

SCHEDULE 1

Regulation 4(3)

THE LICENSING OF SLAUGHTERMEN

Scope of this Schedule

1. The requirements of this Schedule shall not apply to any person who—
 - (a) for emergency reasons relating to the welfare of any animal has to slaughter or kill that animal immediately;
 - (b) slaughters or kills any animal elsewhere than in a slaughterhouse or knacker's yard, provided that he is the owner of the animal and the slaughter or killing is for his private consumption;
 - (c) slaughters or kills any animal other than for a commercial purpose;
 - (d) kills by means of a free bullet any animal in the field;
 - (e) kills a bird by means of dislocation of the neck or decapitation on premises forming part of an agricultural holding on which the bird was reared;
 - (f) kills any animal for the purpose of disease control in accordance with Schedule 9;
 - (g) kills any fox or mink in accordance with Schedule 10;
 - (h) kills surplus chicks or embryos in hatchery waste in accordance with Schedule 11;
 - (i) operates any automatic equipment used to stun, slaughter or kill any animal without performing any of the operations specified in paragraph 3 below;
 - (j) shackles birds before stunning or killing; or
 - (k) is a veterinary surgeon acting in the exercise of his profession or a person acting under the direction of a veterinary surgeon so acting.

The licensing of slaughtermen

2. No person shall carry out any of the operations specified in paragraph 3 below except—
 - (a) under and in accordance with the terms of a licence granted and registered under paragraph 5 below;
 - (b) under and in accordance with the terms of a licence issued by a local authority under the Slaughter of Poultry Act 1967 (“the 1967 Act”)(1), the Slaughterhouses Act 1974 (“the 1974 Act”)(2), the Slaughter of Animals (Scotland) Act 1980 (“the 1980 Act”)(3) or any regulations made under any of those Acts; or
 - (c) under and in accordance with the terms of a provisional licence granted under paragraph 7 below.

Operations which require a licence

3. The operations mentioned in paragraph 2 above for which a licence is required are any of the following—
 - (a) the restraint of any animal for the purpose of stunning, slaughtering or killing that animal;
 - (b) the stunning of any animal;
 - (c) the slaughter of any animal;

(1) 1967 c. 24.

(2) 1974 c. 3.

(3) 1980 c. 13.

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- (d) the killing of any animal;
- (e) the pithing of any stunned animal;
- (f) the assessment of effective stunning, pithing or killing of any animal by any person whose duty it is to make such an assessment;
- (g) the shackling or hoisting of any stunned animal; and
- (h) the bleeding of any animal which is not dead.

Certificates of competence

- 4.—(1) In this Schedule “certificate of competence” means—
- (a) a certificate issued under sub-paragraph (2) below by a veterinary surgeon authorised for the purpose by the Minister (“an authorised veterinary surgeon”);
 - (b) a certificate issued by a veterinary surgeon which accompanied an application for a licence under the Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991 (“the 1991 Regulations”)(4) in accordance with Regulation 5(1)(a)(i) and Schedule 1 thereto; or
 - (c) a licence granted to the applicant for the purpose of slaughtering animals by the Jewish method by the Rabbinical Commission (referred to in Part IV of Schedule 12) in England and Wales or by the Chief Rabbi in Scotland.
- (2) An authorised veterinary surgeon shall issue a certificate of competence if—
- (a) having assessed the applicant, the authorised veterinary surgeon is of the opinion that the applicant—
 - (i) is competent to carry out all the operations mentioned in paragraph 3 above in respect of which he is applying for a certificate without causing avoidable pain, excitement or suffering to any animal; and
 - (ii) has sufficient knowledge of the provisions of all the relevant legislation and of any relevant current code issued under regulation 7 relating to the operations in respect of which he is applying for a certificate;
 - (b) the applicant is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a certificate; and
 - (c) the applicant is not below the age of 18.
- (3) Any person applying for a certificate of competence who has been convicted of any offence mentioned in paragraph 8(b) below shall give to the authorised veterinary surgeon written details of any such conviction.
- (4) Any certificate of competence issued under sub-paragraph (2) above shall specify the matters which it covers, namely—
- (a) the relevant operations mentioned in paragraph 3 above;
 - (b) the relevant species of animals; and
 - (c) the relevant equipment or instruments.

The grant and registration of licences

5.—(1) Where the Minister receives a certificate of competence for registration, together with the appropriate fees, he shall grant and register a licence (hereinafter referred to as “a registered licence”) if—

(4) S.I. 1991/1676.

- (a) in his opinion the applicant is a fit and proper person to hold a licence; and
 - (b) the applicant provides any information required in sub-paragraph (2) below.
- (2) Any person applying to the Minister for a registered licence shall give written details if—
- (a) he has been refused by any local authority (and if so by which) a licence to slaughter animals under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts;
 - (b) he has had any such licence revoked or suspended by any local authority (and if so by which); or
 - (c) he has been convicted of any offence mentioned in paragraph 8(b) below.
- (3) Any licence granted and registered under sub-paragraph (1) above shall specify the matters which it covers, namely—
- (a) the relevant operations mentioned in paragraph 3 above;
 - (b) the relevant species of animals; and
 - (c) the relevant equipment or instruments.
- (4) Any registered licence which is granted under sub-paragraph (1) above shall be valid throughout Great Britain and shall remain in force until any such time as it may be revoked or suspended by the Minister.

Modification of registered licences

6.—(1) Any holder of a registered licence who wishes it to be modified in respect of any of the matters set out in sub-paragraph 5(3) above shall first obtain a provisional licence in respect of those modifications.

(2) A certificate of competence in respect of any modifications shall be obtained in accordance with paragraph 4 above and sent to the Minister in accordance with paragraph 5 above before a registered licence to cover those modifications can be granted.

Grant of provisional licences

- 7.—(1) An authorised veterinary surgeon shall grant a provisional licence to any applicant who—
- (a) is, in the opinion of the authorised veterinary surgeon, a fit and proper person to hold a provisional licence;
 - (b) is not below the age of 18; and
 - (c) provides any information required by sub-paragraph (2) below.
- (2) Any person applying to an authorised veterinary surgeon for a provisional licence shall give written details if—
- (a) he has been refused by any local authority (and if so by which) a licence to slaughter animals under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts;
 - (b) he has had any such licence revoked or suspended by any local authority (and if so by which);
 - (c) he has had any licence issued under these regulations revoked or suspended by the Minister; or
 - (d) he has been convicted of any offence mentioned in paragraph 8(b) below.
- (3) Any provisional licence granted in accordance with sub-paragraph (1) above shall specify the matters which it covers, namely—

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- (a) the relevant operations mentioned in paragraph 3 above;
 - (b) the relevant species of animals; and
 - (c) the relevant equipment or instruments.
- (4) A provisional licence shall authorise a person to carry out the matters which it covers only in the presence of, and in accordance with any directions given by, a person who is—
- (a) a veterinary surgeon;
 - (b) the holder of a registered licence granted in accordance with sub-paragraph 5(1) above and covering the same matters as the provisional licence; or
 - (c) the holder of a licence issued by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts.
- (5) Any provisional licence granted under sub-paragraph (1) above shall remain in force for such period not exceeding three months as may be specified in the provisional licence and may be renewed at the discretion of an authorised veterinary surgeon.
- (6) Any provisional licence granted under sub-paragraph (1) above shall be valid throughout Great Britain.

Refusal of a provisional licence, a certificate of competence or a registered licence

8. An authorised veterinary surgeon may refuse to issue a certificate of competence or refuse to grant a provisional licence and the Minister may refuse to grant a registered licence if the applicant—
- (a) has failed to comply with—
 - (i) any condition of any licence previously granted to him under these Regulations; or
 - (ii) any condition of any licence to slaughter animals previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or
 - (b) has been convicted of an offence under—
 - (i) these Regulations;
 - (ii) the 1967 Act or any regulations made under it;
 - (iii) the 1974 Act or any regulations made under it;
 - (iv) the 1980 Act or any regulations made under it;
 - (v) the Protection of Animals Acts 1911 to 1964⁽⁵⁾;
 - (vi) the Protection of Animals (Scotland) Acts 1912 to 1964⁽⁵⁾;
 - (vii) any order made under the Animal Health Act 1981⁽⁶⁾ regulating the transport of animals;
 - (viii) Part I of the Agriculture (Miscellaneous Provisions) Act 1968⁽⁷⁾ or any regulations or order made under it; or
 - (ix) any other provision concerning the welfare of animals.

⁽⁵⁾ Section 1(1) of the Protection of Animals (Amendment) Act 1954 (c. 40) was amended by section 1(1) of the Protection of Animals (Amendment) Act 1988 (c. 29).

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⁽⁶⁾ 1981 c. 22.

⁽⁷⁾ 1968 c. 34.

Suspension and revocation of licences

9.—(1) The Minister may suspend or revoke a registered licence granted under these Regulations or any licence granted by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts, and an authorised veterinary surgeon may revoke any provisional licence, if—

- (a) he is satisfied that the holder of the licence is no longer a fit and proper person to hold it;
- (b) he is satisfied that the holder of the licence is not, or is no longer, competent to carry out the operations which the licence authorises;
- (c) the holder has failed to comply with—
 - (i) any condition of the licence granted to him under these regulations; or
 - (ii) any condition of a licence previously granted to him by a local authority under the 1967 Act, the 1974 Act, the 1980 Act or any regulations made under any of those Acts; or
- (d) the holder has been convicted of an offence under any of the provisions set out in paragraph 8(b) above.

(2) An authorised veterinary surgeon may grant a provisional licence under paragraph 7(1) above to any person whose registered licence has been suspended or revoked.

Fees

10. The Minister may charge an applicant for, or a holder of, a certificate of competence or a licence (as the case may be) such reasonable fees as he may determine in respect of—

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

Appeals system

11.—(1) Where the Minister or the authorised veterinary surgeon (as the case may be)—

- (a) refuses to issue a certificate of competence;
- (b) refuses to grant a registered licence;
- (c) refuses to modify a registered licence;
- (d) refuses to grant a provisional licence;
- (e) suspends a registered licence;
- (f) revokes a provisional licence; or
- (g) revokes a registered licence,

he shall, as soon as reasonably practicable, give to the applicant or holder of the licence (as the case may be) a notice in writing of the reasons for the refusal, suspension or revocation (hereinafter referred to as “a notice”).

(2) Any person to whom a notice is given shall have a right to make written representations to the Minister or to the authorised veterinary surgeon and to be heard by an independent person appointed by the Minister.

(3) The notice shall inform the person to whom it is given—

- (a) of his right to make representations in writing;

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- (b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made;
- (c) of his right to be heard; and
- (d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he may apply for an opportunity to be heard.

(4) In the event of any person to whom the notice is given making any representations (whether orally or in writing) to the Minister or to the authorised veterinary surgeon (as the case may be), the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of those representations.

(5) In the event of any person to whom the notice is given being heard by the independent person, the Minister or the authorised veterinary surgeon shall reconsider his decision to refuse, suspend or revoke in the light of the findings of the independent person.

Savings provisions

12.—(1) Any licence issued by a local authority under the 1991 Regulations shall remain in force (subject to any conditions attached thereto) until its expiry date and until such time shall be valid throughout Great Britain.

(2) Any licence issued by a local authority under the 1974 Act or the 1980 Act that is in force on 31st March 1995 shall remain in force (subject to any conditions attached thereto) until the end of the period of 18 months following the date on which it was due to expire and until such time shall be valid throughout Great Britain.