

Farmed animal welfare: The welfare of farmed animals (England) regulations 2007 - Guidance on the regulations

The Welfare of Farmed Animals (England) Regulations 2007 (S.I. 2007 No. 2078) come into force on 1 October 2007. They replace the Welfare of Farmed Animals (England) Regulations 2000, as amended, and are made under the Animal Welfare Act 2006. The Act brings together and modernises existing animal welfare legislation relating to farmed and domestic animals. In order to preserve the requirements of existing farm animal welfare legislation, these replacement Regulations have had to be brought forward under the new Act.

Content of the Regulations

The vast majority of the new Regulations replicate the 2000 Regulations. They continue to implement EU directives on the welfare of calves, pigs, laying hens and a general framework directive, which sets down minimum standards for the protection of all farmed livestock. They also remove any duplication that previously existed between the Animal Welfare Act 2006 and the 2000 Regulations. For example, the duty of care provision and the ability to issue improvement notices are not included in these new Regulations as they are now provided for in the Act. Mutilations are now covered in separate legislation made under the Act – the Mutilations (Permitted Procedures) (England) Regulations 2007. The most significant change from the 2000 Regulations, arising from the fact that the Animal Welfare Act covers all animals under the control of man, is that the Regulations will apply for the first time to livestock kept on common land (see below).

Scope of guidance

1. The principal guidance to legislation regarding the welfare of farmed animals continues to be the species-specific codes of recommendation for the welfare of livestock, which will continue to apply under the Animal Welfare Act 2006. As stated above, the vast majority of the provisions of the 2000 Regulations which are referred to in boxes in the welfare codes are retained in the new Regulations.

This additional guidance deals solely with issues which either represent a change from the Welfare of Farmed Animals (England) Regulations 2000 or have been identified from the public consultation as needing further clarification.

Application to Common Land

As the new Regulations are made under the Animal Welfare Act 2006 they will apply to all animals used for farming purposes. So, for the first time, the requirements of these Regulations will apply to owners of animals kept on common land, in particular the general requirements set out in Schedule 1.

1. With regard to the frequency of inspection, Schedule 1 paragraph 2(1) of the Welfare of Farmed Animals (England) Regulations 2007 states that “animals kept in husbandry systems in which their welfare depends on frequent human attention must be thoroughly inspected at least once a day to check that they are in a state of well-being”. Paragraph 2(2) states that “animals kept in husbandry systems in which their welfare does not depend on frequent human attention must be inspected at intervals sufficient to avoid any suffering”. The frequency of inspection is based on the system in which the animals are kept so, for example, an extensive hill sheep flock would not need frequent human attention and would not be subject to paragraph 2(1).

Schedule 1 paragraph 17 states that “animals not kept in buildings must, where necessary and possible, be given protection from adverse weather conditions, predators and risks to their health and must, at all times, have access to a well-drained lying area”. This provision is not intended to mean that shelter must necessarily be erected on common land. The vast majority of common land will contain natural features which will be adequate to protect the welfare of the animals.

Duties on persons responsible for farmed animals

Regulation 4(2)(d) requires that a person responsible for a farmed animal “must have regard to its physiological and ethological needs in accordance with good practice and scientific knowledge”.

The codes of recommendations for the welfare of livestock contain detailed descriptions of how to look after animals in a variety of situations. The systems and husbandry techniques described all comply with the requirement for stock-keepers to take into account the ethological and other needs of the animals set out in regulation 4.

Access to welfare codes

Regulation 6 requires stock-keepers to have access to relevant welfare codes while attending to the animals, and requires farm managers to ensure that employees are acquainted with relevant codes and have received guidance on them.

Access could include, for example, that a copy of the code is available in the farm office and that, in circumstances where a stock-keeper wishes to refer to the code on a specific point, he can read the relevant sections of the code without undue delay. Guidance on the codes could include formal training or on-the-job training such as supervision.

1. All codes issued under the Animal Welfare Act 2006 offer guidance on how to care for animals and how to comply with the Act and any regulations issued under the Act. Breaching a code is not an offence in itself but can be used by a court in tending to establish or negate liability.