EXPLANATORY MEMORANDUM TO

THE WELFARE OF FARMED ANIMALS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

S.R. 2010 No. 339

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before The Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred on it by the Welfare of Animals Act (Northern Ireland) 1972; and is subject to the negative resolution procedure.

1.3 The Rule complies with the 21 day rule and will come into operation on 29th October 2010.

2. Background

2.1 The Directive includes a package of measures for improving meat chicken (broiler) welfare from the time chicks are brought to production sites, until they leave for slaughter. While the welfare of broilers is currently subject to the general provisions of the Welfare of Farmed Animals legislation, broilers are the last major intensive sector not to have their own rules in the EU. The Directive is intended to fill that gap and create a level playing field for producers across the EU.

2.2 The Directive applies to holdings with 500 birds or more but does not apply to holdings with only breeding stocks of broilers, hatcheries, extensive indoor and free range chickens or organic chickens. The standard that holdings are required to meet depends on the stocking density being operated. There are also new provisions for checks at slaughterhouses on mortality and other indicators to ensure that a consistent approach to concerns about poor welfare can be taken, including feedback to the producer and DARD.

3. Consultation

3.1 The formal consultation began on 24 March 2009 and closed on 15 June 2009. Responses were received from the UFU, Moy Park, O'Kane Poultry and Compassion in World Farming. A summary of the responses was provided for the post-consultation presentation to the Committee on 15 September 2009.

Members undertook a fact finding visit, hosted by Moy Park on 11 June 2009, to two farms in County Tyrone and to the Moy Park processing plant in Dungannon. The key issues raised by stakeholders in response to the consultation were mainly in relation to:

- Stocking at higher densities above 39kg/m^2;
- Training and grandfather rights; and
- Lighting requirement.

3.2 During the consultation the point was made that, although the majority of producers would not wish to avail of the maximum stocking density up to 42 kg/m^2, they should nevertheless be given the opportunity to do so should they wish. The proposed SR provides for up to 42 kg/m^2.

3.3 Training requirements have been kept as practicable as possible, therefore NVQ Level 2 is the minimum training standard allowed in the proposed SR. This was based on a recognised training scheme currently in place for the meat chicken industry in the form of a work based diploma, which is accredited by CAFRE and supported and assessed by the industry. Other equivalent qualifications will also be considered.

3.4 However, in lieu of completion of a training course, a keeper with at least five years' experience within the last ten years of working with meat chickens would qualify for "grandfather rights" (the Directive allows member States to recognise experience acquired before the Regulations come into force). DARD proposes that a keeper must have at least five years experience, within the last ten years, of working with meat chickens. The ten year period is to take account of persons who work part-time in the industry or who may have left the industry and returned to it. Experience will be recognised from sixteen years of age to take account of the age profile in the industry and keepers will have six months to apply for grandfather rights from the date the legislation is implemented. This is consistent with the approach being taken in Britain and the south.

3.5 Officials explained these proposals to stakeholders at a Poultry Association event at Loughry on 11 March 2010 and discussed them with industry representatives at a meeting on 25 March 2010. The industry welcomed this approach.

3.6 Meat chicken keepers will be required to provide a light intensity of at least 20 lux during lighting periods. The Directive does not provide a derogation so we have no option but to comply. We are aware that some poultry meat industry housing may not currently comply with the 20 lux lighting requirement as a result of current equipment and surface finishes. However, the industry believe there are several options which could be employed, including replacing existing light fittings with high frequency fluorescent fittings and the provision of natural daylight by using double glazed windows in the side walls.

4. Equality Impact

4.1 In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Department considers that the regulations will not result in any equality differentials amongst Section 75 groups.

5. Regulatory Impact and Financial Implications

5.1 The SR imposes additional requirements on meat chicken producers to protect the welfare of conventionally reared meat chickens, such as, minimum standards for ventilation, light intensity, stocking density and keepers' training. Industry representatives have advised that some poultry housing may need to be enhanced to achieve the 20 lux lighting requirement. The industry believe there are several options which could be employed including replacing existing light fittings with high frequency fluorescent fittings and the provision of natural daylight by using double glazed windows in the side walls.

5.2 A Regulatory Impact Assessment has been completed to assess the likely costs on the meat chicken industry. The cost for individual businesses will depend on the extent to which they have already upgraded their chicken housing to the level specified in the Directive. However, we estimate that on average the annual cost to a particular production unit will be £3,343 if upgrading is required to meet all of the Annex I and II requirements. However, the costs will reduce depending on the number of Annex I and II requirements that are unfulfilled. We do not envisage there being any impact on charities or voluntary bodies.

6. Section 24 of the Northern Ireland Act 1998

6.1 The SR transposes Council Directive 2007/43/EC on meat chicken welfare and does not have any human rights implications, nor is it incompatible with EU law. The SR is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

7. EU Implications

7.1 Not applicable.

8. Position in GB and ROI

8.1 England, Scotland and Wales are aiming to transpose the Directive by the end of October 2010. The legislation is broadly comparable with our proposed SR; the only difference in approach is in relation to the stocking densities, as Britain will allow stocking up to 39 kg/m^2 rather than the higher stocking density of up to 42 kg/m^2.

8.2 The Department of Agriculture, Fisheries and Food transposed the Directive by 30 June 2010 and like DARD, are allowing stocking up to the higher density of 42 kg/m^2.

9. Contact

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