

Draft Regulations laid before Parliament under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2002 No.

ANIMALS, ENGLAND

PREVENTION OF CRUELTY

**The Welfare of Farmed Animals
(England) (Amendment) Regulations 2002**

Made - - - - 2002
Coming into force

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by section 2 of the Agriculture (Miscellaneous Provisions) Act 1968 and vested in her⁽¹⁾, and after consultation (in accordance with section 2 of the said 1968 Act) with such persons appearing to her to represent any interests concerned as she has considered appropriate, hereby makes the following Regulations, a draft of which has been approved by resolution of each House of Parliament:

Title and commencement

1.—(1) These Regulations may be cited as the Welfare of Farmed Animals (England) (Amendment) Regulations 2002.

(2) These Regulations shall come into force for all purposes, other than for the purpose of the amendments made by regulation 2(3) and the revocation made by regulation 3, on the day after the day on which the Regulations are made.

(3) For the purposes of the amendments made by regulation 2(3), these Regulations shall come into force on 1st January 2003.

(4) For the purposes of the revocation made by regulation 3, these Regulations shall come into force on 1st January 2011.

(1) 1968 c. 34. See sections 8(4) and 50 of the Act for the interpretation of “the Ministers”. In relation to England, the functions of “the Ministers” under the Act were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999, S.I. 1999/3141. The functions of the Minister of Agriculture, Fisheries and Food under the Act were transferred to the Secretary of State for Environment, Food and Rural Affairs by virtue of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002, S.I. 2002/794.

Amendments to the Welfare of Farmed Animals (England) Regulations 2000

2.—(1) The Welfare of Farmed Animals (England) Regulations 2000(2) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of “laying hen” the following definition shall be substituted—

““laying hen” means a hen of the species *Gallus gallus* which has reached laying maturity and is kept for production of eggs not intended for hatching;”;

(b) after the definition of “laying hen”, the following definitions shall be inserted—

““litter” means any friable material enabling the hens to satisfy their ethological needs;

“nest” means a separate space for egg laying, the floor component of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens;”;

(c) after the definition of “statutory welfare code”, the following definition shall be inserted—

““usable area” means an area, other than any nesting area, used by laying hens at least 30 cm wide with a floor slope not exceeding 14% and with headroom of at least 45 cm;”.

(3) Regulation 4 and Schedule 2 shall be revoked.

(4) For regulation 5 there shall be substituted the following regulation—

“Additional duties on owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C)

5. Owners and keepers of poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedule 3.”.

(5) After regulation 5 the following regulation shall be added—

“Additional duties on owners and keepers of laying hens

5A. Owners and keepers of establishments with more than 350 laying hens shall ensure that, in addition to the requirements set out in Schedule 1, the conditions under which the birds are kept comply with the requirements set out in Schedules 3A, 3B, 3C and 3D.”.

(6) In Schedule 1—

(a) for paragraph 2(3)(a) there shall be substituted the following paragraph—

“(a) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;”.

(b) for paragraph (7)(b)(i) there shall be substituted the following paragraph—

“(i) in the case of laying hens kept in all systems, paragraph 1 of Schedule 3D;”.

(7) For Schedule 3 there shall be substituted the following provisions:

“SCHEDULE 3

Regulation 5

ADDITIONAL CONDITIONS UNDER WHICH POULTRY (OTHER THAN THOSE KEPT IN THE SYSTEMS REFERRED TO IN SCHEDULES 3A, 3B AND 3C) MUST BE KEPT

Where any poultry (other than those kept in the systems referred to in Schedules 3A, 3B and 3C) are kept in a building they shall be kept on, or have access at all times to, well-maintained litter or to a well-drained area for resting.”

(8) After Schedule 3 there shall be inserted the Schedules 3A, 3B, 3C and 3D set out in the Schedule to these Regulations.

(9) For paragraph (a) of regulation 12 there shall be substituted the following paragraph—

“(a) Council Directive [99/74/EC](#)(3) laying down minimum standards for the protection of laying hens.”

Revocation of the Veterinary Surgery Exemptions Order 1962 as regards Laying Hens

3. Article 4(c) of the Veterinary Surgery (Exemptions) Order 1962(4) shall be revoked insofar as it is applicable to laying hens.

Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural
Affairs

2002

(3) OJ No. L 203, 3.8.99, p.53.

(4) S.I. [1962/2557](#).

THE SCHEDULE

Regulation 2(8)

“SCHEDULE 3A

Regulation 5A

NON-CAGE SYSTEMS

1. All newly built or rebuilt non-cage systems of production for keeping laying hens and all such systems of production brought into use for the first time, shall comply with the requirements of this Schedule.

2. On and after 1st January 2007, all non-cage systems of production for keeping laying hens shall also comply with the following requirements.

3. All systems must be equipped in such a way that all laying hens have:

- (a) either linear feeders providing at least 10 cm per bird or circular feeders providing at least 4 cm per bird; and
- (b) either continuous drinking troughs providing 2.5 cm per hen or circular drinking troughs providing 1 cm per hen,

and, in addition, where nipple drinkers or cups are used, there shall be at least one nipple drinker or cup for every 10 hens. Where drinking points are plumbed in, at least two cups or two nipple drinkers shall be within reach of each hen;

- (c) at least one nest for every seven hens. If group nests are used, there must be at least 1 m² of nest space for a maximum of 120 hens;
- (d) perches, without sharp edges and providing at least 15 cm per hen. Perches must not be mounted above the litter and the horizontal distance between perches must be at least 30 cm and the horizontal distance between the perch and the wall must be at least 20 cm; and
- (e) at least 250 cm² of littered area per hen, the litter occupying at least one third of the ground surface.

4. The floors of installations must be constructed so as to support each of the forward-facing claws of each bird's foot.

5. In addition to the requirements of paragraphs 2 and 3—

- (a) if systems are used where the laying hens can move freely between different levels—
 - (i) there shall be no more than four levels;
 - (ii) the headroom between the levels must be at least 45 cm;
 - (iii) the drinking and feeding facilities must be distributed in such a way as to provide equal access for all hens; and
 - (iv) the levels must be so arranged as to prevent droppings falling on the levels below; and
- (b) if laying hens have access to open runs—
 - (i) there must be several popholes giving direct access to the outer area, at least 35 cm high and 40 cm wide and extending along the entire length of the building; and in any case, a total opening of 2 m must be available per group of 1,000 hens; and
 - (ii) open runs must be of an area appropriate to the stocking density and to the nature of the ground, in order to prevent any contamination, and equipped with shelter from inclement weather and predators and, if necessary, appropriate drinking troughs.

6. Subject to paragraph 7, the stocking density must not exceed nine laying hens per square metre of usable area.

7. Where on 3rd August 1999 the establishment applied a system where the usable area corresponded to the available ground surface, and the establishment is still applying this system when the Welfare of Farmed Animals (England) (Amendment) Regulations 2002 come into force, a stocking density of 12 hens per square metre is authorised until 31st December 2011.

SCHEDULE 3B

Regulation 5A

CONVENTIONAL CAGES

1. On and after 1st January 2003 all conventional (unenriched) cage systems shall comply with the following requirements:

- (a) at least 550 cm² per hen of cage area, measured in a horizontal plane, which may be used without restriction, in particular not including non-waste deflection plates liable to restrict the area available, must be provided for each laying hen. However where the non-waste deflection plate is placed so as not to restrict the area available for the hens to use, then that area may be included in the measurement;
- (b) a feed trough which may be used without restriction must be provided. Its length must be at least 10 cm multiplied by the number of hens in the cage;
- (c) unless nipple drinker or drinkings cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in sub-paragraph (b). Where drinking points are plumbed in, at least two nipple drinkers or two cups must be within reach of each cage;
- (d) cages must be at least 40 cm high over at least 65% of the cage area and not less than 35 cm at any point; the area being obtained by multiplying 550 cm² by the number of birds kept in the cage;
- (e) floors of cages must be constructed so as to support each of the forward-facing claws of each foot of each bird. Floor slope must not exceed 14% or 8 degrees when made of rectangular wire mesh and 21.3% or 12 degrees for other types of floor; and
- (f) cages shall be fitted with suitable claw-shortening devices.

2. On and after 1st January 2003 no person shall build or bring into service for the first time any cage system referred to in paragraph 1 for the keeping of laying hens.

3. On and after 1st January 2012 no person shall keep any laying hen in any cage system referred to in paragraph 1.

SCHEDULE 3C

Regulation 5A

ENRICHED CAGES

1. All cage systems (other than those referred to in Schedule 3B) shall be enriched to comply with the requirements of this Schedule.

2. Laying hens must have—

- (a) at least 750 cm² of cage area per hen, 600 cm² of which shall be usable; the height of the cage other than that above the usable area shall be at least 20 cm at every point and no cage shall have a total area that is less than 2000 cm²;
- (b) a nest;

- (c) litter such that pecking and scratching are possible; and
 - (d) appropriate perches allowing at least 15 cm per hen;
3. A feed trough which may be used without restriction must be provided. Its length must be at least 12 cm multiplied by the number of hens in the cage.
 4. Each cage must have a drinking system appropriate to the size of the group; where nipple drinkers are provided, at least two nipple drinkers or two cups must be within the reach of each hen.
 5. To facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90 cm between tiers of cages and a space of at least 35 cm must be allowed between the floor of the building and the bottom tier of cages.
 6. Cages must be fitted with suitable claw-shortening devices.

SCHEDULE 3D

Regulation 5A

CONDITIONS APPLICABLE TO ALL SYSTEMS

1. All hens must be inspected by the owner or the person responsible for the hens at least once a day.
2. The sound level shall be minimised. Constant or sudden noise shall be avoided. Ventilation fans, feeding machinery or other equipment shall be constructed, placed, operated and maintained in such a way that they cause the least possible noise.
3. All buildings shall have light levels sufficient to allow all hens to see one another and be seen clearly, to investigate their surroundings visually and to show normal levels of activity. Where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation.

After the first days of conditioning, the lighting regime shall be such as to prevent health and behavioural problems. Accordingly it must follow a 24-hour rhythm and include an adequate uninterrupted period of darkness lasting, by way of indication, about one third of the day, so that the hens may rest and to avoid problems such as immunodepression and ocular anomalies. A period of twilight of sufficient duration ought to be provided when the light is dimmed so that the hens may settle down without disturbance or injury.
4. Those parts of buildings, equipment or utensils which are in contact with the hens shall be thoroughly cleansed and disinfected regularly and in any case every time depopulation is carried out and before a new batch of hens is brought in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean. Droppings must be removed as often as necessary and dead hens must be removed every day.
5. Cages must be suitably equipped to prevent hens escaping.
6. Accommodation comprising two or more tiers of cages must have devices or appropriate measures must be taken to allow inspection of all tiers without difficulty and facilitate the removal of hens.
7. The design and dimensions of the cage door must be such that an adult hen can be removed without undergoing unnecessary suffering or sustaining injury.
8. Subject to paragraph 9, no person shall mutilate any laying hen.
9. In order to prevent feather pecking and cannibalism, until 31st December 2010 beak trimming of birds is permitted in all systems referred to in Schedules 3A, 3B and 3C provided it is carried out—

- (a) by persons over 18 years of age;
- (b) on chickens that are less than 10 days old and intended for laying; and
- (c) in accordance with the Veterinary Surgery (Exemptions) Order 1962(5).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, amend the Welfare of Farmed Animals (England) Regulations 2000, S.I.2000/1870 (“the principal Regulations”) The amendments give effect to the provisions of Council Directive 99/74/EC (OJNo. 203, 3.8.99, p.53), laying down minimum standards for the protection of laying hens, in establishments with 350 or more laying hens.

Subject as follows, these Regulations come into force for all purposes on the day after the day on which the Regulations are made. For the purposes of the amendments made by regulation 2(3), the Regulations come into force on 1st January 2003. For the purposes of the revocation made by regulation 3, these Regulations come into force on 1st January 2011.

The Regulations insert new definitions, including a new definition of laying hen (Regulation 2(2)).

The Regulations insert a new Regulation 5 and Schedule 3, to apply requirements in relation to the keeping of laying hens other than in the systems referred to in the new Schedules 3A, 3B, 3C and 3D to the principal Regulations (regulation 2(4) and (7)).

The Regulations insert a new Regulation 5A and Schedules 3A, 3B, 3C and 3D to the principal Regulations, to apply requirements in relation to the keeping of laying hens in the systems referred to in the new Schedules 3A, 3B, 3C and 3D to the principal Regulations (regulation 2(5) and (8)).

The new Schedule 3A to the principal Regulations specifies requirements for the conditions, including the stocking density, in which laying hens may be kept in non-cage systems. It applies to all newly built or rebuilt non-cage systems and to all non-cage systems on and after 1st January 2007.

The new Schedule 3B to the principal Regulations specifies requirements for the conditions, which apply on and after 1st January 2003, for laying hens kept in conventional (battery) cages. No laying hens may be kept in new cage systems of this type built or brought into service for the first time on or after 1st January 2003; and keeping laying hens in this type of cage system is prohibited on and after 1st January 2012.

The new Schedule 3C to the principal Regulations provides that all cage systems which are not conventional (battery) systems, have to meet additional requirements relating to the conditions in which laying hens are kept (enriched cages).

The new Schedule 3D to the principal Regulations applies to all systems for keeping laying hens. It provides for general requirements regarding inspection, sound levels, lighting, cleansing and construction of cages. This Schedule also prohibits mutilation, but permits beak trimming until 31st December 2010, under certain conditions, including compliance with the Veterinary Surgery (Exemptions) Order 1962.

(5) S.I. 1962/2557.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

Article 4(c) of the Veterinary Surgery (Exemptions) Order 1962 (S.I. [1962/2557](#)), which permits persons who are not registered in the Register of Veterinary Surgeons to carry out beak-trimming on poultry, is revoked insofar as it is applicable to laying hens.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies may be obtained from the Department of Environment, Food and Rural Affairs (Animal Welfare, Branch A), 5th Floor, 1A Page Street, London SW1P 4PQ.