
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 321

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

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 ^{M1};
 - “the 1980 Act” means the Slaughter of Animals (Scotland) Act 1980 ^{M2};
 - “the 1995 Regulations” means the Welfare of Animals (Slaughter or Killing) Regulations 1995 ^{M3};
 - “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 ^{M4};
 - [^{F1}“the Professional Qualifications Regulations 2023” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023,]

“qualification certificate” means—

- (a) [^{F2}a certificate granted by a body—
 - (i) [^{F3}recognised and regulated by the Scottish Qualifications Authority^{F4} or an equivalent body in England, Wales or Northern Ireland; and]
 - (ii) 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]
- (aa) [^{F5}a document attesting the passing of an independent final examination issued by—
 - (i) a body designated by the Republic of Ireland as responsible for delivering certificates in accordance with Article 21(1) of the EU Regulation as it has effect in EU law as amended from time to time, or
 - (ii) a body to whom the function of the final examination or the issuing of certificates has been delegated in the Republic of Ireland in accordance with Article 21(2) of the EU Regulation as it has effect in EU law as amended from time to time, or
- (ab) a certificate issued in the Republic of Ireland in reliance on article 29(2) of the EU Regulation, ^{F6}...]
- (ac) [^{F7}a qualification which has been recognised under Part 2 of the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 5, 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);

“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.

Textual Amendments

- F1** Words in reg. 2(1) inserted (1.12.2023) by [The Animal Welfare and Food Safety \(International Professional Qualification Recognition Agreement Implementation\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/312\)](#), regs. 1, **2(2)(a)**
- F2** Words in reg. 2(1) substituted (19.5.2015) by [The Welfare of Animals at the Time of Killing \(Scotland\) Amendment Regulations 2015 \(S.S.I. 2015/161\)](#), regs. 1, **2(2)**
- F3** Words in reg. 2(1) substituted (31.12.2020 immediately before IP completion day) by [The Animal Health and Welfare and Official Controls \(Agriculture\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/380\)](#), regs. 1(2), **2**
- F4** The Scottish Qualifications Authority was established by article 2 of the Scottish Qualifications Authority (Establishment) (Scotland) Order, [S.I. 1996/2248](#).
- F5** Words in reg. 2(1) inserted (31.12.2020) by [The Animal Health and Welfare and Official Controls \(Animals, Feed and Food\) \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/288\)](#), regs. 1(1)(c), **6**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in reg. 2(1) omitted (1.12.2023) by virtue of [The Animal Welfare and Food Safety \(International Professional Qualification Recognition Agreement Implementation\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/312\)](#), regs. 1, **2(2)(b)(i)**
- F7** Words in reg. 2(1) inserted (1.12.2023) by [The Animal Welfare and Food Safety \(International Professional Qualification Recognition Agreement Implementation\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/312\)](#), regs. 1, **2(2)(b)(ii)**

Marginal Citations

- M1** 1967 c.24.
- M2** 1980 c.13.
- M3** [S.I. 1995/731](#), as amended by [S.I. 1999/400](#) and 1820 and [S.I. 2000/62](#), 2001/145, 2002/238, 2004/13, 2006/536 and 2007/150.
- M4** OJ No L 303, 18.11.2009, p.1.

The competent authority

- 3.—(1) [^{F8}Food Standards Scotland] 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 [^{F9}Article 138 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of feed and food law, rules on animal health and welfare, plant health and plant protection products].
- (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.

Changes to legislation: There are currently no known outstanding effects for the *The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, PART 1*. (See end of Document for details)

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Textual Amendments

- F8** Words in reg. 3(1) substituted (1.4.2015) by [The Food \(Scotland\) Act 2015 \(Consequential and Transitional Provisions\) Order 2015 \(S.S.I. 2015/100\)](#), arts. 1(2), 2, **sch. para. 33**
- F9** Words in reg. 3(1)(b)(iii) substituted (14.12.2019) by [The Official Controls \(Agriculture etc.\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/412\)](#), regs. 1(1), **26**

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012, PART 1.