



STATUTORY INSTRUMENTS.

S.I. No. 292 of 2013



EUROPEAN UNION (PROTECTION OF ANIMALS AT THE TIME OF
KILLING) REGULATIONS 2013

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I, SIMON COVENEY, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me by section 3 (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007) and section 4 of the European Union Act 2009 (No. 33 of 2009)) of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Council Regulation (EC) No 1099/2009 of 24 September 2009¹ hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Protection of Animals at the Time of Killing) Regulations 2013.

Interpretation

2. (1) In these Regulations—

“authorised officer” means a person appointed under Regulation 20 or an authorised officer appointed under Regulation 12 of the European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009);

“Council Regulation” means Council Regulation (EC) No 1099/2009 of 24 September 2009;

“local authority” means a local authority for the purposes of the Local Government Act 2001 (No. 37 of 2001);

“Minister” means the Minister for Agriculture, Food and the Marine;

“record” includes a memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, a photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Acts 1988 and 2003) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically, electronically or optically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing.

(2) A word or expression used in these Regulations which is also used in the Council Regulation has, unless the contrary intention appears, the same meaning in these Regulations that it has in the Council Regulation.

¹OJ L303 18.11.2009, p.1.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd August, 2013.

General requirements for killing and related operations

3. (1) A person shall not contravene Article 3 of the Council Regulation in relation to sparing avoidable pain, distress or suffering to an animal during killing and related operations.

(2) A business operator shall not contravene Article 3 of the Council Regulation in relation to the provision of necessary measures.

Stunning methods

4. A person shall not kill an animal other than in accordance with Article 4 of the Council Regulation in relation to stunning methods.

Checks on stunning

5. A business operator shall not contravene Article 5 of the Council Regulation in relation to checks on stunning.

Procedures

6. A business operator shall not contravene Article 6 of the Council Regulation in relation to standard operating procedures.

Certificate of competence

7. (1) Subject to Article 7.3, a person shall not contravene Article 7.1 of the Council Regulation in relation to competence.

(2) A business operator shall not contravene Article 7.2 of the Council Regulation in relation to ensuring that certain slaughter operations are only carried out by persons holding a certificate of competence for such operations.

(3) A person who kills fur animals shall not contravene Article 7.3 in relation to the direct supervision by a person holding a certificate of competence.

(4) An operator of a fur farm shall not contravene Article 7.3 in relation to notification.

Instructions for equipment

8. A person shall not sell, supply or advertise restraining or stunning equipment other than in accordance with Article 8 of the Council Regulation.

Use of equipment

9. A business operator shall not contravene Article 9 of the Council Regulation in relation to the use of equipment for restraining or stunning animals.

Private domestic consumption

10. A person shall not contravene Article 10 of the Council Regulation in relation to stunning an animal before killing and holding a certificate of competence.

Direct supply of poultry, rabbits and hares

11. A person shall not contravene Article 11 of the Council Regulation in relation to on farm slaughtering of poultry, rabbits and hares for direct supply to the final consumer.

Imports

12. A person shall not import animal or poultry products other than in accordance with Article 12 of the Council Regulation.

Good practice guides

13. (1) A person shall not publish a guide on slaughtering practice without the Minister's prior approval.

(2) The Minister may withdraw approval of a guide in light of new scientific evidence or where the Minister is of the view that it is prudent to do so.

Slaughterhouses

14. A business operator shall not contravene Article 14 of the Council Regulation in relation to the layout and construction of slaughterhouses and the equipment used therein.

Operational rules for slaughterhouses

15. A business operator shall not contravene Article 15 of the Council Regulation in relation to operational rules for slaughterhouses.

Monitoring procedures

16. A business operator shall establish and maintain monitoring procedures in accordance with Article 16 of the Council Regulation.

Animal welfare officer

17. (1) A business operator shall appoint an animal welfare officer for the purposes of Article 17 of the Council Regulation and submit the name of the animal welfare officer along with his or her certificate of competence to the Minister.

(2) A business operator shall ensure that an animal welfare officer has sufficient authority and necessary facilities to comply with the requirements of the Council Regulation.

(3) The Minister may require a business operator to appoint an alternate animal welfare officer where the Minister has concerns regarding the appointed animal welfare officer.

(4) An animal welfare officer appointed for the purposes of Article 17 of the Council Regulation shall not contravene the obligations of an animal welfare officer as set out in the said Article.

Emergency killing

18. (1) Where an animal satisfies the conditions of emergency killing within Article 2 of the Council Regulation, the owner or keeper shall act in accordance with Article 19 of the Council Regulation.

(2) It shall not be a defence to a prosecution for breaching paragraph (1) for a person to claim that he or she was not aware that an animal was in severe pain or suffering.

Training for certificate of competence

19. (1) A person wishing to provide a training course referred to in Article 21 of the Council Directive shall apply to the Minister for approval and shall provide the Minister with such information as the Minister may require.

(2) The Minister may issue an approval, with or without conditions, for a period specified on the approval.

(3) The Minister may withdraw an approval, amend or impose conditions attached to an approval on 14 days notice to the person holding an approval.

(4) An approval issued under this Regulation shall cease if the person holding the approval dies, goes into liquidation, ceases training activities for a period of more than 6 months or there are substantial changes in ownership.

(5) A person shall not issue a certificate of competence unless he or she is—

(a) approved by the Minister under paragraph (2) to issue such a certificate, and

(b) satisfied that the person seeking the certificate has completed the necessary training and is a fit and suitable person to undertake such activities.

(6) A person shall not issue a certificate of competence without notifying the Minister at least 7 days before issuing the certificate.

(7) The Minister may revoke a certificate of competence where the Minister is satisfied that the person named on the certificate is not fit or suitable to hold a certificate.

Authorised officers

20. (1) The Minister may appoint in writing such persons or classes of persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under these Regulations, specified in the appointment.

(2) The manager of a local authority may appoint in writing such persons or classes of persons as he or she considers appropriate to be authorised officers for the exercise of all or any of the functions conferred on an authorised officer under these Regulations, specified in the appointment.

(3) The Minister or manager of a local authority may terminate the appointment of an authorised officer appointed by him or her, whether or not the appointment was for a fixed period or specified purpose.

(4) An appointment as an authorised officer ceases—

(a) if it is terminated in accordance with paragraph (3),

(b) if it is for a fixed period, on the expiration of that period,

(c) if the person appointed is an officer of the Minister or a local authority upon the person ceasing to be such an officer or class of person.

(5) Nothing in paragraph (4) is to be construed so as to prevent the Minister or manager of a local authority from reappointing as an authorised officer a person to whom paragraph (4) relates.

(6) An authorised officer appointed under this Regulation shall be furnished with a warrant of his or her appointment and, when exercising a function conferred on him or her as an authorised officer, the officer shall, if requested by a person affected, produce the warrant, or other evidence that he or she is such an officer, for inspection.

Functions of authorised officer

21. (1) For the purposes of these Regulations an authorised officer may—

(a) enter and inspect, at all reasonable times, any premises if he or she is carrying out an official control in accordance with these Regulations or the Council Regulation or where he or she has reasonable grounds for believing that—

(i) an animal, animal product or other thing to which the Council Regulation relates is, may be or has been present,

(ii) a record relating to an animal, animal product or other thing to which the Council Regulation relates is, may be or has been present,

(iii) equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates is, may be or has been present, or

(iv) a premises has been approved, authorised, registered or licensed for the purpose of killing animals and the Council Regulation or these Regulations applies, or is required to be so approved, authorised, registered or licensed or is ancillary to such a premises,

(b) examine equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates,

(c) require the name and address of the owner, operator or person in possession or control of equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates,

- (d) require details of place of departure, journey or destination of an animal, animal product or other thing to which these Regulations or the Council Regulation relates,
 - (e) inspect equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates and require the operator, person in charge or control of such to refrain from moving it,
 - (f) require the owner, operator, person in charge of any premises, equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates, to produce to the officer such records (and in the case of a record stored in non-legible form, produce to him or her a reproduction in a legible form) that are in the person's possession or procurement, or under the person's control, as the officer may reasonably require,
 - (g) inspect and take copies of any record (including a legible reproduction of one stored in non-legible form), document or extracts from the record or document that the officer finds or is produced to him or her during an inspection,
 - (h) take photographs,
 - (i) take, without making a payment, samples of an animal, animal product or other thing to which the Council Regulation relates, or any article, substance or liquid as he or she may reasonably require and carry out or cause to be carried out on the samples such tests, analyses, examinations or inspections as he or she considers necessary or expedient; and mark or otherwise identify it.
- (2) An authorised officer may require a person to give information regarding the ownership and identity of equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates as is in the person's knowledge or procurement.
- (3) Where an authorised officer has reasonable grounds for believing that—
- (a) there is a risk of disease or injury to a person or animal,
 - (b) a disease, disease agent or injury risk is or may be present on a premises, machinery, equipment, vehicle or vessel,
 - (c) an offence is being or has been committed under these Regulations,
 - (d) there is a risk to the welfare of an animal, or
 - (e) evidence of an offence to which this paragraph relates may be, is or has been on any premises, or in any equipment, machinery or vehicle,

the officer may, in addition to the powers exercisable by him or her under paragraph (1)—

- (i) search the premises,
- (ii) search the equipment, machinery, vehicle, vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates,
- (iii) require a person in charge or control of the equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates to—
 - (I) refrain from using or moving it, and
 - (II) give information regarding its ownership, place of departure, journey or destination,
- (iv) seize and detain an animal, animal product or other thing to which these Regulations or the Council Regulation relates and mark or otherwise identify it,
- (v) detain any equipment, machinery, vehicle, or vessel for such reasonable period necessary for the purposes of permitting an inspection or a search under these Regulations or the Council Regulation,
- (vi) remove any equipment, machinery, vehicle, vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates or books, documents or records and detain them for such reasonable period necessary for the purpose of his or her functions under these Regulations,
- (vii) give such direction to a person who has an animal, animal product or other thing to which these Regulations or the Council Regulation relates, a vehicle, vessel, container, equipment, machinery or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates in his or her possession or under his or her control or information relating to such, as the authorised officer may reasonably consider necessary for the purposes of these Regulations.

(4) An authorised officer shall not enter, except with the consent of the occupier, a private dwelling unless he or she has obtained a search warrant under Regulation 22.

(5) An authorised officer, when exercising a function under this Regulation, may be accompanied by other persons and may take with him or her, or those

persons may take with them, any equipment or materials to assist the officer in the exercise of the function.

(6) An authorised officer may use reasonable force, if necessary, to exercise his or her functions under these Regulations.

(7) Where, in the course of exercising a function under these Regulations, an authorised officer finds or comes into possession of anything that the officer has reasonable grounds for believing to be evidence of an offence or suspected offence under these Regulations, the officer may seize and retain it for use in evidence in proceedings for an offence under these Regulations.

(8) Nothing in section 17 of the Industrial and Provident Societies Act 1893 prevents an authorised officer from exercising a function conferred on him or her by these Regulations.

(9) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing or having committed, an offence under these Regulations, a member of the Garda Síochána may arrest the person without warrant.

(10) Section 4 of the Criminal Justice Act 1984 applies to a person arrested under paragraph (9) as if he or she were detained under that provision.

(11) Where a member of the Garda Síochána has reasonable grounds for believing that there is evidence on a person of an offence committed under these Regulations the member may without warrant—

- (a) search or cause to be searched the person and, if the member considers it necessary, detain the person for such time as is reasonably necessary to carry out the search,
- (b) search or cause to be searched a vehicle in which the member suspects that evidence in relation to an offence committed under these Regulations may be found and for the purpose of carrying out the search, if the member or officer thinks fit, require the person who is in charge or control of the vehicle to bring it to a stop and when stopped to refrain from moving it or, in case the vehicle is already stationary, to refrain from moving it, or
- (c) seize and detain under paragraph (3) or cause to be seized and detained anything found in the course of a search under this Regulation which any such member reasonably suspects to be something which might be required as evidence in proceedings for such an offence.

(12) Where a member of the Garda Síochána decides to search or cause to be searched a person under paragraph (11) the member may require the person to accompany that member to a Garda Síochána station for the purpose of being so searched at that station.

(13) A member of the Garda Síochána may stop a vehicle, for the purposes of these Regulations and may require it to be moved for inspection to such place as he or she directs.

(14) Nothing in these Regulations operates to prejudice any power to search or to stop, or to seize or detain property, which may, apart from these Regulations, be exercised by a member of the Garda Síochána.

(15) A person who has—

- (a) an animal, animal product or other thing to which these Regulations or the Council Regulation relates, or
- (b) equipment, machinery, a vehicle, a vessel or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates in his or her possession or under his or her control, or information or a record relating to any of them,

shall give such—

- (i) assistance to an authorised officer, or person who accompanies the officer, and
- (ii) information to an authorised officer on request being made in that behalf by the officer,

as the officer may reasonably require for the exercise of his or her functions under these Regulations.

(16) The owner, business operator or person in charge of any premises used in connection with the killing of an animal, production of an animal product or other thing to which the Council Regulation relates shall, if required by an authorised officer, where it is practicable and possible, provide suitable equipment or facilities or a suitable part of the plant or establishment for the officer to carry out his or her functions under these Regulations.

(17) An authorised officer may require a person to give to the officer such information as is in the person's power or procurement as regards any premises specified by the officer including—

- (a) whether or not the premises is used, either partly or wholly, for or in connection with killing an animal or production of an animal product or other thing to which the Council Regulation relates,
- (b) the name of the owner, occupier or person who is in charge of the premises, and
- (c) whether or not the premises is let and, if let, the name and address of the person to whom, and the period of time for which, it is let.

Search warrant

22. (1) If a judge of the District Court is satisfied by information on the sworn information of an authorised officer that there are reasonable grounds for believing that—

- (a) evidence of or relating to the commission or intended commission of an offence under the Council Regulation or these Regulations relating to an animal, animal product or other thing to which the Council Regulation relates is on any premises,
- (b) there is or was an animal, animal product or other thing to which the Council Regulation relates or equipment or other thing made, used or adapted for use (including manufacture or transport) in connection with an animal or animal product on a premises, or
- (c) a record related to a thing to which subparagraphs (a) or (b) relate is or may be on the premises,

then the judge may issue a search warrant.

(2) A search warrant under this Regulation shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers or other persons as the named authorised officer thinks necessary, at any time, within one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises named in the warrant and to exercise all or any of the functions conferred on an authorised officer under these Regulations.

Compliance notice

23. (1) Where an authorised officer is of the opinion that—

- (a) a contravention of the Council Regulation or these Regulations may have taken place, may be taking place, or
- (b) there is a risk to public health, animal health or animal welfare,

the officer may serve a notice (“compliance notice”) stating that opinion on the person—

- (i) who appears to be the owner, occupier, business operator or person in charge of the premises, or
- (ii) in possession or control of an animal, animal product or other thing to which the notice relates.

(2) A compliance notice shall—

- (a) require the person to whom it is served to take such action as specified in the notice,

- (b) inform the person to whom it is served that he or she may appeal the notice in the District Court under Regulation 24, and
 - (c) state that if the person to whom it is served fails to comply with the notice, he or she commits an offence and is liable to a penalty set out in Regulation 27.
- (3) A compliance notice may—
 - (a) require that an animal, animal product or other thing to which these Regulations or the Council Regulation relates be detained, disposed of or destroyed in a manner and at a place (if any) specified in the notice,
 - (b) prohibit or regulate any activity specified in the notice, including prohibiting or restricting entry onto the premises specified in the notice,
 - (c) require that the owner, occupier, business operator or person in charge of any premises dispose of an animal, animal product or other thing to which these Regulations or the Council Regulation relates in a manner specified in the notice,
 - (d) prohibit the transport or further transport of an animal, animal product, or other thing to which these Regulations or the Council Regulation relates, either absolutely or unless such conditions as may be specified in the notice are complied with,
 - (e) require a person to return an animal, animal product or other thing to which these Regulations or the Council Regulation relates, to the place of departure (whether within the State or otherwise) by a route which in the opinion of the authorised officer is the most direct or prudent,
 - (f) require that such alterations or additions be made to any premises, vehicle, vessel, machinery or equipment as may be specified in the notice,
 - (g) require a person to secure an animal, animal product or other thing to which these Regulations or the Council Regulation relates in a manner (if any) as may be specified in the notice,
 - (h) require a person to clean and disinfect any premises, vessel, vehicle, equipment, or machinery or other thing used in connection with an animal, animal product or other thing to which these Regulations or the Council Regulation relates in a manner as may be specified in the notice,
 - (i) require a person to undertake a specified type or level of sampling and analysis for a period specified in the notice,

- (j) require a person to make such changes to a slaughterhouse or lairage or alter the procedures practiced therein as may be specified in the notice,
- (k) require a person to maintain and retain such records, certificates or evidence of training as may be specified in the notice, or
- (l) produce to the authorised officer such records, certificates or evidence of training as may be specified in the notice at a time and place specified in the notice.

(4) A person to whom a compliance notice is served shall comply with it until the notice expires, is withdrawn under paragraph (6) or is annulled under Regulation 24, and not cause or permit another person to contravene the terms of the notice.

(5) A compliance notice may specify a time limit within which it is to be complied with.

(6) A compliance notice may be modified or withdrawn in a further notice and the earlier notice has effect subject to the modification or withdrawal.

(7) A compliance notice may require the owner, occupier, business operator or person in charge of any premises, animal, animal product, vehicle, vessel, machinery, equipment or other thing to which these Regulations or the Council Regulation relates, to choose between two or more of the requirements specified in the notice.

(8) A compliance notice shall include an address for service of an appeal under Regulation 24.

(9) A person on whom a compliance notice is served who fails to comply with, or causes or permits another person to contravene the notice commits an offence.

Appeal of compliance notice

24. (1) A person to whom a compliance notice is served may, within 7 days from the date of service of the notice, appeal the notice to the Judge of the District Court having jurisdiction in the District Court district—

- (a) where an animal, animal product, premises, vehicle, machinery, equipment, vessel or other thing to which these Regulations or the Council Regulation relates, which is the subject of the notice, is situated, or
- (b) where the person bringing the appeal ordinarily resides or carries on business,

on the grounds that the notice is unreasonable having regard to the Council Regulation or these Regulations.

(2) Notice of an appeal shall contain a statement of the grounds upon which it is alleged that the notice or any of the terms of the notice are unreasonable and shall be served on the authorised officer who served the compliance notice at the address included on the notice in accordance with Regulation 23(8) not later than 48 hours prior to the hearing of the appeal.

(3) A person bringing an appeal shall lodge a copy of the notice or appeal with the District Court Clerk concerned not later than 48 hours prior to the hearing of the appeal.

(4) On the hearing of an appeal a Judge of the District Court may confirm, modify or annul a notice.

(5) A person, including a person on whom a compliance notice has been served, shall not—

(a) pending the determination of an appeal, deal with an animal, animal product, premises, vehicle, vessel, machinery, equipment or other thing to which the notice relates, other than in accordance with the terms of the compliance notice, or

(b) if the notice is confirmed or modified on appeal, deal with an animal, animal product or other thing to which the Council Regulation relates, any premises, vehicle, vessel, equipment, machinery or other thing to which the notice relates other than in accordance with the terms of the compliance notice as confirmed or modified.

(6) In this Regulation “appeal” means an appeal under paragraph (1).

Failure to comply with compliance notice.

25. (1) Without prejudice to an appeal under Regulation 24, if—

(a) a person in control of an animal, animal product or other thing to which these Regulations or the Council Regulation relates, premises, vessel, vehicle, equipment, machinery or other thing used in connection with an animal or animal product fails to comply with the terms of a compliance notice within the time specified,

(b) an authorised officer has reasonable grounds for believing that the terms of a compliance notice will not be complied with,

(c) a compliance notice has been confirmed with or without modification under Regulation 24(4) and the notice has not been complied with,

(d) an authorised officer has reasonable grounds for believing that the terms of a compliance notice which has been confirmed with or without modification under Regulation 24(4) will not be complied with,

an authorised officer may at any time seize an animal, animal product or other thing to which these Regulations or the Council Regulation relates, vessel,

vehicle, equipment, machinery or other thing used in connection with an animal or animal product.

(2) If an animal, animal product or other thing to which these Regulations or the Council Regulation relates, vessel, vehicle, equipment, machinery or other thing used in connection with an animal or animal product is seized in accordance with paragraph (1), an authorised officer may—

- (a) sell, destroy or dispose of an animal, animal product or other thing to which these Regulations or the Council Regulation relates or cause it to be sold, destroyed or be disposed of, or
- (b) take such other measures in relation to an animal, animal product or other thing to which these Regulations or the Council Regulation relates, vessel, vehicle, equipment, machinery or other thing used in connection with an animal or animal product as the authorised officer considers appropriate in the circumstances.

(3) Any profits arising out of the sale, destruction or disposal of an animal, animal product or other thing to which these Regulations or the Council Regulation relates in accordance with paragraph (2) shall be paid to the owner of the animal, animal product or other thing to which these Regulations or the Council Regulation relates less any expenses incurred in connection with the seizure, sale, destruction or disposal.

(4) The costs (including ancillary costs) of a measure taken under this Regulation are recoverable by the Minister—

- (a) as a simple contract debt in a court of competent jurisdiction from the person on whom the notice was served, or
- (b) by deducting the costs from any sum due by the Minister to a person on whom a notice has been served.

Obstruction

26. A person who—

- (a) obstructs, interferes with or impedes an authorised officer, or any person who accompanies an authorised officer, in the course of exercising a function conferred on the officer under these Regulations,
- (b) fails or refuses, without reasonable cause, to comply with a requirement of an authorised officer under Regulation 21,
- (c) fails, without reasonable cause, to give assistance or requested information to an authorised officer in accordance with Regulation 21,
- (d) in purporting to give information to an authorised officer for the exercise of the officer's functions under these Regulations-

(i) makes a statement that he or she knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or

(ii) intentionally fails to disclose a material particular, or

(e) falsely states or purports to hold a certificate of competency,

commits an offence.

Offences

27. A person who contravenes Regulation 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24 or 26 commits an offence and is liable—

(a) on summary conviction to a Class A fine or a term of imprisonment not exceeding 6 months or both, or

(b) on conviction of indictment to a fine of not more than €100,000 or a term of imprisonment not exceeding 2 years or both.

(2) The Minister may prosecute an offence under these Regulations in a summary manner.

(3) If an offence under these Regulations is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purported to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she was guilty of the offence.

(4) If the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to the acts and defaults of a member in connection with the functions of management as if the member were a director or manager of the body corporate.

Amendment to European Communities (Welfare of Farmed Animals) Regulations 2010

28. The European Communities (Welfare of Farmed Animals) Regulations 2010 (S.I. No. 311 of 2010) is amended by

(a) substituting Part 6 for the following—

“Part 6

SLAUGHTER OF ANIMALS

Slaughter of animals generally

23. This Part is without prejudice to the generality of Regulation 5.

Slaughterhouse requirements

24. A business operator shall ensure that his or her slaughterhouse has suitable equipment and facilities available for the purpose of unloading animals from means of transport.

Requirements for animals delivered other than in containers.

25. (1) The owner or person in charge of a slaughterhouse shall ensure that equipment for unloading animals shall have non-slip flooring and, if necessary, be provided with lateral protection.

(2) The owner or person in charge of a slaughterhouse shall ensure that bridges, ramps and gangways be fitted with sides, railings or some other means of protection to prevent animals falling off them and exit or entry ramps have the minimum possible incline to ensure an animal being able to retain its footing.

(3) The owner or person in charge of a slaughterhouse shall ensure that passageways are constructed so as to minimise the risk of injury to animals and so arranged as to exploit the animals' gregarious tendencies.

(4) The owner or person in charge of a slaughterhouse shall ensure that it is equipped with a sufficient number of pens for adequate lairage of animals with protection from the effects of adverse weather.

(5) The owner or person in charge of a slaughterhouse shall ensure that a lairage has:

- (a) floors which minimise the risk of slipping and which do not cause injury to animals in contact with them,
- (b) adequate ventilation, taking into account the extremes of temperature and humidity which may be expected and where mechanical means of ventilation is required, provision is made for emergency back-up facilities in the event of breakdown,
- (c) artificial lighting at a level sufficient to permit inspection of all animals at any time; if necessary, adequate back-up lighting shall be available,
- (d) where necessary, equipment for tethering animals,
- (e) where necessary, adequate supplies of a suitable bedding material for all animals kept in the lairage overnight.

(6) The owner or person in charge of a slaughterhouse shall ensure that field lairages without natural shelter or shade have appropriate protection from adverse weather and are maintained in such condition as to ensure that animals are not subjected to physical, chemical or other health hazards.

(7) The owner or person in charge of a slaughterhouse shall ensure that animals not taken directly upon arrival to the place of slaughter shall have drinking water available to them from appropriate facilities at all times.

Stunning requirements

26. (1) The owner or person in charge of a slaughterhouse shall ensure that where an animal is stunned using electronarcosis where animals are stunned individually, the apparatus shall:

- (a) incorporate a device which measures the impedance of the load and prevents operation of the apparatus if the minimum required current cannot be passed;
- (b) incorporate an audible or visible device indicating the length of time of its application to an animal;
- (c) be connected to a device indicating the voltage and the current under load, and be positioned so as to be clearly visible to the operator.

(2) The owner or person in charge of a slaughterhouse shall ensure that where an animal is stunned by means of a waterbath:

- (a) where the waterbath is used to stun poultry, the level of the water shall be adjustable in order to ensure that there is good contact with the bird's head;
- (b) where poultry are stunned in groups in a waterbath, a voltage sufficient to produce a current strong enough to ensure that every bird is stunned shall be maintained;
- (c) the waterbath for poultry is adequate in size and depth for the type of bird being slaughtered, does not overflow at the entrance and the electrode is immersed in the water for the entire length of the waterbath.

(3) The owner or person in charge of a slaughterhouse shall ensure that where an animal is stunned and slaughtered by exposure to carbon dioxide that—

- (a) the chamber in which pigs are exposed to the gas, and the equipment used for conveying the pigs through it, is designed, constructed and maintained so as to avoid injury to the pigs and compression of the chest and enable them to remain upright until they lose consciousness; and that adequate lighting is provided in the conveying mechanism and the chamber to allow pigs to see other pigs or their surroundings;

(b) the chamber is fitted with devices for measuring the gas concentration at the point of maximum exposure and for giving a clearly visible and audible warning if the concentration of carbon dioxide falls below the required level.”, and

(b) deleting Schedule 5 to the Regulations.



GIVEN under my Official Seal,
22 July 2013.

SIMON COVENEY,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing. These Regulations are intended to avoid pain and to minimise the distress and suffering of animals at the time of slaughter.

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