

2002 No. 334

ANIMALS

PREVENTION OF CRUELTY

**The Welfare of Farmed Animals (Scotland) Amendment
Regulations 2002**

Made

2nd July 2002

Coming into force in accordance with regulation 1

The Scottish Ministers, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968(a), and after consultation in accordance with section 2(1) of that Act with such persons appearing to them to represent any interests concerned as they have considered appropriate, hereby make the following Regulations, a draft of which has, in accordance with section 2(3) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation and commencement

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

(2) These Regulations, other than regulation 2(3), shall come into force on the day after the day on which they are made.

(3) Regulation 2(3) shall come into force on 1st January 2003.

Amendments to the Welfare of Farmed Animals (Scotland) Regulations 2000

2.—(1) The Welfare of Farmed Animals (Scotland) Regulations 2000(b) are amended in accordance with these Regulations.

(2) In regulation 2(1) (interpretation and application)—

(a) for the definition of “laying hen” substitute—

““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” insert—

““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;”;

and

(a) 1968 c.34; by virtue of section 8(4) “the Ministers” means, in relation to Scotland, the Secretary of State. The functions conferred on the Secretary of State under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2000/442.

- (c) after the definition of “statutory welfare code” insert–
 ““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;”.
- (3) Regulation 4 and Schedule 2 are omitted.
- (4) For regulation 5 substitute–

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

5. Owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) must 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.”.

- (5) After regulation 5 insert–

“Additional duties on owners and keepers of laying hens

5A. Owners and keepers of establishments with more than 350 laying hens must 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.”.

- (6) For regulation 12(a) (powers of entry) substitute–
 “(a) Council Directive 99/74/EC(a) laying down minimum standards for the protection of laying hens;”.
- (7) For paragraph 2(3)(a) of Schedule 1 (general conditions – inspection) substitute–
 “(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;”.
- (8) For Schedule 3 substitute–

“Regulation 5

SCHEDULE 3

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 must be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.”.

- (9) After Schedule 3 insert Schedules 3A, 3B, 3C and 3D as set out in the Schedule to these Regulations.

ROSS FINNIE

A member of the Scottish Executive

St Andrew’s House,
 Edinburgh
 2nd July 2002

(a) O.J. No. L 203, 3.8.99, p.53.

SCHEDULE

SCHEDULES 3A, 3B, 3C AND 3D AS INSERTED BY THIS SCHEDULE

“Regulation 5A

SCHEDULE 3A

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, must comply with the requirements of this Schedule.
2. On or after 1st January 2007, all non-cage systems of production for keeping laying hens must also comply with the requirements of this Schedule.
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 must be at least one nipple drinker or cup for every 10 hens and where drinking points are plumbed in, at least two cups or two nipple drinkers must be within reach of each hen;
 - (c) at least one nest for every seven hens and 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; 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 foot.
5. In addition to the requirements of paragraphs 3 and 4—
 - (a) if systems of rearing are used where the laying hens can move freely between different levels—
 - (i) there must not be 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) such 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 at the relevant date, a stocking density of 12 hens per square metre is authorised until 31st December 2011.

8. In paragraph 7 “the relevant date” is the date on which the Welfare of Farmed Animals (Scotland) Amendment Regulations 2002 (other than regulation 2(3)) come into force.

SCHEDULE 3B

CONVENTIONAL CAGES

- 1.** On or after 1st January 2003 all conventional (unenriched) cage systems must comply with the following requirements of this paragraph:–

 - (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;
 - (b) a feed trough which may be used without restriction must be provided and 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 paragraph (b) and 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;
 - (e) floors of cages must be constructed so as to support each of the forward-facing claws of each foot and 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 must be fitted with suitable claw-shortening devices.
- 2.** On and after 1st January 2003 no person shall 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 no person shall keep any laying hen in any cage system referred to in paragraph 1.

SCHEDULE 3C
ENRICHED CAGES

- 1.** All cage systems (other than those referred to in Schedule 3B) must 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 and 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 and 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

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 must be minimised; constant or sudden noise must be avoided; ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible noise.
3. All buildings must have—
 - (a) 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 and where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation; and
 - (b) after the first days of conditioning and to prevent health and behavioural problems a lighting regime that—
 - (i) follows a 24-hour rhythm and includes 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; and
 - (iii) provides a period of twilight of sufficient duration 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 must 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 must 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, no person shall 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(a).”.

(a) S.I. 1962/2557 to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, amend the Welfare of Farmed Animals (Scotland) Regulations 2000 (“the principal Regulations”). The amendments give effect to the provisions of 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.

These Regulations come into force for all purposes on the day after the day on which the Regulations are made, other than regulation 2(3), which comes into force on 1st January 2003.

The Regulations insert new definitions, including a new definition of laying hen (regulation 2(2)).

The Regulations insert a new regulation 5 and Schedule 3, to apply requirements in relation to the keeping of poultry other than those kept in the systems referred to in the new Schedules 3A, 3B, 3C and 3D to the principal Regulations (regulation 2(4) and (8)).

The Regulations insert regulation 5A and Schedules 3A, 3B, 3C and 3D into the principal Regulations, to apply requirements in relation to the keeping of laying hens in the systems referred to in the new Schedules to the principal Regulations (regulation 2(5) and (9)).

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.

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 (unenriched) cages. No laying hens may be kept in new cage systems of this type built or brought into service for the first time on or after 1st January 2003; and keeping laying hens in this type of cage system is prohibited on and after 1st January 2012.

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

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.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. A copy of it can be obtained from the Scottish Executive Environment and Rural Affairs Department, Animal Health and Welfare Branch, Room 350, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY.

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