STATUTORY INSTRUMENTS

2008 No. 1426

ANIMALS, ENGLAND

ANIMAL WELFARE

The Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2008

Made - - - -	*2nd June 2008*
Coming into force - -	*3rd June 2008*

The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 5(4) of the Animal Welfare Act 2006(**1**), and makes the following Regulations in exercise of those powers.

The Secretary of State has carried out a consultation in accordance with section 5(5) of that Act.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Title, commencement and application

1. These Regulations—

(a) may be cited as the Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2008;

(b) come into force on the day after the day on which they are made;

(c) apply in England only.

Amendments to the Mutilations (Permitted Procedures) (England) Regulations 2007

2. The Mutilations (Permitted Procedures) (England) Regulations 2007(**2**) are amended as follows.

Regulation 3

3. In regulation 3 (exceptions to the prohibition on mutilations) for sub-paragraphs (c) and (d) substitute—

(**1**) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.
(**2**) S.I. 2007/1100.

"(c) in hygienic conditions;

(d) in accordance with good practice; and

(e) in accordance with regulation 5, where applicable".

Regulation 4

4. In regulation 4(1) (performance of prohibited procedures in an emergency) omit the word "protected".

Regulation 5

5. For regulation 5 (persons who may carry out permitted procedures) substitute—

"**5.**—(1) Any procedure permitted under regulation 3 to which the Veterinary Surgeons Act 1966(**3**) or the Veterinary Surgeons (Exemptions) Order 1962(**4**) applies, with the exception of the procedures referred to in paragraph (2), may only be carried out by a person permitted to carry it out under that legislation.

(2) Tail docking, or castration, of pigs may only be carried out by a veterinary surgeon or, where the animal is aged not more than 7 days, by a person experienced in performing the techniques involved and who is either a person responsible for the animal or a person employed or engaged by such a person to attend to the animal.".

Schedule 1

6.—(1) The amendments to Schedule 1 (permitted procedures) are as follows.

(2) In the section on birds for the list under the heading "Identification Procedures" substitute—

"Micro-chipping.

Neck tagging.

Web notching.

Web tagging.

Wing tagging.

Other methods of identification involving a mutilation required by law.".

(3) In the section on sheep for the list under the heading "Procedures for the Control of Reproduction" substitute—

"Castration.

Embryo collection or transfer by a surgical method.

Implantation of a subcutaneous contraceptive.

Laparoscopic insemination.

Ovum transplantation, including ovum collection, by a surgical method.

Vasectomy.".

(4) In the section on goats for the list under the heading "Procedures for the Control of Reproduction" substitute—

"Castration.

Embryo collection or transfer by a surgical method.

(**3**) 1966 c. 36; relevant amending instruments are S.I. 1988/526, 1991/1412, 2002/1479.
(**4**) S.I. 1962/2557; relevant amending instruments are S.I. 1982/1627, 2002/1646.

Implantation of a subcutaneous contraceptive.

Laparoscopic insemination.

Ovum transplantation, including ovum collection, by a surgical method.

Vasectomy.”.

Schedule 4

7.—(1) The amendments to Schedule 4 (birds: requirements when carrying out certain permitted procedures) are as follows.

(2) Immediately before paragraph 1 (castration) insert—

“**A1. All procedures in the section on birds in Schedule 1**

Except in the case of beak trimming (where the provisions of paragraph 5 apply), no procedure listed in the section on birds in Schedule 1 may be performed on birds that are laying hens or that are intended to become laying hens unless they are kept on establishments with fewer than 350 such birds.

A2. Neck tagging

A2. The procedure may only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

A3. Web notching

A3. The procedure may only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

A4. Web tagging

A4. The procedure may only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

The procedure may only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research.

A5. Wing tagging

A5. The procedure may only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

The procedure may only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research.”.

(3) In paragraph 5 (beak trimming of poultry) for the words “On poultry that are intended to become laying hens and which are kept on establishments with 350 or more laying hens” substitute “On poultry that are intended to become laying hens and which are kept on establishments with 350 or more such poultry or laying hens”.

Schedule 5

8.—(1) The amendments to schedule 5 (sheep: requirements when carrying out certain permitted procedures) are as follows.

(2) After paragraph 1 (castration) insert—

"**1A. Embryo collection or transfer by a surgical method**

An anaesthetic must be administered.".

(3) After paragraph 2 (implantation of a subcutaneous contraceptive) insert—

"**2A. Laparoscopic insemination**

The procedure may only be carried out as part of a breed improvement programme.

An anaesthetic must be administered.

2B. Ovum transplantation, including ovum collection, by a surgical method

2B. An anaesthetic must be administered.".

Schedule 6

9.—(1) The amendments to Schedule 6 (goats: requirements when carrying out certain permitted procedures) are as follows.

(2) After paragraph 1 (castration) insert—

"**1A. Embryo collection or transfer by a surgical method**

An anaesthetic must be administered.".

(3) After paragraph 2 (implantation of a subcutaneous contraceptive) insert—

"**2A. Laparoscopic insemination**

The procedure may only be carried out as part of a breed improvement programme.

An anaesthetic must be administered.

2B. Ovum transplantation, including ovum collection, by a surgical method

2B. An anaesthetic must be administered.".

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

2nd June 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mutilations (Permitted Procedures) (England) Regulations 2007 (S.I. 2007/1100) ("the 2007 Regulations") by inserting new permitted procedures and the requirements that apply to them. The new permitted procedures are wing tagging and web tagging, neck tagging and web notching of farmed ducks and, in the case of sheep and goats, embryo collection or transfer by a surgical method, laparoscopic insemination, and ovum transplantation (including collection) by a surgical method. The Regulations amend regulation 3 and substitute a new regulation 5 in respect of who may perform the permitted procedures. The Regulations also amend regulation 4 in order to correct a minor drafting error.

In respect of tail docking and castration of pigs, these Regulations together with the 2007 Regulations implement paragraph 8 of Chapter I of the Annex to Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (OJ No L 340, 11.12.1991, p 33), as amended by Council Directive 2001/88/EC (OJ No L 316, 1.12.2001, p 1, Commission Directive 2001/93/EC (OJ No L 316, 1.12.2001, p 36) and Council Regulation (EC) No. 806/2003 (OJ No. L 122, 16.5.2003, p 1). In respect of laying hens, these Regulations together with the 2007 Regulations implement paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ No L 203, 3.8.1999, p 53), as amended by Council Regulation (EC) No 806/2003 (OJ No L 122, 16.5.2003, p 1).

The 2007 Regulations specify the procedures to which the offences in section 5(1) and (2) of the Animal Welfare Act 2006 (c. 45) do not apply. Those provisions of the Act make it an offence to carry out, or to cause to be carried out, a prohibited procedure on a protected animal, or, in specified circumstances, to permit such a procedure to be carried out on an animal. A prohibited procedure is one that involves the interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment (see section 5(3) of the Act).

Two impact assessments have been placed in the library of each House of Parliament; copies can be obtained from the Animal Welfare Core Function, Department for Environment, Food and Rural Affairs, 9 Millbank, c/o Nobel House, 17 Smith Square, London SW1P 3JR.