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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 321**

**ANIMALS**

**PREVENTION OF CRUELTY**

**The Welfare of Animals at the Time of  
Killing (Scotland) Regulations 2012**

*Made* - - - - *22nd November*  
*Laid before the Scottish* *2012*  
*Parliament* - - - - *23rd November 2012*  
*Coming into force* - - *1st January 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972<sup>(1)</sup>, section 56(1) of the Finance Act 1973<sup>(2)</sup> and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the references in these Regulations to the Annexes to Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing<sup>(3)</sup> to be construed as references to those Annexes as amended from time to time.

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- (1) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by Schedule, Part 1 of the 2008 Act.
- (2) 1973 c.51. The powers in section 56 are exercised in regard to regulation 16 of this instrument. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998. Section 56(1) was amended by S.I. 2011/1043.
- (3) OJ No L 303, 18.11.2009, p.1.

## PART 1

### General

#### Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012;
- (b) come into force on 1st January 2013; and
- (c) extend to Scotland only.

#### Interpretation

2.—(1) In these Regulations—

“the 1967 Act” means the Slaughter of Poultry Act 1967(4);

“the 1980 Act” means the Slaughter of Animals (Scotland) Act 1980(5);

“the 1995 Regulations” means the Welfare of Animals (Slaughter or Killing) Regulations 1995(6);

“adverse weather condition” means any weather condition, including direct sunlight, which has an adverse effect on the welfare of an animal;

“applicant” means a person who applies for a certificate or a temporary certificate;

“authorised person” means a person who is authorised by an enforcement authority (whether or not an officer of that authority) to act on its behalf in matters of its enforcement function under regulation 18;

“certificate” (except in the terms “qualification certificate” and “temporary certificate”) means a certificate of competence as mentioned in Article 21 and includes a qualification recognised by the competent authority as equivalent to a certificate in accordance with Article 21(7);

“competent authority” has the meaning given in regulation 3;

“enforcement authority” means an authority that enforces the EU Regulation and these Regulations under regulation 18;

“EU Regulation” means Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing(7);

“qualification certificate” means—

- (a) a certificate granted by a body recognised and regulated by the Scottish Qualifications Authority which oversees the training and assessment of persons carrying out the killing of animals and related operations confirming the passing of an independent examination as provided for in Article 21; or
- (b) a licence granted by the Rabbinical Commission for the purpose of slaughtering animals in accordance with the Jewish method (Schechita) and confirming the passing of an independent examination as provided for in Article 21;

“Rabbinical Commission” means the body responsible for licensing persons carrying out the slaughter of animals in accordance with the Jewish method (Schochetim);

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(4) 1967 c.24.

(5) 1980 c.13.

(6) S.I. 1995/731, as amended by S.I. 1999/400 and 1820 and S.S.I. 2000/62, 2001/145, 2002/238, 2004/13, 2006/536 and 2007/150.

(7) OJ No L 303, 18.11.2009, p.1.

“stunning pen” means a pen or compartment which is suitable for confining a bovine animal for the purpose of stunning and is constructed so as to—

- (a) permit one animal at a time to be confined in it without discomfort;
- (b) prevent any substantial movement forwards, backwards or sideways of an animal confined in it;
- (c) subject to paragraph 3.2 of Annex II, restrict the movement of the head of an animal confined in it without causing the animal any avoidable excitement so as to permit accurate stunning and allow the head of the animal to be released immediately after the animal has been stunned; and
- (d) allow unimpeded access to the forehead of the animal confined in it; and

“temporary certificate” means a temporary certificate of competence as mentioned in Article 21(5).

(2) Expressions used in these Regulations that are also used in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation, unless specified otherwise.

(3) A reference in these Regulations to a numbered Article, Chapter or Annex is a reference to the Article, Chapter or Annex of that number in the EU Regulation.

(4) Any reference in these Regulations to an Annex of the EU Regulation is a reference to that Annex as amended from time to time.

### **The competent authority**

3.—(1) The Food Standards Agency is the competent authority for the purposes of—

- (a) Part 2 (certificates of competence);
- (b) in relation to the slaughtering of animals in a slaughterhouse—
  - (i) receiving documents or records in accordance with Articles 6(4), 9(1) and 17(5);
  - (ii) receiving and assessing information in accordance with Article 14(2); and
  - (iii) taking action in the event of non-compliance with the EU Regulation in accordance with Article 22(1).

(2) Otherwise, the Scottish Ministers are the competent authority for the purposes of the EU Regulation and these Regulations.

(3) The Scottish Ministers may act as the competent authority in relation to the revocation of certificates and temporary certificates under Part 2.

## **PART 2**

### **Certificates of competence**

#### **Requirement for certificate or temporary certificate**

4.—(1) No person may carry out an operation referred to in regulation 5 except under and to the extent authorised by—

- (a) a certificate; or
- (b) a temporary certificate.

(2) No person may carry out an operation specified in regulation 5 under a temporary certificate unless that person works in the presence and under the direct supervision of a person who holds a certificate in relation to that operation.

### **Operations requiring certificate or temporary certificate**

- 5.—(1) The operations referred to in regulation 4 are—
- (a) a slaughter operation specified in Article 7(2)(a) to (g) for which a certificate is required by the EU Regulation;
  - (b) supervising the killing of fur animals under Article 7(3); or
  - (c) an operation specified in paragraph (2) for which a certificate is not required by the EU Regulation.
- (2) The operations referred to in paragraph (1)(c) are—
- (a) subject to regulation 6, a slaughter operation specified in Article 7(2)(a) to (f) which is carried out other than in a slaughterhouse and for the purposes specified in Article 10 (private domestic consumption) by a person other than the owner of the animal;
  - (b) subject to regulation 6, a slaughter operation specified in Article 7(2)(a) to (f) which is carried out other than in a slaughterhouse for the purposes specified in Article 11 (direct supply of small quantities of poultry, rabbits and hares);
  - (c) subject to regulation 6, any of the following operations carried out in relation to the killing of an animal other than for human consumption—
    - (i) the restraint of an animal for the purpose of stunning;
    - (ii) the stunning of an animal;
    - (iii) the assessment of effectiveness of stunning of an animal;
    - (iv) the shackling or hoisting of an animal (other than a bird) while alive; or
    - (v) the bleeding of an animal;
  - (d) subject to regulation 6, the pithing of a stunned animal; or
  - (e) subject to regulation 6, the assessment of effectiveness of pithing of an animal.

### **Exceptions to the requirement for a certificate or temporary certificate**

6.—(1) Regulation 5(2)(a) and (b) does not require a certificate or temporary certificate for an operation specified there if the operation is carried out in relation to the killing of an animal other than for human consumption in the following circumstances—

- (a) killing in the field by means of a free bullet; or
- (b) killing of a bird by means of cervical dislocation or decapitation on premises forming part of an agricultural holding on which the bird was reared.

(2) Regulation 5(2)(c) to (e) does not require a certificate or temporary certificate for an operation specified there if the operation is carried out in relation to the killing of an animal other than for human consumption in the following circumstances—

- (a) emergency killing of an animal;
- (b) killing surplus chicks or embryos in hatchery waste;
- (c) killing in the field by means of a free bullet;
- (d) killing a bird by means of cervical dislocation or decapitation on premises forming part of an agricultural holding on which the bird was reared;
- (e) killing for the purpose of depopulation;
- (f) subject to regulation 5(1)(b), the killing of fur animals;
- (g) killing by a veterinary surgeon acting in the exercise of that person's profession or by a person acting under the direction of a veterinary surgeon so acting; or

- (h) killing an animal in circumstances which are outwith the scope of the EU Regulation by virtue of Article 1(3).

### **Certificates**

- 7. The competent authority must grant a certificate if—
  - (a) the applicant meets the conditions in regulation 8; and
  - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate.

### **Conditions for a certificate**

- 8. The applicant must—
  - (a) either—
    - (i) submit a qualification certificate in respect of the operation, category of animal and, where appropriate, type of equipment for which a certificate is sought; or
    - (ii) demonstrate to the satisfaction of the competent authority that the applicant has relevant professional experience of at least 3 years;
  - (b) submit a written declaration in accordance with Article 21(6);
  - (c) provide written details if the applicant has—
    - (i) been convicted of an offence concerning the welfare of animals;
    - (ii) been refused a licence under the 1967 Act, the 1980 Act, any regulations made under those Acts or the 1995 Regulations in relation to the slaughter or killing of an animal or a related operation; or
    - (iii) had any such licence revoked or suspended; and
  - (d) pay any fee which may be charged by the competent authority in accordance with regulation 15.

### **Temporary certificates**

- 9. The competent authority must grant a temporary certificate if—
  - (a) the applicant meets the conditions in regulation 10; and
  - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a temporary certificate.

### **Conditions for a temporary certificate**

- 10. The applicant must—
  - (a) submit evidence to confirm the applicant is registered on a training course in respect of the operation, category of animal and, where appropriate, type of equipment for which a temporary certificate is sought;
  - (b) submit a written declaration in accordance with Article 21(5)(d) and (6);
  - (c) provide written details if the applicant has—
    - (i) been convicted of an offence concerning the welfare of animals;
    - (ii) been refused a licence under the 1967 Act, the 1980 Act, any regulations made under those Acts or the 1995 Regulations in relation to the slaughter or killing of an animal or a related operation; or

- (iii) had any such licence revoked or suspended; and
- (d) pay any fee which may be charged by the competent authority in accordance with regulation 15.

#### **Grant of certificates and temporary certificates**

**11.**—(1) A certificate or temporary certificate must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it is granted.

(2) A certificate or temporary certificate may be granted subject to an expiry date.

(3) A certificate may be granted in respect of an operation, category of animal or type of equipment only if the qualification certificate submitted with the application for the certificate relates to that operation, category or type.

(4) A temporary certificate may be granted in respect of an operation, category of animal or type of equipment only if the training course on which the applicant is registered provides training in relation to that operation, category or type.

#### **Refusal of a certificate or temporary certificate**

**12.**—(1) The competent authority must, by notice in writing, refuse to grant a certificate or temporary certificate if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulation 8 or 10, as the case may be; or
- (b) is not a fit and proper person to hold a certificate or temporary certificate.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

#### **Suspension or revocation of certificate or temporary certificate**

**13.**—(1) Where paragraph (2) applies, the competent authority may, by notice in writing, suspend or revoke—

- (a) a certificate or a temporary certificate; or
- (b) a document issued elsewhere in the United Kingdom, or in another member state, which corresponds to a certificate or a temporary certificate.

(2) This paragraph applies where the competent authority is satisfied that the holder—

- (a) has failed to comply with any provision of the EU Regulation or these Regulations;
- (b) is no longer a fit and proper person to hold a certificate, temporary certificate or document referred to in paragraph (1)(b);
- (c) is no longer, competent to carry out the operations which the certificate, temporary certificate or document authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

(3) The notice must—

- (a) give reasons for the suspension or revocation;
- (b) state the date from which the suspension has effect; and
- (c) give details of the right of appeal against the decision.

(4) A person whose certificate, temporary certificate or document referred to in paragraph (1) is suspended or revoked must surrender it to the competent authority within 14 days of receiving the notice of suspension or revocation.

(5) Paragraph (4) applies whether or not the suspension or revocation is appealed under regulation 25.

### **Modification of a certificate**

**14.**—(1) Upon request by the holder of a certificate, the competent authority must modify a certificate in respect of an operation, category of animal or, where appropriate, type of equipment, provided—

- (a) the holder meets the conditions in regulation 8 in respect of the modification; and
- (b) the competent authority is satisfied that the holder is a fit and proper person to hold the certificate as modified.

(2) The competent authority must, by notice in writing, refuse to modify a certificate if satisfied that the holder—

- (a) has failed to meet any of the conditions in regulation 8 in respect of those modifications; or
- (b) is not a fit or proper person to hold the certificate as modified.

(3) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

### **Fees**

**15.** The competent authority may charge an applicant for, or a holder of, a certificate or temporary certificate such reasonable fees as it may determine in respect of—

- (a) the assessment of the competence of any person who applies for a certificate or temporary certificate;
- (b) the assessment of the competence of any person who applies for a modification of a certificate; and
- (c) the issue of a certificate or temporary certificate.

## **PART 3**

### **National rules**

#### **Additional requirements**

**16.**—(1) Schedule 1 makes requirements additional to those in the EU Regulation.

(2) It applies to—

- (a) slaughterhouses; and
- (b) the killing of poultry, rabbits or hares for direct supply.

## PART 4

### Derogation

#### Depopulation operations

17.—(1) This regulation applies where the competent authority grants a derogation in relation to a depopulation operation under Article 18(3).

- (2) The competent authority must publish a notice, which—
- (a) must be in writing;
  - (b) may be general or specific;
  - (c) may be subject to conditions;
  - (d) must be published in such manner as the competent authority thinks fit; and
  - (e) may at any time be amended, suspended or revoked in writing.

## PART 5

### Enforcement

#### Enforcement

18.—(1) Subject to paragraph (2), the EU Regulation and these Regulations are enforced by the Scottish Ministers.

(2) At a slaughterhouse, the EU Regulation and these Regulations are enforced by the Food Standards Agency.

#### Powers of entry

19.—(1) An authorised person may, on producing a duly authenticated authorisation if requested, enter any premises (excluding any premises used only as a dwellinghouse) at any reasonable hour for the purpose of enforcing these Regulations.

(2) In this regulation “premises” means any land, building, shed, pen, receptacle or vehicle, of any description.

(3) The authorised person may be accompanied by such other persons as the authorised person considers necessary, including any representative of the European Commission.

(4) Admission to any premises used only as a dwellinghouse may not be demanded as of right unless the entry is in accordance with a warrant granted under this regulation.

(5) If a sheriff, stipendiary magistrate or justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purpose of enforcing these Regulations and that—

- (a) admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier temporarily absent,



the sheriff, stipendiary magistrate or justice may by signed warrant authorise an authorised person, together with any person who may accompany the authorised person under paragraph (3), to enter the premises, if need be by reasonable force.

(6) A warrant granted under this regulation continues in force for one month.

(7) An authorised person who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

### **Power to inspect and seize**

**20.**—(1) An authorised person who has entered premises for the purposes of enforcing the EU Regulation or these Regulations may for those purposes—

- (a) carry out any examination, investigation or test;
- (b) make any enquiries, observe any operation or process or take recordings or photographs;
- (c) inspect and search the premises;
- (d) take samples from any animal, carcase or part of a carcase and send them for laboratory testing;
- (e) seize and detain any carcase or part of a carcase for further examining, investigating or testing;
- (f) seize and detain any equipment or instrument for further examining, investigating or testing;
- (g) have access to, and inspect and check the data on, and operation of, any computer or any associated equipment;
- (h) seize any computer and associated equipment for the purpose of copying data (but only if the authorised person has a reasonable suspicion that an offence under these Regulations has been committed and provided that they are returned as soon as possible);
- (i) require the production of any document or record and inspect and take a copy of, or extract from, such document or record; and
- (j) require any person to provide such assistance, information, facilities or equipment as is reasonable.

(2) An authorised person must—

- (a) as soon as is reasonably practicable, provide to the person appearing to be responsible for any items that the authorised person seizes under paragraph (1) a written receipt identifying the items; and
- (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them (apart from those to be used as evidence in court proceedings).

(3) Where an authorised person has seized items under paragraph (1) for use in evidence in court proceedings and—

- (a) it is subsequently decided that no proceedings are to be brought or that those items are no longer needed as evidence in the proceedings; or
- (b) the proceedings are completed and no order in relation to those items has been made by the court,

the authorised person must return the items as soon as is reasonably practicable.

### **Enforcement notices**

**21.**—(1) An authorised person who is of the opinion that a person has contravened or is contravening a provision of the EU Regulation or these Regulations may serve an enforcement notice on that person—

- (a) requiring the person to take specified steps to remedy the contravention of the EU Regulation or these Regulations;
- (b) requiring the person to reduce the rate of operation to such extent as is specified in the notice until the person has taken specified steps to remedy the contravention of the EU Regulation or these Regulations; or
- (c) prohibiting the person from carrying on an activity, process or operation, or using facilities or equipment, specified in the notice until the person has taken specified steps to remedy the contravention of the EU Regulation or these Regulations.

(2) An enforcement notice must—

- (a) state that the authorised person is of that opinion;
- (b) state the date and time of service of the notice;
- (c) identify the recipient of the notice;
- (d) specify the matters constituting the contravention;
- (e) specify the steps that must be taken to remedy the contravention;
- (f) specify the period within which those steps must be taken; and
- (g) give details of the right of appeal against the notice.

(3) A person on whom an enforcement notice is served must comply with it at the person's own expense.

(4) An authorised person must serve a completion notice if, after service of an enforcement notice, the authorised person is satisfied that the person has taken the steps specified in the notice to remedy the contravention.

(5) An enforcement notice ceases to have effect on the issue of a completion notice.

(6) An authorised person may at any time withdraw or vary an enforcement notice in writing.

## **PART 6**

### **Offences and penalties**

#### **Offences**

**22.**—(1) A person commits an offence if the person contravenes any of the following provisions—

- (a) regulation 4(1) or (2) (requirement for certificate or temporary certificate);
- (b) Schedule 1 (additional requirements);
- (c) a provision of the EU Regulation specified in Schedule 2 (provision of the EU Regulation), except where it is not necessary to comply with the provision by virtue of—
  - (i) an exemption or transitional provision specified in the EU Regulation; or
  - (ii) a derogation granted by a competent authority under Article 18(3) in relation to a depopulation operation; or

- (d) until 8th December 2019, Schedule 3 (transitional provisions) to the extent that it applies by virtue of regulation 27.
- (2) A person commits an offence if the person fails to comply with an enforcement notice served under regulation 21.
- (3) A person commits an offence if the person—
  - (a) intentionally obstructs a person acting in execution of the EU Regulation or these Regulations;
  - (b) without reasonable cause, fails to give such a person any assistance or information which that person reasonably requires;
  - (c) provides to such a person information knowing it to be false or misleading; or
  - (d) fails to produce a document or record to such a person when required to do so.
- (4) A person commits an offence if the person provides information or makes a declaration, knowing it to be false or misleading, in order to obtain a certificate.

### **Bodies corporate, Scottish partnerships and unincorporated associations**

**23.**—(1) Where—

- (a) an offence under regulation 22 has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
- (b) it is proved that the offence was committed with the consent or connivance of or was attributable to any neglect on the part of—
  - (i) a relevant individual; or
  - (ii) an individual purporting to act on behalf of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1) “relevant individual” means—

- (a) in relation to a body corporate—
  - (i) a director, manager, secretary or other similar officer of the body; or
  - (ii) where the affairs of the body are managed by its members, a member;
- (b) in relation to a Scottish partnership, a partner; and
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

### **Penalties**

**24.**—(1) A person guilty of an offence under regulation 22(1)(b), (c) or (d) is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months, or both.

(2) A person guilty of an offence under regulation 22(1)(a), (2), (3) or (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## PART 7

### Appeals

#### Appeals

- 25.**—(1) A person who is aggrieved by—
- (a) a decision of the competent authority to refuse, suspend or revoke a certificate or a temporary certificate or to refuse to modify a certificate; or
  - (b) a decision of an authorised person to serve an enforcement notice under regulation 21,
- may appeal to the sheriff against the decision or the notice.
- (2) The competent authority may be a party to an appeal under this regulation.
- (3) An appeal under this regulation—
- (a) may be on any issue of fact or law;
  - (b) is to be made by way of summary application; and
  - (c) must be lodged with the sheriff clerk within the period of 28 days from the day on which the decision was made.
- (4) On good cause being shown the sheriff may hear an appeal under this regulation which was not lodged within the period referred to in paragraph (3)(c).
- (5) Unless the sheriff orders otherwise, the decision appealed against is not suspended pending the determination of the appeal.
- (6) In considering an appeal under this regulation, the sheriff may hear evidence by or on behalf of any party to the appeal.
- (7) On an appeal under this regulation the sheriff may—
- (a) reduce the decision;
  - (b) uphold the decision (with or without modification); or
  - (c) remit the matter, or any aspect of it, to the competent authority for further consideration.
- (8) On remitting a matter under paragraph (7)(c), the sheriff may—
- (a) specify a date by which the competent authority must, having reconsidered the matter, make another decision; and
  - (b) modify any procedural steps which otherwise would be required in relation to the matter by or under these Regulations.
- (9) The sheriff may include in a decision on an appeal under this regulation such order as to the expenses of the appeal as the sheriff considers appropriate.
- (10) The decision of the sheriff on an appeal under this regulation is final.

## PART 8

### Ancillary provisions

#### Notices

- 26.**—(1) Any notice required or authorised to be served under these Regulations to any person may be given by—
- (a) delivering it to the person;

- (b) leaving it at the person's proper address; or
- (c) sending it by post to the person at that address.

(2) Any such notice which is to be served on a body corporate or an unincorporated association other than a partnership must be served on an officer of the body corporate or unincorporated association.

(3) Any such notice which is to be served on a partnership (including a Scottish partnership) must be served on a partner or a person having the control or management of the partnership business.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>(8)</sup> in its application to this regulation, the proper address of any person on whom a notice is to be served is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body corporate;
- (b) in the case of an unincorporated association (other than a partnership), the address of the principal office of the unincorporated association;
- (c) in the case of a partnership (including a Scottish partnership), the address of the registered or principal office of the partnership; and
- (d) in any other case, the last known address of the person in question.

(5) If a person on whom a notice is to be served under these Regulations has specified an address for service of such a notice, that address is also to be treated, for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, as that person's proper address.

(6) If the name or address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

- (7) In this regulation—
- (a) "body corporate" does not include a partnership; and
  - (b) references to serving include references to similar expressions (such as giving or sending).

### **Transitional provisions**

**27.**—(1) Paragraph (2) applies in relation to a slaughterhouse in operation immediately before 1st January 2013, but does not apply in relation to—

- (a) any new layout or construction of such a slaughterhouse (or associated lairage) brought into operation after that date; or
- (b) any new equipment used in such a slaughterhouse and brought into operation after that date.

(2) In relation to a slaughterhouse to which this paragraph applies, until 8th December 2019—

- (a) Article 14(1) and Annex II do not apply; and
- (b) Schedule 3 applies.

### **Consequential amendments**

**28.** The consequential amendments in Schedule 4 have effect.

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(8) 1978 c.30.

## **Repeals and revocations**

29. The repeals and revocations in Schedule 5 have effect.

## **Modification of the 1995 Regulations**

30.—(1) Part II (requirements applicable to slaughterhouses and knackers' yards) of, and Schedules 2, 3, 4, 5, 6, 7 and 8 to, the 1995 Regulations cease to have effect in relation to slaughterhouses (within the meaning of regulation 2(1) of the 1995 Regulations).

(2) The 1995 Regulations are amended as follows—

- (a) revoke regulation 4 (humane treatment of animals);
- (b) revoke regulation 6(1)(d) (animal welfare legislation and codes);
- (c) revoke regulation 22 (exemption for slaughter by a religious method);
- (d) revoke Schedule 1 (the licensing of slaughtermen);
- (e) in Schedule 2, revoke paragraph 1(a) (general requirements for all slaughterhouses and knackers' yards);
- (f) in Schedule 4, revoke paragraph 4 (restraint of animals before stunning, slaughter or killing);
- (g) in Schedule 9, in paragraph 2(d) (permitted methods of slaughtering or killing animals for the purpose of disease control) omit "rabbits and"; and
- (h) in Schedule 12, revoke paragraph 8 (prohibition against slaughter by a religious method elsewhere than in a slaughterhouse).

(3) Notwithstanding paragraphs (1) and (2), a registered licence required by, or granted in accordance with, paragraph 5 of Schedule 1 to the 1995 Regulations which is still in force immediately before 1st January 2013 continues in existence for the purpose of recognition as a qualification equivalent to a certificate in accordance with Article 21(7).

St Andrew's House, Edinburgh  
22nd November 2012

*RICHARD LOCHHEAD*  
A member of the Scottish Government

## SCHEDULE 1

Regulation 16

### ADDITIONAL REQUIREMENTS FOR SLAUGHTERHOUSES AND THE KILLING OF POULTRY, RABBITS OR HARES FOR DIRECT SUPPLY

#### **Lairages (including field lairages)**

1. The business operator of a slaughterhouse must ensure that a lairage has—
  - (a) where necessary, suitable equipment for tethering animals; and
  - (b) racks, mangers or other equipment adequate in number and size for the feeding of all animals confined in the lairage, fixed where practicable, and constructed and placed so that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

#### **Facilities for horses**

2. Where a slaughterhouse is one in which horses are killed, the business operator must ensure that—
  - (a) a separate room or bay is provided for the killing of horses and no person may kill a horse except in that separate room or bay; and
  - (b) a lairage in which a horse is confined must contain at least one loose box which is so constructed as to minimise the danger of any horse injuring itself or any other animal confined in that lairage.

#### **General requirements – handling operations**

- 3.—(1) The business operator of a slaughterhouse and any person engaged in the movement or lairaging of animals must ensure that—
  - (a) when unloaded, every animal is protected from adverse weather conditions and is provided with adequate ventilation;
  - (b) any animals which might injure each other on account of their species, sex, age or origin or for any other reason are kept and lairaged apart from each other;
  - (c) pending the killing of a sick or disabled animal in the slaughterhouse it is kept apart from any animal which is not sick or disabled; and
  - (d) no person drags an animal which has been stunned or slaughtered over any other animal which has not been stunned or slaughtered.
- (2) The business operator of a slaughterhouse and any person engaged in the movement of animals must ensure that—
  - (a) care is taken not to frighten, excite or mistreat any animal;
  - (b) no animal is overturned;
  - (c) if an animal is not slaughtered immediately on arrival at the slaughterhouse it is lairaged; and
  - (d) without prejudice to paragraph 1.11 of Annex III, an animal which experienced pain during transport, or is experiencing pain on arrival at the slaughterhouse, or is too young to take solid feed, is slaughtered immediately;
  - (e) animals are moved with care and, when necessary, led individually; and
  - (f) animals are not led or driven over any ground or floor that is likely to cause the animal to trip or fall.

### **General requirements – restraining operations**

4.—(1) No person may stun or slaughter an animal without restraining it in an appropriate manner in such a way as to spare the animal avoidable pain, distress or suffering.

(2) Without prejudice to the generality of sub-paragraph (1), the business operator of a slaughterhouse and any person engaged in the stunning or slaughter of any animal must ensure that any animal which is to be stunned or slaughtered by mechanical means applied to the head is presented in such a position that the equipment can be applied and operated easily, accurately and for the appropriate time.

### **Restraining equipment**

5.—(1) Without prejudice to the generality of paragraph 7, no person may stun a large bovine animal in a slaughterhouse unless at the time it is stunned it is confined in a stunning pen or in a restraining pen which (in either case) is in good working order.

(2) No person may use, or cause or permit to be operated, any shackle line unless—

- (a) each bird suspended from it is kept clear of any object which may cause it avoidable excitement, pain or suffering, including when its wings are outstretched, until it is stunned;
- (b) it is possible to—
  - (i) relieve any avoidable excitement, pain or suffering when a bird suspended from a shackle appears to be in that condition; or
  - (ii) remove the bird from the shackle;
- (c) the speed at which the shackle line is operated is such that any act or operation intended to be performed in relation to, or on, any bird suspended from it can be performed without undue haste and with proper regard for the welfare of the bird; and
- (d) there is ready access to the shackle line and its controls.

### **Captive bolt device**

6.—(1) No person may use a captive bolt device to stun an animal unless—

- (a) subject to sub-paragraph (3), the instrument is positioned and applied so as to ensure that the projectile enters the cerebral cortex; and
- (b) the correct strength of cartridge or other propellant is used, in accordance with the manufacturer's instructions, to produce an effective stun.

(2) No person may shoot a bovine animal in the back of the head.

(3) No person may shoot a sheep or goat in the back of the head, unless the presence of horns prevents use of the top or the front of its head, in which case it may be shot in the back of the head provided that—

- (a) the shot is placed immediately behind the base of the horns and aimed towards the mouth; and
- (b) the sheep or goat is slaughtered within 15 seconds of shooting.

7. A person who uses a captive bolt device must check that the bolt is retracted to its full extent after each shot and if it is not so retracted must ensure that the device is not used again until it has been repaired.

### **Stunning by waterbath stunners**

8. No person may use a waterbath stunner to stun poultry unless—



- (a) the level of the water in the waterbath has been adjusted in order to ensure that there is good contact with each bird's head;
- (b) it is adequate in size and depth for the type of poultry being slaughtered; and
- (c) a person is available to ascertain whether it has been effective in stunning the birds and who, where it has not been effective, will either stun and slaughter or kill any bird without delay.

### **Gas stunning of pigs**

**9.**—(1) No person may stun a pig by exposure to gas unless—

- (a) the gas stunner provided for that purpose, including any equipment used for conveying a pig through the gas mixture, is designed, constructed and maintained so as to enable each pig—
  - (i) to remain upright until it loses consciousness; and
  - (ii) to see other pigs as it is conveyed into the chamber;
- (b) adequate lighting is provided in the gas stunner and conveying mechanism to allow pigs to see other pigs or their surroundings;
- (c) the gas stunner is equipped to maintain the required gas concentration (in accordance with Table 3 of Chapter I of Annex I) in the gas stunner;
- (d) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay; and
- (e) there is a means of access to any pig with the minimum of delay.

(2) The business operator of a slaughterhouse and any person engaged in the stunning of pigs by exposure to gas must ensure that—

- (a) no pig enters the gas chamber if the displayed concentration by volume of carbon dioxide falls below the required gas concentration; and
- (b) no pig is allowed to pass through or allowed to remain in the chamber at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the chamber.

**10.** In the case of stunning by exposure to gas mixture 1 in Table 3 of Chapter I of Annex I (“carbon dioxide at high concentration”), once a pig enters the gas stunner it must be conveyed to the point in the gas stunner of maximum concentration of the gas mixture within a maximum period of 30 seconds.

### **Gas stunning of poultry**

**11.**—(1) No person may stun poultry by exposure to gas unless—

- (a) the gas stunner provided for that purpose, including any equipment used for conveying poultry through the gas mixture, is—
  - (i) designed, constructed and maintained so that once a bird enters the chamber it is conveyed to the point of maximum concentration of the gas mixture within a maximum period of 10 seconds;
  - (ii) equipped to maintain the required gas concentration (in accordance with Table 3 of Chapter I of Annex I) in the gas stunner; and
  - (iii) fitted with a means of visually monitoring the poultry;
- (b) there is a means of flushing the gas stunner with atmospheric air with the minimum of delay;

- (c) there is a means of access to the poultry with the minimum of delay; and
  - (d) birds are exposed to the gas mixture for long enough to ensure they are stunned;
- (2) No bird is allowed to enter the chamber if the displayed concentration of oxygen is above 2% by volume or the displayed concentration of carbon dioxide is above 30% by volume.
- (3) No bird is allowed to pass through or allowed to remain in the chamber at any time when the visible and audible warning signals have been activated or when there is any defect in the operation of the chamber.

### **Bleeding**

**12.**—(1) Without prejudice to the generality of paragraph 3.2 of Annex III, if an animal is bled after simple stunning, no person may cause or permit any further dressing procedure or any electrical stimulation to be performed on the animal before the bleeding has ended and in any event not before the expiry of—

- (a) in the case of a turkey or goose, a period of not less than 2 minutes;
  - (b) in the case of any other bird, a period of not less than 90 seconds;
  - (c) in the case of bovine animals, a period of not less than 30 seconds; or
  - (d) in the case of sheep, goats, pigs and deer, a period of not less than 20 seconds.
- (2) Sub-paragraph (1) does not apply to an animal which has been pithed.

### **Killing of horses**

**13.** No person may kill a horse within sight of any other horse.

## SCHEDULE 2

Regulation 22(1)(c)

### PROVISIONS OF THE EU REGULATION

<i>Column 1</i>	<i>Column 2</i>
<i>Provision in EU Regulation containing welfare requirement</i>	<i>Subject matter</i>
Article 3(1)	General requirement to spare an animal avoidable pain, distress or suffering.
Article 3(2)	Measures necessary to ensure animals are protected from avoidable pain, distress or suffering.
Article 3(3)	Facilities for killing and related operations.
Article 4(1) and Annex I	Stunning methods.
Article 5(1)	Checks on stunning.
Article 5(2)	Checks on animals slaughtered in accordance with religious rites.
Article 6(1) and (2)	Standard operating procedures.
Article 7(1)	Level of competence.

<i>Column 1</i>	<i>Column 2</i>
<i>Provision in EU Regulation containing welfare requirement</i>	<i>Subject matter</i>
Article 7(2)	Certificate of competence.
Article 7(3)	Killing of fur animals.
Article 8	Sale of restraining or stunning equipment.
Article 9(1)	Maintenance of restraining and stunning equipment.
Article 9(2)	Back up stunning equipment.
Article 9(3)	Placing of animals in restraining equipment.
Article 12	Meat imported from third countries.
Article 14(1) and Annex II	Layout and construction of slaughterhouses and the equipment used.
Article 15(1) and Annex III	Handling and restraining operations.
Article 15(2)	Restraint of animals slaughtered in accordance with religious rites.
Article 15(3)	Prohibited methods of restraint.
Article 16(1) to (4)	Monitoring procedures.
Article 17(1) to (5)	Animal Welfare Officer.
Article 19	Emergency killing.

## SCHEDULE 3

Regulation 27

## TRANSITIONAL PROVISIONS

**Unloading equipment**

1. The business operator must ensure that suitable equipment and facilities are available for the purpose of unloading animals from means of transport.

**Animals delivered other than in containers**

2. The business operator must ensure that—
- (a) equipment for unloading animals is of a suitable height and design for that purpose, has non-slip flooring and, if necessary, is provided with lateral protection;
  - (b) any bridge, ramp or gangway is fitted with sides, railings or some other means of protection to prevent animals falling off it;
  - (c) any exit and entry ramp has the minimum possible incline; and
  - (d) all passageways are so constructed as to minimise the risk of injury to an animal and so arranged as to take account of the gregarious tendencies of the animals which use them.

### **Lairages other than field lairages**

3. The business operator must ensure that—
- (a) the premises are equipped with a sufficient number of pens for adequate lairaging of the animals with protection from the effects of adverse weather conditions;
  - (b) a lairage (other than a field lairage) has—
    - (i) a floor which minimises the risk of slipping and which does not cause injury to any animal which is in contact with it;
    - (ii) adequate ventilation to ensure that temperature, air relative humidity and ammonia levels are kept within limits that are not harmful to any animal, taking into account the extremes of temperature and humidity which may be expected;
    - (iii) where such ventilation is provided other than naturally, a replacement means of maintaining adequate ventilation available for use if the original source of ventilation fails;
    - (iv) adequate lighting (whether fixed or portable) to enable the animals to be thoroughly inspected at any time;
    - (v) drinking facilities adequate in number and size for the watering of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled; and
    - (vi) an adequate supply of suitable bedding material for all animals kept in the lairage overnight, unless the lairage has a slatted or mesh floor.

### **Field lairages**

4. The business operator must ensure that a field lairage—
- (a) if it is without natural shelter or shade and is used during adverse weather conditions, has appropriate protection against such conditions for any animal using it; and
  - (b) has drinking facilities adequate in number and size for the watering of all animals confined in the lairage, fixed where practicable, and so constructed and placed that they are easily accessible to all the animals, can readily be filled and cannot readily be fouled.

### **Electrical stunning equipment**

5. No person may use electrodes to stun an animal individually unless the apparatus—
- (a) incorporates a device which—
    - (i) measures the impedance of the load; and
    - (ii) prevents operation of the apparatus unless a current can be passed which is sufficient to render an animal of the species being stunned unconscious until it is dead;
  - (b) incorporates an audible or visible device indicating the length of time of its application to an animal; and
  - (c) is connected to a device indicating the voltage and the current under load, positioned so as to be clearly visible to the operator.

### **Gas stunning equipment for pigs**

6. No person may stun a pig by exposure to gas unless the gas stunner provided for that purpose, including equipment used for conveying the pig through the gas mixture, is—

- (a) designed, constructed and maintained so as to—
  - (i) avoid injury to the pig; and
  - (ii) avoid compression of the chest of the pig; and
- (b) equipped to—
  - (i) measure and continuously display the required gas concentration (set out in Table 3 of Chapter I of Annex I); and
  - (ii) give clearly visible and audible warning signals if the concentration of gas falls below the required level in Table 3 of Chapter I of Annex I.

#### **Gas stunning equipment for poultry**

7. No person may stun poultry by exposure to gas unless the gas stunner provided for that purpose, including any equipment used for conveying poultry through the gas mixture, is—

- (a) designed, constructed and maintained so as to avoid injury to the poultry; and
- (b) equipped to—
  - (i) measure and continuously display the required gas concentration (set out in Table 3 of Chapter I of Annex I); and
  - (ii) give clearly visible and audible warning signals if the concentration of gas falls below the required level in Table 3 of Chapter I of Annex I.

#### **Shackle lines**

8. The business operator must ensure that—

- (a) any shackle line is designed and positioned in such a way that—
  - (i) any bird suspended on it is kept clear of any obstruction; and
  - (ii) disturbance is reduced to a minimum;
- (b) the whole length of the shackle line up to the point of entry into the scald tank is immediately accessible to any person so that any bird may, if necessary, receive attention; and
- (c) there is ready access to any processing equipment used for live birds and to any controls of such equipment.

### SCHEDULE 4

Regulation 28

#### CONSEQUENTIAL AMENDMENTS

#### **Slaughter of Animals (Scotland) Act 1980**

1. In the 1980 Act—

- (a) in section 19(1), for “sections 7 and 14, and any regulations made under section 9,” substitute “section 7”; and
- (b) in section 21, omit “14”.

### **The Foot-and-Mouth Disease (Scotland) Order 2006**

2. In article 2 of the Foot-and-Mouth Disease (Scotland) Order 2006<sup>(9)</sup> in the definition of “slaughter”, for “killing within the meaning of that term in the Welfare of Animals (Slaughter or Killing) Regulations 1995” substitute “causing the death of an animal by any process other than slaughter”.

### **The Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006**

3. In regulation 2(1) of the Foot-and-Mouth Disease (Slaughter and Vaccination) (Scotland) Regulations 2006<sup>(10)</sup>, in the definition of “slaughter”, for “killing within the meaning of that term in the Welfare of Animals (Slaughter or Killing) Regulations 1995” substitute “causing the death of an animal by any process other than slaughter”.

### **The Meat (Official Controls Charges) (Scotland) Regulations 2009**

4. In regulation 2(1) of the Meat (Official Controls Charges) (Scotland) Regulations 2009<sup>(11)</sup>, in the definition of “controls”, for “insofar as they apply in relation to animals slaughtered there for human consumption” substitute “and the Welfare of Animals at Time of Killing (Scotland) Regulations 2012”.

## SCHEDULE 5

Regulation 29

### PART 1

### REPEALS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Chapter</i>	<i>Title</i>	<i>Extent of repeal</i>
1967 c.24	Slaughter of Poultry Act 1967	The whole Act.
1980 c.13	Slaughter of Animals (Scotland) Act 1980	Section 9 Section 14(1) to (3) Section 19(1A) and (1B) Section 19A Section 20
1984 c.40	Animal Health and Welfare Act 1984	Section 6 Section 7 Section 8

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<sup>(9)</sup> S.S.I. 2006/44.

<sup>(10)</sup> S.S.I. 2006/45.

<sup>(11)</sup> S.S.I. 2009/262.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Chapter</i>	<i>Title</i>	<i>Extent of repeal</i>
		Section 9
1991 c.30	Welfare of Animals at Slaughter Act 1991	Section 4(2) Section 5(2)
1994 c.40	Deregulation and Contracting Out Act 1994	Paragraphs 1, 2 and 5 of Schedule 9

## PART 2

### REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Reference</i>	<i>Title</i>	<i>Extent of revocation</i>
S.I. 1996/2235	The Deregulation (Slaughterhouses Act 1974 and Slaughter of Animals (Scotland) Act 1980) Order 1996	Article 9(3) and (4)
S.I. 1999/400	The Welfare of Animals (Slaughter or Killing) (Amendment) Regulations 1999	Regulation 2(4)
S.I. 1999/1820	The Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999	Paragraphs 40 and 62 of Part I of Schedule 2 Paragraph 158 of Part II of Schedule 2
S.S.I. 2000/62	The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000	Regulation 10(3) and Schedule 8, Part III
S.S.I. 2006/536	The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2006	Paragraph 1 of Schedule 2

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Regulations make provision in Scotland for the administration and enforcement of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (“the EU Regulation”) and certain national rules maintained under Article 26(1) and (2) of the EU Regulation.

Part 1 is introductory and includes definitions and designates the competent authority responsible for various functions under the Regulations.

Part 2 requires persons to obtain a certificate of competence or temporary certificate of competence before carrying out the killing of animals and related operations. The Regulations also provide for the refusal, suspension or revocation of certificates of competence or temporary certificates of competence and for the right to appeal against a decision to refuse, suspend or revoke them.

Part 3 and Schedule 1 set out national rules that have been maintained in accordance with Article 26(1) of the EU Regulation to maintain high levels of protection of animals at the time of killing.

Part 4 places an obligation on the competent authority to publish a notice in writing if the competent authority grants a derogation from specified provisions of the EU Regulation for a depopulation operation.

Part 5 contains provisions relating to enforcement. Authorised persons, appointed by the Scottish Ministers or the Food Standards Agency, are given powers to require compliance with these Regulations and the EU Regulation, including powers of entry and seizure and powers to issue enforcement notices. Breaching an enforcement notice and obstructing authorised persons is an offence.

Part 6 sets out the offences for contravening these Regulations or the EU Regulation. Regulation 24 sets out the penalties on summary conviction.

Part 7 sets out rules for appeals.

Part 8 provides for notices, transitional provisions, consequential amendments, repeals and revocations. The Regulations revoke Part II of, and Schedules 2, 3, 4, 5, 6, 7 and 8 to the Welfare of Animals (Slaughter or Killing) Regulations 1995 insofar as they apply to slaughterhouses.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XG.