

POLICY NOTE

THE WELFARE OF FARMED ANIMALS (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/XXX

The above instrument was made in exercise of the powers conferred by sections 26(1) and 51(2)(b) of the Animal Health and Welfare (Scotland) Act 2006 (“the 2006 Act”). The instrument is subject to affirmative procedure.

Summary Box

The purpose of the instrument is to amend regulation 7A(2) of the Welfare of Farmed Animals (Scotland) Regulations 2010 (“the 2010 Regulations”). The purpose of amendment is to include the recently published “Guidance for the Welfare Pigs” in the definition of “animal welfare guidance” referred to in regulation 7A. Regulation 7A places certain requirements on persons responsible for farmed animals in relation to “animal welfare guidance”.

Policy Objectives

The Scottish Government produces good practice recommendations for the welfare of a range of farmed animals. In the past, these documents have generally been published as codes of practice that have the status of “animal welfare codes”, as defined by section 37 of the 2006 Act. More recently, the Scottish Government has published its good practice documents in the form of guidance, under section 38 of the 2006 Act. “Guidance for the Welfare of Pigs” was published on 20 November 2023. This replaces the Code of Practice for the Welfare of Pigs that was published in 2012.

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. Following the publication of the Scottish Government’s first guidance document for the welfare of farmed animals - “Guidance for the welfare of meat chickens and meat breeding chickens” - in 2019, the Welfare of Farmed Animals (Scotland) Amendment Regulations 2019 (“the 2019 Regulations”) amended the 2010 Regulations to insert a new provision, regulation 7A, setting out similar requirements as those in regulation 7, but in relation to animal welfare guidance.

The effect of the amendment made by the 2019 Regulations is that anyone responsible for a farmed animal must now be acquainted with, and have access to, any relevant animal welfare guidance, and must ensure that anyone employed or engaged by them is also acquainted with the guidance, has access to it and has received instruction on it. It therefore gave animal welfare guidance similar status to that of codes of practice in terms of the requirements placed upon a person responsible for farmed animals.

The new provision inserted by the 2019 Regulations also included regulation 7A(2), which defined “animal welfare guidance” as the meat chickens guidance which had just been published. Guidance for the welfare of laying hens was published in 2020, and regulations were laid in 2020 to add the laying hens guidance to the definition of “animal welfare guidance”.

The purpose of this instrument is therefore to add a new regulation 7A(2)(c) into the 2010 Regulations which will add the recently published “Guidance for the Welfare of Pigs” to the definition of “animal welfare guidance”. The effect of this will be that anyone responsible for a farmed pig must be acquainted with, and have access to, the pigs guidance published on 20 November 2023, and must ensure that anyone employed or engaged by them is also acquainted with the guidance, has access to it and has received instruction on it.

Non-compliance with regulation 7A is an offence. The maximum penalties available to a court upon conviction for such an offence are 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.

A notice to revoke the existing code of practice for the welfare of pigs has been laid alongside this SSI.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 26(5) of the 2006 Act, farming, animal welfare and enforcement stakeholders have been consulted on these proposals.

Impact Assessments

Impact assessments have not been proposed for this instrument, as there will be no adverse effects for the private, voluntary or public sectors and there no issues in terms of equality, child rights or privacy.

Financial Effects

The Minister for Energy and the Environment confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Agriculture and Rural Economy

November 2023