EXPLANATORY MEMORANDUM TO

THE MANDATORY USE OF CLOSED CIRCUIT TELEVISION IN SLAUGHTERHOUSES (ENGLAND) REGULATIONS 2018

2018 No. [XXXX]

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 The Mandatory Use of Close Circuit Television in Slaughterhouses (England) Regulations 2018 require all slaughterhouses in England to have installed an operational a closed circuit television (CCTV) system in all areas of the slaughterhouse where live animals are present, e.g. where they are unloaded, kept, handled, stunned and killed. CCTV recordings must be retained by the slaughterhouse operator for 90 days and inspectors, e.g. Official Veterinarians (OVs) of the Food Standards Agency (FSA), must be granted access to recordings in order to monitor and verify animal welfare standards in the slaughterhouse.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 This entire instrument applies only to England.

3.3 In the view of the Department, for the purposes of House of Commons Standing Order 83P the subject-matter of this entire instrument would be within the devolved legislative competence of the Northern Ireland Assembly, if equivalent provision in relation to Northern Ireland were included in an Act of the Northern Ireland Assembly as a transferred matter, and the Scottish Parliament, if equivalent provision in relation to Scotland were included in an Act of the Scottish Parliament, and the National Assembly for Wales, if equivalent provision in relation to Wales were included in an Act of the National Assembly for Wales.

4. Legislative Context

4.1 This instrument is being introduced using powers conferred on the Secretary of State by section 12 of The Animal Welfare Act 2006 ("the 2006 Act") to make regulations for the purpose of promoting the welfare of animals.

4.2 The Welfare of Animals at the Time of Killing (England) Regulations 2015 ("the 2015 Regulations") implement Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing ("the EU Regulation") in England, as well as maintaining stricter national rules aimed at

ensuring more extensive protection of animals at the time of killing. This instrument is complementary to that regime.

4.3 This instrument imposes a duty on operators of slaughterhouses in England to ensure a CCTV system is installed and operational in all areas of a slaughterhouse where live animals are present and to retain images and information obtained from such a CCTV system for 90 days. The purposes of these new obligations is to improve animal welfare standards and to assist in the enforcement of the requirements of the 2015 Regulations and the EU Regulation. This instrument also provides for inspectors, appointed under the 2015 Regulations or section 51 of the 2006 Act, to inspect and seize any CCTV equipment and any images or information obtained from the CCTV system.

4.4 This instrument provides a power for inspectors to issue enforcement notices where a person contravenes these new obligations. Contravention of this instrument, failure to comply with an enforcement notice and obstructing any person acting in the execution of this instrument are all new offences.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is set out in Section 3 under "Other matters of interest to the House of Commons".

6. European Convention on Human Rights

6.1 The Parliamentary Under Secretary of State for Rural Affairs and Biosecurity (Lord Gardiner of Kimble) has made the following statement regarding Human Rights:

"In my view the provisions of the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 The voluntary uptake by slaughterhouses of CCTV for animal welfare purposes in England and Wales has stalled at around 50% of red meat slaughterhouses and around 70% of poultry slaughterhouses. Moreover, those slaughterhouses that have installed CCTV have not generally installed cameras in all areas where live animals are kept and where animal welfare could be compromised.

7.2 The Farm Animal Welfare Committee (FAWC) was commissioned to produce an independent assessment of the benefits of CCTV in slaughterhouses. The report was published in February 2015: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/400796/Opinion_on_CCTV_in_slaughterhouses.pdf.

7.3 CCTV was identified by FAWC as offering real benefits in slaughterhouses. It was seen as an important complement to the physical observation and verification of slaughterhouse practices and recording of animal welfare abuses by officials who were present in the slaughterhouses during operation. The proposals for making CCTV recording mandatory in slaughterhouses were based on this advice of FAWC.

7.4 Government made a manifesto commitment in 2017 to make CCTV recording in slaughterhouses mandatory. This commitment reflected widespread concern following several well publicised cases of animal welfare abuse in slaughterhouses. This instrument fulfils this manifesto commitment.

7.5 Requirements for mandatory CCTV recording should be applied to all sizes of slaughterhouses in England on the basis that all animals should be offered the same level of protection at the time of killing. CCTV installations and their use will be proportionate to the size of slaughterhouse premises and their throughput. Many larger slaughterhouses have already voluntarily installed CCTV so further improvements to oversight, compliance and enforcement across the sector therefore require extending CCTV to smaller slaughterhouses.

7.6 Retention of CCTV recordings by the slaughterhouse operator will be required for a 90 day period. OVs need to carry out timely review of CCTV in order to address any welfare incidents and take decisions as to the advisory or enforcement action to be taken. However, the retention period of 90 days in this instrument will enable OVs to check if there has been a longer history of practices, patterns of behaviour or systemic failings at a slaughterhouse, which were hitherto unseen.

7.7 Access to CCTV recordings for inspectors for monitoring, verification and enforcement purposes is essential to the realisation of the aims of this instrument.

7.8 Government also recognises the considerable benefits that can accrue to the industry from the structured use of CCTV in slaughterhouses, from in-house assessment of operations and effective staff training to increased public confidence in the meat industry and its adherence to our high animal welfare standards.

Consolidation

7.9 Not applicable.

8. Consultation outcome

8.1 A 6 week public consultation on proposals to require CCTV in all slaughterhouses in England closed in September 2017 with nearly 4000 responses. More than 99% of the responses were in favour of mandatory CCTV recording in slaughterhouses. There was strong support for mandatory CCTV in slaughterhouses from the public, animal welfare NGOs, veterinary organisations and the FSA. The responses from slaughter industry bodies and abattoirs were more balanced, with a number arguing against the proposal on the basis of proportionality of application of the requirements to all slaughterhouses regardless of size or record of compliance and the length of time records should be retained for.

8.2 Some NGOs called for an independent body to be appointed to monitor CCTV recordings in slaughterhouses. The FSA is currently involved in regulating and enforcing welfare in the slaughterhouse and its inspectors will have access to CCTV images, therefore, it is unnecessary to appoint an additional independent monitoring body to consider CCTV footage.

8.3 A full summary of the responses to the public consultation, along with the Government's formal response to the public consultation can be viewed at: https://www.gov.uk/government/consultations/animal-welfare-cctv-in-slaughterhouses.

9. Guidance

9.1 Defra and the FSA are preparing guidance to help businesses to comply with these requirements. The guidance will be made available on the Department's website before the legislation comes into force. A hard copy will be made available on receipt of a written request to the Department.

10. Impact

10.1 The impact on business of installing and operating CCTV is low. A Validation Impact Assessment which discusses these impacts in more detail has been prepared and cleared by the necessary Departmental authorities. Impact did not reach the financial threshold to require RPC sign-off.

10.2 The impact on the public sector is limited. Greater CCTV coverage and improved access to CCTV footage are expected to improve compliance by the industry with animal welfare rules, and to have a limited impact on the overall level of FSA activity and resourcing as well as on the justice system.

10.3 There is no impact anticipated on charities or voluntary bodies.

11. Regulating small business

11.1 These Regulations apply to activities that are undertaken by small businesses.

11.2 In recognition of the impact of the new requirements placed on small businesses by this instrument there is a six month transition period in the instrument between the commencement of the new obligations to install a CCTV system and retain CCTV images and the commencement of the enforcement provisions to allow reasonable time for the industry to comply.

11.3 Given the considerable gains to animal welfare and the many other benefits that may accrue, particularly for the slaughterhouse operator from implementation of the instrument, the Government does not deem financial support to be appropriate.

12. Monitoring & review

12.1 The instrument will be subject to a review within a period of five years from the initial commencement in May 2023 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.

13. Contact

13.1 Richard Aram at the Department for Environment, Food and Rural Affairs, email: animal.welfare@defra.gsi.gov.uk, can answer any queries regarding the instrument.