Questions and answers brief on Welfare of Animals at the Time of Killing Regulations (England) 2015

This questions and answers brief is intended to provide guidance to Official Veterinarians and frontline teams on the implementation of Welfare of Animals at the Time of Killing (England) Regulations 2015. The brief complements instructions for staff provided in Chapter 2.3 of the Manual for Official Controls.

It also contains useful information for Business Operators and individuals carrying out slaughter operations.

1. When will the Welfare at the Time of Killing (WATOK) (England) Regulations 2015 come into force?

   The legislation was laid in Parliament on 15 October and will enter into force on 5 November 2015.

   WATOK (England) Regulations 2015 supersedes the previous domestic legislation, the Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK), which will be revoked at the same time.

2. Will the Manual for Official Controls be updated to reflect changes?

   Yes, we are updating the Manual for Official Controls, and will be releasing changes on 5 November 2015. Until we issue the new instructions, the existing instructions in Chapter 2.3 already contain details about requirements that came into force in Wales with the WATOK (Wales) 2014 Regulations last year.

3. Where can I access the WATOK (England) Regulations 2015?

   We will include the legislation in part 2 of the Manual for Official Controls being released on 5 November 2015. In the meantime, you can access the legislation at the link below:

4. What changes will implementation of the WATOK (England) Regulations 2015 bring?

Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing became directly applicable across Europe on 1 January 2013. Most aspects of the regulation applied immediately.

Council regulation (EC) 1099/2009 provides animal welfare standards that must be achieved. It places a responsibility on the Business Operator not to permit welfare abuses and that animals are to be “spared any avoidable pain, distress or suffering during killing and related operations”.

Official Veterinarians and frontline staff will already be familiar with, and Business Operators and their staff should be adhering to, the key requirements of Council Regulation (EC) 1099/2009 including:

- With the exception of certain low throughput businesses, Business Operators must have suitably trained and qualified Animal Welfare Officers to ensure that Standard Operating Procedures are developed and implemented, and animal welfare rules are properly understood, applied and reviewed. EU guidance on the role of the Animal Welfare Officer is available at [http://ec.europa.eu/dgs/health_consumer/information_sources/docs/ahw/brochure_24102012_en.pdf](http://ec.europa.eu/dgs/health_consumer/information_sources/docs/ahw/brochure_24102012_en.pdf)
- Standard Operating Procedures are explicitly required for stunning, killing, and all related operations - such as the restraint or handling of animals.
- Individuals carrying out slaughter operations must hold a Certificate of Competence for the operations they perform. Animal Welfare Officers are required to hold a Certificate of Competence for all the tasks they are responsible for.
- Compared to the provisions under WASK, there are additional requirements and changes to the procedures permitted for simple stunning and stunning.
- Keeping of records of maintenance and also routine checks for one year.

The animal welfare special issues of Tec Files provide useful outlines of the changes brought by Council Regulation (EC) 1099/2009 and general requirements:
The domestic WATOK (England) Regulations 2015:

- Provide us with an effective mechanism to enforce Council Regulation (EC) 1099/2009, including new powers to serve formal notices for welfare non-compliances. See Question 23.
- Maintain long-standing national rules which provide greater welfare protection than the basic standards in the EU Regulation.

Defra has recently published guidance at the link below.


5. **Will authorisations be updated?**

Yes, we will initially be issuing updated authorisations to Official Veterinarians to apply from 5 November 2015. These will provide delegated authority to act under the new legislation.

Authorisation under the Animal Welfare Act 2006 will no longer be required and will be removed on the introduction of the WATOK (England) Regulations 2015.

6. **What are the new requirements for obtaining a Certificate of Competence?**

Previously under WASK, slaughterers needed to hold an appropriate licence for slaughtering and killing. Council Regulation (EC) 1099/2009 brought with it additional requirements for these and other operatives. This now includes handling operations in the lairage.

Individuals carrying out certain slaughter operations must now hold a Certificate of Competence for the operations they perform.

There are initially two methods of gaining a Certificate of Competence - either through grandfather rights, or by gaining a Qualification Certificate for the activities and species applied for. Only the latter method will remain after 8 December 2015. See questions 7, 10 and 11.

7. **What is the procedure for obtaining a Certificate of Competence for individuals with a WASK licence or grandfather rights?**

Article 29(2) of Council Regulation (EC) 1099/2009 details transitional provisions, which apply until midnight on 8 December 2015. These provide a simplified procedure for obtaining a Certificate of Competence for: slaughterers already holding a WASK licence, individuals killing animals by means of a free
bullet in the field, animal handlers and poultry shacklers with more than three years’ of experience (grandfather rights). The latter previously didn’t need a WASK licence.

To benefit from these provisions, those individuals who currently have a WASK licence, or hold grandfather rights, must submit a completed application form and pay the fee for a Certificate of Competence by midnight on 8 December 2015 to the FSA's Business Support Team in York.

Providing this deadline is met, operatives can continue to work on or after 8 December, pending receipt of their Certificate of Competence. York central records will be updated on receipt of Certificate of Competence applications, and Official Veterinarians will need to ensure that they also have records in place to confirm the up to date position for operatives in their slaughterhouses.

8. **Will the Business Support Team issue Certificates of Competence by 8 December 2015?**

We are expecting a large number of applications to be submitted and it will take some time to work through them. Official Veterinarians should encourage operatives to submit their applications without delay, so that we can work through these as quickly as possible. Operatives do not need to wait until 5 November to submit applications.

We will prioritise processing of applications for animal handlers, poultry shacklers, and those killing using a free bullet first, though will aim to complete processing all applications under the simplified procedure as quickly as possible.

Where applications are submitted before the deadline, operatives will be able to continue to work on or after 8 December 2015 pending receipt of their Certificate of Competence.

9. **Can individuals working towards a WASK licence (or changes to a WASK licence) at the moment still benefit from the simplified procedure?**

Yes, but only for a very limited time. We will continue to process applications for WASK licences up until close of business on 4 November 2015. These individuals will also need to apply for a Certificate of Competence by 8 December 2015.

From 5 November 2015, individuals without a WASK licence for the species and operations being carried out must apply for a Certificate of Competence and will need to hold an appropriate proficiency qualification (the Level 2 Certificate for Proficiency in Protecting the Welfare of Animals at Time of Killing).
10. **What if individuals with a WASK licence or grandfather rights don’t meet the 8 December 2015 deadline?**

Individuals not meeting the deadline are not able to benefit from the simplified procedure. To continue working, they will need to apply to their Official Veterinarian for a Temporary Certificate of Competence.

Temporary Certificates of Competence are valid for three months from the date of issue. During this time individuals will only be able to work under the direct supervision of a full Certificate of Competence holder for the species and operations being carried out, and will need to obtain the necessary proficiency qualification and apply for a Certificate of Competence during this three month period.

11. **How does an individual without a current WASK licence or grandfather rights obtain a Certificate of Competence?**

Individuals without a current WASK licence or grandfather rights that are involved in killing and related operations must complete relevant training and are now required to hold an appropriate proficiency qualification - the Level 2 Certificate/Award for Proficiency in Protecting the Welfare of Animals at Time of Killing, covering the relevant activities and species - before being able to apply for a Certificate of Competence.

They may obtain a Temporary Certificate of Competence for a limited time period - see question 12.

12. **What is a Temporary Certificate of Competence and how long are they valid for?**

Individuals involved in killing and related operations who do not have the necessary qualifications to hold a Certificate of Competence may apply for a Temporary Certificate of Competence.

These allow individuals to work under direct supervision of a full Certificate of Competence holder for the species and operations being carried out while carrying out training that will lead to a Certificate of Competence.

A Temporary Certificate of Competence is issued by the Official Veterinarian in approved slaughterhouses (or by Approved Veterinarians in other premises). The holder can start work immediately after its issue. Temporary Certificates of Competence are valid for three months from the date of issue.

During this period the holder will have to undertake training and successfully pass the assessment of that training in order to be awarded the Qualification Certificate required for the issue of a Certificate of Competence. It is a requirement of issuing a Temporary Certificate of Competence that applicants must have registered their intention to train with an approved training body accredited by Food and Drink Qualifications (FDQ) or the Royal Society of
Public Health (RSPH), and that they provide evidence of this to the authorised veterinarian.

Official Veterinarians should submit Temporary Certificates of Competence to WATOK@foodstandards.gsi.gov.uk to enable them to be registered on the FSA system.

13. **For those applicants applying for a Temporary Certificate of Competence, what sort of evidence should Official Veterinarians accept as proof that individuals are registered for obtaining the required award / certificate?**

Official Veterinarians should look for a copy of the application for registration, a screenshot proving registration, or alternatively a PDF version demonstrating proof of registration. Providing the evidence clearly demonstrates registration, this should be accepted by the Official Veterinarian.

14. **What happens if a holder of a Temporary Certificate of Competence is unable to obtain a full Certificate of Competence within three months?**

A further temporary Certificate of Competence may be issued in exceptional circumstances. If the holder is unable to complete the assessment for a Qualification Certificate within three months for reasons outside their control, the Official Veterinarian should provide details to the Business Support Team in York by emailing watok@foodstandards.gsi.gov.uk. Each case will be assessed by a panel from the FSA and either Welsh Government or Defra animal welfare policy teams.

15. **Where are the application forms for Certificates of Competence, and are there handling fees for processing?**

Application forms are available on the FSA website in the Certificate of Competence section at the link below:

http://www.food.gov.uk/enforcement/sectorrules/animal-welfare#toc-6

There are three different forms:

- A transitional form for individuals with a current WASK licence, or grandfather rights (only for use up until 8 December 2015).
- The application form for a Temporary Certificate of Competence.
- The application form for a Certificate of Competence.

Each form includes guidance for completion and details supporting information required with any application. The Business Support Team in York processes applications for Certificates of Competence and all completed and signed applications should be sent (along with supporting information) to:
For applications sent by post, a passport sized photograph needs to be provided (45mm tall by 35mm wide), front facing of head and shoulders against a plain (preferably) white background. The applicant must write their name on the back.

Alternatively, we welcome applications for a Certificate of Competence submitted by email. See question 16 for details.

Official Veterinarians (or Approved Veterinarians) issue Temporary Certificates of Competence.

There is a £25 handling fee for processing new Certificates of Competence, and an £8 fee to amend or replace an existing Certificate of Competence. There is no fee for a Temporary Certificate of Competence.

Guidance and forms are also available in Welsh at: http://www.food.gov.uk/wales/about-fsa-wales/cymru/gorfodi/animal-welfare.

16. Can an application for a Certificate of Competence be submitted to the Business Support Team by email, or do they need to be sent through the post?

Yes, we welcome applications being sent by email. To submit electronically, the signed and dated completed application should be scanned and emailed to the Business Support Team (email: WATOK@foodstandards.gsi.gov.uk).

Applicants need to remember to include an electronic photograph, of head and shoulders, front facing on a plain (preferably white) background. The photograph should be in JPEG format and be of suitable size and quality (above 10 KB and below 250 KB). The name and date of birth of the applicant must be included in the email.

17. How should applicants pay the handling fee for Certificates of Competence?

Payment can be made in three ways:

- By enclosing a cheque with the application
- By debit card (not credit card), or
- By BACS payment.
Guidance is provided on the application forms.

18. Which bodies deliver the Level 2 qualification certificates in England and Wales?

There are currently two bodies awarding qualification certificates in England and Wales:

- Food and Drink Qualifications (FDQ) [http://www.fdq.org.uk/our-qualifications/technical/welfareof-animals-(watok)/](http://www.fdq.org.uk/our-qualifications/technical/welfareof-animals-(watok)/)

FDQ and the RSPH approve food businesses and learning providers to deliver and assess proficiency qualifications. They will be able to provide further information for food businesses wanting their staff to obtain a qualification certificate.

19. Do slaughterers and animal handlers without a WASK licence or grandfather rights need to complete formal training to obtain the Level 2 Certificate/Award for Proficiency in Protecting the Welfare of Animals at Time of Killing?

No, they don’t. The Business Operator has responsibility for organising appropriate training for their staff - this may be externally delivered training, in house training, or a mixture. The approach to training may depend on the level of experience and knowledge of individuals working for them, and the species handles and operations being carried out.

Training materials for slaughterers and animal handlers can be found on the Humane Slaughter Association website [http://www.hsa.org.uk/shop/shop](http://www.hsa.org.uk/shop/shop).

20. What are the common reasons for an application being rejected?

The Business Support Team will reject incomplete or incorrectly completed applications. Common reasons for rejection are:

- Applications being incomplete (for example, not all declarations being ticked).
- Applications not being signed or dated.
- The photograph being of poor quality.
- Missing supporting information.

21. Are Certificates of Competence plant specific?

No, Certificates of Competence are not plant specific. A Certificate of Competence holder may work in any plant across the EU, for the operations...
covered by the Certificate and Competence.

22. **Are there appeal arrangements in place against decisions taken by the FSA on Certificates of Competence?**

A decision made in England and Wales by the FSA to refuse, suspend or revoke a Certificate of Competence may be appealed. Applicants may make written representations and be heard by the General Regulatory Chamber First Tier Tribunal.

To do this, applicants should use the Ministry of Justice form T98 and lodge it with the General Regulatory Chamber, HM Courts and Tribunals Service, PO Box 9300, Leicester, LE1 6ZX within 28 days of the decision.

More information on appeal arrangements using T98 can be found at the Ministry of Justice website at [http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2800](http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=2800)

23. **What enforcement approach should Official Veterinarians take in England once WATOK (England) 2015 Regulations are in force?**

In order to enforce the provisions of Council Regulation (EC) 1099/2009, the WATOK (England) Regulations 2015 provide an Inspector with the power to serve a formal Welfare Enforcement Notice, that can require the Business Operator or any person to take either immediate action to remedy a contravention, or to improve systemic failures affecting an animal’s welfare within a specific time frame specified by the Inspector.

In accordance with Council Regulation (EC) 1099/2009 or WATOK (England) Regulations 2015, the Notice may:

- require a person to take specific steps to remedy a contravention, or
- require a person to reduce the rate of the operation until the person has taken specified steps to remedy a contravention, or
- prohibit a person from carrying on an activity, process or operation using facilities or equipment, until the person has taken specified steps to remedy a contravention.

If complied with the Inspector must serve an Enforcement Completion Notice where they are satisfied that the Business Operator or person has taken the steps specified to correct the contravention.

Copies of the relevant notices will be in Chapter 9 of the Manual for Official Controls.

Examples of where the Notice can be used to require immediate action include stopping the use of equipment that is causing pain, distress or suffering, or slowing down the line where animals are not adequately stunned.
Examples of where the Notices can be used to require correct systemic deficiencies that are not in compliance with the requirements of the legislation, include amending or updating the Standard Operating Procedures, or where equipment did not have regular maintenance and could potentially fail.

Where there are breaches that could result in the potential for pain, distress or animal suffering, appropriate formal action should be taken immediately. For technical non-compliances, such as non-compliances in relation to appointment of Animal Welfare Officers or use of Standard Operating Procedures, the enforcement hierarchy should be applied appropriately before proceeding to formal action.

Support on serving of Notices is available initially through your Area Veterinary Manager and Field Veterinary Leaders.

24. **Got another question?**

If you have a further question that you would like answered, please email [watok@foodstandards.gsi.gov.uk](mailto:watok@foodstandards.gsi.gov.uk). We will issue further updates to these questions and answers if required.

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