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Slaughterhouses Act 1974

1974 CHAPTER 3

PART II

SLAUGHTER OF ANIMALS

Modifications etc. (not altering text)

- C1** Certain functions of the Minister of Agriculture, Fisheries and Food under Part II of this Act now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272, art. 2, Sch. 1](#)

Provisions as to slaughter

F136

Textual Amendments

- F1** s. 36 repealed (1.4.1995) by [S. I. 1995/731, reg. 28\(1\), Sch. 13](#)

Modifications etc. (not altering text)

- C2** s. 36 power to transfer functions conferred (3.1.1995) by [1994 c. 40, ss. 31, 82\(2\), Sch. 9, para. 2\(1\)\(a\), 4](#)

F237

Textual Amendments

- F2** [S. 37](#) repealed (1.4.1995) by [S. I. 1995/731, reg. 28\(1\), Sch. 13](#)

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38 Regulations for securing humane conditions of slaughter in slaughterhouses and knackers’ yards.

(1) The Minister may, after consultation with such organisations as appear to him to represent the interests concerned, make such regulations as appear to him to be expedient for securing humane conditions and practices in connection with the slaughter, in slaughterhouses and knackers’ yards, of [^{F3}horses, cattle, sheep, swine or goats]; and such regulations may in particular—

- (a) prescribe requirements as to the construction, lay-out and equipment of premises used as slaughterhouses or knackers’ yards;
- (b) prescribe conditions to be observed in connection with the confinement and treatment of [^{F3}horses, cattle, sheep, swine or goats] while awaiting slaughter in such premises, and in connection with the slaughter there of such animals.

(2) Regulations under this section may make different provision in relation to different kinds of animals and in relation to premises used for different purposes in connection with the slaughter of animals and may—

- (a) so far as they are made for the purposes mentioned in subsection (1)(a) above, be made to apply subject to exceptions or modifications in relation to premises constructed or adapted for use before the date on which the regulations come into force;
- (b) in any case be made without applying, or applying subject to exceptions or modifications, in relation to slaughterhouses forming part of an imported animals’ wharf or approved landing place for the purposes of the [^{F4}Animal Health Act 1981], or applying (with or without exceptions or modifications) only in relation to any such slaughterhouse of that description as may be specified in the regulations;
- (c) provide, subject to such limitations and safeguards, if any, as may be specified in the regulations, for the appropriate authority to grant in relation to particular premises, either unconditionally or subject to conditions, exemption from the operation of specific provisions of those regulations where it appears to the authority that compliance with those provisions cannot for the time being reasonably be required with respect to the premises or any activities carried on there;
- (d) provide for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, the regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days;

and in paragraph (c) above “appropriate authority”, except in relation to a slaughterhouse provided by a local authority, means a local authority, and in relation to a slaughterhouse so provided means the Minister.

(3) Regulations under this section may make provision corresponding (with or without modifications) with any of the provisions in force immediately before the commencement of the ^{M1}Slaughter of Animals (Amendment) Act 1954, under section 5(1) of the ^{M2}Protection of Animals Act 1911, section 4 of the ^{M3}Slaughter of Animals Act 1933 or section 1 of the ^{M4}Slaughter of Animals (Amendment) Act 1951.

^{F5}(4)

(5) Regulations under this section may prescribe penalties for offences against the regulations, not exceeding a fine of [^{F6}level 3 on the standard scale] or imprisonment for a term of three months or both, and may impose on the occupiers of premises to

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which the regulations apply responsibility for compliance with any of the provisions of the regulations.

[^{F7}(5A) Regulations under this section may require occupiers of premises used as slaughterhouses or knackers' yards to secure that the provisions of regulations under this section are complied with on the premises.]

(6) Where a person convicted of any offence against regulations under this section (including a person so convicted by virtue of [^{F8}section 44 of the Magistrates' Courts Act 1980]) is the holder of a licence under section 1 above in respect of the premises where the offence was committed, the court may, in addition to any other punishment, cancel the licence.

Subordinate Legislation Made

P1 S. 38: power exercised by S.I. 1983/688, 689, 1984/1310, 1311, 1990/1242

Textual Amendments

F3 Words in s. 38(1) substituted (1.4.1995) by S.I. 1995/731, reg. 28(2), Sch. 14, para. 2(4)

F4 Words substituted by Animal Health Act 1981 (c. 22, SIF 4:4), s. 96, Sch. 5 para. 11(c)

F5 S. 38(4) repealed (1.4.1995) by S. I. 1995/731, reg. 28(1), Sch. 13

F6 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

F7 S. 38(5A) inserted (27.8.1991) by Welfare of Animals at Slaughter Act 1991 (c. 30, SIF 112), ss. 1, 7(2).

F8 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7 para. 125

Modifications etc. (not altering text)

C3 S. 38 power to transfer functions conferred (3.1.1995) by 1994 c. 40, ss. 31, 82(2), Sch. 9, para. 2(1)(b), 4

Marginal Citations

M1 1954 c. 59.

M2 1911 c. 27.

M3 1933 c. 39.

M4 1951 c. 49.

Licensing of slaughtermen

^{F9}39

Textual Amendments

F9 S. 39 repealed (1.4.1995) by S. I. 1995/731, reg. 28(1), Sch. 13

^{F10}40

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Textual Amendments

F10 S. 40 repealed (1.4.1995) by S.I. 1995/731, reg. 28(1), **Sch. 13**

Enforcement and legal proceedings

^{F11}41(1).Execution and enforcement Part II.

It shall be the duty of every local authority to execute and enforce in their district the provisions of this Part of this Act and of any regulations made under it.

[^{F12}(2) In particular, every local authority shall, for the purpose of securing the execution of those provisions, make arrangements for the supervision by persons having such qualifications as may be prescribed by regulations under section 38 above of any premises in their district to which regulations under that section apply.

(3) Arrangements under subsection (2) above shall comply with such directions as the Minister may give from time to time.]

Textual Amendments

F11 S. 41 renumbered as s. 41(1) (27.8.1991) by Welfare of Animals at **Slaughter Act 1991 (c. 30, SIF 112), ss. 4(1), 7(2).**

F12 S. 41(2)(3) added (27.8.1991) by Welfare of Animals at **Slaughter Act 1991 (c. 30, SIF 112), ss. 4(2), 7(2).**

Modifications etc. (not altering text)

C4 S. 41 power to transfer functions conferred (3.1.1995) by **1994 c. 40, ss. 31, 82(2), Sch. 9, paras. 2(1)(e), 4**

[41A ^{F13}Codes of practice.

(1) The Minister may from time to time, after consultation with such organisations as appear to him to represent the interests concerned—

- (a) prepare and issue codes of practice for the purpose of providing practical guidance in respect of any provision of this Part of this Act or regulations under it; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.

(2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Minister shall not issue the code or revised code, as the case may be, until after the end of the period of 40 days beginning with the day on which the code or the proposed alterations were so laid.

(3) If, within the period mentioned in subsection (2) above, either House resolves that the code be not issued or the proposed alterations be not made, the Minister shall not issue the code or revised code (without prejudice to his power under that subsection to lay further codes or proposed alterations before Parliament).

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- (4) For the purposes of subsection (2) above—
- (a) where a code or proposed alterations are laid before each House of Parliament on different days, the later day shall be taken to be the day on which the code or the proposed alterations, as the case may be, were laid before both Houses; and
 - (b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) The Minister shall cause any code issued or revised under this section to be printed and distributed, and may make such arrangements as he thinks fit for its distribution, including causing copies of it to be put on sale to the public at such reasonable price as the Minister may determine.
- (6) A failure on the part of any person to follow any guidance contained in a code issued under this section shall not of itself render that person liable to proceedings of any kind.
- (7) If, in proceedings against any person for an offence consisting of the contravention of any provision of this Part of this Act or of regulations under it, it is shown that, at any material time, he failed to follow any guidance contained in a code issued under this section, being guidance which was relevant to the provision concerned, that failure may be relied on by the prosecution as tending to establish his guilt.]

Textual Amendments

F13 S. 41A inserted (27.8.1991) by Welfare of Animals at [Slaughter Act 1991 \(c. 30, SIF 112\)](#), **ss. 5(1), 7(2)**.

42 Powers of entry.

- (1) Subject to subsection (3) below, at any time when business is, or appears to be, in progress, or is usually carried on, in a slaughterhouse or knacker's yard, any officer of the Minister, or an officer appointed for the purpose by the local authority within whose district the slaughterhouse or knacker's yard is situate, may enter it for the purpose of ascertaining whether there is or has been any contravention of this Part of this Act or of any regulations made under it.
- (2) Any person who obstructs a person in the exercise of his powers under subsection (1) above shall be guilty of an offence and liable to a fine not exceeding [^{F14}level 1 on the standard scale].
- (3) Subsection (1) above shall not authorise entry into a slaughterhouse or knacker's yard which for the time being is, or is comprised in, an infected place within the meaning of the [^{F15}Animal Health Act 1981].

Textual Amendments

F14 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

F15 Words substituted by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96, **Sch. 5 para. 11(e)**

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Modifications etc. (not altering text)

- C5 S. 42(1) power to transfer functions conferred (3.1.1995) by 1994 c. 40, ss. 31, 82(2), Sch. 9, paras. 2(1)(f), 4

43 Prosecution and punishment of offences.

- (1) All offences under this Part of this Act and regulations made under it shall be punishable on summary conviction.

^{F16}(2)

^{F16}(3)

Textual Amendments

- F16 S. 43(2)(3) repealed (1.4.1995) by S. I. 1995/731, reg. 28(1), Sch. 13

Supplemental

44 Regulations.

Any regulations under this Part of this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

45 Interpretation of Part II.

In this Part of this Act, unless the context otherwise requires—

“contravention” in relation to a provision of this Part of this Act or of any regulations made under it, includes a failure to comply with that provision;

[^{F17}“district”, in relation to a local authority who are the council of a Welsh county or county borough, means that county or county borough;]

“horse” includes ass and mule;

“knacker’s yard” means any building, premises or place used in connection with the business of killing animals whose flesh is not intended for sale for human consumption;

“local authority” means the council [^{F18} of a Welsh county or county borough or]of a district or London borough or the Common Council of the City of London;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“slaughterhouse” means any building, premises or place used in connection with the business of killing animals whose flesh is intended for sale for human consumption.

Textual Amendments

- F17 Definition of “district” inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16, para. 43(3)(a), (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, Sch. 2

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F18 In s. 45 words inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16**, para. 43(3)(b), (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

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