

EXPLANATORY MEMORANDUM TO
THE WELFARE OF ANIMALS AT THE TIME OF KILLING REGULATIONS
2014 No. 1240
AND
THE WELFARE OF ANIMALS AT THE TIME OF KILLING (REVOCATION)
REGULATIONS 2014 No. 1258

1. This explanatory memorandum covers two related instruments, and has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the two instruments**

- 2.1 The Welfare of Animals at the Time of Killing Regulations 2014 (“the WATOK Regulations”) were to come into force in England on 20th May 2014 with the purpose of replacing the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731) (“the 1995 Regulations”) in order to make provision for the administration and enforcement in England of Council Regulation (EC) 1099/2009 of 24th September 2009 on the protection of animals at the time of killing (“the EU Regulation”).
- 2.2 The Welfare of Animals at the Time of Killing (Revocation) Regulations 2014 (“the Revocation Regulations”) come into force on 19th May 2014 and revoke the WATOK Regulations before they come into force.

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

- 3.1 The WATOK Regulations are being laid in breach of the 21-day rule. Subsequent to making the WATOK Regulations, after further consideration, the Department concluded that the WATOK Regulations should be revoked before they come into force.
- 3.2 The Department sincerely regrets the breaches of the 21-day rule. No disrespect to Parliament was intended.

4. Legislative Context

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

5. Territorial Extent and Application

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

6. European Convention on Human Rights

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

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

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

7. Policy background

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

8. Consultation outcome

- 8.1 A six-week public consultation ran from 13th September 2012 on proposals to implement the EU Regulation in England. This consultation followed a previous consultation in 2009.

8.2 The 2012 public consultation sought views from food business operators, livestock and poultry keepers, veterinary organisations, animal welfare groups, local authorities, faith groups and members of the public. There were 446 responses received.

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

9. Guidance

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

10. Impact

10.1 Existing national rules will continue to remain in place as a result of the revocation of the WATOK Regulations and therefore there will be no additional cost on business.

10.2 The impact on the public sector is negligible, and there is no direct impact on charities or the voluntary sector.

11. Regulating small business

11.1 There will be no additional cost on small businesses.

12. Monitoring and review

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

13. Contact

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