production of eggs not intended for hatching;

“litter”, in relation to laying hens, means any friable material enabling the hens to satisfy their ethological needs and, in relation to conventionally reared meat chickens, material which is dry and friable on the surface;

“nest” means a separate space for egg laying, the floor components of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens;

“person responsible” for the animal has the same meaning as in section 3 of the Welfare of Animals Act (Northern Ireland) 2011;

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

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(a) S.R. 2011 (c.16)

(b) O.J. No. L 157, 17.6.08, p. 46, to which there are amendments and corrections not relevant to these Regulations

(c) O.J. No. L 189, 20.7.07, p. 1, as amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.08, p. 1)

“the Act” means the Welfare of Animals Act (Northern Ireland) 2011;

“usable area” means—

- (a) in relation to laying hens, an area used by laying hens, other than that taken up by a nest, which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45cm; and
- (b) in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) Expressions which are not defined in these Regulations and which appear in Council Directive 2008/120/EC(b) laying down minimum standards for the protection of pigs, and in relation to conventionally reared meat chickens, Council Directive 2007/43/EC(c) have the same meaning in these Regulations as they have for the purposes of that Community legislation.

### **Duties on persons responsible for farmed animals**

3.—(1) A person responsible for a farmed animal shall take all reasonable steps to ensure that the conditions under which the farmed animal is bred or kept comply with Schedule 1.

(2) In complying with the duty in paragraph (1), the person responsible for a farmed animal shall have regard to its—

- (a) species;
- (b) to its degree of development;
- (c) adaptation and domestication; and
- (d) physiological and ethological needs in accordance with established experience and scientific knowledge.

### **Additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits**

4.—(1) A person responsible for—

- (a) poultry (other than those kept in the systems referred to in Schedules 2 and 3) kept in a building, shall ensure they are kept on or have access at all times to well-maintained litter or a well drained area for resting;
- (b) laying hens kept in establishments with more than 350 laying hens shall comply with Schedules 2, 3 and 4, as applicable;
- (c) conventionally reared meat chickens shall comply with Schedule 5;
- (d) calves confined for rearing and fattening shall comply with Schedule 6;
- (e) cattle (other than calves to which sub-paragraph (d) applies) shall comply with Schedule 7;
- (f) pigs shall, subject to paragraph (2), comply with—
  - (i) Part 2 of Schedule 8; and
  - (ii) Parts 3, 4, 5 or 6 of Schedule 8 (as the case may be) applicable to the particular class of pigs being kept;
- (g) rabbits shall comply with Schedule 9.

(2) Paragraphs 12, 29, 30 and 31 of Schedule 8 apply to all holdings newly built, rebuilt or brought into use for the first time on or after 1st June 2003, but in the case of all other holdings, those paragraphs do not apply until 1st January 2013.

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(a) 1954 c. 33 (N.I.)

(b) O.J. No. L 47, 18.2.2009, p. 5-13, codified version

(c) O.J. No. L182, 12.7.07, p. 19

(3) Part 1 (Interpretation) of Schedule 5 has effect.

(4) Part 1 (Interpretation) of Schedule 8 has effect.

### **Codes of Practice**

**5.**—(1) A person responsible for a farmed animal—

- (a) shall not attend to the animal unless that person is acquainted with any relevant code of practice and has access to the code while attending to the animal;
- (b) shall take all reasonable steps to ensure that a person employed or engaged by that person does not attend to the animal unless that other person—
  - (i) is acquainted with any relevant codes of practice;
  - (ii) has access to all such codes while attending to the animal; and
  - (iii) has received instruction and guidance on those codes.

(2) In this section, a “relevant code of practice” means a code of practice issued or revised under section 16 of the Welfare of Animals Act (Northern Ireland) 2011 relating to the particular species of farmed animal to which a person is attending.

### **Offences**

**6.** A person commits an offence if, without lawful authority or excuse, that person—

- (a) contravenes, or does not comply with a duty in, regulations 3, 4 or 5;
- (b) makes an entry in a record, or gives any information for the purposes of these Regulations which they know 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
- (c) causes or permits any of the above.

### **Penalties**

**7.** A person guilty of an offence under regulation 6 is liable on summary conviction to—

- (a) imprisonment for a term not exceeding 6 months;
- (b) a fine not exceeding level 5 on the standard scale; or
- (c) both the term of imprisonment referred to in sub-paragraph (a) and the fine referred to in sub-paragraph (b).

### **Revocations**

**8.** The Welfare of Farmed Animals Regulations (Northern Ireland) 2000<sup>(a)</sup> are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 2012  
(L.S.)

*name*  
A senior officer of the Department of Agriculture and Rural Development

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(a) S.R. 2000 No. 270, as amended by S.R. 2002 No. 259, S.R. 2003 No. 244 and S.R. 2010 No. 339

## General conditions under which farmed animals shall be kept

### Staffing

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

### Inspection

2.—(1) Subject to sub-paragraph (3), 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 husbandry systems in which their welfare does not depend on frequent human attention shall be inspected at intervals sufficient to avoid any suffering.

(3) In the following cases, it shall be sufficient for the purposes of this paragraph to comply with the following provisions—

- (a) in the case of laying hens, paragraph 1 of Schedule 4;
- (b) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 5;
- (c) in the case of calves, paragraphs 2 or 3 of Schedule 6; and
- (d) in the case of pigs, paragraph 2 of part 2 of Schedule 8.

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 is well drained or well maintained with dry bedding.

5. Any animals which appear to be ill or injured shall be cared for appropriately without delay, and where they do not respond to such care, veterinary advice shall be obtained as soon as possible.

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

### Record keeping

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—
  - (i) in the case of laying hens, paragraph 1 of Schedule 4;
  - (ii) in the case of conventionally reared meat chickens, paragraph 8 of Schedule 5;
  - (iii) in the case of calves, paragraphs 2 or 3 of Schedule 6; and
  - (iv) in the case of pigs, paragraph 2 of part 2 of Schedule 8; or
  - (v) in any other case, paragraph 2(1) or (2) of this Schedule.

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 medicinal treatment was given, or the date of the inspection, as the case may be, and shall be made available to an inspector upon request.

### **Freedom of movement**

9. The freedom of movement of animals, having regard to their species and in accordance with good practice 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 good practice and scientific knowledge.

### **Buildings and accommodation**

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 cleaned 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**

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**

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 and that no parts of the equipment have become seriously worn.

19. Where defects or worn parts in automated or mechanical equipment of the type specified 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) 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 at any time, it shall be rectified immediately.

### **Feed, water and other substances**

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 promote a positive state of well-being.

23. Animals shall not—

- (a) be provided with food or liquid in a manner which may cause unnecessary suffering or injury; or
- (b) be provided food or liquid containing any substance which may cause 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 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.—(1) 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.

(2) “zootechnical treatment” has a meaning given in Article 1(2)(c) of Council Directive 96/22/EEC<sup>(a)</sup> concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists.

### **Breeding procedures**

28.—(1) 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.

(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. Animals shall not 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**

30. A person shall not apply an electrical current to any animal for the purpose of immobilisation.

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(a) O.J. No L125, 23.5.96, p. 3

## SCHEDULE 2

Regulation 4(1)

### Additional conditions that apply to the keeping of laying hens in non-cage systems

1. All non-cage systems of production for keeping laying hens shall comply with the requirements of this Schedule.

2. All systems shall be equipped in such a way that all laying hens have—

- (a) 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;
- (c) at least one nest for every seven hens. If group nests are used, there shall be at least 1 m<sup>2</sup> of nest space for a maximum of 120 hens;
- (d) perches, without sharp edges and providing at least 15 cm per hen, which shall not be mounted above the litter, and the horizontal distance between perches shall be at least 30 cm and the horizontal distance between the perch and the wall shall be at least 20 cm; and
- (e) at least 250 cm<sup>2</sup> of littered area per hen, the litter occupying at least one third of the ground surface.

3. Where a system is equipped with nipple drinkers or cups, there must be at least one nipple drinker or cup for every 10 laying hens.

4. Where a system has drinking points plumbed in, at least two cups or two nipple drinkers must be within reach of each laying hen.

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

6. If systems are used where the laying hens can move freely between different levels—

- (a) there shall be no more than four levels;
- (b) the headroom between the levels shall be at least 45cm;
- (c) the drinking and feeding facilities shall be distributed in such a way as to provide equal access for all hens; and
- (d) the levels shall be so arranged as to prevent droppings falling on the levels below.

7. If laying hens have access to open runs—

- (a) there shall 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; in any case, a total opening of 2 m shall be available per group of 1,000 hens; and
- (b) the open runs shall be—
  - (i) of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination, and
  - (ii) equipped with shelter from adverse weather conditions and predators and, if necessary, appropriate drinking troughs.

8. The stocking density shall not exceed nine laying hens per square metre of usable area.



## SCHEDULE 3

Regulation 4(1)

### Additional conditions that apply to the keeping of laying hens in enriched cages

1. All cage systems shall be enriched to comply with the requirements of this Schedule.
2. Laying hens shall have—
  - (a) at least 750 cm<sup>2</sup> of cage area per hen, 600 cm<sup>2</sup> of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and the minimum total area for any cage shall be 2000 cm<sup>2</sup> ;
  - (b) access to a nest;
  - (c) litter such that pecking and scratching are possible; and
  - (d) appropriate perches allowing at least 15 cm per hen.
3. A feed trough which can be used without restriction shall be provided. Its length shall be at least 12 cm multiplied by the number of hens in the cage.
4. Each cage shall have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups shall be within the reach of each hen.
5. To facilitate inspection, installation and depopulation of hens there shall be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm shall be allowed between the floor of the building and the bottom tier of cages.
6. Cages shall be fitted with suitable claw-shortening devices.
7. While the cages are occupied—
  - (a) the surfaces and all equipment shall be kept satisfactorily clean;
  - (b) droppings shall be removed; and
  - (c) dead hens shall be removed every day.
8. Cages shall be suitably equipped to prevent hens escaping.
9. Accommodation comprising two or more tiers of cages shall have devices, or appropriate measures shall be taken, to allow inspection of all tiers without difficulty and facilitate the removal of hens.
10. The design and dimensions of the cage door shall be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.

## SCHEDULE 4

Regulation 4(1)

### Additional conditions applicable to all systems in which laying hens are kept

1. All hens shall be inspected by the owner or other person responsible for the hens at least once a day.
2. In all systems in which laying hens are kept—
  - (a) the sound level shall be minimised;
  - (b) constant or sudden noise shall be avoided; and
  - (c) 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.—(1) 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.

(2) Where there is natural light, light apertures shall be arranged in such a way that light is distributed evenly within the accommodation.

(3) After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems; and accordingly, it shall follow a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day.

(4) 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 out and before a new batch of hens is brought in.

## SCHEDULE 5

Regulation 4(1)

### Additional conditions that apply to the keeping of conventionally reared meat chickens

#### Interpretation

##### 1. In this Part—

“chicken” means an animal of the species *Gallus gallus* kept for meat production;

“cumulative daily mortality rate” means the sum of daily mortality rates;

“daily mortality rate” means the number of chickens which have died in a house on the same day including those that have been culled either for disease or because of other reasons divided by the number of chickens present in the house on that day, multiplied by 100;

“flock” means a group of chickens which are placed in a house of a holding and are present in this house at the same time;

“food business operator” has the same meaning as it has in Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(a)</sup>;

“holding” means a production site on which chickens are kept;

“house” means a building on a holding where a flock of chickens is kept;

“official veterinarian” has the same meaning as it has in Regulation (EC) 853/2004 of the European Parliament and of the Council of 29th April 2004 laying down specific hygiene rules for food of animal origin<sup>(b)</sup> and Regulation (EC) 854/2004 of the European Parliament and of the Council of 29th April laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(c)</sup>;

“owner” means any natural or legal person or persons owning the holding where chickens are kept;

“poultry” means any bird reared or kept in captivity for the production of meat or eggs for consumption, or of other products, for restocking supplies of game or for the purpose of any breeding programme for the production of such categories of birds;

“Regulation 853/2004” means Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>(d)</sup>;

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(a) O.J. No. L 31, 1.2.02, p 1; last amended by Regulation (EC) No 596/2009 (O.J. No. L 188, 18.7.09, p 14)

(b) O.J. No. L 139, 30.4.2004, p.55

(c) O.J. No. L 139, 30.4.2004, p. 206

(d) O.J. No. L 226, 25.6.04, p. 22; last amended by Regulation (EC) No. 219/2009 (O.J. No. L 87, 31.3.09, p. 109)

“Regulation 854/2004” means Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(a)</sup>;

“stocking density” means the total live weight of chickens which are present in a house at the same time per m<sup>2</sup> of usable area;

“working day” means a day other than a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971<sup>(b)</sup>.

### **Training**

2.—(1) The owner or other person responsible for the chickens shall hold a certificate recognised by the Department for the purposes of Article 4(3) or (4) of Council Directive 2007/43/EC<sup>(c)</sup> (certificates of completion of training courses or equivalent experience).

(2) The Department shall publish from time to time, in such a way as it considers appropriate, a list of certificates recognised by it for the purposes of sub-paragraph (1).

### **Drinkers and feeding**

3.—(1) Drinkers shall be positioned and maintained in such a way that spillage is minimised.

(2) Feed shall be either continuously available or meal fed.

(3) Feed shall not be withdrawn from the chickens more than 12 hours before the expected slaughter time.

### **Litter**

4. All chickens shall have permanent access to litter that is dry and friable on the surface.

### **Ventilation and heating**

5. Ventilation shall be sufficient to avoid overheating and, where necessary in combination with heating systems, to remove excessive moisture.

### **Noise**

6. In all houses—

(a) the sound level shall be minimised; and

(b) ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

### **Light**

7.—(1) All houses shall have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and which illuminates at least 80% of the useable area.

(2) A temporary reduction from that lighting level is permitted where necessary following veterinary advice.

(3) Within 7 days from the time when the chickens are placed in the house and until 3 days before the foreseen time of slaughter, the lighting shall follow a 24-hour rhythm and include periods of darkness lasting at least 6 hours in total, with at least one uninterrupted period of darkness of at least 4 hours, excluding dimming periods.

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(a) O.J. No. L 226, 25.6.04, p. 83; last amended by Regulation (EC) No. 219/2009 (O.J. No. L 87, 31.3.09, p. 109)

(b) 1971 c. 80 to which there is an amendment not relevant to these Regulations

(c) O.J. No. L 182, 12.7.07, p. 19

## **Inspection**

8.—(1) The owner or other person responsible for the chickens shall ensure that all chickens kept on the holding are inspected at least twice a day.

(2) Special attention shall be paid to signs indicating a reduced level of animal health and welfare.

(3) Chickens that are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe ascites or severe malformations), and are likely to suffer, shall receive appropriate treatment or be culled immediately. A veterinarian shall be contacted whenever necessary.

## **Cleaning**

9. After the final depopulation of a house and before a new flock is introduced—

- (a) any part of a house, and any equipment or utensil, which has been in contact with chickens shall be thoroughly cleaned and disinfected; and
- (b) all litter shall be removed and clean litter provided.

## **Record keeping**

10.—(1) The owner or other person responsible for the chickens shall maintain, for each house in which chickens are kept, a record of—

- (a) the number of chickens introduced;
- (b) the useable area;
- (c) the hybrid or breed of the chickens (if known);
- (d) the number of chickens found dead, with an indication of the causes (if known), as well as the number of chickens culled with cause, on each inspection; and
- (e) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.

(2) The record shall be retained for at least 3 years and shall be made available to the Department when carrying out an inspection or when otherwise requested.

## **Notification of stocking density**

11.—(1) The owner or other person responsible for the chickens shall ensure that the Department is notified of the intended stocking density of each house where it is intended to keep chickens at a stocking density greater than 33 kilograms per m<sup>2</sup>, and of any subsequent change to that notified stocking density.

(2) Notification shall be made in such manner and form as the Department may require.

(3) Subject to sub-paragraph (5), in the case of any stocking density in excess of 33 kilograms per m<sup>2</sup> of usable area, notification (including notification of any change) shall be given at least 15 working days before stocking at that density or changed density takes place.

(4) If requested by the Department, the notification referred to in sub-paragraph (1) shall be accompanied by a document summarising the information contained in the documentation required under paragraph 13.

(5) Stocking at a density in excess of 39 kilograms per m<sup>2</sup> of usable area shall not take place until it has been approved under paragraph 14.

## **Stocking density limits**

12.—(1) Unless sub-paragraph (2) or (3) applies, the stocking density shall not exceed 33 kilograms per m<sup>2</sup> of usable area.

(2) A stocking density in excess of 33 kilograms and up to 39 kilograms per m<sup>2</sup> of usable area may be used if the requirements of paragraph 13 are complied with.

(3) A stocking density in excess of 39 kilograms and up to 42 kilograms per m<sup>2</sup> of usable area may be used if—

- (a) the requirements of paragraph 13 are complied with; and
- (b) the Department has approved stocking at that density in accordance with paragraph 14.

### **Requirements for higher stocking densities**

**13.** The requirements of this paragraph are that the owner or other person responsible for the chickens shall—

- (a) maintain and keep available in the house compiled documentation giving a detailed description of the production systems, including information on technical details of the house and its equipment, such as—
  - (i) a plan of the house including the dimensions of the surfaces occupied by the chickens;
  - (ii) ventilation and any relevant cooling and heating system (including their location), and a ventilation plan, detailing target air quality parameters (such as airflow, airspeed and temperature);
  - (iii) feeding and watering systems (including their location);
  - (iv) alarm and backup systems in the event of a failure of any equipment essential for the health and well-being of the chickens; and
  - (v) floor type and litter normally used;
- (b) keep the documentation referred to in sub-paragraph (a) updated, including recording technical inspections of the ventilation and alarm systems;
- (c) ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that—
  - (i) the concentration of ammonia does not exceed 20 parts per million and the concentration of carbon dioxide does not exceed 3000 parts per million, when measured at the level of the chickens' heads;
  - (ii) when the outside temperature measured in the shade exceeds 30°C, the inside temperature does not exceed the outside temperature by more than 3°C; and
  - (iii) when the outside temperature is below 10°C, the average relative humidity measured inside the house during a continuous period of 48 hours does not exceed 70%.

### **Approval for stocking in excess of 39 kilograms**

**14.—**(1) The owner or other person responsible for the chickens may apply to the Department for approval to use a stocking density in excess of 39 kilograms and up to 42 kilograms per m<sup>2</sup> of usable area.

(2) Applications shall be made in such manner and form as required by the Department.

(3) The Department shall not approve an application unless satisfied that—

- (a) the requirements of paragraph 13 are complied with;
- (b) any inspections of the holding by an inspector during the two years prior to the date of the application have not revealed a failure to comply with the requirements of these Regulations (or, where the inspection took place before the coming into operation of this paragraph, what would have been a failure had this regulation been in operation at the time);
- (c) inspections of the holding by the owner or other person responsible for the chickens have been carried out in accordance with a relevant code of practice (which has the meaning given to it in regulation 5(2) of these Regulations); and

- (d) in at least seven consecutive, subsequently checked flocks from a house the cumulative daily mortality rate was below  $1\% + (0.06\% \text{ multiplied by the slaughter age of the flock in days})$ .

(4) Sub-paragraph (3)(d) shall not prevent an application being approved in any case where the Department is satisfied that there is a sufficient reason for a higher mortality rate which is beyond the control of the owner or other person responsible for the chickens .

(5) For the purposes of sub-paragraph (3)(b), if there has been no inspection during the two years prior to the date of the application, one shall be carried out by an inspector (in which case, that sub paragraph is read as if the words “during the two years prior to the date of the application” were omitted .

(6) The Department may withdraw approval if no longer satisfied of the matters referred to in sub-paragraph (3).

### **Food chain information and chickens dead on arrival and mortality**

**15.**—(1) For the purposes of Section III (food chain information) of Annex II to Regulation 853/2004, the daily mortality rate and cumulative daily mortality rate and the hybrid or breed of chickens from a flock with a stocking density in excess of 33 kilograms per m<sup>2</sup> of usable area is treated as relevant food safety information.

(2) A food business operator operating a slaughterhouse shall—

- (a) under the supervision of the official veterinarian, record the number of chickens from such a flock that are dead on arrival at the slaughterhouse;
- (b) provide that information on request to the official veterinarian;
- (c) request the owner or other person responsible for the chickens to supply the following information as part of the food chain information—
  - (i) the daily mortality rate;
  - (ii) the cumulative mortality rate; and
  - (iii) the hybrid or breed of chickens.

(d) record this data, indicating the holding and the house of the holding.

(3) The owner or other person responsible for the chickens shall make this data available to the official veterinarian, the Department and receiving food business operators on request.

(4) Under the supervision of the official veterinarian the plausibility of the data and of the cumulative daily mortality rate shall be checked, as required, taking into account the number of chickens slaughtered and the number of chickens dead on arrival at the slaughterhouse.

### **Identification of poor welfare conditions and follow up**

**16.**—(1) Under the supervision of an official veterinarian conducting controls under Regulation 854/2004 in relation to chickens—

- (a) the results of their post mortem inspection shall be evaluated, as required, to identify possible indications of poor welfare conditions in their holding or house of origin; and
- (b) if the mortality rate of the chickens or the results of the post mortem inspection are consistent with poor animal welfare conditions, this data shall be reported to the Department and owner or other person responsible for the chickens without delay.

(2) On receipt of such a report the owner or other person responsible for the chickens shall take all reasonable steps to ensure the welfare of the chickens in the holding or house of origin.

## Additional conditions that apply to the keeping of calves confined for rearing and fattening

### Accommodation

1.—(1) A calf shall not 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 m<sup>2</sup> for each calf with a live weight of less than 150 kg;
- (b) at least 2 m<sup>2</sup> for each calf with a live weight of 150 kg or more but less than 200kg; and
- (c) at least 3 m<sup>2</sup> for each calf with a live weight of 200 kg or more.

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

(6) 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, or in accordance with sub-paragraph (1).

(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, or in accordance with sub-paragraph (1).

### Inspection

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

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

### Tethering

4.—(1) A person responsible for a calf shall not tether it or cause it to 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 sub-paragraph (1), the tether 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**

5. Where calves are kept in an artificially lit building then, subject to paragraph 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 a.m. and 5.00 p.m.

### **Cleansing and disinfection**

6.—(1) Housing, stalls, pens, equipment and utensils used for calves shall be properly cleaned and disinfected as often as necessary to prevent cross-infection and the build-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**

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

- (a) be smooth but not slippery;
- (b) be so designed, constructed and maintained so 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**

8.—(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 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**

9. 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**

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

11. Calves shall not be muzzled.

### **Feeding**

12.—(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**

- 13.—(1) All calves shall be provided with a sufficient quantity of fresh drinking water each day.
- (2) Calves shall be provided with fresh drinking water at all times—
- (a) in hot weather conditions; or
  - (b) when they are ill.

## **SCHEDULE 7**

Regulation 4(1)

### **Additional conditions that apply to the keeping of cattle**

1. Where lactating dairy cows or calving cows are kept in a building, they shall have access at all times to a well-drained and bedded lying area.
2. Where any calving cows 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.

## **SCHEDULE 8**

Regulation 4(1)

### **Additional conditions that apply to the keeping of pigs**

#### **PART 1**

#### **INTERPRETATION**

#### **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 age 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 2**

#### **GENERAL ADDITIONAL CONDITIONS**

#### **Inspection**

2. A person responsible for the pigs shall ensure that all pigs are inspected at least once a day to check that they are in a state of well-being.

#### **Tethering**

3. A person shall not 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.

4.—(1) Where tethers are used in accordance with paragraph 3, 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 5(2)(a) and (e) and the design shall be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

### **Accommodation**

5.—(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, except—
  - (i) where the pig is isolated for veterinary reasons; or
  - (ii) in the week before the expected farrowing time and during farrowing, when sows and gilts may be kept out of sight of other pigs;
- (d) maintain a comfortable temperature; and
- (e) have enough space to allow it and all the other animals in the accommodation to lie down at the same time.

6.—(1) The dimensions of any stall or pen used for holding individual pigs 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) Sub-paragraph (1) shall not apply to a female pig for the period starting seven days before the predicted day of her farrowing and ending on the day on which the weaning of her piglets (including any piglets fostered by her) is complete.

(3) Sub-paragraph (1) does not apply to a pig held 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 the purpose in question.

(4) Sub-paragraph (1) does not apply to a pig held 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**

7. Subject to paragraph 16 of Schedule 1, 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.

### **Prevention of fighting**

8.—(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 kept separate from the group.

### **Cleansing and disinfection**

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

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

### **Bedding**

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

### **Floors**

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

- (a) be smooth but not slippery;
- (b) be designed, constructed and maintained so 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.

12. Where concrete slatted floors are used for pigs kept in groups—

- (a) the maximum width of the openings shall be—
  - (i) 11 mm for piglets;
  - (ii) 14 mm for weaners;
  - (iii) 18 mm for rearing pigs; and
  - (iv) 20 mm for gilts after service and sows
- (b) the minimum slat width shall be—
  - (i) 50 mm for piglets and weaners; and
  - (ii) 80 mm for rearing pigs, gilts after service and sows.

### **Feeding**

13.—(1) All pigs shall 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 shall have access to the food at the same time as the others in the feeding group.

### **Drinking water**

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

### **Environmental enrichment**

15. To enable proper investigation and manipulation activities, all pigs shall 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 sweatbox system**

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

### **Noise levels**

17. Pigs shall not be exposed to constant or sudden noise.

18. Noise levels above 85dBA shall be avoided in that part of any building where pigs are kept.

## **PART 3**

### **BOARS**

19. 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.

20. The lying area for boars shall be dry and comfortable.

21. Subject to paragraph 22, the minimum unobstructed floor area for an adult boar shall be 6 m<sup>2</sup>.

22. When boar pens are also used for natural service, the floor area shall be at least 10 m<sup>2</sup> and shall be free of any obstacles.

## **PART 4**

### **SOWS AND GILTS**

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

### **Farrowing**

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

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

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

27. Farrowing pens where sows or gilts are kept loose shall have some means of protecting the piglets, such as farrowing rails.

### **Group housing**

28. 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.

**29.** The pen where the group is kept shall have sides greater than 2.8 metres in length, except when there are less than 6 individuals in the group, when the sides of the pen shall be no less than 2.4 metres in length.

**30.** The unobstructed floor area available to each gilt after service and to each sow when gilts and/or sows are kept in groups shall be at least 1.64 m<sup>2</sup> and 2.25 m<sup>2</sup> respectively. When these animals are kept in groups of less than 6 individuals the unobstructed floor area shall 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%.

**31.** For gilts after service and pregnant sows a part of the area required in paragraph 30 equal to at least 0.95 m<sup>2</sup> per gilt and at least 1.3 m<sup>2</sup> per sow shall be of continuous solid floor of which a maximum of 15% is reserved for drainage openings.

**32.** 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.

**33.** In addition to the requirements of paragraph 13, sows and gilts shall be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present.

**34.** All dry pregnant sows and gilts shall 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 5

### PIGLETS

**35.** Piglets shall, where necessary, 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.

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

**37.** Where a farrowing crate is used the piglets shall have sufficient space to be able to suckle without difficulty.

**38.** Subject to paragraph 39 piglets shall not be weaned from the sow at an age of less than 28 days unless the welfare or health of the sow or piglets would otherwise be adversely affected.

**39.** Piglets may be weaned up to 7 days earlier than the age referred to in paragraph 38 if they are moved into specialised housings which is—

- (a) emptied and thoroughly cleaned and disinfected before the introduction of a new group; and
- (b) separate from housing where other pigs are kept.

## PART 6

### WEANERS AND REARING PIGS

**40.** As soon as possible after weaning, weaners and rearing pigs shall be kept in stable groups with as little mixing as possible.

**41.** If weaners and rearing pigs unfamiliar with one another have to be mixed—

- (a) this shall, if possible, be done before weaning or up to 1 week after weaning or otherwise when the pigs are as young as possible; and
- (b) they shall be provided with adequate opportunities to escape and hide from other pigs.

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

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

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

- (a) 0.15 m<sup>2</sup> for each pig where the average weight of the pigs in the group is 10 kg or less;
- (b) 0.20 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> for each pig where the average weight of the pigs in the group is more than 110 kg.

## SCHEDULE 9

Regulation 4(1)(g)

### Additional conditions that apply to the keeping of rabbits

1. 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 rabbits are kept in accommodation that 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 revoke and replace the Welfare of Farmed Animals Regulations (Northern Ireland) 2000, as amended.

These Regulations implement Community legislation which had previously been implemented in the Regulations mentioned above. The Community legislation which these Regulations continue to implement is—

Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (Codified version) (O.J. No. L 10, 15.1.2009)

Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (O.J. No. L340, 11.12.91, p. 33); as amended by Council Directive 2001/88/EC and Commission Directive 2001/93/EC.

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

Council Directive 99/74/EC (O.J. No. L 203, 3.8.99, p. 53), laying down minimum standards for the protection of laying hens, in establishments with 350 or more laying hens.

Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (O.J. No. L 182, 12.7.07, p. 19).

Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (Codified version) (O.J. No. L 47, 18.2.2009).

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, as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992.

The Regulations apply to all animals kept for farming purposes (subject to certain exceptions) (regulation 2(1)).

Regulation 3 prescribes the duties on persons responsible for farmed animals.

Regulation 4 sets out the additional duties required of a person responsible for certain species of animal.

Regulation 5 contains provision to require that a person responsible for animals shall be acquainted with the relevant code of practice and shall ensure that a person employed by him has received instruction in the code of practice.

Under regulation 6, any contravention of the Regulations is an offence against section 11 of the Welfare of Animals Act (Northern Ireland) 2011.

Regulation 7 prescribes the penalties for a person guilty of an offence under regulation 6.

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