

Explanatory Memorandum to Welfare of Animals (Slaughter or Killing) (Amendment) (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by Department for Sustainability and Rural Development and is laid before the National Assembly for Wales.

- (i) **Description** – This legislation introduces amendments to the Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended). The amendments include requiring slaughter licences to be surrendered to Food Standards Agency, shortening the hanging times for birds before stunning or killing, removing the requirement that certain animal cannot be bled within sight of other such animals and provides additional provisions for killing in disease outbreak situations including the use of gas outside a slaughter house. The legislation brings Wales into line with the remainder of UK where equivalent legislation has already been introduced.
- (ii) **Matters of special interest to the Subordinate Legislation Committee** - None
- (iii) **Legislative Background** - The power enabling this instrument is contained in section 2(2) of the European Communities Act (ECA) 1972. The power to make regulations to implement the common agricultural policy have been transferred to Welsh Ministers, by virtue of the European Communities (Designation) (No.2) Order 2005/2766 (S.I. 2005/2766) and the Government of Wales Act 2006

This legislation will be made using the negative resolution procedure.
- (iv) **Purpose and intended effect of the legislation** – The purpose of the legislation is to update Welsh legislation bringing it in line with current scientific thinking regarding the slaughter and killing of animals. It also provides additional culling options at times of disease outbreaks and mirrors legislation already introduced in other UK administrations. The existing legislation and these amendments continue to implement Council Directive 93/119/EC
- (v) **Implementation** – This legislation was made on 20 August 2007 and is intended to come into force on 13 September 2007. Several minor amendments have been introduced in respect of England and these have been combined into a single amending instrument. The legislation is long awaited and non-controversial. Gwlad articles are planned aimed at

those involved in the industry and enforcement bodies will be informed through normal channels.

- (vi) **Consultation** – A three month consultation with stakeholders farming industry and welfare interest groups took place from 28 July 2006 until 20 October 2006. A partial RIA was consulted on and has been updated to be included in part 2 below.
- (vii) **Regulatory Impact Assessment** – An RIA has been prepared and is included at part 2

REGULATORY IMPACT ASSESSMENT

- a) **Options** –
Do nothing,

Introduce legislative amendments
- b) **Benefits** –
Do nothing – no benefits, Welsh slaughter continues with differences in the Regulatory requirements compared to the remainder of UK. No additional options for dealing with disease outbreaks.

Introduce legislative amendments
Brings Welsh slaughterhouses and slaughterers into line with the remainder of the UK. Many of those involved in the provision of animals or the slaughter and killing of animals operate across UK borders. All sectors benefit from the legislation being consistent.
- c) **Costs** –
No significant cost to any sector of introducing the legislation. The reduction in hanging times is unlikely to impact on large slaughter operations, for various reasons these systems are probably already working well below the three minute maximum hanging time (2 minutes for turkeys).
Seasonal slaughterers operate on far smaller scale and therefore unlikely to have automated systems, they may need to adjust their manual processes to ensure birds do not exceed the maximum hang times although this is not expected to result in additional cost.

The provision of additional killing methods at times of disease outbreak should reduce costs by providing additional options at times of disease outbreak.

d) **Competition Assessment –**

The amendments bring Wales into line with the remainder of the UK and therefore competition is not expected to be affected, the changes apply equally across the entire industry.

I have applied competition filter test (annex 7.8) to introducing the legislation, whilst seasonal slaughterers may be more affected by reduced hanging times this does not affect the overall competition within the market

e) **Consultation –**

Farming stakeholders and welfare groups were consulted on the proposals to introduce these amendments.

Only one response was received, from NFU Cymru, which broadly supported the proposals but suggested the on farm gassing proposals might be costly and need careful introduction. Since the proposals are permissive and there is no removal of existing provisions these concerns can be dismissed, it is for industry and Government to determine on a case by case basis whether the additional killing methods are suitable for any particular situation.

Jackie Ballard, director general of RSPCA, wrote to the Minister in March 2007 on a related matter, expressing serious concerns with an WASK amendment introduced in England that allows 'ventilation shutdown' to be used in serious disease outbreak situation. The legislation being introduced now in Wales does not provide for ventilation shutdown in any circumstances.

f) **Post implementation review –**

No formal review is scheduled or required.

g) **Summary and recommendation –**

The changes being introduced are minor and can be summarised as providing for additional options to be considered in certain circumstances but in particular when dealing with disease outbreaks.

Any costs will be borne by the slaughter industry, however large scale operations already meet the reduced hanging times for birds and small scale operations are expected to change processes rather than invest in new equipment to meet the reduced hanging times.

WASK legislation was originally introduced in 1995, the scientific evidence has moved on. These changes bring Welsh legislation up to date and provide the same levels of control as already exist in the remainder of the UK.

