

2014 No. 107

ANIMALS

PREVENTION OF CRUELTY

**The Welfare of Animals at the
Time of Killing Regulations
(Northern Ireland) 2014**

Made - - - -

8th April 2014

Coming into operation -

21st May 2014



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The Department of Agriculture and Rural Development is designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Union and makes these Regulations in exercise of those powers and paragraph 1A of Schedule 2 to that Act.

To the extent these Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, it appears to the Department that it is expedient for the references in these Regulations to the Annexes to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing^(c) to be construed as references to those Annexes as amended from time to time.

(a) S.I. 2000/2812

(b) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of the European Union (Amendment) Act 2008 (c.7)

(c) O.J. No. L 303, 18.11.2009, p. 1

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014 and shall come into operation on 21st May 2014.

Expiry

- 2.—(1) The following provisions cease to have effect on 8th December 2015—
- (a) regulation 36; and
 - (b) Schedule 7.
- (2) The following provisions cease to have effect on 8th December 2019—
- (a) regulation 23(1)(g);
 - (b) regulation 37; and
 - (c) Schedule 8.

Interpretation

3.—(1) In these Regulations—

“the 1996 Regulations” means the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996(a);

“authorised veterinary surgeon” means a veterinary surgeon authorised by the Department for the purposes of these Regulations;

“certificate” (except in the terms “temporary certificate”, “transitional certificate” or as used in regulation 34(2)) means a certificate of competence as mentioned in Article 21 and includes a qualification recognised by the competent authority as equivalent to a certificate in accordance with Article 21(7);

“competent authority” has the meaning given in regulation 4;

“the Department” means the Department of Agriculture and Rural Development;

“EU Regulation” means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(b);

“evidence of training and examination” means—

- (a) a certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual)(c) which oversees the training and assessment of persons carrying out the killing of animals and related operations, confirming the passing of an independent examination as provided for in Article 21;
- (b) a licence granted by the Rabbinical Commission for the purpose of slaughtering animals in accordance with the Jewish method (Shechita) and confirming the passing of an independent examination as provided for in Article 21; or

(a) S.R. 1996 No. 558, as amended by S.R. 2000 No. 76, S.R. 2000 No. 78, S.R. 2001 No. 66, S.R. 2001 No. 186, S.R. 2002 No. 304, S.R. 2004 No. 209, S.R. 2008 No. 277 and S.R. 2011 No. 407.

(b) O.J. No. L 303, 18.11.2009, p. 1

(c) Ofqual, a non-ministerial Government Department, was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22). The matters in relation to which Ofqual has functions are set out in part 7 of that Act and include the regulation of vocational qualifications in Northern Ireland.

(c) a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (RCVS)(**a**), and RCVS continuing professional development record combined;

“horse” includes a hinny, ass or mule;

“inspector” means an inspector appointed under regulation 27 or an inspector appointed under section 45 of the Welfare of Animals Act (Northern Ireland) 2011(**b**);

“killing establishment” means any premises, including a knacker’s yard, used principally for the storage of animal carcasses but also for the commercial killing of animals for purposes other than human consumption, including any associated facilities for handling and lairaging such animals;

“Rabbinical Commission” means the Rabbinical Commission for the licensing of Shochetim in England and Wales or the Chief Rabbi in Scotland, responsible for licensing persons carrying out the slaughter of animals in accordance with the Jewish method (Shechita);

“restraining facility for non-stun slaughter” means a pen or compartment which is—

(a) suitable for restraining a bovine animal in an upright position for the purpose of slaughtering in accordance with religious rites (as defined in paragraph 1(c) of Schedule 3); and

(b) approved in accordance with paragraph 3 of Schedule 3;

“simple stunning” has the same meaning as in Article 4(1) and “simple stunned” is to be construed accordingly;

“stunning pen” means a pen or compartment which is suitable for restraining an adult bovine animal for the purpose of stunning and which is constructed in accordance with paragraph 8 of Schedule 1 or paragraph 9 of Schedule 2;

“temporary certificate” means a temporary certificate of competence as mentioned in Article 21(5);

“transitional certificate” means a transitional certificate of competence as mentioned in Part 2 of Schedule 7;

“veterinary surgeon” means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966(**c**); and

“WASK licence” means a registered licence required by or granted in accordance with Schedule 1 to the 1996 Regulations or Schedule 1 to the Welfare of Animals (Slaughter or Killing) Regulations 1995(**d**).

(2) Terms and expressions used in these Regulations that are also used in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation, unless specified otherwise.

(3) In these Regulations, a reference to an Article, a Chapter or an Annex is a reference to that Article or Chapter of, or that Annex to, the EU Regulation.

(4) Any reference to an Annex to the EU Regulation is a reference to that Annex as amended from time to time.

(5) The Interpretation Act (Northern Ireland) 1954(**e**), except section 20(2) and (3), shall apply to these Regulations as it applies to an Act of the Assembly.

(a) RCVS was established by Royal Charter in 1844 and is responsible for the registration of veterinary surgeons and the regulation of their education, ethical and clinical standards.

(b) 2011 c.16 (N.I)

(c) 1966 c.36; section 2 was amended by S.I. 2003/2919, Article 12 and the Schedule, paragraph 1 and S.I. 2008/1824, Article 2 and the Schedule, paragraph 2(a).

(d) S.I. 1995 No. 731

(e) 1954 c.33 (N.I.)

The competent authority

4. The Department is the competent authority for the purposes of the EU Regulation and these Regulations.

PART 2

CERTIFICATES AND TEMPORARY CERTIFICATES

Requirement for a certificate or temporary certificate

5.—(1) Subject to regulation 36 and Schedule 7, no person may carry out an operation specified in regulation 6 except under and to the extent authorised by a certificate registered with the competent authority or a temporary certificate.

(2) No person may carry out an operation specified in regulation 6 under a temporary certificate unless that person works in the presence, and under the direct supervision of, a person who holds a certificate registered with the competent authority in relation to that operation.

Operations which require a certificate or temporary certificate

6. The operations referred to in regulation 5 are—

- (a) a slaughter operation specified in Article 7(2)(a) to (g);
- (b) the pithing of a stunned animal;
- (c) the assessment of effective pithing;
- (d) supervising the killing of fur animals in accordance with Article 7(3); and
- (e) the slaughtering of poultry, rabbits and hares on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat where the number of animals slaughtered on the farm exceeds the maximum number of animals referred to in Article 11.

Certificates

7. The competent authority shall grant and register a certificate if—

- (a) the applicant meets the conditions in regulation 8; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate.

Conditions for a certificate

8. The applicant shall—

- (a) not be less than 16 years old;
- (b) subject to regulation 36, submit evidence of training and examination in respect of the operation, category of animal and (where appropriate) type of equipment for which a certificate is sought;
- (c) submit a written declaration in accordance with Article 21(6); and
- (d) provide written details if the applicant has—
 - (i) been convicted of an offence concerning the welfare of animals;
 - (ii) been refused a licence under the 1996 Regulations in relation to the killing of an animal or related operation; or
 - (iii) had any such licence revoked or suspended.

Temporary certificates

9. The competent authority shall grant a temporary certificate if—
- (a) the applicant meets the conditions in regulation 10; and
 - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a temporary certificate.

Conditions for a temporary certificate

10. The applicant shall—
- (a) not be less than 16 years old;
 - (b) submit evidence of registration on a training course in respect of the operation, category of animal and (where appropriate) type of equipment for which a temporary certificate is sought;
 - (c) submit a written declaration in accordance with Article 21(5)(d) and (6); and
 - (d) provide written details if the applicant has—
 - (i) been convicted of an offence concerning the welfare of animals;
 - (ii) been refused a licence under the 1996 Regulations in relation to the killing of an animal or related operation; or
 - (iii) had any such licence revoked or suspended.

Grant of certificates and temporary certificates

11.—(1) A certificate or temporary certificate shall specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A certificate or temporary certificate may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if—

- (a) in the case of a certificate, the evidence of training and examination submitted with the application for the certificate relates to that operation, category of animal and type of equipment; or
- (b) in the case of a temporary certificate, the training course on which the applicant is registered provides training in relation to that operation, category of animal and type of equipment.

(3) Certificates, temporary certificates or licences granted in England, Scotland, Wales or another member State for operations which require a certificate in Northern Ireland under these Regulations shall have effect in Northern Ireland as if they were certificates or temporary certificates granted under these Regulations.

PART 3

ADMINISTRATIVE PROVISIONS

Refusal to grant a certificate or temporary certificate

12.—(1) The competent authority may, by notice in writing served on the applicant, refuse to grant a certificate or a temporary certificate if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulation 8 or 10 (as the case may be); or
- (b) is not a fit and proper person to hold a certificate or temporary certificate of competence.

(2) The notice shall—

- (a) give reasons for the refusal; and
- (b) give details of the right of review by the competent authority against the decision.

Suspension or revocation of a certificate or temporary certificate

13.—(1) The competent authority may, by notice in writing served on the holder of the certificate or temporary certificate, suspend or revoke a certificate or temporary certificate, (including a certificate or temporary certificate granted in another member State), if satisfied that the holder of the certificate or temporary certificate—

- (a) has failed to comply with any provision of the EU Regulation or these Regulations;
- (b) is no longer a fit and proper person to hold it;
- (c) is not, or is no longer, competent to carry out the operations which the certificate or temporary certificate authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

(2) The notice shall—

- (a) give reasons for the suspension or revocation;
- (b) state when the suspension or revocation comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
- (c) give details of the right of review by the competent authority against the decision.

(3) Any person whose certificate or temporary certificate is suspended or revoked shall, whether or not that suspension or revocation is the subject of a review pursuant to regulation 16, surrender it to the competent authority within 14 days of receipt of the notice informing that person of the suspension or revocation.

Modification of a certificate

14. The competent authority shall modify a certificate in respect of an operation, category of animal or (where appropriate) type of equipment on request by an applicant if—

- (a) the applicant meets the conditions in regulation 8 in respect of the modification; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate, as modified.

Refusal to modify a certificate

15.—(1) The competent authority may, by notice in writing, refuse to modify a certificate if satisfied that the applicant—

- (a) has failed to meet the conditions in regulation 8 in respect of the modification; or
- (b) is not a fit and proper person to hold a certificate, as modified.

(2) The notice shall—

- (a) give reasons for the refusal; and
- (b) give details of the right of review by the competent authority against the decision.

Review by the competent authority

16.—(1) A person who is aggrieved by a decision of the competent authority to refuse, suspend or revoke a certificate or temporary certificate or to refuse to modify a certificate shall have a right to make representations (oral or written) to the competent authority and to have those representations considered by an independent person appointed by the competent authority.

(2) Any representations shall be made within 21 days of the person receiving notification of the decision of the competent authority.

(3) The independent person shall consider the representations and make recommendations in writing to the competent authority.

(4) The competent authority shall—

- (a) reconsider its decision in the light of the recommendations of the independent person; and

- (b) give the person who made the representations written notification of its final determination and the reasons for it.

WASK licences

17.—(1) On the coming into operation of these Regulations, the holder of a valid WASK licence shall surrender the WASK licence to the competent authority.

(2) On surrender of a valid WASK licence the competent authority shall issue a certificate in respect of the holder.

PART 4

NATIONAL RULES

Additional requirements for slaughterhouses

18. Schedule 1 (additional requirements for slaughterhouses) has effect.

Additional requirements for killing animals other than in slaughterhouses

19. Schedule 2 (additional requirements for killing animals other than in slaughterhouses) has effect.

Additional requirements for slaughtering animals in accordance with religious rites

20. Schedule 3 (additional requirements for slaughtering animals in accordance with religious rites) has effect.

Killing animals other than those to which the EU Regulation applies

21. Schedule 4 (killing animals other than those to which the EU Regulation applies) has effect.

PART 5

DEROGATION

Depopulation operations

22. Where the competent authority grants a derogation under Article 18(3), the competent authority must publish notice in writing of that decision which may be—

- (a) subject to conditions;
- (b) published in such manner as the competent authority thinks fit; and
- (c) amended, suspended or revoked in writing.

PART 6

OFFENCES AND PENALTIES

Offences

23.—(1) It is an offence for a person to contravene, or to cause or permit a person to contravene—

- (a) regulation 5 (requirement for a certificate or temporary certificate);

- (b) any of paragraphs 3 to 32 of Schedule 1 (additional requirements for slaughterhouses);
- (c) any of paragraphs 4 to 43 of Schedule 2 (additional requirements for killing animals other than in slaughterhouses);
- (d) any of paragraphs 2 to 8 of Schedule 3 (additional requirements for slaughtering animals in accordance with religious rites);
- (e) paragraphs 4 or 5 of Schedule 4 (killing animals other than those to which the EU Regulation applies);
- (f) a provision of the EU Regulation specified in Schedule 5, except where it is not necessary to comply with the provision by virtue of—
 - (i) an exemption or transitional provision specified in the EU Regulation; or
 - (ii) a derogation granted by the competent authority under Article 18(3) in relation to a depopulation operation; or
- (g) until 8th December 2019, any of paragraphs 1 to 7 of Schedule 8, to the extent that they apply by virtue of regulation 37 (transitional provisions: slaughterhouses).

(2) It is an offence for a person to fail to comply with an enforcement notice under regulation 31.

Obstruction offences

24. It is an offence—

- (a) intentionally to obstruct any person acting in the execution of the EU Regulation or these Regulations;
- (b) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require;
- (c) to furnish to any such person any information knowing it to be false or misleading; or
- (d) to fail to produce a document or record to any such person when required to do so.

Offences by bodies corporate

25.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) In paragraph (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Penalties

26.—(1) A person guilty of an offence under regulations 23 or 24 is liable on summary conviction to a fine not exceeding level 5 on the standard scale, except where specified in paragraph (2).

(2) A person guilty of an offence under regulation 23(1)(f) in relation to a contravention of Article 3 of the EU Regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months.

PART 7

ENFORCEMENT

Inspectors

27.—(1) The competent authority or a district council may appoint inspectors for the purpose of enforcing the EU Regulation and these Regulations.

(2) In appointing a person to be an inspector for the purposes of these Regulations, a district council must have regard to guidance issued by the competent authority.

(3) The competent authority may, in connection with guidance under paragraph (2), draw up a list of persons whom the competent authority consider suitable for appointment by a district council to be an inspector for the purposes of these Regulations.

(4) A person may be included on a list under paragraph (3) as suitable for appointment as an inspector for all the purposes of these Regulations or only for such one or more purposes as may be specified on the list.

(5) Each council must furnish to the competent authority, at such times and in such manner as the competent authority may direct—

- (a) such information relating to the exercise of the district council's functions under this regulation; and
- (b) such information relating to the exercise of functions by inspectors appointed by the district council for the purposes of these Regulations,

as the competent authority may require.

(6) An inspector shall not be liable in any civil or criminal proceedings for anything done in the purported performance of the inspector's functions under these Regulations if the Court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(7) Relief from liability of an inspector under paragraph (6) shall not affect any liability of any other person in respect of the inspector's act.

Power to enter premises

28.—(1) An inspector may, on giving reasonable notice, enter any premises at a reasonable hour for the purpose of executing or enforcing the EU Regulations and these Regulations, and in this Part, "premises" includes any land, building, shed, pen, receptacle or vehicle of any description.

(2) The requirement to give notice does not apply—

- (a) where the requirement has been waived;
- (b) where reasonable efforts to agree an appointment have failed;
- (c) where an inspector has reasonable suspicion of a failure to comply with the EU Regulation or these Regulations;
- (d) where an inspector reasonably believes that giving notice would defeat the object of the entry; or
- (e) in an emergency where entry is required urgently.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling house unless a right of entry is conferred by a warrant granted under regulation 29.

(4) An inspector shall, if requested to do so, produce a duly authenticated authorisation document.

(5) An inspector who enters any unoccupied premises shall leave them as effectively secured against unauthorised entry as they were before entry.

(6) An inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary; and

- (b) any representative of the European Commission.

Warrants

29.—(1) A lay magistrate may, by signed warrant, authorise an inspector to enter premises, if necessary by reasonable force, if satisfied on sworn information in writing—

- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the EU Regulation or these Regulations; and
- (b) that any of the conditions in paragraph (2) are met.

(2) The conditions are—

- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant granted under this regulation is valid for three months.

Power to inspect and seize

30.—(1) An inspector who has entered premises for the purposes of executing and enforcing the EU Regulation or these Regulations may for those purposes—

- (a) carry out any examination, investigation or test;
- (b) make any enquiries, observe any operation or process, and take recordings or photographs;
- (c) inspect and search the premises;
- (d) take samples (and send them for laboratory testing) from any animal, carcase or part of a carcase;
- (e) seize and detain any animal, carcase, part of a carcase, equipment or instrument for further examining, investigating or testing;
- (f) have access to, inspect and check the data on, and operation of, any computer and any associated equipment;
- (g) seize any computers and associated equipment for the purpose of copying data, but only if the inspector has a reasonable suspicion that an offence under these Regulations has been committed, and provided that they are returned as soon as practicable;
- (h) require the production of any document or record and inspect and take a copy of or extract from such document or record;
- (i) require any person to provide such assistance, information, facilities or equipment as is reasonable; and
- (j) mark any animal, carcase, part of carcase, equipment or instrument found on the premises for identification purposes.

(2) An inspector shall—

- (a) as soon as reasonably practicable, provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1) a written receipt identifying those items; and
- (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them, apart from those to be used as evidence in court proceedings.

(3) Where an inspector has seized items under paragraph (1) for use in evidence in court proceedings and—

- (a) it is subsequently decided—

- (i) that no court proceedings are to be brought; or
- (ii) that those items are no longer needed as evidence in court proceedings; or
- (b) the court proceedings are completed and no order in relation to those items has been made by the court,

an inspector shall return the items as soon as is reasonably practicable.

Enforcement notices

31.—(1) An enforcement notice is a notice in writing—

- (a) requiring a person to take specified steps to remedy a contravention of the EU Regulation or these Regulations;
- (b) requiring a person to reduce the rate of operation to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations; or
- (c) prohibiting a person from carrying on an activity, process or operation, or using facilities or equipment, specified in the notice until the person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations.

(2) An inspector who is of the opinion that a person has contravened or is contravening the EU Regulation or these Regulations may serve on that person an enforcement notice.

(3) An enforcement notice shall—

- (a) state that the inspector is of that opinion;
- (b) state the date and time of service of the notice;
- (c) identify the recipient of the notice;
- (d) specify the matters constituting the contravention;
- (e) specify the steps that shall be taken to remedy the contravention;
- (f) specify the period within which those steps shall be taken; and
- (g) give details of the right of appeal against the notice.

(4) A person on whom an enforcement notice is served shall comply with it at that person's own expense.

(5) If an enforcement notice is not complied with, the inspector may arrange for it to be complied with at the expense of the person on whom it was served.

(6) An inspector shall serve a completion notice if, after service of the enforcement notice, the inspector is satisfied that the person has taken the steps specified in the notice to remedy the contravention.

(7) In the event of an inspector not being satisfied as provided for in paragraph (6), the inspector may, by notice in writing, refuse to serve a completion notice and the notice must—

- (a) give reasons for the refusal; and
- (b) give details for the right of appeal against the decision.

(8) An enforcement notice ceases to have effect on the issue of a completion notice.

(9) An inspector may at any time withdraw or vary an enforcement notice in writing.

Appeals against enforcement notices

32.—(1) Any person who is aggrieved by—

- (a) a decision of an inspector to serve an enforcement notice; or
- (b) a decision of an inspector to refuse to issue a completion notice,

may appeal to a court of summary jurisdiction.

(2) An enforcement notice is not suspended pending an appeal unless the court orders otherwise.

(3) On appeal the court may either cancel or confirm the enforcement notice, with or without modification, or make such order as it thinks fit as regards refusal to serve a completion notice.

Power of a district council to prosecute

33. A district council may prosecute any offence under these Regulations.

Time limits for prosecutions

34.—(1) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981^(a), a Magistrates' Court may hear and determine a complaint relating to an offence under these Regulations if the complaint is made—

- (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 twelve 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 paragraph (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.

PART 8

MISCELLANEOUS PROVISIONS

Consequential amendments

35. Schedule 6 (consequential amendments) has effect.

Transitional provisions: certificates

36. Schedule 7 (transitional provisions: certificates) has effect.

Transitional provisions: slaughterhouses

37.—(1) Paragraph (2) applies in relation to a slaughterhouse in operation immediately before 1st January 2013, but does not apply in relation to—

- (a) any new layout or construction of such a slaughterhouse (or associated lairage) brought into operation after that date; or
 - (b) any new equipment used in such a slaughterhouse and brought into operation after that date.
- (2) In relation to a slaughterhouse to which this paragraph applies, until 8th December 2019—
- (a) Article 14(1) and Annex II do not apply; and
 - (b) Schedule 8 applies.

(a) 1981 No. 1675 (N.I. 26)

Review

38.—(1) The Department may from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out a review the Department must, so far as is reasonable, have regard to how the EU Regulation is enforced in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

Revocations

39. The instruments mentioned in columns 1 and 2 of Schedule 9 (revocations) are revoked to the extent specified in column 3 of that Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 8th April 2014



Geraldine Fee

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulation 18

ADDITIONAL REQUIREMENTS FOR SLAUGHTERHOUSES

PART 1

INTRODUCTORY

Interpretation

1. In this Schedule, “animal” means solipeds, ruminants, pigs, rabbits, poultry or ratites.

Scope

2. This Schedule applies to the killing of animals in a slaughterhouse.

PART 2

LAYOUT, CONSTRUCTION AND EQUIPMENT

General requirements

3. The business operator shall ensure that—
 - (a) it has suitable equipment and facilities available for the purpose of unloading animals from means of transport;
 - (b) there are no sharp edges or protrusions with which an animal may come into contact;
 - (c) the place of killing is sited in such a way as to minimise handling of the animal at any time up to the point of killing;
 - (d) any instrument, restraining equipment, other equipment or installation which is used for stunning or killing is designed, constructed and maintained so as to facilitate rapid and effective stunning or killing; and
 - (e) any defect found in back-up stunning or killing equipment is rectified forthwith.

Animals delivered other than in containers

4. The business operator shall ensure that—
 - (a) equipment for unloading animals delivered other than in containers is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection; and
 - (b) exit and entry ramps have the minimum possible incline.

Lairages other than field lairages

5. The business operator shall ensure that—
 - (a) a sufficient number of pens is provided at the slaughterhouse for adequate lairaging of the animals with protection from the effects of adverse weather conditions; and
 - (b) a lairage has—
 - (i) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to an animal, taking into account the extremes of temperature and humidity which may be expected; and

- (ii) racks, mangers or other equipment adequate in number and size for the feeding of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to the animals, can readily be filled and cannot readily be fouled.

Field lairages

6. The business operator shall ensure that a field lairage—
- (a) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard; and
 - (b) has racks, mangers or other equipment adequate in number and size for the feeding of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to the animals, can readily be filled and cannot readily be fouled.

Shackle lines

7. The business operator shall ensure that there is ready access to any shackle line or processing equipment used for live poultry and to any controls of such equipment.

Stunning pens

8. The business operator shall ensure that a stunning pen used to restrain adult bovine animals for the purpose of stunning is constructed so as to—

- (a) permit one animal at a time to be confined in it without discomfort;
- (b) prevent any substantial movement forwards, backwards or sideways of an animal confined in it;
- (c) restrict the movement of the head of an animal confined in it so as to permit accurate stunning and allow the head of an animal to be released immediately after the animal has been stunned; and
- (d) allow unimpeded access to the forehead of an animal confined in it.

Facilities for horses

9. Where a slaughterhouse is one in which horses are killed, the business operator must ensure that—

- (a) a separate room or bay is provided for the killing of horses; and
- (b) a lairage in which a horse is confined, must contain at least one loose box which is so constructed as to minimise the danger of any horse injuring itself or any other animal confined in that lairage.

PART 3

HANDLING OPERATIONS

General requirements

10. The business operator and any person engaged in the movement or lairaging of animals shall ensure that—

- (a) every animal is unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it is protected from adverse weather conditions and is provided with adequate ventilation;

- (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (c) if an animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (d) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
- (e) pending the slaughter or killing of a sick or disabled animal it is kept apart from any animal which is not sick or disabled; and
- (f) no person drags an animal which has been stunned or killed over any other animal which has not been stunned or killed.

Inspection of animals

11. The business operator shall ensure that the condition and state of health of every animal is inspected at least every morning and evening by the business operator or by a competent person acting on the business operator's behalf.

Animals which have experienced pain or suffering and unweaned animals

12. Without prejudice to paragraph 1.5 and 1.11 of Annex III, the business operator and any person engaged in the movement or lairaging of animals shall ensure that the following animals are killed immediately—

- (a) animals which have experienced pain or suffering during transport or following arrival; and
- (b) animals which are too young to take solid feed.

Animals delivered other than in containers

13. The business operator and any person engaged in the movement or lairaging of animals which are delivered other than in a container shall ensure that—

- (a) care is taken not to frighten, excite or mistreat an animal;
- (b) no animal is overturned; and
- (c) no animal is taken to the place of killing unless it can be killed without delay.

The driving of animals

14. No person may lead or drive an animal over ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

Moving animals with care

15. The business operator and any person engaged in the movement of animals shall ensure that every animal is moved with care and, when necessary, that animals are led individually.

Instruments for guiding animals

16. The business operator and any person engaged in the movement of animals shall ensure that any instrument intended for guiding an animal is used solely for that purpose and only for short periods on individual animals.

Lairaging of animals

17. The business operator and any person engaged in the lairaging of animals shall ensure that food is provided in a way which will permit the animals to feed without unnecessary disturbance.

PART 4

RESTRAINING OPERATIONS

General requirement

18. No person may stun or kill an animal without restraining it in an appropriate manner.

Restraining bovine animals

19. Without prejudice to the generality of paragraph 18, no person may stun or kill an adult bovine animal unless at the time it is stunned or killed it is confined in a stunning pen or in a restraining facility for non-stun slaughter which (in either case) is in good working order.

Suspending poultry

20. The business operator shall take appropriate measures to ensure that shackled poultry, at the point of being stunned or killed, are in a sufficiently relaxed state for stunning or killing to be carried out effectively and without undue delay.

Shackle lines

21.—(1) No person may operate a shackle line unless—

- (a) it is possible to relieve any avoidable pain, distress or suffering which poultry suspended from shackles appear to be suffering or to remove poultry from the shackles; and
- (b) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, poultry suspended from it can be performed without undue haste and with proper regard for the welfare of the poultry.

(2) No person may, in connection with the stunning or killing of poultry, use a shackle line, machine or other equipment unless it is used in connection with the stunning or killing of poultry of the type, size and weight for which it was designed, save in an emergency where it is used to relieve suffering.

Restraining Operations

22. The business operator and any person engaged in the stunning or killing of an animal shall ensure that an animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

PART 5

STUNNING AND KILLING OPERATIONS

General requirements

23.—(1) The business operator and any person engaged in the stunning or killing of an animal shall ensure that any instrument, restraining equipment, installation or other equipment which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing.

(2) No person may simply stun an animal unless it is possible to kill it without delay.

Penetrative captive bolt

24.—(1) No person may use a penetrative captive bolt device to stun an animal unless—

- (a) subject to sub-paragraph (3), the device is positioned and applied so as to ensure that the projectile enters the cerebral cortex; and
 - (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.
- (2) No person may shoot a bovine animal in the back of the head.
- (3) No person may shoot a sheep or goat in the back of the head, unless the presence of horns prevents use of the top or the front of the head, in which case it may be shot in the back of the head provided that—
- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
 - (b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed by another procedure within 15 seconds of shooting.
- (4) A person who uses a captive bolt device must check that the bolt is retracted to its full extent after each shot and if it is not so retracted must ensure that the device is not used again until it has been repaired.

Non-penetrative captive bolt

25. No person may stun an animal using a non-penetrative captive bolt except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant in accordance with the manufacturer's instructions to produce an effective stun.

Percussive blow to the head

- 26.—**(1) No person may stun an animal using a non-mechanical percussive blow to the head.
- (2) The prohibition in sub-paragraph (1) does not apply to rabbits, provided the operation is carried out in such a way that the rabbit is immediately rendered unconscious and remains so until it is dead.

Electrical stunning other than by waterbath

- 27.** No person may use electrodes to stun an animal unless—
- (a) appropriate measures are taken to ensure that there is good electrical contact; and
 - (b) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

Electrical stunning by waterbath

- 28.** No person may use a waterbath stunner to stun poultry unless—
- (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with each bird's head;
 - (b) the strength and duration of the current used is such that the poultry are immediately rendered unconscious and remain so until dead;
 - (c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained;
 - (d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts;
 - (e) the waterbath stunner is adequate in size and depth for the type of poultry being stunned; and
 - (f) a person is available to ascertain whether the waterbath stunner has been effective in stunning the poultry and, if it has not been effective, will either stun or kill the poultry without delay.

Exposure to gas – pigs

29.—(1) The business operator and any person engaged in the stunning of pigs by exposure to gas must ensure that—

- (a) the gas stunner, including any equipment used for conveying a pig through the gas mixture, is designed, constructed and maintained so as to—
 - (i) avoid compression of the chest of a pig;
 - (ii) enable a pig to remain upright until it loses consciousness; and
 - (iii) enable a pig to see other pigs as it is conveyed in the gas stunner;
- (b) adequate lighting is provided in the gas stunner and the conveying mechanism to allow pigs to see other pigs or their surroundings;
- (c) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 Chapter I of Annex I);
- (d) there is a means of visually monitoring pigs which are in the gas stunner;
- (e) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
- (f) there is a means of access to any pig with the minimum of delay; and
- (g) no pig enters the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner.

(2) The business operator and any person engaged in the stunning of pigs by direct exposure to gas mixture 1 (“carbon dioxide at high concentration”) in Table 3 of Chapter I of Annex I must ensure that—

- (a) no pig enters the gas stunner if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 80%; and
- (b) once a pig enters the gas stunner it is conveyed to the point in the gas stunner of maximum concentration of the gas mixture within a maximum period of 30 seconds.

Exposure to gas – poultry

30.—(1) No person may stun poultry by exposure to gas unless each bird is exposed to the gas for long enough to ensure it is killed.

(2) No person may stun poultry by exposure to a gas mixture unless except in accordance with Table 3 Chapter I of Annex I.

(3) The business operator and any person engaged in the stunning of poultry by exposure to gas must ensure that—

- (a) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 Chapter I of Annex I and this Schedule);
- (b) no poultry enters the gas stunner if the displayed gas concentration is not at the required level in accordance with Table 3 Chapter I of Annex I and this Schedule;
- (c) there is a means of visually monitoring poultry which are in the gas stunner;
- (d) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
- (e) there is a means of access to any poultry with the minimum of delay;
- (f) no poultry enters the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner; and
- (g) no poultry are shackled before they are dead.

Bleeding or pithing

31.—(1) A person engaged in the bleeding or pithing of an animal which has been simple stunned must ensure that the animal is bled or pithed without delay after it has been simple stunned.

(2) A person engaged in the bleeding of an animal that has been simple stunned must ensure that the bleeding is—

- (a) rapid, profuse and complete; and
- (b) completed before the animal regains consciousness.

(3) Without prejudice to the generality of paragraph 3.2 of Annex III, if an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes;
- (b) in the case of any other bird, a period of not less than 90 seconds;
- (c) in the case of bovine animals, a period of not less than 30 seconds; or
- (d) in the case of sheep, goats, pigs or deer, a period of not less than 20 seconds.

(4) Sub-paragraph (3) does not apply to an animal which has been pithed or any bird which has been decapitated after simple stunning.

Killing of horses

32. No person may kill a horse—

- (a) except in a room or bay which has been provided for the killing of horses in accordance with paragraph 9(a);
- (b) in a room or bay in which there are the remains of a horse or other animals; or
- (c) within sight of any other horse.

SCHEDULE 2

Regulation 19

ADDITIONAL REQUIREMENTS FOR KILLING ANIMALS OTHER THAN IN SLAUGHTERHOUSES

PART 1

INTRODUCTORY

Interpretation

1. In this Schedule, “animal” means solipeds, ruminants, pigs, rabbits, poultry or ratites.

Scope

2.—(1) This Schedule applies to—

- (a) the killing of animals in a killing establishment;
- (b) the killing of poultry or rabbits on the farm for the purpose of directly supplying small quantities of meat by the producer to the final consumer or to local retail establishments supplying such meat directly to the final consumer as fresh meat in accordance with Article 11; and

- (c) the killing of animals other than in a slaughterhouse or in the circumstances mentioned in paragraph (a) or (b).
- (2) But in the case of animals killed in the circumstances mentioned in subparagraphs (1)(b) and (c)—
- (a) Parts 2 and 3 do not apply; and
 - (b) Part 4 does not apply unless the animal is killed by bleeding.

Exemptions

- 3.—(1) Nothing in this Schedule applies to—
- (a) the killing of an animal in a slaughterhouse;
 - (b) the killing of an animal for the purpose of disease control unless it is stunned by penetrative captive bolt or electrocution in which case it must be stunned in accordance with paragraphs 33, 36 or 37 of Part 5 (as the case may be);
 - (c) the killing of a pig, sheep or goat by its owner for the owner’s private domestic consumption unless it is killed by bleeding in which case it must be stunned and bled in accordance with Part 5; or
 - (d) the killing of surplus chicks which are less than 72 hours old or embryos in hatchery waste provided that paragraph 43 is complied with.
- (2) In this paragraph, “disease control” means the control by the competent authority of any disease which is notifiable by or under the provisions of the Diseases of Animals (Northern Ireland) Order 1981(a) or in pursuance of any EU obligation.

PART 2

LAYOUT, CONSTRUCTION AND EQUIPMENT

General requirements

4. The business operator shall ensure that—
- (a) it has suitable equipment and facilities available for the purpose of unloading animals from means of transport;
 - (b) there are no sharp edges or protrusions with which an animal may come into contact;
 - (c) the place of killing is sited in such a way as to minimise handling of the animal at any time up to the point of killing;
 - (d) any instrument, restraining equipment, other equipment or installation which is used for stunning or killing is designed, constructed and maintained so as to facilitate rapid and effective stunning or killing; and
 - (e) any defect found in back-up stunning or killing equipment is rectified forthwith.

Animals delivered other than in containers

5. The business operator shall ensure that—
- (a) equipment for unloading animals delivered other than in containers is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;
 - (b) bridges, ramps and gangways are fitted with sides, railings or some other means of protection to prevent animals falling off them;

(a) S.I. 1981/1115 (N.I. 22), as amended by S.I. 1984/702 (N.I. 2) Article 17, S.I. 1994/1891 (N.I. 6) Articles 22 and 23, and 2010 (c.1) Section 19.

- (c) exit and entry ramps have the minimum possible incline; and
- (d) all passageways are constructed to minimise the risk of injury to an animal and arranged to take account of the gregarious tendencies of the animals which use them.

Lairages other than field lairages

6. The business operator shall ensure that—
- (a) a sufficient number of pens is provided at the premises for adequate lairaging of animals with protection from the effects of adverse weather conditions; and
 - (b) a lairage has—
 - (i) a floor which minimises the risk of slipping and which does not cause injury to an animal which is in contact with it;
 - (ii) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to an animal, taking into account the extremes of temperature and humidity which may be expected;
 - (iii) where such ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;
 - (iv) adequate lighting (whether fixed or portable) to enable animals to be thoroughly inspected at any time;
 - (v) where necessary, suitable equipment for tethering animals; and
 - (vi) drinking facilities and racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

Field lairages

7. The business operator shall ensure that a field lairage—
- (a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;
 - (b) is maintained in such condition as to ensure that no animal is subjected to any physical, chemical or other health hazard;
 - (c) where necessary, has suitable equipment for tethering animals;
 - (d) has adequate lighting (whether fixed or portable) available to enable the animals to be thoroughly inspected at any time; and
 - (e) is provided with drinking facilities and, if necessary, with racks, mangers or other equipment adequate in number and size for the watering and feeding of all animals confined in the field lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

Shackle lines

8. The business operator shall ensure that—
- (a) any shackle line is designed and positioned in such a way that poultry suspended on it are kept clear of any obstruction and disturbance is reduced to a minimum;
 - (b) the whole length of the shackle line up to the point of entry into the scald tank is immediately accessible to any person so that poultry may, if necessary, receive attention; and
 - (c) there is ready access to any shackle line or processing equipment used for live poultry and to any controls of such equipment.

Stunning pens

9. The business operator shall ensure that a stunning pen used to restrain adult bovine animals for the purpose of stunning is constructed so as to—

- (a) permit one animal at a time to be confined in it without discomfort;
- (b) prevent any substantial movement forwards, backwards or sideways of an animal confined in it;
- (c) restrict the movement of the head of an animal confined in it so as to permit accurate stunning and allow the head of an animal to be released immediately after the animal has been stunned; and
- (d) allow unimpeded access to the forehead of an animal confined in it.

Facilities for horses

10. Where a killing establishment is one in which horses are killed, the business operator shall ensure that—

- (a) a separate room or bay is provided for the killing of horses; and
- (b) a lairage in which a horse is confined, must contain at least one loose box which is so constructed as to minimise the danger of any horse injuring itself or any other animal confined in that lairage.

PART 3

HANDLING OPERATIONS

General requirements

11. The business operator and any person engaged in the movement or lairaging of animals must ensure that—

- (a) every animal is unloaded as soon as possible after its arrival and, if delay in unloading is unavoidable, it is protected from adverse weather conditions and is provided with adequate ventilation;
- (b) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
- (c) if an animal has been subjected to high temperatures in humid weather, it is cooled by appropriate means;
- (d) pending the killing of a sick or disabled animal it is kept apart from any animal which is not sick or disabled; and
- (e) no person drags an animal which has been stunned or killed over any other animal which has not been stunned or killed.

Inspection of animals

12. The business operator must ensure that the condition and state of health of every animal is inspected at least every morning and evening by the business operator or by a competent person acting on the business operator's behalf.

Animals which have experienced pain or suffering and unweaned animals

13. The business operator and any person engaged in the movement or lairaging of animals shall ensure that—

- (a) any animal which has experienced pain or suffering during transport or following its arrival; and

(b) any animal which is too young to take solid feed
is killed immediately.

Emergency killing

14. The business operator and any person engaged in the movement or lairaging of animals shall ensure that an animal which is unable to walk is not dragged to its place of killing but is killed where it lies.

Animals delivered other than in containers

15. The business operator and any person engaged in the movement or lairaging of animals which are delivered other than in a container shall ensure that—

- (a) care is taken not to frighten, excite or mistreat an animal;
- (b) no animal is overturned;
- (c) if an animal is not killed immediately on arrival, it is lairaged; and
- (d) no animal is taken to the place of killing unless it can be stunned or killed without delay.

The lifting or dragging of animals

16. No person may lift or drag an animal by the head, horns, ears, feet, tail, fleece or any other part of its body in such a way as to cause it unnecessary pain or suffering.

The driving of animals

17. No person may lead or drive an animal over ground or floor, the nature or condition of which is likely to cause the animal to slip or fall.

Moving animals with care

18. The business operator and any person engaged in the movement of animals shall ensure that every animal is moved with care and, when necessary, that animals are led individually.

Instruments to guide animals

19. The business operator and any person engaged in the movement of animals shall ensure that any instrument intended for guiding an animal is used solely for that purpose and only for short periods on individual animals.

Instruments to make animals move

20. No person may use an instrument which administers an electric shock to make an animal move, except that such an instrument which has been designed for the purpose of making an animal move may be used on bovine animals and pigs which refuse to move, provided that—

- (a) the use of such an instrument is avoided as far as possible;
- (b) the shocks last no more than one second each, are adequately spaced out and are not used repeatedly if the animal fails to respond;
- (c) the animal has room ahead of it in which to move; and
- (d) such shocks are applied only to the muscles of the hindquarters.

Treatment of animals

21. No person may—

- (a) strike, or apply pressure to, any particularly sensitive part of the body of an animal;

- (b) crush, twist or break the tail of an animal or grasp the eyes of an animal; or
- (c) inflict any blow or kick to an animal.

Lairaging of animals

22. The business operator and any person engaged in the lairaging of an animal shall ensure that—

- (a) an adequate supply of suitable bedding material is provided for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor;
- (b) an animal which is kept in a lairage has drinking water available to it from appropriate facilities at all times;
- (c) a sufficient quantity of wholesome food is provided for an animal on its arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is killed;
- (d) food is provided in a way which will permit the animals to feed without unnecessary disturbance;
- (e) an animal which is lairaged untethered is able to lie down, stand up and turn round without difficulty; and
- (f) an animal which is lairaged tethered is able to lie down and stand up without difficulty.

Handling of animals delivered in containers

23. The business operator and any person engaged in the movement of animals delivered in containers shall ensure that—

- (a) any container in which an animal is transported is handled with care and is not thrown, dropped or knocked over;
- (b) where possible, the container is loaded and unloaded horizontally and mechanically;
- (c) any animal delivered in a container with a perforated or flexible bottom is unloaded with particular care in order to avoid injury; and
- (d) where appropriate, animals are unloaded from containers individually.

Killing of animals delivered in containers

24. The business operator and any person engaged in the movement or handling of animals delivered in containers shall ensure that—

- (a) animals which have been transported in containers are killed as soon as possible; and
- (b) if killing is delayed and if it is necessary—
 - (i) the animals have drinking water available to them from appropriate facilities at all times; and
 - (ii) a sufficient quantity of wholesome food is provided for the animals on arrival at the lairage and twice daily thereafter, except that no animal need be fed within 12 hours of the time at which it is killed.

PART 4

RESTRAINING OPERATIONS

General requirement

25. No person may stun or kill an animal without restraining it in an appropriate manner.

Restraining bovine animals

26. Without prejudice to the generality of paragraph 25, no person may stun a bovine animal in a killing establishment unless at the time it is stunned—

- (a) it is confined in a stunning facility which is in good working order; or
- (b) its head is securely fastened in such a position so as to enable it to be stunned without infliction of avoidable pain, distress or suffering.

Electric Currents

27. No person may use electrical stunning or killing equipment or any other instrument which applies an electric current to an animal—

- (a) as a means of restraining an animal;
- (b) as a means of immobilising an animal; or
- (c) except in accordance with paragraph 20 of this Schedule, as a means of making an animal move.

Tying legs

28. No person may tie the legs of an animal.

Suspending animals

29.—(1) No person may suspend an animal before stunning or killing.

(2) Sub-paragraph (1) does not apply in the case of poultry which may be suspended for stunning or killing provided that—

- (a) appropriate measures are taken to ensure that, at the point of being stunned or killed, the poultry are in a sufficiently relaxed state for stunning or killing to be carried out effectively and without undue delay; and
- (b) no poultry are suspended for more than 3 minutes in the case of a turkey or 2 minutes in other cases before being stunned or killed.

Shackle lines

30.—(1) No person may operate a shackle line unless—

- (a) poultry suspended from it are kept clear of any object which may cause avoidable pain, distress or suffering, including when their wings are outstretched, until they are stunned;
- (b) it is possible to relieve any avoidable pain, distress or suffering which poultry suspended from shackles appear to be suffering or to remove poultry from the shackles; and
- (c) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, poultry suspended from it can be performed without undue haste and with proper regard for the welfare of the poultry.

(2) No person may, in connection with the stunning or killing of poultry, use a shackle line, machine or other equipment unless it is used in connection with the stunning or killing of poultry of the type, size and weight for which it was designed, save in an emergency where it is used to relieve suffering.

Restraining operations

31. The business operator and any person engaged in the stunning or killing of an animal must ensure that an animal which is to be stunned or killed by mechanical or electrical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

PART 5

STUNNING AND KILLING OPERATIONS

General requirements

32.—(1) The business operator and any person engaged in the stunning or killing of an animal shall ensure that any instrument, restraining equipment, installation or other equipment which is used for stunning or killing is used in such a way as to facilitate rapid and effective stunning or killing.

(2) In the case of simple stunning, no person may stun an animal unless it is possible to kill it without delay.

Penetrative captive bolt

33.—(1) No person may use a penetrative captive bolt device to stun an animal unless—

- (a) subject to sub-paragraph (3), the device is positioned and applied so as to ensure that the projectile enters the cerebral cortex; and
- (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person may shoot a bovine animal in the back of the head.

(3) No person may shoot a sheep or goat in the back of the head, unless the presence of horns prevents use of the top or the front of the head, in which case it may be shot in the back of the head provided that—

- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
- (b) bleeding is commenced within 15 seconds of shooting or the sheep or goat is killed by another procedure within 15 seconds of shooting.

(4) A person who uses a captive bolt device must check that the bolt is retracted to its full extent after each shot and if it is not so retracted must ensure that the device is not used again until it has been repaired.

Non-penetrative captive bolt

34. No person may stun an animal using a non-penetrative captive bolt except by an instrument which is applied in the proper position and which is used with the correct strength of cartridge or other propellant in accordance with the manufacturer's instructions to produce an effective stun.

Percussive blow to the head

35.—(1) No person may stun an animal using a non-mechanical percussive blow to the head.

(2) The prohibition in sub-paragraph (1) does not apply to rabbits provided the operation is carried out in such a way that the rabbit is immediately rendered unconscious and remains so until it is dead.

Electrical stunning other than by waterbath

36.—(1) No person may use electrodes to stun an animal unless—

- (a) appropriate measures are taken to ensure that there is good electrical contact; and
- (b) the strength and duration of the current used is such that the animal is immediately rendered unconscious and remains so until it is dead.

(2) No person may use electrodes to stun an animal individually unless the apparatus—

- (a) incorporates an audible or visible device indicating the length of time of its application to an animal; and
- (b) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

Electrical stunning by waterbath

37. No person may use a waterbath stunner to stun poultry unless—

- (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with each bird's head;
- (b) the strength and duration of the current used is such that the poultry are immediately rendered unconscious and remain so until dead;
- (c) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned is maintained;
- (d) appropriate measures are taken to ensure that the current passes efficiently, in particular that there are good electrical contacts;
- (e) the waterbath stunner is adequate in size and depth for the type of poultry being stunned; and
- (f) a person is available to ascertain whether the waterbath stunner has been effective in stunning the poultry and, if it has not been effective, will either stun or kill the poultry without delay.

Exposure to gas – prohibition

38.—(1) No person may stun an animal outside a slaughterhouse by exposure to gas.

(2) The prohibition in sub-paragraph (1) does not apply to the stunning of—

- (a) pigs in a killing establishment; or
- (b) poultry,

provided that the pigs or poultry are stunned in accordance with paragraphs 39 or 40 as appropriate.

Exposure to gas – pigs

39.—(1) No person may stun pigs by exposure to gas unless each pig is exposed to the gas for long enough to ensure it is killed.

(2) The business operator and any person engaged in the stunning of pigs by exposure to gas must ensure that—

- (a) the gas stunner, including any equipment used for conveying a pig through the gas mixture, is designed, constructed and maintained so as to—
 - (i) avoid injury to a pig;
 - (ii) avoid compression of the chest of a pig;
 - (iii) enable a pig to remain upright until it loses consciousness; and
 - (iv) enable a pig to see other pigs as it is conveyed in the gas stunner;
- (b) adequate lighting is provided in the gas stunner and the conveying mechanism to allow pigs to see other pigs or their surroundings;
- (c) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I);
- (d) there is a means of visually monitoring pigs which are in the gas stunner;
- (e) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;

- (f) there is a means of access to any pig with the minimum of delay;
 - (g) the gas stunner is equipped with devices to—
 - (i) measure and continuously display the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I); and
 - (ii) give clearly visible and audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I); and
 - (h) no pig enters the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner.
- (3) The business operator and any person engaged in the stunning of pigs by direct exposure to gas mixture 1 (“carbon dioxide at high concentration”) in Table 3 of Chapter I of Annex I must ensure that—
- (a) no pig enters the gas stunner if the displayed concentration by volume of carbon dioxide in the gas mixture falls below 80%; and
 - (b) once a pig enters the gas stunner it is conveyed to the point in the gas stunner of maximum concentration of the gas mixture within a maximum period of 30 seconds.

Exposure to gas – poultry

- 40.—**(1) No person may stun poultry by exposure to gas unless—
- (a) each bird is exposed to the gas for long enough to ensure it is killed; and
 - (b) in the case of stunning poultry in the circumstances mentioned in paragraph 2(1)(c) of this Schedule—
 - (i) stunning takes place on the premises where the poultry have been kept for the production of meat, eggs or other products; and
 - (ii) the owner of the poultry gives prior written notice to the competent authority, not less than five working days from the date on which the stunning takes place.
- (2) No person may stun poultry by exposure to gas except in accordance with Table 3 Chapter I of Annex I.
- (3) The business operator and any person engaged in the stunning of poultry by exposure to gas must ensure that—
- (a) the gas stunner, including any equipment used for conveying poultry through the gas, is designed, constructed and maintained so as to avoid injury to a bird;
 - (b) the gas stunner is equipped to maintain the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I);
 - (c) there is a means of visually monitoring poultry which are in the gas stunner;
 - (d) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;
 - (e) there is a means of access to any poultry with the minimum of delay;
 - (f) the gas stunner is equipped with devices to—
 - (i) measure and continuously display the gas concentration, as appropriate, in the gas stunner (in accordance with Table 3 of Chapter I of Annex I); and
 - (ii) give clearly visible and/or audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I);
 - (g) no poultry enter the gas stunner at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the gas stunner;
 - (h) poultry which arrive at the gas stunner in a transport crate and which are removed from the crate before entering the gas stunner are handled with care in a way that does not cause avoidable pain, distress or suffering; and
 - (i) after exposure to the gas nothing more is done to a bird until it is ascertained as dead.

(4) No person may operate a gas stunner consisting of a poultry shed or other building previously sealed to stun poultry by exposure to gas except under the direct supervision of a veterinary surgeon.

(5) In sub-paragraph (4), “poultry shed” means a building designed and constructed to house poultry that has been previously sealed so as to be capable of containing the gas mixtures in Table 3 of Chapter I of Annex I.

Bleeding or pithing

41.—(1) A person engaged in the bleeding or pithing of an animal which has been simple stunned shall ensure that the animal is bled or pithed without delay after it has been simple stunned.

(2) A person engaged in the bleeding of an animal which has been simple stunned shall ensure that the bleeding is—

- (a) rapid, profuse and complete;
- (b) completed before the animal regains consciousness; and
- (c) carried out by severing the two carotid arteries or the vessels from which they arise.

(3) If an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes;
- (b) in the case of any other bird, a period of not less than 90 seconds;
- (c) in the case of bovine animals, a period of not less than 30 seconds; or
- (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.

(4) Sub-paragraph (3) does not apply to an animal which has been pithed.

(5) Where one person is responsible for the simple stunning and pithing, or for the simple stunning, shackling, hoisting and bleeding, of animals other than birds or rabbits or for some of those operations, such operations shall be carried out by him consecutively in respect of one animal before being so carried out by that person in respect of another animal.

(6) Where one person is responsible for the simple stunning and bleeding of birds or rabbits, those operations shall be carried out by that person consecutively in respect of one bird or rabbit before being so carried out by that person in respect of another bird or rabbit.

Horses

42. No person may kill a horse in a killing establishment—

- (a) except in a room or bay provided for that purpose in accordance with paragraph 10(a);
- (b) in a room or bay in which there are the remains of a horse or other animal; or
- (c) within sight of any other horse.

Surplus chicks in hatchery waste

43.—(1) No person may kill surplus chicks which are less than 72 hours old in hatchery waste except by one of the following methods—

- (a) maceration in accordance with Table 1 of Chapter I and Chapter II of Annex I;
- (b) exposure to a gas mixture in accordance with Table 3 of Chapter I and Chapter II of Annex I and this paragraph; or
- (c) where there is no other method available for killing, cervical dislocation in accordance with Table 1 of Chapter I and Chapter II of Annex I.

(2) No person may kill surplus chicks which are less than 72 hours old in hatchery waste by exposure to a gas mixture unless the chicks are placed in the gas mixture and remain in the gas mixture until dead.

(3) The killing of surplus chicks which are less than 72 hours old in hatchery waste must be as rapid as possible.

SCHEDULE 3

Regulation 20

ADDITIONAL REQUIREMENTS FOR SLAUGHTERING ANIMALS IN ACCORDANCE WITH RELIGIOUS RITES

PART 1

INTRODUCTORY

Interpretation

1. In this Schedule—

- (a) “bovine animal” means an ox, bullock, cow, heifer, steer or calf;
- (b) “bird” means a turkey, domestic fowl, guinea-fowl, duck, goose or quail;
- (c) “slaughter in accordance with religious rites” means slaughter without the infliction of unnecessary suffering—
 - (i) by the Jewish method (Shechita) for the food of Jews by a Jew who is licensed by the Rabbinical Commission and holds a certificate for that purpose; or
 - (ii) by the Muslim method (Halal) for the food of Muslims by a Muslim who holds a certificate for that purpose.

General prohibition

2.—(1) No person may slaughter an animal in accordance with religious rites without prior stunning unless it is a sheep, goat, bovine animal or bird slaughtered in a slaughterhouse in accordance with this Schedule.

(2) Nothing in this Schedule applies to the slaughter of animals in accordance with religious rites which are stunned before slaughter, but in such cases an animal must be restrained and stunned in accordance with the EU Regulation and Schedule 1.

PART 2

SHEEP, GOATS AND BOVINE ANIMALS

Restraint of bovine animals

3.—(1) Subject to sub-paragraph (2), no person may slaughter a bovine animal in a slaughterhouse in accordance with religious rites without prior stunning unless the animal is individually restrained in an upright position in a restraining facility for non-stun slaughter which has been approved in writing by the competent authority and which the competent authority is satisfied has been installed in such a manner as to ensure that it will operate efficiently.

(2) Approval may not be granted by the competent authority under sub-paragraph (1) unless the competent authority is satisfied that the restraining facility for non-stun slaughter is of such a size and design, and is able to be operated, so as to protect a bovine animal from avoidable pain, suffering, agitation, injuries or contusions while confined in it or while entering it and, in

particular, unless the competent authority is satisfied that the restraining facility for non-stun slaughter—

- (a) contains an effective means of restraining a bovine animal confined in it (including a suitable head restraint for that purpose);
- (b) contains means of support which will take the weight of a bovine animal during and following slaughter in it;
- (c) permits one bovine animal at a time to be confined in it without discomfort; and
- (d) prevents any substantial movement of a bovine animal forwards, backwards or sideways once it has been placed in position for slaughter.

(3) A restraining pen approved under paragraph 3 of Schedule 12 to the 1996 Regulations will, on the coming into operation of these Regulations, become an approved restraining facility for non-stun slaughter for the purposes of sub-paragraphs (1) and (2).

Use and maintenance of restraining facilities for non-stun slaughter

4. The business operator shall ensure that—

- (a) the means of restraining and supporting a bovine animal confined in a restraining facility for non-stun slaughter described in paragraph 3(2) (a) and (b) is used in respect of any bovine animal confined in it;
- (b) the restraining facility for non-stun slaughter is kept in good working order; and
- (c) if it has been modified after it has been approved by the competent authority, the restraining facility for non-stun slaughter is not used again until a new approval is given by the competent authority.

Method of slaughter

5. Any person who slaughters a sheep, goat or bovine animal in accordance with religious rites without prior stunning shall—

- (a) ensure it is slaughtered by the severance of both its carotid arteries and jugular veins by rapid, uninterrupted movements of a hand-held knife; and
- (b) before its slaughter, inspect the knife to be used for slaughter to ensure it is—
 - (i) undamaged; and
 - (ii) of sufficient size and sharpness to slaughter the sheep, goat or bovine animal in the manner described in sub-paragraph (a).

Handling of sheep, goats and bovine animals during slaughter

6.—(1) The business operator and any person engaged in the killing of a sheep, goat or bovine animal in accordance with religious rites without prior stunning shall ensure that—

- (a) it is not placed in restraining equipment unless the person who is to carry out the slaughter is ready to make the incision immediately after it is placed in the equipment; and
- (b) appropriate back-up stunning equipment is kept close to the restraining equipment for use in case of emergency and is immediately used where the animal is subjected to any avoidable pain, suffering or agitation or has any injuries or contusions.

(2) The business operator and any person engaged in the slaughter of a sheep, goat or bovine animal in accordance with religious rites without prior stunning must ensure that where it has not been stunned before bleeding, it is not shackled, hoisted or moved in any way until it is unconscious and in any event not before the expiry of—

- (a) in the case of a sheep or a goat, a period of not less than 20 seconds; and
- (b) in the case of a bovine animal, a period of not less than 30 seconds,

after it has been bled in the manner described in paragraph 5.

PART 3

BIRDS

Method of slaughter

7. Any person engaged in the slaughter of a bird in accordance with religious rites without prior stunning must ensure—

- (a) the bird is slaughtered by the severance of both of its carotid arteries by rapid, uninterrupted movements of a hand-held knife; and
- (b) the knife to be used for slaughter is—
 - (i) undamaged; and
 - (ii) of sufficient size and sharpness to slaughter each bird in the manner described in sub-paragraph (a).

Handling birds after slaughter

8. The business operator and any person engaged in the slaughter of a bird in accordance with religious rites without prior stunning shall ensure that, where the bird has not been stunned before bleeding, no further dressing procedure or any electrical stimulation is performed on the bird before it is unconscious and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes; and
- (b) in the case of any other bird, a period of not less than 90 seconds,

after it has been bled in the manner described in paragraph 7.

SCHEDULE 4

Regulation 21

KILLING ANIMALS OTHER THAN THOSE TO WHICH THE EU REGULATION APPLIES

Interpretation

1. In this Schedule—

- (a) “animal” means—
 - (i) reptiles and amphibians;
 - (ii) invertebrate animals; or
 - (iii) poultry, rabbits or hares killed elsewhere than in a slaughterhouse by their owner for the owner’s private domestic consumption; and
- (b) “killing”, “poultry”, “restraint” and “stunning” have the same meanings as in the EU Regulation.

Scope

2. Subject to paragraph 3, this Schedule applies to the killing of animals which are bred or kept for the production of meat, skin or other products.

Exemptions

3. This Schedule does not apply to animals which are killed—

- (a) during scientific experiments carried out under the supervision of the competent authority;
- (b) during hunting or recreational fishing activities; or
- (c) during sporting events.

Humane killing

4.—(1) No person engaged in the restraint, stunning or killing of an animal may—

- (a) cause any avoidable pain, distress or suffering to that animal; or
- (b) permit that animal to sustain any avoidable pain, distress or suffering.

(2) No person may engage in the restraint, stunning or killing of an animal unless that person has the knowledge and skill necessary to perform those operations humanely and efficiently.

Poultry, rabbits or hares bled for private domestic consumption

5. Poultry, rabbits or hares which are bled by their owner outside a slaughterhouse for the owner's private domestic consumption shall be—

- (a) stunned before bleeding in accordance with the methods and specific requirements in Chapters I and II of Annex I and, where appropriate, Part 5 of Schedule 2; and
- (b) bled after stunning without delay.

SCHEDULE 5

Regulation 23(1)(f)

PROVISIONS OF THE EU REGULATION

<i>Column 1</i> <i>Provision of the EU Regulation containing welfare requirement</i>	<i>Column 2</i> <i>Subject matter</i>
Article 3(1)	General requirement to spare an animal avoidable pain, distress or suffering.
Article 3(2)	Measures to protect animals from avoidable pain, distress or suffering.
Article 3(3)	Facilities for killing and related operations.
Article 4(1) and Annex I	Stunning methods.
Article 5(1)	Checks on stunning.
Article 5(2)	Checks on animals slaughtered in accordance with religious rites.
Article 6(1) and (2)	Standard operating procedures.
Article 7(1)	Level of competence.
Article 7(2)	Certificate of competence.
Article 7(3)	Killing of fur animals.
Article 8	Sale of restraining or stunning equipment.
Article 9(1)	Maintenance of restraining or stunning equipment.
Article 9(2)	Back-up stunning equipment.
Article 9(3)	Placing of animals in restraining equipment.
Article 12	Meat imported from third countries.
Article 14(1) and Annex II	Layout and construction of, and equipment in, slaughterhouses.
Article 15(1) and Annex III	Handling and restraining operations.
Article 15(2)	Restraint of animals slaughtered in accordance with religious rites.

Article 15(3)	Prohibited methods of restraint.
Article 16(1) to (4)	Monitoring procedures.
Article 17 (1) to (5)	Animal Welfare Officer.
Article 19	Emergency killing.

SCHEDULE 6

CONSEQUENTIAL AMENDMENTS

Regulation 35

Firearms (Northern Ireland) Order 2004

- 1.**—(1) The Firearms (Northern Ireland) Order 2004(a) is amended as follows—
- (2) In article 2(2) (interpretation), for the definition of “slaughtering instrument” substitute—
- ““slaughtering instrument” means a firearm which is specially designed or adapted for the instantaneous slaughter or killing of animals or for the instantaneous stunning of animals with a view to slaughtering or killing them;”.
- (3) In Schedule 1, paragraph 3 (slaughter of animals)—
- (a) in sub-paragraph (1), for “licensed to slaughter animals” substitute “who is the holder of a certificate of competence to slaughter animals”; and
- (b) in sub-paragraph (3), for the definition of “licensed” substitute—
- ““certificate of competence to slaughter animals” means a certificate of competence issued in respect of an operation specified in regulation 6 of the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014;”.

The Meat (Official Controls Charges) Regulations (Northern Ireland) 2009

- 2.**—(1) The Meat (Official Controls Charges) Regulations (Northern Ireland) 2009(b) are amended as follows—
- (2) In regulation 2(1) (interpretation), in paragraph (b) of the definition “controls”—
- (a) before “at slaughterhouses”, insert “pursuant to Regulation 854/2004,”; and
- (b) for “the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996” substitute “Council Regulation (EC) No 1099/2009 and the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014”.

Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2014

- 3.** In Part 2 of the Schedule to the Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2014(c), for paragraph 12(a) substitute—
- “(a) a certificate of competence under the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014 to slaughter or kill animals or carry out related operations; or”.

(a) S.I. 2004/702 (N.I. 3)
(b) S.R. 2009 No. 247
(c) S.R. 2014 No. 162

TRANSITIONAL PROVISIONS: CERTIFICATES

PART 1

SIMPLIFIED PROCEDURE FOR PERSONS WHO HAVE THREE YEARS' PROFESSIONAL EXPERIENCE

Application

1.—(1) This part applies to a person who applies for a certificate before 8th December 2015 who, on the date of application, has at least three years' professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought.

(2) A person to whom this part applies is not required to comply with regulation 8(b) if that person—

- (a) demonstrates to the satisfaction of the competent authority that the person has, at the date of application, at least three years' professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought; and
- (b) provides a written declaration from an authorised veterinary surgeon that, in the opinion of the authorised veterinary surgeon, the person is a fit and proper person to hold a certificate.

PART 2

SIMPLIFIED PROCEDURE FOR PERSONS WHO DO NOT HAVE THREE YEARS' PROFESSIONAL EXPERIENCE: TRANSITIONAL CERTIFICATE

Transitional certificates

2. This Part applies to a person who is unable to apply for a certificate under paragraph 1 of Part 1 by reason of the fact that that person at the time of application does not have at least three years' professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought, but who can be reasonably expected to accrue three years' experience by 8th December 2015.

3. A person to whom paragraph 2 applies may apply for a transitional certificate.

4. A person to whom paragraph 3 applies is not required to comply with regulation 8(b) if that person—

- (a) demonstrates to the satisfaction of the competent authority that at the date of application the person has had professional experience in relation to the operation, category of animal and (where appropriate) type of equipment in respect of which the certificate is sought; and
- (b) provides a written declaration from a veterinary surgeon that, in the opinion of the veterinary surgeon, the person is a fit and proper person to hold a transitional certificate.

Conditions for a transitional certificate

5. An applicant for a transitional certificate shall—

- (a) not be less than 16 years old;

- (b) submit a written declaration stating that they have committed no serious infringement of Community law and/or national law on the protection of animals in the three years preceding the date of application for a transitional certificate; and
- (c) provide written details if the applicant has—
 - (i) been convicted of an offence concerning the welfare of animals;
 - (ii) been refused a licence under the 1996 Regulations; or
 - (iii) had any such licence to kill animals revoked or suspended.

Grant of a transitional certificate

6.—(1) The competent authority shall grant a transitional certificate if—

- (a) the applicant meets the conditions in paragraph 5; and
- (b) it is satisfied that the applicant is a fit and proper person to hold a transitional certificate.

(2) An applicant granted a certificate under sub-paragraph (1) shall be subject to continuous assessment by an authorised veterinary surgeon and shall “work under the supervision and guidance of” an authorised veterinary surgeon.

Withdrawal of transitional certificate and review

7.—(1) A transitional certificate may be withdrawn at any time by the competent authority if an authorised veterinary surgeon declares that the holder of the certificate is not a fit and proper person to hold a certificate.

(2) The holder of a certificate which is withdrawn under sub-paragraph (1) has a right to make representations to the competent authority as if the holder were a person aggrieved by a decision of the competent authority under regulation 16.

Period of validity of a transitional certificate

8. A transitional certificate shall cease to be valid after 8th December 2015.

SCHEDULE 8

Regulation 37(2)(b)

TRANSITIONAL PROVISIONS: SLAUGHTERHOUSES

Animals delivered other than in containers

1. The business operator shall ensure that—

- (a) bridges, ramps or gangways are fitted with sides, railings or some other means of protection to prevent animals falling off them; and
- (b) all passageways are constructed to minimise the risk of injury to an animal and arranged to take account of the gregarious tendencies of the animals which use them.

Lairages other than field lairages

2. The business operator shall ensure that a lairage other than a field lairage has—

- (a) a floor which minimises the risk of slipping and which does not cause injury to any animal which is in contact with it;
- (b) where ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;
- (c) adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time; and

- (d) drinking facilities adequate in number and size for the watering of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

Field lairages

- 3. The business operator shall ensure that a field lairage—
 - (a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it;
 - (b) has adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time; and
 - (c) is provided with drinking facilities adequate in number and size for the watering of animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

Shackle lines

- 4. In the case of a slaughterhouse where poultry are killed, the business operator shall ensure that—
 - (a) any shackle line is designed and positioned in such a way that poultry suspended on it are kept clear of any obstruction and disturbance is reduced to a minimum;
 - (b) no poultry are suspended for more than 3 minutes in the case of a turkey or 2 minutes in other cases before being stunned; and
 - (c) the whole length of the shackle line up to the point of entry into the scald tank is immediately accessible to any person so that poultry may if necessary receive attention.

Electrical stunning other than by waterbath

- 5. No person may use electrodes to stun an animal individually unless the apparatus—
 - (a) incorporates an audible or visible device indicating the length of time of its application to an animal; and
 - (b) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

Electrical stunning by waterbath

- 6. No person may use a waterbath stunner unless—
 - (a) the electrode which is immersed in the water extends the length of the waterbath; and
 - (b) the waterbath stunner does not overflow at the entrance or, if an overflow is unavoidable, measures are taken to ensure that no poultry receive an electrical shock before they are stunned.

Exposure to gas

- 7. No person may stun pigs or poultry by exposure to gas unless the gas stunner provided for that purpose, including any equipment used for conveying the pigs or poultry through the gas, is—
 - (a) designed, constructed and maintained so as to avoid any injury to a pig or bird; and
 - (b) equipped with devices to—
 - (i) measure and continuously display the required concentration of gas (in accordance with Table 3 of Chapter I of Annex I); and
 - (ii) give clearly visible and audible warning signals if the gas concentration falls below the required level (in accordance with Table 3 of Chapter I of Annex I).

SCHEDULE 9
REVOCATIONS

Regulation 39

<i>Column 1</i> <i>Regulations revoked</i>	<i>Column 2</i> <i>References</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996	S.R. 1996 No. 558	The whole of the Regulations.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2000	S.R. 2000 No. 76	The whole of the Regulations.
The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000	S.R. 2000 No. 78	Regulation 10(1) and Schedule 8, Part I.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2001	S.R. 2001 No. 66	The whole of the Regulations.
Restriction on Pithing Regulations (Northern Ireland) 2001	S.R. 2001 No. 186	Regulation 4.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2002	S.R. 2002 No. 304	The whole of the Regulations.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2004	S.R. 2004 No. 209	The whole of the Regulations.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2008	S.R. 2008 No. 277	The whole of the Regulations.
The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations (Northern Ireland) 2011	S.R. 2011 No. 407	The whole of the Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision in Northern Ireland for the administration and enforcement of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (O.J. No. L 303, 18.11.2009, p.1) (“the EU Regulation”) and certain national rules maintained or adopted under Articles 26(1) and (2) of the EU Regulation.

The Regulations revoke the Welfare of Animals (Slaughter or Killing) Regulations 1996 (Northern Ireland) (S.R. 1996 No. 558) and amending instruments.

Part 1 is introductory and includes definitions and designates the competent authority responsible for various functions under the Regulations.

Part 2 requires persons to obtain an EU certificate of competence or temporary certificate of competence before killing animals or carrying out related operations in a slaughterhouse. Part 2 is subject to the transitional arrangements in Schedule 7, which apply until 8th December 2015.

Part 3 establishes administrative provisions for the refusal, suspension or revocation of certificates and temporary certificates of competence and for the mechanism for review by the competent authority of a decision to refuse, suspend or revoke them.

Part 4 and Schedules 1 to 4 set out national rules that have been maintained or adopted in accordance with Article 26(1) and (2) of the EU Regulation to ensure more extensive protection of animals at the time of killing.

Part 5 makes provision for the competent authority to grant derogations from the provisions of the EU Regulation in exceptional circumstances where compliance is likely to affect human health or significantly slow down the eradication of a disease.

Part 6 sets out the offences for contravening these Regulations or the EU Regulation. Regulation 26 sets out the penalties on summary conviction.

Part 7 contains provisions relating to enforcement. Inspectors, appointed by the competent authority and district councils, are given powers to require compliance with these Regulations and the EU Regulation, including powers of entry and seizure and powers to issue enforcement notices. Breaching an enforcement notice and obstructing inspectors is an offence.

Part 8 provides for consequential amendments, transitional provisions and revocations. Regulation 38 makes provision for the competent authority to review the operation and effect of the Regulations.

A regulatory impact assessment has been prepared for these Regulations and placed in the library of the Northern Ireland Assembly. Copies can be obtained from Animal Health and Welfare Policy Division, Department of Agriculture and Rural Development for Northern Ireland or from the Department’s website (www.dardni.gov.uk).

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