

POLICY NOTE

THE WELFARE OF FARMED ANIMALS (SCOTLAND) AMENDMENT REGULATIONS 2020

S.S.I. 2020/385

The above instrument is made by the Scottish Ministers in exercise of powers conferred on them by sections 26 and 51(2) of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to affirmative procedure.

Purpose of the Instrument

The purpose of the instrument is to substitute a new provision in place of the existing regulation 7A(2) of the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”). The purpose of the new provision is to include the recently published “Guidance for the Welfare of Laying Hens and Pullets” in the definition of “animal welfare guidance” referred to in regulation 7A. Regulation 7A places certain requirements on persons responsible for farmed animals in relation to “animal welfare guidance”.

Policy Objectives

1. The Scottish Government produces good practice recommendations for the welfare of a range of farmed animals. In the past, these documents have generally been published as codes of practice that have the status of “animal welfare codes”, as defined by section 37 of the 2006 Act. More recently, the Scottish Government has published its good practice documents in the form of guidance, under section 38 of the 2006 Act. “Guidance for the Welfare of Laying Hens and Pullets” was published on 21 August 2020. This replaces the Code of Practice for the Welfare of Laying Hens that was published in 2012.
2. Regulation 7 of the 2010 Regulations requires anyone responsible for a farmed animal to be acquainted with, and have access to, any relevant code of practice and to ensure that anyone employed or engaged by them is also acquainted with the code, has access to it and has received instruction in it. Regulation 11 of the 2010 Regulations makes non-compliance with any of these requirements an offence. Following the publication of the Scottish Government’s first guidance document for the welfare of a farmed animal - “Guidance for the welfare of meat chickens and meat breeding chickens” - in 2019, the Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 (“the 2019 Regulations”) amended the 2010 Regulations to insert a new provision, regulation 7A, setting out similar requirements as those in regulation 7, but in relation to animal welfare guidance.
3. The effect of this amendment was that anyone responsible for a farmed animal must now be acquainted with, and have access to, any relevant animal welfare guidance, and must ensure that anyone employed or engaged by them is also acquainted with the guidance, has access to it and has received instruction on it. It therefore gave animal welfare guidance

similar status to that of codes of practice in terms of the requirements placed upon a person responsible for farmed animals.

4. The new provision inserted by the 2019 Regulations also included regulation 7A(2), which defined “animal welfare guidance” as the meat chickens guidance which had just been published.
5. The purpose of this instrument is therefore to substitute a new regulation 7A(2) into the 2010 Regulations which will add the recently published “Guidance for the Welfare of Laying Hens and Pullets” to the definition of “animal welfare guidance”. The effect of this will be that anyone responsible for a laying hen or pullet must be acquainted with, and have access to, the laying hens guidance published on 21 August 2020, and must ensure that anyone employed or engaged by them is also acquainted with the guidance, has access to it and has received instruction on it.
6. Non-compliance with regulation 7A is an offence. The maximum penalties available to a court upon conviction for such an offence are the same as those currently available for any offence under the 2010 Regulations, namely a fine of up to level 4 on the standard scale (£2,500), or imprisonment of up to 3 months, or both.
7. A notice to revoke the existing code of practice on laying hens has been laid alongside this SSI.

Consultation

8. Farming and animal welfare stakeholders have been consulted on these proposals and are largely content.

Impact Assessments

9. No impact assessments were required in relation to these amendments. The legal requirements to which the Laying Hens Guidance refers have been in place for some time, and those responsible for laying hens are therefore already working to meet the recommendations in the Guidance.

Financial Effects

10. These changes will not impose any additional financial burdens on the farming industry, and so a Business and Regulatory Impact Assessment has not been carried out.

Timing

11. The instrument will come into force on 28 November 2020.

Scottish Government
Directorate for Agriculture and Rural Economy
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