
STATUTORY INSTRUMENTS

2015 No. 1782

The Welfare of Animals at the Time
of Killing (England) Regulations 2015

PART 1

General

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Welfare of Animals at the Time of Killing (England) Regulations 2015.

(2) Subject to paragraph (3), these Regulations extend to England and Wales but apply in England only.

(3) Any amendment, repeal or revocation made by Schedule 6 has the same extent and application as the enactment amended, repealed or revoked.

(4) These Regulations come into force on 5th November 2015.

Expiry

2.—(1) The following provisions cease to have effect on 8th December 2015—

- (a) regulation 44; and
- (b) Schedule 7.

(2) The following provisions cease to have effect on 8th December 2019—

- (a) regulation 30(1)(h);
- (b) regulation 45; and
- (c) Schedule 8.

Interpretation

3.—(1) In these Regulations—

“the 1967 Act” means the Slaughter of Poultry Act 1967(1);

“the 1974 Act” means the Slaughterhouses Act 1974(2);

“the 1995 Regulations” means the Welfare of Animals (Slaughter or Killing) Regulations 1995(3);

(1) 1967 c.24.

(2) 1974 c.3.

(3) S.I. 1995/731; relevant amending instruments, in relation to England, are S.I. 1999/400, 2000/656 and 3352, 2001/447, 2001/3830, 2003/3272, 2006/1200, 2007/402 and 2012/501. The instrument was revoked in relation to Wales by S.I. 2014/951 (W.92).

“authorised veterinary surgeon” means a veterinary surgeon authorised by the Secretary of State for the purpose of carrying out assessments in accordance with regulation 16(c);

“certificate” (except in the term “temporary certificate” or in regulation 41) means a certificate of competence as mentioned in Article 21 and includes a qualification recognised by the competent authority as equivalent to a certificate in accordance with Article 21(7);

“competent authority” has the meaning given in regulation 4;

“EU Regulation” means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(4);

“evidence of training and examination” means—

- (a) a certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation(5) which oversees the training and assessment of persons carrying out the killing of animals and related operations, confirming the passing of an independent examination as provided for in Article 21,
- (b) a licence granted by the Rabbinical Commission for the purpose of killing animals in accordance with the Jewish method (Shechita) and confirming the passing of an independent examination as provided for in Article 21, or
- (c) a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”)(6), together with a RCVS continuing professional development record;

“horse” includes a hinny, ass or mule;

“inspector” means a person appointed under regulation 34 or an inspector appointed under section 51 of the Animal Welfare Act 2006(7);

“knacker’s yard” means a premises used principally for the storage of animal carcasses, but also for the commercial killing of animals for purposes other than human consumption, including any associated facilities for handling and lairaging such animals;

“licence” means a licence as required by regulation 12;

“local authority” means a county council, district council, London borough council, metropolitan district, unitary authority, the Common Council of the City of London or the Council of the Isles of Scilly;

“Rabbinical Commission” means the body referred to in Part 4 of Schedule 3 responsible for licensing persons carrying out the killing of animals in accordance with the Jewish method (Shechita);

“restraining pen” means a pen or compartment which is suitable for restraining an adult bovine animal in an upright position for the purpose of killing in accordance with religious rites (as defined in paragraph 1(c) of Schedule 3) and which is constructed and approved in accordance with paragraph 3 of Schedule 3;

“simple stunning” has the same meaning as in Article 4(1) and “simple stunned” is to be construed accordingly;

“stunning pen” means a pen or compartment which is suitable for restraining an adult bovine animal for the purpose of stunning and which is constructed in accordance with paragraph 8 of Schedule 1 or paragraph 9 of Schedule 2;

(4) OJNo. L303, 18.11.2009, p1.

(5) Established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and responsible for regulating qualifications, exams and tests in England.

(6) The RCVS was established by Royal Charter in 1844 and is responsible for the registration of veterinary surgeons and the regulation of their education, ethical and clinical standards.

(7) 2006 c.45.

“temporary certificate” means a temporary certificate of competence as mentioned in Article 21(5);

“veterinary surgeon” means a person registered in the register of veterinary surgeons under section 2 of the Veterinary Surgeons Act 1966(8);

“WASK licence” means a registered licence required by or granted in accordance with Schedule 1 to the 1995 Regulations.

(2) Terms and expressions used in these Regulations that are also used in the EU Regulation have the same meaning in these Regulations as they have in the EU Regulation, unless specified otherwise.

(3) In these Regulations, a reference to an Article, a Chapter or an Annex is a reference to that Article or Chapter of, or that Annex to, the EU Regulation.

(4) Any reference to an Annex to the EU Regulation is a reference to that Annex as amended from time to time.

The competent authority

4.—(1) The Food Standards Agency is the competent authority for the purposes of—

(a) Part 2 (certificates, temporary certificates and licences), unless specified otherwise;

(b) approving restraining pens in accordance with paragraph 3 of Schedule 3; and

(c) in relation to the killing of animals in a slaughterhouse—

(i) receiving and assessing documents, records or information in accordance with Articles 6(4), 9(1), 14(2) and 17(5);

(ii) receiving and assessing other documents, records or information in accordance with the EU Regulation or these Regulations; and

(iii) taking action in the event of any non-compliance with the EU Regulation or these Regulations in accordance with Article 22(1).

(2) Otherwise, the Secretary of State is the competent authority, and acts as the member State, for the purposes of the EU Regulation and these Regulations.

(3) The Secretary of State may act as the competent authority in relation to—

(a) the suspension or revocation of certificates, temporary certificates or licences under Part 2; and

(b) the appointment of inspectors in accordance with regulation 34.

PART 2

Certificates, temporary certificates and licences

CHAPTER 1

Certificates and temporary certificates

Requirement for a certificate or temporary certificate

5.—(1) Subject to regulations 23(2) and 44, no person may carry out an operation specified in regulation 6 except under and to the extent authorised by a certificate registered with the competent authority or a temporary certificate.

(8) 1966 c.36; section 2 was amended by S.I. 2003/2919 and 2008/1824.

(2) No person may carry out an operation specified in regulation 6 under a temporary certificate unless that person works in the presence, and under the direct supervision, of a person who holds a certificate registered with the competent authority in relation to that operation.

Operations which require a certificate or temporary certificate

6. The operations referred to in regulation 5 are—
 - (a) any of the following operations carried out in a slaughterhouse—
 - (i) an operation specified in any of sub-paragraphs (a) to (g) of Article 7(2); and
 - (ii) the pithing of a stunned animal and assessment of effective pithing; and
 - (b) supervising the killing of fur animals in accordance with Article 7(3).

Certificates

7. The competent authority must grant and register 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) not be less than 18 years old, unless the certificate is required for the following operations—
 - (i) the handling and care of animals before they are restrained; or
 - (ii) the shackling or hoisting of live poultry before stunning;
 - (b) subject to regulation 44, submit evidence of training and examination in respect of the operation, category of animal and (where appropriate) type of equipment for which a certificate is sought;
 - (c) submit a written declaration in accordance with Article 21(6);
 - (d) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;
 - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
 - (iii) has had any such licence revoked or suspended; and
 - (e) pay a fee in accordance with regulation 24.

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) not be less than 18 years old, unless the temporary certificate is required for the following operations—
 - (i) the handling and care of animals before they are restrained; or
 - (ii) the shackling or hoisting of live poultry before stunning;
- (b) submit evidence of registration 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;
- (c) submit a written declaration in accordance with Article 21(5)(d) and (6); and
- (d) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;
 - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
 - (iii) has had any such licence revoked or suspended.

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 has been granted.

(2) A certificate or temporary certificate may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if—

- (a) in the case of a certificate, the evidence of training and examination submitted with the application for the certificate relates to that operation, category of animal and type of equipment; or
- (b) in the case of a temporary certificate, the training course on which the applicant is registered provides training in relation to that operation, category of animal and type of equipment.

(3) Certificates or temporary certificates granted in Scotland, Wales, Northern Ireland or another member State for operations which require a certificate or temporary certificate in England under these Regulations have effect in England as if they were certificates or temporary certificates granted under these Regulations.

CHAPTER 2

Licences

Requirement for a licence

12. Subject to regulations 14 and 23(2), no person may carry out an operation specified in regulation 13 except under and to the extent authorised by a licence registered with the competent authority.

Operations which require a licence

13. The operations referred to in regulation 12 are any of the following operations carried out other than in a slaughterhouse—

- (a) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 10 (private domestic consumption) by a person other than the owner of the animal;

- (b) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 11 (direct supply of small quantities of poultry, rabbits and hares);
- (c) in relation to the killing, other than for human consumption, of solipeds, ruminants, pigs, rabbits, poultry or ratites—
 - (i) the restraint of animals for the purpose of stunning;
 - (ii) the stunning of animals;
 - (iii) the assessment of effective stunning;
 - (iv) the shackling or hoisting of stunned animals, other than poultry;
 - (v) the bleeding of live animals; and
- (d) the pithing of a stunned animal and assessment of effective pithing.

Exceptions to the requirement for a licence

14. Regulation 12 does not apply to any person who—

- (a) holds a certificate registered with the competent authority, provided that the scope of the certificate extends to the operation being undertaken;
- (b) works in the presence, and under the direct supervision, of a person who holds a certificate or licence registered with the competent authority, provided that the scope of the certificate or licence extends to the operation being undertaken;
- (c) works in the presence, and under the direct supervision, of a veterinary surgeon;
- (d) carries out the emergency killing of an animal;
- (e) kills an animal other than for a commercial purpose;
- (f) for purposes other than human consumption, kills an animal in the field by means of a free bullet;
- (g) for purposes other than human consumption, kills poultry by means of cervical dislocation (where there are no other methods available for stunning) on premises forming part of an agricultural holding on which the poultry were reared;
- (h) kills an animal for the purpose of depopulation;
- (i) kills surplus chicks or embryos in hatchery waste;
- (j) is a veterinary surgeon acting in the exercise of the veterinary surgeon's profession; or
- (k) kills an animal in circumstances which are out of scope of the EU Regulation by virtue of Article 1(3)(a).

Licences

15. The competent authority must grant and register a licence if—

- (a) the applicant meets the conditions in regulation 16; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a licence.

Conditions for a licence

16. The applicant must—

- (a) not be less than 18 years old;
- (b) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;

- (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
- (iii) has had any such licence revoked or suspended;
- (c) provide evidence in writing that an authorised veterinary surgeon has assessed the applicant and is of the opinion that the applicant—
 - (i) is competent to carry out the operation in respect of the category of animal and (where appropriate) type of equipment for which a licence is sought without causing an animal avoidable pain, distress or suffering, and
 - (ii) has sufficient knowledge of the provisions of all relevant legislation and guidance relating to that operation, category of animal and (where appropriate) type of equipment for which the licence is sought; and
- (d) pay a fee in accordance with regulation 24.

Grant of licences

17.—(1) A licence must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A licence may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if the assessment referred to in regulation 16(c) relates to that operation, category of animal and type of equipment.

(3) Certificates or licences granted in Scotland, Wales or Northern Ireland for operations which must be licensed in England under these Regulations have effect in England as if they were licences granted under these Regulations.

CHAPTER 3

Administrative provisions

Refusal to grant a certificate, temporary certificate or licence

18.—(1) The competent authority may, by notice in writing, refuse to grant a certificate, temporary certificate or licence if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulations 8, 10 or 16 (as the case may be); or
- (b) is not a fit and proper person to hold a certificate, temporary certificate or licence.

(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 a certificate, temporary certificate or licence

19.—(1) The competent authority may, by notice in writing, suspend or revoke a certificate, temporary certificate (including a certificate or temporary certificate granted in another member State) or licence if satisfied that the holder of the certificate, temporary certificate or licence—

- (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 it;
- (c) is not, or is no longer, competent to carry out the operations which the certificate, temporary certificate or licence authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

(2) The notice must—

- (a) give reasons for the suspension or revocation;
- (b) state when the suspension or revocation comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
- (c) give details of the right of appeal against the decision.

(3) Any person whose certificate, temporary certificate or licence is suspended or revoked must, whether or not that suspension or revocation is the subject of an appeal pursuant to regulation 22, surrender it to the competent authority within 14 days of receipt of the notice informing that person of the suspension or revocation.

Modification of a certificate or licence

20. The competent authority must modify a certificate or licence in respect of an operation, category of animal or (where appropriate) type of equipment as requested by an applicant if—

- (a) the applicant meets the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate or licence, as modified.

Refusal to modify a certificate or licence

21.—(1) The competent authority may, by notice in writing, refuse to modify a certificate or licence if satisfied that the applicant—

- (a) has failed to meet the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; or
- (b) is not a fit and proper person to hold a certificate or licence, as modified.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

Appeals

22.—(1) A person who is aggrieved by a decision of the competent authority to refuse, suspend or revoke a certificate, temporary certificate or licence, or to refuse to modify a certificate or licence, may appeal against it.

(2) The right of appeal is to the First-tier Tribunal.

(3) A decision to suspend or revoke a certificate, temporary certificate or licence is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either overturn or confirm the decision, with or without modification.

WASK licences

23.—(1) A WASK licence in force immediately before the coming into force of these Regulations continues in existence as a qualification equivalent to a certificate in accordance with Article 21(7).

(2) A WASK licence holder may carry out an operation specified in regulation 6 or 13 without holding a certificate or licence registered with the competent authority provided that, by 8th December 2015, the WASK licence holder—

- (a) registers the WASK licence as a certificate with the competent authority; and
- (b) pays a fee in accordance with regulation 24.

Fees

24.—(1) In respect of an application of a type described in column 1 of the Table, a person must pay to the Food Standards Agency the fee specified in column 2 in relation to that type of application.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Type of application</i>	<i>Fee (£)</i>
Application for a certificate	25
Application to register a WASK licence as a certificate	25
Application to modify a certificate	8
Application for a licence	25
Application to modify a licence	8

(2) In respect of an assessment under regulation 16(c) by an authorised veterinary surgeon exercising functions on behalf of the Secretary of State, a person must pay to the Secretary of State a fee calculated in accordance with paragraph (3).

(3) The fee referred to in paragraph (2) is—

- (a) £76 for the first half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation;
- (b) £21 for each additional half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation; and
- (c) the actual cost of travelling, accommodation and any other expenses reasonably incurred by the authorised veterinary surgeon.

PART 3

National rules

Additional requirements for slaughterhouses

25. Schedule 1 has effect.

Additional requirements for killing animals other than in slaughterhouses

26. Schedule 2 has effect.

Additional requirements for killing animals in accordance with religious rites

27. Schedule 3 has effect.

Killing animals other than those to which the EU Regulation applies

28. Schedule 4 has effect.

PART 4**Derogation****Depopulation operations**

29. Where the competent authority grants a derogation under Article 18(3), the competent authority must publish notice in writing of that decision which may be—

- (a) subject to conditions;
- (b) published in such manner as the competent authority thinks fit; and
- (c) amended, suspended or revoked in writing.

PART 5**Offences and penalties****Offences: general**

- 30.—(1) It is an offence to contravene, or to cause or permit a person to contravene—
- (a) regulation 5(1) or (2) (requirement for a certificate or temporary certificate);
 - (b) regulation 12 (requirement for a licence);
 - (c) any of paragraphs 3 to 32 of Schedule 1 (additional requirements for slaughterhouses);
 - (d) any of paragraphs 4 to 44 of Schedule 2 (additional requirements for killing animals other than in slaughterhouses);
 - (e) any of paragraphs 2 to 8 of Schedule 3 (additional requirements for killing animals in accordance with religious rites);
 - (f) paragraph 4 or 5 of Schedule 4 (killing animals other than those to which the EU Regulation applies);
 - (g) a provision of the EU Regulation specified in Schedule 5, except where it is not necessary to comply with the provision by virtue of—
 - (i) an exemption or transitional provision specified in the EU Regulation; or
 - (ii) a derogation granted by the competent authority under Article 18(3) in relation to a depopulation operation; or
 - (h) until 8th December 2019, any of paragraphs 1 to 7 of Schedule 8, to the extent that they apply by virtue of regulation 45 (transitional provision – slaughterhouses).
- (2) It is an offence for a person to fail to comply with an enforcement notice issued under regulation 38.

Obstruction offences

31. It is an offence—
- (a) intentionally to obstruct any person acting in the execution of the EU Regulation or these Regulations;

- (b) without reasonable cause, to fail to give to any such person any assistance or information that that person may reasonably require;
- (c) to furnish to any such person any information knowing it to be false or misleading; or
- (d) to fail to produce a document or record to any such person when required to do so.

Offences by bodies corporate

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

that person, as well as the body corporate, is guilty of the offence.

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

Penalties

33.—(1) A person guilty of an offence under regulation 30 or 31 is liable on summary conviction to a fine, except where specified in paragraph (2).

(2) A person guilty of an offence under regulation 30(1)(g) in relation to a contravention of Article 3 is liable on summary conviction to a fine or to imprisonment for a term not exceeding three months.

PART 6

Enforcement

Inspectors

34. The competent authority or a local authority may appoint inspectors for the purpose of enforcing the EU Regulation and these Regulations.

Power to enter premises

35.—(1) An inspector may, on giving reasonable notice, enter any premises at a reasonable hour for the purpose of executing or enforcing the EU Regulation or these Regulations, and in this Part, “premises” includes any land, building, shed, pen, receptacle or vehicle of any description.

(2) The requirement to give notice does not apply—

- (a) where the requirement has been waived;
- (b) where reasonable efforts to agree an appointment have failed;
- (c) where an inspector has reasonable suspicion of a failure to comply with the EU Regulation or these Regulations;
- (d) where an inspector reasonably believes that giving notice would defeat the object of the entry; or
- (e) in an emergency where entry is required urgently.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling house unless a right of entry is conferred by a warrant granted under regulation 36.

- (4) An inspector must, if requested to do so, produce a duly authenticated authorisation document.
- (5) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.
- (6) An inspector may be accompanied by—
 - (a) such other persons as the inspector considers necessary; and
 - (b) any representative of the European Commission.

Warrants

- 36.**—(1) A justice of the peace may, by signed warrant, permit an inspector to enter premises, if necessary by reasonable force, if satisfied, on sworn information in writing—
- (a) that there are reasonable grounds to enter those premises for the purpose of enforcing the EU Regulation or these Regulations; and
 - (b) that any of the conditions in paragraph (2) are met.
- (2) The conditions are—
- (a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for entry to the premises, or giving such a notice, would defeat the object of the entry;
 - (c) entry is required urgently; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant under this regulation is valid for three months.

Power to inspect and seize

- 37.**—(1) An inspector who has entered premises for the purposes of executing and enforcing the EU Regulation or these Regulations may for those purposes—
- (a) carry out any examination, investigation or test;
 - (b) make any enquiries, observe any operation or process, and take recordings or photographs;
 - (c) inspect and search the premises;
 - (d) take samples (and send them for laboratory testing) from any animal, carcase or part of a carcase;
 - (e) seize and detain any carcase or part of a carcase for further examining, investigating or testing;
 - (f) seize and detain any equipment or instrument for further examining, investigating or testing;
 - (g) have access to, inspect and check the data on, and operation of, any computer and any associated equipment;
 - (h) seize any computers and associated equipment for the purpose of copying data, but only if the inspector has a reasonable suspicion that an offence under these Regulations has been committed, and provided that they are returned as soon as practicable;
 - (i) require the production of any document or record and inspect and take a copy of or extract from such document or record; and
 - (j) require any person to provide such assistance, information, facilities or equipment as is reasonable.

- (2) An inspector must—
 - (a) as soon as reasonably practicable, provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1) a written receipt identifying those items; and
 - (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them, apart from those to be used as evidence in court proceedings.
 - (3) Where an inspector has seized items under paragraph (1) for use in evidence in court proceedings and—
 - (a) it is subsequently decided—
 - (i) that no court proceedings are to be brought; or
 - (ii) that those items are no longer needed as evidence in court proceedings; or
 - (b) the court proceedings are completed and no order in relation to those items has been made by the court,
- an inspector must return the items as soon as is reasonably practicable.

Enforcement notices

- 38.**—(1) An enforcement notice is a notice in writing—
- (a) requiring a person to take specified steps to remedy a contravention of the EU Regulation or these Regulations;
 - (b) requiring a person to reduce the rate of operation to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations; or
 - (c) prohibiting a person from carrying on an activity, process or operation, or using facilities or equipment, specified in the notice until the person has taken specified steps to remedy a contravention of the EU Regulation or these Regulations.
- (2) An inspector who is of the opinion that a person has contravened or is contravening the EU Regulation or these Regulations may serve on that person an enforcement notice.
- (3) An enforcement notice must—
- (a) state that the inspector is of that opinion;
 - (b) state the date and time of service of the notice;
 - (c) identify the recipient of the notice;
 - (d) specify the matters constituting the contravention;
 - (e) specify the steps that must be taken to remedy the contravention;
 - (f) specify the period within which those steps must be taken; and
 - (g) give details of the right of appeal against the notice.
- (4) A person on whom an enforcement notice is served must comply with it at that person's own expense.
- (5) If an enforcement notice is not complied with, the inspector may arrange for it to be complied with at the expense of the person on whom it was served.
- (6) An inspector must serve a completion notice if, after service of the enforcement notice, the inspector is satisfied that the person has taken the steps specified in the notice to remedy the contravention.
- (7) In the event of an inspector not being satisfied as provided for in paragraph (6), the inspector may, by notice in writing, refuse to serve a completion notice and the notice must—

- (a) give reasons for the refusal; and
 - (b) give details for the right of appeal against the decision.
- (8) An enforcement notice ceases to have effect on the issue of a completion notice.
- (9) An inspector may at any time withdraw or vary an enforcement notice in writing.

Appeals against enforcement notices

- 39.**—(1) A person who is aggrieved by—
- (a) a decision of an inspector to serve an enforcement notice; or
 - (b) a decision of an inspector to refuse to issue a completion notice,
- may appeal against it.
- (2) The right of appeal is to the First-tier Tribunal.
- (3) An enforcement notice is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.
- (4) On appeal the First-tier Tribunal may either cancel or confirm the enforcement notice, with or without modification, or make such order as it thinks fit as regards refusal to serve a completion notice.

Power of local authority to prosecute

- 40.** A local authority may prosecute any offence under these Regulations.

Time limit for prosecutions

- 41.**—(1) Notwithstanding section 127(1) of the Magistrates' Courts Act 1980⁽⁹⁾, a magistrates' court may try an information relating to an offence under these Regulations if the information is laid—
- (a) before the end of the period of three years beginning with the date of the commission of the offence; and
 - (b) before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge.
- (2) For the purposes of paragraph (1)(b)—
- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and
 - (b) a certificate stating that matter and purporting to be so signed is treated as so signed unless the contrary is proved.

PART 7

Miscellaneous provisions

Notices

- 42.**—(1) Any notice required or authorised to be served under these Regulations to any person may be given by—

(9) 1980 c.43.

- (a) delivering it to the person;
 - (b) leaving it at the person's proper address; or
 - (c) sending it by post to the person at that address.
- (2) Any such notice may—
- (a) in the case of a body corporate, be served on an officer of the body; or
 - (b) in the case of a limited liability partnership, be served on a partner or a person having the control or management of the partnership business.
- (3) For the purposes of this regulation and section 7 of the Interpretation Act 1978⁽¹⁰⁾ (service of documents by post) in its application to this regulation, the proper address of any person on whom a notice is to be served is—
- (a) in the case of a body corporate, the address of the registered or principal office of the body;
 - (b) in the case of a limited liability partnership, the address of the registered or principal office of the partnership;
 - (c) in the case of a person on whom the notice is served in reliance on paragraph (2), the proper address of the body corporate or partnership in question; and
 - (d) in any other case, the last known address of the person in question.
- (4) If a person on whom a notice is to be served under these Regulations has specified an address for service of such a notice, that address is also to be treated, for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, as that person's proper address.
- (5) If the name or address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.
- (6) In this regulation—
- (a) "body corporate" does not include a limited liability partnership; and
 - (b) references to serving include references to similar expressions (such as giving or sending).

Consequential and supplementary amendments and revocation

43. Schedule 6 (consequential and supplementary amendments and revocation) has effect.

Transitional provision: certificates

44. Schedule 7 (transitional provisions: certificates) has effect.

Transitional provision: slaughterhouses (layout, construction and equipment)

- 45.—(1) Paragraph (2) applies in relation to a slaughterhouse in operation immediately before 1st January 2013, but does not apply in relation to—
- (a) any new layout or construction of such a slaughterhouse (or associated lairage) brought into operation after that date; or
 - (b) any new equipment used in such a slaughterhouse and brought into operation after that date.
- (2) In relation to a slaughterhouse to which this paragraph applies, until 8th December 2019—
- (a) Article 14(1) and Annex II do not apply; and

(10) 1978 c.30.

- (b) Schedule 8 applies.

Review

46.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the EU Regulation is enforced in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) The first report under these Regulations must be published before the end of the period of five years beginning with 5th November 2015.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Revocations

47.—(1) The following are revoked—

- (a) the Welfare of Animals (Slaughter or Killing) Regulations 1995(**11**);
- (b) the Welfare of Animals (Slaughter or Killing) (Amendment) Regulations 1999(**12**); and
- (c) regulation 10(3) of, and Part 3 of Schedule 8 to, the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(**13**);
- (d) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2000(**14**);
- (e) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2001(**15**);
- (f) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2003(**16**);
- (g) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2006(**17**);
- (h) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2007(**18**); and

(11) S.I. 1995/731; relevant amending instruments, in relation to England, are S.I. 1999/400, 2000/656 and 3352, 2001/447, 2001/3830, 2003/3272, 2006/1200, 2007/402 and 2012/501. The instrument was revoked in relation to Wales by S.I. 2014/951 (W.92).

(12) S.I. 1999/400. The instrument was revoked in relation to Wales by S.I. 2014/951 (W.92).

(13) S.I. 2000/656. The instrument was revoked in relation to Wales by S.I. 2014/951 (W.92).

(14) S.I. 2000/3352.

(15) S.I. 2001/3830.

(16) S.I. 2003/3272.

(17) S.I. 2006/1200.

(18) S.I. 2007/402.

(i) the Welfare of Animals (Slaughter or Killing) (Amendment) (England) Regulations 2012(19).

8th October 2015

George Eustice
Minister of State
Department for Environment, Food and Rural
Affairs

We consent

12th October 2015

George Hollingbery
David Evennett
Two of the Lords Commissioners of Her
Majesty's Treasury