

HOME SLAUGHTER OF LIVESTOCK: A GUIDE TO THE LAW IN ENGLAND

30 June 2009

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in an alternative format – such as audio, large print or Braille –**

Summary

Intended audience:	<p>This guidance is applicable to:</p> <ul style="list-style-type: none"> • Keepers of animals who slaughter livestock¹ on farm² for their own consumption or that of members of their household living there. • Local Authorities which are responsible for the enforcement of Animal Welfare, Food Hygiene and Transmissible Spongiform Encephalopathy (TSE) Regulations on farms.
	England only. Parallel guidance applies in other parts of the UK.
	This guidance is intended to accompany relevant EU and national legislation relating to TSEs and meat hygiene.
	To provide information on the law covering the home slaughter of livestock.

Revision History

Revision		
1	December 2003	To reflect the change in the EU TSE Regulation
2	March 2006	To reflect the new EU Food Hygiene Regulations
3	June 2009	To reflect the Commission's interpretation of the EU TSE Regulation.

¹ The Guide is not intended to cover all livestock species but it does cover those species for which we receive most enquiries and is therefore particularly applicable to the following: cattle, sheep and goats where TSE controls apply and pigs.

² For the purposes of this guide, 'farm' is defined as any premises where livestock are kept

Purpose and Legal status

This guidance provides advice on the legal requirements of the EU Food Hygiene Regulation (EC) No. 853/2004³ (as amended), EU Transmissible Spongiform Encephalopathies (TSE) Regulation (EC) No. 999/2001⁴ (as amended), Food Hygiene (England) Regulations 2006 (as amended)⁵ and the Transmissible Spongiform Encephalopathies (England) Regulations 2008 (as amended)⁶. It should be read in conjunction with the legislation itself. It is not an authoritative interpretation of the law, as only the Courts have that power. Every effort has been made to make this guidance notes as helpful as possible. However, it is ultimately the responsibility of individual businesses to ensure their compliance with the law. Livestock keepers or businesses with specific queries may wish to seek the advice of their local authority's trading standards/environmental health department.

3 OJ L 139, 30.04.2004, page 55

4 OJ L 147, 31.5.2001

5 SI 2006 No. 14, amended by SI 2007/56

6 SI 2008 No. 1881, amended by SI No 2008/2269 and SI 2008/3295)

Introduction

1. In this guidance the term “home slaughter” means the slaughter of a livestock animal by the animal’s owner outside an approved slaughterhouse⁷ on their property for their own personal consumption or that of members of their immediate family living there (the supply to family members does not amount to payment in kind).
2. That term should be distinguished from “private slaughter” in an approved slaughterhouse. This is when the owner of the animal sends it to an approved slaughterhouse to be slaughtered and the carcass is returned to the owner. Private slaughter in an approved slaughterhouse is lawful. This is when the owner of the animal sends it to an approved slaughterhouse to be slaughtered and the carcass is returned to the owner.
3. The EU Food Hygiene Regulation (EC) No. 853/2004 provides that only meat from animals slaughtered in approved premises may be “placed on the market” for sale for human consumption. Such slaughter would, among other things, be subject to ante mortem and post mortem inspection by the Meat Hygiene Service. Only in very limited circumstances may livestock animals slaughtered on-farm in an emergency or due to animal welfare or safety considerations be placed on the market for sale for human consumption. This guidance explains what “placing on the market” means in the context of home slaughter and how Transmissible Spongiform Encephalopathy (TSE) controls affect the lawful options.

Public Health Risks

4. Slaughter that does not take place in approved premises is likely to carry a greater human health risk than slaughter in approved premises. There are a number of reasons for this:
 - (a) such slaughter would take place without official Meat Hygiene Service ante mortem and post mortem inspection and supervision;
 - (b) the TSE controls may not have been followed;
 - (c) hygiene requirements may not have been followed;
 - (d) the skill levels of the personnel involved in the slaughter may be limited.

In addition, such slaughter is difficult for enforcement authorities to monitor given that they will often not know where and when it might take place. This difficulty increases the risk that meat from home slaughter could be unlawfully

⁷ Means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and approved to do so by the Food Standards Agency under Regulation (EC) No. 853/2004

diverted on to the market. This increased risk is of particular concern when some home slaughter might not observe the hygiene requirements or the TSE controls such as the removal of specified risk material (SRM) or BSE testing.

Enforcement

5. Local Authorities⁸ are responsible for on-farm enforcement of the domestic Food Hygiene⁹ and TSE Regulations. These domestic Regulations provide for the enforcement of the EU Food Hygiene and EU TSE Regulations.

Food Hygiene (England) Regulations

6. Home slaughter is not specifically prohibited by the EU Food Hygiene Regulation¹⁰. This is because that Regulation applies only to “food business operators” (FBO) and meat intended for *placing on the market* for human consumption. A farmer slaughtering an animal on farm purely for his own personal consumption or consumption by his immediate family living there in the same household, is not in this case considered to be acting as a FBO (even if he is generally considered to be one) and, if he alone consumes the meat, he does not place it on the market either.
7. Nevertheless, when the EU Food Hygiene Regulations do apply, under the Food Hygiene (England) Regulations, local authority officers may certify that meat has not been produced, processed or distributed in accordance with those Regulations. Such meat would then be treated as failing to comply with food safety requirements under section 9 of the Food Safety Act 1990. An order for its condemnation could then be obtained from a Magistrates’ Court. In carrying out this enforcement role, Local Authorities may on occasion need to liaise either with the Meat Hygiene Service (in relation to activities in approved premises) or with the Food Standards Agency (in relation to approval status). A list of contact points is at Annex A.

*TSE Regulations*¹¹

8. The domestic TSE Regulations make provision for the enforcement of the EU TSE Regulation in England. Like all EU Regulations, the EU TSE Regulations are “directly applicable” in all Member States (i.e. it is *automatically* the law in those States with effect from the date from which it applies).
9. The domestic TSE Regulations allow local authorities to appoint inspectors to enforce the legislation and provide powers for inspectors to enter premises, seize any carcase or part thereof and dispose of it as necessary. Alternatively, an inspector may serve a notice requiring disposal.

⁸To find your Local Authority go to: <http://www.food.gov.uk/enforcement/enforceessential/yourarea/>

⁹ Food Hygiene (England) Regulations 2006 SI 2006 No. 14, amended by SI 2007/56

¹⁰ Regulation (EC) No. 853/2004

¹¹ The Transmissible Spongiform Encephalopathies (England) Regulations 2008 SI 2008 No. 1881, amended by SI No 2008/2269 and SI 2008/3295)

The Legal Position

10. The information on the legal position that follows represents the Agency's best understanding of a complex area of law. However, convictions previously obtained and other Court rulings support the Agency's understanding.

Food Hygiene Regulations

11. EU Food Hygiene Regulation 853/2004 states that (with limited exceptions) meat sold for human consumption must be from animals slaughtered in an approved slaughterhouse.
12. There are some circumstances where poultry, rabbits (lagomorphs) and in exceptional circumstances bison and emergency slaughtered animals do not have to be slaughtered in an approved slaughterhouse before their meat can be lawfully placed on the market for human consumption¹².
13. Under the EU food hygiene legislation, the legality of slaughter outside approved premises depends on whether placing on the market is intended. "Placing on the market" is defined as "the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other forms of transfer themselves" (Regulation (EC) No. 178/2002, Art.3). The supply of a carcass back to the owner by an approved slaughterhouse or slaughterman amounts to placing on the market under this definition because:
 - (a) there is supply of food in the course of a business; and
 - (b) such supply is of goods, rather than of services, because what is returned after slaughter (i.e. the carcass or dressed meat) is fundamentally different in kind from what was delivered to the slaughterhouse or slaughterman (i.e. the live animal).

TSE Regulations

14. The European Commission considers that the EU TSE Regulations apply wherever a TSE susceptible animal is slaughtered (including in the case of home slaughter). That means that specified risk material (SRM) must be removed, stained and disposed of in accordance with both the EU TSE Regulations (EC) No. 999/2001 and Regulation (EC) No. 1774/2002 (the Animal By-Products Regulations). SRM is that tissue most likely to be infected with BSE in an infected animal. A full list of SRM is at Annex C. The SRM controls apply only to cattle, bison, buffalo, sheep and goats.

¹² Further details of this exemption are given in Part 1, Section 7.13 of the Meat Industry Guide section "On farm slaughter of small quantities of poultry and lagomorphs" available at www.food.gov.uk/foodindustry/meat/guidehygienemeat

15. In addition, cattle¹³ over 48¹⁴ months of age at slaughter must be tested for BSE, prior to consumption of the meat. Testing involves taking a sample of the animal's brain stem. This task should only be undertaken by or under the supervision of a qualified veterinarian. The sample must then be sent to an approved laboratory (see list at Annex A). Sample results are normally available in 24 hours.
16. The SRM controls apply only to cattle, bison, buffalo, sheep and goats.

Welfare Regulations

17. There is also legislation to protect the welfare of livestock animals¹⁵ (both red meat animals and poultry) during the slaughter or killing process. Whenever livestock is slaughtered (death caused by bleeding after stunning) or killed (immediate death), it must be carried out in accordance with the Welfare of Animals (Slaughter or Killing) Regulations 1995 (as amended) ("WASK"). These Regulations are enforced by Local Authorities when carried out outside approved slaughterhouse. The WASK Regulations are enforced by the Meat Hygiene Service in approved slaughterhouses. Under these Regulations, religious slaughter is only permitted in approved slaughterhouses. The Regulations make it an offence to cause or permit any avoidable excitement, pain or suffering to any animal or bird during the slaughter or killing process.
18. The Regulations also require everyone carrying out such operations to have the knowledge and skill necessary to perform the tasks humanely and efficiently. Only the permitted stunning and killing methods laid down in the Regulations may be used. However where a bird, rabbit, pig, sheep or goat is slaughtered or killed by its owner for his private consumption, there are certain exemptions from the provisions of the Regulations regarding the killing or slaughtering process¹⁶.
19. The Regulations also require most people involved in the slaughter or killing process to be licensed, although there are exemption from this requirement where for instance: (a) the slaughtering or killing of an animal or bird is by the owner for his/her private consumption, and (b) the slaughtering or killing of any animal is other than for a commercial purpose. Further information on-farm animal welfare is available at:
<http://defraweb.defra.gsi.gov.uk/animalh/welfare/farmed/on-farm.htm>
20. The Humane Slaughter Association has published a leaflet entitled *On-farm slaughter of Livestock for Consumption* which provides detailed information on legislation and best practice for farmers on humane slaughtering on farm. The leaflet can be found at www.hsa.org.uk. A point of contact is also provided at Annex A

13 For the purposes of the TSE controls "Cattle" includes bison and buffalo

14 Imported cattle not born in Belgium, Denmark, Germany, Republic of Ireland, Greece, Spain, France, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, United Kingdom (i.e. countries not listed in the Annex to Commission Decision 2008/908) must be tested at Over 30 months or over 24 months if subject to Emergency slaughter

15 For further information, please go to: <http://www.defra.gov.uk/animalh/welfare/farmed/slaughter.htm>

16 For further information please go to: <http://www.defra.gov.uk/animalh/welfare/farmed/slaughter.htm>

Examples illustrating what the legal requirements mean in practice

21. The following examples illustrate the consequences of the application of the legal requirements in practical terms.

Home slaughter by the farmer for his own consumption and/or that of his immediate family living on the same household

22. This is **lawful**. As the farmer does not, in these circumstances, act as a food business operator and as there is no placing on the market if he alone consumes the meat, EU Food Hygiene Regulations do not apply. However home slaughter does fall within the scope of the WASK and the TSE Regulations. So animals must be slaughtered humanely, SRM must be removed, stained and disposed of as a category 1 animal by-product. Cattle aged over 48 months at slaughter must be tested for BSE.

Home slaughter by the farmer for consumption by bed and breakfast guests

23. This is **unlawful** (other than as described in paragraph 12). The farmer would be supplying the meat in the course of a business i.e. carrying out the slaughter of his animal with the intention of supplying it to the guests staying at the farm's bed and breakfast business. This would contravene the Food Hygiene Regulation (EC) No. 853/2004. Meat supplied to bed and breakfast guests must be from animals slaughtered in and approved slaughterhouse.

Slaughter on-farm by an itinerant slaughterman

24. It is unlawful for a farmer to use the services of an itinerant slaughterman both to slaughter his animal and to dress it. This is because the slaughterman would be supplying goods (i.e. a dressed carcass) in the course of his business. However, if the slaughterman did no more than kill the animal, leaving the farmer to dress and cut the carcass, the Courts might be less likely to conclude that the slaughterman was supplying goods (and more likely to be supplying services). If so, this activity might be held to be **lawful**, (i.e. the EU Food Hygiene Regulation 853/2004 would not prohibit it) although the issue is far from clear. The EU TSE controls would in any event apply.

Slaughter in someone else's unapproved premises

25. This is unlawful. Unapproved premises include any place used for slaughtering animals other than an approved slaughterhouse (e.g. field, barn, warehouse, vehicle, unapproved slaughterhouse). The operator of the unapproved premises would be supplying goods (i.e. meat) back to the farmer in the course of a business. They would therefore be placing the meat on the market. The slaughter would be an offence, as would any subsequent sale.

Private slaughter in an approved slaughterhouse

26. This is lawful. Private slaughter of an animal (excluding cattle born or reared in the UK before 1 August 1996) may lawfully take place in an approved slaughterhouse¹⁷. As the slaughter has taken place in approved premises and the carcasses would have been health marked if fit for human consumption it can be legally returned to the owner either for personal use, supply to B&B guests or subsequent sale in a farm shop. This includes the requirement that any subsequent cutting for placing on the market should take place in an approved cutting plant or butchers.
27. For further information, see contacts at Annex A. There is also a Question and Answer brief attached at Annex B.

Food Standards Agency

30 June 2009

¹⁷ Cattle aged over thirty months and cattle aged over 48 months which require BSE testing must only be sent to slaughterhouses approved to slaughter that age range. A list of these premises is available at <http://www.defra.gov.uk/animalh/bse/otm/review/guidance-otm.htm>

- **Animal Welfare Issues**

Geoff Webdale

tel: 0207 238 5755

e-mail: geoff.webdale@defra.gsi.gov.uk

- **BSE testing**

Animal Health www.defra.gov.uk/animalhealth/about-us/contact-us/search/

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- **Slaughterhouses approved to slaughter OTM & Over Forty Eight Months cattle**

www.defra.gov.uk/animalh/bse/otm/review/guidance-otm.htm

- **Laboratories Approved for BSE Testing**

http://www.defra.gov.uk/vla/services/ser_bse_lab_approvals.htm

- **Veterinary Laboratories Agency (VLA) regional laboratories**

VLA Aberystwyth	Y Buarth Aberystwyth Ceredigion, SY23 1ND	Tel: 01970 612374 Fax: 01970 612424
VLA Bury St Edmunds	Rougham Hill Bury St Edmunds Suffolk, IP33 2RX	Tel: 01284 724499 Fax: 01284 724500
VLA Carmarthen	Job's Well Road Johnstown Carmarthen, SA31 3EZ	Tel: 01267 235244 Fax: 01267 236549
VLA Langford	Langford House Langford Bristol, BS40 5DX	Tel: 01934 852421 Fax: 01934 852981
VLA Lasswade	Pentlands Science Park Bush Loan Penicuik, Midlothian, EH26 0PZ	Tel: 0131 445 6169 Fax: 0131 445 6166
VLA Luddington	Luddington Stratford-upon-Avon Warwickshire, CV37 9SJ	Tel: 01789 750212 Fax: 01789 750281
VLA Newcastle	Whitley Road Longbenton Newcastle-upon-Tyne, NE12 9SE	Tel: 0191 266 2292 Fax: 0191 266 3605

VLA Penrith	Merrythought Calthwaite Penrith, CA11 9RR	Tel: 01768 885295 Fax: 01768 885314
VLA Preston	Barton Hall Garstang Road Barton Preston, PR3 5HE	Tel: 01772 861611 Fax: 01772 862026
VLA Shrewsbury	Kendal Road Harlescott Shrewsbury, SY1 4HD	Tel: 01743 467621 Fax: 01743 441060
VLA Starcross	Staplake Mount Starcross Exeter, EX6 8PE	Tel: 01626 891121 Fax: 01626 891766
VLA Sutton Bonington	The Elms College Road Sutton Bonington Loughborough Leics, LE12 5RB	Tel: 01509 672332 Fax: 01509 674805
VLA Thirsk	West House Station Road Thirsk, YO7 1PZ	Tel: 01845 522065 Fax: 01845 525224
VLA Truro	Polwhele Truro Cornwall, TR4 9AD	Tel: 01872 272150 Fax: 01872 223443
VLA Winchester	Itchen Abbas Winchester, SO21 1BX	Tel: 01962 779966 Fax: 01962 842492

- ***Humane Slaughter Association – ‘On-Farm Slaughter of Livestock for consumption’***

Charlie HSA tel: 01582 831919
Mason The Old School fax: 01582 831414
Brewhouse Hill e-mail: charlie@hsa.org.uk
Wheathampstead htth://www.hsa.org.uk
Herts. AL4 8AN

HOME SLAUGHTER QUESTIONS & ANSWER BRIEF

Farmers/Keepers

Q1. *I do not have a cattle passport for my animal. Can I carry out a home kill?*

There is nothing in the Cattle Identification Regulations 2007 (as amended) preventing you from carrying out a home slaughter without a passport.

Q2. *Can I eat any meat from my own animals?*

Yes. You must however, ensure that your animal is slaughtered and prepared lawfully (see below).

Q3. *How should I have my own animals slaughtered for my own consumption?*

There are two lawful ways in which to have your animals slaughtered and prepared for your own consumption:

- (a) in an approved slaughterhouse; or
- (b) on your farm by *you*.

The Food Standards Agency advises that option (a) would generally carry a lower risk to your health than option (b).

It would be unlawful in all cases to employ anyone else - including a slaughterman – subject to what is said in paragraph 25 above. It would also be unlawful to have the animal slaughtered anywhere else away from your property other than in an approved slaughterhouse.

Q4. *What should I do with the waste material?*

If you slaughter the animal yourself on your farm, any part of the carcass you do not consume would be classed as animal by-products under the EU Animal By-Products Regulation (EC) No.1774/2002. The waste material would have to be disposed of in line with the Regulation, for example by arranging for the material to be rendered or incinerated. Your local Animal Health Office or local authority trading standards department (or, in some cases, environmental health department) can advise on what your options would be. SRM must be removed from cattle, sheep and goats and must not be consumed, and must be stained and be disposed of as Category 1 animal by-product.

Q5. *Can I sell the meat from my own animals?*

Only if the animal has been slaughtered at an approved slaughterhouse would it be lawful for you to place the meat on the market, for example offer for sale in your farm shop or fed to guests of your bed and breakfast enterprise.

Q6. *Does the restriction on supplying home slaughtered meat apply to partnerships or joint owners?*

Yes. It is unlikely that a Court would decide that supplying meat from a home slaughter would be rendered lawful simply because the supply was carried out within a partnership or to a co-owner.

Q7. *What about TSE controls for home slaughtered pigs, poultry, farmed game or rabbits?*

The TSE Regulations do not apply to pigs, poultry, farmed game and rabbits.

Q8. *How do I get a BSE test done for my home-slaughtered cattle?*

Details of private laboratories in Great Britain approved to carry out BSE testing are available at

http://www.defra.gov.uk/vla/services/ser_bse_lab_approvals.htm. The Veterinary Laboratories Agency (VLA) also offers a private service to receive bovine heads of home-slaughtered cattle at its Regional Laboratories, to extract the brain sample and carry out a BSE test. Your private veterinary surgeon should make the arrangements for testing with the local VLA regional laboratory. These arrangements should be made before the animal is slaughtered. There is a charge for the testing service. Contact details for the VLA laboratories can be found at Annex A.

Q9. *Can I eat my home-bred cow which was born before 1 August 1996?*

No. European rules state that all body parts of cattle born or reared in the UK before 1 August 1996 must be disposed of as animal by-products.

It is an offence to send cattle born or reared in the UK before 1 August 1996 to an approved slaughterhouse.

Approved slaughterhouse operators

Q10. *Can I undertake a private slaughter for a farmer?*

Yes. If the slaughter takes place on your premises. A private slaughter would be subject to exactly the same rules and procedures as a conventional (commercial) slaughter.

Q11. *Can a farmer have an animal privately slaughtered other than in an approved slaughterhouse?*

No. Except by the farmer himself on farm (see Q3 above), bison (in exceptional circumstances) and in an emergency following an accident where the animal is unable to be moved to the slaughterhouse for welfare reasons. There is, however, an exemption which allows a farmer to slaughter on his holding small quantities of poultry or lagomorphs reared there and place them on the market for human consumption, subject to certain conditions¹⁸.

¹⁸ See On farm slaughter of small quantities of poultry and lagomorphs in Part 1, Section 7.13 of the Meat Industry Guidance available at www.food.gov.uk/foodindustry/meat/guidehygienemeat

ANNEX C

DEFINITION OF SPECIFIED RISK MATERIAL

Cattle	<p>All ages</p> <p>The tonsils, the intestines, from the duodenum to the rectum, and the mesentery.</p> <p>Over 12 months</p> <p>Skull excluding the mandible but including the brains and eyes, and spinal cord.</p> <p>Over 30 months</p> <p>Vertebral column, excluding the vertebrae of the tail the spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, the median sacral crest and the wings of the sacrum, but including the dorsal root ganglia .</p>
Sheep and goats	<p>All ages</p> <p>The spleen and the ileum</p> <p>Over 12 months (or permanent incisor erupted)</p> <p>Skull including the brains and eyes, tonsils, spinal cord.</p>

STAINING REQUIREMENTS FOR SRM

Staining involves treating the material (whether by immersion, spraying or other application) with:

- a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(a)); or
- such other colouring agent as may be approved in writing by the Secretary of State or the Food Standards Agency.

The stain must be applied in such a way that the colouring remains clearly visible;

- over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and
- in the case of all other specified risk material, over the whole surface of the material.