SCOTTISH STATUTORY INSTRUMENTS

2004 No. 13

ANIMALS

PREVENTION OF CRUELTY

The Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2004

Made - - - - *21st January 2004*

Laid before the Scottish Parliament *22nd January 2004*

Coming into force in accordance with regulation 1(1)

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Welfare of Animals (Slaughter or Killing) Amendment (Scotland) Regulations 2004 and shall come into force as follows:–

(a) regulation 2(1) (to the extent that it applies to regulation 2(3)) and 2(3) on 6th January 2005; and

(b) all other provisions on 12th February 2004.

(2) These Regulations extend to Scotland only.

Amendment of the Welfare of Animals (Slaughter or Killing) Regulations 1995

2.—(1) The Welfare of Animals (Slaughter or Killing) Regulations 1995(**b**) are amended in accordance with the following paragraphs.

(2) In Schedule 1 (the licensing of slaughtermen), after paragraph 9(2) insert–

"(3) Any person whose licence has been suspended or revoked under sub-paragraph (1) above shall, whether or not that suspension or revocation is the subject of an appeal pursuant to paragraph 11 below, surrender the licence to the Agency, acting on behalf of the Scottish Ministers(**c**), within 14 days of receipt of a notice informing that person of the suspension or revocation.".

(3) In Schedule 4 (restraint of animals before stunning, slaughter or killing), for paragraph 6(2)(c) substitute–

(**a**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**b**) S.I. 1995/731; the relevant amending instrument is S.S.I. 2000/62, regulation 10(3) and Part III of Schedule 8.

(**c**) See S.S.I. 2000/62, Schedule 8, Part III, paragraph 2.

"(c) no bird is suspended for more than 3 minutes in the case of a turkey or 2 minutes in other cases before being stunned or killed.".

(4) In Schedule 9 (slaughter or killing methods for the purpose of disease control), after paragraph 2(f) insert–

"; or

(g) for birds, a pneumatic or cartridge operated percussive device producing immediate death, provided that nothing more is done to a bird before it has been ascertained that the bird is dead.".

ALLAN WILSON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st January 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Welfare of Animals (Slaughter or Killing) Regulations 1995 ("the principal Regulations") which gave effect to Council Directive 93/119/EC (O.J. No. L 340, 31.12.93, p.21). These Regulations amend Schedules 1, 4 and 9 to the principal Regulations.

The amendment to Schedule 1 requires the holder of a licence which has been suspended or revoked to surrender the licence to the Food Standards Agency (regulation 2(2)).

The amendment to Schedule 4 shortens the time that birds can be suspended before being stunned or killed (regulation 2(3)). This measure does not come into force until 6th January 2005 (regulation 1(1)(a)).

The amendment to Schedule 9 permits the use of pneumatic or cartridge operated percussive devices producing immediate death for the slaughter or killing of birds for the purpose of disease control (regulation 2(4)).

These Regulations extend to Scotland only.

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