
STATUTORY INSTRUMENTS

2020 No. 127

ANIMALS, ENGLAND

ANIMAL WELFARE

**The Code of Practice for the Welfare of Pigs
(Appointed Day and Revocation) (England) Order 2020**

Made - - - - 6th February 2020

The Secretary of State makes this Order in exercise of the powers conferred by sections 15(5) and (7) and 17(1) and (2) of the Animal Welfare Act 2006 (“the Act”)(1).

In accordance with section 15(1) of the Act, the Secretary of State published a draft code of practice, consulted on the draft such persons appearing to the Secretary of State to represent any interests concerned as the Secretary of State considered appropriate and considered any representations made by them.

In accordance with section 15(2) of the Act, the Secretary of State laid a draft of the code of practice referred to in article 2 of this instrument before Parliament on 9th September 2019.

In accordance with section 15(4) of the Act, within a period of forty days(2) neither House resolved not to approve the draft and the Secretary of State issued the code in the form of the draft.

Citation

1. This Order may be cited as the Code of Practice for the Welfare of Pigs (Appointed Day and Revocation) (England) Order 2020.

Appointed day

2. The day appointed for the coming into force of the Code of Practice for the Welfare of Pigs is 1st March 2020.

(1) 2006 c. 45. For the purpose of issuing and revising codes of practice under section 14, the Secretary of State is the “appropriate national authority” in relation to England, as defined in section 62(1).
(2) The “40-day period” is defined in section 15(8) of the Animal Welfare Act 2006.

Revocation

3. The Code of Recommendations for the Welfare of Livestock: Pigs⁽³⁾ is revoked on 1st March 2020.

Transitional provision

4.—(1) This article applies in relation to any proceedings arising from a complaint (whenever presented) alleging that a person has, before 1st March 2020, caused unnecessary suffering to an animal under section 4 of the Animal Welfare Act 2006.

(2) Where this article applies—

- (a) the Code of Practice referred to in article 2 has no effect for the purposes of section 4 of the Animal Welfare Act 2006, and
- (b) the Code of Recommendations referred to in article 3 continues to have effect for the purposes of that section.

Goldsmith of Richmond Park
Minister of State
Department for Environment, Food and Rural
Affairs

6th February 2020

(3) The Code of Recommendations was issued under section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (c. 34) but it has effect as if it were made under section 14 of the Animal Welfare Act 2006 by virtue of article 3(1) of S.I. 2007/2711.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st March 2020 as the day on which the Code of Practice for the Welfare of Pigs comes into force in England.

Article 3 revokes the previous Code of Recommendations for the Welfare of Livestock: Pigs.

Article 4 provides that the new Code of Practice will not apply to proceedings relating to any alleged act causing unnecessary suffering to an animal committed before 1st March 2020. In such cases, the previous Code of Recommendations will continue to apply. This is for the purposes of section 14(4) of the Animal Welfare Act 2006 (c. 45), which provides that failure to comply with a relevant provision of a code of practice may be relied upon as tending to establish liability, and compliance with a relevant provision of such a code of practice may be relied upon as tending to negative liability.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.