
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 150

ANIMALS

PREVENTION OF CRUELTY

**The Welfare of Animals (Slaughter or Killing)
Amendment (Scotland) Regulations 2007**

<i>Made</i>	- - - -	<i>1st March 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>5th March 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations extend to Scotland only.

Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995

2.—(1) The Welfare of Animals (Slaughter or Killing) Regulations 1995⁽²⁾ are amended as follows.

(2) After regulation 14 insert—

“The killing of birds by exposure to gas mixtures elsewhere than in a slaughterhouse

14A. Schedule 7A shall have effect in relation to the killing of birds by exposure to gas mixtures elsewhere than in a slaughterhouse.”

(3) For regulation 15, substitute—

(1) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.I.1995/731 as amended by S.I. 1999/400, S.S.I.2001/145, S.S.I. 2002/238 and S.S.I. 2004/13.

“The killing of animals elsewhere than in a slaughterhouse or knacker’s yard

15. Subject to regulations 16 to 19, where any soliped, ruminant, pig, rabbit or bird is killed elsewhere than in a slaughterhouse or knacker’s yard, it shall be killed in accordance with Part I of Schedule 5 and paragraphs 13(a), (b), (c) and (e) and 14 of Part III of Schedule 5.”.

(4) In paragraph 11 of Schedule 3 (requirements for animals awaiting slaughter or killing)–

(a) before sub-paragraph (a), insert

“(za) the use of such an instrument is avoided as far as possible;”; and

(b) for sub-paragraph (a), substitute–

“(a) the shocks last no more than one second each, are adequately spaced out and are not used repeatedly if the animal fails to respond;”.

(5) In paragraph 13 of Schedule 5 (stunning or killing of animals other than animals reared for fur), for sub-paragraphs (c) and (d) substitute–

“(c) for birds only, decapitation or dislocation of the neck;

(d) exposure of pigs and birds to gas mixtures at a slaughterhouse in accordance with Schedule 7; or

(e) exposure of birds to gas mixtures elsewhere than at a slaughterhouse in accordance with Schedule 7A.”.

(6) After Schedule 7, insert–

“SCHEDULE 7A

Regulation 14A

KILLING OF BIRDS BY EXPOSURE TO GAS MIXTURES
ELSEWHERE THAN IN A SLAUGHTERHOUSE

PART I

Interpretation

1. In this Schedule–

“bird” means any domestic fowl, turkey, pheasant, quail, partridge, goose, duck or guinea fowl;

“bird shed” means a building designed and constructed to house birds that has been sealed so as to be capable of containing the gas mixture specified in combination 1 in the table in Part V;

“breeder hen” means a domestic fowl which has reached laying maturity and is kept for production of eggs intended for hatching;

“chamber” means a bird shed or gas container in which birds are killed by exposure to a gas mixture;

“end of lay hen” means a laying hen no longer required for the production of eggs;

“end of life breeder hen” means a breeder hen no longer required for the production of hatching eggs;

“gas container” means a receptacle capable of containing the gas mixtures specified in combinations 2 or 3 in the table in Part V which meets the requirements specified in paragraph 5;

“gas mixture” means any of the mixtures of gases specified in the second column of the table in Part V; and

“laying hen” means a domestic fowl which has reached laying maturity and is kept for production of eggs not intended for hatching.

PART II

End of lay hens and end of life breeder hens

2.—(1) Subject to sub-paragraphs (2) and (3), end of lay hens and end of life breeder hens may be killed on premises where they have been kept as laying or breeder hens by exposure to gas mixtures in accordance with Part V of this Schedule.

(2) The owner of the end of lay hens or the end of life breeder hens must give the Scottish Ministers a minimum of five working days' notice specifying—

- (a) the owner's name and address;
- (b) the address of the premises at which the killings will take place;
- (c) the date on which the killings will take place;
- (d) which of the combinations of gas mixture and chamber listed in the table in Part V of this Schedule is intended to be used for the killings; and
- (e) the number and age of hens being killed and whether kept as laying or breeder hens.

(3) Part IV of this Schedule applies to the killing of end of lay hens and end of life breeder hens permitted by this paragraph.

PART III

Killing where there is a restriction on movement

3.—(1) The Scottish Ministers may permit the killing of birds elsewhere than in a slaughterhouse by exposure to gas mixtures in accordance with Part V of this Schedule if—

- (a) an event occurs in Great Britain that makes the movement of birds from the premises where they have been kept to a slaughterhouse impossible or impracticable; and
- (b) it is foreseeable that the welfare of the birds will be compromised as a result of the restrictions on their movement.

(2) A permit issued under this paragraph—

- (a) must be in writing;
- (b) may be general or specific;
- (c) may include such conditions as are specified in the permit; and
- (d) may at any time be amended, suspended or revoked by notice in writing.

(3) A general permit and any amendment, suspension or revocation of it shall be published in such manner as the Scottish Ministers see fit.

(4) A specific permit and any amendment, suspension or revocation of it shall be served on the individual to whom the permit was granted.

(5) Where the Scottish Ministers have granted a permit under this paragraph—

- (a) the occupier of the premises where the birds are kept must take all reasonable measures to avoid welfare problems in birds affected by restrictions on their movement; and

- (b) the killing of the birds by exposure to gas mixtures in accordance with this Schedule may only take place where, following an inspection by a veterinary surgeon, the veterinary surgeon has confirmed that the welfare of the birds affected by restrictions on their movement will be gravely compromised within 7 days from the date of the inspection.
- (4) Part IV of this Schedule applies to the killing of birds permitted by this paragraph.

PART IV

The chamber

Chamber operator

- 4. No person may operate a chamber consisting of a bird shed except under the direct supervision of a veterinary surgeon.

Construction of the chamber

- 5. The operator of a chamber used to kill birds must ensure that the chamber is–
 - (a) designed, adapted, constructed, and maintained so as to avoid injury to any bird;
 - (b) fitted with an apparatus that can deliver the relevant gas mixture to the chamber in accordance with the combinations listed in the table in Part V of this Schedule;
 - (c) fitted with devices which–
 - (i) measure and display the maximum concentration by volume of oxygen in the gas mixture specified in combination 3 in that table or the minimum concentration by volume of carbon dioxide, in the gas mixture specified in combination 1 and 2 of that table, as a percentage at the point of minimum concentration in the chamber;
 - (ii) where combination 3 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of oxygen rises above 5% for more than 30 seconds; and
 - (iii) where combination 1 or 2 in that table is used, give clearly visible or audible warning signals where the final concentration by volume of carbon dioxide falls below 45% for more than 30 seconds; and
 - (d) fitted with a means of visually monitoring birds in the chamber.

Operation of the chamber

- 6. The operator of the chamber must ensure that–
 - (a) every person engaged in the killing is instructed as to the method of operation of the chamber;
 - (b) birds are–
 - (i) rapidly rendered insensible to pain or distress; and
 - (ii) exposed to the gas mixtures mentioned in the second column of the table in Part V long enough to ensure they are killed and in any event for a period of–
 - (aa) where combination 1 in that table is used, not less than 5 minutes;
 - (bb) where combination 2 in that table is used, not less than 2 minutes;
 - (cc) where combination 3 in that table is used, not less than 90 seconds;

- (c) where the visible or audible warning signals provided for in paragraph 5(c)(ii) or 5(c)(iii) are activated, more of the gas mixture is immediately supplied to the chamber until the required concentrations are achieved; and
- (d) after exposure to a gas mixture nothing more is done to any bird until it is ascertained that it is dead.

PART V

Combinations of gas mixtures and chamber

7. Birds may only be killed by exposure to gas mixtures elsewhere than in a slaughterhouse in accordance with the combinations of gas mixtures and chamber specified in the table below.

Combination table

	<i>Gas mixture</i>	<i>Chamber</i>
Combination 1	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air.	bird shed
Combination 2	Carbon dioxide in a concentration of not less than 45% carbon dioxide by volume in atmospheric air.	gas container
Combination 3	Any mixture of argon and carbon dioxide, or other inert gas and carbon dioxide, in atmospheric air where— <ul style="list-style-type: none">(a) the concentration of the argon, or the other inert gas, does not exceed 80% by volume;(b) the concentration of carbon dioxide does not exceed 20% by volume; and(c) the final concentration of oxygen does not exceed 5% by volume.	gas container ² .

St Andrew's House, Edinburgh
1st March 2007

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations, which extend to Scotland only, amend the Welfare of Animals (Slaughter or Killing) Regulations 1995 (“the 1995 Regulations”). The 1995 Regulations give effect to Council Directive [93/119/EC](#) on the protection of animals at the time of slaughter or killing (O.J. No. L 340, 31.12.93, p.21).

These Regulations insert a new Schedule 7A into the 1995 Regulations. The amendment permits the killing of end of lay hens and end of life breeder hens by exposure to gas mixtures elsewhere than in a slaughterhouse (regulation 2(6)) as an alternative to transportation to a slaughterhouse.

Schedule 7A also allows the Scottish Ministers to authorise the killing of birds by exposure to gas mixtures elsewhere than in a slaughterhouse where the welfare of the birds would be compromised as a result of restrictions on their movement to a slaughterhouse.

Where any birds (including end of lay hens and end of life breeder hens) are to be killed by exposure to gas mixtures elsewhere than in a slaughterhouse the person undertaking the killing must, by virtue of regulation 4(2) of and Schedule 1 to, the 1995 Regulations have the knowledge and skills necessary to perform that task humanely and efficiently in accordance with the 1995 Regulations and be either a licensed slaughterman or a veterinary surgeon.

These Regulations also give effect to amendments, made by Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives [64/432/EEC](#) and [93/119/EC](#) and Regulation (EC) No. 1255/97 (O.J. No. L 3, 5.1.2005 p.1), to Council Directive [93/119/EC](#) on the use of instruments which administer electric shocks to adult bovines and adult pigs (regulation 2(4)).

A Regulatory Impact Assessment has been produced for this instrument. Copies can be obtained from SEERAD, Animal Health & Welfare Division, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.