

2002 No. 259

WELFARE OF ANIMALS

**Welfare of Farmed Animals (Amendment) Regulations
(Northern Ireland) 2002**

Made - - - - - 30th July 2002

*Coming into operation in accordance with regulation
1(2) to (4)*

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972(b) and being a Department designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf and after consultation with such persons appearing to it to represent any interests concerned as it considers appropriate, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Amendment) Regulations (Northern Ireland) 2002.

(2) These Regulations shall come into operation for all purposes, other than for the purpose of the revocations made by regulation 4 and regulation 11, on 29th August 2002.

(3) For the purposes of the revocation made by regulation 4, these Regulations shall come into operation on 1st January 2003.

(4) For the purposes of the revocation made by regulation 11, these Regulations shall come into operation on 1st January 2011.

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

Amendment of the Welfare of Farmed Animals Regulations (Northern Ireland) 2000

2. The Welfare of Farmed Animals Regulations (Northern Ireland) 2000(f) (“the principal Regulations”) shall be amended as provided in regulations 3 to 10.

Interpretation

3. In regulation 2(1) –

(a) for the definition of “laying hen” there shall be substituted the following definition –

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4)
(b) 1972 c. 7 (N.I.) as amended by S.I. 1994/1891 (N.I. 6) Articles 10 and 11
(c) S.I. 2000/2812
(d) 1972 c. 68
(e) 1954 c. 33 (N.I.)
(f) S.R. 2000 No. 270

- “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;”;
- (b) after the definition of “laying hen” there shall be inserted the following definitions –
- “litter” means any friable material enabling the hens to satisfy their ethological needs;”;
- “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;”;
- (c) after the definition of “statutory welfare code” there shall be inserted the following definition –
- “usable area” means an area, other than any nesting area, used by laying hens at least 30 cm wide with a floor slope not exceeding 14% and with headroom of at least 45 cm;”.

Revocation

4. Regulation 4 and Schedule 2 shall be revoked.

Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C to the Welfare of Farmed Animals Regulations (Northern Ireland) 2000)

5. For regulation 5 there shall be substituted the following regulation –

“Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C)

5. The owner and the keeper 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.”.

Additional duties on owners and keepers of laying hens

6. After regulation 5 the following regulation shall be inserted –

“Additional duties on owners and keepers of laying hens

5A. The owner and the keeper 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.”.

Issue of statutory welfare codes

7. For paragraph (a) of regulation 14 there shall be substituted the following paragraph –
- “(a) Council Directive 99/74/EC(a) laying down minimum standards for the protection of laying hens.”.

General conditions under which farmed animals must be kept

8. In Schedule 1 –
- (a) in paragraph 2(3) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
- “(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;”;
- (b) in paragraph 7(b) for sub-paragraph (i) there shall be substituted the following sub-paragraph –
- “(i) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;”.

(a) O.J. No. L203, 3.8.99, p. 53

Additional conditions under which poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C to the Welfare of Farmed Animals Regulations (Northern Ireland) 2000) must be kept

9. For Schedule 3 there shall be substituted the following Schedule –

“SCHEDULE 3

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

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.”.

10. After Schedule 3 there shall be inserted the Schedules 3A (non-cage systems), 3B (conventional cages), 3C (enriched cages) and 3D (conditions applicable to all systems) set out in the Schedule to these Regulations.

Revocation of the Veterinary Surgery (Exemptions) Order 1962 as regards laying hens

11. Article 4(c) of the Veterinary Surgery (Exemptions) Order 1962(a) shall be revoked insofar as it is applicable to laying hens.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th July 2002.

(L.S.)

L. G. McKibben

A senior officer of the Department of Agriculture and Rural Development

(a) S.I. 1962/2557 as amended by S.I. 1973/308, S.I. 1982/1627 and S.I. 1983/6

SCHEDULE

Regulation 10

“SCHEDULE 3A

Regulation 5A

Non-cage systems

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. On and after 1st January 2007, all non-cage systems of production for keeping laying hens shall also comply with the following requirements.

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;
- (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 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; and
- (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; 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 3rd 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, a stocking density of 12 hens per square metre is authorised until 31st December 2011.

SCHEDULE 3B

Regulation 5A

Conventional cages

1. On and after 1st January 2003, all conventional (unenriched) cage systems shall comply with the following 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). 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 area being obtained by multiplying 550 cm² 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; and
- (f) cages shall be fitted with suitable claw-shortening devices.

2. On and after 1st January 2003 a person shall not build or bring into service for the first time any cage system referred to in paragraph 1 for the keeping of laying hens.

3. On and after 1st January 2012 a person shall not keep laying hens in any cage system referred to in paragraph 1.

SCHEDULE 3C

Regulation 5A

Enriched cages

1. All cage systems (other than those referred to in Schedule 3B) shall be enriched to comply with the requirements of this Schedule.

2. Laying hens must have –

- (a) at least 750 cm² of cage area per hen, 600 cm² 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 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; and
- (d) appropriate perches allowing at least 15 cm per hen.

3. 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.

4. 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.

5. 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.

6. Cages must be fitted with suitable claw-shortening devices.

SCHEDULE 3D

Regulation 5A

Conditions applicable to all systems

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, by way of indication, about 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 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.

8. Subject to paragraph 9, a person shall not mutilate any laying hen.

9. In order to prevent feather pecking and cannibalism, until 31st December 2010 beak trimming of birds is permitted in all systems referred to in Schedules 3A, 3B and 3C provided it is carried out –

- (a) by persons over 18 years of age;
- (b) on chickens that are less than 10 days old and intended for laying; and
- (c) in accordance with the Veterinary Surgery (Exemptions) Order 1962.”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Welfare of Farmed Animals Regulations (Northern Ireland) 2000 No. 270 (“the principal Regulations”). The amendments give effect to the provisions of Council Directive 99/74/EC (O.J. No. L203, 3.8.99, p. 53), laying down minimum standards for the protection of laying hens, in establishments with 350 or more laying hens.

Subject as follows, these Regulations come into operation for all purposes on 29th August 2002. For the purposes of the revocation made by regulation 4, the Regulations come into operation on 1st January 2003. For the purposes of the revocation made by regulation 11, the Regulations come into operation on 1st January 2011 (regulation 1).

The Regulations insert new definitions, including a new definition of laying hen (regulation 3).

The Regulations insert a new regulation 5 and Schedule 3, to apply requirements in relation to the keeping of laying hens other than in the systems referred to in the new Schedules 3A, 3B, 3C and 3D to the principal Regulations (regulations 5 and 9).

The Regulations insert a new regulation 5A and Schedules 3A, 3B, 3C and 3D to the principal Regulations, to apply requirements in relation to the keeping of laying hens in the systems referred to in the new Schedules 3A, 3B, 3C and 3D to the principal Regulations (regulations 6 and 10).

The new Schedule 3A to the principal Regulations specifies requirements for the conditions, including the stocking density, in which laying hens may be kept in non-cage systems. It applies to all newly built or rebuilt non-cage systems and to all non-cage systems on and after 1st January 2007.

The new Schedule 3B to the principal Regulations specifies requirements for the conditions, which apply on and after 1st January 2003, for laying hens kept in conventional (battery) cages. No laying hens may be kept in new cage systems of this type built or brought into service for the first time on and after 1st January 2003, and keeping laying hens in this type of cage system is prohibited on and after 1st January 2012.

The new Schedule 3C to the principal Regulations provides that all cage systems which are not conventional (battery) systems, have to meet additional requirements relating to the conditions in which laying hens are kept (enriched cages).

The new Schedule 3D to the principal Regulations applies to all systems for keeping laying hens. It provides for general requirements regarding inspection, sound levels, lighting, cleansing and construction of cages. This Schedule also prohibits mutilation, but permits beak trimming until 31st December 2010, under certain conditions, including compliance with the Veterinary Surgery (Exemptions) Order 1962 (S.I. 1962/2557) as amended by S.I. 1973/308, S.I. 1982/1627 and S.I. 1983/6.

Article 4(c) of the Veterinary Surgery (Exemptions) Order 1962 which permits persons who are not registered in the Register of Veterinary Surgeons to carry out beak-trimming on poultry, is revoked insofar as it is applicable to laying hens, with effect on and from 1st January 2011 (regulation 11).

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