
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, substantially replace (with amendments):

The Welfare of Farmed Animals (Wales) Regulations 2001 ([SI 2001/2682 \(W.223\)](#));

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 ([SI 2002/1898 \(W.199\)](#));

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003 ([SI 2003/1726 \(W.189\)](#));

and

Section 7 of the Agriculture (Miscellaneous Provisions) Act 1968⁽¹⁾.

The above legislation will be repealed at the same time as these Regulations come into force.

These Regulations implement Community legislation which had previously been implemented in the three Regulations mentioned above ([SI 2001/2682 \(W.223\)](#); [2002/1898 \(W.199\)](#) and [2003/1726 \(W.189\)](#)). The Community legislation which these Regulations continue to implement is—

Council Directive [98/58/EC](#) concerning the protection of animals kept for farming purposes⁽²⁾;

Council Directive [99/74/EC](#) laying down minimum standards for the protection of laying hens⁽³⁾;

Council Directive [91/629/EEC](#) laying down minimum standards for the protection of calves⁽⁴⁾, as amended by Council Directive [97/2/EC](#)⁽⁵⁾ and Commission decision [97/182/EC](#)⁽⁶⁾; and

Council Directive [91/630/EEC](#) laying down minimum standards for the protection of pigs⁽⁷⁾, as amended by Council Directive [2001/88/EC](#)⁽⁸⁾ and Council Directive [2001/93/EC](#)⁽⁹⁾.

These Regulations (and the Community 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).

The Regulations are made under section 12(1), (2) and (3) of the Animal Welfare Act 2006⁽¹⁰⁾ and apply to all animals kept for farming purposes, subject to certain limited exceptions set out in regulation 3(2).

Regulation 4(1) lays down the general principle that persons responsible for farmed animals must take reasonable steps to ensure that the animals are kept in conditions complying with Schedule 1. This principle applies to all vertebrate animals (other than man) which are bred or kept for the production of food, wool or skin or other farming purposes, but does not include fishes, reptiles or amphibians.

A “person responsible” for an animal takes its meaning from section 3 of the Animal Welfare Act 2006, which includes a person responsible for an animal on a permanent or temporary basis, a person

(1) 1968 c. 34.

(2) OJ No L221, 8.8.98, p.23

(3) OJ No. L203, 3.8.99, p53

(4) OJ No. L340, 11.12.91, p28

(5) OJ No. L25, 28.1.97, p24

(6) OJ No. L76, 24.2.97, p30

(7) OJ No. L340, 11.12.91, p33

(8) OJ No. L316, 1.12.2001

(9) OJ No. L316, 1.12.2001, p36

(10) 2006 c. 45.

Status: This is the original version (as it was originally made).

who is in charge of an animal, an owner of an animal and a person responsible for a child under the age of 16 years who has actual care and control of an animal.

The Regulations provide for the conditions under which all farmed animals must be kept (regulation 4(1) and Schedule 1) and for specific additional conditions applying to the following farmed animals—

laying hens in establishments with 350 or more laying hens, kept in—

- non-cage systems (regulation 5(1) (b) and Schedule 2);
- conventional (battery) cages (regulation 5(1) (b) and Schedule 3);
- enriched cages (regulation 5(1) (b) and Schedule 4);
- all cage and non-cage systems (regulation 5(1) (b) and Schedule 5);

laying hens, whether or not in establishments with 350 or more hens (regulation 5(1)(a));

calves (regulation 5(1) (c) and Schedule 6);

cattle (regulation 5(1) (d) and Schedule 7);

pigs (regulation 5(1) (e) and Schedule 8); and

rabbits (regulation 5(1) (f) and Schedule 9).

Conventional or battery cage systems cannot be built or used for the first time (paragraph 8 of Schedule 3) and are prohibited on and after 1 January 2012 (paragraph 9 of Schedule 3).

Regulation 6 imposes obligations on persons responsible for farmed animals to be acquainted with and have access to codes of practice while attending to animals and ensure that employees have the same knowledge and access.

Regulation 7(a) makes it an offence for a person responsible for a farmed animal, without lawful authority or excuse, not to comply with either the general duty to comply with Schedule 1 or any of the additional duties to comply with Schedules 2 to 9, as applicable. It also creates an offence if any of the duties in respect of codes of practice in regulation 6 are not met.

An offence is committed under regulation 7(b) where a false record is made or false information is given.

The maximum penalty for an offence under regulation 7(a) or (b) is 6 months imprisonment and/or a fine at level 4 on the standard scale (currently £2,500). When section 281(5) of the Criminal Justice Act 2003⁽¹¹⁾ comes into force, the maximum imprisonment will increase to 51 weeks.

A regulatory impact assessment has been prepared. Copies may be obtained from the Office of the Chief Veterinary Officer, the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

(11) 2003 c. 44.