

EXPLANATORY MEMORANDUM TO
THE WELFARE OF ANIMALS (SLAUGHTER OR KILLING) (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2011

S.R. 2011 No. 407

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development for Northern Ireland to accompany the Statutory Rule (details above) which is laid before The Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.
- 1.3 The Regulations shall comply with the 21 day rule and will come into operation on 1st January 2012.

2. Purpose

- 2.1 These Regulations make interim changes to the Welfare of Animals (Slaughter or Killing) Regulations (Northern Ireland) 1996 (SR 1996 No. 588), the “principal Regulations”, which give effect to Council Directive 93/119/EC.
- 2.2 These Regulations facilitate industry flexibility and implementation of key aspects of the Council Regulation (EC) No. 1099/2009, the “Council Regulation”; prior to its direct applicability to every member State from 1 January 2013.

3. Background

- 3.1 The principal Regulations give effect to Council Directive 93/119/EC on the protection of animals at the time of slaughter or killing (O.J. No. L340, 31.12.93, p.21).
- 3.2 The Council Regulation came into force on 8 December 2009 and will be directly applicable to every member State from 1 January 2013 (O.J. L303, 18.11.2009 p.1).
- 3.3 This Council Regulation will replace Council Directive 93/119/EC.

- 3.4 The principal Regulations govern the movement, lairaging, restraint, stunning, slaughter and killing of animals bred or kept for the production of meat, skin, fur or other products.
- 3.5 These amending Regulations insert a regulation 26A in the principal Regulations to allow a prosecution to be brought for a summary offence if the information is laid before the end of three years from the date the offence was committed and before the end of twelve months from the date on which evidence sufficient to justify proceedings is brought to the prosecutor's knowledge.
- 3.6 Schedule 7 of the principal Regulations is amended to permit the use of biphasic carbon dioxide to kill birds in a slaughter house or knacker's yard which gives effect to provisions made under Council Regulation on the protection of animals at the time of killing.
- 3.7 Schedule 7A of the principal Regulations is amended to extend the range of birds that can be killed by exposure to gas on the premises where they have been kept to include all domestic fowl, turkeys, pheasants, quail, partridges, geese, ducks or guinea fowl. The owner of the birds must give the Department a minimum of five working days' notice before killing birds in this manner. Prior notification is not required if the Department authorises the killing of such birds by gas.

4. Consultation

- 4.1 The Department conducted a 12 week consultation from 4 July until 26 September 2011. There were seven responses to the consultation; two of the responders had no comments and the other five support the changes.
- 4.2 Of the five that support the changes three had comments. The Ulster Farmer's Union had concerns about the full implementation of EC Regulation 1099/2009. However these issues fall outside the scope of the current amendments and will be considered more fully next year when the principal Regulations are repealed and replaced. Moy Park suggested two minor technical amendments which we have taken on board. The Humane Slaughter Association asked a number of questions seeking clarification on a number of issues.
- 4.3 All comments received have been considered. The Department replied to all respondents to the consultation and clarified any issues raised in their responses.

5. Equality Impact

- 5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted an Equality Impact screening exercise on the Regulations and has concluded that they do not have any equality implications.

6. Regulatory Impact / Better Regulation

- 6.1 DARD has considered how this legislation meets with the requirement for Better Regulation and has concluded that the proposed Regulations will not impose any additional burdens on Industry. The proposed amendments will reduce the regulatory burden on poultry producers by allowing them access to a wider range of gas mixtures and permission to use gas for a wider range of activities e.g. on farm gas culling.
- 6.2 A regulatory impact assessment of the effect that this statutory rule will have on the costs of business is available from Animal Identification, Legislation and Welfare Division of the Department of Agriculture and Rural Development, Room 916, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

7. Financial Implications

- 7.1 By allowing the use of cheaper gases these regulations will cut the costs for producers using gas stunning and will impose no additional costs on other producers.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Regulations only deals with amendments outlining changes to accommodate certain aspects of the Council Regulation. The rule is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 These Regulations facilitate industry flexibility and implementation of key aspects of the Council Regulation (EC) No. 1099/2009, the "Council Regulation"; prior to its direct applicability to every member State from 1 January 2013.

10. Parity or Replicatory Measure

- 10.1 In Great Britain the comparative legislation is the Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.R. 1995 No. 731, as amended by each of the devolved administrations).
- 10.2 Defra are making an amending S.I. to accommodate the same aspects of the Council Regulation. The Department considers the Northern Ireland amending rule to follow closely the corresponding GB draft instrument.
- 10.3 The Welfare of Animals at time of Slaughter or Killing is contained within the European Communities (Protection of Animals at time of Slaughter) Regulations 1995 (S.I. No. 114/1995), as amended to accommodate the principal Regulations.
- 10.4 The Department of Agriculture, Food and the Marine, Dublin, is considering the implementation of the Council Regulation; and work is expected to commence this year.
- 10.4 DARD are working on a joint approach on the implementation of the Council Regulation through the north south Welfare of Animals Working Group.

11. Additional Information

- 11.1 Not applicable

12. Contact

- 12.1 Jim McKelvey at the Department of Agriculture and Rural Development. Telephone: 02890 525470 or e-mail: jim.mckelvey@dardni.gov.uk
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