
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 5 (1) and (2) of the Animal Welfare Act 2006 (c.45) makes it an offence to carry out, or to cause or, in specified circumstances, permit another person to carry out, a prohibited procedure on a protected animal. A prohibited procedure is one which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment (see section 5(3) of the Act).

These Regulations specify the procedures to which the offences in section 5(1) and 5(2) do not apply. Depending upon the animals to which they are to be applied, such procedures may include those for the purposes of identification (such as ear tagging), those for the control of reproduction (such as castration and vasectomy) and those for other purposes (such as laparoscopy) (*Schedule 1*). For certain of these procedures, and again depending upon the animals in respect of which they are permitted, Schedules 2 to 9 apply restrictions to the carrying out of the procedure (such as specifying a required age for the animal, or requiring the administration of an anaesthetic).

In respect of certain procedures permitted to be applied to pigs, these Regulations implement paragraph 8 of Chapter I of the Annex to Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (OJNo. L340, 11.12.1991, p.33), as amended by Council Directive 2001/88/EC (OJ No. L316, 1.12.2001, p.1), Commission Directive 2001/93/EC (OJ No. L316, 1.12.2001, p.36) and Council Regulation (EC) No. 806/2003 (OJ No. L122, 16.5.2003, p.1). In respect of the beak trimming of laying hens, these Regulations implement paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ No. L203, 3.8.1999, p.53), as amended by Council Regulation (EC) No. 806/2003 (OJ No. L122, 16.5.2003, p.1).

A regulatory impact assessment has been prepared and placed in the library of each House of Parliament; copies can be obtained from the Animal Welfare Division, Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.