

EXPLANATORY MEMORANDUM TO
THE WELFARE OF ANIMALS AT THE TIME OF KILLING REGULATIONS

2014 No. 1240

AND

THE WELFARE OF ANIMALS AT THE TIME OF KILLING (REVOCATION)
REGULATIONS 2014

2014 No. 1258

1. This explanatory memorandum covers two related instruments, and 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. **Purpose of the two instruments**

- 2.1 The *Welfare of Animals at the Time of Killing Regulations 2014* (“the WATOK Regulations”) were due to come into force in England on 20th May 2014 with the purpose of replacing the *Welfare of Animals (Slaughter or Killing) Regulations 1995* (S.I. 1995/731) (“the 1995 Regulations”) in order to make provision for the administration and enforcement in England of Council Regulation (EC) 1099/2009 of 24th September 2009 *on the protection of animals at the time of killing* (“the EU Regulation”). The EU Regulation introduces a series of new, directly applicable operational requirements including stunning parameters in Annex 1 of the regulation, improvements to chicken shackle lines and requirements to the construction, layout and equipment of slaughterhouses. In addition, it provides for a derogation to Member States to allow religious slaughter without prior stunning and permits them to maintain existing national rules which provided for more extensive protection of animals at slaughter if those rules were in force at the time the EU Regulation came into force. The WATOK Regulations therefore also contained national rules. The inter-relationship between the EU Regulation and national law is complex.
- 2.2 *The Welfare of Animals at the Time of Killing (Revocation) Regulations 2014* (“the Revocation Regulations”) came into force on 19th May 2014 and revoked the WATOK Regulations before they came into force. After making the WATOK Regulations, it was decided that the potential impact on some limited aspects of religious slaughter needed further consideration. Given the complexity of the legal framework we wanted to take some time to consider. We decided that it was preferable to revoke the WATOK Regulations in order to give full consideration to the relevant issues.

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

- 3.1 The WATOK Regulations and Revocation Regulations were laid in breach of the 21-day rule. The reason for which is set out in paragraph 2.2. above.
- 3.2 The Department sincerely regrets the breaches of the 21-day rule. No disrespect to Parliament was intended.

4. Legislative Context

- 4.1 The EU Regulation was first considered by the EU Scrutiny Committees in May 2009. It was cleared by the House of Lords EU Scrutiny Committee in July 2009 and by the House of Commons EU Scrutiny Committee in August 2009.
- 4.2 The WATOK Regulations, now revoked, made provision for the administration and enforcement in England of the EU Regulation which applied from 1st January 2013.
- 4.3 Before the EU Regulation came into effect, the welfare of animals at killing was subject to the requirements of Council Directive 93/119/EC, implemented in Great Britain through the 1995 Regulations. With the revocation of WATOK, the 1995 Regulations so far as they apply in England, remain in force.

5. Territorial Extent and Application

- 5.1 The WATOK Regulations and the Revocation Regulations apply in England only. Separate provisions have been introduced in Scotland, Wales and Northern Ireland for the administration and enforcement of the EU Regulation.

6. European Convention on Human Rights

- 6.1 For the WATOK Regulations George Eustice MP, the Parliamentary Under Secretary of State for Environment, Food and Rural Affairs, made the following statement regarding human rights:

“In my view the provisions of the Welfare of Animals at the Time of Killing Regulations 2014 are compatible with the Convention rights.”

- 6.2 As the Revocation Regulations are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The EU Regulation applies to all animals killed for the production of meat or other products in a slaughterhouse or on farm. It also applies for depopulation operations such as disease control. The EU Regulation aims to ensure that animals (including poultry and fish, but excluding reptiles and amphibians) are spared any avoidable pain, distress or suffering at the time of killing.

8. Consultation outcome

- 8.1 A six-week public consultation ran from 13th September 2012 on proposals to implement the EU Regulation in England. This consultation followed a previous

consultation in 2009 and extensive engagement with interested parties during 2011 and 2012. A shorter period of consultation was used because of these previous rounds of consultation.

- 8.2 The 2012 public consultation sought views from food business operators, livestock and poultry keepers, veterinary organisations, animal welfare groups, local authorities, faith groups and members of the public. There were 446 responses received. An additional 300 responses were received campaigning in support of compulsory CCTV in slaughterhouses; 140 responses received disagreed with the suggestion that slaughterhouses are best placed to decide monitoring tools suitable to their individual circumstances; and almost 80 individuals campaigned for tighter controls on meat from animals slaughtered for religious purposes.
- 8.3 The 2012 consultation demonstrated concern amongst welfare groups, veterinary organisations and the public about any weakening of existing welfare protection for animals at killing. Industry raised concerns about the impact on business and possible loss of flexibility.

Key issues raised were:

- Maintaining existing national rules which provide more extensive protection than the EU Regulation. Welfare groups and the public were basically supportive whilst industry were broadly opposed to retention of national rules but were keen to see a common approach across the whole of the UK.
- Certificates of competence. There was considerable criticism of proposed arrangements, especially from small-scale poultry producers, who considered arrangements to be overly bureaucratic and expensive. However, welfare organisations and the public wanted a robust system.
- Compulsory installation of CCTV at abattoirs. There were two campaigns supporting this and general support from welfare groups and the public; the slaughter industry were opposed.
- Religious slaughter. Strong pressure from welfare groups, veterinary organisations and public for a ban on slaughter without stunning. Religious community representatives commented on some points of detail in the proposals.
- Method of slaughter labelling. Strong support by welfare groups, the public and some religious community representatives but widely opposed by industry. This issue is outside the scope of the consultation.
- The consultation itself was criticised by some for only being for a six-week duration and for its complexity.

- 8.4 A full summary of responses to the consultation and the Government's consultation response was published on the Government website:
<https://www.gov.uk/government/consultations/welfare-of-animals-at-the-time-of-killing>

9. Guidance

- 9.1 In accordance with Article 13 of the EU Regulation, Guides to Good Practice are being produced by the British Meat Processors Association, for red meat, and by the British Poultry Council, for poultry meat, in consultation with the Department and key stakeholders.

10. Impact

- 10.1 Existing national rules will continue to remain in place as a result of the revocation of the WATOK Regulations and therefore there will be no additional cost on business.
- 10.2 The impact on the public sector is negligible, and there is no direct impact on charities or the voluntary sector.

11. Regulating small business

- 11.1 There will be no additional cost on small businesses.

12. Monitoring and review

- 12.1 As a consequence of the revocation of the WATOK Regulations, additional monitoring and review is not considered necessary.

13. Contact

The Animal Welfare team at the Department for Environment, Food and Rural Affairs email: Animal.Welfare@defra.gsi.gov.uk can answer any queries regarding these two instruments.