

2011 No.

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

**The Welfare of Animals (Slaughter or Killing) (Amendment)
(England) Regulations 2011**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to the common agricultural policy of the European Union^(b).

Citation, commencement and application

1. These Regulations—

- (a) may be cited as the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2011;
- (b) apply in England;
- (c) come into force on [insert date].

Amendments to the Welfare of Animals (Slaughter or Killing) Regulations 1995

2. The Welfare of Animals (Slaughter or Killing) Regulations 1995^(c) are amended in accordance with regulations 3 to 7.

Amendment to regulation 15

3. In paragraph (2) of regulation 15, after “slaughterhouse” insert “or knacker’s yard”.

Amendment to regulation 26

4. After paragraph 26, insert—

(a) 1972 c.68.
(b) S.I. 1972/1811.
(c) S.I. 1995/731; relevant amending instruments are S.I. 2001/3830 and S.I. 2007/402.

Time limit for summary prosecution

“26A(1) Notwithstanding anything in section 127(1) of the Magistrates’ Courts Act 1980(a), a magistrates’ court may try an information relating to an offence under these Regulations if the information is laid—

- (a) before the end of the period of three years beginning with the date of the commission of the offence, and
 - (b) before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor’s knowledge.
- (2) For the purposes of subsection (1)(b)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor’s knowledge shall be conclusive evidence of that fact, and
 - (b) a certificate stating that matter and purporting to be so signed shall be treated as so signed unless the contrary is proved.”.

Amendment to Schedule 5

5. In paragraph 13(e) of Schedule 5, omit “carbon dioxide or”.

Amendments to Schedule 7

6.—(1) Schedule 7 is amended as follows.

(2) In paragraph 7(2) for sub-paragraph (b), substitute—

- “(b) any mixture of argon, nitrogen, or other inert gases with atmospheric air and carbon dioxide provided that the carbon dioxide concentration does not exceed 30% by volume and the oxygen concentration does not exceed 2% by volume; or
- (c) biphasic carbon dioxide comprising a mixture of up to 40% of carbon dioxide in atmospheric air (phase 1) followed by a mixture containing a minimum of 70% carbon dioxide in atmospheric air (phase 2).”.

(3) In paragraph 8(c)(iii), for sub-paragraphs (aa) and (bb) substitute—

- “(aa) where the gas mixture used is that mentioned at paragraph 7(2)(a) above, if the concentration by volume of oxygen rises above 5% for more than 30 seconds;
- (bb) where the gas mixture used is that mentioned at paragraph 7(2)(b) above, if the concentration by volume of carbon dioxide rises above 30%; and
- (cc) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide rises above 40% during phase 1.
- (dd) where the gas mixture used is that mentioned at paragraph 7(2)(c) above, if the concentration by volume of carbon dioxide falls below 70% during phase 2.”.

(4) In paragraph 9, for sub-paragraph (a) substitute—

- “(a) where the gas mixture used is—
 - (i) that mentioned in paragraph 7(2)(a) or 7(2)(b) above, the birds are exposed to the gas mixture for long enough to ensure that they are killed;

(a) 1980, c.43.

- (ii) that mentioned at paragraph 7(2)(c) above, the birds are exposed to the phase 1 gas mixture for long enough to ensure that they are unconscious, before they are exposed to the phase 2 gas mixture for long enough to ensure that they are killed. In all cases birds must remain unconscious from the end of their exposure to the phase 1 mixture until death.”.
- (5) In paragraph 10, for sub-paragraph (b)(ii) substitute—
 - “(ii) where the gas mixture used is that mentioned at paragraph 7(2)(a) or 7(2)(b), the displayed concentration of carbon dioxide is above 30% by volume; or
 - (iii) where the gas mixture used is that mentioned at paragraph 7(2)(c), the displayed concentration of carbon dioxide is above 40% by volume.”.

Amendments to Schedule 7A

- 7.—(1) Schedule 7A is amended as follows.
- (2) In the heading to the Schedule, after “Slaughterhouse” insert “or Knacker’s Yard”.
- (3) In paragraph 1—
 - (a) omit the definitions of “breeder hen”, “end of lay hen”, “end of life breeder hen” and “laying hen”;
 - (b) in the definition of “chamber”, omit “end of lay hens, end of life breeder hens or”.
- (4) For the heading of Part II, substitute “Birds” for “End of Lay Hens and End of Life Breeder Hens”.
- (5) In paragraph 2—
 - (a) for sub-paragraph (1), substitute—
 - “Birds may not be killed on premises where they have been kept by exposure to gas mixtures except in accordance with this Schedule.”.
 - (b) in sub-paragraph (2)—
 - (i) in the introductory words, for “the end of lay hens or the end of lay breeder hens” substitute “the birds”;
 - (ii) for paragraph (e), substitute—
 - “(e) the number and age of birds being killed.”.
- (6) In sub-paragraph (3), substitute “birds” for “end of lay hens and end of life breeder hens”.
- (7) After sub-paragraph (3), insert—
 - “(4) Notification under this paragraph is not required if the Secretary of State authorises the killing of birds by exposure to gas in accordance with Part III.”.
- (8) In paragraph 3—
 - (i) in sub-paragraph (1), after “slaughterhouse”, insert “or knacker’s yard”.
 - (ii) omit sub-paragraph (5).
- (9) In paragraph 5—
 - (i) in the introductory words, omit “end of lay hens, end of life breeder hens or”;
 - (ii) in sub-paragraph (a), omit “hen or”;
 - (iii) in sub-paragraph (d), omit “or hens”.
- (10) In paragraph 6—
 - (i) in the introductory words to sub-paragraph (b), omit “end of lay hens, end of life breeder hens and”;
 - (ii) for sub-paragraph (d), substitute “after exposure to a gas mixture nothing more is done to a bird until it is ascertained that it is dead.”.
- (11) In paragraph 7, omit “, end of lay hens and end of life breeder hens”.

Jim Paice
Minister of State

Date

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, amend the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I.1995/731) (“the 1995 Regulations”) which govern the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products. 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, p.21).

These Regulations insert regulation 26A in the 1995 Regulations to allow a prosecution to be brought for a summary offence if the information is laid before the end of three years from the date the offence was committed and before the end of six months from the date on which evidence sufficient to justify proceedings is brought to the prosecutor’s knowledge.

Schedule 7 of the 1995 Regulations is amended to permit the use of biphasic carbon dioxide to kill birds in a slaughter house which gives effect to provisions made under Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (OJ L303, 18.11.2009 p.1).

Schedule 7A of the 1995 Regulations is amended to extend the range of birds that can be killed by exposure to gas on the premises where they have been kept to include all domestic fowl, turkeys, pheasants, quail, partridges, geese, ducks or guinea fowl. The owner of the birds must give the Secretary of State a minimum of five working days’ notice before killing birds in this manner. Prior notification is not required if the Secretary of State authorises the killing of such birds by gas.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Animal Welfare Division of the Department for Environment, Food and Rural Affairs, Nobel House, Smith Square and is published with the Explanatory Memorandum alongside the instrument on ww.legislation.gov.uk.