

2003 No. 488

ANIMALS

PREVENTION OF CRUELTY

**The Welfare of Farmed Animals (Scotland) Amendment
Regulations 2003**

Made

2nd October 2003

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. These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Amendment Regulations 2003 and shall come into force on the day after the day on which they are made.

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 paragraphs (2) to (4) of this regulation.

(2) After regulation 2(4) insert—

“(5) Expressions which are not defined in paragraph (1) above and which appear in Council Directive 1991/630/EEC (laying down minimum standards for the protection of pigs)(c), Council Directive 2001/88/EC (amending minimum standards for the protection of pigs)(d) and Commission Directive 2001/93/EC (further amending minimum standards for the protection of pigs)(e) have the same meaning in these Regulations as they have for the purposes of that Community legislation.”.

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

(b) S.S.I 2000/442 as amended by S.S.I. 2002/334.

(c) O.J. No. L 340, 11/12/91, p.33.

(d) O.J. No. L 316, 1/12/01, p.1.

(e) O.J. No. L 316, 1/12/01, p.36.

(3) After regulation 8 insert–

“Training

8A. Any person who employs or engages a person to attend to pigs must ensure that the person attending to those pigs has received instruction and guidance on the provisions of these Regulations relevant thereto.”.

(4) Subject to paragraphs (5) and (6) of this regulation, for Schedule 6 substitute the new Schedule 6 contained in the Schedule to these Regulations.

(5) For all holdings except those newly built, substantially re-built or brought into use for the first time on or after the date on which these Regulations come into force, paragraph 29 of Schedule 6 (as substituted by virtue of paragraph (4) above) shall until 1st January 2005 be modified in its application so that, for paragraph 29, there shall apply the following:–

“29. The minimum unobstructed floor area for an adult boar shall be 6 m².”.

(6) For all holdings except those newly built, substantially re-built or brought into use for the first time on or after the date on which these Regulations come into force, paragraphs 13, 37, 38 and 39 of Schedule 6 shall not apply until 1st January 2013.

St Andrew’s House,
Edinburgh
2nd October 2003

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE

“Regulations 2(3) and 8

SCHEDULE 6

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART I

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 the age of 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 II

GENERAL ADDITIONAL CONDITIONS

Inspection

- 2. All pigs shall be inspected by the owner or keeper of the pigs at least once a day to check that they are in a state of well being.
- 3. Where necessary, sick or injured pigs shall be temporarily isolated in suitable accommodation, with dry comfortable bedding where appropriate.

Tethering

- 4. No person shall 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.
- 5.—(1) Where the use of tethers is permitted in accordance with paragraph 4, 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 6(2) and the design shall be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Accommodation

- 6.—(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, unless the pig is isolated for veterinary reasons;
 - (d) maintain a comfortable temperature; and
 - (e) have enough space to allow all the animals to lie down at the same time.

7.—(1) The dimension of any stall or pen used for holding individual pigs in accordance with these Regulations 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) does not apply to a female pig for the period between seven days before the predicted day of its farrowing and the day on which the weaning of its piglets (including any piglets fostered by it) is complete.

(3) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig 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 that purpose.

(4) A person shall not be guilty of an offence in accordance with regulation 13(1) of contravening or failing to comply with this paragraph by reason of the keeping of a pig 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

8. 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 subject to paragraph 16 of Schedule 1.

Prevention of fighting

9.—(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 isolated or kept separate from the group.

Cleaning and disinfection

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

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

Bedding

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

Floors

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

- (a) be smooth but not slippery so as to prevent injury to the pigs;
- (b) be so designed, constructed and maintained 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.

- 13.** When concrete slatted floors are used for pigs kept in groups–
- (a) the maximum width of the openings between the slats must be–
 - (i) 11 mm for piglets;
 - (ii) 14 mm for weaners;
 - (iii) 18 mm for rearing pigs;
 - (iv) 20 mm for gilts after service and sows; and
 - (b) the minimum width of the slats must be–
 - (i) 50 mm for piglets and weaners;
 - (ii) 80 mm for rearing pigs, gilts after service and sows.

Feeding

14.—(1) All pigs must 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 for feeding the animals individually, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

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

Environmental enrichment

16. To enable proper investigation and manipulation activities, all pigs must 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 sweat-box system

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

Noise levels

18.—(1) Pigs shall not be exposed to constant or sudden noise.

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

Interventions

19. Save as set out in paragraphs 21 to 26, no intervention procedures which result in damage to or loss of a sensitive part of the body or the alteration of bone structure shall be carried out except for therapeutic or diagnostic purposes.

20. The procedures set out in paragraphs 21 to 26 may only be carried out under hygienic conditions by a veterinary surgeon, or, where it is legally permitted, by a person who has been trained in accordance with these Regulations and who is experienced in performing the procedures.

21. The following procedures shall not be carried out routinely but only where there is evidence that injuries to sows’ teats or to other pigs’ ears or tails have occurred:–

- (a) uniform reduction of corner teeth of piglets by grinding or clipping not later than the seventh day of life of the piglets leaving an intact smooth surface;
- (b) docking of a part of the tail,

but no tooth reduction or tail docking may be carried out unless other measures to improve environmental conditions or management systems have been taken in order to prevent tail biting and other vices.

22. Male pigs may be castrated provided the means employed do not involve the tearing of tissues.

23.—(1) If docking of tails is carried out after the seventh day of life it shall only be performed under anaesthetic and additional prolonged analgesia by a veterinary surgeon.

(2) If castration is carried out after the seventh day of life it shall only be performed by a veterinary surgeon in accordance with the provisions of the Protection of Animals (Anaesthetics) Act 1954(a).

24. Boars' tusks may be reduced in length where necessary to prevent injuries to other animals or for safety reasons.

25. Nose rings may be not be put in animals kept continuously in indoor husbandry systems.

26. Ear tagging or ear notching may be carried out for identification purposes.

PART III

BOARS

27. 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.

28. The lying area shall be dry and comfortable.

29.—(1) The minimum unobstructed floor area for an adult boar shall be 6m² save as set out in sub-paragraph (2).

(2) When boar pens are also used for natural service the floor area must be at least 10 m² and must be free of any obstacles.

PART IV

SOWS AND GILTS

Prevention of parasites

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

Farrowing

31. If they are placed in farrowing crates, pregnant sows and gilts shall be thoroughly clean.

32. In the week before the expected farrowing time, sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used.

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

34. Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.

35. In the week before the expected farrowing time and during farrowing, sows and gilts may be kept out of sight of other pigs.

Group housing

36. 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.

37. The pen where the group is kept must have sides greater than 2.8 m in length, except when there are less than 6 individuals in the group, when the sides of the pen must be no less than 2.4 m in length.

(a) 1954 c.46, as relevantly amended by S.S.I. 2003/476.

38.—(1) The total unobstructed floor area available to each gilt after service and to each sow when such gilts or sows are kept in groups must be at least 1.64 m² and 2.25 m² respectively.

(2) When gilts after service or sows are kept in groups of less than 6 individuals the unobstructed floor area must be increased by 10%.

(3) When gilts after service or sows are kept in groups of 40 or more individuals the unobstructed floor area may be decreased by 10%.

39. For gilts after service and pregnant sows, a part of the area required in paragraph 38 equal to at least 0.95m² per gilt and at least 1.3m² per sow must be of continuous solid floor of which a maximum of 15% is reserved for drainage openings.

40. 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.

41. In addition to the requirements of paragraph 14, sows and gilts must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present.

42. All dry pregnant sows and gilts must 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 V

PIGLETS

43. If necessary, piglets shall 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.

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

45. Where a farrowing crate is used, the piglets must have sufficient space to be able to be suckled without difficulty.

46. Piglets shall not be weaned from the sow at an age of less than 28 days unless the welfare or health of the dam or piglets would otherwise be adversely affected.

47. Piglets may be weaned up to seven days earlier if they are moved into specialised housings which are emptied and thoroughly cleaned and disinfected before the introduction of a new group and which are separate from housing where pigs (other than weaners) are kept.

PART VI

WEANERS AND REARING PIGS

48. Weaners and rearing pigs shall be—

- (a) placed in groups as soon as possible after weaning; and
- (b) kept in stable groups with as little mixing as possible.

49.—(1) If weaners and rearing pigs unfamiliar with one another have to be mixed, this should be done at as young an age as possible, preferably before or up to one week after weaning.

(2) When weaners and rearing pigs are mixed they shall be provided with adequate opportunities to escape and hide from other pigs.

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

51. When signs of severe fighting appear among weaners and rearing pigs, the causes shall be immediately investigated and appropriate measures shall be taken.

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

- (a) 0.15 m^2 for each animal where the average weight of the animals in the group is 10 kg or less;
- (b) 0.20 m^2 for each animal where the average weight of the animals in the group is more than 10 kg but less than or equal to 20 kg;
- (c) 0.30 m^2 for each animal where the average weight of the animals in the group is more than 20 kg but less than or equal to 30 kg;
- (d) 0.40 m^2 for each animal where the average weight of the animals in the group is more than 30 kg but less than or equal to 50 kg;
- (e) 0.55 m^2 for each animal where the average weight of the animals in the group is more than 50 kg but less than or equal to 85 kg;
- (f) 0.65 m^2 for each animal where the average weight of the animals in the group is more than 85 kg but less than or equal to 110 kg; and
- (g) 1.00 m^2 for each animal where the average weight of the animals in the group is more than 110 kg.”.

EXPLANATORY NOTE

(This note is not part of the draft Regulations)

These Regulations amend the Welfare of Farmed Animals (Scotland) Regulations 2000 (“the principal Regulations”). The amendments give effect to the provisions of Council Directive 2001/88/EC (O.J. No. L 316, 1/12/01, p.1) and Commission Directive 2001/93/EC (O.J. No. L 316, 1/12/01, p.36) amending Directive 91/630/EEC (O.J. No. L 340, 11/12/01, p.33) laying down minimum standards for the protection of pigs.

The principal amendments have been incorporated into a new Schedule 6 which lays down standards for keeping pigs and deals first with standards applicable to all pigs and then with different types of pig in turn.

In respect of those holdings which are newly built or rebuilt or brought into use for the first time on or after the date on which the Regulations come into force, all the provisions contained in the Regulations will apply.

In respect of those holdings which are already in use on the date on which the Regulations come into force, certain provisions will not apply immediately. These are set out in Regulation 2(5) and (6).

The main changes introduced by the Regulations are as follows:–

The Regulations introduce a duty on the person who employs or engages persons to attend to pigs to ensure that they have received instruction and guidance on these regulations (regulation 2(3)). This duty is in addition to the duty contained in regulation 10 of the principal Regulations which requires that the person attending to the animals is acquainted with the relevant statutory welfare code, has access to a copy and has received instruction and guidance on the code.

Additional requirements for accommodation of pigs are introduced by paragraph 6 of Schedule 6.

Paragraph 8 changes the requirement for lighting. This should be read in conjunction with paragraph 16 of Schedule 1 to the principal Regulations and with the relevant statutory welfare code.

Paragraph 13 introduces maximum widths of openings and minimum slat widths for concrete slatted floors. This provision will not apply to existing holdings until 2013.

Paragraph 16 introduces more detailed provisions relating to environmental enrichment for pigs.

Paragraph 18 introduces a prohibition on constant or sudden noise or noise above 85 dBA.

Paragraphs 21 to 26 introduce more detailed provisions relating to surgical interventions such as tail docking and tooth clipping.

Boar pens used for natural service must have a minimum unobstructed floor area of 10m². This provision will not apply to existing holdings until 2005 (paragraphs 27 to 29).

Paragraph 36 introduces a requirement for sows and gilts to be group housed.

Paragraphs 37 to 39 introduce requirements for floor areas for sows and gilts. These provisions will not apply to existing holdings until 2013.

Paragraphs 46 and 47 increase the minimum weaning age for piglets from 21 to 28 days except for those using all-in-all-out production systems.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. A copy of it may 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.

2003 No. 488

ANIMALS

PREVENTION OF CRUELTY

**The Welfare of Farmed Animals (Scotland) Amendment
Regulations 2003**

£2.50

© Crown Copyright 2003

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
250 10/03 19593

ISBN 0-11-062488-2



9 780110 624884