
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only (regulation 1(2)), revoke and replace (with amendments):

The Welfare of Livestock Regulations 1994 (S.I. 1994/2126, amended by S.I. 1998/1709); and
The Welfare of Livestock (Amendment) Regulations 1998 (S.I. 1998/1709).

The Regulations implement the following Community legislation—

Council Directive [88/166/EEC](#) laying down minimum standards for the protection of laying hens kept in battery cages (OJ No. L74, 19.3.88, p.83);

Council Directive [91/629/EEC](#) laying down minimum standards for the protection of calves (OJ No. L340, 11.12.91, p.28), as amended by Council Directive [97/2/EC](#) (OJ No. L25, 28.1.97, p.24) and Commission Decision [97/182/EC](#) (OJ No. L76, 24.2.97, p.30);

Council Directive [91/630/EEC](#) laying down minimum standards for the protection of pigs (OJ No. L340, 11.12.91, p.33); and

Council Directive [98/58/EC](#) concerning the protection of animals kept for farming purposes (OJ No. L221, 8.8.98, p.23).

The Regulations (and the Community legislation which they implement) reflect the obligations contained in the European Convention for the Protection of Animals kept for Farming Purposes of 10th March 1976 (European Treaty Series No. 87), as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992 (European Treaty Series No. 145).

The Regulations apply to all animals kept for farming purposes (subject to certain limited exceptions) (regulation 2(2)).

Regulation 3(1) lays down the general principle that owners and keepers of animals kept for farming purposes must take reasonable steps to ensure the welfare of animals in their care and to prevent them any unnecessary pain, suffering or injury. This principle applies to all animals (including fish, reptiles and amphibians).

The Regulations also provide for general requirements as to the conditions in which all farmed animals (other than fish, reptiles and amphibians) are bred or kept (regulation 3(2) and Schedule 1) and for specific additional requirements as to the conditions in which laying hens kept in battery cages (regulation 4 and Schedule 2), poultry (other than laying hens kept in battery cages) (regulation 5 and Schedule 3), calves (regulation 6 and Schedule 4), cattle (regulation 7 and Schedule 5), pigs (regulation 8 and Schedule 6) and rabbits (regulation 9 and Schedule 7) are bred or kept.

Regulation 10 contains provision to ensure that those in charge of animals have access to copies of the welfare codes issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 which apply to the animals being bred or kept and that they are acquainted with those codes. Information relating to the welfare codes that have been issued under the 1968 Act may be obtained from the Ministry of Agriculture, Fisheries and Food (Animal Welfare Division, Branch A), 5th floor, 1A Page Street, London SW1P 4PQ, or any of the Ministry's Animal Health Divisional Offices. Copies of the codes may be obtained from MAFF Publications, Admail 6000, London SW1A 2XX.

Regulation 11 provides for the service of enforcement notices requiring action to be taken to deal with any breach of the Regulations and regulation 12 provides for a power of entry for persons authorised by the European Commission for the purpose of enforcing Community legislation. Under regulation 13(1), any contravention of the Regulations is an offence against section 2 of the Agriculture (Miscellaneous Provisions) Act 1968. Under section 7 of that Act, the maximum

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penalty for such an offence is 3 months imprisonment and/or a fine at level 4 on the standard scale (currently, £2,500).

Schedule 1, which provides for general requirements as to the conditions in which all farmed animals (other than fish, reptiles and amphibians) are bred or kept, contains a number of changes from corresponding provisions in Schedule 4 of the Welfare of Livestock Regulations 1994 (as amended).

In particular, there are a number of requirements which, under the 1994 Regulations, applied only to either animals kept in intensive systems or animals kept in buildings, but the scope of which is now extended to cover all farmed animals (other than fish, reptiles and amphibians). There are also a number of new requirements.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies may be obtained from the Ministry of Agriculture, Fisheries and Food (Animal Welfare Division, Branch A), 5th Floor, 1A Page Street, London SW1P 4PQ.

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Changes and effects yet to be applied to :

- Sch. 1 para. 2(3)(a) substituted by [S.I. 2002/1646 reg. 2\(6\)\(a\)](#)
- Sch. 1 para. 7(b)(i) substituted by [S.I. 2002/1646 reg. 2\(6\)\(b\)](#)
- Sch. 2 revoked by [S.I. 2002/1646 reg. 2\(3\)](#)
- Sch. 3 substituted by [S.I. 2002/1646 reg. 2\(7\)](#)
- sch 6 rev in pt by [S.I. 2007/1101 reg 2 schedule](#)
- Sch 6 subst (subject to transtl provn(s)) by [S.I. 2003/299 regs 23\(1\)\(4\)](#)
- reg 2 am by [S.I. 2003/299 reg 3\(1\)\(2\)](#)
- reg. 2(1) words inserted by [S.I. 2002/1646 reg. 2\(2\)\(b\)](#)
- reg. 2(1) words inserted by [S.I. 2002/1646 reg. 2\(2\)\(c\)](#)
- reg. 2(1) words substituted by [S.I. 2002/1646 reg. 2\(2\)\(a\)](#)
- reg. 4 revoked by [S.I. 2002/1646 reg. 2\(3\)](#)
- reg. 5 substituted by [S.I. 2002/1646 reg. 2\(4\)](#)
- reg. 12(a) substituted by [S.I. 2002/1646 reg. 2\(9\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3A inserted by [S.I. 2002/1646 reg. 2\(8\)Sch.](#)
- Sch. 3B inserted by [S.I. 2002/1646 reg. 2\(8\)Sch.](#)
- Sch. 3C inserted by [S.I. 2002/1646 reg. 2\(8\)Sch.](#)
- Sch. 3D inserted by [S.I. 2002/1646 reg. 2\(8\)Sch.](#)
- sch 3D rev in pt by [S.I. 2007/1101 reg 2 schedule](#)
- reg. 5A added by [S.I. 2002/1646 reg. 2\(5\)](#)
- reg 8A added by [S.I. 2003/299 reg 3\(1\)\(3\)](#)