

**Explanatory Memorandum to the Code of Practice for the Welfare of Laying Hens and Pullets**

This Explanatory Memorandum has been prepared by the Animal Welfare and By-Products Branch, Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

**Cabinet Secretary/Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Code of Practice for the Welfare of Laying Hens and Pullets.

Lesley Griffiths AM, Minister for Environment, Energy and Rural Affairs.

**6 September 2019**

## **1. Description**

Under the Animal Welfare Act 2006 (“the Act”), if someone is responsible for an animal they have a legal duty to take reasonable steps to ensure its welfare needs are met. The Code explains what needs to be done 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. Unnecessary suffering to any animal could constitute a serious offence under the Act.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

None.

## **3. Legislative background**

This Code of Practice is issued under section 14 of the Animal Welfare Act 2006 (the “Act”). This Code applies in Wales only, is issued by the Welsh Ministers and comes into force on 12 November 2019. It applies to all Laying Hens and Pullets for which a person is responsible.

The Code is being laid under the ‘Negative Procedure’.

## **4. Purpose & intended effect of the legislation**

The existing Code of Practice for the Welfare of Laying Hens and Pullets reflected the science and legislation in force at that time and was made under The Animal Welfare Act 2006. A review was required to capture any changes in these areas and to ensure the standards being advised are still appropriate.

By not reviewing and amending the Code regularly to reflect any changes made to legislation and recognised minimum best practice standards, animals could be put at risk of harm.

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 its welfare needs are met. The Code of Practice explains what you need to do to meet the standard of care the law requires.

## **5. Consultation**

Welsh Government officials worked with Animal Welfare Network Wales to review and update the Code for consultation.

A twelve week public consultation took place between 20 November 2017 and 12 February 2018. The consultation was published on the Welsh Government website with a press release alerting the general public to the launch. Known stakeholders i.e. enforcement agencies and special interest groups, were also contacted individually by email or post.

A Summary of the Responses to the Consultation can be found at the attached link –

<https://gov.wales/code-practice-welfare-laying-hens-and-code-practice-welfare-meat-and-breeding-chickens>

Comments and suggested amendments were taken in to account when updating the Code (e.g. permitted procedures regarding dubbing may be legally permitted currently but to reflect good practice under animal welfare it has been amended to have a limited role in modern day poultry systems) and a number of additions were made as a direct result of the consultation.

## **6. Regulatory Impact Assessment (RIA)**

There are no costs associated with the making of the Code. Mandatory parts of the RIA have been completed.