

2022 No. 33

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

**The Protection of Animals at the Time of Killing (Amendment)
(England) Regulations 2022**

Made - - - - at 2.14 p.m. on 13th January 2022

Laid before Parliament at 5.00 p.m. on 13th January 2022

Coming into force - - 3rd February 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 4(2) and 24a(8) of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing(a).

In accordance with Article 4(2) of that Regulation, the Secretary of State is satisfied that, in the light of scientific and technical progress, the amendments made by these Regulations to Annex 1 to that Regulation ensure a level of animal welfare at least equivalent to that ensured by the Annex before the coming into force of these Regulations.

In accordance with Article 24a(9) of that Regulation, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

Citation, commencement, extent and application

1.—(1) These Regulations—

- (a) may be cited as the Protection of Animals at the Time of Killing (Amendment) (England) Regulations 2022; and
- (b) come into force on 3rd February 2022.

(2) These Regulations extend to England and Wales but apply in relation to England only.

Amendments to Council Regulation (EC) No 1099/2009

2.—(1) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing is amended as follows.

(a) EUR 2009/1099. Article 4 is amended by S.I. 2019/588. The power to make regulations under Article 4(2) is conferred on 'the appropriate authority' which, in relation to England, is defined by Article 2a(1)(a) as the Secretary of State. Articles 2a and 24a were inserted by S.I. 2019/588 (which was itself amended by S.I. 2020/1590).

(2) In Annex 1, in Chapter 1, in Table 1 (mechanical methods), in row no. 2 (non-penetrative captive bolt device)—

- (a) in column 3 (description), after “simple stunning”, insert “in accordance with points 1.1 and 1.2 of Chapter 2 of this Annex and otherwise in accordance with points 1.1, 1.3 and 1.4 of that Chapter”;
- (b) in column 4 (conditions of use)—
 - (i) after “Ruminants,”, insert “piglets,”;
 - (ii) after “Slaughter only for ruminants”, insert “except lambs of less than 10kg live weight and kids of less than 10kg live weight”;
 - (iii) after “poultry,”, in the second place where it occurs, insert “piglets of less than 10kg live weight, lambs of less than 10kg live weight, kids of less than 10kg live weight,”;
- (c) in column 5 (key parameters), after “Strength of the cartridge used.”, insert—
“Kinetic energy delivered.”;
- (d) in column 6 (specific requirements for certain methods – Chapter 2 of this Annex), for “Point 1” substitute “Points 1.1 to 1.4”.

(3) In Annex 1, in Chapter 2, in point 1 (non-penetrative captive bolt device)—

- (a) the first sentence becomes point 1.1 and the second sentence becomes point 1.2;
- (b) in point 1.2 as renumbered—
 - (i) at the beginning, insert “Except as permitted by points 1.3 and 1.4”;
 - (ii) for the words from “ruminants” to the end substitute—

“simple stunning(a) of—

- (a) poultry, rabbits, hares; or
- (b) ruminants of less than 10kg of live weight”;

(c) after point 1.2, insert—

“1.3. This method may be used for killing—

- (a) piglets of less than 10kg live weight;
- (b) lambs of less than 6kg live weight; or
- (c) kids of less than 4kg live weight.

1.4. Where this method is used for killing under point 1.3, it may not be used with a device which generates a kinetic energy less than that set out in Table 1a.

Table 1a – Minimum kinetic energy

<i>Category of animals</i>	<i>Minimum kinetic energy for propulsion method</i>
Piglets of less than 10kg live weight	27.7 Joules
Lambs of less than 6kg live weight	107 Joules
Kids of less than 4kg live weight	27.8 Joules”.

Amendments to the Welfare of Animals at the Time of Killing (England) Regulations 2015

3.—(1) The Welfare of Animals at the Time of Killing (England) Regulations 2015(b) are amended as follows.

(2) In Schedule 1, in paragraph 25 (non-penetrative captive bolt)—

- (a) after “stun”, in the first place where it occurs, insert “or kill”;

(a) Simple stunning is defined in Article 4(1) of EUR 2009/1099.

(b) S.I. 2015/1782, to which there are amendments not relevant to these Regulations.

- (b) after “stun”, in the second place where it occurs, insert “or kill, as appropriate”.
- (3) In Schedule 2, in paragraph 35 (non-penetrative captive bolt)—
 - (a) after “stun”, in the first place where it occurs, insert “or kill”;
 - (b) after “stun, in the second place where it occurs, insert “or kill, as appropriate”.

Goldsmith of Richmond Park

Minister of State,

At 2.14 p.m. on 13th January 2022

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by Articles 4(2) and 24a(8) of retained Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (EUR 2009/1099) (the “PATOK Regulation”). Under Article 4(2), the appropriate authority may amend Annex 1 to the PATOK Regulation to take account of scientific and technical progress. In relation to England, “the appropriate authority” is defined by Article 2a(1)(a) as the Secretary of State.

These Regulations amend, in relation to England, Annex 1 to the PATOK Regulation in order to permit, subject to certain criteria, the use of a non-penetrative captive bolt to kill, for slaughter, depopulation and other situations, piglets of less than 10kg live weight, lambs of less than 6kg live weight and kids of less than 4kg live weight. The use of a non-penetrative captive bolt device as a stunning method which does not result in instantaneous death (referred to as “simple stunning”), continues to be permitted for the categories of animals permitted prior to the coming into force of the Regulations. These Regulations amend Annex 1 to allow this device also to be used for the simple stunning, for depopulation and other situations, of lambs of less than 10kg live weight and kids of less than 10kg live weight. These Regulations also make consequential amendments to related additional requirements in Schedules 1 and 2 to the Welfare of Animals at the Time of Killing Regulations 2015 (S.I. 2015/1782), breach of which is an offence under regulation 30(1)(c) or (d) of those Regulations.

A full impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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