EXPLANATORY MEMORANDUM TO

THE WELFARE OF FARMED ANIMALS (ENGLAND) REGULATIONS 2007

2007 No.

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. Description

2.1 This instrument sets down the rules for protecting the welfare of farmed animals and imposes duties on the person responsible for the animals.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Regulations are made under Section 12 of the Animal Welfare Act 2006. They replace the original Welfare of Farmed Animal (England) Regulations 2000 (as amended) which were made under section 2 of the Agriculture (Miscellaneous Provisions) Act 1968. Section 2 of the 1968 Act is to be repealed by the Animal Welfare Act 2006 on 1st October 2007.

4.2 These Regulations continue to implement an EU general framework directive which sets down rules to protect farmed animals (Council Directive 98/58/EC) and a number of species-specific directives laying down minimum welfare standards. A transposition note is attached at Annex 2.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 The Minister of State for Local Environment, Marine and Animal Welfare (Ben Bradshaw) has made the following statement regarding Human Rights:
In my view, the provisions of the Welfare of Farmed Animals (England) Regulations 2007 are compatible with the Convention rights.

7. Policy background

7.1 The Animal Welfare Act 2006 brought together and modernised legislation relating to the welfare of farmed and non-farmed animals. Section 9 of the Act introduced a duty of care on persons responsible for vertebrate animals to ensure the needs of animals in their care. The new duty enables those responsible for the enforcement of animal welfare laws to take action if a person responsible is not

taking all reasonable steps to ensure the welfare of his/her animal, even if it is not currently suffering.

7.2 Previously, section 1 of Part 1 of the Agriculture (Miscellaneous Provisions) Act 1968 made it an offence to cause unnecessary pain or unnecessary distress to livestock on agricultural land. The Welfare of Farmed Animals (England) Regulations 2000 (as amended) were made under section 2 of Part 1 of the 1968 Act and implemented several EU directives that protect the welfare of farmed animals. Those Regulations set out in detail the general conditions under which farmed animals must be kept and contained further schedules setting out additional conditions applying to various species of farmed animals.

7.3 In order to continue to implement the various EU Directives underlying the 2000 Regulations, as amended, and to ensure that all animal welfare legislation is brought together under the 2006 Act, the Welfare of Farmed Animals Regulations 2000 are being replaced by the present instrument and Part I of the 1968 Act will be repealed insofar as it applies to England. There are no significant changes to the 2000 Regulations other than removal of provisions that are duplicated in the Animal Welfare Act 2006.

7.4 A public consultation on the draft Regulations took place between 1 February and 30 March 2007. Copies of the consultation were sent to relevant stakeholders, including the major industry groups which represent producers, animal welfare organisations and veterinary organisations. An analysis of consultation responses can be found in section 3B of the attached Regulatory Impact Assessment (Annex 1).

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 There is no additional impact on the public sector.

9. Contact

9.1 Serena Cooke at the Department of the Environment, Food and Rural Affairs (Tel: 0207 904 8075) or e-mail: Serena.Cooke@defra.gsi.gov.uk) can answer any queries regarding the instrument.

Annex 1

FINAL REGULATORY IMPACT ASSESSMENT

1. Title

REPLACEMENT OF THE WELFARE OF FARMED ANIMALS (ENGLAND) REGULATIONS 2000 (AS AMENDED).

2. Purpose and intended effect

(a) Objective

- To preserve most of the provisions and scope of the Welfare of Farmed Animals (England) 2000 Regulations (as amended) ("the 2000 Regulations");

- To allow for powers and provisions available under the Animal Welfare Act 2006 ("the 2006 Act"), which do not need to be included in the Regulations; and

- To remove unnecessary administrative burdens from the 2000 Regulations.

(b) Background

The commencement of the 2006 Act has a number of implications for existing farmed animal welfare legislation. These fall broadly into three categories:

(i) Implications for regulations made under the Agriculture (Miscellaneous Provisions) Act 1968.

One of the key intentions of the 2006 Act is to replace and consolidate existing animal welfare legislation, including Part 1 of the Agriculture (Miscellaneous Provisions) Act ("the 1968 Act"). The majority of the 2006 Act commenced on 6 April 2007. It was not possible to revoke some provisions of Part 1 of the 1968 Act on this date, as the 2000 Regulations would cease to be effective – failure to comply with the 2000 Regulations would cease to be an offence. This is because some of the welfare offence provisions are split between the 1968 Act and the 2000 Regulations and it would not be possible to tie the provisions of the 2000 Regulations to offences in the new Animal Welfare Act, even in a transitional statutory instrument, without first bringing in an affirmative statutory instrument setting up new offence provisions under the new Act.

(ii) The creation of duplication in the Regulations

Some of the provisions of the 2000 Regulations, which apply only to farmed animals, have been taken forward into the 2006 Act to apply to all animals under the control of man. An example of this is the duty of care that already applied to farmed animals. The 2006 Act introduces a duty of care for persons responsible for <u>all</u> animals.

Provisions in the 2000 Regulations that duplicate provisions of the 2006 Act relate to:

(a) The duty of care for owners and keepers of animals;
(b) Statutory welfare codes;
(c) Powers of an authorised person;

(d) Powers of entry; and
(e) The offence of obstructing an inspector exercising a power of entry.

(iii) The opportunity to reduce the administrative burdens

In considering taking forward Option 2 in Paragraph 4 to replace existing farm animal welfare legislation, the opportunity that this would create to reduce the level of administrative burdens that currently exist in the 2000 Regulations had to be taken into account.

Although there are arguments for retaining some of these provisions, the current level of administrative burdens in the 2000 Regulations has been identified in a cross-governmental exercise, carried out in 2006, as being in excess of £10 million each year. Consideration, therefore, had to be given to balancing arguments for retention against burdens imposed.

(c) Rationale for Government intervention

The implications of there being no government intervention are summarised as follows:

1. It would cease to be an offence not to comply with the provisions of the 2000 Regulations and this therefore would involve a risk to animal welfare;
2. We would no longer be complying with the need to implement and enforce EU minimum standards Directives relating to farm animal welfare;
3. Existing administrative burdens would continue to be in place; and
4. Some existing legislative provisions would be duplicated.

No alternatives to government intervention are available that could mitigate any of the above undesirable consequences of the commencement of the 2006 Act.

In particular, we have an obligation under Community law to implement through domestic legislation and enforce EU minimum standards on farm animal welfare.. Soft law alternatives to making legislation to implement the relevant directives would not be acceptable. Failure to maintain an acceptable level of implementation and enforcement of EU directives on farm animal welfare would inevitably lead to infraction procedures by the European Commission. Consumers would find it unacceptable for the UK not to follow minimum EU minimum standards on farm animal welfare.

The Better Regulation Task Force (since replaced by the Better Regulation Commission) published its report “Regulation – Less is More” in March 2005. In response to this report, the Government launched an initiative in September 2005 committing to the simplification of legislation wherever possible. The removal of unnecessary duplication in farmed animal welfare legislation is desirable to comply with this part of the Government’s Better Regulation Agenda. In addition, any duplication in animal welfare legislation may cause confusion to the livestock farming industry, to enforcement bodies and in court proceedings.

Another commitment in the Government’s Better Regulation Agenda is for a 25% reduction in administrative burdens on business by the end of 2009, to which Defra is committed in its 5 year strategy. One of the provisions of the 2000 Regulations which duplicates the 2006 Act is an administrative burden (see (ii) under Benefits). It was

therefore essential to consider whether it was appropriate to remove this burden from the industry.

3. Consultation

(a) Within Government

The objectives to be achieved will have little impact on farming businesses with the exception of the removal of administrative burdens, as in the main we wish simply to retain current legislation (see Costs and Benefits). Few areas of Government are therefore relevant for consultation. There has been internal consultation with different Defra teams, particularly those with an interest in the livestock industry and those who worked on the 2006 Act.

(b) Public consultation

It was important to consult on the new draft regulations because, in some cases, removal of provisions from the 2000 Regulations to accommodate similar provisions in the 2006 Act will result in a change to the current legislative requirements. In addition, removing some of the administrative burdens which exist in the 2000 Regulations required careful consideration. The public consultation for the replacement of the 2000 Regulations was reduced to 8 weeks, because of the short time between the 2006 Act coming into force (April 2007) and the next available opportunity to present proposed Regulations to Parliament (by way of debates in both Houses) to ensure that they can come into force at the next common commencement date, i.e. 1 October 2007. The consultation took place between 1 February and 30 March 2007. In addition to the consultation documents being placed on the Defra website, documents were sent to key stakeholders representing producers and animal welfare organisations. There were 16 responses to the consultation.

The main issues highlighted by the responses were:

(a) Application of the regulations to farmed livestock kept on common land. Several responses considered that the regulations should not be applicable to common land, especially in very remote areas. This is principally because livestock is often extensive and ranges very widely on common land where, for example, owners are not allowed to provide artificial forms of shelter.

In response, Defra has written to consultees clarifying how the proposed Regulations will apply to them, in particular to explain how the provision of shelter and inspections will apply to extensively managed flocks. Guidance on the proposed Regulations will also be issued to make the requirements as clear as possible (see Implementation and delivery plan).

(b) Removal of a provision similar to regulation 10 (familiarity with and having access to the appropriate welfare code) from the Welfare of Farmed Animals (England) Regulations 2000. Several stakeholders, including the Farm Animal Welfare Council, the Royal Society for the Prevention of Cruelty to Animals, the British Cattle Veterinary Association, the Royal College of Veterinary Surgeons and Compassion in World Farming, were concerned about the removal of this obligation and felt that it could have a negative effect on the welfare of farmed livestock. They believed it to be a retrograde

step and a weakening of farm animal welfare controls. Animal Health, the body responsible for enforcing these regulations, expressed a similar view.

From a Better Regulation standpoint there are valid reasons why this provision should be removed. New codes of practice for farmed and non-farmed animas are now issued under section 14 of the 2006 Act and can be used to tend to establish guilt or innocence in prosecutions for offences under the 2006 Act, including the new duty of care provision in section 9, and offences under the proposed farmed animals Regulations. There is no equivalent familiarity offence provision in the 2006 Act in respect of either farmed or non-farmed animal codes; it was not thought necessary because it is in a person's interests to be acquainted with relevant codes in order to meet welfare obligations, which was considered sufficient incentive. It might also be confusing to have different familiarity requirements for codes depending on whether they are for farmed or non-farmed animals. Additionally, removing this provision would comply with Government policy of reducing administrative burdens on industry. But, it would not be appropriate to remove such a burden where there is good evidence that it is seen to be beneficial. The consultees have raised compelling arguments for retaining this provision, for example, that some codes under the new Act will be inherently different from others, taking a more or less detailed approach, and as farmed animals are different in nature from companion animals and are kept in far greater numbers, there was good reason for the additional offence provisions in the farmed animal legislation. They also argued that requiring stock-keepers to be familiar with the codes ensures at least a basic level of training. Thus after further consideration, it has been decided that the provision should be retained. Additionally, access to existing and new codes will be encouraged where possible through electronic media, to reduce costs to farmers and the Government, while hard copies will continue to be available on request..

4. Options

The necessity for Government intervention is discussed in the rationale in (c) above. There are the following options for ensuring that the current intention and scope of the 2000 Regulations is retained:

- Option 1 - delay indefinitely the implementation of the relevant section of the 2006 Act that repeals the 1968 Act.

- Option 2 - draw up replacement regulations to mirror the effect of the 2000 Regulations, but to be made under the 2006 Act allowing the repeal of the 1968 Act.

Option 1 would go against the intention of the 2006 Act, which has been debated and agreed in Parliament, and therefore it would not be appropriate.

Option 2 is the only remaining option that would achieve the objectives and it is proposed to take this option forward.

Having decided to draw up a new set of Regulations, there are additional options in dealing with duplications. For each of the provisions listed in the Background 2.(b)(ii) above that will duplicate provisions of the 2006 Act (marked (a) to (e)), there are three options:

(i) Remove the provision from the 2000 Regulations;

(ii) Remove the provision from the 2000 Regulations and incorporate a new related provision to be read as an addition to the provision in place in the 2006 Act; and
(iii) Allow the duplication to continue by leaving the provision in the 2000 Regulations in place.

The draft Regulations propose to follow option (i) in each instance, except for the provision on welfare codes, as on balance there are better reasons to retain this provision, as set out in 3(b). This would remove duplication as far as possible.

5. Costs and Benefits

- **Sectors and groups affected**

The impact of the new regulations will fall on all livestock farmers - approximately 80,000 livestock and mixed farms in England and those who keep livestock on common land.

- **Benefits**

One benefit to the sectors involved is that by avoiding duplication, we will prevent potential confusion among farmers as to which of two very similar provisions they must comply with and reduce the overall burden on the sectors.

Other than the avoidance of duplication, two substantive changes are proposed by taking the option not to replace the duplicating provision in each case:

(i) The notice that can currently be served under regulation 11 of the 2000 Regulations will be replaced by the improvement notices in the 2006 Act. As a result, it will no longer be an offence not to comply with such a notice. This will be less burdensome on the industry, although few regulation 11 notices are issued each year (about 50), so the saving is minimal.

(ii) For the first time, livestock kept on common land will also benefit from the additional protection they will be given by the farm animal welfare regulations. The total number of animals kept on common land is unknown, however a very rough estimate using movement data suggests that the welfare of approximately 80,000 sheep that are kept on common land in England will be protected (out of a total England sheep population of approximately 15 million). The number of cattle and other species kept on common land is thought to be very small.

- **Costs**

Legislation made under the 1968 Act referred only to farmed livestock on agricultural land. The new 2006 Act covers all animals under the control of man and is not restricted in terms of the type of land on which the animals are kept. As a result, the draft Regulations will cover the welfare of animals kept on common land as well as agricultural land and for the first time, keepers of animals on common land will be required to comply with the relevant requirements of the schedules. In England there were approximately 250 holdings that moved sheep on or off common land between April 2006 and April 2007 (out of a total number of holdings with sheep in England of approximately 48,300) and this is used as a rough estimate of the number of holdings

affected (the number of holdings keeping cattle or other species on common land is thought to be very small). These holdings with animals on common land will face costs if they are not already complying with the minimum standards applicable to livestock kept on agricultural land.

However, it is appropriate that keepers of livestock are subject to the same rules, irrespective of the type of land on which the animals are kept. The cost of compliance for keepers of livestock on common land is not expected to be significant. This is because the provisions of the Regulations are not onerous for animals which do not need frequent attention and are kept outdoors and this accounts for the vast majority of animals kept on common land. Additionally, many commoners will already be complying with most of the provisions.

While not a change from the existing legislation, it is proposed to retain the provision on access to and familiarity with welfare codes. Removing these provisions would have led to the removal of administrative burdens from the livestock industry of an estimated £7.9 million a year. The basis for this estimate, from a recent cross-governmental exercise setting a baseline for administrative burdens, was the mean average of data collected from a number of sources, each taking into account the time and other costs relevant to each incidence of a specific burden and how often the burden would occur across the relevant industry. However, this burden is proposed to be retained for the reasons outlined in 3(b). There was little support for its removal during the public consultation and some consultees were concerned that this estimate was not a realistic reflection of the costs involved.

6. Small Firms Impact Test

There is a requirement to consult a number of small businesses in advance of a public consultation. 10 small businesses, reflective of the major livestock sectors in England, were consulted in this process. The small businesses consulted understood the necessity to replace existing legislation on farm animal welfare and agreed that the proposal would not have a significant impact on their business.

For this reason, Defra concludes that there is no significant impact. In addition, the livestock sector as a whole is inherently orientated towards small businesses. As such, Defra already considers every change to farm animal welfare law specifically in relation to its effect on a small business rather than in relation to its effect on larger businesses.

7. Competition assessment

As required, a competition filter test has been carried out for the proposed replacement Regulations. It is not necessary to carry out a detailed analysis of the competition effects.

The affected market is the entire livestock farming industry in England, for all farmed species. The defining characteristic of this sector is that the vast majority of farms are small businesses, without large market shares. The industry is not characterised by rapid technological change, nor are these proposals expected to prevent firms from choosing the price, range, location or quality of their products. The costs of the proposed regulations are not expected to hit some firms more than others and they will

not result in higher set up or ongoing costs for new entrants. The requirements are not expected to result in change to the structure of the industry.

In proposing to change very little in existing requirements for the keeping of farmed livestock, Defra does not anticipate positive or negative effects on competition.

8. Enforcement, sanctions and monitoring

It is intended that the enforcement, sanctions and monitoring of the proposed Regulations will not be in any way different from existing enforcement, sanctions and monitoring related to the welfare of animals on farms.

Animal Health enforces the existing farm animal welfare legislation and conducts regular programmed inspections of farmed premises to check the welfare of livestock. Animal Health also investigates all complaints and allegations about poor welfare on-farm.

If a contravention of the legislation is found but no animals are suffering, existing sanctions in the law include allowing the issuing of a regulation 11 notice, requiring the owner of the animals to make improvements.
If animals are found to be suffering or regulation 11 notices are not being complied with in the timeframe specified, legal action is taken by the Local Authority or by Defra. In the event of a successful prosecution, available penalties are a level 4 fine, up to 51 weeks' imprisonment, or both.

Section 10 of the 2006 Act provides for the issue of enforcement notices, which work in a very similar way to regulation 11 notices under the 2000 Regulations. It is proposed, therefore, to remove the regulation 11 notices from draft replacement Regulations to avoid duplication. This change will not have a significant effect on the industry or Animal Health.

The monitoring procedures for the 2000 Regulations are outside the scope of the proposed Regulations. Animal Health records data on the outcome of welfare inspections.

9. Implementation and delivery plan

Guidance on the Regulations will be published twelve weeks before their coming into force date. This guidance will be sent to stakeholders and issued on the Defra website.

Animal Health will be the main enforcement body for the draft Regulations. Its enforcement role will be very similar to that under the 2000 Regulations except that it will also extend to common land. Records kept by Animal Health will inform a review (see Post-implementation review).

10. Post-implementation review

The changes to the legislative framework introduced by the draft Regulations should be reviewed after three years. In particular the review should look at:

- Whether there has been an improvement in the welfare of farmed livestock on common land
- Whether commoners have experienced prohibitive additional costs as a result of the Regulations applying to livestock kept on common land
- Whether other costs and benefits identified in this document have impacted as expected

Stakeholders, including farming industry bodies, commoners' groups and welfare organisations, should be consulted on their experiences as a part of this review.

Due to the difficulty in obtaining a quantitative measure for welfare, it is not appropriate to state in what circumstances amendment to the Regulations should be considered. However, at the time of the review, a decision should be made, based on an analysis of the impacts of the Regulations experienced and comments received from stakeholders, on whether the Regulations should be revised.

11. Summary and Recommendation

There is a need for Government intervention to ensure the continued application of existing provisions protecting the welfare of farmed livestock. The following options have been identified:

- Option 1 - delay indefinitely the implementation of the relevant section of the 2006 Act that repeals the 1968 Act.

- Option 2 - draw up replacement regulations to mirror the effect of the 2000 Regulations, but to be made under the 2006 Act allowing the repeal of the 1968 Act.

Summary costs and benefits table

Option	**Total benefit per annum: economic, environmental, social***	**Total cost per annum: economic, environmental, social, policy and administrative***
1	None	Policy – the intention of the Animal Welfare Act 2006 to draw together all legislation on animal welfare is denied. Administrative – enforcement bodies would have to enforce two different Acts relating to farm animal welfare. This dual enforcement would also lead to confusion for the industry.
2	Economic – less burdensome for farmers not to have to comply with improvement notices. Less burdensome on enforcement bodies only having to enforce to one welfare standard. Social – livestock kept on common land	Economic – small compliance costs for owners of livestock on common land.

	benefit from protection by livestock welfare legislation.	

*All of the above identified benefits and costs would appear on a recurring and not one-off basis.

Conclusion

Option 2 is the recommended option. This is the option which most closely matches with the intentions of the Animal Welfare Act 2006 to consolidate all animal welfare legislation. Costs are minimal to achieve this and the benefits, particularly the economic benefits that can be achieved by removing unnecessary administrative burdens, justify them.

12. Declaration and Publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs.

Signed …Ben Bradshaw……

Date 11th June 2007

Ben Bradshaw, Minister of State, Department for Environment, Food and Rural Affairs

ANNEX 2

Transposition Note for those Directives transposed by The Welfare of Farmed Animals (England) Regulations 2007:

List of Directives Transposed:

The "General Directive":

1. Council Directive 98/58/EEC of 20 July 1998 on the Protection of animals kept for farming purposes.

Laying Hens:

2. Council Directive 99/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.

Calves:

3. Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves – amended by Commission Decision 97/182/EC of 24 February 1997 amending the Annex to Directive 91/629/EEC.

Pigs:

4. Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs – amended by Council Directive 2001/88/EC of 23 October 2001 and Council Directive 2001/93/EC of 9 November 2001.

Introduction:

These Regulations do what is necessary to implement the Directives, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Certain parts of the Regulations, for example Schedule 7 (conditions applying to the keeping of cattle) and Schedule 9 (conditions applying to the keeping of rabbits) do not emanate from European legislation but from previous domestic legislation.

The Directives have already been implemented in England in The Welfare of Farmed Animals (England) Regulations 2000, as amended by The Welfare of Farmed Animals (England) (Amendment) Regulations 2002 and The Welfare of Farmed Animals (England) (Amendment) Regulations 2003.

These Regulations substantially re-enact and consolidate the provisions of the earlier domestic legislation. This Transposition Note will therefore be limited to a general overview of the main elements of the Directives and the corresponding provisions in the Regulations which transpose them.

Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes

Article	Objective	Provision of Regulations
3	General duty to take reasonable steps to ensure welfare.	4(1)
4	Above duty exercised with regard to species, degree of adaptation etc.	4(2)

10	Member states to bring into force sanctions.	6, 7 and 8
Annex, point 1	Adequate staffing levels and competence of those caring for animals.	Regulation 4(1) and paragraph 1 of Schedule 1.
Annex, points 2 to 4	Frequency of inspections and steps to be taken when animals found to be ill or injured.	Regulation 4(1) and paragraphs 2, 5 and 6 of Schedule 1.
Annex, points 5 and 6	Records of medicinal treatment and mortalities.	Regulation 4(1) and paragraphs 7 and 8 of Schedule 1.
Annex, point 7	Freedom of movement	Regulation 4(1) and paragraphs 9 and 10 of Schedule 1.
Annex, point 8-11	Specifications regarding buildings and accommodation – materials to be used; how accommodation and fittings to be constructed and maintained; environmental conditions and light levels.	Regulation 4(1) and paragraphs 11-14 of Schedule 1.
Annex, point 12	Protection of animals not kept in buildings from weather and predators	Regulation 4(1) and paragraph 17 of Schedule 1
Annex, point 13	Inspection of automatic and mechanical equipment, steps to be taken on discovering defects and provision of back-up systems.	Regulation 4(1) and paragraphs 18, 19, 20 and 21.
Annex, points 14 to 18.	Access to food and water; nature of diet; design and construction of feeding and watering equipment and certain other substances not to be administered.	Regulation 4(1) and paragraphs 22-27 of Schedule 1.

Annex, points 20 and 21.	Breeding procedures not to be used if harmful and animals not to be kept for farming if detrimental to health and welfare.	Regulation 4(1) and paragraphs 28 and 29 of Schedule 1.

Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens

Article	**Objective**	**Provision of Regulations**
4	Provisions applicable to alternative or non-cage systems	Regulation 5(1)(b) and Schedule 2
Article 4(1)(1)(a)-(e)	Specifications concerning feeders, drinking troughs, nipple drinkers, nests, perches and litter.	Regulation 5(1)(b) and paragraphs 2(a) and (b), (c), (d) (e), 3 and 4 of Schedule 2.
Article 4(1)(2)	Floor construction to allow support for claws	Regulation 5(1)(b) and paragraph 5 of Schedule 2.
Article 4(1)(3)	Specifications where hens can move freely between levels	Regulation 5(1)(b) and paragraph 6 of Schedule 2.
Article 4(1)(4)	Maximum permissible stocking density	Regulation 5(1)(b) and paragraphs 8 and 9 of Schedule 2.
Article 5	Provisions applicable to rearing laying hens in unenriched or conventional cage systems	Regulation 5(1)(b) and Schedule 3
Article 5(1)(1)	Minimum cage area per hen which must be provided	Regulation 5(1)(b) and paragraph 2 of Schedule 3
Article 5(1)(2)	Provision and length of feed trough	Regulation 5(1)(b) and paragraph 3 of Schedule 3
Article 5(1)(3)	Provision of facilities for hens to have access to water and specifications thereof	Regulation 5(1)(b) and paragraph 4 of Schedule 3
Article 5(1)(4)	Minimum height of cages	Regulation 5(1)(b) and paragraph

		5 of Schedule 3
Article 5(1)(5)	Construction of floors to support claws and allowable gradient of floor slope	Regulation 5(1)(b) and paragraph 6 of Schedule 3.
Article 5(1)(6)	Fitting of claw-shortening devices	Regulation 5(1)(b) and paragraph 7 of Schedule 3.
Article 5(2)	Prohibition of unenriched cages from 1 January 2012 and prohibition of new unenriched cages from 1 January 2003.	Regulation 5(1)(b) and paragraphs 8 and 9 of Schedule 3.
Article 6	Provisions applicable to rearing of laying hens in enriched cages	Regulation 5(1)(b) and Schedule 4
Article 6(1)	Minimum allowable cage area, requirement for a nest, litter and perches	Regulation 5(1)(b) and paragraph 2 of Schedule 4.
Article 6(2)	Length of feed trough required.	Regulation 5(1)(b) and paragraph 3 of Schedule 4.
Article 6(3)	Provision of facilities allowing hens to access water and specifications thereof.	Regulation 5(1)(b) and paragraph 4 of Schedule 4.
Article 6(4)	Specifications for dimensions within cages of aisles, space between floor and cages.	Regulation 5(1)(b) and paragraph 5 of Schedule 4.
Article 6(5)	Necessity for claw-shortening devices to be fitted in cages.	Regulation 5(1)(b) and paragraph 6 of Schedule 4.
Annex, point 1	Frequency of inspection of laying hens generally	Regulation 5(1)(b) and paragraph 1 of Schedule 5.
Annex, point 2	Sound levels	Regulation 5(1)(b) and paragraph 2 of Schedule 5.
Annex, point 3	Light levels	Regulation 5(1)(b) and paragraph 3 of Schedule 5.
Annex, point 4	Cleaning and disinfecting of buildings, equipment and utensils.	Regulation 5(1)(b) and paragraph 4 of Schedule 5.
Annex, point 5	Prevention of hens from	Regulation 5(1)(b) and paragraph

	escaping	5 of Schedule 5
Annex, point 6	Ability to inspect all tiers	Regulation 5(1)(b) and paragraph 6 of Schedule 5
Annex, point 7	Design and dimensions of cage doors	Regulation 5(1)(b) and paragraph 7 of Schedule 5.

Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves (as amended).

Article	Objective	Provision of Regulations
3(a)	Confinement of calves in individual pens after 8 weeks of age and required width of pens.	Regulation 5(1)(c) and paragraph 1(1) – (4) of Schedule 6.
Annex, point 1	Cleaning and Disinfection of accommodation and equipment	Regulation 5(1)(c) and paragraph 6(1) of Schedule 6; Regulation 4(1) and paragraph 1 of Schedule 1.
Annex, point 3	Insulation, heating and ventilation of buildings	Regulation 4(1) and paragraph 13 of Schedule 1.
Annex, point 4	Automated and mechanical equipment to be tested or inspected etc.	Regulation 4(1) and paragraphs 18-21 of Schedule 1.
Annex, point 5	Lighting levels	Regulation 5(1)(c) and paragraph 6 of Schedule 6.
Annex, point 6	Frequency of inspections, steps to be taken when calves are ill or injured, construction of accommodation to allow movement and use of tethers	Regulation 5(1)(c) and paragraphs 2 and 3 of Schedule 6.
Annex, point 7	Freedom of movement in accommodation	Regulation 5(1)(c) and paragraph 1(5) of Schedule 6.
Annex, point 8	Tethering of calves	Regulation 5(1)(c) and paragraph 4 of Schedule 6.
Annex, point 9	Cleaning and disinfection of housing, pens equipment and utensils and removal of faeces etc.	Regulation 5(1)(c) and paragraph 6 of Schedule 6.
Annex, point 10	Floors not to be suitable and not	Regulation 5(1)(c) and

	slippery; lying area to be clean etc and appropriate bedding provided.	paragraphs 7 and 8 of Schedule 6.
Annex, point 11	Diet specifications and prohibition on muzzling	Regulation 5(1)(c) and paragraphs 10 and 11 of Schedule 6.
Annex, point 12	Frequency of feeding and access to food.	Regulation 5(1)(c) and paragraph 12 of Schedule 6.
Annex, point 13	Access to water	Regulation 5(1)(c) and paragraph 13 of Schedule 6.
Annex, point 14	Design and construction of feeding and watering equipment	Regulation 4(1) and paragraph 26 of Schedule 1.
Annex, point 15	Bovine colostrum to be given to newly born calves	Regulation 5(1)(c) and paragraph 9.

Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs (as amended).

Article	**Objective**	**Provision of Regulations**
Article 3(1)(a)	Minimum floor area to be available to weaners and rearing pigs of different weights	Regulation 5(1)(e) and paragraph 43 of Schedule 8.
Article 3(1)(b)	Minimum floor area to be available to gilts after service and sows.	Regulation 5(1)(e) and paragraph 29 of Schedule 8.
Article 3(2)(a)	Specifications for flooring surfaces for gilts after service and pregnant sows.	Regulation 5(1)(e) and paragraph 30 of Schedule 8.
Article 3(2)(b)	Specifications for concrete slatted floors used for pigs kept in groups	Regulation 5(1)(e) and paragraph 12 of Schedule 8.
Article 3(3)	Use of tethers on sows and gilts	Regulation 5(1)(e) and paragraph 3 of Schedule 8.
Article 3(4)	Specifications of pens in which sows and gilts are kept before farrowing.	Regulation 5(1)(e) and paragraphs 27, 28 and 31 of Schedule 8.
Article 3(5)	Access of sows and gilts to	Regulation 5(1)(e) and paragraph

	manipulable material	15 of Schedule 8.
Article 3(6)	Access to sufficient food for sows and gilts	Regulation 5(1)(e) and paragraph 32 of Schedule 8.
Article 3(7)	Provision of certain types of food to dry pregnant sows and gilts	Regulation 5(1)(e) and paragraph 33 of Schedule 8.
Article 3(8)	Isolation of aggressive pigs, pigs which have been attacked by others and sick or injured pigs.	Regulation 5(1)(e) and paragraphs 8 and 19 of Schedule 8.
Article 3(9)	Certain provisions to apply from certain dates	Regulation 5(1)(e) and Regulation 5(2)
Article 5a	Training of staff attending pigs	Regulation 4(1) and paragraph 1 of Schedule 1.
Annex, point 1	Noise levels	Regulation 5(1)(e) and paragraphs 17 and 18 of Schedule 8
Annex, point 2	Light levels	Regulation 5(1)(e) and paragraph 2 of Schedule 8.
Annex, point 3	Accommodation to allow access to lying area; allow pigs to rest and get up normally and see other pigs	Regulation 5(1)(e) and paragraph 5(2) of Schedule 8.
Annex, point 4	Environmental enrichment to enable investigation and manipulation activities.	Regulation 5(1)(e) and paragraph 15 of Schedule 8.
Annex, point 5	Specifications for flooring for pigs kept in a building	Regulation 5(1)(e) and paragraph 11 of Schedule 8.
Annex, point 6	Frequency of feeding and requirements where pigs are housed in a group without continuous access to feed.	Regulation 5(1)(e) and paragraph 13 of Schedule 8.
Annex, point 7	Access to fresh water	Regulation 5(1)(e) and paragraph 14 of Schedule 8.
Annex, Chapter II Part	Construction and siting of boar	Regulation 5(1)(e) and

A - Boars	pens	paragraphs 19 and 21(1) and (2) of Schedule 8.
Annex, Chapter II Part B – Sows and Gilts – point 1	Measures to minimise aggression	Regulation 5(1)(e) and paragraph 8 of Schedule 8
Annex, Chapter II, Part B, point 2	Treatment against parasites and cleaning when go into farrowing crates	Regulation 5(1)(e) and paragraphs 22 and 23 of Schedule 8
Annex, Chapter II, Part B, point 3	Nesting material in week before farrowing	Regulation 5(1)(e) and paragraph 24 of Schedule 8.
Annex, Chapter II, Part B, point 4	Availability of area for farrowing	Regulation 5(1)(e) and paragraph 25 of Schedule 8
Annex, Chapter II, Part B, point 5	Protection of piglets in farrowing pens	Regulation 5(1)(e) and paragraph 26 of Schedule 8.
Annex, Chapter II, Part C – Piglets, point 1	Floor area for piglets to rest together and specifications for floor	Regulation 5(1)(e) and paragraph 35
Annex, Chapter II, Part C, point 2	Space for suckling when farrowing crates used	Regulation 5(1)(e) and paragraph 36
Annex, Chapter II, Part C, point 3	Age for weaning	Regulation 5(1)(e) and paragraphs 37 and 38
Annex, Chapter II, Part D – Weaners and Rearing Pigs, point 1	Prevention of fighting	Regulation 5(1)(e) and paragraph 8 of Schedule 8
Annex, Chapter II Part D, point 2	Mixing when kept in groups	Regulation 5(1)(e) and paragraphs 39 and 40

Annex, Chapter II Part D, point 3	Action on signs of severe fighting	Regulation 5(1)(e) and paragraphs 8 and 42.
Annex, Chapter II Part D, point 4	Use of tranquilisers to facilitate mixing	Regulation 5(1)(e) and paragraph 41 of Schedule 8.