
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 321

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

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.