
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 388

The Welfare of Farmed Animals (Scotland) Regulations 2010

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Regulations 2010 and come into force on the day after the day on which they are made.

Commencement Information

II Reg. 1 in force at 5.11.2010, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“animal welfare code” means a code of practice issued under section 37 of the Animal Health and Welfare (Scotland) Act 2006(1);

“calf” means a bovine animal under 6 months old;

“conventionally reared meat chicken” means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

(a) that is on a holding—

- (i) with fewer than 500 such animals; or
- (ii) with only breeding stocks of such animals;

(b) that is on a hatchery;

(c) in relation to which the term “Extensive indoor (barn-reared)”, “Free range”, “Traditional free range” or “Free range – total freedom” can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No. 543/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat(2); or

(d) that is organically reared in accordance with Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91(3);

“inspector” means a person appointed as an inspector by the Scottish Ministers or a local authority for the purposes of these Regulations;

“laying hen” means an animal of the species *Gallus gallus* which has reached laying maturity and is kept for production of eggs not intended for hatching;

(1) This includes Codes of Recommendations issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34) and saved by article 4(2) of the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 1, Savings and Transitional Provisions) Order 2006 (S.S.I. 2006/482).

(2) O.J. No. L 157, 17.6.2008, p.46, last amended by Commission Regulation (EC) No. 508/2009 (O.J. No. L 151, 16.6.2009, p.28).

(3) O.J. No. L 189, 20.7.2007, p.1, amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.2008, p.1).

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(4);

“person responsible” means a person responsible for an animal in terms of section 18 of the Animal Health and Welfare (Scotland) Act 2006 and includes a keeper and a food business operator; and

“pig” means an animal of the porcine species of any age, kept for breeding or fattening.

^{F1}(2)

Textual Amendments

F1 Reg. 2(2) omitted (31.12.2020) by virtue of [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, **5(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I2 Reg. 2 in force at 5.11.2010, see [reg. 1](#)

Animals to which these Regulations apply

3.—(1) These Regulations apply to farmed animals only.

(2) In these Regulations, a “farmed animal” means an animal bred or kept for the production of food, wool or skin or for other farming purposes, but not including—

- (a) a fish, reptile or amphibian;
- (b) an animal whilst at, or solely intended for use in, a competition, show or cultural or sporting event or activity;
- (c) an experimental or laboratory animal; or
- (d) an animal living in the wild.

Commencement Information

I3 Reg. 3 in force at 5.11.2010, see [reg. 1](#)

Appointment of competent authority

^{F2}4.

Textual Amendments

F2 Reg. 4 omitted (31.12.2020) by virtue of [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Duties on a person responsible for a farmed animal

5.—(1) A person responsible for a farmed animal must ensure that the conditions under which that animal is bred or kept comply with the requirements set out in Schedule 1.

(4) [1994 c.39](#), amended by the Environment Act [1995 \(c.25\)](#), section 120(1) and Schedule 22, paragraph 232(1).

(2) In relation to the duty in paragraph (1), a person responsible for a farmed animal must have regard to its—

- (a) species;
- (b) degree of development;
- (c) adaptation and domestication; and
- (d) physiological and ethological needs in accordance with established experience and scientific knowledge.

Commencement Information

I4 Reg. 5 in force at 5.11.2010, see [reg. 1](#)

Additional duties on a person responsible for animals and at slaughterhouses

6.—(1) A person responsible for—

- (a) conventionally reared meat chickens must comply with the requirements set out in Schedule 2;
- (b) laying hens kept on holdings with 350 or more laying hens must comply with the requirements set out in Schedule 3 (as appropriate to the system or systems used on the premises);
- (c) calves confined for rearing and fattening must comply with the requirements set out in Schedule 4;
- (d) cattle must comply with the requirements set out in Schedule 5;
- (e) pigs must comply with the requirements set out in Schedule 6; and
- (f) rabbits must comply with the requirements set out in Schedule 7.

(2) In relation to monitoring and follow-up at the slaughterhouse, Part 3 of Schedule 2 has effect.

Commencement Information

I5 Reg. 6 in force at 5.11.2010, see [reg. 1](#)

Animal welfare codes

7. A person responsible for a farmed animal—

- (a) must not attend to that animal unless that person is acquainted with any relevant animal welfare code and has access to that code while attending to that animal; and
- (b) must take all reasonable steps to ensure that a person employed or engaged by the person responsible does not attend to that animal unless that employed or engaged person—
 - (i) is acquainted with any relevant animal welfare codes relating to the animal being attended to;
 - (ii) has access to a copy of those codes while that person is attending to that animal; and
 - (iii) has received instruction and guidance on those codes.

Commencement Information

I6 Reg. 7 in force at 5.11.2010, see [reg. 1](#)

[^{F3}Animal welfare guidance

7A.—(1) A person responsible for a farmed animal—

- (a) must not attend to that animal unless that person—
 - (i) is acquainted with any relevant animal welfare guidance, and
 - (ii) has access to the guidance while attending to that animal, and
- (b) must take all reasonable steps to ensure that a person employed or engaged by the person responsible does not attend to that animal unless that employed or engaged person—
 - (i) is acquainted with any relevant animal welfare guidance relating to the animal being attended to,
 - (ii) has access to a copy of the guidance while that person is attending to that animal, and
 - (iii) has received appropriate instruction on how to comply with the guidance.

[^{F4}(2) In paragraph (1), “animal welfare guidance” means—

- (a) the guidance contained in the document titled “Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens” and dated April 2019, which was first published by the Scottish Government on its website on 1 April 2019,
- (b) the guidance contained in the document titled “Guidance for the Welfare of Laying Hens and Pullets” and dated August 2020, which was first published by the Scottish Government on its website on 21 August 2020.

[^{F5}(c) the guidance contained in the document titled “Guidance for the Welfare of Pigs” and dated November 2023, which was first published by the Scottish Government on its website on 20 November 2023.]]]

Textual Amendments

- F3** [Reg. 7A](#) inserted (29.6.2019) by [The Welfare of Farmed Animals \(Scotland\) Amendment Regulations 2019 \(S.S.I. 2019/211\)](#), [regs. 1, 2](#)
- F4** [Reg. 7A\(2\)](#) substituted (28.11.2020) by [The Welfare of Farmed Animals \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/385\)](#), [regs. 1, 2](#)
- F5** [Reg. 7A\(2\)\(c\)](#) inserted (22.2.2024) by [The Welfare of Farmed Animals \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/61\)](#), [regs. 1, 2](#)

Powers of an inspector

8.—(1) Where an inspector considers that a farmed animal is being kept in contravention of any provision of these Regulations, the inspector may serve a notice on the person who in the opinion of the inspector is responsible for that animal requiring that person within the period stated in the notice to take any action that the inspector considers to be reasonably necessary to ensure compliance with these Regulations and the inspector shall give reasons for requiring that action to be taken.

(2) An inspector may enter any premises except domestic premises at all reasonable times, on producing, if so required, evidence of that inspector’s authority, for the purpose of ascertaining whether these Regulations are being, or have been, complied with and, in particular, may—

- (a) inspect and copy any records (in whatever form they are held) kept under these Regulations or remove such records to enable them to be copied;
 - (b) inspect and check the operation of any computer and any associated apparatus or material which is, or has been, in use in connection with the records;
 - (c) for that purpose, require any person having charge of, or otherwise concerned with, the operation of the computer, apparatus or material to afford the inspector such assistance as the inspector may reasonably require (including providing the inspector with any necessary passwords);
 - (d) where a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away;
 - (e) examine, or require the examination of, any farmed animal kept on the premises; and
 - (f) take on to the premises such persons to give the inspector such assistance and such equipment as the inspector considers necessary.
- (3) If a Sheriff or Justice of the Peace is satisfied by evidence on oath laid by any inspector that there are reasonable grounds for suspecting that an offence under these Regulations has been or is being committed at any domestic premises, the Sheriff or Justice may issue a warrant authorising any inspector to enter those premises, by reasonable force if need be, and inspect them and any animals or any thing found there.
- (4) A warrant issued under paragraph (3) above—
- (a) may authorise persons to accompany the person who is executing the warrant; and
 - (b) shall continue in force for the period of one month commencing with the date of issue.
- (5) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power shall—
- (a) produce the warrant if so required; and
 - (b) comply with such precautions (if any) as the Sheriff or Justice of the Peace may specify to prevent the spread among animals of infectious or contagious diseases.
- (6) If an inspector enters any unoccupied premises, the inspector must leave them as effectively secured against entry as the inspector found them.

Commencement Information

17 Reg. 8 in force at 5.11.2010, see [reg. 1](#)

Obstruction

9. If any person intentionally obstructs an inspector (or a person assisting an inspector in accordance with regulation 8(2)(f)) in the exercise of the powers conferred by regulation 8 that person is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to imprisonment for a term not exceeding 3 months, or both.

Commencement Information

18 Reg. 9 in force at 5.11.2010, see [reg. 1](#)

Powers of entry: representative of the European Commission

^{F6}**10.**

Textual Amendments

- F6** Reg. 10 omitted (31.12.2020) by virtue of [The Animal Welfare \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/34\)](#), regs. 1, **5(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Offences

- 11.** A person responsible for animals who—
- (a) without lawful authority or reasonable excuse—
 - (i) contravenes or fails to comply with any provision of these Regulations;
 - (ii) fails to comply with a notice served under regulation 8 within the time specified in the notice;
 - (b) makes any entry in a record, or gives any information for the purposes of these Regulations which that person knows to be false in any material particular or, for those purposes, recklessly makes a statement or recklessly gives any information which is false in any material particular; or
 - (c) causes or permits any of the above,

is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to imprisonment for a term not exceeding 3 months, or both.

Commencement Information

- I9** Reg. 11 in force at 5.11.2010, see [reg. 1](#)

Enforcement

12. The Scottish Ministers or the local authority may appoint inspectors for the purposes of enforcing these Regulations.

Commencement Information

- I10** Reg. 12 in force at 5.11.2010, see [reg. 1](#)

Revocations

- 13.** The instruments specified in Schedule 8 are revoked.

Commencement Information

- I11** Reg. 13 in force at 5.11.2010, see [reg. 1](#)

Savings

14. The Welfare of Farmed Animals (Scotland) Regulations 2000⁽⁵⁾ continue to have effect in relation to any notices served under regulation 11 of those Regulations and any offence under regulation 13 of those Regulations committed prior to the coming into force of these Regulations.

(5) [S.S.I. 2000/442](#), amended by [S.S.I. 2002/334](#), [2003/488](#) and [2007/256](#).

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Commencement Information

I12 Reg. 14 in force at 5.11.2010, see [reg. 1](#)

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Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Farmed Animals (Scotland) Regulations 2010.