POLICY NOTE

THE WELFARE OF FARMED ANIMALS (SCOTLAND) AMENDMENT REGULATIONS 2019

S.S.I. 2019/211

The above instrument is made by Scottish Ministers in exercise of powers conferred by sections 26 and 51(2) of the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act"). The instrument is subject to affirmative procedure.

Purpose of the Instrument

The purpose of the instrument is to insert a new provision, regulation 7A, into the Welfare of Farmed Animals (Scotland) Regulations 2010 ("the 2010 Regulations"). The purpose of the new provision is to place certain requirements on persons responsible for farmed animals in relation to the recently published Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens ("the Meat Chickens Guidance").

Policy Objectives

1. The Scottish Government has in the past issued a number of codes of practice that have the status of "animal welfare codes", as defined by section 37 of the 2006 Act. These codes of practice provide recommendations in relation to the welfare of various types of farmed animal. The Scottish Government is in the process of reviewing the content of these codes of practice, with a view to publishing updated recommendations.

2. What is considered to be good practice in the area of animal welfare is constantly changing, and it is important that the recommendations made by Government are kept up to date. Codes of practice require significant official and parliamentary time, and do not therefore allow the agility required for quick publication and updating.

3. An alternative is to issue Scottish Government guidance under section 38 of the 2006 Act. Guidance can be produced, amended and replaced more quickly, and the Scottish Government therefore considers that proceeding by way of guidance made under section 38 of the 2006 Act should assist in keeping the recommendations issued by Government up to date and in line with evolving good practice. The Scottish Government therefore took the decision that the existing code of practice on meat chickens and breeding chickens should be replaced by Scottish Government Guidance. The Guidance for the Welfare of Meat Chickens and Meat Breeding Chickens was published on 1 April 2019.

4. Regulation 7 of the 2010 Regulations requires anyone responsible for a farmed animal to be acquainted with, and have access to, any relevant code of practice and to ensure that anyone employed or engaged by them is also acquainted with the code, has access to it and has received instruction in it. Regulation 11 of the 2010 Regulations makes non-compliance with any of these requirements an offence.

5. The purpose of this instrument is to insert a new provision, regulation 7A, into the 2010 Regulations, setting out similar requirements as those in regulation 7, but in relation to the Meat Chickens Guidance rather than codes of practice. It will provide that any person responsible for a farmed animal must not attend to that animal unless they are acquainted with, and have access to, the Meat Chickens Guidance, if such guidance is relevant to that animal. The new regulation also requires that the person responsible for the farmed animal must take all reasonable steps to ensure that anyone they employ does not attend to the animal unless they are acquainted with, have access to and have received instruction on how to comply with the Meat Chickens Guidance if relevant to the animal. This will ensure that the Meat Chickens Guidance has a status similar to that of code of practice in terms of the requirements placed on a person responsible for farmed animals. As and when any new guidance documents for other types of animal are published by Scottish Ministers in future, the 2010 Regulations can be further amended to refer to additional guidance documents and thereby extend the requirements of regulation 7A to such other guidance documents.

6. Non-compliance with the new regulation 7A will be an offence. The maximum penalties available to a court upon conviction for such an offence will be the same as those currently available for any offence under the 2010 Regulations, namely a fine of up to level 4 on the standard scale (£2,500), or imprisonment of up to 3 months, or both.

7. A notice to revoke the code on meat chickens has been laid alongside this SSI.

Consultation

8. Farming and animal welfare stakeholders have been consulted on these proposals and are largely content.

Impact Assessments

9. No impact assessments were required in relation to these amendments. Those responsible for farmed animals will be under no more onerous requirements as a result of these amendments than they are currently, because the new requirements mirror those that currently exist in relation to being acquainted with, having access to, and having received instruction on animal welfare codes. The legal requirements to which the Meat Chickens Guidance refers have been in place for some time, and those responsible for meat chickens are therefore already working to meet the recommendations in the Guidance.

Financial Effects

10. These changes will not impose any additional financial burdens on the farming industry, and so a Business and Regulatory Impact Assessment has not been carried out.

Timing

11. The Instrument will come into force on 29 June 2019.

Scottish Government
Directorate for Agriculture and Rural Economy
May 2019