

WELSH STATUTORY INSTRUMENTS

2014 No. 951

The Welfare of Animals at the Time
of Killing (Wales) Regulations 2014

PART 2

Certificates, temporary certificates and licences

CHAPTER 1

Certificates and temporary certificates

Requirement for a certificate or temporary certificate

5.—(1) Subject to regulations 23(2) and 44, no person may carry out an operation specified in regulation 6 except under and to the extent authorised by a certificate registered with the competent authority or a temporary certificate.

(2) No person may carry out an operation specified in regulation 6 under a temporary certificate unless that person works in the presence, and under the direct supervision of, a person who holds a certificate registered with the competent authority in relation to that operation.

Commencement Information

11 Reg. 5 in force at 20.5.2014, see reg. 1(c)

Operations which require a certificate or temporary certificate

6. The operations referred to in regulation 5 are—

- (a) any of the following operations carried out in a slaughterhouse—
 - (i) an operation specified in any of sub-paragraphs (a) to (g) of Article 7(2); and
 - (ii) the pithing of a stunned animal and assessment of effective pithing; and
- (b) supervising the killing of fur animals in accordance with Article 7(3).

Commencement Information

12 Reg. 6 in force at 20.5.2014, see reg. 1(c)

Certificates

7. The competent authority must grant and register a certificate if—

- (a) the applicant meets the conditions in regulation 8; and

- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate.

Commencement Information

I3 [Reg. 7](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Conditions for a certificate

- 8.** The applicant must—
- (a) not be less than 18 years old, unless the certificate is required for the following operations—
 - (i) the handling and care of animals before they are restrained; or
 - (ii) the shackling or hoisting of live poultry before stunning;
 - (b) subject to regulation [44](#), submit evidence of training and examination in respect of the operation, category of animal and (where appropriate) type of equipment for which a certificate is sought;
 - (c) submit a written declaration in accordance with Article 21(6);
 - (d) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;
 - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
 - (iii) has had any such licence revoked or suspended; and
 - (e) pay a fee in accordance with regulation [24](#).

Commencement Information

I4 [Reg. 8](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Temporary certificates

- 9.** The competent authority must grant a temporary certificate if—
- (a) the applicant meets the conditions in regulation [10](#); and
 - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a temporary certificate.

Commencement Information

I5 [Reg. 9](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Conditions for a temporary certificate

- 10.** The applicant must—
- (a) not be less than 18 years old, unless the temporary certificate is required for the following operations—

- (i) the handling and care of animals before they are restrained; or
- (ii) the shackling or hoisting of live poultry before stunning;
- (b) submit evidence of registration on a training course in respect of the operation, category of animal and (where appropriate) type of equipment for which a temporary certificate is sought;
- (c) submit a written declaration in accordance with Article 21(5)(d) and (6); and
- (d) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;
 - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
 - (iii) has had any such licence revoked or suspended.

Commencement Information

I6 [Reg. 10](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Grant of certificates and temporary certificates

11.—(1) A certificate or temporary certificate must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A certificate or temporary certificate may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if—

- (a) in the case of a certificate, the evidence of training and examination submitted with the application for the certificate relates to that operation, category of animal and type of equipment; or
- (b) in the case of a temporary certificate, the training course on which the applicant is registered provides training in relation to that operation, category of animal and type of equipment.

(3) Certificates or temporary certificates granted in [^{F1}England, Scotland or Northern Ireland] for operations which require a certificate or temporary certificate in Wales under these Regulations have effect in Wales as if they were certificates or temporary certificates granted under these Regulations.

Textual Amendments

F1 Words in [reg. 11\(3\)](#) substituted (31.12.2020) by [The Animal Health and Welfare \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/684\)](#), regs. 1(2), **5(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I7 [Reg. 11](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

CHAPTER 2

Licences

Requirement for a licence

12. Subject to regulations 14 and 23(2), no person may carry out an operation specified in regulation 13 except under and to the extent authorised by a licence registered with the competent authority.

Commencement Information

I8 Reg. 12 in force at 20.5.2014, see [reg. 1\(c\)](#)

Operations which require a licence

13. The operations referred to in regulation 12 are any of the following operations carried out other than in a slaughterhouse—

- (a) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 10 (private domestic consumption) by a person other than the owner of the animal;
- (b) an operation specified in any of sub-paragraphs (b) to (f) of Article 7(2) carried out for the purposes specified in Article 11 (direct supply of small quantities of poultry, rabbits and hares);
- (c) in relation to the killing of solipeds, ruminants, pigs, rabbits, poultry or ratites other than for human consumption—
 - (i) the restraint of animals for the purpose of stunning;
 - (ii) the stunning of animals;
 - (iii) the assessment of effective stunning;
 - (iv) the shackling or hoisting of stunned animals, other than poultry;
 - (v) the bleeding of live animals; and
- (d) the pithing of a stunned animal and assessment of effective pithing.

Commencement Information

I9 Reg. 13 in force at 20.5.2014, see [reg. 1\(c\)](#)

Exceptions to the requirement for a licence

14. Regulation 12 does not apply to any person who—

- (a) holds a certificate registered with the competent authority, provided that the scope of the certificate extends to the operation being undertaken;
- (b) works in the presence, and under the direct supervision, of a person who holds a certificate or licence registered with the competent authority, provided that the scope of the certificate or licence extends to the operation being undertaken;
- (c) works in the presence, and under the direct supervision, of a veterinary surgeon;
- (d) carries out the emergency killing of an animal;

- (e) kills an animal other than for a commercial purpose;
- (f) for purposes other than human consumption, kills an animal in the field by means of a free bullet;
- (g) for purposes other than human consumption, kills poultry by means of cervical dislocation (where there are no other methods available for stunning) on premises forming part of an agricultural holding on which the poultry were reared;
- (h) kills an animal for the purpose of depopulation;
- (i) kills surplus chicks or embryos in hatchery waste;
- (j) is a veterinary surgeon acting in the exercise of the veterinary surgeon's profession; or
- (k) kills an animal in circumstances which are out of scope of the EU Regulation by virtue of Article 1(3)(a).

Commencement Information

I10 Reg. 14 in force at 20.5.2014, see [reg. 1\(c\)](#)

Licences

- 15.** The competent authority must grant and register a licence if—
- (a) the applicant meets the conditions in regulation [16](#); and
 - (b) the competent authority is satisfied the applicant is a fit and proper person to hold a licence.

Commencement Information

I11 Reg. 15 in force at 20.5.2014, see [reg. 1\(c\)](#)

Conditions for a licence

- 16.** The applicant must—
- (a) not be less than 18 years old;
 - (b) provide written details if the applicant—
 - (i) has been convicted of any offence concerning the welfare of animals;
 - (ii) has been refused a licence under the 1967 Act, the 1974 Act, any regulations made under either of those Acts or the 1995 Regulations in relation to the killing of an animal or related operation; or
 - (iii) has had any such licence revoked or suspended;
 - (c) provide evidence in writing that an authorised veterinary surgeon has assessed the applicant and is of the opinion that the applicant—
 - (i) is competent to carry out the operation in respect of the category of animal and (where appropriate) type of equipment for which a licence is sought without causing an animal avoidable pain, distress or suffering, and
 - (ii) has sufficient knowledge of the provisions of all relevant legislation and guidance relating to that operation, category of animal and (where appropriate) type of equipment for which the licence is sought; and
 - (d) pay a fee in accordance with regulation [24](#).

Commencement Information

I12 Reg. 16 in force at 20.5.2014, see [reg. 1\(c\)](#)

Grant of licences

17.—(1) A licence must specify the operation, category of animal and (where appropriate) type of equipment in respect of which it has been granted.

(2) A licence may be granted in respect of an operation, category of animal and (where appropriate) type of equipment only if the assessment referred to in regulation [16\(c\)](#) relates to that operation, category of animal and type of equipment.

(3) Certificates or licences granted in England, Scotland or Northern Ireland for operations which must be licensed in Wales under these Regulations have effect in Wales as if they were licences granted under these Regulations.

Commencement Information

I13 Reg. 17 in force at 20.5.2014, see [reg. 1\(c\)](#)

CHAPTER 3

Administrative provisions

Refusal to grant a certificate, temporary certificate or licence

18.—(1) The competent authority may, by notice in writing, refuse to grant a certificate, temporary certificate or licence if satisfied that the applicant—

- (a) has failed to meet any of the conditions in regulations [8](#), [10](#) or [16](#) (as the case may be); or
- (b) is not a fit and proper person to hold a certificate, temporary certificate or licence.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

Commencement Information

I14 Reg. 18 in force at 20.5.2014, see [reg. 1\(c\)](#)

Suspension or revocation of a certificate, temporary certificate or licence

19.—(1) The competent authority may, by notice in writing, suspend or revoke a certificate, temporary certificate^{F2}... or licence if satisfied that the holder of the certificate, temporary certificate or licence—

- (a) has failed to comply with any provision of the EU Regulation or these Regulations;
- (b) is no longer a fit and proper person to hold it;
- (c) is not, or is no longer, competent to carry out the operations which the certificate, temporary certificate or licence authorises; or
- (d) has been convicted of an offence concerning the welfare of animals.

- (2) The notice must—
- (a) give reasons for the suspension or revocation;
 - (b) state when the suspension or revocation comes into effect and, in the case of suspension, state on what date or event it is to cease to have effect; and
 - (c) give details of the right of appeal against the decision.

(3) Any person whose certificate, temporary certificate or licence is suspended or revoked must, whether or not that suspension or revocation is the subject of an appeal pursuant to regulation 22, surrender it to the competent authority within 14 days of receipt of the notice informing that person of the suspension or revocation.

Textual Amendments

F2 Words in [reg. 19\(1\)](#) omitted (31.12.2020) by virtue of [The Animal Health and Welfare \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/684\)](#), regs. 1(2), **5(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I15 [Reg. 19](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Modification of a certificate or licence

20. The competent authority must modify a certificate or licence in respect of an operation, category of animal or (where appropriate) type of equipment as requested by an applicant if—

- (a) the applicant meets the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; and
- (b) the competent authority is satisfied the applicant is a fit and proper person to hold a certificate or licence, as modified.

Commencement Information

I16 [Reg. 20](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Refusal to modify a certificate or licence

21.—(1) The competent authority may, by notice in writing, refuse to modify a certificate or licence if satisfied that the applicant—

- (a) has failed to meet the conditions in regulation 8 or 16 (as the case may be) in respect of the modification; or
- (b) is not a fit and proper person to hold a certificate or licence, as modified.

(2) The notice must—

- (a) give reasons for the refusal; and
- (b) give details of the right of appeal against the decision.

Commencement Information

I17 [Reg. 21](#) in force at 20.5.2014, see [reg. 1\(c\)](#)

Appeals

22.—(1) A person who is aggrieved by a decision of the competent authority to refuse, suspend or revoke a certificate, temporary certificate or licence, or refuse to modify a certificate or licence, may appeal against it.

[^{F3}(1A) A person who has applied for recognition of a qualification under the Professional Qualifications Regulations 2023 in relation to an operation specified in regulation 6 may appeal against a decision of the competent authority not to recognise the person’s qualification for those purposes.]

(2) The right of appeal is to the First-tier Tribunal.

(3) A decision to suspend or revoke a certificate, temporary certificate or licence is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either overturn or confirm the decision, with or without modification.

[^{F4}(5) In paragraph (1A), the reference to a decision of the competent authority not to recognise a person’s qualification under the Professional Qualifications Regulations 2023 is to be treated as including any failure by the competent authority to notify the applicant of its decision concerning the person’s application within the period of four months beginning with the day after the day on which the person submitted a complete application to the competent authority under the Professional Qualifications Regulations 2023.]

Textual Amendments

F3 Reg. 22(1A) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), reg. 1, **Sch. 3 para. 9(3)(a)**

F4 Reg. 22(5) inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Wales\) \(Amendment etc.\) Regulations 2023 \(S.I. 2023/1294\)](#), reg. 1, **Sch. 3 para. 9(3)(b)**

Commencement Information

I18 Reg. 22 in force at 20.5.2014, see [reg. 1\(c\)](#)

WASK licences

23.—(1) On the coming into force of these Regulations, a WASK licence which is still in force immediately before 20 May 2014 continues in existence as a qualification equivalent to a certificate in accordance with Article 21(7).

(2) A WASK licence holder may carry out an operation specified in regulation 6 or 13 without holding a certificate or licence registered with the competent authority provided that, by 8 December 2015, the WASK licence holder—

- (a) registers the WASK licence as a certificate with the competent authority; and
- (b) pays a fee in accordance with regulation 24.

Commencement Information

I19 Reg. 23 in force at 20.5.2014, see [reg. 1\(c\)](#)

Fees

24.—(1) In respect of an application of a type described in column 1 of the Table, the applicant must pay to the Food Standards Agency the fee specified in column 2 in relation to that type of application.

Table

<i>Column 1</i>	<i>Column 2</i>
<i>Type of application</i>	<i>Fee (£)</i>
Application for a certificate	25
Application to register a WASK licence as a certificate	25
Application to modify a certificate	8
Application for a licence	25
Application to modify a licence	8

(2) In respect of an assessment under regulation 16(c) by an authorised veterinary surgeon exercising functions on behalf of the Welsh Ministers, the applicant must pay to the Welsh Ministers a fee calculated in accordance with paragraph (3).

(3) The fee referred to in paragraph (2) is—

- (a) £76 for the first half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation;
- (b) £21 for each additional half-hour or part thereof spent by an authorised veterinary surgeon on an assessment including time spent on associated documentation; and
- (c) the actual cost of travelling, accommodation and any other expenses reasonably incurred by the authorised veterinary surgeon.

Commencement Information

I20 Reg. 24 in force at 20.5.2014, see [reg. 1\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Welfare of Animals at the Time of Killing (Wales) Regulations 2014, PART 2.