

2012 No. 153

ANIMALS

ANIMAL WELFARE

**The Welfare of Animals (Permitted Procedures by Lay Persons)
Regulations (Northern Ireland) 2012**

Laid before the Assembly in draft

Made - - - - 30th March 2012

Coming into operation - 2nd April 2012

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 5(5)(a)(iv) of the Welfare of Animals Act (Northern Ireland) 2011^(a), makes the following Regulations.

In accordance with section 5(6) of that Act, the Department of Agriculture and Rural Development has consulted those persons appearing to represent interests with which these Regulations are concerned as are considered appropriate.

In accordance with section 55(1) of that Act, a draft of this rule has been laid before the Northern Ireland Assembly and approved by a resolution of the Northern Ireland Assembly.

Citation and commencement

1. These Regulations may be cited as the Welfare of Animals (Permitted Procedures by Lay Persons) Regulations (Northern Ireland) 2012 and shall come into operation on 2nd April 2012.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Welfare of Animals Act (Northern Ireland) 2011;

“cattle” means all animals of the bovine species including bison and buffalo;

“conventionally reared meat chicken” means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

- (a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;
- (b) in relation to which the term “Extensive indoor (barn reared)”, “Free range”, “Traditional free range” or “Free range – total freedom” can be used within the meaning of point (b),

(c), (d) or (e) of Annex V to Commission Regulation (EC) No. 543/2008 laying down detailed rules for the application of Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat(a);

(c) that is organically reared in accordance with Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91(b);

“desnooding” means removal of a turkey’s snood;

“disbudding” means removal of the horn bud of cattle, goats or sheep;

“domestic fowl” means a domesticated member of the species Gallus gallus;

“dubbing” means removal of the comb of a domestic fowl;

“farmed” means, in relation to an animal, bred or kept for the production of food, wool or skin or for other farming purposes;

“horses” means any member of the equine species including ponies, asses, donkeys, jennets and mules;

“in velvet” means, in relation to the antlers of a deer, until the velvet is frayed and the greater part of it has been shed;

“laying hen” 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;

“lay person” means, in relation to a procedure listed in Schedules 1 to 11, a person who has received instruction or who is otherwise experienced in the performance of that procedure;

“poultry” means domestic fowl, turkeys, geese, ducks, guinea fowl, quails, pheasants and partridges;

“prohibited procedure” means a procedure which involves interference with the sensitive tissues or bone structure of an animal;

“protected animal” shall have the same meaning as in section 2 of the Act; and

“suitable instrument” means in relation to any procedure, an instrument that is in a fit state of repair and has been designed, or is of a kind commonly used, for the purpose of performing that procedure.

(2) In these Regulations, any reference to a lay person includes a—

- (a) veterinary student acting in accordance with paragraph 4 of the Schedule to the Veterinary Surgeons (Practice by Students) Regulations Order of Council 1981(c);
- (b) person undergoing instruction in accordance with paragraph 5 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1996(d);
- (c) veterinary nurse acting in accordance with paragraph 6 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1966;
- (d) student veterinary nurse acting in accordance with paragraph 7 of Part 1 of Schedule 3 to the Veterinary Surgeons Act 1966;
- (e) registered medical practitioner or a registered dentist acting in accordance with section 19 of the Veterinary Surgeons Act 1966; and
- (f) person entitled to carry out a procedure listed in Schedules 1 to 11 under the Veterinary Surgeons (Exemptions) Order 1962(e).

(a) O.J. No. L 157, 17.6.2008, p.46, to which there is a correction not relevant to these Regulations

(b) O.J. No. L 189, 20.7.07, p.1, as amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.2008, p.1)

(c) S.I. 1981/988 relevant amending instrument is S.I. 1995/2397

(d) 1966 c. 36 relevant amending instruments are S.I. 1988/526, 1991/1412, 2002/1479

(e) S.I. 1962/2557 relevant amending instruments are S.I. 1982/1627, 2002/1646

Requirements when carrying out a permitted procedure

3. Section 5(1) and (2) of the Act does not apply to a procedure listed in Schedules 1 to 11 carried out by a lay person, providing it is carried out—

- (a) in accordance with any relevant requirement in those Schedules;
- (b) in such a way as to minimise the pain and suffering it causes to the protected animal;
- (c) in hygienic conditions; and
- (d) in accordance with best practice.

Performance of prohibited procedures in an emergency

4.—(1) Section 5(1) and (2) of the Act does not apply where a prohibited procedure is carried out in an emergency for the purpose of saving the life or relieving the pain of the protected animal.

(2) Any procedure carried out under paragraph (1) shall be carried out in accordance with regulation 3, in so far as this is practicable in all of the circumstances.

(3) A record shall be kept for 3 years detailing the circumstances and the reason for carrying out the emergency procedure.

Sampling

5. Subject to regulation 3(b) to (d), section 5(1) and (2) of the Act does not apply to any procedure undertaken by a lay person involving the removal of tissue, hair or feathers from a protected animal for the purposes of genetic analysis.

Repeals

6. The Welfare of Livestock (Prohibited Operations) Regulations (Northern Ireland) 1987(a) is repealed.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th March 2012



C. McMaster

A senior officer of the Department of Agriculture and Rural Development

(a) S.R. 1987 No. 415

SCHEDULE 1

Regulations 2 and 3(a)

CATTLE

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to cattle

Identification procedures

- 1.—(1) Ear notching;
- (2) Ear tagging;
- (3) Freeze branding;
- (4) Microchipping;
- (5) Tattooing;
- (6) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

- 2.—(1) Artificial insemination;
- (2) Castration;
- (3) Embryo collection or transfer by a non-surgical method;
- (4) Implantation of a subcutaneous contraceptive;
- (5) Ovum transplantation, including ovum collection by a non-surgical method.

Other management procedures

- 3.—(1) Dehorning;
- (2) Disbudding;
- (3) Nose ringing;
- (4) Removal of supernumerary teats.

PART II

Part II specifies any additional conditions for a procedure

Castration

4. When the method used is the application of a rubber ring or other device to constrict the flow of blood to the scrotum, the procedure shall only be carried out on an animal aged not more than 7 days or by any other means before the age of two months.

Embryo collection or transfer by a non-surgical method

5. An anaesthetic shall be administered.

Implantation of a subcutaneous contraceptive

- 6.—(1) The procedure may not be carried out on a farmed animal.

(2) The procedure shall only be carried out as part of a conservation breeding programme.

Ovum transplantation, including ovum collection by a non-surgical method

7. An anaesthetic shall be administered.

Dehorning

8. An anaesthetic shall be administered.

Disbudding

9.—(1) When the method used is chemical cauterisation, the procedure shall only be carried out on an animal aged not more than 7 days.

(2) When any other method is used, such as heated iron, an anaesthetic shall be administered.

Removal of supernumerary teats

10.—(1) The procedure shall only be carried out on an animal that is aged not more than 3 months.

(2) An anaesthetic shall be administered.

SCHEDULE 2

Regulations 2 and 3(a)

PIGS

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to pigs

Identification procedures

1.—(1) Ear tagging;

(2) Microchipping;

(3) Tattooing;

(4) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

2.—(1) Artificial insemination;

(2) Castration;

(3) Implantation of a subcutaneous contraceptive.

Other management procedures

3.—(1) Nose ringing;

(2) Tail docking;

(3) Tooth reduction;

(4) Tusk trimming.

PART II

Part II specifies any additional conditions for a procedure

Castration

4. Castration of pigs aged not more than 7 days by a method not involving the tearing of tissues.

Implantation of a subcutaneous contraceptive

5.—(1) The procedure may not be carried out on a farmed animal;

(2) The procedure shall only be carried out as part of a conservation breeding programme.

Nose ringing

6. The procedure shall only be carried out on an animal that is not kept continuously in an indoor husbandry system.

Tail docking

7.—(1) The procedure shall only be carried out where measures to improve environmental conditions or management systems have first been taken to prevent tail-biting, but there is still evidence to show that injury to pigs' tails by biting has occurred.

(2) Tail docking of pigs aged not more than 7 days may be carried out without an anaesthetic as long as there is quick and complete severance of the part of the tail to be removed.

Tooth reduction

8.—(1) The procedure shall only be carried out where measures to improve environmental conditions or management systems have first been taken to prevent tail-biting and other vices, but there is still evidence to show that injury to sows' teats or to other pigs' ears or tails by biting has occurred.

(2) The procedure shall only be carried out on an animal that is aged not more than 7 days.

(3) The procedure shall consist only of the uniform reduction of the corner teeth by—

(i) grinding; or

(ii) clipping,

so as to leave an intact smooth surface.

Tusk trimming

9.—(1) The procedure shall only be carried out where there is evidence to show that it is necessary to prevent injury to other animals or for safety reasons.

(2) An anaesthetic shall be administered.

SCHEDULE 3

Regulations 2 and 3(a)

SHEEP

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to sheep

Identification procedures

- 1.—(1) Ear notching;
- (2) Ear tagging;
- (3) Microchipping;
- (4) Tattooing;
- (5) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

- 2.—(1) Artificial insemination;
- (2) Castration;
- (3) Implantation of a subcutaneous contraceptive;
- (4) Implantation of a subcutaneous hormone.

Other management procedures

- 3.—(1) Disbudding;
- (2) Tail docking.

PART II

Part II specifies any additional conditions for a procedure

Castration

- 4.—(1) When the method used is the application of a rubber ring or other device to constrict the flow of blood to the scrotum, the procedure shall only be carried out on an animal aged not more than 7 days.
- (2) When any other method is used it shall only be used up to the age of 3 months.

Implantation of a subcutaneous contraceptive

- 5.—(1) The procedure may not be carried out on a farmed animal.
- (2) The procedure shall only be carried out as part of a conservation breeding programme.

Implantation of a subcutaneous hormone

6. This would apply to subcutaneous hormone (or other pharmaceutical product) for modulating seasonal reproductive activity in adult females.

Tail docking

7.—(1) In all cases, enough of the tail shall be retained to cover the vulva of a female animal or the anus of a male animal.

(2) When the method used is the application of a rubber ring or other device to constrict the flow of blood to the tail, the procedure shall only be carried out on an animal aged not more than 7 days, or by any other means such as a hot docking iron, before the age of three months.

SCHEDULE 4

Regulations 2 and 3(a)

GOATS

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to goats

Identification procedures

1.—(1) Ear notching;

(2) Ear tagging;

(3) Microchipping;

(4) Tattooing;

(5) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

2.—(1) Castration;

(2) Implantation of a subcutaneous contraceptive.

Other management procedures

3.—(1) Disbudding.

PART II

Part II specifies any additional conditions for a procedure

Castration

4. When the method used is the application of a rubber ring or other device to constrict the flow of blood to the scrotum, the procedure shall only be carried out on an animal aged not more than 7 days or by any other means before the age of two months.

Implantation of a subcutaneous contraceptive

5.—(1) The procedure may not be carried out on a farmed animal;

(2) The procedure shall only be carried out as part of a conservation breeding programme.

SCHEDULE 5

Regulations 2 and 3(a)

HORSES

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to horses

Identification procedures

- 1.—(1) Freeze branding;
- (2) Tattooing;
- (3) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

- 2.—(1) Artificial insemination;
- (2) Implantation of a subcutaneous contraceptive.

PART II

Part II specifies any additional conditions for a procedure

3. There are no associated requirements.

SCHEDULE 6

Regulations 2 and 3(a)

DEER

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to deer

Identification procedures

- 1.—(1) Ear notching;
- (2) Ear tagging;
- (3) Microchipping;
- (4) Tattooing;
- (5) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

2. Implantation of a subcutaneous contraceptive.

PART II

Part II specifies any additional conditions for a procedure

Implantation of a subcutaneous contraceptive

- 3.—(1) The procedure may not be carried out on farmed deer.
- (2) The procedure shall only be carried out as part of a conservation breeding programme.

SCHEDULE 7

Regulations 2 and 3(a)

BIRDS

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to birds

Identification procedures

- 1.—(1) Microchipping;
- (2) Neck tagging;
- (3) Web notching;
- (4) Web tagging;
- (5) Wing tagging;
- (6) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

- 2.—(1) Castration;
- (2) Implantation of a subcutaneous contraceptive.

Other management procedures

- 3.—(1) Beak trimming of poultry;
- (2) Desnooding;
- (3) De-toeing of domestic fowl and turkeys;
- (4) Dubbing;
- (5) Removal of the dependent portion of its wattles;
- (6) Wing pinioning for non farmed poultry.

PART II

Part II specifies any additional conditions for a procedure

- 4.—(1) With the exception of beak trimming (where paragraph 11 applies), no procedure listed in Part I of this Schedule may be performed on—
 - (a) conventionally reared meat chickens; or

- (b) a laying hen or a chick that is intended to become a laying hen which is kept on an establishment with 350 or more such birds.

Neck tagging

5. The procedure shall only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

Web notching

6. The procedure shall only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

Web tagging

7.—(1) The procedure shall only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

(2) The procedure shall only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research.

Wing tagging

8.—(1) The procedure shall only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

(2) The procedure shall only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research.

Castration

9.—(1) The procedure may not be carried out on farmed birds.

(2) The procedure shall only be carried out as part of a conservation breeding programme.

(3) An anaesthetic shall be administered.

(4) The procedure must not involve surgery.

Implantation of a subcutaneous contraceptive

10.—(1) The procedure may not be carried out on farmed birds.

(2) The procedure shall only be carried out as part of a conservation breeding programme.

Beak trimming of poultry

11.—(1) For all poultry the beak trimming procedure shall be performed using a suitable instrument.

(2) For all poultry any subsequent haemorrhage from the beak shall be arrested by cauterisation.

(3) For all poultry the procedure shall be performed on—

(a) both the lower and upper beaks, with not more than one third of each removed; or

(b) the upper beak only, with not more than one third removed.

(4) For laying hens and chicks that are intended to become laying hens, which are kept on establishments with 350 or more such birds, beak trimming—

(a) shall only be performed in order to prevent feather pecking or cannibalism;

(b) shall only be carried out using infra-red technology;

(c) shall not be performed on birds which are aged 10 days or over; and

- (d) shall be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure.
- (5) Sub-paragraphs (4)(b) and (c) do not apply where the procedure is carried out in an emergency in order to control an outbreak of feather pecking or cannibalism.
- (6) For conventionally reared meat chickens the procedure—
 - (a) shall only be performed in order to prevent feather pecking and cannibalism;
 - (b) shall not be performed on birds which are aged 10 days or over;
 - (c) shall be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure; and
 - (d) shall only be carried out following a consultation and on the advice of a veterinarian.
- (7) In this part “infra-red procedure” means an automated procedure involving exposure of the tip of the beak of a chick to a focused high intensity infra-red beam designed to cause a limited area of tissue damage and subsequent loss of the beak tip.

Desnooding

- 12.—(1) Where the turkey is aged not more than 21 days, the procedure may be carried out either by manual pinching-out or with a suitable instrument.
- (2) The procedure may not be carried out on a bird that is aged 21 days or over.

De-toeing of domestic fowl and turkeys

- 13. The procedure may not be carried out on a bird that is aged 72 hours or over.

Dubbing

- 14.—(1) Dubbing shall be performed using a suitable instrument.
- (2) The procedure may not be carried out on a bird that is aged 72 hours or over.

Removal of the dependent portion of its wattles

- 15.—(1) The removal of the dependent portion of its wattles shall be performed using a suitable instrument.
- (2) The procedure may not be carried out on a bird that is aged 72 hours or over.

Wing pinioning

- 16.—(1) The procedure may not be carried out on farmed birds.
- (2) An anaesthetic shall be administered where the bird is aged 10 days or over.

SCHEDULE 8
CATS AND DOGS

Regulations 2 and 3(a)

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to cats and dogs

Identification procedures

- 1.—(1) Insertion of subcutaneous tracking devices;
- (2) Microchipping;
- (3) Tattooing;
- (4) Other methods of identification involving a prohibited procedure required by law and not restricted to being undertaken by a veterinary surgeon.

Procedures for the control of reproduction

2. Implantation of a subcutaneous contraceptive.

Other management procedures

3. Removal of the dew claws of dogs.

PART II

Part II specifies any additional conditions for a procedure

Removal of the dew claws of dogs

4. The procedure shall only be carried out before the pups eyes are open.

SCHEDULE 9

Regulations 2 and 3(a)

FISH

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to fish

Identification procedures

- 1.—(1) Chemical branding;
- (2) Freeze branding;
- (3) Pit tagging;
- (4) Microchipping;
- (5) Removal or perforation of parts of fishes' fins, adipose fins or fin rays;
- (6) Externally attached tagging.

Other management procedures

2. Removal of fish scales.

PART II

Part II specifies any additional conditions for a procedure

Removal of fish scales

3. The procedure shall only be carried out for the purposes of age determination.

SCHEDULE 10

Regulations 2 and 3(a)

REPTILES

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to reptiles

Identification procedures

1. Microchipping.

Procedures for the control of reproduction

2. Implantation of a subcutaneous contraceptive.

PART II

Part II specifies any additional conditions for a procedure

3. There are no associated requirements.

SCHEDULE 11

Regulations 2 and 3(a)

ANY OTHER KIND OF ANIMAL

PART I

Part I of this Schedule specifies permitted procedures which may be performed by a lay person in relation to any other kind of animal

Identification procedures

- 1.—(1) Microchipping;
- (2) Tattooing.

PART II

Part II specifies any additional conditions for a procedure

2. There are no associated requirements.

EXPLANATORY NOTE

(This note is not part of the Regulations)

It is an offence under section 5(1) and section 5(2) of the Welfare of Animals Act (Northern Ireland) 2011 (“the Act”) to do the following to animals protected by that Act:

- (a) carry out a prohibited procedure;
- (b) cause the carrying out of a prohibited procedure; or
- (c) in specified circumstances, permit another person to carry out a prohibited procedure.

A prohibited procedure is one which involves interference with the sensitive tissues (for example skin) or bone structure of the animal, other than a procedure carried out by a veterinary surgeon, for the diagnosis of disease, for the purpose of its medical treatment or is specified in regulations made by the Department (section 5(4) and section 5(5) of the Act).

These Regulations specify the procedures to which the offences in section 5 of the Act do not apply. Depending upon the animals to which they are to be applied, such procedures may include those for the purposes of:

- (a) identification (such as ear tagging);
- (b) the control of reproduction (such as castration); and
- (c) other purposes (such as tail docking).

For certain of these procedures, and again depending upon the animals in respect of which they are permitted, Schedules 1 to 11 apply conditions to the carrying out of the procedure (such as specifying a required age for the animal, or requiring the administration of an anaesthetic).

In respect of certain procedures permitted to be applied to pigs, these Regulations implement paragraph 8 of Chapter I of Annex I to Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (O.J. No. L 47, 18.2.2009, p.5).

In respect of the beak trimming of laying hens, these Regulations implement paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (O.J. No. L 203, 3.8.1999, p.53), as amended by Council Regulation (EC) No. 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

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