

Draft Regulations laid before the Scottish Parliament under section 51(3) of the Animal Health and Welfare (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

ANIMALS

The Welfare of Farmed Animals (Scotland) Regulations 2010

Made - - - - 2010

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 26 of the Animal Health and Welfare (Scotland) Act 2006⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 26(5) of that Act, the Scottish Ministers have consulted such persons appearing to them to represent relevant interests and such other persons as they consider appropriate.

In accordance with section 51(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Welfare of Farmed Animals (Scotland) Regulations 2010 and come into force on the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

“animal welfare code” means a code of practice issued under section 37 of the Animal Health and Welfare (Scotland) Act 2006⁽²⁾;

“calf” means a bovine animal under 6 months old;

“conventionally reared meat chicken” means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

(a) that is on a holding—

(i) with fewer than 500 such animals; or

(1) 2006 asp 11.

(2) This includes Codes of Recommendations issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34) and saved by article 4(2) of the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 1, Savings and Transitional Provisions) Order 2006 (S.S.I. 2006/482).

- (ii) with only breeding stocks of such animals;
- (b) that is on a hatchery;
- (c) in relation to which the term “Extensive indoor (barn-reared)”, “Free range”, “Traditional free range” or “Free range – total freedom” can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No. 543/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat⁽³⁾; or
- (d) that is organically reared in accordance with Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91⁽⁴⁾;

“inspector” means a person appointed as an inspector by the Scottish Ministers or a local authority for the purposes of these Regulations;

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

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁵⁾;

“person responsible” means a person responsible for an animal in terms of section 18 of the Animal Health and Welfare (Scotland) Act 2006 and includes a keeper and a food business operator; and

“pig” means an animal of the porcine species of any age, kept for breeding or fattening.

(2) Expressions used in these Regulations which are not defined in these Regulations and are used in the following Directives, have the meaning they bear in those Directives—

- (a) in relation to laying hens, Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens⁽⁶⁾;
- (b) in relation to conventionally reared meat chickens, Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production⁽⁷⁾;
- (c) in relation to calves, Council Directive 2008/119/EC laying down minimum standards for the protection of calves⁽⁸⁾; and
- (d) in relation to pigs, Council Directive 2008/120/EC laying down minimum standards for the protection of pigs⁽⁹⁾.

Animals to which these Regulations apply

3.—(1) These Regulations apply to farmed animals only.

(2) In these Regulations, a “farmed animal” means an animal bred or kept for the production of food, wool or skin or for other farming purposes, but not including—

- (a) a fish, reptile or amphibian;
- (b) an animal whilst at, or solely intended for use in, a competition, show or cultural or sporting event or activity;
- (c) an experimental or laboratory animal; or

(3) O.J. No. L 157, 17.6.2008, p.46, last amended by Commission Regulation (EC) No. 508/2009 (O.J. No. L 151, 16.6.2009, p.28).

(4) O.J. No. L 189, 20.7.2007, p.1, amended by Council Regulation (EC) No. 967/2008 (O.J. No. L 264, 3.10.2008, p.1).

(5) 1994 c.39, amended by the Environment Act 1995 (c.25), section 120(1) and Schedule 22, paragraph 232(1).

(6) O.J. No. L 203, 3.8.1999, p.53, amended by Council Regulation (EC) No. 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

(7) O.J. No. L 182, 12.7.2007, p.19.

(8) O.J. No. L 10, 15.1.2009, p.7.

(9) O.J. No. L 47, 18.2.2009, p.5.

- (d) an animal living in the wild.

Appointment of competent authority

4. The Scottish Ministers are the competent authority for the purposes of—
- (a) Council Directive 98/58/EC concerning the protection of animals kept for farming purposes⁽¹⁰⁾;
 - (b) Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens;
 - (c) Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production;
 - (d) Council Directive 2008/119/EC laying down minimum standards for the protection of calves; and
 - (e) Council Directive 2008/120/EC laying down minimum standards for the protection of pigs.

Duties on a person responsible for a farmed animal

5.—(1) A person responsible for a farmed animal must ensure that the conditions under which that animal is bred or kept comply with the requirements set out in Schedule 1.

(2) In relation to the duty in paragraph (1), a person responsible for a farmed animal must have regard to its—

- (a) species;
- (b) degree of development;
- (c) adaptation and domestication; and
- (d) physiological and ethological needs in accordance with established experience and scientific knowledge.

Additional duties on a person responsible for animals and at slaughterhouses

- 6.—(1) A person responsible for—
- (a) conventionally reared meat chickens must comply with the requirements set out in Schedule 2;
 - (b) laying hens kept on holdings with 350 or more laying hens must comply with the requirements set out in Schedule 3 (as appropriate to the system or systems used on the premises);
 - (c) calves confined for rearing and fattening must comply with the requirements set out in Schedule 4;
 - (d) cattle must comply with the requirements set out in Schedule 5;
 - (e) pigs must comply with the requirements set out in Schedule 6; and
 - (f) rabbits must comply with the requirements set out in Schedule 7.
- (2) In relation to monitoring and follow-up at the slaughterhouse, Part 3 of Schedule 2 has effect.

Animal welfare codes

7. A person responsible for a farmed animal—

⁽¹⁰⁾ O.J. No. L 221, 8.8.1998, p.23, amended by Council Regulation (EC) No. 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

- (a) must not attend to that animal unless that person is acquainted with any relevant animal welfare code and has access to that code while attending to that animal; and
- (b) must take all reasonable steps to ensure that a person employed or engaged by the person responsible does not attend to that animal unless that employed or engaged person—
 - (i) is acquainted with any relevant animal welfare codes relating to the animal being attended to;
 - (ii) has access to a copy of those codes while that person is attending to that animal; and
 - (iii) has received instruction and guidance on those codes.

Powers of an inspector

8.—(1) Where an inspector considers that a farmed animal is being kept in contravention of any provision of these Regulations, the inspector may serve a notice on the person who in the opinion of the inspector is responsible for that animal requiring that person within the period stated in the notice to take any action that the inspector considers to be reasonably necessary to ensure compliance with these Regulations and the inspector shall give reasons for requiring that action to be taken.

(2) An inspector may enter any premises except domestic premises at all reasonable times, on producing, if so required, evidence of that inspector's authority, for the purpose of ascertaining whether these Regulations are being, or have been, complied with and, in particular, may—

- (a) inspect and copy any records (in whatever form they are held) kept under these Regulations or remove such records to enable them to be copied;
- (b) inspect and check the operation of any computer and any associated apparatus or material which is, or has been, in use in connection with the records;
- (c) for that purpose, require any person having charge of, or otherwise concerned with, the operation of the computer, apparatus or material to afford the inspector such assistance as the inspector may reasonably require (including providing the inspector with any necessary passwords);
- (d) where a record is kept by means of a computer, require the record to be produced in a form in which it may be taken away;
- (e) examine, or require the examination of, any farmed animal kept on the premises; and
- (f) take on to the premises such persons to give the inspector such assistance and such equipment as the inspector considers necessary.

(3) If a Sheriff or Justice of the Peace is satisfied by evidence on oath laid by any inspector that there are reasonable grounds for suspecting that an offence under these Regulations has been or is being committed at any domestic premises, the Sheriff or Justice may issue a warrant authorising any inspector to enter those premises, by reasonable force if need be, and inspect them and any animals or any thing found there.

(4) A warrant issued under paragraph (3) above—

- (a) may authorise persons to accompany the person who is executing the warrant; and
- (b) shall continue in force for the period of one month commencing with the date of issue.

(5) The power of entry conferred by the warrant may be exercised at all reasonable times and any person entering the premises in exercise of that power shall—

- (a) produce the warrant if so required; and
- (b) comply with such precautions (if any) as the Sheriff or Justice of the Peace may specify to prevent the spread among animals of infectious or contagious diseases.

(6) If an inspector enters any unoccupied premises, the inspector must leave them as effectively secured against entry as the inspector found them.

Obstruction

9. If any person intentionally obstructs an inspector (or a person assisting an inspector in accordance with regulation 8(2)(f)) in the exercise of the powers conferred by regulation 8 that person is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to imprisonment for a term not exceeding 3 months, or both.

Powers of entry: representative of the European Commission

10. An inspector exercising powers of entry under regulation 8 may be accompanied by a representative of the European Commission acting for the purposes of—

- (a) Council Directive 98/58/EC concerning the protection of animals kept for farming purposes⁽¹¹⁾;
- (b) Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens⁽¹²⁾;
- (c) Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production⁽¹³⁾;
- (d) Council Directive 2008/119/EC laying down minimum standards for the protection of calves⁽¹⁴⁾; or
- (e) Council Directive 2008/120/EC laying down minimum standards for the protection of pigs⁽¹⁵⁾.

Offences

11. A person responsible for animals who—

- (a) without lawful authority or reasonable excuse—
 - (i) contravenes or fails to comply with any provision of these Regulations;
 - (ii) fails to comply with a notice served under regulation 8 within the time specified in the notice;
- (b) makes any entry in a record, or gives any information for the purposes of these Regulations which that person knows to be false in any material particular or, for those purposes, recklessly makes a statement or recklessly gives any information which is false in any material particular; or
- (c) causes or permits any of the above,

is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 4 on the standard scale, or to imprisonment for a term not exceeding 3 months, or both.

Enforcement

12. The Scottish Ministers or the local authority may appoint inspectors for the purposes of enforcing these Regulations.

Revocations

13. The instruments specified in Schedule 8 are revoked.

⁽¹¹⁾ O.J. No. L 221, 8.8.1998, p.23, amended by Council Regulation (EC) No. 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

⁽¹²⁾ O.J. No. L 203, 3.8.1999, p.53, amended by Council Regulation (EC) No. 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

⁽¹³⁾ O.J. No. L 182, 12.7.2007, p.19.

⁽¹⁴⁾ O.J. No. L 10, 15.1.2009, p.7.

⁽¹⁵⁾ O.J. No. L 47, 18.2.2009, p.5.

Savings

14. The Welfare of Farmed Animals (Scotland) Regulations 2000⁽¹⁶⁾ continue to have effect in relation to any notices served under regulation 11 of those Regulations and any offence under regulation 13 of those Regulations committed prior to the coming into force of these Regulations.

St Andrew's House,
Edinburgh

Date

A member of the Scottish Executive

⁽¹⁶⁾ S.S.I. 2000/442, amended by S.S.I. 2002/334, 2003/488 and 2007/256.

SCHEDULE 1

Regulation 5

GENERAL CONDITIONS UNDER WHICH FARMED ANIMALS MUST BE BRED OR KEPT

Staffing

1. Animals must be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

Inspection

2.—(1) Animals kept in husbandry systems in which their welfare depends on frequent human attention must be adequately inspected at least once a day to check that they are in a state of well-being.

(2) Animals kept in systems other than husbandry systems in which their welfare depends on frequent human attention must be inspected at intervals sufficient to avoid any suffering.

(3) In the following cases, it is sufficient for the purposes of this paragraph to comply with the following specific provisions:—

- (a) in the case of conventionally reared meat chickens, paragraph 11 of Schedule 2;
- (b) in the case of laying hens kept in any system, paragraph 2 of Schedule 3;
- (c) in the case of calves, paragraph 2 or 3 of Schedule 4; or
- (d) in the case of pigs, paragraph 2 of Schedule 6.

3. Where animals are kept in a building, adequate lighting (whether fixed or portable) must be available to enable them to be adequately inspected at any time.

4. Where any animals (other than laying hens kept in the systems referred to in Parts 3, 4 and 5 of Schedule 3) are kept in a building they must be kept on, or have access at all times to, a lying area which is well maintained with dry bedding or litter or a well-drained area for resting.

5. Any animals which appear to be ill or injured—

- (a) must be cared for appropriately without delay; and
- (b) where they do not respond to such care, veterinary advice must be obtained as soon as reasonably practicable.

6. Where necessary, sick or injured animals must be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

Record keeping

7. A record must be maintained of—

- (a) any medicinal treatment given to animals; and
- (b) the number of mortalities found on each inspection of animals.

8. The record referred to in paragraph 7 must be retained for a period of at least 3 years from the date on which the medicinal treatment was given, or the date of the inspection, as the case may be, and must be made available to an inspector on request.

Freedom of movement

9. The freedom of movement of animals, having regard to their species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause them unnecessary suffering or injury.

10. Where animals are continuously or regularly tethered or confined, they must be given the space appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation

11. Materials used for the construction of accommodation and, in particular, for the construction of pens, cages, stalls and equipment with which the animals may come into contact, must not be harmful to them and must be capable of being thoroughly cleaned and disinfected.

12. Accommodation and fittings for securing animals shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to them.

13. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to the animals.

14. Animals kept in buildings must not be kept in permanent darkness.

15. Where the natural light available in a building is insufficient to meet the physiological and ethological needs of any animals being kept in it then appropriate artificial lighting must be provided.

16. Animals kept in buildings must not be kept without an appropriate period of rest from artificial lighting.

Animals not kept in buildings

17. Animals not kept in buildings must, where necessary and possible, be given protection from adverse weather conditions, predators and risks to their health and, at all times, have access to a well-drained lying area.

Automatic or mechanical equipment

18. All automated or mechanical equipment essential for the health and well-being of the animals must be inspected at least once a day to check that there is no defect in it.

19. Where any defect in automated or mechanical equipment of the type specified in paragraph 18 is discovered, it must be rectified immediately, or if that is impossible, appropriate steps must be taken to safeguard the health and well-being of the animals pending the rectification of such defects including the use of alternative methods of feeding and watering and methods of providing and maintaining a satisfactory environment.

20. Where the health and well-being of animals is dependent on an artificial ventilation system—

- (a) provision must be made for an appropriate back-up system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system; and
- (b) an alarm system (which will operate even if the principal electricity supply to it has failed) must be provided to give warning of any failure of the system.

21. The back-up system referred to in paragraph 20(a) must be thoroughly inspected, and the alarm system referred to in paragraph 20(b) tested, in each case not less than once every 7 days in order to check that there is no defect in it, and, if any defect is found in such system or alarm (whether or not on it being inspected or tested in accordance with this paragraph), it must be rectified forthwith.

Feed, water and other substances

22. Animals must be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health, to satisfy their nutritional needs and to promote a positive state of well-being.

23. Animals must not be provided with food or liquid in a manner, nor must such food or liquid contain any substance, which may cause them unnecessary suffering or injury.

24. All animals must have access to feed at intervals appropriate to their physiological needs (and, in any case, at least once a day), except where a veterinary surgeon acting in the exercise of that profession otherwise directs.

25. All animals must either have access to a suitable water supply and be provided with an adequate supply of fresh drinking water each day or be able to satisfy their fluid intake needs by other means.

26. Feeding and watering equipment must be designed, constructed, placed and maintained so that contamination of food and water and the harmful effects of competition between animals are minimised.

27. No other substance, with the exception of those given for therapeutic or prophylactic purposes or for the purpose of zootechnical treatment, may be administered to animals unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animals; and in this paragraph “zootechnical treatment” has the meaning given by Article 1(2)(c) of Council Directive [96/22/EC](#)(17) concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives [81/602/EEC](#), [88/146/EEC](#) and [88/299/EEC](#).

Breeding procedures

28.—(1) Natural or artificial breeding or breeding procedures which cause, or are likely to cause, suffering or injury to any of the animals concerned must not be practised.

(2) Sub-paragraph (1) does not preclude the use of natural or artificial breeding procedures which are likely to cause minimal or momentary suffering or injury or that might necessitate interventions which would not cause lasting injury.

29. No person may keep an animal for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.

Electrical immobilisation

30. No person may apply an electrical current to any animal for the purposes of immobilisation.

(17) O.J. No. L 125, 23.5.1996, p.3, last amended by Directive [2008/97/EC](#) (O.J. No. L 318, 28.11.2008, p.9).

SCHEDULE 2

Regulation 6(1)(a) and (2)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CONVENTIONALLY REARED MEAT CHICKENS

PART 1

Interpretation

Interpretation

1. In this Schedule—

“chicken” means a conventionally reared meat chicken;

“cumulative daily mortality rate” means the sum of daily mortality rates;

“daily mortality rate” means the number of chickens which have died in a house on the same day including those that have been culled either because of disease or because of other reasons, divided by the number of chickens present in the house on that day, multiplied by 100;

“food business operator” has the same meaning as it has in Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁸⁾;

“holding” means a production site on which chickens are kept;

“house” means a building on a holding where a flock of chickens is kept;

“keeper” means any person responsible for or in charge of chickens in terms of contract or by law whether on a permanent or temporary basis;

“litter” means any material which is dry and friable on the surface and enables the chickens to satisfy their ethological needs;

“official veterinarian” has the same meaning as it has in Regulation 854/2004;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹⁹⁾;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽²⁰⁾;

“stocking density” means the total live weight of chickens which are present in a house at the same time per m² of usable area;

“usable area” means a littered area accessible to the chickens at any time; and

“working day” means a day other than a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽²¹⁾.

(18) O.J. No. L 31, 1.2.2002, p.1, last amended by Council Regulation (EC) No. 596/2009 (O.J. No. L 188, 18.7.2009, p.14).

(19) O.J. No. L 226, 25.6.2004, p.22 (corrected version); last amended by Commission Regulation (EU) No. 558/2010 (O.J. No. L 159, 25.6.2010, p.18).

(20) O.J. No. L 226, 25.6.2004, p.83 (corrected version); last amended by Commission Regulation (EC) No. 219/2009 (O.J. No. L 87, 31.3.2009, p.109).

(21) 1971 c.80.

PART 2

General additional conditions

Training

2.—(1) A keeper must hold—

- (a) a certificate recognised by the Scottish Ministers for the purposes of Article 4(3) or (4) of Council Directive [2007/43/EC](#)(22) laying down minimum rules for the protection of chickens kept for meat production (certificates of completion of training courses); or
- (b) written confirmation from the Scottish Ministers that the keeper's experience is deemed to be equivalent to the certificate described in sub-paragraph (1)(a).

(2) The Scottish Ministers must publish from time to time, in such a way as they consider appropriate, a list of certificates recognised by them for the purposes of sub-paragraph (1).

Notification of stocking density

3.—(1) A keeper must ensure that the Scottish Ministers are notified of the intended stocking density of each house where it is intended to keep chickens at a density of greater than 33 kilograms per m² of usable area, and of any subsequent change to that notified density.

(2) Notification must be made in such manner and form as the Scottish Ministers may require.

(3) Notification (including notification of any change) must be given at least 15 working days before stocking at that density or changed density takes place.

Stocking density limits

4.—(1) Unless sub-paragraph (2) applies, the stocking density must not exceed 33 kilograms per m² of usable area.

(2) A stocking density in excess of 33 kilograms and up to 39 kilograms per m² of usable area may be used if the requirements of paragraph 5 are complied with.

Requirements for higher stocking densities

5. The requirements of this paragraph are that the keeper must—

- (a) maintain and, on request, make available documentation in the house giving a detailed description of the production systems, including information on technical details of the house and its equipment, including—
 - (i) a plan of the house including the dimensions of the surfaces occupied by the chickens;
 - (ii) ventilation and any relevant cooling and heating system (including their location), and a ventilation plan, detailing target air quality parameters (such as airflow, air speed and temperature);
 - (iii) feeding and watering systems (and their location);
 - (iv) alarm and backup systems in the event of a failure of any equipment essential for the health and well-being of the chickens;
 - (v) floor type and type of litter normally used; and

(22) O.J. No. L 182, 12.7.2007, p.19.

- (vi) records of technical inspections of the ventilation and alarm systems;
- (b) keep the documentation referred to in sub-paragraph (a) updated;
- (c) ensure that each house of a holding is equipped with ventilation and, if necessary, heating and cooling systems designed, constructed and operated in such a way that—
 - (i) the concentration of ammonia does not exceed 20 parts per million and the concentration of carbon dioxide does not exceed 3000 parts per million, when measured at the level of the chickens' heads;
 - (ii) when the outside temperature measured in the shade exceeds 30°C, the inside temperature does not exceed the outside temperature by more than 3°C; and
 - (iii) when the outside temperature is below 10°C, the average relative humidity measured inside the house during a continuous period of 48 hours does not exceed 70%.

Feed and water

- 6.—(1) Drinkers must be positioned and maintained in such a way that spillage is minimised.
- (2) Feed must be either continuously available or meal fed.
- (3) Feed must not be withdrawn from the chickens more than 12 hours before the expected slaughter time.

Litter

- 7. All chickens must have permanent access to litter.

Ventilation and heating

- 8. Ventilation must be sufficient to avoid overheating and, in combination with heating systems, must be sufficient to remove excessive moisture.

Noise

- 9. In all houses—
 - (a) the sound level must be minimised; and
 - (b) ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

Light

- 10.—(1) All houses must have lighting with an intensity of at least 20 lux during the lighting periods, measured at bird eye level and illuminating at least 80% of the usable area.
- (2) A temporary reduction from that lighting level is permitted where necessary following veterinary advice.
- (3) Within 7 days from the time when the chickens are placed in the house and until 3 days before the expected time of slaughter, the lighting must follow a 24-hour rhythm and include periods of darkness lasting at least 6 hours in total, with at least one uninterrupted period of darkness of at least 4 hours, excluding dimming periods.

Inspection

- 11.—(1) A keeper must ensure that all chickens kept on the holding are inspected at least twice a day.

(2) Special attention must be paid to signs indicating a reduced level of animal health or welfare.

(3) Chickens that are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe ascites or severe malformations), and are likely to suffer, must receive appropriate treatment or be culled immediately.

Cleaning and disinfection

12. After the final depopulation of a house and before a new flock is introduced—

- (a) any part of a house, and any equipment or utensil, which has been in contact with chickens must be thoroughly cleaned and disinfected; and
- (b) all litter must be removed and clean litter provided.

Record keeping

13.—(1) The keeper must maintain, for each house in which chickens are kept, a record of—

- (a) the number of chickens introduced;
 - (b) the usable area;
 - (c) the hybrid or breed of the chickens (if known);
 - (d) the number of chickens found dead, with an indication of the causes (if known), as well as the number of chickens culled with cause, on each inspection; and
 - (e) the number of chickens remaining in the flock following the removal of chickens for sale or slaughter.
- (2) The record must be retained for at least 3 years.

PART 3

Monitoring and follow-up at the slaughterhouse

Food chain information and chickens dead on arrival

14.—(1) For the purposes of Section III (food chain information) of Annex II to Regulation 853/2004, the daily mortality rate and cumulative daily mortality rate and the hybrid or breed of chickens from a flock with a stocking density in excess of 33 kilograms per m² of usable area is treated as relevant food safety information.

(2) A food business operator operating a slaughterhouse must—

- (a) under the supervision of the official veterinarian, record the number of chickens from such a flock that are dead on arrival at the slaughterhouse; and
- (b) provide that information on request to the official veterinarian.

Identification of poor welfare conditions and follow-up

15.—(1) An official veterinarian conducting controls under Regulation 854/2004 in relation to chickens must evaluate the results of the post-mortem inspection to identify possible indications of poor animal welfare conditions in the holding or house of origin.

(2) If the mortality rate of the chickens or the results of the post-mortem inspection are consistent with poor animal welfare conditions, the official veterinarian must communicate the data to the keeper of those chickens and to the Scottish Ministers without delay.

SCHEDULE 3

Regulation 6(1)(b)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF LAYING HENS

PART 1

Interpretation

Interpretation

1. In this Schedule—

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

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

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

PART 2

General additional conditions

Inspection

2. All hens must be inspected by the person responsible for the hens at least once a day.

Noise

3. In all systems in which laying hens are kept—

(a) the sound level must be minimised;

(b) constant or sudden noise must be avoided; and

(c) ventilation fans, feeding machinery or other equipment must be constructed, placed, operated and maintained in such a way that they cause the least possible amount of noise.

Light

4. All buildings must have—

(a) 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 and where there is natural light, light apertures must be arranged in such a way that light is distributed evenly within the accommodation; and

(b) after the first days of conditioning and to prevent health and behavioural problems a lighting regime that—

(i) follows a 24-hour rhythm and includes an adequate uninterrupted period of darkness lasting about one third of the day, so that the hens may rest and to avoid problems such as immunodepression and ocular anomalies; and

(ii) provides a period of twilight of sufficient duration when the light is dimmed so that the hens may settle down without disturbance or injury.

Cleaning and disinfection

5.—(1) Those parts of buildings, equipment or utensils which are in contact with the hens must be thoroughly cleaned and disinfected regularly and, in any case, every time depopulation is carried out and before a new batch of hens is brought in.

(2) While the cages are occupied—

- (a) the surfaces and all equipment must be kept satisfactorily clean;
- (b) droppings must be removed as often as necessary to prevent cross-infection and the build-up of disease carrying organisms; and
- (c) dead hens must be removed every day.

Accommodation

6. Cages must be suitably equipped to prevent hens escaping.

7. Accommodation comprising 2 or more tiers of cages must have devices, or appropriate measures must be taken, to allow inspection of all tiers and removal of hens without difficulty.

8. 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.

PART 3

Additional conditions applicable for keeping laying hens in conventional cages

Accommodation, feed, water and ethological needs

9. All conventional (unenriched) cage systems must comply with the following requirements of this paragraph:—

- (a) at least 550cm² 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;
- (b) a feed trough which may be used without restriction must be provided and its length must be at least 10cm multiplied by the number of hens in the cage;
- (c) unless nipple drinkers or drinking cups are provided, each cage must have a continuous drinking channel of the same length as the feed trough mentioned in sub-paragraph (b) and where drinking points are plumbed in, at least 2 nipple drinkers or 2 drinking cups must be within reach of each cage;
- (d) cages must be at least 40cm high over at least 65% of the cage area and not less than 35cm at any point;
- (e) floors of cages must be constructed so as to support each of the forward-facing claws of each foot and 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 must be fitted with suitable claw-shortening devices.

10. On and after 1st January 2012 no person shall keep any laying hen in any conventional (unenriched) cage system.

PART 4

Additional conditions applicable for keeping laying hens in enriched cages

11. All cage systems (other than those referred to in Part 3) must be enriched to comply with the requirements of this Schedule.

Accommodation

12. Laying hens must have—

- (a) at least 750cm² of cage area per hen, 600cm² of which shall be usable area; the height of the cage other than that above the usable area shall be at least 20cm at every point and no cage shall have a total area that is less than 2000cm²;
- (b) a nest;
- (c) litter such that pecking and scratching are possible; and
- (d) appropriate perches allowing at least 15cm per hen.

Feed

13. A feed trough which may be used without restriction must be provided and its length must be at least 12cm multiplied by the number of hens in the cage.

Water

14. Each cage must have a drinking system appropriate to the size of the group and where nipple drinkers are provided, at least 2 nipple drinkers or 2 drinking cups must be within the reach of each hen.

Inspection

15. To facilitate inspection, installation and depopulation of hens there must be a minimum aisle width of 90cm between tiers of cages and a space of at least 35cm must be allowed between the floor of the building and the bottom tier of cages.

Ethological needs

16. Cages must be fitted with suitable claw-shortening devices.

PART 5

Additional conditions applicable for keeping laying hens in non-cage systems

Feed and water

17. All systems must be equipped in such a way that all laying hens have—

- (a) either linear feeders providing at least 10cm per hen or circular feeders providing at least 4cm per hen;
- (b) either continuous drinking troughs providing 2.5cm per hen or circular drinking troughs providing 1cm per hen, and in addition, where nipple drinkers or drinking cups are used, there must be at least one nipple drinker or cup for every 10 hens and where drinking

points are plumbed in, at least 2 drinking cups or 2 nipple drinkers must be within reach of each hen;

- (c) at least one nest for every 7 hens and if group nests are used, there must be at least 1m² of nest space for a maximum of 120 hens;
- (d) perches, without sharp edges and providing at least 15cm per hen; perches must not be mounted above the litter; the horizontal distance between perches must be at least 30cm and the horizontal distance between the perch and the wall must be at least 20cm; and
- (e) at least 250cm² of littered area per hen, the litter occupying at least one third of the ground surface.

Floors

18. The floors of installations must be constructed so as to support each of the forward-facing claws of each foot.

Accommodation

19. In addition to the requirements of paragraphs 17 and 18—

- (a) if systems of rearing are used where the laying hens can move freely between different levels—
 - (i) there must not be more than 4 levels;
 - (ii) the headroom between the levels must be at least 45cm;
 - (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 35cm high and 40cm wide and extending along the entire length of the building; in any case, a total opening of 2m must be available per group of 1,000 hens; and
 - (ii) such 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.

20. Subject to paragraph 21, the stocking density must not exceed 9 laying hens per square metre of usable area.

21. Where on 3rd July 2002 the establishment applied a system where the usable area corresponded to the available ground surface a stocking density of 12 hens per square metre is authorised until 31st December 2011.

SCHEDULE 4

Regulation 6(1)(c)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CALVES CONFINED FOR REARING AND FATTENING

Accommodation

1.—(1) A calf must not be confined in an individual stall or pen after the age of 8 weeks unless a veterinary surgeon certifies that its health or behaviour requires it to be isolated in order to receive treatment.

(2) The width of any individual stall or pen for a calf must be at least equal to the height of the calf at the withers, measured in the standing position, and the length must be at least equal to the body length of the calf, measured from the tip of the nose to the caudal edge of the *tuber ischii* (pin bone), multiplied by 1.1.

(3) Individual stalls or pens for calves (except for those isolating sick animals) must have perforated walls which allow calves to have direct visual and tactile contact.

(4) For calves kept in groups, the unobstructed space allowance available to each calf must be—

- (a) at least 1.5m² for each calf with a live weight of less than 150 kg;
- (b) at least 2m² for each calf with a live weight of 150 kg or more but less than 200 kg; and
- (c) at least 3m² for each calf with a live weight of 200 kg or more.

(5) Sub-paragraphs (1) to (4) do not apply to—

- (a) holdings with fewer than 6 calves; or
- (b) calves kept with their mothers for suckling.

(6) Each calf must be able to stand up, turn around, lie down, rest and groom itself without hindrance.

(7) Each calf that is kept on a holding on which 2 or more calves are kept must be able to see at least one other calf.

(8) Sub-paragraph (7) does not apply to any calf that is kept in isolation on a holding on veterinary advice.

(9) In calculating the number of calves being kept on a holding for the purposes of sub-paragraph (7), no account is to be taken of any calf that is being kept in isolation on that holding on veterinary advice.

(10) Electrical circuits and equipment must be installed so as to avoid electric shocks to calves.

Inspection

2. All housed calves must be inspected by the person responsible for the calves at least twice a day.

3. Calves which are kept outside must be inspected by the person responsible for the calves at least once a day.

Tethering

4.—(1) Calves must not be tethered, with the exception of group-housed calves which may be tethered for a period of not more than one hour when being fed milk or milk substitute.

(2) Only tethers designed not to cause pain or injury to the calves may be used and they must be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(3) Only tethers designed to avoid the risk of strangulation or pain or injury and which allow the calf to stand up, turn around, lie down, rest and groom itself without hindrance may be used.

Artificially lit buildings

5. Where calves are kept in an artificially lit building then, subject to paragraphs 14 and 16 of Schedule 1, artificial lighting must be provided for a period at least equivalent to the period of natural light normally available between 9.00 a.m. and 5.00 p.m..

Cleaning and disinfection

6.—(1) Housing, stalls, pens, equipment and utensils used for calves must be properly cleaned and disinfected to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and to avoid attracting flies or rodents.

Floors

7. Where calves are kept in a building, floors must—

- (a) be smooth but not slippery so as to prevent injury to the calves;
- (b) be so designed as not to cause injury or suffering to calves standing or lying on them;
- (c) be suitable for the size and weight of the calves; and
- (d) form a rigid, even and stable surface.

Bedding and lying area

8.—(1) All calves must be provided with appropriate well-maintained bedding.

(2) All calves must be kept on, or at all times have access to, a lying area which is clean, comfortable and does not adversely affect the calves and is well drained.

(3) All housed calves and calves kept in temporary structures must be kept on, or at all times have access to, a lying area which is well-maintained with dry bedding.

Bovine colostrum

9. Each calf must receive bovine colostrum as soon as possible after it is born and in any case within the first 6 hours of life.

Additional dietary requirements

10.—(1) All calves must be provided with food which contains sufficient iron to ensure a blood haemoglobin level of at least 4.5mmol/litre.

(2) A minimum daily ration of fibrous food must be provided for each calf over 2 weeks old, the quantity being raised in line with the growth of the calf from a minimum of 100g at 2 weeks old to a minimum of 250g at 20 weeks old.

Muzzling

11. Calves must not be muzzled.

Feeding

12.—(1) All calves must be fed at least twice a day.

(2) Where calves are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system, each calf must have access to food at the same time as the others in the feeding group.

Drinking water

13.—(1) All calves over 2 weeks of age must be provided with a sufficient quantity of fresh drinking water each day or be able to satisfy their fluid intake needs by drinking other liquids.

(2) Calves must be provided with fresh drinking water at all times—

- (a) in hot weather conditions; or
- (b) when they are ill.

SCHEDULE 5

Regulation 6(1)(d)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF CATTLE

Accommodation

Where any cows which are calving are kept in a building, they must be kept—

- (a) in a pen or a yard which is of such a size as to permit a person to attend the cows; and
- (b) separate from other livestock other than calving cows.

SCHEDULE 6

Regulation 6(1)(e)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF PIGS

PART 1

Interpretation

1. In this Schedule—

- “boar” means a male pig after puberty, intended for breeding;
- “gilt” means a female pig intended for breeding after puberty and before farrowing;
- “piglet” means a pig from birth to weaning;
- “rearing pig” means a pig from the age of 10 weeks to slaughter or service;
- “sow” means a female pig after the first farrowing; and
- “weaner” means a pig from weaning to the age of 10 weeks.

PART 2

General additional conditions

Inspection

2. All pigs must be inspected by the person responsible for the pigs at least once a day to check that they are in a state of well-being.

Tethering

3. No person may tether or cause to be tethered any pig except while it is undergoing any examination, test, treatment or operation carried out for any veterinary purpose.

4.—(1) Only tethers designed not to cause injury to the pigs may be used and they must be inspected regularly and adjusted as necessary to ensure a comfortable fit.

(2) Only tethers of sufficient length to allow the pigs to move as stipulated in paragraph 5(2) and designed, to avoid, as far as possible, any risk of strangulation, pain or injury, may be used.

Accommodation

5.—(1) A pig must be free to turn round without difficulty at all times.

(2) The accommodation used for pigs must be constructed in such a way as to allow each pig to—

- (a) stand up, lie down and rest without difficulty;
- (b) have a clean, comfortable and adequately drained place in which it can rest;
- (c) see other pigs, unless the pig is isolated for veterinary reasons;
- (d) maintain a comfortable temperature; and
- (e) have enough space to allow all the animals to lie down at the same time.

6.—(1) The dimension of any stall or pen used for holding individual pigs in accordance with these Regulations must be such that the internal area is not less than the square of the length of the pig, and no internal side is less than 75% of the length of the pig, the length of the pig in each case being measured from the tip of its snout to the base of its tail while it is standing with its back straight.

(2) Sub-paragraph (1) does not apply to a female pig for the period between 7 days before the predicted day of its farrowing and the day on which the weaning of its piglets (including any piglets fostered by it) is complete.

(3) Sub-paragraph (1) does not apply to a pig held in a stall or pen—

- (a) while it is undergoing any examination, test, treatment or operation carried out for veterinary purposes;
- (b) for the purposes of service, artificial insemination or collection of semen;
- (c) while it is fed on any particular occasion;
- (d) for the purposes of marking, washing or weighing it;
- (e) while its accommodation is being cleaned; or
- (f) while it is awaiting loading for transportation,

provided that the period during which it is so kept is not longer than necessary for that purpose.

(4) Sub-paragraph (1) does not apply to a pig held in a stall or pen which the pig can enter or leave at will, provided that the stall or pen is entered from a stall or pen in which the pig is kept without contravention of that sub-paragraph.

Artificially lit buildings

7. Where pigs are kept in an artificially lit building then lighting with an intensity of at least 40 lux must be provided for a minimum period of 8 hours per day, subject to paragraph 16 of Schedule 1.

Prevention of fighting

8.—(1) If pigs are kept together, measures must be taken to prevent fighting which goes beyond normal behaviour.

(2) Pigs which show persistent aggression towards others or are victims of such aggression must be isolated or kept separate from the group.

Training

9. Any person who employs or engages a person to attend to pigs must ensure that the person attending to those pigs has received instruction and guidance on the relevant provisions of these Regulations.

Cleaning and disinfection

10.—(1) Housing, pens, equipment and utensils used for pigs must be properly cleaned and disinfected as necessary to prevent cross-infection and the build-up of disease-carrying organisms.

(2) Faeces, urine and uneaten or spilt food must be removed as often as necessary to minimise smell and avoid attracting flies or rodents.

Bedding

11. Where bedding is provided, this must be clean, dry and not harmful to the pigs.

Floors

12. Where pigs are kept in a building, floors must—

- (a) be smooth but not slippery;
- (b) be so designed, constructed and maintained as not to cause injury or suffering to pigs standing or lying on them;
- (c) be suitable for the size and weight of the pigs; and
- (d) where no litter is provided, form a rigid, even and stable surface.

13. On and after 1st January 2013, when concrete slatted floors are used for pigs kept in groups—

- (a) the maximum width of the openings between the slats must be—
 - (i) 11 mm for piglets;
 - (ii) 14 mm for weaners;
 - (iii) 18 mm for rearing pigs;
 - (iv) 20 mm for gilts after service and sows; and
- (b) the minimum width of the slats must be—
 - (i) 50 mm for piglets and weaners; and
 - (ii) 80 mm for rearing pigs, gilts after service and sows.

Feeding

14.—(1) All pigs must be fed at least once a day.

(2) Where pigs are housed in a group and do not have continuous access to feed, or are not fed by an automatic feeding system for feeding the animals individually, each pig must have access to the food at the same time as the others in the feeding group.

Drinking water

15. All pigs over 2 weeks of age must have permanent access to a sufficient quantity of fresh drinking water.

Environmental enrichment

16. To enable proper investigation and manipulation activities, all pigs must have permanent access to a sufficient quantity of material such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not adversely affect the health of the animals.

Prohibition on the use of the sweat-box system

17. Pigs must not be kept in an environment which involves maintaining high temperatures and high humidity (known as the “sweat-box system”).

Noise levels

18.—(1) Pigs must not be exposed to constant or sudden noise.

(2) Noise levels above 85 dBA must be avoided in that part of any building where pigs are kept.

PART 3

Boars

19. Boar pens must be sited and constructed so as to allow the boar to turn round and to hear, see and smell other pigs, and shall contain clean resting areas.

20. The lying area must be dry and comfortable.

21.—(1) The minimum unobstructed floor area for an adult boar must be 6m² save as set out in sub-paragraph (2).

(2) When boar pens are also used for natural service the floor area must be at least 10m² and must be free of any obstacles.

PART 4

Sows and gilts

Prevention of parasites

22. Pregnant gilts and sows must, where necessary, be treated against external and internal parasites.

Farrowing

- 23.** If they are placed in farrowing crates, pregnant sows and gilts must be thoroughly clean.
- 24.** In the week before the expected farrowing time, sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used.
- 25.** During farrowing, an unobstructed area behind the sow or gilt must be available for the ease of natural or assisted farrowing.
- 26.** Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.
- 27.** In the week before the expected farrowing time and during farrowing, sows and gilts may be kept out of sight of other pigs.

Group housing

- 28.** Sows and gilts must be kept in groups except during the period between 7 days before the predicted day of farrowing and the day on which the weaning of piglets (including any piglets fostered) is complete.
- 29.** On and after 1st January 2013, the pen where the group is kept must have sides greater than 2.8m in length, except when there are less than 6 individuals in the group, when the sides of the pen must be no less than 2.4m in length.
- 30.** On and after 1st January 2013—
- (a) the total unobstructed floor area available to each gilt after service and to each sow when such gilts or sows are kept in groups must be at least 1.64m² and 2.25m² respectively;
 - (b) when gilts after service or sows are kept in groups of fewer than 6 individuals the unobstructed floor area must be increased by 10%;
 - (c) when gilts after service or sows are kept in groups of 40 or more individuals the unobstructed floor area may be decreased by 10%.
- 31.** On or after 1st January 2013, for gilts after service and pregnant sows, a part of the area required under paragraph 29 equal to at least 0.95m² per gilt and at least 1.3m² per sow must be of continuous solid floor of which a maximum of 15% is reserved for drainage openings.
- 32.** Sows and gilts kept on holdings of fewer than 10 sows may be kept individually provided that their accommodation complies with the requirements of paragraphs 5 and 6.
- 33.** In addition to the requirements of paragraph 13, sows and gilts must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present.
- 34.** All dry pregnant sows and gilts must be given a sufficient quantity of bulky or high fibre food as well as high energy food to satisfy their hunger and need to chew.

PART 5

Piglets

- 35.** If necessary, piglets must be provided with a source of heat and a solid, dry and comfortable lying area away from the sow where all of them can rest at the same time.

36. The part of the total floor where the piglets are kept, and which is large enough to allow the animals to rest together at the same time, must be solid or covered with a mat or be littered with straw or any other suitable material.

37. Where a farrowing crate is used, the piglets must have sufficient space to be able to be suckled without difficulty.

38. Piglets must not be weaned from the sow at an age of less than 28 days unless the welfare or health of the sow or piglets would otherwise be adversely affected.

39. Piglets may be weaned up to 7 days earlier if they are moved into specialised housings which are emptied and thoroughly cleaned and disinfected before the introduction of a new group and which are separate from housing where sows (other than weaners) are kept.

PART 6

Weaners and rearing pigs

40. Weaners and rearing pigs must be—

- (a) placed in groups as soon as possible after weaning; and
- (b) kept in stable groups with as little mixing as possible.

41.—(1) If weaners and rearing pigs unfamiliar with one another have to be mixed, this should be done at as young an age as possible, and, where reasonably practicable, no later than one week after weaning.

(2) When weaners and rearing pigs are mixed they must be provided with adequate opportunities to escape and hide from other pigs.

42. The use of tranquillising medication in order to facilitate the mixing of weaners and rearing pigs must be limited to exceptional conditions and only after consultation with a veterinary surgeon.

43. When signs of severe fighting appear among weaners and rearing pigs, the causes must be immediately investigated and appropriate measures must be taken.

44. The unobstructed floor area available to each weaner or rearing pig reared in a group must be at least—

- (a) 0.15m² for each animal where the average weight of the animals in the group is 10 kg or less;
- (b) 0.20m² for each animal where the average weight of the animals in the group is more than 10 kg but less than or equal to 20 kg;
- (c) 0.30m² for each animal where the average weight of the animals in the group is more than 20 kg but less than or equal to 30 kg;
- (d) 0.40m² for each animal where the average weight of the animals in the group is more than 30 kg but less than or equal to 50 kg;
- (e) 0.55m² for each animal where the average weight of the animals in the group is more than 50 kg but less than or equal to 85 kg;
- (f) 0.65m² for each animal where the average weight of the animals in the group is more than 85 kg but less than or equal to 110 kg; and
- (g) 1.00m² for each animal where the average weight of the animals in the group is more than 110 kg.

SCHEDULE 7

Regulation 6(1)(f)

ADDITIONAL CONDITIONS THAT APPLY TO THE KEEPING OF RABBITS

Accommodation

1. Any hutches or cages in which rabbits are kept must be—
 - (a) of sufficient size to allow the rabbits to move around and to feed and drink without difficulty and to enable all the rabbits kept in them to lie on their sides at the same time; and
 - (b) of sufficient height to allow the rabbits to sit upright on all four feet without having their ears touching the top of the hutch or cage.
2. Where any rabbits are kept in any accommodation which is exposed to the weather, suitable steps must be taken so as to ensure that the rabbits have access to shelter from the action of the weather (including direct sunlight).

SCHEDULE 8

Regulation 13

REVOCATIONS

<i>Instruments revoked</i>	<i>References</i>
The Welfare of Farmed Animals (Scotland) Regulations 2000	S.S.I. 2000/442(23)
The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002	S.S.I. 2002/334
The Welfare of Farmed Animals (Scotland) Amendment Regulations 2003	S.S.I. 2003/488

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, revoke and replace (with amendments):

- The Welfare of Farmed Animals (Scotland) Regulations 2000;
- The Welfare of Farmed Animals (Scotland) Amendment Regulations 2002; and
- The Welfare of Farmed Animals (Scotland) Amendment Regulations 2003.

The Regulations implement the following EU legislation:—

- Council Directive [98/58/EC](#) concerning the protection of animals kept for farming purposes;
- Council Directive [1999/74/EC](#) laying down minimum standards for the protection of laying hens;
- Council Directive [2007/43/EC](#) laying down minimum rules for the protection of chickens kept for meat production;

(23) Amended by [S.S.I. 2002/334](#), [2003/488](#) and [2007/256](#).

Council Directive [2008/119/EC](#) laying down minimum standards for the protection of calves; and

Council Directive [2008/120/EC](#) laying down minimum standards for the protection of pigs.

These Regulations and the EU legislation which they implement reflect the obligations contained in the European Convention for the Protection of Animals kept for Farming Purposes of 10th March 1976 (European Treaty series No. 98), as read with the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes of 6th February 1992 (European Treaty series No. 145). Regulation 4 provides that the Scottish Ministers are the competent authority.

The Regulations apply to “farmed animals”, namely to all animals kept for farming purposes, subject to certain limited exceptions set out in regulation 3(2).

A “person responsible” for an animal takes its meaning from section 18 of the Animal Health and Welfare (Scotland) Act 2006, which includes a person responsible for an animal on a permanent or temporary basis, a person who is in charge of an animal, an owner of an animal and a person with actual care and control of a child under the age of 16 years who is responsible for an animal; and includes a keeper of animals.

The Regulations provide for general requirements which apply in the case of farmed animals (regulation 5 and Schedule 1) and for specific additional requirements which apply in the cases of conventionally reared meat chickens (regulation 6(1)(a) and Schedule 2), laying hens in certain circumstances (regulation 6(1)(b) and Schedule 3), calves (regulation 6(1)(c) and Schedule 4), cattle (regulation 6(1)(d) and Schedule 5), pigs (regulation 6(1)(e) and Schedule 6) and rabbits (regulation 6(1)(f) and Schedule 7).

Regulation 7 contains provisions to ensure that those in charge of animals access the animal welfare codes issued under section 37 of the Animal Health and Welfare (Scotland) Act 2006 (which include codes issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968) and are acquainted with those codes.

Regulation 8 sets out the powers of an inspector; regulation 9 makes it an offence to obstruct an inspector and regulation 10 provides for an inspector to be accompanied by a representative of the European Commission for the purpose of enforcing EU legislation.

Under regulation 11(1), any contravention of, or failure to comply with, the Regulations is an offence. The maximum penalty for such an offence is 3 months imprisonment and/or a fine at level 4 on the standard scale. Regulation 12 makes provision for enforcement.

Regulation 13 and Schedule 8 revoke the instruments replaced by these Regulations and regulation 14 saves the Welfare of Farmed Animals (Scotland) Regulations 2000 in relation to any notices served and offences committed before the coming into force of these Regulations.

Schedule 1 provides for general conditions under which farmed animals must be kept.

Schedule 2 provides for additional conditions that apply to the keeping of conventionally reared meat chickens.

Schedule 3 provides for additional conditions that apply to the keeping of laying hens.

Schedule 4 provides for additional conditions that apply to the keeping of calves confined for rearing and fattening.

Schedule 5 provides for additional conditions that apply to the keeping of cattle.

Schedule 6 provides for additional conditions that apply to the keeping of pigs.

Schedule 7 provides for additional conditions that apply to the keeping of rabbits.

A Regulatory Impact Assessment in relation to conventionally reared meat chickens has been prepared and placed in the Scottish Parliament Information Centre. A copy of it may be obtained from the Scottish Government Rural and Environment Directorate, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.

Draft Legislation: *This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Welfare of Farmed Animals (Scotland) Regulations 2010 No. 388*