
WELSH STATUTORY INSTRUMENTS

2007 No. 3070 (W.264)

ANIMALS, WALES

ANIMAL WELFARE

The Welfare of Farmed Animals (Wales) Regulations 2007

<i>Made</i>	- - - - -	<i>23 October 2007</i>
<i>Laid before the National Assembly for Wales</i>	- - - - -	<i>27 September 2007</i>
<i>Coming into force</i>	- - - - -	<i>24 October 2007</i>

The Welsh Ministers are, in relation to Wales, the appropriate national authority for the purposes of exercising the powers conferred by section 12(1), (2) and (3) of the Animal Welfare Act 2006⁽¹⁾, and make the following Regulations in exercise of those powers.

In accordance with section 12(6) of that Act, the Welsh Ministers have consulted such persons appearing to them to represent interests with which these Regulations are concerned as they considered appropriate.

In accordance with section 61(2) of that Act, a draft of these Regulations has been laid before the National Assembly for Wales and approved by a resolution of the National Assembly for Wales.

Title, application and commencement

1. The title of these Regulations is the Welfare of Farmed Animals (Wales) Regulations 2007. They apply in relation to Wales and come into force on 24 October 2007.

Definitions and interpretation

2.—(1) In these Regulations—

“calf” (“*llo*”) means a bovine animal up to six months old;

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

“laying hen” (“*iâr ddodwy*”) means a hen of the species *Gallus gallus* which has reached laying maturity and is kept for the production of eggs not intended for hatching;

“litter” (“*llaesodr*”) means, in relation to laying hens, any friable material enabling the hens to satisfy their ethological needs;

(1) 2006 c. 45. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

“nest” (“*nyth*”) means a separate space for egg laying, the floor component of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens;

“person responsible” (“*person sy'n gyfrifol*”) for an animal has the same meaning as in section 3 of the Animal Welfare Act 2006;

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

“usable area” (“*lle y gellir ei ddefnyddio*”) means an area, other than that taken up by a nest, used by laying hens which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45cm.

(2) Expressions used in these Regulations that are not defined in these Regulations and are used in the following Directives, have the meaning they bear in those Directives—

- (a) in relation to pigs, Directive 91/630/EEC(2), 2001/88/EC(3) and 2001/93/EC(4);
- (b) in relation to laying hens, Directive 99/74/EC(5); and
- (c) in relation to calves, Directive 91/629/EEC(6), 97/2/EC(7) and 97/182/EC(8).

(3) An expression used in regulation 4 or Schedule 1, which is not defined in these Regulations and which appears in Directive 98/58/EC(9), has the same meaning as it has for the purposes of that Directive.

Animals to which these Regulations apply

3.—(1) These Regulations apply to farmed animals only.

(2) In these Regulations, a “farmed animal” (“*anifail a ffermir*”) means an animal bred or kept for the production of food, wool or skin or other farming purposes, but not including—

- (a) a fish, reptile or amphibian;
- (b) an animal whilst at, or solely intended for use in, a competition, show or cultural or sporting event or activity;
- (c) an experimental or laboratory animal; or
- (d) an animal living in the wild.

Duties on persons responsible for farmed animals

4.—(1) A person responsible for a farmed animal must take all reasonable steps to ensure that the conditions under which it is bred or kept comply with Schedule 1.

(2) In complying with the duty in paragraph (1), a person responsible for a farmed animal must have regard to its—

- (a) species;
- (b) degree of development;
- (c) adaptation and domestication; and

(2) OJ No L340, 11.12.91, p 33

(3) OJ No L316, 1.12.2001, p 1

(4) OJ No L316, 1.12.2001, p 36

(5) OJ No L203, 3.8.99, p 53

(6) OJ No L340, 11.12.91, p 28

(7) OJ No L25, 28.1.97, p 24

(8) OJ No L76, 18.3.97, p 30

(9) OJ No L221, 8.8.98, p 23

- (d) physiological and ethological needs in accordance with good practice and scientific knowledge.

Additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits

5.—(1) A person responsible for—

- (a) poultry (other than those kept in the systems referred to in Schedules 2 to 4) kept in a building must ensure they are kept on, or have access at all times to, well-maintained litter or a well-drained area for resting;
- (b) laying hens kept in establishments with 350 or more laying hens must comply with Schedules 2, 3, 4 and 5, as applicable;
- (c) calves confined for rearing and fattening must comply with Schedule 6;
- (d) cattle must comply with Schedule 7;
- (e) pigs must, subject to paragraph (2), comply with Part 2 of Schedule 8 and, where applicable, the requirements of Parts 3, 4, 5 and 6 of Schedule 8; or
- (f) rabbits must comply with Schedule 9.

(2) Paragraphs 12, 28, 29 and 30 of Schedule 8 apply to all holdings newly built, rebuilt or brought into use for the first time on or after 1st January 2003, but in the case of all other holdings, those paragraphs do not apply until 1st January 2013.

(3) Part 1 of Schedule 8 has effect.

Codes of Practice

6.—(1) A person responsible for a farmed animal—

- (a) must not attend to the animal unless he or she is acquainted with any relevant code of practice and has access to the code while attending to the animal; and
- (b) must take all reasonable steps to ensure that a person employed or engaged by him or her does not attend to the animal unless that other person—
 - (i) is acquainted with any relevant code of practice;
 - (ii) has access to the code while attending to the animal; and
 - (iii) has received instruction and guidance on the code.

(2) In this section, a “relevant code of practice” (“*cod ymarfer perthnasol*”) means a code of practice issued under section 14 of the Animal Welfare Act 2006 or a statutory welfare code issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(10) relating to the particular species of farmed animal to which a person is attending.

Offences

7. A person commits an offence if, without lawful authority or excuse, he or she—

- (a) contravenes, or does not comply with a duty in, regulation 4, 5 or 6;
- (b) makes an entry in a record, or gives any information for the purposes of these Regulations which he or she 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
- (c) causes or permits any of the above.

(10) 1968 c. 34.

Prosecutions

8.—(1) A local authority may prosecute proceedings for an offence under these Regulations.

(2) The Welsh Ministers may direct that they, and not the local authority, prosecutes proceedings for an offence under these Regulations in relation to cases of a particular description or any particular case.

Penalties

9.—(1) A person guilty of an offence under regulation 7 is liable on summary conviction to—

- (a) imprisonment for a term not exceeding 51 weeks;
- (b) a fine not exceeding level 4 on the standard scale; or
- (c) both the term of imprisonment referred to sub-paragraph (a) and the fine referred to in sub-paragraph (b).

(2) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003⁽¹¹⁾, the reference in paragraph (1)(a) to 51 weeks must be taken as a reference to 6 months.

23 October 2007

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

(11) 2003 c. 44.

SCHEDULE 1

Regulation 4

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), 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 husbandry systems in which their welfare does not depend on frequent human attention must be inspected at intervals sufficient to avoid any suffering.

(3) In the following cases it is sufficient for the purposes of this paragraph to comply with the following provisions—

- (a) in the case of laying hens, paragraph 1 of Schedule 5;
- (b) in the case of calves, paragraph 2 or 3 of Schedule 6; and
- (c) in the case of pigs, paragraph 2 of Schedule 8.

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 either has well-maintained dry bedding or is well-drained.

5. Any animals which appear to be ill or injured must be cared for appropriately and without delay; where they do not respond to such care, veterinary advice must be obtained as soon as possible.

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

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 carried out in accordance with any of the following provisions—
 - (i) in the case of laying hens, paragraph 1 of Schedule 5;
 - (ii) in the case of calves, paragraph 2 or 3 of Schedule 6; or
 - (iii) in the case of pigs, paragraph 2 of Schedule 8; or
 - (iv) in any other case, paragraph 2(1) or (2) of this Schedule.

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, and must be made available to an inspector on request.

Freedom of movement

9. The freedom of movement of animals, having regard to their species and in accordance with good practice 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 good practice 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 must 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 or ethological needs of any animals being kept in it, 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 must, 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 defects in automated or mechanical equipment of the type referred to in paragraph 18 are discovered, these must be rectified immediately or, if this is impossible, appropriate steps must be taken to safeguard the health and well-being of the animals pending the rectification of those defects including the use of alternative methods of feeding and watering and alternative methods of providing and maintaining a satisfactory environment.

20. Where the health and well-being of the 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 (which will operate even if the principal electricity supply to it has failed) must be provided to give warning of any failure of the system.

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 at least once every seven days in order to check that there is no defect, and, if any defect is found at any time, it must be rectified immediately.

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 that contains any substance that may cause them unnecessary suffering or injury and must be provided with food and liquid in a manner that does not 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 or her 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 or water and the harmful effects of competition between animals are minimised.

27.—(1) No other substance, with the exception of those 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 practice that the effect of that substance is not detrimental to the health or welfare of the animals.

(2) In sub-paragraph (1), “zootechnical treatment” (“*triniaeth söotechnegol*”) has the meaning given in Article 1(2)(c) of Directive [96/22/EEC\(12\)](#) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.

Breeding procedures

28.—(1) 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 that are likely to cause minimal or momentary suffering or injury or that might necessitate interventions which would not cause lasting injury.

29. Animals may only be kept for farming purposes if it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without any detrimental effect on their health or welfare.

Electrical immobilisation

30. An electrical current must not be applied to an animal for the purpose of immobilisation.

SCHEDULE 2

Regulation 5

Additional conditions that apply to the keeping of laying hens in non-cage systems

1. All non-cage systems of production for keeping laying hens must comply with the requirements of this Schedule.

(12) OJ No L125, 23.5.96, p.3.

Status: This is the original version (as it was originally made).

2. All systems must be equipped in such a way that all laying hens have—
 - (a) linear feeders providing at least 10cm per bird or circular feeders providing at least 4cm per bird;
 - (b) continuous drinking troughs providing at least 2.5 cm per hen or circular drinking troughs providing at least 1 cm per hen;
 - (c) at least one nest for every seven hens and, if group nests are used, there must be at least 1 m² of nest space for a maximum of 120 hens;
 - (d) perches without sharp edges and providing at least 15 cm per hen, which must not be mounted above the litter, and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm; and
 - (e) at least 250 cm² of littered area per hen, the litter occupying at least one third of the ground surface.
3. Where a system is equipped with nipple drinkers or cups, there must be at least one nipple drinker or cup for every 10 hens.
4. Where a system has drinking points plumbed in, at least two cups or two nipple drinkers must be within reach of each hen.
5. The floors of installations must be constructed so as to support each of the forward-facing claws of each bird's foot.
6. If systems are used where the laying hens can move freely between different levels—
 - (a) there must be no more than four levels;
 - (b) the headroom between the levels must be at least 45 cm;
 - (c) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens; and
 - (d) the levels must be so arranged as to prevent droppings falling on the levels below.
7. If laying hens have access to open runs —
 - (a) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide, and extending along the entire length of the building; and in any case, a total opening of 2 m must be available per group of 1,000 hens; and
 - (b) the open runs must be—
 - (i) of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination; and
 - (ii) equipped with shelter from adverse weather conditions and predators and, if necessary, drinking troughs.
8. Subject to paragraph (9), the stocking density must not exceed nine laying hens per m² of usable area.
9. Where on 3 August 1999 the establishment applied a system where the usable area corresponded to the available ground surface, and the establishment was still applying this system on 25 June 2002, a stocking density of not more than 12 hens per m² is authorised until 31 December 2011.

SCHEDULE 3

Regulation 5

Additional conditions that apply to the keeping of laying hens in conventional cages

1. All conventional (unenriched) cage systems must comply with the requirements of this Schedule.
2. Cage systems must have at least 550 cm² per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available unless they are placed so as not to restrict the area available for the hens to use.
3. A feed trough must be provided which may be used without restriction, the length of which must be at least 10 cm multiplied by the number of hens in the cage.
- 4.—(1) Unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in paragraph 3.
(2) Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach from each cage.
5. Cages must be at least 40 cm high over at least 65% of the cage area and not less than 35 cm at any point, the area being obtained by multiplying 550 cm² by the number of birds kept in the cage.
- 6.—(1) Floors of cages must be constructed so as to support each of the forward-facing claws of each foot of each bird.
(2) The floor slope must not exceed 14% or 8 degrees when made of rectangular wire mesh and must not exceed 21.3% or 12 degrees for other types of floor.
7. Cages must be fitted with suitable claw-shortening devices.
8. No person may build or bring into service for the first time any cage system referred to in this Schedule for the keeping of laying hens.
9. On and after 1 January 2012, no person may keep laying hens in any cage system referred to in this Schedule.

SCHEDULE 4

Regulation 5

Additional conditions that apply to the keeping of laying hens in enriched cages

1. All laying hens not kept in a non cage system referred to in Schedule 2 or a cage system referred to in Schedule 3 must be kept in an enriched cage system which complies with the requirements of this Schedule.
2. Laying hens must have—
 - (a) at least 750 cm² of cage area per hen, 600 cm² of which must be usable; the height of the cage other than that above the usable area must be at least 20 cm at every point and the minimum total area for any cage must be 2000 cm²;
 - (b) access to a nest;
 - (c) litter such that pecking and scratching are possible; and
 - (d) appropriate perches allowing at least 15 cm per hen.

Status: This is the original version (as it was originally made).

3. A feed trough which can be used without restriction must be provided, the length of which must be at least 12 cm multiplied by the number of hens in the cage.
4. Each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within reach of each hen.
5. To facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages.
6. Cages must be fitted with suitable claw-shortening devices.

SCHEDULE 5

Regulation 5

Additional conditions applicable to all systems in which laying hens are kept

1. All hens must be inspected by the owner or other person responsible for the hens at least once a day.
2. In all systems in which laying hens are kept—
 - (a) the sound level must be minimised;
 - (b) constant or sudden noise must be avoided; and
 - (c) ventilation fans, feeding machinery and other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible noise.
- 3.—(1) All buildings must have light levels sufficient to allow hens to see other hens and be seen clearly, to investigate their surroundings visually and to show normal levels of activity.
 - (2) Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation.
 - (3) After the first days of conditioning, the lighting regime must be such as to prevent health and behavioural problems and accordingly it must follow a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day.
 - (4) A period of twilight of sufficient duration should if possible be provided when the light is dimmed so that the hens may settle down without disturbance or injury.
- 4.—(1) Those parts of buildings, equipment or utensils which are in contact with the hens must be thoroughly cleaned and disinfected regularly and, in any case, every time depopulation is carried out and before a new batch of hens is brought in.
 - (2) While the cages are occupied—
 - (a) the surfaces and all equipment must be kept satisfactorily clean;
 - (b) droppings must be removed; and
 - (c) dead hens must be removed every day.
5. Cages must be suitably equipped to prevent hens escaping.
6. Accommodation comprising two or more tiers of cages must have devices, or appropriate measures must be taken, to allow inspection of all tiers without difficulty and to facilitate the removal of hens.
7. The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.

SCHEDULE 6

Regulation 5

Additional conditions that apply to the keeping of calves confined for rearing and fattening

Accommodation

1.—(1) No calf may 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 ishii (pin bones), 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 m² for each calf with a live weight of less than 150 kg;
- (b) at least 2 m² for each calf with a live weight of 150 kg or more but less than 200 kg; and
- (c) at least 3 m² for each calf with a live weight of 200 kg or more.

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

(6) 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 or in accordance with sub-paragraph (1).

(8) For the purpose of calculating the number of calves kept on a holding in order to determine whether sub-paragraph (6) applies, no account may be taken of any calf that is being kept in isolation on veterinary advice or in accordance with sub-paragraph (1).

Inspection

2. All housed calves must be inspected by the owner or other person responsible for the calves at least twice a day to check that they are in a state of well-being.

3. Calves which are kept outside must be inspected by the owner or other person responsible for the calves at least once a day to check that they are in a state of well-being.

Tethering

4.—(1) No person responsible for a calf may tether it or cause it to 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 sub-paragraph (1), the tether 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, pain or injury and allow the calf to stand up, lie down, rest and groom itself without hindrance.

Artificially lit buildings

5. Where calves are kept in an artificially lit building then, subject to paragraph 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 am and 5.00 pm.

Cleaning and disinfection

6.—(1) Housing, stalls, pens, equipment and utensils used for calves must be properly cleaned and disinfected as often 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 to avoid attracting flies or rodents.

Floors

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

- (a) be smooth but not slippery;
- (b) be designed, constructed and maintained so 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

8.—(1) All calves must be provided with appropriate bedding.

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

(3) All housed calves and calves kept in hutches or 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

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

Additional dietary requirements

10.—(1) All calves must be provided with food which contains sufficient iron to ensure a blood haemoglobin level of at least 4.5 mmol/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 100g at 2 weeks old, to a minimum of 250g at 20 weeks old.

Muzzling

11. Calves must not be muzzled.

Feeding

12.—(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 food, 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

13.—(1) 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 7

Regulation 5

Additional conditions that apply to the keeping of cattle

1. Where lactating dairy cows or calving cows are kept in a building, they must have access at all times to a well-drained and bedded lying area.

2. A pen or yard in a building used for calving cows must be of such a size as to permit a person to attend the cows.

3. Calving cows which are kept in a building must be kept separate from livestock other than calving cows.

SCHEDULE 8

Regulation 5

Additional conditions that apply to the keeping of pigs

PART 1

Interpretation

1. In this Schedule—

“boar” (“*baedd*”) means a male pig after puberty, intended for breeding;

“gilt” (“*banwes*”) means a female pig intended for breeding after puberty and before farrowing;

“piglet” (“*porchell*”) means a pig from birth to weaning;

“rearing pig” (“*mochyn magu*”) means a pig from the age of ten weeks to slaughter or service;

“sow” (“*hwch*”) means a female pig after the first farrowing;

“weaner” (“*porchell diddwyn*”) means a pig from weaning to the age of ten weeks.

PART 2

General additional conditions

Inspection

2. All pigs must be inspected by the owner or other person responsible for the pigs at least once a day to check that they are in a state of well-being.

Tethering

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

4.—(1) Where tethers are used in accordance with paragraph 3, 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 5(2)(a) and (e) and the design must be such as to avoid, as far as possible, any risk of strangulation, pain or injury.

Accommodation

5.—(1) A pig must be free to turn around 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, comfortable and adequately drained place in which it can rest;
- (c) see other pigs, except—
 - (i) where the pig is isolated for veterinary reasons; or
 - (ii) in the week before the expected farrowing time and during farrowing, when sows and gilts may be kept out of sight of other pigs;
- (d) maintain a comfortable temperature; and
- (e) have enough space to allow all the animals to lie down at the same time.

6.—(1) The dimensions of any stall or pen used for holding individual pigs 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 75% 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 (1) does not apply to a female pig for the period beginning with seven days before the predicted day of her farrowing and ending when the weaning of her piglets (including any piglets fostered by her) is complete.

(3) Sub-paragraph (1) does not apply to a pig held in a stall or pen—

- (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) Sub-paragraph (1) does not apply to a pig held in a stall or pen which the pig 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 this paragraph.

Artificially lit buildings

7. Where pigs are kept in an artificially lit building, lighting with an intensity of at least 40 lux must be provided for a minimum period of 8 hours per day subject to paragraph 16 of Schedule 1.

Prevention of fighting

8.—(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 separated from the group.

Cleaning and disinfection

9.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as often as necessary to prevent cross-infection and 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.

Bedding

10. Where bedding is provided, it must be clean, dry and not harmful to the pigs.

Floors

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

- (a) be smooth but not slippery;
- (b) be designed, constructed and maintained so 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) where no litter is provided, form a rigid, even and stable surface.

12.—(1) Where concrete slatted floors are used for pigs kept in groups, the maximum width of the openings must be—

- (a) 11 mm for piglets;
- (b) 14 mm for weaners;
- (c) 18 mm for rearing pigs; and
- (d) 20 mm for gilts after service and sows.

(2) The minimum slat width must be—

- (a) 50 mm for piglets and weaners; and
- (b) 80 mm for rearing pigs, gilts after service and sows.

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 feeding the animals individually, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

14. All pigs over two weeks of age must have continuous access to a sufficient quantity of fresh drinking water.

Environmental enrichment

15. To enable proper investigation and manipulation activities, all pigs must have permanent access to a sufficient quantity of material such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such which does not adversely affect the health of the animals.

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”).

Noise levels

17. Pigs must not be exposed to constant or sudden noise.

18. Noise levels above 85 dBA must be avoided in that part of any building where pigs are kept.

PART 3

Boars

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

20. The lying area must be dry and comfortable.

21.—(1) Subject to sub-paragraph (2), the minimum unobstructed floor area for a boar must be 6 m².

(2) When boar pens are also used for natural service, the floor area must be at least 10 m² and must be free of any obstacles.

PART 4

Sows and Gilts

22. Pregnant sows and gilts must, where necessary, be treated against external and internal parasites.

Farrowing

23. Pregnant sows and gilts must be thoroughly cleaned before being placed in farrowing crates.

24. In the week before the expected farrowing time, sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used.

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

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

Group housing

27. Sows and gilts must be kept in groups except during the period between seven days before the predicted day of farrowing and the day on which the weaning of piglets (including any piglets fostered) is complete.

28. The pen where the group is kept must have sides greater than 2.8 m in length, except when there are six or fewer individuals in the group, when the sides of the pen must be no less than 2.4 m in length.

29. The unobstructed floor area available to each gilt after service and to each sow when gilts and/or sows are kept in groups must be at least 1.64 m² and 2.25 m² respectively. When these animals are kept in groups of six or fewer individuals, the unobstructed floor area must be increased by 10%. When these animals are kept in groups of 40 or more individuals, the unobstructed floor area may be decreased by 10%.

30. For gilts after service and pregnant sows, a part of the area required in paragraph 29 equal to at least 0.95 m² per gilt and at least 1.3 m² per sow must be of continuous solid floor of which a maximum of 15% is reserved for drainage openings.

31. Sows and gilts kept on holdings of 10 or fewer sows may be kept individually provided that their accommodation complies with the requirements of paragraphs 5 and 6 of this Schedule.

32. In addition to the requirements of paragraph 13 of this Schedule, sows and gilts must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present.

33. All dry pregnant sows and gilts must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food to satisfy their hunger and need to chew.

PART 5

Piglets

34. Where a farrowing crate system is used, 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.

35. A part of the floor area where the piglets are kept, and which is large enough to allow the animals to rest together at the same time, must be solid or covered with a mat, or be littered with straw or other suitable material.

36. Where a farrowing crate system is used, the piglets must have sufficient space so they can be suckled without difficulty.

37. Subject to paragraph 38, piglets must not be weaned from the sow at an age less than 28 days, unless the health or welfare of the sow or piglets would otherwise be adversely affected.

38. Piglets may be weaned up to seven days earlier than the age referred to in paragraph 37 if they are moved into specialised housing which is—

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- (a) emptied and thoroughly cleaned and disinfected before the introduction of a new group; and
- (b) separate from housing where other sows are kept.

PART 6

Weaners and rearing pigs

39. As soon as possible after weaning, weaners and rearing pigs must be kept in stable groups, with as little mixing as possible.

40. If weaners and rearing pigs unfamiliar with one another have to be mixed—

- (a) this must if possible be done before weaning or up to one week after weaning, or otherwise when the pigs are as young as possible; and
- (b) they must be provided with adequate opportunities to escape and hide from other pigs.

41. The use of tranquilising medication in order to facilitate mixing must be limited to exceptional conditions and only after consultation with a veterinary surgeon.

42. If there are signs of severe fighting, the causes must be immediately investigated and appropriate measures taken.

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

- (a) 0.15 m² for each pig where the average weight of the pigs in the group is 10 kg or less;
- (b) 0.20 m² 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 m² 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 m² 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 m² 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 m² 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 m² for each pig where the average weight of the pigs in the group is more than 110 kg.

SCHEDULE 9

Regulation 5

Additional conditions that apply to the keeping of rabbits

1. Hutches or cages in which 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 allow them all 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 their ears touching the top of the hutch or cage.

2. Where rabbits are kept in 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 weather, including direct sunlight.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, substantially replace (with amendments):

The Welfare of Farmed Animals (Wales) Regulations 2001 ([SI 2001/2682 \(W.223\)](#));

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 ([SI 2002/1898 \(W.199\)](#));

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003 ([SI 2003/1726 \(W.189\)](#));
and

Section 7 of the Agriculture (Miscellaneous Provisions) Act 1968**(13)**.

The above legislation will be repealed at the same time as these Regulations come into force.

These Regulations implement Community legislation which had previously been implemented in the three Regulations mentioned above ([SI 2001/2682 \(W.223\)](#); [2002/1898 \(W.199\)](#) and [2003/1726 \(W.189\)](#)). The Community legislation which these Regulations continue to implement is—

Council Directive [98/58/EC](#) concerning the protection of animals kept for farming purposes**(14)**;

Council Directive [99/74/EC](#) laying down minimum standards for the protection of laying hens**(15)**;

Council Directive [91/629/EEC](#) laying down minimum standards for the protection of calves**(16)**, as amended by Council Directive [97/2/EC\(17\)](#) and Commission decision [97/182/EC\(18\)](#); and

Council Directive [91/630/EEC](#) laying down minimum standards for the protection of pigs**(19)**, as amended by Council Directive [2001/88/EC\(20\)](#) and Council Directive [2001/93/EC\(21\)](#).

These 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 (European Treaty series No 98), as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992 (European Treaty Series No. 145).

The Regulations are made under section 12(1), (2) and (3) of the Animal Welfare Act 2006**(22)** and apply to all animals kept for farming purposes, subject to certain limited exceptions set out in regulation 3(2).

Regulation 4(1) lays down the general principle that persons responsible for farmed animals must take reasonable steps to ensure that the animals are kept in conditions complying with Schedule 1.

(13) 1968 c. 34.

(14) OJ No L221, 8.8.98, p.23

(15) OJ No. L203, 3.8.99, p.53

(16) OJ No. L340, 11.12.91, p.28

(17) OJ No. L25, 28.1.97, p.24

(18) OJ No. L76, 24.2.97, p.30

(19) OJ No. L340, 11.12.91, p.33

(20) OJ No. L316, 1.12.2001

(21) OJ No. L316, 1.12.2001, p.36

(22) 2006 c. 45.

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This principle applies to all vertebrate animals (other than man) which are bred or kept for the production of food, wool or skin or other farming purposes, but does not include fishes, reptiles or amphibians.

A “person responsible” for an animal takes its meaning from section 3 of the Animal Welfare Act 2006, which includes a person responsible for an animal on a permanent or temporary basis, a person who is in charge of an animal, an owner of an animal and a person responsible for a child under the age of 16 years who has actual care and control of an animal.

The Regulations provide for the conditions under which all farmed animals must be kept (regulation 4(1) and Schedule 1) and for specific additional conditions applying to the following farmed animals—

laying hens in establishments with 350 or more laying hens, kept in—

- non-cage systems (regulation 5(1) (b) and Schedule 2);
- conventional (battery) cages (regulation 5(1) (b) and Schedule 3);
- enriched cages (regulation 5(1) (b) and Schedule 4);
- all cage and non-cage systems (regulation 5(1) (b) and Schedule 5);

laying hens, whether or not in establishments with 350 or more hens (regulation 5(1)(a));

calves (regulation 5(1) (c) and Schedule 6);

cattle (regulation 5(1) (d) and Schedule 7);

pigs (regulation 5(1) (e) and Schedule 8); and

rabbits (regulation 5(1) (f) and Schedule 9).

Conventional or battery cage systems cannot be built or used for the first time (paragraph 8 of Schedule 3) and are prohibited on and after 1 January 2012 (paragraph 9 of Schedule 3).

Regulation 6 imposes obligations on persons responsible for farmed animals to be acquainted with and have access to codes of practice while attending to animals and ensure that employees have the same knowledge and access.

Regulation 7(a) makes it an offence for a person responsible for a farmed animal, without lawful authority or excuse, not to comply with either the general duty to comply with Schedule 1 or any of the additional duties to comply with Schedules 2 to 9, as applicable. It also creates an offence if any of the duties in respect of codes of practice in regulation 6 are not met.

An offence is committed under regulation 7(b) where a false record is made or false information is given.

The maximum penalty for an offence under regulation 7(a) or (b) is 6 months imprisonment and/or a fine at level 4 on the standard scale (currently £2,500). When section 281(5) of the Criminal Justice Act 2003(23) comes into force, the maximum imprisonment will increase to 51 weeks.

A regulatory impact assessment has been prepared. Copies may be obtained from the Office of the Chief Veterinary Officer, the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

(23) 2003 c. 44.