

2000 No. 442

ANIMALS

PREVENTION OF CRUELTY

The Welfare of Farmed Animals (Scotland) Regulations 2000

Made

14th December 2000

Coming into force

15th December 2000

The Scottish Ministers, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968(a), and after consultation, in accordance with section 2(1) of that Act, with such persons appearing to them to represent any interests concerned as they have considered appropriate hereby make the following Regulations, a draft of which has, in accordance with section 2(3) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Regulations 2000 and shall come into force on the day after the day on which they are made.

(2) These Regulations extend to Scotland only.

Interpretation and application

2.—(1) In these Regulations—

“animal” means any animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

“authorised person” means any person authorised by the Scottish Ministers under section 6 of the Agriculture (Miscellaneous Provisions) Act 1968(b);

“battery cage” means an enclosed space intended for laying hens in a battery system;

“battery system” means an arrangement of battery cages in rows or tiers or rows and tiers;

“calf” means a bovine animal up to six months old;

“keeper” means any person responsible for or in charge of animals whether on a permanent or temporary basis;

“laying hen” means an adult hen of the species *Gallus gallus* which is kept for egg production;

“pig” means an animal of the porcine species of any age, kept for breeding or fattening;

“statutory welfare code” means a code for the time being issued by the Scottish Ministers under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(c); and

(a) 1968 c.34; by virtue of section 8(4) “the Ministers” means, in relation to Scotland, the Secretary of State. The functions conferred on the Secretary of State under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) The functions of the Minister were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(c) By virtue of section 8(4) “the Ministers” means, in relation to Scotland, the Secretary of State. The functions conferred on the Secretary of State under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

“zootechnical treatment” has the meaning given by Article 1(2)(c) of Directive 96/22/EEC^(a) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.

- (2) These Regulations shall apply to animals except—
 - (a) animals living in the wild;
 - (b) animals whilst at, and animals solely intended for use in, competitions, shows, cultural or sporting events or activities;
 - (c) experimental or laboratory animals; or
 - (d) any invertebrate animals.
- (3) Part 1 of Schedule 6 shall have effect for the purpose of the interpretation of Schedule 6.
- (4) In these Regulations—
 - (a) any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations;
 - (b) any reference to a numbered Schedule is a reference to the Schedule to these Regulations so numbered in these Regulations; and
 - (c) any reference in a regulation or a Schedule to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference occurs.

Duties on owners and keepers of animals

3.—(1) Owners and keepers of animals must take all reasonable steps—

- (a) to ensure the welfare of the animals under their care; and
- (b) to ensure that the animals are not caused any unnecessary pain, suffering or injury.

(2) Owners and keepers of animals (other than fish, reptiles and amphibians) must ensure that the conditions under which the animals are bred or kept comply with the requirements set out in Schedule 1.

(3) In deciding whether the conditions under which animals are being bred and kept comply with the requirements set out in Schedule 1, the owner and keeper of the animals must have regard to their species, and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge.

Additional duties on owners and keepers of laying hens kept in battery cages

4. Owners and keepers of laying hens kept in battery cages must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 2.

Additional duties on owners and keepers of poultry other than laying hens kept in battery cages

5. Owners and keepers of poultry other than laying hens kept in battery cages must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3.

Additional duties on owners and keepers of calves confined for rearing and fattening

6. Owners and keepers of calves confined for rearing and fattening must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 4.

Additional duties on owners and keepers of cattle

7. Owners and keepers of cattle must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 5.

(a) O.J. No. L 125, 23.5.96, p.3.

Additional duties on owners and keepers of pigs

8. Owners and keepers of pigs must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with—

- (a) the general additional requirements set out in Part II of Schedule 6; and
- (b) the specific additional requirements set out in Parts III, IV, V or VI (as the case may be) applicable to the particular category of pig being kept.

Additional duties on owners and keepers of rabbits

9. Owners and keepers of rabbits must ensure that, in addition to the conditions specified in Schedule 1, the conditions under which the animals are kept comply with the requirements set out in Schedule 7.

Statutory welfare codes

10.—(1) Any person who employs or engages a person to attend to animals must ensure that the person attending to the animals—

- (a) is acquainted with the provisions of all relevant statutory welfare codes relating to the animals being attended to;
- (b) has access to a copy of those codes while that person is attending to the animals; and
- (c) has received instruction and guidance on those codes.

(2) Any person who keeps animals, or who causes or knowingly permits animals to be kept, must not attend to them unless that person has access to all relevant statutory welfare codes relating to the animals while that person is attending to them, and is acquainted with the provisions of those codes.

Powers of an authorised person

11. Where an authorised person considers that animals are being kept in a way which is likely to cause unnecessary pain, suffering or injury, or in any other way in contravention of any provision of these Regulations, the authorised person may serve a notice on whoever appears to be in charge of the animals requiring the person appearing to be in charge within the period stated in the notice to take any action that the authorised person considers to be reasonably necessary to ensure compliance with these Regulations and the authorised person shall give his reasons for requiring that action to be taken.

Powers of entry

12. An authorised person exercising powers of entry under the Agriculture (Miscellaneous Provisions) Act 1968 for the purposes of these Regulations may take with him a representative of the European Commission acting for the purposes of—

- (a) Council Directive 88/166/EEC(a) laying down minimum standards for the protection of laying hens kept in battery cages;
- (b) Council Directive 91/629/EEC(b) laying down minimum standards for the protection of calves as amended by Council Directive 97/2/EC(c) and Commission Decision 97/182/EC(d);
- (c) Council Directive 91/630/EEC(e) laying down minimum standards for the protection of pigs; or
- (d) Council Directive 98/58/EC(f) concerning the protection of animals kept for farming purposes,

as well as any person he takes under powers provided under section 6(3) of that Act.

(a) O.J. No. L 74, 19.3.88, p.83.

(b) O.J. No. L 340, 11.12.91, p.28.

(c) O.J. No. L 25, 28.1.97, p.24.

(d) O.J. No. L 76, 18.3.97, p.30.

(e) O.J. No. L 340, 11.12.91, p.33.

(f) O.J. No. L 221, 8.8.98, p.23.

Offences

13.—(1) A person who, without lawful authority or reasonable excuse—

- (a) contravenes or fails to comply with any provision of these Regulations;
- (b) fails to comply with a notice served under regulation 11 within the time specified in the notice;
- (c) makes any entry in a record, or gives any information for the purposes of these Regulations which that person knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
- (d) causes or permits any of the above,

is guilty of an offence under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968.

(2) In any proceedings against an owner or keeper of animals for a failure to comply with regulation 3(1) or 3(2) (as read with regulation 3(3)) the owner or keeper, as the case may be, may rely on compliance with any relevant recommendation contained in a statutory welfare code, as tending to establish compliance with the relevant regulation.

Revocations

14. The Welfare of Livestock Regulations 1994(a) and the Welfare of Livestock (Amendment) Regulations 1998(b) are revoked.

St Andrew's House,
Edinburgh
14th December 2000

ROSS FINNIE
A member of the Scottish Executive

(a) S.I. 1994/2126 amended by S.I. 1998/1709.
(b) S.I. 1998/1709.

SCHEDULE 1

GENERAL CONDITIONS UNDER WHICH FARMED ANIMALS MUST BE KEPT

Staffing

1. Animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

Inspection

2.—(1) Subject to sub-paragraph (3), all animals kept in husbandry systems in which their welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that they are in a state of well-being.

(2) Subject to sub-paragraph (3), animals kept in systems other than husbandry systems in which their welfare depends on frequent human attention must be inspected at intervals sufficient to avoid any suffering.

(3) Notwithstanding sub-paragraphs (1) and (2), in the following cases, it is sufficient for the purposes of this paragraph to comply with the following specific provisions—

- (a) in the case of laying hens kept in battery cages, paragraph 7 of Schedule 2;
- (b) in the case of calves, paragraphs 3 and 4 of Schedule 4; and
- (c) in the case of pigs, paragraph 2 of Schedule 6.

3. Where animals are kept in a building, adequate lighting (whether fixed or portable) must be available to enable them to be thoroughly inspected at any time.

4. Where any animals (other than poultry) are kept in a building they must be kept on, or have access at all times to, a lying area which is well maintained with dry bedding or well-drained.

5. Any animals which appear to be ill or injured—

- (a) must be cared for appropriately without delay; and
- (b) where they do not respond to such care, veterinary advice must be obtained as soon as possible.

6.—(1) Where necessary, sick or injured animals must be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

(2) Notwithstanding sub-paragraph (1), in the following cases, it is sufficient for the purposes of this paragraph to comply with the following specific provisions—

- (a) in the case of calves, paragraph 5 of Schedule 4; and
- (b) in the case of pigs, paragraph 3 of Schedule 6.

Record keeping

7. A record must be maintained of—

- (a) any medicinal treatment given to animals; and
- (b) the number of mortalities found on each inspection of animals.

8. The record referred to in paragraph 7 must be retained for a period of at least three years from the date on which the medicinal treatment was given, or the date of the inspection, as the case may be, and must be made available to an authorised person when carrying out an inspection or when otherwise requested by such person.

Freedom of movement

9. The freedom of movement of animals, having regard to their species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

10. Where animals are continuously or regularly tethered or confined, they must be given the space appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation

11. Materials used for the construction of accommodation, and, in particular for the construction of pens, cages, stalls and equipment with which the animals may come into contact, must not be harmful to them and must be capable of being thoroughly cleaned and disinfected.

12. Accommodation and fittings for securing animals shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to them.

13. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to the animals.

14. Animals kept in buildings must not be kept in permanent darkness.

15. Where the natural light available in a building is insufficient to meet the physiological and ethological needs of any animals being kept in it then appropriate artificial lighting must be provided.

16. Animals kept in buildings must not be kept without an appropriate period of rest from artificial lighting.

Animals not kept in buildings

17. Animals not kept in buildings must, where necessary and possible, be given protection from adverse weather conditions, predators and risks to their health and, at all times, have access to a well-drained lying area.

Automatic or mechanical equipment

18. All automated or mechanical equipment essential for the health and well-being of the animals must be inspected at least once a day to check that there is no defect in it.

19. Where any defect in automated or mechanical equipment of the type specified in paragraph 18 is discovered, it must be rectified immediately, or if that is impossible, appropriate steps must be taken to safeguard the health and well-being of the animals pending the rectification of such defects including the use of alternative methods of feeding and watering and methods of providing and maintaining a satisfactory environment.

20. Where the health and well-being of animals is dependent on an artificial ventilation system—

- (a) provision must be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system; and
- (b) an alarm system must be provided to give warning of any failure of the system (which alarm will operate even if the principal electricity supply to it has failed).

21. The back-up system referred to in paragraph 20(a) must be thoroughly inspected, and the alarm system referred to in paragraph 20(b) tested, in each case not less than once every seven days in order to check that there is no defect in it, and, if any defect is found in such system or alarm (whether or not on it being inspected or tested in accordance with this paragraph), it must be rectified forthwith.

Feed, water and other substances

22. Animals must be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health, to satisfy their nutritional needs and to promote a positive state of well-being.

23. Animals must not be provided with food or liquid in a manner, nor must such food or liquid contain any substance, which may cause them unnecessary suffering or injury.

24. All animals must have access to feed at intervals appropriate to their physiological needs (and, in any case, at least once a day), except where a veterinary surgeon acting in the exercise of his profession otherwise directs.

25. All animals must either have access to a suitable water supply and be provided with an adequate supply of fresh drinking water each day or be able to satisfy their fluid intake needs by other means.

26. Feeding and watering equipment must be designed, constructed, placed and maintained so that contamination of food and water and the harmful effects of competition between animals are minimised.

27. Only substances given for therapeutic or prophylactic purposes or for the purpose of zootechnical treatment may be administered to animals unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animals.

Breeding procedures

28.—(1) Subject to sub-paragraph (2), natural or artificial breeding or breeding procedures which cause, or are likely to cause, suffering or injury to any of the animals concerned must not be practised.

(2) Sub-paragraph (1) does not preclude the use of natural or artificial breeding procedures which are likely to cause minimal or momentary suffering or injury or that might necessitate interventions which would not cause lasting injury.

29. No animals can be kept for farming purposes unless it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without detrimental effect on their health or welfare.

Electrical immobilisation

30. No person may apply an electrical current to any animals for the purposes of immobilisation.

SCHEDULE 2

ADDITIONAL CONDITIONS UNDER WHICH LAYING HENS KEPT IN BATTERY CAGES MUST BE KEPT

1. All cages must comply with the following requirements—
 - (a) the cage area, measured in a horizontal plane, for each laying hen must not be less than—
 - (i) 1000 cm² where one hen is kept in the cage;
 - (ii) 750 cm² where two hens are kept in the cage;
 - (iii) 550 cm² where three hens are kept in the cage, and
 - (iv) 450 cm² where four or more hens are kept in the cage;
 - (b) the minimum cage area for each laying hen must be capable of being used without restriction and may include the area where the non-waste deflection plate (otherwise known as the egg guard) is placed so long as that area is capable of being so used;
 - (c) a feed trough of a length not less than 10 cm multiplied by the number of hens in the cage and capable of being used without restriction must be provided;
 - (d) except where nipple drinkers and drinking cups are provided, the cage must have a continuous drinking channel which shall not be less than 10 cm multiplied by the number of hens in the cage, and capable of being used without restriction;
 - (e) where drinking points are plumbed in, there must be a minimum of two nipple drinkers or two drinking cups within reach of the cage;
 - (f) the height of the cage, for 65% of its area, must not be less than 40 cm, and, for the remainder of the area, must not be less than 35 cm (the height being obtained by a vertical line from the floor to the nearest point in the roof and the area being obtained by multiplying 450 cm² by the number of birds kept in the cage);
 - (g) the floor of the cage must be constructed so as to support adequately each of the forward facing claws of each foot; and
 - (h) the slope of the floor must not exceed 14% or 8 degrees, when made of rectangular wire mesh, and 21.3% or 12 degrees for other types of floor.
2. Battery cages must be designed, constructed and maintained in such a way as to prevent any injury or unnecessary suffering to laying hens to the extent possible in the existing state of technology.
3. The design and size of the cage opening must be such that laying hens can be put in or taken out without causing injury or unnecessary suffering.
4. The cages must be suitably equipped and maintained to prevent escape.
5. Except in the case of therapeutic or prophylactic treatment, all laying hens must have access to adequate, nutritious and hygienic feed each day in sufficient quantity to maintain them in good health and to satisfy their nutritional needs, and to adequate fresh drinking water at all times.
6. The laying hens must be cared for by personnel with adequate knowledge and experience of the production system used.
7. The flock or group of laying hens must be inspected thoroughly at least once a day and a source of light (whether fixed or portable) must be available which is strong enough for each bird to be seen clearly.
8. Accommodation comprising more than three tiers of cages must not be used unless suitable devices or measures make it possible to inspect thoroughly all tiers without difficulty.
9. When laying hens do not appear to be in good health or show behavioural changes, steps must be taken to establish the cause and appropriate remedial action must be taken e.g. treatment, isolation, culling or correction of environmental factors. If the cause is traced to an environmental factor in the production unit which it is not essential to remedy immediately, remedial action must be taken as soon as practicable and in any event when the accommodation is next emptied and before the next batch of laying hens is put in.

10. Every time all the cages housed together are emptied they must be thoroughly cleansed and disinfected before the next batch of laying hens is put in. While the cages are occupied, the surfaces and all equipment must be kept satisfactorily clean.

SCHEDULE 3

**ADDITIONAL CONDITIONS UNDER WHICH POULTRY OTHER THAN LAYING
HENS KEPT IN BATTERY CAGES MUST BE KEPT**

Where any poultry other than laying hens kept in battery cages are kept in a building, they must be kept on, or have access at all times to, well maintained litter or to a well-drained area for resting.

SCHEDULE 4

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CALVES
CONFINED FOR REARING AND FATTENING**Accommodation**

1.—(1) Calves must not be confined in an individual stall or pen after the age of eight weeks unless a veterinary surgeon certifies that its health or behaviour requires it to be isolated in order to receive treatment.

(2) The width of any individual stall or pen for a calf must be at least equal to the height of the calf at the withers, measured in the standing position, and the length must be at least equal to the body length of the calf, measured from the tip of the nose to the caudal edge of the *tuber ischii* (pin bone), multiplied by 1.1.

(3) Individual stalls or pens for calves (except for those isolating sick animals) must have perforated walls which allow calves to have direct visual and tactile contact.

(4) For calves kept in groups, the unobstructed space allowance available to each calf must be—

- (a) at least 1.5 square metres for each calf with a live weight of less than 150 kg;
- (b) at least 2 square metres for each calf with a live weight of 150 kg or more but less than 200 kg; and
- (c) at least 3 square metres for each calf with a live weight of 200 kg or more.

(5) Each calf must be able to stand up, turn around, lie down, rest and groom itself without hindrance.

(6) Subject to sub-paragraphs (7) and (8), each calf that is kept on a holding on which two or more calves are kept must be able to see at least one other calf.

(7) Sub-paragraph (6) does not apply to any calf that is kept in isolation on a holding on veterinary advice.

(8) For the purpose of calculating the number of calves being kept on a holding in order to determine whether sub-paragraph (6) applies, no account is to be taken of any calf that is being kept in isolation on that holding on veterinary advice.

Transitional provisions for accommodation

2.—(1) Until 1st January 2004 sub-paragraphs (1), (3) and (4) of paragraph 1 do not apply in relation to accommodation in use before 1st January 1998.

(2) Until 1st January 2004, in the case of accommodation brought into use after 1st January 1994 but before 1st January 1998—

- (a) where calves are housed in groups, each calf of 150 kg or more live weight must have at least 1.5 square metres of unobstructed floor space, and
- (b) where a calf is housed in an individual stall or pen, the stall or pen must have at least one perforated wall which enables the calf to see other animals in neighbouring stalls and pens unless isolated for veterinary reasons.

Inspection

3. All housed calves must be inspected by the owner or keeper of the calves at least twice a day.

4. Calves which are kept outside must be inspected by the owner or keeper of the calves at least once a day.

5. Where necessary, sick or injured calves must be isolated in suitable accommodation with dry comfortable bedding.

Tethering

6.—(1) Calves must not be tethered, with the exception of group-housed calves which may be tethered for a period of not more than one hour when being fed milk or milk substitute.

(2) Where tethers are used in accordance with the preceding sub-paragraph, they must not cause pain or injury to the calves and must be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(3) Each tether must be designed to avoid the risk of strangulation or pain or injury and allow the calf to lie down, rest, stand up and groom itself without hindrance.

Artificially lit buildings

7. Where calves are kept in an artificially lit building then, subject to paragraphs 14 and 16 of Schedule 1, artificial lighting must be provided for a period at least equivalent to the period of natural light normally available between 9.00 a.m. and 5.00 pm.

Cleaning and disinfection

8.—(1) Housing, stalls, pens, equipment and utensils used for calves must be properly cleaned and disinfected to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and to avoid attracting flies or rodents.

Floors

9. Where calves are kept in a building, floors must—

- (a) be smooth but not slippery so as to prevent injury to the calves;
- (b) be so designed as not to cause injury or suffering to calves standing or lying on them;
- (c) be suitable for the size and weight of the calves; and
- (d) form a rigid, even and stable surface.

Bedding and lying area

10.—(1) All calves must be provided with appropriate well-maintained bedding.

(2) All calves must be kept on, or at all times have access to, a lying area which is clean, comfortable and does not adversely affect the calves and is well drained.

(3) All housed calves and calves kept in temporary structures must be kept on, or at all times have access to, a lying area which is well maintained with dry bedding.

Bovine colostrum

11. Each calf must receive bovine colostrum as soon as possible after it is born and in any case within the first six hours of life.

Additional dietary requirements

12.—(1) All calves must be provided with food which contains sufficient iron to ensure a blood haemoglobin level of at least 4.5mmol/litre.

(2) A minimum daily ration of fibrous food must be provided for each calf over 2 weeks old, the quantity being raised in line with the growth of the calf from a minimum of 100 g at 2 weeks old to a minimum of 250 g at 20 weeks old.

Muzzling

13. Calves must not be muzzled.

Feeding

14.—(1) All calves must be fed at least twice a day.

(2) Where calves are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system, each calf must have access to food at the same time as the others in the feeding group.

Drinking water

15.—(1) Subject to sub-paragraph (2), all calves must be provided with a sufficient quantity of fresh drinking water each day.

- (2) Calves must be provided with fresh drinking water at all times—
 - (a) in hot weather conditions; or
 - (b) when they are ill.

SCHEDULE 5

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CATTLE

1. Where any lactating dairy cows or any cows which are calving are kept in any roofed accommodation they must have access at all times to a well-drained and bedded lying area.
2. Where any cows which are calving are kept in a building, they must be kept–
 - (a) in a pen or a yard which is of such a size as to permit a person to attend the cows; and
 - (b) separate from other livestock other than calving cows.

SCHEDULE 6

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART I

INTERPRETATION

1. In this Schedule—

- “boar” means a male pig after puberty, intended for breeding;
- “gilt” means a female pig intended for breeding after puberty and before farrowing;
- “piglet” means a pig from birth to weaning;
- “rearing pig” means a pig from ten weeks to slaughter or service;
- “sow” means a female pig after the first farrowing; and
- “weaner” means a pig from weaning to the age of ten weeks.

PART II

GENERAL ADDITIONAL CONDITIONS

- 2. All pigs must be inspected by the owner or keeper of the pigs at least once a day to check that they are in a state of well-being.
- 3. Where necessary, sick or injured pigs must be isolated in suitable accommodation with dry comfortable bedding.

Accommodation

- 4.—(1) A pig must be free to turn round without difficulty at all times.
- (2) The accommodation used for pigs must be constructed in such a way as to allow each pig to—
 - (a) stand up, lie down and rest without difficulty;
 - (b) have a clean place in which it can rest; and
 - (c) see other pigs, unless the pig is isolated for veterinary reasons.
- 5.—(1) The dimension of any stall or pen must be such that the internal area is not less than the square of the length of the pig, and no internal side is less than seventy five per cent of the length of the pig, the length of the pig in each case being measured from the tip of its snout to the base of its tail while it is standing with its back straight.
- (2) Sub-paragraph 5(1) does not apply in relation to a female pig for the period between seven days before the predicted day of her farrowing and the day on which the weaning of her piglets (including any piglets fostered by her) is complete.
- (3) A person is not guilty of an offence under sub-paragraph 5(1) by reason of the keeping of a pig in a stall or pen in which it could not be kept without contravention of sub-paragraph 5(1)—
 - (a) while it is undergoing any examination, test, treatment or operation carried out for veterinary purposes;
 - (b) for the purposes of service, artificial insemination or collection of semen;
 - (c) while it is fed on any particular occasion;
 - (d) for the purposes of marking, washing or weighing it;
 - (e) while its accommodation is being cleaned; or
 - (f) while it is awaiting loading for transportation,provided that the period during which it is so kept is not longer than necessary for that purpose.
- (4) A pig is not to be regarded as being kept in a stall or pen in which it could not be kept without contravention of sub-paragraph 5(1) if it is in a stall or pen which it can enter or leave at

will, provided that the stall or pen is entered from a stall or pen in which the pig is kept without contravention of sub-paragraph 5(1).

Artificially lit buildings

6. Where pigs are kept in an artificially lit building then, subject to paragraphs 14 and 16 of Schedule 1, artificial lighting must be provided for a period at least equivalent to the period of natural light normally available between 9.00 a.m. and 5.00 p.m.

Prevention of fighting

7.—(1) If pigs are kept together, measures must be taken to prevent fighting which goes beyond normal behaviour.

(2) Pigs which show persistent aggression towards others or are victims of such aggression must be isolated or kept separate from the group.

Use of tethers

8. No person may tether or cause to be tethered any pig except while it is undergoing any examination, test, treatment or operation carried out for any veterinary purpose.

9.—(1) Where the use of tethers is permitted in accordance with paragraph 8, they must not cause injury to the pigs and must be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(2) Each tether must be of sufficient length to allow the pigs to move as stipulated in paragraph 4 and the design must be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Cleaning and disinfection

10.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as necessary to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and avoid attracting flies or rodents.

Lying area

11.—(1) Where pigs are kept in a building they must be kept on, or have access at all times to, a lying area which is clean, comfortable and does not adversely affect them, and is well-drained or well maintained with dry bedding.

(2) Where bedding is provided, this must be clean, dry and not harmful to the pigs.

Floors

12. Where pigs are kept in a building, floors must—

- (a) be smooth but not slippery so as to prevent injury to the pigs;
- (b) be so designed as not to cause injury or suffering to pigs standing or lying on them;
- (c) be suitable for the size and weight of the pigs; and
- (d) form a rigid, even and stable surface.

Feeding

13.—(1) All pigs must be fed at least once a day.

(2) Where pigs are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

14. All pigs must be provided with an adequate supply of fresh drinking water each day.

Environmental enrichment

15. In addition to the measures normally taken to prevent tail-biting and other vices and in order to enable them to satisfy their behavioural needs, all pigs, taking into account environment and stocking density, must have access to straw or other material or object suitable to satisfy those needs.

Prohibition on the use of the sweat-box system

16. Pigs must not be kept in an environment which involves maintaining high temperatures and high humidity (known as the “sweat-box system”).

PART III

BOARS

17. Boar pens must be sited and constructed so as to allow the boar to turn round and to hear, see and smell other pigs, and must contain clean resting areas.

18. The lying area must be dry and comfortable.

19. The minimum pen size for an adult boar is six square metres, except that a larger area must be provided when pens are used for service.

PART IV

SOWS AND GILTS

20. Sows and gilts between weaning their piglets and the perinatal period must, where necessary, be treated against external and internal parasites.

21. If they are placed in farrowing crates, pregnant sows and gilts must be thoroughly cleaned.

22. Sows and gilts between weaning their piglets and the perinatal period must be provided with a clean, adequately drained, comfortable lying area and must, if necessary, be given suitable nesting material.

23. During farrowing, an unobstructed area behind the sow or gilt must be available for the ease of natural or assisted farrowing.

24. Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.

PART V

PIGLETS

25. If necessary, piglets must be provided with a source of heat and a solid, dry and comfortable lying area away from the sow where all of them can rest at the same time.

26. Where a farrowing crate is used, the piglets must have sufficient space to be able to be suckled without difficulty.

27. Tail docking and tooth clipping must be carried out only when there is evidence, on the farm, that injuries to sows' teats or to other pigs' ears or tails have occurred as a result of not carrying out these procedures.

28. Where tooth clipping appears necessary, this must only be carried out within seven days of birth.

29. Piglets must not be weaned from the sow at an age of less than three weeks unless the welfare or health of the dam or piglets would otherwise be adversely affected.

PART VI
WEANERS AND REARING PIGS

30. Pigs must be placed in groups as soon as possible after weaning. They must be kept in stable groups with as little mixing as possible.

31. The unobstructed floor area available to each weaner or rearing pig reared in a group must be at least–

- (a) 0.15 square metres for each pig where the average weight of the pigs in the group is 10 kg or less;
- (b) 0.20 square metres for each pig where the average weight of the pigs in the group is more than 10 kg but less than or equal to 20 kg;
- (c) 0.30 square metres for each pig where the average weight of the pigs in the group is more than 20 kg but less than or equal to 30 kg;
- (d) 0.40 square metres for each pig where the average weight of the pigs in the group is more than 30 kg but less than or equal to 50 kg;
- (e) 0.55 square metres for each pig where the average weight of the pigs in the group is more than 50 kg but less than or equal to 85 kg;
- (f) 0.65 square metres for each pig where the average weight of the pigs in the group is more than 85 kg but less than or equal to 110 kg; and
- (g) 1.00 square metre for each pig where the average weight of the pigs in the group is more than 110 kg.

SCHEDULE 7

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF RABBITS

1. Any hutches or cages in which any rabbits are kept must be–
 - (a) of sufficient size to allow the rabbits to move around and to feed and drink without difficulty and to enable all the rabbits kept in them to lie on their sides at the same time; and
 - (b) of sufficient height to allow the rabbits to sit upright on all four feet without having their ears touching the top of the hutch or cage.
2. Where any rabbits are kept in any accommodation which is exposed to the weather, suitable steps must be taken so as to ensure that the rabbits have access to shelter from the action of the weather (including direct sunlight).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only (regulation 1(2)), revoke and replace (with amendments):

The Welfare of Livestock Regulations 1994 (S.I. 1994/2126, amended by S.I. 1998/1709); and

The Welfare of Livestock (Amendment) Regulations 1998 (S.I. 1998/1709).

The Regulations implement the following Community legislation:–

Council Directive 88/166/EEC laying down minimum standards for the protection of laying hens kept in battery cages (O.J. No. L 74, 19.3.88, p.83);

Council Directive 91/629/EEC laying down minimum standards for the protection of calves (O.J. No. L 340, 11.12.91, p.28), as amended by Council Directive 97/2/EC (O.J. No. L 25, 28.1.97, p.24) and Commission Decision 97/182/EC (O.J. No. L 76, 18.3.97, p.30);

Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (O.J. No. L 340, 11.12.91, p.33); and

Council Directive 98/58/EC concerning the protection of animals kept for farming purposes (O.J. No. L 221, 8.8.98, p.23).

The Regulations (and the Community legislation which they implement) reflect the obligations contained in the European Convention for the Protection of Animals kept for Farming Purposes of 10th March 1976, as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992 (both available from the Stationery Office, 71 Lothian Road, Edinburgh).

The Regulations apply to all animals kept for farming purposes (subject to certain limited exceptions) (regulation 2(2)).

Regulation 3(1) lays down the general principle that owners and keepers of animals kept for farming purposes must all take reasonable steps to ensure the welfare of animals in their care and to prevent them any unnecessary pain, suffering or injury. This principle applies to all animals (including fish, reptiles and amphibians).

The Regulations also provide for general requirements which apply in the case of all farmed animals (other than fish, reptiles and amphibians) (regulation 3(2) and Schedule 1) and for sets of specific additional requirements which apply in the cases of laying hens kept in battery cages (regulation 4 and Schedule 2), poultry other than laying hens (regulation 5 and Schedule 3), calves (regulation 6 and Schedule 4), cattle (regulation 7 and Schedule 5), pigs (regulation 8 and Schedule 6) and rabbits (regulation 9 and Schedule 7).

Regulation 10 contains provisions to ensure that those in charge of animals have access to copies of the relevant welfare codes issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 and are acquainted with those codes.

Regulation 11 provides for the service of enforcement notices requiring action to be taken to deal with any breach of the Regulations and regulation 12 provides that an authorised person may take with him a person authorised by the European Commission for the purpose of enforcing Community legislation.

Under regulation 13(1), any contravention of the Regulations is an offence against section 2 of the Agriculture (Miscellaneous Provisions) Act 1968. Under section 7 of that Act, the maximum penalty for such an offence is 3 months imprisonment and/or a fine at level 4 on the standard scale (currently, £2,500).

Schedule 1, which provides for general requirements which apply to all farmed animals (other than fish, reptiles and amphibians), contains a number of changes from corresponding provisions in Schedule 4 of the Welfare of Livestock Regulations 1994 (as amended) (“the 1994 Regulations”).

There are a number of requirements which, under the 1994 Regulations, applied only to either animals kept in intensive systems or animals kept in buildings, the scope of which is now extended to cover all farmed animals (other than fish, reptiles and amphibians). The requirements in this category are as follows:

Inspection of animals (Schedule 1, paragraph 2);
Care and veterinary advice for sick and injured animals (Schedule 1, paragraph 5);
Isolation of sick and injured animals (Schedule 1, paragraph 6); and
Checks on automatic or mechanical equipment (Schedule 1, paragraphs 18 to 21).

There are also several requirements which are either new or go beyond those contained in Schedule 4 of the 1994 Regulations. These requirements can be summarised as follows:

Staffing and competence (Schedule 1, paragraph 1);
Record keeping (Schedule 1, paragraphs 7 and 8);
Freedom of movement (Schedule 1, paragraphs 9 and 10);
Accommodation standards (Schedule 1, paragraph 11);
Environmental requirements (Schedule 1, paragraph 13);
Lighting (Schedule 1, paragraphs 14 to 16);
Protection from elements etc (Schedule 1, paragraph 17);
Feed, water and other substances (Schedule 1, paragraphs 23, 26 and 27); and
Breeding procedures (Schedule 1, paragraphs 28 and 29).

Schedule 2 re-enacts the provisions of Schedule 1 to the 1994 Regulations, subject to modification if the requirements are already contained in the new general conditions in Schedule 1 to these Regulations.

Schedules 3, 5 and 7 re-enact paragraphs 7 to 11 of Schedule 4 to the 1994 Regulations without amendment.

Schedule 4 re-enacts the provisions of Schedule 2 of the 1994 Regulations subject to amendments required to implement Council Directive 97/2/EC and Commission Decision 97/182/EC. The new requirements are:

Accommodation (Schedule 4, paragraphs 1(1) to (4), (6) to (8) and 2);
Inspection (Schedule 4, paragraphs 3 and 4);
Tethers (Schedule 4, paragraph 6(1));
Bovine colostrum (Schedule 4, paragraph 11);
Muzzling (Schedule 4, paragraph 13);
Feeding (Schedule 4, paragraph 14(1));
Drinking water for calves (Schedule 4, paragraph 15(2)).

Schedule 6 re-enacts the provisions of Schedule 3 to 1994 Regulations, subject to modifications if the requirements are already contained in the new general conditions in Schedule 1 to these Regulations.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. A copy of it may be obtained from the Scottish Executive Rural Affairs Department, Animal Health and Welfare Branch, Room 350, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

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ANIMALS

PREVENTION OF CRUELTY

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