EXPLANATORY MEMORANDUM TO

THE WELFARE OF ANIMALS (TRANSPORT) (AMENDMENT) REGULATIONS 2025

2025 No. 776

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Environment, Food & Rural Affairs ('Defra') and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Daniel Zeichner, Minister of State (Food Security and Rural Affairs) at the Department for Environment, Food & Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Pamela Thompson, Deputy Director for Transforming Farm Animal Health and Welfare, at the Department for Environment, Food & Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Serena Cooke at the Department for Environment, Food & Rural Affairs, email: poultry.catching@defra.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends assimilated Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations ('Regulation 1/2005') to exclude laying hens and meat chickens ("chickens") and turkeys from the prohibition on the lifting of animals by the legs in paragraph 1.8(d) of Chapter 3 of Annex 1 to that Regulation. This amendment will remove a discrepancy between these requirements and Defra's statutory codes of practice for the welfare of laying hens and pullets, and the welfare of meat chickens and meat breeding chickens, along with similar codes in Wales, and similar statutory guidance in Scotland (the 'GB statutory guidance').

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Wales and Scotland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 This instrument fixes a discrepancy between Regulation 1/2005 and the GB statutory guidance by permitting chickens to be lifted by two legs. Regulation 1/2005 prohibits the lifting of animals by the legs when they are being loaded or unloaded in connection with transportation. The prohibition, which applied to chickens, does not reflect long-standing policy on appropriate and acceptable methods of "catching" chickens set out in the GB statutory guidance. This includes the practice of manually catching, lifting and carrying chickens by both legs, but not by one leg. The amendments ensure that the legislation reflects the GB statutory guidance by allowing chickens to be caught, lifted and carried by both of their legs, but not by one leg. References to "catching" in this Explanatory Memorandum include lifting and carrying, unless otherwise stated.

5.2 The GB statutory guidance, which includes guidance on the minimum welfare standards to be followed when manually catching chickens, reflects the prevailing scientific consensus on this matter at the time that Regulation 1/2005 was adopted by the Council of the European Union. Permitting two-leg catching of chickens is also in line with recent recommendations made by the Animal Welfare Committee (an independent expert committee which provides advice to the Department for Environment, Food & Rural Affairs and the Scottish and Welsh Governments)[1] and a European Commission proposal, published in December 2023, for a new Regulation on the protection of animals during transport and related operations (the 'Commission proposal')[2]. The Commission proposal would repeal and replace Regulation 1/2005 and exempt poultry from the prohibition on lifting animals by the legs.

5.3 The amendments also allow turkeys, weighing 5kg or less, to be caught by two legs. A decision to also exempt turkeys from the prohibition on lifting animals by the legs was made following a public consultation on this matter. Industry stakeholders confirmed that young turkeys (weighing 5kg, or less) are routinely caught by two legs, while older heavier turkeys (weighing more than 5kg) are routinely caught upright, by a range of different methods. It was recognised that any new legislative baseline for turkeys should not preclude the established best practice method of handling larger birds upright by a combination of a leg and a wing (shoulder). A further requirement for turkeys, weighing more than 5kg, has been included to prohibit them from being lifted or carried in an inverted position, whether by the legs or otherwise, to protect the welfare of these heavier birds. Defra's 'codes of recommendations for the welfare of livestock – turkeys' do not currently include advice on the method by which turkeys should be caught.

5.4 These amendments will provide the British egg, meat chicken and turkey industries, and the catching companies, with clarity on the legal requirements that apply to poultry catching operations. It will also ensure that chickens and turkeys can continue to be transported between housing units and delivered for processing in an efficient

[1]AWC, 2024. Opinion on the welfare implications of different methods and systems for the catching, carrying, collecting and loading of poultry. https://assets.publishing.service.gov.uk/media/65ce3cdf0f4eb1001aa9811a/AWC_Opinion_on_poultry_catching__carrying__collecting_and_loading_submitted_version__27.3.23.pdf

[2]Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of animals during transport and related operations, amending Council Regulation (EC) No 1255/97 and repealing Council Regulation (EC) No 1/2005. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023PC0770

and timely manner, without lowering long-standing welfare standards on acceptable and appropriate methods of catching chickens.

5.5 Whilst the UK, Welsh and Scottish governments recognise that there is much evidence that upright catching, by the body, is the optimum method to handle chickens, they do not consider that the British egg and meat chicken industries would be able to make a comprehensive transition to upright catching in a manner that would deliver an overall improvement in bird welfare, at this time. Further research has been commissioned by the three governments to reach a clearer understanding on whether a transition to upright catching in Great Britain would deliver overall improvements in animal welfare outcomes, whilst maintaining production and protecting food security and the health and safety of the workforce in the sector.

What was the previous policy, how is this different?

5.6 Regulation 1/2005 did not permit any chicken or turkey to be manually lifted by two legs for the purpose of transportation in connection with an economic activity. It did not reflect previous policy, as set out in the GB statutory guidance, on permitted methods of catching chickens. The policy of the UK, Welsh and Scottish governments reflects the scientific evidence at the time Regulation 1/2005 was adopted and the widely understood position, when it was adopted, that the prohibition on lifting animals by the legs did not apply to poultry. As, in some production systems, turkeys are routinely caught by two legs when they are between 4-6 weeks old and of a similar body weight to meat chickens, taking a consistent approach between chickens and turkeys was considered appropriate.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends assimilated EU legislation. Regulation 1/2005 lays down standards to protect animals during transport and related operations. Chapter 3 of Annex 1 to Regulation 1/2005 contains detailed rules on the handling of animals during loading and unloading operations which apply in relation to the transport of animals in connection with an economic activity. This instrument specifically excludes chickens and turkeys from the prohibition in paragraph 1.8(d) of Chapter 3 on the lifting of animals by their legs as part of loading or unloading operations to or from a vehicle or other means of transport. This instrument also sets out alternative provision on the catching, lifting and carrying of: (a) chickens, and turkeys weighing 5 kg or less, to provide that they must not be caught, lifted or carried exclusively by a single leg, and (b) the lifting and carrying of turkeys weighing more than 5 kg, to provide that they must not be lifted or carried in an inverted position, whether by holding the bird by the legs, or otherwise.

6.2 The amendments ensure that Regulation 1/2005 is consistent with the GB statutory guidance. The GB statutory guidance is made in England and Wales under section 14 of the Animal Welfare Act 2006, and in Scotland under section 38 of the Animal Health and Welfare (Scotland) Act 2006. This guidance makes it clear that catching, chickens by one leg is not appropriate or acceptable. Failure to comply with a provision of this guidance may be relied on to establish criminal liability under section 4 or 9 of the Animal Welfare Act 2006 or section 19 or 26 of the Animal Health and Welfare (Scotland) Act 2006 (as the case may be).

Why was this approach taken to change the law?

6.3 This approach was taken to ensure that Regulation 1/2005 is consistent with the welfare standards on catching chickens in the GB statutory guidance and provide certainty to the British egg, meat chicken and turkey industries, and the catching companies, on catching techniques that are not permitted for welfare reasons. Amending the GB statutory guidance to align with Regulation 1/2005 would also fix the discrepancy between this guidance and Regulation 1/2005 but it would require all chickens to be caught upright. This would not reflect long standing and current policy.

7. Consultation

Summary of consultation outcome and methodology

7.1 A GB-wide public consultation on behalf of the UK, Welsh and Scottish governments was undertaken between 10 March and 2 May 2025 (titled 'Consultation on poultry catching and handling') to seek views on the proposal to amend Regulation 1/2005 to permit chickens to be caught by two legs. The consultation included additional questions including on whether turkeys (below a certain weight) should also be permitted to be caught by the legs, and requested the submission of logistical information relating to catch method, timings and staffing requirements. The consultation was aimed at a range of individuals, organisations and businesses including those across poultry meat and egg sectors, academics, retailers, local authorities and non-government organisations (NGOs).

7.2 Two main options were tested. Option 1, the preferred option, was to amend Regulation 1/2005 to permit chickens (and turkeys) to be caught by the legs. Option 2, the non-regulatory option, was to amend the GB statutory guidance to reflect the prohibition on the lifting of animals by their legs, as per Regulation 1/2005. The proposals generated a polarised response from two key types of stakeholder. The general public (which included a campaign response) and animal welfare NGOs argued that the GB statutory guidance should be updated in favour of upright body catching, in line with the original provision of Regulation 1/2005. The meat chicken industry (including producers, catching companies and trade representation bodies) would prefer the legislation to be amended to permit one leg catching (a lowering of welfare standards set out in the GB statutory guidance).

7.3 Given the evidence submitted, the UK, Scottish and Welsh Governments consider that amending the legislation to permit two-leg catching for chickens (and turkeys weighing 5 kg or less) is the most appropriate option for the time being. Following careful consideration of the responses received, the UK, Scottish and Welsh governments also confirmed that they would prohibit turkeys weighing more than 5kg from being lifted or carried in an inverted position, whether by the legs or otherwise, to protect the welfare of these heavier birds. The consultation summary of responses and government response were collectively published on 30 June 20253.

7.4 Key messages received from the consultation are summarised, as follows:

- 103 responses were submitted. These were made up of 4 collated industry responses (compiled by the main sector trade body and membership organisations on behalf of their members and the catching companies), 35 campaign responses, and 64 individual responses.

[3] https://www.gov.uk/government/consultations/poultry-catching-and-handling-proposed-changes-to-permitted-methods

- Respondents represented the following stakeholder groups: general public, n = 44; poultry industry; n = 22; NGOs, n = 20; academics, n = 9; local authorities, n = 6; veterinarians, n = 2.
- 69% of respondents disagreed with the proposal to permit chickens to be caught by two legs. Opinion was polarised between those that supported one-leg catching and those that supported upright body catching. Of the 59 responses in favour of upright body catching, 35 were from a campaign response. These respondents considered double-leg catching to be detrimental to bird welfare, or less welfare-appropriate than upright body catching.
- The campaign response also recognised that the poultry industries would face a significant challenge in moving away from one-leg catching. This meant that most of those responses, that were not primarily in favour of allowing two-leg catching of chickens, agreed that this could form an acceptable interim step, on the condition that upright catching became the new legal baseline after 5 years.
- Of the 40% of respondents that supported two-leg catching, the majority were poultry industry stakeholders. These respondents did not consider two-leg catching to be directly detrimental to bird welfare. The proposal was also supported on the basis that it was associated with shorter catch times, lower costs, required less labour, was better for occupational health, and better-suited to more poultry housing systems, than upright catching.
- Industry stakeholders raised concerns regarding labour availability, in particular. A move to slower catching methods, especially upright catching, would be more ergonomically and physically demanding for catching teams and would require more staff. Collated industry responses warned that there was a pressing need to address existing labour shortages and barriers to recruitment to avoid creating animal welfare issues (associated with catcher fatigue and birds spending more time in the modules) and to maintain food processing throughput.
- Collated industry responses estimated higher costs associated with a transition to upright catching than two-leg catching due to a projected need for additional labour, equipment and significant modification of infrastructure.
- 53% of respondents claimed to ‘strongly disagree’ with the proposal that it should be legally permissible to catch turkeys (under 10kg) by two legs for the purpose of loading and unloading. Most of these responses were from the general public and formed part of a campaign.
- Respondents from a variety of stakeholder groups expressed concern that a 10kg weight limit for two-leg inverted catching was too high. Compiled industry responses also indicated that turkeys are only routinely caught by two legs up to, and including, a weight of 5kg, above which they are usually caught upright.
- Many responses from members of the public and NGOs stressed the need to carry out additional research on a full range of commercial housing systems and in partnership with experienced catching teams, to develop and test alternative catching methods (two-leg and upright) for use with chickens and turkeys. The collection of a wide range of metrics, including information relating to bird welfare, human impact, and cost were all deemed important.

8. Applicable Guidance

8.1 As this instrument brings the legislation in-line with existing GB statutory guidance no further updates to the guidance are required.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website. No significant impact on the private or voluntary sector is foreseen. As the amendment brings the legislation in-line with existing GB statutory guidance there will be zero cost to those egg, meat chicken, and turkey producers that are already compliant with this GB statutory guidance.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the amendment brings the legislation in-line with existing GB statutory guidance. This instrument applies to the GB egg, meat chicken, and turkey sectors, including small businesses, but the overall cost to these industries should be negligible. There will be additional labour costs to those businesses that were not previously compliant with the GB statutory guidance as two-leg catching takes longer than the one-leg method. However, the statutory guidance has long been clear that the one-leg catching method is not acceptable from a welfare perspective.

9.3 There is no, or no significant, impact on the public sector because existing procedures are already in place to check farmer compliance with animal welfare legislation. The Animal and Plant Health Agency (APHA) takes a risk-based and proportionate approach to inspection, whereby the degree of the risk of harm caused by non-compliance is assessed. We are working with APHA to consider whether there are more effective monitoring procedures which can be implemented (to ensure that those catching chickens follow the new legal requirements) without creating a significant additional burden on the APHA veterinary officers.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will include ongoing engagement with the egg, meat chicken, and turkey sectors to fully understand the impacts of the legislation.

10.2 We have commissioned targeted research to address a lack of evidence regarding the suitability and feasibility of alternative catching methods, in terms of overall welfare impact across the various sectors and housing systems relevant to Great Britain. The use of a more labour-intensive method, such as upright catching of chickens by the body, may be preferable in terms of an immediate and direct benefit to bird welfare when used at a small scale, but may risk unintended welfare harms linked with increased crating and waiting durations when applied within a commercial setting.

10.3 Although the UK, Scottish and Welsh Governments consider that it would be premature to legislate in favour of catching chickens upright, by the body, the outcome of future work (including further review of the evidence base) may warrant further change to the legislation, or to the GB statutory guidance, in due course.

10.4 The instrument does not include a statutory review clause as the measure does not have an impact greater than £10 million (net annualised) on business. However, the government intends to carry out a re-evaluation of the policy once we have reliable data from which to do so, and revisions will be made at this time, as appropriate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Daniel Zeichner, Minister of State for Food Security and Rural Affairs at the Department for Environment Food & Rural Affairs has made the following statement regarding Human Rights:

"In my view the provisions of the Welfare of Animals (Transport) (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because it amends assimilated Regulation 1/2005.