1987 No. 425

WELFARE OF ANIMALS

Welfare of Battery Hens Regulations (Northern Ireland) 1987

Made . . . . . *24th November 1987*

Coming into operation . . *1st January 1988*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by section 2(1) of the Welfare of Animals Act (Northern Ireland) 1972(**c**) and of every other power enabling it in that behalf and after consultation with such persons appearing to it to represent any interests concerned as it has considered appropriate, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Welfare of Battery Hens Regulations (Northern Ireland) 1987 and shall come into operation on 1st January 1988.

Interpretation

2.—(1) In these regulations—

"the Act" means the Welfare of Animals Act (Northern Ireland) 1972;

"battery cage" means an enclosed space intended for laying hens in a battery system;

"battery system" means an arrangement of cages in rows or tiers or rows and tiers;

"laying hens" means adult female domestic fowls (*Gallus gallus*) which are kept on agricultural land for egg production.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Requirements as to battery cages

3.—(1) Subject to paragraph (2), a person shall not keep or knowingly cause or permit to be kept any laying hens in a battery cage unless the following requirements and the further requirements laid down in the Schedule are complied with—

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68
(**c**) 1972 c. 7 (N.I.)
(**d**) 1954 c. 33 (N.I.)

(*a*) the minimum cage area, measured in a horizontal plane, for each laying hen shall be—

(i) 1000 cm^2 where one hen is kept in the cage,

(ii) 750 cm^2 where two hens are kept in the cage,

(iii) 550 cm^2 where three hens are kept in the cage, and

(iv) 450 cm^2 where four or more hens are kept in the cage;

(*b*) the minimum cage area for each laying hen shall be capable of being used without restriction and may include the area where the non-waste deflection plate (otherwise known as the egg guard) is placed so long as that area is capable of being so used;

(*c*) a feed trough of a minimum length of 10 cm multiplied by the number of hens in the cage and capable of being used without restriction shall be provided;

(*d*) except where nipple drinkers or drinking cups are provided, the cage shall have a continuous drinking channel which shall be—

(i) of the same length as the feed trough mentioned in sub-paragraph (*c*); and

(ii) capable of being used without restriction;

(*e*) where drinking points are plumbed in, there shall be a minimum of two nipple drinkers or two drinking cups within reach of the cage;

(*f*) the height of the cage, measured vertically from its floor to the nearest point in its roof, shall be not less than 40 cm over 65% of the minimum cage area and not less than 35 cm at any point over that area;

(*g*) the floor of the cage shall be constructed so as to support adequately each of the forward facing claws of each foot; and

(*h*) the slope of the floor shall not exceed 14% or 8 degrees, when made of rectangular wire mesh, and 21.3% or 12 degrees for other types of floor.

(2) Until 1st January 1995 the requirements laid down in sub-paragraphs (*a*) to (*h*) shall not apply to battery cages which were built, and put into use before, and are not reconstructed after, the coming into operation of these regulations.

Offences

4. A person who contravenes any provision of these regulations shall be guilty of an offence under section 2 of the Act.

Powers of entry

5.—(1) An authorised officer who, for the purpose of ascertaining whether these regulations have been contravened, is empowered by section 5 of the Act to enter upon any land may take with him on to the land an officer, servant or agent of the Communities.

(2) In this regulation—

"authorised officer" has the same meaning as in section 29(1) of the Act; and

"the Communities" has the same meaning as in section 1(2) of the European Communities Act 1972.

Disapplication

6. The Welfare of Livestock (Intensive Units) Regulations (Northern Ireland) 1978(**a**) shall cease to apply to laying hens kept in battery cages.

Sealed with the Official Seal of the Department of Agriculture on 24th November 1987.

(L.S.) *S. R. Armstrong*
Assistant Secretary

(a) S.R. 1978 No. 360

FURTHER REQUIREMENTS CONCERNING LAYING HENS KEPT IN BATTERY CAGES

1. Battery cages shall be designed, constructed and maintained in such a way, and the materials used shall be such, as to prevent any injury or unnecessary suffering to laying hens to the extent possible in the existing state of technology.

2. The design and size of the cage opening shall be such that laying hens can be removed without causing any injury or unnecessary suffering.

3. The cages shall be suitably equipped and maintained to prevent laying hens escaping.

4. All laying hens shall have access to adequate, nutritious and hygienic feed each day and to adequate fresh water at all times, except in the case of therapeutic or prophylactic treatment.

5. Insulation and ventilation of the building in which laying hens are kept shall ensure that air velocity, dust level, temperature, relative air humidity and gas concentrations are kept within limits that are not harmful to the hens.

6. In the case of artificial lighting, the laying hens shall have an appropriate resting period each day during which the light intensity shall be reduced in such a way that the hens can rest properly.

7. The laying hens shall be cared for by a sufficient number of personnel with adequate knowledge and experience of laying hens and of the production system used.

8. The flock or group of laying hens shall be thoroughly inspected at least once a day and for this purpose a source of light shall be available which is strong enough to enable each bird to be seen clearly and, if need be, thoroughly inspected.

9. More than three tiers of cages shall not be used unless suitable devices or measures make it possible to inspect thoroughly all tiers without difficulty.

10. Where laying hens do not appear to be in good health or show behavioural changes, steps shall be taken to establish the cause and appropriate remedial action (e.g. treatment, isolation, culling or correction of environmental factors) shall be taken. If the cause is traced to an environmental factor in the production unit which does not require to be corrected immediately, remedial action shall be taken as soon as practicable and not later than when the accommodation is emptied and before the next batch of laying hens is put in.

11. All automatic and mechanical equipment essential for the health and welfare of the laying hens shall be thoroughly inspected at least once daily. Where defects are discovered these must be rectified immediately or, if this is impracticable, appropriate steps taken to safeguard the health and welfare of the laying hens until the defect has been rectified. Alternative ways of feeding and of maintaining a satisfactory environment must be available for use in the event of a breakdown.

There shall be an alarm system to warn the stock-keeper of failure of any essential automated ventilation equipment.

12. Every time all the cages housed together are emptied they shall be thoroughly cleansed and disinfected before a new batch of laying hens is put in. While the cages are occupied, the surfaces and all equipment shall be kept satisfactorily clean.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations implement Council Directive 86/113/EEC (O.J. No. L95, 10.4.86, p. 45) which lays down minimum standards for the protection of laying hens kept in battery cages. The main requirements of the regulations relate to the construction and size of battery cages; feeding and watering of the hens; insulation and ventilation of the buildings in which the hens are kept; daily inspection of the flock and of any automatic and mechanical equipment; taking of remedial action where the hens do not appear to be in good health and rectifying any defects in such equipment; cleansing and disinfection of the cages and the taking care of the hens by competent personnel. Where four or more hens are kept in a cage, the minimum area for each hen must be 450 cm^2. The height of the cage over 65% of the minimum cage area must not be less than 40 cm and not less than 35 cm at any point over that area (regulation 3 and Schedule).

Those requirements of the regulations which are set out in the Schedule apply to all battery cages as from 1st January 1988. However, the application of the requirements set out in sub-paragraphs (*a*) to (*h*) of regulation 3 is postponed until 1st January 1995 in respect of cages which were built and put into use before 1st January 1988 and are not reconstructed after that date (regulation 3(2)).

The regulations provide that a breach of any provision of the regulations is an offence under section 2 of the Welfare of Animals Act (Northern Ireland) 1972. A person guilty of an offence under that section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £1,000 or both (regulation 4).

The regulations also provide that an authorised officer of the Department of Agriculture who, for the purpose of ascertaining whether the regulations have been contravened, is empowered by section 5 of the Welfare of Animals Act (Northern Ireland) 1972 to enter upon any land may take with him on to the land an officer, servant or agent of the Communities. (regulation 5).

By virtue of regulation 6, the Welfare of Livestock (Intensive Units) Regulations (Northern Ireland) 1978 cease to apply to laying hens kept in battery cages.

Copies of Council Directive 86/113/EEC can be obtained from HMSO, Chichester Street, Belfast.