
WELSH STATUTORY INSTRUMENTS

2007 No. 3070

The Welfare of Farmed Animals (Wales) Regulations 2007

Title, application and commencement

1. The title of these Regulations is the Welfare of Farmed Animals (Wales) Regulations 2007. They apply in relation to Wales and come into force on 24 October 2007.

Commencement Information

II Reg. 1 in force at 24.10.2007, see [reg. 1](#)

Definitions and interpretation

2.—(1) In these Regulations—

“calf” (“*llo*”) means a bovine animal up to six months old;

[^{F1}“conventionally reared meat chicken” (“*iâr fwyta a fegir yn gonfensiynol*”) means an animal of the species *Gallus gallus* that is kept for meat production, other than one—

- (a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;
- (b) that is on a hatchery;
- (c) in relation to which the term “Extensive indoor (barn-reared)” (“*Megir yn helaeth dan do (mewn cytiau)*”), “Free range” (“*Iâr fuarth*”), “Traditional free range” (“*Iâr fuarth-dull traddodiadol*”) or “Free range – total freedom” (“*Iâr fuarth– dull hollol rydd*”) 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⁽¹⁾; 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⁽²⁾;

[^{F1}“food business operator” (“*gweithredydd busnes bwyd*”) has the meaning given by Article 3 of 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⁽³⁾;]

“keeper” (“*ceidwad*”) means any person responsible for or in charge of animals whether on a permanent or temporary basis;

“laying hen” (“*iâr ddodwy*”) means a hen of the species *Gallus gallus* which has reached laying maturity and is kept for the production of eggs not intended for hatching;

(1) OJ No L203, 3.8.99, p 53
(2) OJ No L340, 11.12.91, p 28
(3) OJ No L25, 28.1.97, p 24

“litter” (“*llaesodr*”) means, in relation to laying hens [^{F2}and conventionally reared meat chickens], any friable material [^{F3}enabling those birds] to satisfy their ethological needs;

“nest” (“*nyth*”) means a separate space for egg laying, the floor component of which may not include wire mesh that can come into contact with the birds, for an individual hen or for a group of hens;

“person responsible” (“*person sy'n gyfrifol*”) for an animal has the same meaning as in section 3 of the Animal Welfare Act 2006;

“pig” (“*mochyn*”) means an animal of the porcine species of any age, kept for breeding or fattening;

[^{F4}“stocking density” (“*dwysedd stocio*”) means, in relation to any house in which conventionally reared meat chickens are kept, the total live weight of chickens which are present in the house at the same time per m² of usable area;]

“usable area” (“*lle y gellir ei ddefnyddio*”) means [^{F5}, in relation to laying hens,] an area, other than that taken up by a nest, used by laying hens which is at least 30cm wide with a floor slope not exceeding 14% and with headroom of at least 45cm [^{F6}, or, in relation to conventionally reared meat chickens, a littered area accessible to the chickens at any time].

(2) Expressions used in these Regulations that 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 pigs, [^{F7}Directive 2008/120/EC laying down minimum standards for the protection of pigs];

[^{F8}(aa) 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(4).]

(b) in relation to laying hens, Directive 99/74/EC(1); ^{F9}...

(c) in relation to calves, [^{F10}Directive 2008/119/EC laying down minimum standards for the protection of calves].

(3) An expression used in regulation 4 or Schedule 1, which is not defined in these Regulations and which appears in Directive 98/58/EC(5), has the same meaning as it has for the purposes of that Directive.

Textual Amendments

- F1** Words in reg. 2(1) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(a)
- F2** Words in reg. 2(1) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(b)
- F3** Words in reg. 2(1) substituted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(b)
- F4** Words in reg. 2(1) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(c)
- F5** Words in reg. 2(1) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(d)(i)
- F6** Words in reg. 2(1) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, 3(1)(d)(ii)

(4) OJ No L76, 18.3.97, p 30

(1) OJ No L203, 3.8.99, p 53

(5) OJ No L221, 8.8.98, p 23

- F7** Words in reg. 2(2)(a) substituted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **33(a)**
- F8** Reg. 2(2)(aa) inserted (10.11.2010) by The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010 (S.I. 2010/2713), regs. 1, **3(2)**
- F9** Word in reg. 2(2) omitted (17.12.2018) by virtue of The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **33(b)**
- F10** Words in reg. 2(2)(c) substituted (17.12.2018) by The Environment, Planning and Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2018 (S.I. 2018/1216), regs. 1(3), **33(c)**

Commencement Information

- I2** Reg. 2 in force at 24.10.2007, see [reg. 1](#)

Animals to which these Regulations apply

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

(2) In these Regulations, a “farmed animal” (“*anifail a ffermir*”) means an animal bred or kept for the production of food, wool or skin or 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
- (d) an animal living in the wild.

Commencement Information

- I3** Reg. 3 in force at 24.10.2007, see [reg. 1](#)

Duties on persons responsible for farmed animals

4.—(1) A person responsible for a farmed animal must take all reasonable steps to ensure that the conditions under which it is bred or kept comply with Schedule 1.

(2) In complying with 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 good practice and scientific knowledge.

Commencement Information

- I4** Reg. 4 in force at 24.10.2007, see [reg. 1](#)

Additional duties on persons responsible for poultry, laying hens, calves, cattle, pigs or rabbits

5.—(1) A person responsible for—

- (a) poultry (other than those kept in the systems referred to in Schedules 2 to 4 ^[F11]and conventionally reared meat chickens) kept in a building must ensure they are kept on, or have access at all times to, well-maintained litter or a well-drained area for resting;
 - (b) laying hens kept in establishments with 350 or more laying hens must comply with Schedules 2, 3, 4 and 5, as applicable;
 - ^[F12](ba) conventionally reared meat chickens must comply with Part 2 of Schedule 5A;]
 - (c) calves confined for rearing and fattening must comply with Schedule 6;
 - (d) cattle must comply with Schedule 7;
 - (e) pigs must, subject to paragraph (2), comply with Part 2 of Schedule 8 and, where applicable, the requirements of Parts 3, 4, 5 and 6 of Schedule 8; or
 - (f) rabbits must comply with Schedule 9.
- (2) Paragraphs 12, 28, 29 and 30 of Schedule 8 apply to all holdings newly built, rebuilt or brought into use for the first time on or after 1st January 2003, but in the case of all other holdings, those paragraphs do not apply until 1st January 2013.
- (3) Part 1 of Schedule 8 has effect.
- ^[F13](4) Part 1 of Schedule 5A has effect.]

Textual Amendments

- F11** Words in [reg. 5\(1\)\(a\)](#) inserted (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **4(1)**
- F12** [Reg. 5\(1\)\(ba\)](#) inserted (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **4(2)**
- F13** [Reg. 5\(4\)](#) inserted (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **4(3)**

Commencement Information

- I5** Reg. 5 in force at 24.10.2007, see [reg. 1](#)

^[F14]Monitoring and follow-up at the slaughterhouse

- 5A.** Part 3 of Schedule 5A has effect.]

Textual Amendments

- F14** [Reg. 5A](#) inserted (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **5**

Codes of Practice

- 6.—(1)** A person responsible for a farmed animal—
- (a) must not attend to the animal unless he or she is acquainted with any relevant code of practice and has access to the code while attending to the animal; and
 - (b) must take all reasonable steps to ensure that a person employed or engaged by him or her does not attend to the animal unless that other person—
 - (i) is acquainted with any relevant code of practice;

- (ii) has access to the code while attending to the animal; and
- (iii) has received instruction and guidance on the code.

(2) In this section, a “relevant code of practice” (“*cod ymarfer perthnasol*”) means a code of practice issued under section 14 of the Animal Welfare Act 2006 or a statutory welfare code issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968(6) relating to the particular species of farmed animal to which a person is attending.

Commencement Information

I6 Reg. 6 in force at 24.10.2007, see [reg. 1](#)

Offences

- 7.—^[F15](1) A person commits an offence if, without lawful authority or excuse, he or she—
- (a) contravenes, or does not comply with a duty in, regulation 4, 5 or 6;
 - (b) makes an entry in a record, or gives any information for the purposes of these Regulations which he or she knows to be false in any material particular or, for those purposes, recklessly makes a statement or gives any information which is false in any material particular; or
 - (c) causes or permits any of the above.

^[F16](2) A food business operator who, without lawful authority or excuse, fails to comply with a duty in paragraph 14(2) of Schedule 5A, commits an offence.]

Textual Amendments

F15 Reg. 7 renumbered as reg. 7(1) (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **6(1)**

F16 Reg. 7(2) added (10.11.2010) by [The Welfare of Farmed Animals \(Wales\) \(Amendment\) Regulations 2010 \(S.I. 2010/2713\)](#), regs. 1, **6(2)**

Commencement Information

I7 Reg. 7 in force at 24.10.2007, see [reg. 1](#)

Prosecutions

- 8.—(1) A local authority may prosecute proceedings for an offence under these Regulations.
- (2) The Welsh Ministers may direct that they, and not the local authority, prosecutes proceedings for an offence under these Regulations in relation to cases of a particular description or any particular case.

Commencement Information

I8 Reg. 8 in force at 24.10.2007, see [reg. 1](#)

Penalties

9.—(1) A person guilty of an offence under regulation 7 is liable on summary conviction to—

- (a) imprisonment for a term not exceeding 51 weeks;
- (b) a fine not exceeding level 4 on the standard scale; or
- (c) both the term of imprisonment referred to sub-paragraph (a) and the fine referred to in sub-paragraph (b).

(2) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003(7), the reference in paragraph (1)(a) to 51 weeks must be taken as a reference to 6 months.

Commencement Information

19 Reg. 9 in force at 24.10.2007, see [reg. 1](#)

Elin Jones
Minister for Rural Affairs, one of the Welsh
Ministers

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Farmed Animals (Wales) Regulations 2007.