

**EXPLANATORY MEMORANDUM TO
THE WELFARE OF ANIMALS (SLAUGHTER OR KILLING) (AMENDMENT)
(ENGLAND) REGULATIONS 2006**

2006 No. 1200

1. This explanatory memorandum has been prepared by the Department for 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. **Description**

The Regulations amend the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731 to permit ventilation shutdown as a method of killing birds for the purpose of disease control.

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

3.1 The Department apologises for the fact that there has been no opportunity for the Joint Committee to see these Regulations before they came into force and that the 21 day rule has been breached. The Department regrets this but explains the reasons below.

3.2 When dealing with an outbreak of notifiable animal disease, it is essential to deal with it quickly and effectively. The majority of methods of killing birds currently permitted under Schedule 9 to the 1995 regulations are dependent on personnel being available in sufficient numbers to catch the birds prior to killing. In normal circumstances this is not an issue as teams of catchers are an integral part of the day to day operation of the poultry industry and catchers have been used successfully in previous disease outbreaks. However, when modern poultry units have tens of thousands of birds, obtaining catchers quickly and in sufficient numbers presents an unacceptable risk to swift and effective disease control.

3.3 In order to deal with that risk, the Department planned to amend the 1995 Regulations by making ventilation shutdown an additional method of killing should the need arise. However, now that we have Avian Influenza in the most densely poultry populated part of England, we need this extra method available without delay to enable a rapid cull if necessary.

3.4 In these circumstances, the Department had to proceed with enabling the use of ventilation shut down without delay and considered it necessary to bring the amendment into force without observing the customary 21-day period between making and coming into force.

4. Legislative Background

4.1 The 1995 Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (OJ No. L 340, 31.12.93, p21). These amending Regulations are within the criteria laid down by Article 10 and Annex E of the Directive which says that competent authorities may permit other methods of killing animals for disease control if appropriate measures are taken to kill animals as soon as possible, and in any event before they regain consciousness, and that nothing is done to the animals before it is ascertained they are dead.

5. Extent

This instrument applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Ventilation shutdown (VSD), which involves sealing a poultry shed and turning off the ventilation, has not been a permitted method of killing birds in WASK. VSD will kill birds effectively, most likely from hyperthermia, over a period of 30-60 minutes. It is quick to implement and requires no resource or contact between humans and birds. It will only be the method of choice where more humane methods are not available.

7.2 The amendment was developed with the intention to permit this additional disease control method for circumstances when no other method, as outlined in Schedule 9 of the 1995 Regulations, could be practicably employed for the disease control killing of large numbers of birds.

8. Impact

No Regulatory Impact Assessment has been produced for these Regulations as they have no direct impact on costs to business. Nor is there any impact on costs to the public sector.

9. Contact

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