

Department for Environment, Food and Rural Affairs

Consultation on the Code of Practice for the Welfare of Laying Hens

January 2018

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Part 1 - Introduction

Purpose of this consultation

1. The purpose of this consultation is to seek views on a new statutory Code of Practice for the Welfare of Laying Hens, for England.
2. The purpose of replacing the existing statutory code is to ensure owners and keepers of laying hens have up-to-date and enhanced guidance on how to comply with current farm animal welfare legislation. This new guidance reflects the latest scientific and veterinary knowledge and is presented in such a way that it is clear and relevant to laying hen owners and keepers.
3. The consultation invites comments on whether and how well the draft code published with this consultation document achieves these aims.

Scope

4. This consultation relates solely to a new statutory Code of Practice for the Welfare of Laying Hens, for England. The Welsh, Northern Irish and Scottish Governments issue their own farm animal welfare codes.

Audience

5. Anyone may respond to the consultation. However, Defra would particularly like to hear from anyone involved in the keeping of laying hens. Those who may have an interest include:

Laying hen producers

Trade bodies

Animal welfare organisations

Local authorities

The veterinary profession

Academic institutions

Farm assurance schemes

Retailers

Other individuals or organisations with an interest in the laying hen industry

Responding to the consultation

6. This consultation started on 29 January 2018 and closes on 9 March 2018. During the consultation, if you have any enquiries or wish to receive hard copies of the documents, please contact: animalwelfare.consultations@defra.gsi.gov.uk.

7. We would prefer you to respond online using <https://consult.defra.gov.uk>. Our preferred method of receiving responses is online because it is the fastest and most cost effective way for us to collate and analyse responses. However, responses can also be sent by email or post to:

The Animal Welfare Team

Defra

Area 5B

Nobel House

17 Smith Square

London SW1P 3JR

Or email: animalwelfare.consultations@defra.gsi.gov.uk

Responses must be received by 9 March 2018.

After the consultation

8. When this consultation ends, we will summarise the responses and place this summary on our website at: <https://www.gov.uk/defra>. This summary will include a list of organisations that responded but not personal names, addresses or other contact details.

9. Copies of responses will be made available to the public on request. If you do not want your response (including your name, contact details and any other personal information) to be publicly available, please say so clearly in writing when you send your response to the consultation. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under Freedom of Information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential. Please note, if your computer automatically includes a confidentiality disclaimer, this will not count as a confidentiality request.

10. This consultation is in line with the Government's consultation principles which can be found at: <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>.

Part 2 – Consultation

Issue being addressed

11. Standards of farm animal welfare are contained in existing primary and secondary legislation. Guidance to owners and keepers on how to comply with those statutory requirements is provided through a series of species-specific statutory codes (“the codes”). Under regulation 6 of the Welfare of Farmed Animals (England) Regulations 2007, those responsible for farmed animals must not attend to the animals without being acquainted with the relevant code and without having access to the code.

12. The 10 existing farm animal welfare codes in England were all originally made under the Agriculture (Miscellaneous Provisions) Act 1968. This new code will be made under the more recent Animal Welfare Act 2006 and will therefore be called a code of practice rather than a code of recommendations, as under the Agriculture (Miscellaneous Provisions) Act 1968, although in practical terms this will make no difference to its effect.

13. The existing statutory code for laying hens has not been updated since it was published in 2002. It does not contain references to current legislation or the latest guidance on, for example, farm biosecurity or contingency planning, nor does it reflect the latest advice on reducing injurious pecking, a key welfare issue.

14. The Government considers that preparing a new code under the more recent legislation is the most effective way of ensuring that owners and keepers have improved and up-to-date guidance on how to comply with laying hen welfare legislation.

Proposal

15. The proposal is to revoke the existing statutory Code of Recommendations for the Welfare of Livestock: Laying Hens (2002) and to replace it with a new statutory code (provided in draft as part of this consultation), providing improved and up-to-date guidance for owners and keepers of laying hens, which should lead to enhanced laying hen welfare.

16. The objective is to provide owners and keepers with improved and up-to-date guidance on how to comply with the current legislation, which reflects the latest scientific and veterinary knowledge thereby helping all those who care for laying hens to practise good standards of stockmanship to safeguard laying hen welfare

Q1. Do you agree that the new statutory code (provided in draft as part of this consultation) provides improved, up-to-date guidance to owners and keepers on how to comply with the relevant farm animal welfare legislation? If you wish to comment on specific sections of the code, please provide the relevant paragraph number and cite references to any relevant evidence.

Q2. Do you agree that the new statutory code (provided in draft as part of this consultation) reflects the latest scientific and veterinary knowledge? If you wish to comment on specific sections of the code, please provide the relevant paragraph number and cite references to any relevant evidence.

Impact of proposal

Livestock industry

17. The new statutory code should provide benefits to industry in terms of clarifying current expected practices. Whilst the underlying legislation is not changing, updating and enhancing the guidance in the new statutory code will have the wider benefit of supporting better compliance. This may be associated with improved welfare on the ground and may also reduce industry's ongoing costs in complying.

Q3. In what ways do you think the new statutory code will reduce industry's ongoing costs in complying with legislation? Can you quantify this?

18. The only cost associated with the proposal is the requirement for owners and keepers of laying hens in England to be acquainted with the content of the new code. When the new statutory code is published, each owner/keeper will need to familiarise themselves with its content. We estimate this will take them each three hours. This will be a one-off cost to business. We do not consider that there are any ongoing increased costs, as the new code should largely reflect current industry practice.

Q4. Do you agree with the estimate of three hours for owners and keepers of laying hens to become acquainted with the content of the new statutory code? If not, provide details of your reasoning.

Q5. What do you think is the most effective way for Government to make owners and keepers of laying hens aware of the new statutory code?

Animal welfare

19. The Government is committed to high standards of animal welfare. The objective is to ensure owners and keepers have access to improved, up-to-date guidance on how to comply with the current legislation, thereby helping all those who care for laying hens to practise good standards of stockmanship to safeguard laying hen welfare. Providing updated and enhanced guidance is expected to result in increased welfare for laying hens and providing clear statutory guidance will enable compliance to be more easily enforced. Minimum animal welfare standards will continue to be laid down in legislation.

20. Following the public consultation, there will be full consideration of the comments received, including by the independent farm animal welfare advisory body, the Farm Animal Welfare Committee (FAWC). FAWC will be asked to confirm that the new statutory code provides enhanced and up-to-date guidance to owners and keepers on how to

comply with the legislation through good practice, by reflecting the most recent scientific and veterinary knowledge.

21. Following this quality assurance, the replacement Code of Practice will be laid before Parliament for a period of time before it can come into force.

Enforcement

22. The Animal and Plant Health Agency (APHA) is responsible for inspecting and monitoring compliance with on-farm animal welfare legislation in Great Britain. Where unnecessary suffering or non-compliance with the provisions of relevant welfare legislation occurs, enforcement action can be taken by APHA or by Local Authorities.

23. In cases of alleged contravention of animal welfare legislation and as part of routine on-farm welfare inspections, APHA will make an assessment as to whether the provisions of the law and the relevant animal welfare code are being met and whether unnecessary suffering of animals is taking place. Non-compliance with a provision of the code is not in itself an offence but, in cases that go to court for prosecution, meeting the requirements of the code, or not, can be used to help establish a person's liability.

24. In terms of enforcement, the new statutory code will be used in exactly the same way as the existing code. It is expected that the new code will aid enforcement and be a better manual for APHA staff than the existing code, which is significantly out of date.

Consultation questions

Q1. Do you agree that the new statutory code (provided in draft as part of this consultation) provides improved and up-to-date guidance to owners and keepers on how to comply with the relevant farm animal welfare legislation? If you wish to comment on specific sections of the code, please provide the relevant paragraph number and cite references to any relevant evidence.

Q2. Do you agree that the new statutory code (provided in draft as part of this consultation) reflects the latest scientific and veterinary knowledge? If you wish to comment on specific sections of the code, please provide the relevant paragraph number and cite references to any relevant evidence.

Q3. In what ways do you think the new statutory code will reduce industry's ongoing costs in complying with legislation? Can you quantify this?

Q4. Do you agree with the estimate of three hours for owners and keepers of laying hens to become acquainted with the content of the new statutory code? If not, provide details of your reasoning.

Q5. What do you think is the most effective way for Government to make owners and keepers of laying hens aware of the new statutory code?

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animalwelfare.consultations@defra.gsi.gov.uk