

**EXPLANATORY MEMORANDUM TO  
THE MUTILATIONS (PERMITTED PROCEDURES) (ENGLAND) (AMENDMENT)  
REGULATIONS 2010**

**2010 No. [XXXX]**

1. This explanatory memorandum has been prepared by The Department for the Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2010 amends the Mutilations (Permitted Procedures) (England) Regulations 2007 to continue to allow beak trimming of laying hens after 31 December 2010. The method of routine beak trimming for laying hens will be restricted to the use of infra-red technology only on birds that are less than 10 days old, in order to prevent feather pecking and cannibalism. In addition changes have been made to ensure that routine and emergency beak trimming of laying hens is carried out by a qualified person. The amending Regulations also implement the provisions of EU Council Directive 2007/43/EC on meat chicken welfare, which prohibit all mutilations for conventionally reared meat chickens, but allow for beak trimming in certain circumstances. The amendment will ensure that when beak trimming of conventionally reared meat chickens is carried out it will be carried out by a qualified person on birds less than 10 days of age, under veterinary advice and for the purposes of preventing feather pecking and cannibalism only.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 These Regulations together with the 2007 Regulations implement paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens which allows Member States a derogation to allow beak trimming of chicks intended to become laying hens.

4.2 These Regulations together with the 2007 Regulations implement paragraph 12 of Annex 1 to Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production which prohibits Member States from carrying out any mutilations, but allows a derogation to allow beak trimming of conventionally reared meat chickens under certain conditions.

4.3 The 2007 Regulations specify the permitted procedures to which the offences in section 5(1) and (2) of the Animal Welfare Act 2006 do not apply if such procedures are carried out in accordance with the relevant requirements.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

5.2 Scotland, Wales and Northern Ireland are implementing similar instruments.

## **6. European Convention on Human Rights**

The Minister of State, Jim Paice MP, has made the following statement regarding Human Rights:

In my view the provisions of the Mutilations (Permitted Procedures) (Amendment) Regulations 2010 are compatible with the Convention rights

## **7. Policy background**

- **What is being done and why?**

7.1 The UK currently makes use of a derogation in the laying hens directive 99/74/EC which, in order to prevent feather pecking and cannibalism, allows Member States to authorise beak trimming provided it is carried out by qualified staff on hens that are less than 10 days old and intended for laying. The Mutilations (Permitted Procedures) (England) Regulations 2007 implements this derogation but only allows beak trimming to be carried out until 31 December 2010, after which beak trimming of laying hens would be banned. The ban was put in place when the laying hens directive was implemented in the UK in 2002, allowing 8 years to develop a strategy to manage laying hens without beak trimming.

7.2 Beak trimming is carried out to prevent feather pecking and cannibalism, which is a common but unpredictable behaviour in commercial flocks of laying hens. The behaviour results in high mortality and morbidity in flocks affected and is a significant welfare problem in its own right.

7.3 The Beak Trimming Action Group was established in 2002 and was made up of representatives from industry, welfare groups, Defra, scientific and veterinary professions. The group was tasked with developing a strategy for bringing in the ban on beak trimming on the 31 December 2010 – looking at changes in management practices or selecting birds that are less prone to feather pecking. The aetiology of feather pecking and cannibalism is complex and has resulted in little progress in developing strategies to mitigate its onset or circumvent the welfare consequences of an outbreak, other than through routine or emergency beak trimming of laying hens. However, about 5 years ago a new infra-red technique was developed for pullets and is now used to beak trim birds commercially as an alternative to traditional hot blading. The procedure is carried out on day old chicks in a hatchery and involves focusing a high intensity infra-red beam at the tip of the beak, which penetrates the

hard outer horn. 1-3 weeks later, the tissue behind the damaged area heals and the beak tip is lost.

- 7.4 The Farm Animal Welfare Council (FAWC), which advises the Government on farm animal welfare, produced an Opinion on beak trimming of laying hens in 2007 and again in 2009, following research by Glasgow University to study the long term consequences of the infra-red technique. On both occasions, FAWC recommended that until an alternative means of controlling injurious pecking in laying hens can be developed, then the proposed ban on beak trimming should not be introduced but should be deferred until it can be demonstrated reliably under commercial conditions that laying hens can be managed without beak trimming without a greater risk to their welfare than that caused by beak trimming itself. FAWC recommended that infra-red beak treatment should be the only method used routinely as the evidence indicated that it does not induce chronic pain.
- 7.5 Whilst the long term goal is to ban routine beak trimming, the Government accepted FAWC's advice to postpone the total ban on routine beak trimming as it is in the interests of laying hen welfare. It is clear that birds would suffer worse insults through feather pecking and cannibalism. The amending Regulations thus remove the ban on beak trimming and allow for routine beak trimming of day old chicks intended for laying to be done using infra-red technology only, with other methods (for example, the use of a hot blade) restricted to emergency use. The requirements for emergency beak trimming are also being strengthened to ensure that the person who carries out the procedure is qualified.
- 7.6 In addition to the provisions on laying hens, the amendment to these Regulations will implement the relevant provisions of EU Directive 2007/43/EC on the welfare of meat chickens, which prohibits all mutilations for conventionally reared meat chickens, but allows for beak trimming in certain circumstances. Meat chickens can be beak trimmed but only when other measures to prevent feather pecking and cannibalism have been exhausted. In such cases, the procedure must be carried out after consultation and on the advice of a veterinarian and be carried out by qualified staff on chickens that are less than 10 days of age. In practice, meat chickens are not beak trimmed because they do not exhibit feather pecking and cannibalism due to their young age.

- ***Consolidation***

- 7.7 None

## **8. Consultation outcome**

- 8.1 A 12 week public consultation on the draft Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2010 took place between 20 January and 14 April 2010 in relation to beak trimming of laying hens. On 1 March 2010, key stakeholders attended a meeting at Defra to discuss the consultation, in advance of submitting formal responses.
- 8.2 A total of 22 responses were received to the consultation. There was general agreement with the Government's approach to postpone the ban on beak trimming of

laying hens and to allow routine beak trimming of chicks intended to become laying hens to continue beyond 31 December 2010, using infra-red technology only. In response to a number of comments, the Government will be setting a review date of 2015 to review this policy with a view to banning the routine beak trimming of laying hens in 2016. In addition, the training provisions already in place for routine beak trimming have been extended to emergency beak trimming. Emergency beak trimming may be carried out on birds that are older than 10 days to control an outbreak of feather pecking and cannibalism. The method used for this procedure must be suitable, but not restricted to infra-red technology

8.3 A similar 12 week consultation took place between 26 January and 20 April 2009 in relation to the implementation of EU directive 2007/43/EC on the welfare of meat chickens, which included the mutilations and beak trimming provisions. There were 17 responses but no responses were received in relation to the changes to the mutilations or beak trimming provisions.

8.4 Full summaries of both responses to the public consultations, along with the Government's formal responses, have been published on the Defra website at: <http://www.defra.gov.uk/corporate/consult/mutilations-regs/> and <http://www.defra.gov.uk/foodfarm/farmanimal/welfare/onfarm/meatchks-consult.htm>

## **9. Guidance**

9.1 Draft guidance on the beak trimming of laying hens, to accompany the amending Regulations, was published as part of the public consultation and has been revised to take account of comments received. The guidance will be made available on the Defra website. The code of recommendations for the welfare of meat chickens has been amended to provide further guidance on beak trimming and will be published on the Defra website.

## **10. Impact**

10.1 The impact on business of the provisions concerning laying hens is fully discussed in the Impact Assessment. In summary, 95% of all laying hens that are currently beak trimmed (some 18.6 million birds) are currently using infra-red technology. The amendments made to the beak trimming of laying hens provisions will reap a net benefit of £30.3m over 5 years. There are no costs or benefits associated with the provisions for beak trimming of meat chickens as this procedure is extremely rare.

10.2 We do not envisage there being any impact on charities or voluntary bodies.

10.3 The impact on the public sector is negligible.

10.4 An Impact Assessment is attached to this memorandum on the impact of the amendments to The Mutilations (Permitted Procedures) (England) Regulations 2007 principally relating to changes in the provisions for beak trimming of laying hens, but also relating to meat chickens. This Explanatory Memorandum and the Impact Assessment will be published on the OPSI website.

## **11. Regulating small business**

11.1 The legislation applies to small business.

11.2 Almost all egg producers would be classified as a small firm, as they employ fewer than 20 full-time equivalent employees and therefore would not be at a significant disadvantage to larger firms as a result of this policy. As described in paragraph 10.1 there is a net benefit to all producers. Those with fewer than 350 laying hens are exempt and can continue to beak trim using any suitable method.

## **12. Monitoring & review**

12.1 The Government is committed to reducing the number of mutilations carried out on farm animals and its long term goal is to ban routine beak trimming. The policy on beak trimming of laying hens will be reviewed in 2015 in a formal post implementation review with a view to banning routine beak trimming of laying hens in 2016. The objective of the review will be to explore the policy approach taken and assess the feasibility of banning routine beak trimming of laying hens in 2016. In the meantime, the Beak Trimming Action Group, comprising key stakeholders, will be reconvened to establish an action plan to work towards a ban of routine beak trimming of laying hens in 2016. The review will consider results of on-going research projects that are investigating practical and realistic ways to rear laying hens without the need for beak trimming and will consider the outcome of industry study tours to those countries where they do not beak trim. As the impact of feather pecking is greatest in systems of management which do not house birds in cages, the risk to the welfare of laying hens from injurious pecking is likely to increase after the ban on conventional cages comes into force on 1 January 2012. A review in 2015 will allow producers time to increase their experience of managing flocks in alternative systems. The competitive implications of restricting beak trimming to the use of infra-red technology only will also be monitored and reviewed between 2011 and 2015 and will feed into the post implementation review.

## **13. Contact**

**Emma Jones** at the Department for the Environment Food and Rural Affairs Tel: 020 7238 3106 or email: [emmajones@defra.gsi.gov.uk](mailto:emmajones@defra.gsi.gov.uk) can answer any queries regarding the instrument.