

2008 No. 277

WELFARE OF ANIMALS

**The Welfare of Animals (Slaughter or Killing) (Amendment)
Regulations (Northern Ireland) 2008**

Made - - - - - *30th June 2008*

Coming into operation - - - *31st July 2008*

The Department of Agriculture and Rural Development is designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 31st July 2008.

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

Amendment of the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996

2.—(1) The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996^(d) are amended in accordance with paragraphs (2) to (5).

(2) For regulation 15, substitute—

“The killing of animals elsewhere than in a slaughterhouse or knacker’s yard

15.—(1) Subject to sub-paragraph (2) and regulations 16 to 19, where any soliped, ruminant, pig, rabbit or bird is killed elsewhere than in a slaughterhouse or knacker’s yard, it shall be killed in accordance with Parts I and III of Schedule 5.

(2) Schedule 7A shall have effect in relation to the killing of birds by exposure to gas mixtures elsewhere than in a slaughterhouse.”.

(3) In paragraph 11 of Schedule 3 (requirements for animals awaiting slaughter or killing)—

(a) S.I. 2000/2812

(b) 1972 c. 68

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

(d) S.R. 1996 No. 558 as amended by S.R. 2000 No. 76, as modified by S.R. 2000 No. 78, as amended by S.R. 2001 No. 66, S.R. 2001 No. 186, S.R. 2002 No. 304 and S.R. 2004 No. 209

- (a) before sub-paragraph (a), insert “(za) the use of such an instrument is avoided as far as possible;”; and
- (b) for sub-paragraph (a), substitute—
 - “(a) the shocks last no more than one second each, are adequately spaced out and are not used repeatedly if the animal fails to respond;”.
- (4) In paragraph 13 of Schedule 5 (stunning or killing animals other than animals reared for fur), for sub-paragraphs (c) and (d) substitute—
 - “(c) for birds only, decapitation or dislocation of the neck;
 - (d) exposure of pigs and birds to gas mixtures in a slaughterhouse in accordance with Schedule 7; or
 - (e) exposure of birds to gas mixtures elsewhere than in a slaughterhouse in accordance with Schedule 7A.”.
- (5) After Schedule 7 (killing pigs and birds by exposure to gas mixtures), insert—

“SCHEDULE 7A

Regulation 15(2)

Killing Birds by Exposure to Gas Mixtures Elsewhere than in a Slaughterhouse

PART 1

Interpretation

1. In this Schedule—

“bird” means any domestic fowl, turkey, pheasant, quail, partridge, goose, duck or guinea fowl;

“bird shed” means a building designed and constructed to house birds that has been sealed so as to be capable of containing the gas mixture mentioned in combination 1 in the table in Part VI;

“breeder hen” means a domestic fowl which has reached laying maturity and is kept for the production of eggs intended for hatching;

“chamber” means a bird shed or gas container in which end of lay hens, end of life breeder hens or birds are killed by exposure to gas or gas mixtures mentioned in the second column of the table in Part VI;

“end of lay hen” means a laying hen no longer required for the production of eggs;

“end of life breeder hen” means a breeder hen no longer required for the production of hatching eggs;

“gas container” means a receptacle capable of containing the gas mixtures mentioned in combinations 2 or 3 in the table in Part VI;

“gas mixture” means any of the combinations of gases listed in Part VI;

“laying hen” means a domestic fowl which has reached laying maturity and is kept for the production of eggs not intended for hatching;

PART II

Killing birds by exposure to gas mixtures

2. No person shall kill, or cause or permit to be killed, birds by exposure to gas mixtures elsewhere than in a slaughterhouse except where permitted by Part III or authorised in accordance with Part IV.

PART III

End of lay hens and end of life breeder hens

3.—(1) Subject to sub-paragraphs (2) and (3), end of lay hens and end of life breeder hens may be killed on premises where they are kept as laying or breeder hens by exposure to gas mixtures in accordance with Part VI.

(2) The owner of the end of lay hens or the end of life breeder hens shall give the Department a minimum of five working days' notice specifying—

- (a) the owner's name and address;
- (b) the address of the premises at which the killings will take place;
- (c) the date on which the killings will take place;
- (d) which of the combinations of gas and chamber listed in the table in Part VI is intended to be used for the killings;
- (e) the number and age of the hens being killed and whether kept as laying or breeder hens.

(3) Part V applies to the killing of end of lay hens and end of life breeder hens permitted by this paragraph.

PART IV

Killing where there is a restriction on movement

4.—(1) The Department may authorise the killing of birds elsewhere than in a slaughterhouse by exposure to gas mixtures in accordance with Part VI if—

- (a) an event occurs in Northern Ireland or the Republic of Ireland that makes the movement of birds from the premises where they are kept to a slaughterhouse impracticable; and
- (b) it is foreseeable that the welfare of the birds will be compromised as a result of the restrictions on their movement.

(2) An authorisation issued under this paragraph—

- (a) shall be in writing;
- (b) may be general or specific;
- (c) shall be subject to the conditions set out in sub-paragraph (3);
- (d) may include such other conditions as may be specified in the authorisation; and
- (e) may at any time be amended, suspended or revoked by notice in writing—
 - (i) in the case of a general authorisation, by publication in such manner as the Department sees fit, and
 - (ii) in the case of a specific authorisation, by service on the individual to whom the authorisation was granted.

(3) The conditions referred to in sub-paragraph (2)(c) are that—

- (a) the occupier of the premises takes all reasonable measures to avoid welfare problems in birds affected by restrictions on their movement; and
 - (b) following an inspection by him, a veterinary surgeon has confirmed in writing that the welfare of the birds affected by restrictions on their movement will be gravely compromised within 7 days from the date of the inspection.
- (4) Part V applies to the killing of birds authorised by this paragraph.

PART V

The chamber

Chamber operator

5.—(1) No person shall operate a chamber unless he has been assessed competent to do so under Schedule 1.

(2) No person shall operate a chamber consisting of a bird shed except under the direct supervision of a veterinary surgeon.

Construction of the chamber

6. The operator of the chamber used to kill end of lay hens, end of life breeder hens or birds shall ensure that the chamber is—

- (a) designed, adapted, constructed and maintained so as to avoid injury to any hen or bird;
- (b) fitted with an apparatus that can deliver gas mixtures to the chamber in accordance with the combinations listed in the table in Part VI;
- (c) fitted with devices which—
 - (i) measure and display the maximum concentration by volume of oxygen in the gas mixture mentioned in combination 3 in that table or the minimum concentration by volume of carbon dioxide mentioned in combination 1 or 2 of that table as a percentage at the point of minimum concentration in the chamber;
 - (ii) where combination 3 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of oxygen rises above 5% for more than 30 seconds; and
 - (iii) where combination 1 or 2 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of carbon dioxide falls below 45% for more than 30 seconds.

Operation of the chamber

7. The operator of the chamber shall ensure that—

- (a) every person engaged in the killing is instructed as to the method of operation of the chamber;
- (b) end of lay hens, end of life breeder hens and birds are—
 - (i) rapidly rendered insensible to pain or distress; and
 - (ii) exposed to the gas mixtures mentioned in the second column of the table in Part VI for long enough to ensure they are killed and in any event for a period of—
 - (aa) where combination 1 in that table is used, not less than 5 minutes;
 - (bb) where combination 2 in that table is used, not less than 2 minutes;

- (cc) where combination 3 in that table is used, not less than 90 seconds;
- (c) should the visible or audible warning signals provided for in paragraph 5(c)(ii) and (iii) be activated, more of the gas mixture is immediately supplied to the chamber until the required concentrations are achieved; and
- (d) after exposure to a gas mixture nothing more is done to an end of lay hen, an end of life breeder hen or bird until it is ascertained that it is dead.

PART VI

Combinations of gas mixtures and chamber

8. Birds, end of lay hens and end of life breeder hens shall be killed by exposure to one of the combinations of gas mixture and chamber specified in the table below.

Combination table

<i>Combination</i>	<i>Gas mixture</i>	<i>Chamber</i>
<i>Combination 1</i>	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air	bird shed
<i>Combination 2</i>	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air	gas container
<i>Combination 3</i>	Any mixture of argon and carbon dioxide, or other inert gas and carbon dioxide, in atmospheric air where— (a) the concentration of the argon, or other inert gas, does not exceed 80% by volume; (b) the concentration of carbon dioxide does not exceed 20% by volume; and (c) the final concentration of oxygen does not exceed 5% by volume.	gas container”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th June 2008.

(L.S.)

Dr. John Speers
A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”). The 1996 Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (O.J. No. L340, 31.12.93, p.21).

These Regulations insert a new Schedule 7A into the 1996 Regulations. The amendment permits the killing of end of lay hens and end of life breeder hens by exposure to gas mixtures elsewhere than in a slaughterhouse (regulation 2(5)).

Schedule 7A also allows the Department to authorise the killing of birds by exposure to gas mixtures elsewhere than in a slaughterhouse.

These Regulations also give effect to amendments, made by Council Regulation (EC) No 1/2005 on the protection of animals during transport (O.J. L3, 5.1.2005, p.1), to Council Directive 93/119/EC on the use of instruments which administer electric shocks to adult bovines and adult pigs (regulation 2(3)).

A Regulatory Impact Assessment has been produced for these Regulations and is available from the Department of Agriculture and Rural Development, Room 142, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

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