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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1432 (W.145)**

**ANIMALS, WALES**

**The Registration of Establishments  
(Laying Hens) (Wales) Regulations 2004**

*Made* - - - - 25th May 2004

*Coming into force* - - 31st May 2004

The National Assembly for Wales being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section hereby makes the following Regulations:

**Title, application and commencement**

1. These Regulations are called the Registration of Establishments (Laying Hens) (Wales) Regulations 2004; they apply only to Wales and come into force on 31st May 2004.

**Interpretation**

2.—(1) In these Regulations —

“the Directive” (“*y Gyfarwyddeb*”) means Commission Directive [2002/4/EC](#) on the registration of establishments keeping laying hens, covered by Council Directive [1999/74/EC](#)<sup>(3)</sup>;

“establishment” (“*sefydliad*”) means any production site at which laying hens are kept;

“laying hens” (“*ieir dodwy*”) means hens of the species *Gallus gallus* which have reached maturity and are kept for the production of eggs not intended for hatching;

“local authority” (“*awdurdod lleol*”) means the council of any county or county borough in Wales;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales; and

“register” (“*cofrestr*”) means the register of establishments maintained by the National Assembly pursuant to regulation 4.

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(1) S.I.1999/2788.

(2) 1972 c. 68.

(3) OJNo. L 30, 31.1.2002, p.44.

### **Excluded establishments**

3. These Regulations do not apply to establishments —
- (a) having fewer than 350 laying hens; or
  - (b) rearing breeding laying hens.

### **Establishment of a register and provision of a distinguishing number**

- 4.—(1) The National Assembly shall create and maintain a register of establishments.
- (2) The National Assembly must within a reasonable time after receipt of an application to note an establishment on the register allocate a distinguishing number composed in accordance with the Directive to the establishment and communicate that number to the applicant.

### **Exchange of information**

- 5.—(1) The Food Standards Agency and the Health Protection Agency are permitted to have access to the register for the purpose of tracing eggs put on the market for human consumption.
- (2) The local authority is permitted to have access to the register for the purpose of enforcement of these Regulations.

### **Prohibition on operation or bringing into service of establishments**

- 6.—(1) After 30th June 2004 no person may continue to operate an establishment in operation on that date unless an application has been made to note that establishment on the register.
- (2) No person may bring an establishment into operation after 30th June 2004 unless an application has been made to note that establishment on the register and a distinguishing number communicated to the applicant by the National Assembly.
- (3) Applications must contain the information set out in the Schedule and be in the form that the National Assembly requires.
- (4) Any change to the information supplied to the National Assembly must be notified within 28 days.

### **Powers of authorised officers**

- 7.—(1) An officer authorised by the National Assembly or the local authority will, on producing if required to do so some duly authenticated document showing his or her authority, have the right at all reasonable hours to enter any land or premises for the purposes of ascertaining whether there is or has been on or in respect of the premises any contravention of these Regulations.
- (2) Such an officer will have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may examine documentary or data processing material.

### **Obstruction**

- 8.—(1) No person may —
- (a) obstruct any person acting in the execution of these Regulations;
  - (b) without reasonable cause, fail to give any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his or her functions under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false.

(2) Nothing in paragraph (1)(b) above is to be construed as requiring any person to answer any question or give any information if to do so might incriminate that person.

### **Offences by body corporate**

**9.**—(1) When a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person as well as the body corporate will be guilty of an offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, “director” in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Penalties**

**10.**—(1) A person contravening any provision of these Regulations is guilty of an offence.

(2) A person guilty of an offence under these Regulations is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale.

### **Enforcement**

**11.** These Regulations are to be enforced by the local authority or the National Assembly.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

25th May 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE

### Information required for each establishment

1. In respect of the establishment:
    - (a) the name of the establishment;
    - (b) the address of the establishment;
    - (c) the farming method or methods operated at the establishment (organic, free range, barn or caged);
    - (d) the maximum capacity of the establishment for each farming method operated, stated as the maximum number of laying hens present at one time for that farming method.
  2. In respect of the keeper:
    - (a) the name of the keeper;
    - (b) the address of the keeper;
    - (c) where the keeper is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.
  3. In respect of the owner, if different from the keeper:
    - (a) the name of the owner;
    - (b) the address of the owner;
    - (c) where the owner is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement for Wales Commission Directive [2002/4/EC](#) on the registration of establishments keeping laying hens, covered by Council Directive [1999/74/EC](#).

The Regulations apply to establishments keeping 350 or more laying hens, other than those rearing breeding laying hens (regulation 3). The National Assembly for Wales is required to create and maintain a register of such establishments recording the details listed in the Schedule and to allocate a distinguishing number to each establishment (regulation 4).

The information in the register will be made available to the Food Standards Agency and the Health Protection Agency where this is necessary to trace eggs put on the market for human consumption (regulation 5).

Establishments may not continue in operation after 30th June 2004 if the information in the Schedule has not been supplied and new establishments may not be brought into operation after that date until a distinguishing number has been communicated (regulation 6).

Regulations 7—11 create offences and provide for enforcement.

A Regulatory Appraisal has been prepared. Copies may be obtained from the Animal Health Division of the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

