

# SL(5)442 – Code of Practice for the Welfare of Meat Chickens and Meat Breeding Chickens

## Background and Purpose

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This Code of Practice (“the Code”) is issued under section 14 of the Animal Welfare Act 2006 (“the Act”). It applies to all Meat Chickens and Meat Breeding Chickens for which a person is responsible.

The existing Code of Practice reflected the science and legislation in force at the time. A review was required to capture any changes in those areas and to ensure the standards being advised are still appropriate. It also replaces the interim guidance for keepers of conventionally reared meat chickens in relation to the Welfare of Farmed Animals (Wales) Regulations 2007 as amended by the Welfare of Farmed Animals (Wales) (Amendment) Regulations 2010, issued in 2011.

The purpose of the Code is to ensure that those who are responsible for an animal are aware they have a legal duty to take reasonable steps to ensure welfare needs are met. The Code of Practice explains what you need to do to meet the standard of care the law requires.

Breach of a provision of the Code is not an offence in itself but, if proceedings are brought against someone for a welfare offence under the Act, the Court may take into account the extent to which they have complied with the Code in deciding whether they have committed an offence or have met the required standard of care.

## Procedure

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Negative.

The Code of Practice is issued under section 14 of the Act, which allows the National Assembly for Wales to publish practical guidance in respect of any provision under the Act. The power to publish guidance was transferred from the Assembly to Welsh Ministers by paragraph 30 of Schedule 11 of the Government of Wales Act 2006. Section 16 of the Act requires that a draft of the Code is published, consulted on, and any consultation responses are considered. These steps have been taken.

There is a transitional provision in paragraph 34 of Schedule 11 of the Government of Wales Act 2006 that states where there is a corresponding function exercisable by a Minister of the Crown, the relevant Parliamentary procedure applies to any function conferred on Welsh Ministers. The Minister of the Crown must use the negative procedure, set out by section 15 of the Act, and so the Code is being laid using the negative resolution procedure; the Assembly may resolve that the Code be annulled no later than 40 days after it is laid.

## Scrutiny under Standing Order 21.7

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Two points are identified for reporting under Standing Order 21.7 in respect of this code:

1. At page 14 of both the English and Welsh versions of the code, the reference to paragraph 2(1) of Schedule 1 to the Welfare of Farmed Animals (Wales) Regulations 2007 notes that animals kept in husbandry systems in which their welfare requires frequent human attention must be thoroughly



inspected “*at least twice a day*”. In fact, the Regulations state that the inspection must only be “*at least once a day*”. This reference is therefore incorrect in the code.

2. On page 39 of both the English and Welsh versions of the code, under the heading “*Free range and organic systems*”, Council Regulation (EC) No 843/2007 is referenced. However, this appears to be incorrect; there is a Commission Regulation (EC) No 843/2007 but it is no longer in force.

## Implications arising from exiting the European Union

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No points are identified for reporting under Standing Order 21.7 in respect of this code. The Code is made using domestic powers.

## Government Response

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A government response is required.

### **Legal Advisers**

**Constitutional and Legislative Affairs Committee**

**18 September 2019**

