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PRIVATE SLAUGHTER OF LIVESTOCK GUIDANCE FOR FOOD AUTHORITIES IN WALES

Introduction

1. Private slaughter is the killing of an animal for the personal consumption of the owner. Such slaughter and consumption is often considered to be a human right of the animal's owner, although the lawful options for carrying this out have not always been clear either for the owner or for the enforcement authorities.
2. It is fundamental to the operation of the Hygiene Regulations¹ that the slaughter of animals intended for placing on the market for human consumption must, in almost all

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“Regulation 852/2004” means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs⁽¹⁾ as read with Regulation A and Regulation B;

“Regulation 853/2004” means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹⁾ as amended by Regulation C and Regulation E and as read with Directive 2004/41, Regulation A, Regulation C and Regulation E;

“Regulation 854/2004” means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹⁾ as amended by Regulation 882/2004, Regulation C and Regulation E and as read with Directive 2004/41, Regulation C, Regulation D and Regulation E;

“Regulation 882/2004” means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾ as read with Decision A, Decision B, Regulation C and Regulation E;

“Regulation A” means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs⁽¹⁾;

“Regulation B” means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs⁽¹⁾;

“Regulation C” means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004, for the organisation of official controls under Regulations (EC) Nos. 854/2004 and 882/2004, derogating from Regulation (EC) No. 852/2004 and amending Regulations (EC) Nos. 853/2004 and 854/2004⁽¹⁾;

cases, take place in an approved slaughterhouse or, in the case of farmed game and poultry, in an authorised on farm farmed game and poultry slaughter facility. Such slaughter would, among other things, be subject to ante mortem and post mortem inspection by the Meat Hygiene Service or, in the case of on farm slaughter, to an ante mortem inspection by an approved veterinarian. Private slaughter in an approved slaughterhouse is lawful. It does not necessarily follow, however, that all private slaughter outside an approved slaughterhouse would be unlawful. That is because the Hygiene Regulations apply to meat intended for *placing on the market* for human consumption. Thus private slaughter outside an approved slaughterhouse would in principle be lawful if it was not intended that placing on the market of the meat should take place. This guidance therefore explains what *placing on the market* means in this context. The guidance also explains how Transmissible Spongiform Encephalopathy (TSE) controls affect the lawful options for private slaughter.

3. Food Authorities are responsible for enforcing the Regulations which provide for the enforcement of the Hygiene Regulations, namely the Food Hygiene (Wales) Regulations 2006 (SI 2006/31 (W.5)) outside approved slaughterhouses and cutting plants. They may, when carrying out inspections pursuant to those Regulations outside approved premises, 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 and an order for its condemnation could therefore be obtained from a Magistrates' Court. In carrying out this enforcement role, Food Authorities may on occasion need to liaise either with the Meat Hygiene Service (in relation to activities in approved plants) and with the Food Standards Agency (in relation to approval status). A list of contact points for both is at Annex A.

Public Health Risks

4. Slaughter outside approved premises is likely to carry a greater public 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) such slaughter might also be carried out without observing the TSE controls.
- (c) the skill levels of the personnel involved may be lower;

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 (supposedly) privately slaughtered meat could be unlawfully diverted for placing on the market for human consumption. This increased risk is of particular concern when, as noted at (b) above, some private slaughter might not observe the TSE controls.

“Regulation D” means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat⁽¹⁾; and

“Regulation E” means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) Nos. 854/2004 and 882/2004 of the European Parliament and of the Council and amending Regulations (EC) Nos. 853/2004 and 854/2004⁽¹⁾.

The Legal Position

5. The guidance on the legal position that follows represents the Agency's best understanding of a complex area of law. It is, of course, subject to the caveat that only the Courts can determine the true meaning of the law in this area. However, several convictions and other court rulings have now been secured on the basis of the Agency's understanding of the law.

6. Article 4 of EC Regulation 853/2004 provides that no person shall carry on the business of a slaughterhouse or place on the market products of animal origin for human consumption unless the premises are approved under that Regulation (exception – see paragraph 10 below). The legality of slaughter outside approved premises therefore depends on whether placing on the market is intended. "Placing on the market" is widely defined for the purposes of the Hygiene Regulations to mean "the holding of food for the purposes 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". The transaction underlying a private slaughter (i.e. the supply of a carcase back to the owner) in general amounts to placing on the market under the above definition because:

- (a) in general there would be the supply of food in the course of a business;
- (b) such supply would in essence amount to a contract for the supply of goods, rather than of services, in that what is returned after slaughter (i.e. the carcase or dressed meat) is fundamentally different in kind from what was delivered to the slaughterhouse or slaughterman (i.e. the live animal); and
- (c) as already stated, the Food Hygiene (Wales) Regulations 2006 implement the Hygiene Regulations. The Hygiene Regulations apply to the production and placing on the market of all meat intended for human consumption and contain no derogation for private slaughter (other than that described in paragraph 11 below).

7. The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 (SI 2006/1226 (W.117)) which came into force from 3 May 2006 and which replace earlier regulations make provision for the enforcement of EC Regulation 999/2001 on Transmissible Spongiform Encephalopathies (TSE). EC Regulation 999/2001 in effect resulted in a change to the position as to private slaughter. Like all EC Regulations it is 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).

8. As far as private slaughter is concerned, the EC TSE controls apply to the extent provided for by Regulation 999/2001. That Regulation, like the Hygiene Regulations, applies to "placing on the market" and defines that term in a similar way to the corresponding definition applicable to the Hygiene Regulations as explained in paragraph 6 above. It applies not only when a sale of meat for human consumption takes place, *but also where there is supply to a third party in the community*. This means that the controls apply in all situations where a third party is involved. **It is, therefore, no longer lawful for the farmer to supply privately killed meat to the rest of his household without the TSE Regulation having been applied, as they are considered to be a third party.** The only exception is a truly private kill where a farmer slaughters the animal himself, processes it himself, and consumes it himself.

9. The TSE Regulation **only** applies to those TSE susceptible species under SRM controls: bovine, ovine and caprine species. Porcine species, poultry, farmed game species and rabbits are not under SRM controls and may be supplied by a farmer to the rest of his household - though not to any other third party. Neither the Hygiene Regulations nor the Food Hygiene (Wales) Regulations 2006 changes the requirements of Regulation 999/2001. This means that any slaughter of an animal for placing on the market for human consumption would need to take place in an approved slaughterhouse.

10. There are some circumstances where poultry and lagomorphs do not have to be slaughtered in an approved slaughterhouse in order for their meat to be lawfully placed on the market for human consumption. Article 1(3)(d) of Regulation 853/2004 states that the Regulation does not apply to the direct supply, by the producer, of small quantities of meat from poultry or lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat. Article 1(4) goes on to say that the rules governing the persons and activities benefiting from this exemption (in addition to those set out in Regulation 852/2004) will be set out in national law. These national rules are set out in Schedule 5 to the Food Hygiene (Wales) Regulations 2006. (See *On farm slaughter of small quantities of poultry and lagomorphs in the Meat Industry Guidance*)

11. There is also legislation to protect the welfare of farmed livestock (both red meat animals and poultry) during the slaughter or killing process. Whenever such 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). This is enforced by the Meat Hygiene Service in approved slaughterhouses. Outside approved premises, i.e. on farm, the Regulations are enforced by the State Veterinary Service. These 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. They also require everyone carrying out such operations to have the knowledge and skill necessary to perform the tasks humanely and efficiently in accordance with the Regulations. Only the permitted stunning and killing methods laid down in the Regulations may be used. The Regulations also require most people involved in the slaughter or killing process to be licensed, although there are a number of exemptions from this requirement. These exemptions include:

- (i) the slaughtering or killing of an animal or bird by the owner for his/her private consumption;
- (ii) the use of a free bullet to kill an animal in the field; and
- (iii) the killing of a bird by dislocation of the neck on premises on which the bird was reared.

The Welsh Assembly Government, Department for Environment, Planning and Countryside is responsible for legislation on animal health and welfare. The relevant contact point is at Annex A. Furthermore, the Humane Slaughter Association has produced a leaflet entitled *On-farm slaughter of Livestock for Consumption*. This provides detailed information on legislation and best practice for farmers on humane slaughtering on farm. The relevant contact point is also at Annex A.

Examples illustrating what the legal requirements mean in practice

12. The following examples illustrate the consequences of the legal requirements in practical terms. In the examples in paragraphs 13 to 17, the competent enforcement authority would be the relevant Food Authority. The Meat Hygiene Service would be the enforcement authority in the example in paragraph 18 in respect of slaughter and dressing in approved premises.

Slaughter on-farm by the Farmer for his own consumption only

13. This is **lawful**. There is no placing on the market here. Thus the Hygiene Regulations and TSE Regulations would not apply. This means that it would be lawful for the farmer to slaughter his animal for his own consumption (even if it was born or reared in the UK before 1 August 1996 in the case of a bovine). At its most extreme this means that a farmer could lawfully slaughter his own pre -1 August 1996 cow without BSE testing and consume any part of it, including those parts of it which would otherwise have been classed as SRM (e.g. the brain), notwithstanding the risks to his health that this might entail. Nevertheless any part of the carcass (including blood) that the farmer chose *not* to consume would be classed as animal by-products under the EC Animal By-Products Regulation (1774/2002). The waste material would have to be disposed of in line with that Regulation. As with the SRM controls, it is local authorities that have enforcement responsibility for the Animal By-Products Regulation outside approved premises.. Guidance was issued for local authorities by the FSA on specified risk material and other BSE controls in April 2004. This guidance is currently being revised and will be issued separately to local authorities in due course. The Welsh Assembly Government, Department for the Environment, Planning and Countryside is responsible for legislation on the disposal of animal by-products. The relevant contact point is at Annex A. It would be **unlawful** for the farmer to place on the market any part of such an animal, as it would not have been subject to any of the general meat hygiene and TSE controls and would not have been health marked. It would also be **unlawful** for the farmer to have an animal that he had slaughtered on farm cut up by a butcher.

Slaughter on-farm by the Farmer for consumption by his immediate family living in the same household

14. Under EC Regulation 999/2001 this option is in effect unlawful for TSE susceptible species i.e. bovines, ovines and caprines. This is because, as already stated, the Regulation applies not only when a sale takes place, but also where there is supply to a third party, (which includes supply to the farmer's family). That means that the Regulation applies in all situations where a third party is involved - i.e. the only exception is a truly private kill where a farmer slaughters the animal himself and consumes it himself. **It is, therefore, no longer possible for the farmer to supply privately slaughtered meat to the rest of his household without the TSE controls having been applied.**

Slaughter on-farm by the Farmer for consumption at his bed and breakfast enterprise

15. This is **unlawful** (other than in the case described in paragraph 10). The farmer is supplying the meat in the course of his business i.e. he is carrying out the slaughter of his animal with the intention of supplying it to the guests in his bed and breakfast business. This would amount to the offence of contravention of Article 4 of EC Regulation 853/2004.

Slaughter on-farm by an Itinerant Slaughterman

16. It is **unlawful** for a farmer to use the services of an itinerant slaughterman both to kill his animal and to dress it. This is because (as explained at paragraph 6(b) above) the slaughterman would be supplying goods (i.e. a dressed carcass) in the course of his business. The slaughter and the supply of the dressed carcass back to the farmer would give rise to a number of offences under Article 4 of EC Regulation 853/2004, as would any subsequent placing on the market. If, however, the slaughterman did no more than kill the animal for the farmer, 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. neither the Hygiene Regulations nor the TSE Regulations would prohibit it) although the issue is far from clear.

Slaughter in Other Unapproved Premises

17. This is **unlawful** (other than in the case described in paragraph 10). Unapproved premises here could include any place used for slaughtering animals other than an approved slaughterhouse (e.g. field, barn, warehouse, vehicle, unapproved slaughterhouse). Other than in the example quoted at paragraph 13 (where the farmer is slaughtering an animal for consumption by himself), the operator of the unapproved premises would be supplying goods (i.e. meat) back to the farmer in the course of the operator's business. There would therefore be placing on the market. The slaughter would then amount to an offence, as would any subsequent sale under Article 4 of EC Regulation 853/2004.

Private Slaughter in an approved Slaughterhouse

18. This is **lawful**. Private slaughter of an animal (excluding a bovine born before or reared in the UK before 1 August 1996) may lawfully take place in an approved slaughterhouse. The slaughterhouse is supplying the farmer with the meat from his animal in the course of its business, so there is placing on the market. The Hygiene Regulations and, where relevant, the SRM controls and the OTM BSE testing therefore apply, and these are all enforced within approved slaughterhouses. This means, furthermore, that should the farmer decide not to consume the meat from his animal but rather to place it on the market (e.g. in his farm shop or bed and breakfast enterprise) it would be **lawful** for him to do so as the meat would have been produced lawfully and would have been health marked as fit for human consumption. This would, however, be subject to compliance with the relevant provisions of the Hygiene and TSE Regulations as well as the Food Hygiene (Wales) Regulations 2006. This includes the requirement that any subsequent cutting for placing on the market should take place in an approved cutting plant.

19. A Question and Answer brief is attached at Annex B. This attempts to answer some of the questions which local authorities are likely to be asked by the public more frequently.

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**Food Standards Agency Wales
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PRIVATE SLAUGHTER OF LIVESTOCK

QUESTIONS AND ANSWER BRIEF

Consumers

1. *Is meat from privately slaughtered animals safe?*

Meat slaughtered outside an approved slaughterhouse is likely to carry a greater public health risk than that slaughtered inside, for a number of reasons:

- (a) such slaughter would take place without official Meat Hygiene Service ante-mortem and post-mortem inspection and supervision;
- (b) such slaughter might also be carried out without observing the TSE controls;
- (c) the skill levels of the personnel involved may be lower.

2. *Can someone supply me with privately slaughtered meat?*

No. Under the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 a farmer can only supply beef, sheep or goat meat to you if the EC Regulation 999/2001 has been observed. In practical terms these Regulations can only realistically be complied with in approved slaughterhouses.

If, however, the farmer had his or her animal slaughtered in an approved slaughterhouse, it would be lawful for the farmer to supply the resulting meat direct to you e.g. as a gift or through his or her farm shop or bed and breakfast enterprise (see below).

3. *How can I be sure that the meat I buy wasn't slaughtered illegally?*

If meat was slaughtered and prepared lawfully in approved premises, it will bear the health mark. Where meat is pre-packed (e.g. in a supermarket) the identification mark will normally be printed on the packaging. The health mark is applied to the carcass before it is cut. The health mark has "UK" at the top, "EC" at the bottom, and the approval number of the plant in the middle. Emergency slaughter meat must bear "a special health mark" which cannot be confused with the health mark or identification mark.

Where meat is placed on the market unpackaged, for example in a butcher's shop or delicatessen, the health mark will not usually be visible to the purchaser. You could, however, ask to see evidence of the health mark, for example on the packaging that was used to deliver the meat to the shop or on parts of the carcass that have not yet been cut.

Farmers

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

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

5. *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 *yourself*.

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

If you choose option (b), it would be unlawful in all cases to employ anyone else - including a slaughterman. It would also be unlawful to have the animal slaughtered anywhere else away from the farm, other than in an approved slaughterhouse.

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

If you chose option (b) above and slaughtered the animal yourself on your farm, any part of the carcass you chose not to 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.

7. *Can I place on the market the meat from my own animals?*

No, not if you have chosen option (b) above – furthermore, you would not, realistically, be able to even offer your beef, sheep or goat meat to members of your immediate family living in your household, or to colleagues within your business – e.g. partners – or their immediate family living within their household.

If, however, you have chosen option (a) above, it would be lawful for you to retail the meat, for example in your farm shop or your bed and breakfast enterprise.

8. *Does the restriction of supplying privately slaughtered meat apply to partnerships or joint owners?*

(This covers two separate areas of law; national legislation concerning partnerships, and EC law as regards private kills and dealing with SRM in certain types of animals)

Yes. It is unlikely that a Court would decide that a private kill (which, but for the involvement of a partnership, would be unlawful under the EC Regulation 853/2004 and, the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 would be rendered lawful, simply because the supply was carried out within a partnership.

In considering the legislation defining 'partnerships' and 'persons' it is recognised that, whilst a partnership is a separate entity, it is comprised of individual partners. They would be considered 'persons' for the purposes of the Regulations.

Furthermore, it is thought likely that the courts would be mindful of their obligation to construe national legislation in line with EC requirements wherever possible.

Therefore, whilst the owner of an animal is free, if he so wishes, to privately slaughter and consume the meat from that animal himself, he cannot lawfully provide any of that meat to any other person, even a co-owner of that animal, as this would still constitute supplying a third party and would therefore be unlawful.

9. *What about controls for privately slaughtered pigs?*

EU Regulation 999/2001 **only** applies to those TSE susceptible species under SRM controls: bovine, ovine and caprine species. Porcine species, poultry, farmed game species and rabbits are not under SRM controls and may be supplied by a farmer to the rest of his household - though not to any other third party. Neither the Hygiene Regulations nor the Food Hygiene (Wales) Regulations 2006 will change the requirements of Regulation 999/2001. This means that any slaughter of an animal for placing on the market for human consumption would need to take place in an approved slaughterhouse, as now.

10. *Why did the position change?*

The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 provide the arrangements for the enforcement of directly applicable EC Regulation 999/2001 as amended. Under Regulation 999/2001 supply against payment or free of charge to a third party is regarded as "placing on the market". If placing on the market takes place the TSE Regulations must be applied to the kill. Therefore, it is not possible realistically to be able to offer beef, sheep or goat meat from animals slaughtered on your farm to your immediate family or household as it is not possible to comply with the TSE Regulations outside of an approved slaughterhouse.

EU Regulation 999/2001 was introduced to provide harmonised rules for the prevention, control and eradication of certain TSEs which are applicable in all Member States.

Approved slaughterhouse operators

11. *Can I undertake a private kill for a farmer?*

Yes. A private kill would be subject to exactly the same rules and procedures as a conventional (commercial) kill.

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

No, other than by himself or herself on farm (see Question 5 above). 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 conditions. (*See On farm slaughter of small quantities of poultry and lagomorphs in Meat Industry Guidance*).