

POLICY NOTE

THE MANDATORY USE OF CLOSED CIRCUIT TELEVISION IN SLAUGHTERHOUSES (SCOTLAND) REGULATIONS 2020

SSI 2020/XXX

The above instrument was made in exercise of the powers conferred by section 26 of the Animal Health and Welfare (Scotland) Act 2006 and all other powers enabling them to do so. The instrument is subject to affirmative procedure.

Purpose of the instrument.

The purpose of the instrument is to ensure full coverage and protection of all areas in the slaughterhouse where live animals are present and fully achieve the welfare benefits associated with CCTV monitoring.

Policy Objectives

The objective of the proposed legislation is to introduce mandatory CCTV coverage and recording of all areas of Scottish slaughterhouses in which live animals are present. The instrument will ensure full coverage and protection of all such areas in a slaughterhouse and fully achieve the welfare benefits associated with CCTV monitoring.

The primary benefit of CCTV is considered to be improved compliance with animal welfare at slaughterhouses, resulting from the deterrent effect of CCTV combined with increased information to aid enforcement and monitoring by Food Standards Scotland staff.

The observation and recording of real-time slaughter processes and individual events will contribute information to the auditing of animal welfare. Detection of animal welfare breaches can result in a) consequences that act as a deterrent to future poor practice; and/or b) feedback and continuous improvement to slaughterhouse practices. Recordings can also aid the verification of slaughterhouse compliance with legislative requirements, by providing Official Veterinarians with the information they need more readily and conveniently.

CCTV footage can also be used as evidence in court proceedings and can be retained for long periods. It can also enable Official Veterinarians to observe animals in high welfare risk areas as well as those that are dangerous or inaccessible to people; and identify animal behaviours that might be hidden from human observers.

Consequently, and resulting from an enhanced supervisory role and any behavioural change within slaughterhouses, compulsory CCTV will lead to improved welfare compliance within the sector.

Enhanced enforcement would require CCTV cameras to be installed and to continuously record in all areas of approved slaughterhouses where live animals are unloaded, kept, handled, stunned and killed. Recorded images will need to be retained in order for them to

deliver the primary welfare benefits, and the regulations require that any recorded images are kept for a 90 day minimum period. Where necessary, if being used as part of an ongoing investigation or prosecution, they could be kept for longer periods.

To enable enforcement, authorised officers, e.g. Official Veterinarians from Food Standards Scotland and staff from organisations approved by the Scottish Ministers, could be given power of unrestricted access to live or recorded footage for the purpose of monitoring and verifying animal welfare standards in the slaughterhouse.

Consultation

The Scottish Ministers are obliged under section 26(5) of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”) to consult persons with a relevant interest and other appropriate persons before introducing new regulations to improve or secure the welfare of animals.

There was a full public consultation on whether the compulsory use of CCTV in all areas of abattoirs where live animals are present would enhance the welfare of animals at slaughter and increase the efficiency of enforcing and monitoring the welfare provisions. The public consultation was held between 28 March and 20 June 2018. The consultation sought views on the costs of the installation of, and storing data from, compulsory CCTV; and whether there should be assistance with installation offered to small abattoirs. A total of 245 responses were received from the livestock industry, animal welfare enforcement agencies, animal welfare organisations, the veterinary profession and members of the public.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website¹. Respondents from the livestock industry included the Scottish Meat Wholesalers’ Association and NFU Scotland; and enforcement organisations who responded included Food Standards Scotland and a small number of local authorities.

Of the total responses 95.1% favored the compulsory installation of CCTV in all areas of approved slaughterhouses where live animals are present, with 82.3% of those self-identifying as part of the livestock industry also in favour. Also, 92.2% of all responses considered it reasonable for the footage to be retained for 90 days, with 82.3% of those self-identifying as part of the livestock industry also in favour.

The consultation also sought views on unrestricted access to CCTV footage, both real time and stored, for the reasons of ensuring animal welfare by officers authorised by the Scottish Ministers. Of the total responses 95.9% were in favour of unrestricted access for suitably authorised persons. 2.5% of respondents opposed unrestricted access to CCTV footage but these expressed concern over who should have unrestricted access rights rather than denying access itself. The Information Commissioner’s Office responded that only those with a justifiable need in relation to a statutory purpose should have access to CCTV footage.

Draft regulations were offered, between 6 and 27 August 2020, to stakeholder organisations from the slaughter industry and Food Standards Scotland as the enforcement agent for animal welfare at time of slaughter. That consultation suggested that an extension be granted to the proposed date on which the Regulations would come into force. This request was considered

¹ <https://consult.gov.scot/animal-welfare/cct-of-slaughter-at-abattoirs/>

reasonable owing to the current situation with Covid-19 and the increased throughput over the festive period which could impinge on the installation of compliant CCTV equipment. The proposed coming into force for the Regulations has been extended to 1 July 2021.

The other comments received related to either the future operation of the Regulations and for the Scottish Government to reflect on support available to meet the capital cost of updating or installing CCTV provision to enable industry compliance with the Regulations.

Impact Assessments

No equality impact has been undertaken as this instrument does not affect the needs of people with 'protected characteristics' (race, sex, disability, age, sexual orientation, gender reassignment and religion or belief). The aim of the policy is to promote animal welfare by the introduction of mandatory CCTV recording in all areas of Scottish slaughterhouses where live animals are present.

It will affect all those in Scotland who carry out work in Scottish slaughterhouses in connection with the lawful slaughter of animals. The protected characteristics outlined will have no impact on the achievement of the desired outcomes.

A Data Protection Impact Assessment has been completed. Discussion has taken place with the Information Commissioner's Office and the comments received on the DPIA and the draft regulations have been taken into account.

Financial Effects

A Business and Regulatory Impact Assessment has been completed and is attached. The instrument will result in a reasonable and proportionate additional cost to Food Business Operators for the installation and maintenance of CCTV equipment compliant with the requirements of the interest.

There will be minimal, if any, additional cost to enforcement agencies and to Legal Aid.

Scottish Government
Directorate for Agriculture and Rural Economy

29 September 2020