

EXPLANATORY MEMORANDUM TO
THE PROTECTION OF ANIMALS AT THE TIME OF KILLING (AMENDMENT)
(ENGLAND) REGULATIONS 2022

2022 No. 33

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument is made for the purpose of taking into account scientific and technical progress and amends retained Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing (“PATOK”). Article 4(1) of PATOK provides that animals shall only be killed after stunning in accordance with the methods and specific requirements set out in Annex 1. This instrument amends Annex 1 to permit the use of a non-penetrative captive bolt device as a killing method for piglets of less than 10kg live weight, lambs of less than 6kg live weight and kids of less than 4kg live weight, subject to specified requirements.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 PATOK sets out the main requirements for protecting the welfare of animals at the time of killing. The Welfare of Animals at the Time of Killing (England) Regulations 2015 (S.I. 2015/1782) (“WATOK”) implement and enforce PATOK and contain stricter national rules which provide greater protection of animals at the time of killing. WATOK is relevant to slaughter operations (killing of animals intended for human consumption by slaughterhouses) and killing of animals on farms, at knacker's yards, by small-scale producers and private individuals.
- 6.2 Article 4(1) of PATOK provides that animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex 1.

- 6.3 Article 4(2) of PATOK (as amended by the Animals (Legislative Functions) (EU Exit) Regulations 2019 (S.I. 2019/588)), confers a power on the appropriate authority to make regulations to amend Annex 1 to take account of scientific and technical progress. In relation to England, the “appropriate authority” is defined in Article 2(a)(1)(a) of PATOK as the Secretary of State.
- 6.4 Following a review of the available scientific evidence, recommendations from the Animal Welfare Committee (AWC) and a targeted consultation, this instrument amends Annex 1 to take account of the scientific evidence by permitting a non-penetrative captive bolt device to be used as a killing method for slaughter, depopulation and other situations (such as on farm) of piglets of less than 10kg live weight, lambs of less than 6kg live weight and kids of less than 4kg live weight. This device may only be used for killing with a propulsion method generating the minimum kinetic energy set out in Table 1a inserted in point 1.3 of Chapter 2, Annex 1 to PATOK by this instrument.
- 6.5 Currently, a non-penetrative captive bolt device is listed in Annex 1 as a permissible “simple stunning” method for the slaughter of kids and lambs (within certain parameters) at slaughterhouses, but not piglets. A simple stunning method is required to be followed up as quickly as possible by a killing method. The evidence in support of permitting the use of a non-penetrative captive bolt device of sufficient power as a killing method for piglets, lambs and kids for slaughter, depopulation and other situations (such as on farm killing) is summarised in sections 6.11 to 6.13.
- 6.6 Article 4(2) of PATOK provides that any amendment to Annex 1 must ensure a level of welfare at least equivalent to that ensured by the existing methods in that Annex. The existing methods in Annex 1 for stunning piglets, kids and lambs on farm and for slaughter include electrical stunning, penetrative captive bolt and firearm with free projectile, which all deliver an immediate stun. The former two, as simple stuns, need to be followed by a killing method such as bleeding or pithing. The existing killing methods also include lethal injection, which may result in a longer time to loss of consciousness than a captive-bolt device or free bullet.¹ This method is not available for slaughter.
- 6.7 The existing stunning methods for pigs in Annex 1 also include carbon dioxide at high concentration, which is not an immediate method of stunning and is known to be aversive in the period of induction to unconsciousness.² Other gases available in Annex 1 for stunning pigs are carbon dioxide associated with inert gases and inert gases, neither of which are immediate methods of stunning, but which do not seem to be aversive to pigs. Carbon monoxide (pure source) and carbon monoxide associated with other gases are also available in Annex 1 for stunning piglets. PATOK does not allow gas to be used as a stunning method outside of slaughterhouses, except for pigs in a knacker’s yard.

¹ The Farm Animal Welfare Committee’s *Opinion on the welfare of animals killed on-farm*, paragraph 53. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695225/fawc-opinion-welfare-of-animals-killed-on-farm-march2018.pdf.

² See section 4.3.1 of the European Food Safety Authority 2004 opinion on the main systems of stunning and killing the main commercial species of animals: <https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2004.45>.

- 6.8 As set out in 6.10 to 6.13, the non-penetrative captive bolt device has been shown to deliver an immediate stun and kill for piglets, kids and lambs of certain weight. Therefore, the additional permissible method ensures a level of welfare at least equivalent to that ensured by existing methods.
- 6.9 This instrument also makes consequential amendments to WATOK to provide clarity on the additional requirements for use of a non-penetrative captive bolt device as a killing method. In particular, the amendments clarify that the existing requirements (in paragraph 25 of Schedule 1 and paragraph 35 of Schedule 2 to WATOK) for the non-penetrative captive bolt to be applied in the proper position and used with the correct strength of cartridge or other propellant in accordance with the manufacturer's instructions for an effective stun, also apply where such device is used as a killing method. Breach of those provisions is an offence under regulation 30(1)(c) or (d) of WATOK.

Scientific evidence

- 6.10 The Secretary of State has the power to amend Annex 1 to take account of scientific and technical progress. There is now scientific evidence to demonstrate that non-penetrative captive bolt is an effective killing method for piglets, lambs and kids of certain weight.
- 6.11 Grist *et al.* carried out an experiment showing that “mechanical blunt force trauma using a single shot non-penetrating captive bolt [...] provides an immediate stun kill in neonate piglets up to 10.9kg liveweight.”³ In a follow-up field study, they concluded that non-penetrative captive bolt “is suitable as a single application euthanasia device for piglets up to 10.9kg.”⁴
- 6.12 Sunderland *et al.* concluded that non-penetrative captive bolt “reliably caused immediate insensibility and death in goats up to 48 hours of age.”⁵ Grist *et al.* found that “a device powered by a blank cartridge, containing a specified amount of explosive (1 grain), when applied in a specific position on the head produced immediate brain death in neonate goats up to 8 days with a mean dead weight of 4.425kg [±0.46].”⁶
- 6.13 Grist *et al.* found that the non-penetrative captive bolt device they tested gave “a reliable and repeatable single application method for euthanising young lambs without the animal feeling any pain.”⁷

³ A Grist, J Murrell, J McKinstry, TG Knowles and SB Wotton. 2017. Humane euthanasia of neonates I: Validation of the Effectiveness of the Zephyr EXL Non-Penetrating Captive Bolt Euthanasia System on Neonate Piglets up to 10.9 Kg Liveweight. *Animal Welfare*, 26: 111-120.

⁴ A Grist, TG Knowles and SB Wotton. 2018. Humane euthanasia of neonates II: field study of the effectiveness of the Zephyr EXL non-penetrating captive-bolt system for euthanasia of newborn piglets. *Animal Welfare* 2018, 27: 319-326.

⁵ MA Sutherland, TJ Watson, CB Johnson and ST Millman. 2016. Evaluation of the efficacy of a non-penetrating captive bolt to euthanise neonatal goats up to 48 hours of age. *Animal Welfare* 2016, 25: 471-479.

⁶ A Grist, JA Lines, TG Knowles, CW Mason and SB Wotton. 2018. Use of a Non-Penetrating Captive Bolt for Euthanasia of Neonate Goats. *Animals* 2018, 8, 58.

⁷ A Grist, JA Lines, TG Knowles, CW Mason and SB Wotton. 2018. The Use of a Mechanical Non-Penetrating Captive Bolt Device for the Euthanasia of Neonate Lambs. *Animals* 2018 8(4):49.

7. Policy background

What is being done and why?

- 7.1 A non-penetrative captive bolt device is currently permitted for simple stunning of kids and lambs (within certain parameters) for slaughter only. It is also an available method for the killing of piglets, kids and lambs in emergency situations, where an animal is injured or has a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering. However, the method is not currently permitted for the killing of piglets, lambs or kids in non-emergency situations such as depopulation.
- 7.2 This instrument responds to scientific evidence and recommendations from AWC to allow for a non-penetrative captive bolt device of sufficient power to be available as an additional, humane killing method for the slaughter, depopulation and other situations (such as on-farm killing) of piglets, lambs and kids of certain weight. This is of animal welfare benefit given the current limited lawful humane options available for killing young animals in non-emergency situations.
- 7.3 Legislative change in this area has been prioritised in light of the current supply chain disruptions in the pig sector and shortages of butchering staff. The potential welfare issues as a result of overstocking of pigs on farms mean that an additional lawful method for humanely culling piglets is urgently required.
- 7.4 Animal welfare at slaughter is an issue on which the British public feel very strongly. There is also significant parliamentary interest in animal welfare. There have been a number of recent parliamentary questions on pig culling and the backlog of pigs on farms.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.5 Annex 1 to PATOK lists permissible methods of stunning animals – whether by a “simple stun” or a stun that results in instantaneous death – and key parameters, conditions of use and special requirements for each method. There are various methods included in Annex 1 for killing piglets, lambs and kids on-farm: a firearm with free projectile; lethal injection administered by a vet; electrical stunning; and a penetrative captive bolt device; the latter two of which, as simple stuns, require to be followed by a killing method (such as bleeding or pithing).
- 7.6 The existing stunning methods for pigs in Annex 1 also include carbon dioxide at high concentration. Other gases available in Annex 1 for stunning pigs are carbon dioxide associated with inert gases and inert gases. Carbon monoxide (pure source) and carbon monoxide associated with other gases are also available in Annex 1 for stunning piglets. WATOK does not allow gas to be used as a stunning method outside of slaughterhouses, except for pigs in a knacker’s yard.
- 7.7 However, these methods all have practical limitations for the killing of piglets, kids and lambs on-farm. The availability of on-farm electrical stunning equipment is extremely limited. A lethal injection administered by a vet is only possible in restricted numbers as it is time-consuming, costly, and limited by veterinary availability. A penetrative captive bolt device and firearm with free projectile have potential risks to operator health and safety, as the bolt or projectile can exit the head

of young animals and injure operators. Also, there are possible animal health implications from released bodily materials.

- 7.8 WATOK requires that the use of these stunning methods for non-emergency killing is undertaken only by an operator holding a licence proving that they have been assessed as competent and knowledgeable in the operations undertaken. Exceptions to this are stunning in a slaughterhouse, which requires a Certificate of Competence, the use of a firearm with a free projectile, and other exceptions in Regulation 14 of WATOK.

Why is it being changed?

- 7.9 AWC have called for legislation to be changed to allow for a non-penetrative captive bolt device as a killing method for piglets, kids and lambs, both for on-farm killing and slaughter.
- 7.10 In their opinion on the welfare of animals killed on farm of September 2017, the Farm Animal Welfare Committee (now AWC) noted that:

Pigs can be humanely killed on-farm in a number of ways depending largely upon the age/size of the animal and following specific legal requirements. Recent research has shown that the use of a non-penetrative captive bolt device (percussion) is sufficient to kill neonate piglets.⁸

- 7.11 In their opinion on the welfare of goats at the time of killing of July 2020, AWC noted that “recent research suggests that a non-penetrative (percussive) captive bolt applied to the back of the head would stun and kill 100% of neonate goats”. The Committee recommended that:

Government should as a matter of urgency consider making the use of non-penetrative captive bolt guns of sufficient power (...) a legal killing method for neonate goats (and neonates of other species identified by research), i.e., not to be classified as a simple stun in these circumstances and able to be used as a killing method on-farm.⁹

- 7.12 The Post Implementation Review of WATOK of January 2021 summarises the relevant research, summarised in 6.11-6.13, for piglets, goats and lambs:

The available evidence base provided by researchers and collated / reviewed by the Animal Welfare Committee calls for a non-penetrative captive bolt device of sufficient power to be a permitted killing method for neonate piglets, lambs and kids in line with recent research findings.¹⁰

- 7.13 More recently, the Animal Welfare Committee recommended in its advice on methods for killing piglets on farm, published July 2021 that:

⁸ The Farm Animal Welfare Committee’s *Opinion on the welfare of animals killed on-farm*, page 12.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695225/fawc-opinion-welfare-of-animals-killed-on-farm-march2018.pdf.

⁹ Paragraph 110 of the Animal Welfare Committee *opinion on the welfare of goats at the time of killing*:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903438/AWC_Opinion_on_the_welfare_of_goats_at_the_time_of_killing.pdf.

¹⁰ *The Post Implementation Review of the Welfare of Animals at the Time of Killing (England) Regulations 2015*, paragraph 51.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955031/welfare-animals-time-of-killing-regs-2015-post-implementation-review.pdf.

Government should change the law to make non-penetrative captive bolt devices of sufficient power a legal alternative method for on farm killing of neonate piglets, lambs and kids. [...]

As soon as the legal framework is available for non-penetrative captive bolt devices of sufficient power (as specified by research) to be used for non-emergency killing on farm, then piglets, as well as neonate kids and lambs (of age/weight specified in the research), should be culled by these methods and not by a non-mechanical percussive blow to the head. This is an important improvement to the welfare of neonate animals killed on farm and the legislative changes required should be made at the earliest opportunity.¹¹

- 7.14 This change will give the pig industry an additional lawful and humane culling method that can be used to respond to supply-chain disruptions, which have led to potential welfare issues as a result of overstocking on farms.

What will it now do?

- 7.15 This amendment to Annex 1 of PATOK permits a non-penetrative captive bolt device to be used for slaughter, depopulation and other situations for piglets, lambs and kids, within certain specified parameters.
- 7.16 The new killing method will be available at the slaughterhouse, as well as on-farm. This is because it would provide a humane method for killing these animals in certain circumstances if, for example, a pregnant animal gives birth before slaughter.
- 7.17 Following the scientific evidence, the legislation sets out the required parameters for the use of a non-penetrative captive bolt device on piglets, lambs and kids. The device can only be used as a killing method for:
- piglets of less than 10kg of live weight.
 - kids of less than 4kg of live weight; and
 - lambs of less than 6kg of live weight.

As a killing method, the device must deliver a minimum kinetic energy of:

- 27.7 Joules for piglets.
 - 27.8 Joules for kids; and
 - 107 Joules for lambs.
- 7.18 The non-penetrative captive bolt device will remain a permitted method as a “simple stun” for kids and lambs under 10kg, as it is currently, though will be permitted for depopulation and other situations in addition to slaughter. A simple stun must be followed by a killing method that must be applied as quickly as possible after the animal is unconscious, such as bleeding.

¹¹*Animal Welfare Committee advice on methods for killing piglets on farm:*
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1037577/AWC_Advice_on_methods_for_killing_piglets_on_farm.pdf.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument is not being made under the European Union (Withdrawal) Act but relates to the withdrawal of the United Kingdom from the European Union because it makes consequential amendments to provisions in WATOK, which were made under section 2(2) of the European Communities Act 1972. Further information about these consequential amendments is in section 6.9 above. The Minister has made any relevant statements in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

- 9.1 There are no plans to undertake a consolidation exercise at this point. Further changes to legislation will be considered later in the year as part of wider animal welfare at slaughter reforms, and there will be an assessment of whether to consolidate at that stage.

10. Consultation outcome

- 10.1 The Government carried out a short (1 week), focused consultation through engagement with the pig, sheep and goat industries, veterinary groups, academics, slaughter equipment manufacturers and animal welfare NGOs. The consultation gathered evidence and views on: the purpose and timeframe for introducing legislative reform; the current use of the non-penetrative captive bolt device by industry; the costs and availability of the relevant devices; instances of operational issues; manufacturer instructions; the animal welfare impacts of using these devices; required guidance and training; and the evidence base for the parameters to use for the introduction of the non-penetrative captive bolt device as a killing method.
- 10.2 Animal welfare researchers and animal welfare organisations were supportive of this change, as it will make an additional, humane slaughter method available for culling piglets, kids and lambs of the relevant weights. The academics who had led the relevant research confirmed that there is sufficiently robust scientific evidence to support this change, and this is also the view of the Animal Welfare Committee.
- 10.3 Representatives of the pig industry, as well as the National Farmers Union and the Agriculture and Horticulture Development Board considered that more farm-based evidence needs to be gathered on the effectiveness of this method and emphasised that proper handling and maintenance of these devices is crucial. Representatives of the sheep industry stated that the main use of a non-penetrative captive bolt would be in lambing seasons and that a comprehensive review of the evidence was required. Representatives of the goat industry felt the device would be useful for reducing numbers of dairy male kids and questioned whether the current weight parameter for goats was appropriate, due to some kids being born at weights greater than 4 kilograms. All stakeholders recognised that legislative change should be accompanied by detailed training and guidance, and the requirements for a WATOK licence apply to the use of these devices as a killing method. Provision will need to be made within WATOK licences for the use of these devices. This will be done administratively.
- 10.4 Key stakeholders have also had prior opportunities to feed-in on this issue, including during the review of WATOK legislation, published at the beginning of 2021, as well as during AWC's work when preparing their advice and the more recent targeted consultation.

- 10.5 Taking on board comments from stakeholders, recommendations from AWC, policy considerations and available scientific evidence, the non-penetrative captive bolt is being introduced as an additional humane killing method for piglets lambs and kids of certain weights. Stakeholder comments on key parameters have been considered. The necessary work will be undertaken to ensure that appropriate training, guidance and other operational provisions accompany this legislative change, to facilitate effective use of the non-penetrative captive bolt for killing of young animals in commercial settings.
- 10.6 During stakeholder meetings, the Humane Slaughter Association offered to assist in the development and delivery of the non-penetrative captive bolt training for industry. Vets will also have a role in on-farm training.
- 10.7 The industry also raised concerns about the failure rate of the non-penetrative captive bolt device, drawing on anecdotal evidence which stated that there was a 10% failure rate when the device was used on piglets between 2-5kg. The reason for this failure rate was not fully clear. This observation is not consistent with field trials demonstrating the effectiveness and usability of the device on farm, which have taken place as part of the extensive body of scientific research, and the AWC advice of July 2020, which recognises the devices to be effective.
- 10.8 The Government also consulted the devolved administrations when developing this proposal. The devolved administrations have confirmed that they will consider this reform as part of a wider package of proposed animal welfare reforms expected to be made.

11. Guidance

- 11.1 There is guidance published on gov.uk for: restraining, stunning and killing animals in knacker's yards and on farms¹²; restraining, stunning and killing animals in red meat slaughterhouses¹³; and the slaughter of sheep and goats for home consumption.¹⁴ Updated guidance to reflect the introduction of a new killing method for piglets, kids and lambs of certain weight will be published by the laying date.
- 11.2 We will also work with industry to consider additional guidance that can be made available or updated, for instance with the Humane Slaughter Association. This guidance would include necessary information not covered in the legislation such as the need to ensure the effective restraint of the animal, appropriate device and cartridge storage and device maintenance and cleaning.

12. Impact

- 12.1 The impact on business is an average annual cost of £158per farm holding over ten years, which includes purchase of the device, training and maintenance. This is a relatively low impact.

¹² <https://www.gov.uk/guidance/knackers-yards-and-farms-restraining-stunning-killing-animals#captive-bolt-stunning>.

¹³ <https://www.gov.uk/guidance/red-meat-slaughterhouses-restraining-stunning-killing-animals#captive-bolt-stunning>.

¹⁴ <https://www.gov.uk/guidance/slaughter-poultry-livestock-and-rabbits-for-home-consumption#stunning-and-killing-pigs-sheep-goats-deer-or-cattle>.

- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 A non-qualifying Impact Assessment will be published on the legislation.gov.uk website shortly after this memorandum. A full Impact Assessment has not been prepared for this instrument because it has a low level of impact per business.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses. The published guidance will include advice to small businesses.

14. Monitoring & review

- 14.1 As part of a wider review of welfare at slaughter, we intend to review the instrument within a period of five years from the initial commencement and a report will be published. The report will consider how the objectives of the instrument have been met, and the instrument may be amended accordingly.

15. Contact

- 15.1 AJ Gilbert at the Department for Environment, Food and Rural Affairs, Telephone: 07795963522 or email: alexander.gilbert@defra.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Pamela Thompson, Deputy Director for Transforming Farm Animal Health and Welfare, at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lord Goldsmith, Minister of State for the Pacific and the Environment at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018 and the European Union (Future Relationship) Act 2020

Part 1A

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriateness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before IP completion day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising section 8 or part 1 of Schedule 4 to	State why it is appropriate to create such a sub-delegated power.

		create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 5 or 19, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 14, Schedule 8	Anybody making an SI after IP completion day under powers conferred before the start of the 2017-19 session of Parliament which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 15, Schedule 8	Anybody making an SI after IP completion day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before IP completion day, and explaining the instrument's effect on retained EU law.

Part 1B

Table of Statements under the 2020 Act

This table sets out the statements that may be required under the 2020 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraph 8 Schedule 5	Ministers of the Crown exercising section 31 to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees

Part 2

Statements required under the European Union (Withdrawal) 2018 Act or the European Union (Future Relationship) Act 2020

1. Explanations where amending or revoking regulations etc. made under section 2(2) of the European Communities Act 1972

1.1 The Minister for the Pacific and the International Environment the Rt Hon Lord Goldsmith has made the following statement regarding regulations made under the European Communities Act 1972:

“In my opinion there are good reasons for the Protection of Animals at the Time of Killing (Amendment) (England) Regulations 2022 to amend the Welfare of Animals at the Time of Killing (England) Regulations 2015. This is because the former Regulations amend retained EU law to permit the use of a non-penetrative captive bolt device as an additional, humane method for killing piglets, kids and lambs (subject to certain parameters), and consequential amendments to additional requirements set out in the latter regulations are required to provide clarity about how they apply to this new method. Further detail about the relevant law and effect of amendments on retained EU Law is set out in sections 6.1-6.13 and 8.1 of this Explanatory Memorandum.”