

## Clarification on the requirements for non-stun slaughter of small ruminant animals by religious rites.

### Legal Requirements

Recital 32 of *Regulation (EC) 1099/2009* (“the EU Regulation”) recognises that **restraining animals** is necessary for the safety of operators and the proper application of some stunning techniques, but is likely to create distress to animals and should therefore be **applied for as short a period as possible**.

This principle is restated in Annex II, point 3.1(d) of the EU Regulation, which requires **restraining equipment and facilities to be designed, built and maintained to minimise the time of restraint**.

The concept of “**restraint**” is defined in Article 2 (p) of the EU Regulation as the “application to an animal of any **procedure designed to restrict its movements sparing any avoidable pain, fear or agitation in order to facilitate effective stunning and killing**”.

“**Killing**” is defined (Article 2 (a) of the EU Regulation) as **any intentionally induced process causing the death of an animal**.

Prior to the EU Regulation coming into effect, the requirements on restraint of small ruminants was covered by Schedule 12 of the *Welfare of Animals (Slaughter of Killing) Regulations 1995* (WASK) which required that only one sheep at a time could be placed in a “cradle”. Standstill requirements also applied at the time. Defra had agreed with the industry that a V-restrainer could be considered a “cradle” for the purposes of WASK. The national provision was superseded when, on 1 January 2013, the EU Regulation came into force. In the EU Regulation, there is a requirement that all animals killed in accordance with religious rites (Article 4(4)) without prior stunning **must be individually restrained; and that ruminant animals must be mechanically restrained** (Article 15(2)).

Recital 43 states that slaughter without stunning requires an accurate cut of the throat with a sharp knife to minimise suffering. In addition, animals that are not mechanically restrained after the cut are likely to endure a slower bleeding process and, thereby, prolonged unnecessary suffering. Therefore, **ruminants slaughtered without stunning should be individually and mechanically restrained**.

Article 9.3 of the EU Regulation requires business operators to ensure that animals are not placed in restraining equipment, including head restraints, until the person in charge of stunning or bleeding is ready to stun or bleed them “**as quickly as possible**”.

**Article 26 of the EU Regulation permits Member States to retain existing national rules in force prior to 1.1.2013** (when the EU Regulation came into force) that were aimed at ensuring more extensive animal welfare protection at slaughter. Article 26(2)(c) allows Member States to adopt additional controls in the area of slaughter by religious rites. The stricter national rules on religious slaughter in

Schedule 12 of WASK were carried over into Schedule 3 of the domestic *Welfare of Animals at the Time of Killing (England) Regulations 2015* (WATOK). These requirements apply in addition to the EU Regulation. The High Court judgment in July 2017 confirmed the validity of the stricter national rules in WATOK.

WATOK requires business operators and their personnel engaged in the non-stun killing of sheep or goats by religious rites to ensure that:

- **the animal is not placed in restraining equipment unless the person who is to carry out the killing is ready to make the incision “immediately” after it is placed in the equipment** (Schedule 3, regulation 6(1) (a)), and
- **it is not shackled, hoisted or moved in any way until it is unconscious and in any event not before the expiry of (a) in the case of a sheep or a goat, a period of not less than 20 seconds after it has been bled by the severance of both its carotid arteries and jugular veins by rapid, uninterrupted movements of a hand-held knife** (Schedule 3, regulation 6(2) (a) and 5(a)).

The EU Regulation also requires that; where, for the purpose of Article 4(4), **animals are killed without prior stunning, persons responsible for slaughtering shall carry out systematic checks to ensure that the animals do not present any signs of consciousness or sensibility before being released from restraint and do not present any sign of life before undergoing dressing or scalding (Article 5(2) of the EU Regulation).**

### **Principles to follow when configuring restraining equipment**

1. Restraint begins from the point at which a live conscious animal is placed in equipment, designed to restrict its movement and facilitate the killing of the animal. During routine killing operations, restraint ends, after the bled and unconscious animal is released from restraint. (**Article 2, (p) and (a) of the EU Regulation**).
2. Restraining equipment and facilities must be designed to minimise the time an animal spends in restraint. An animal should only be placed in a V- restrainer belt when a slaughterman is ready to proceed with bleeding and subsequent operations. It shall not be used for the purpose of moving animals from one part of the premises to another (**Recital 32, Article 9 and Annex II, point 3.1(d) of the EU Regulation**).
3. Only one animal may be present in a mechanical V-restrainer at any one time (**Article 15(2) of the EU Regulation**).
4. Once an animal is placed into a v-restrainer, it is deemed to be “restrained” and the animal must be cut and bled immediately (**Schedule 3, paragraph 6(1) (a) of WATOK**).

5. Whilst an animal is conscious and restrained, no additional animals may be held in the same restrainer. Once an animal has been cut and bled, unconsciousness has been confirmed and at least 20 seconds has elapsed, the unconscious animal can be removed from the V-restrainer. Only then may another animal be placed in the restrainer (**Article 2, (p) and (a), and Article 5(2) of the EU Regulation, and Paragraph 6(2) of WATOK**).
6. For the animals to be killed efficiently/without unnecessary delay, an effective cut must be administered. The belt must be stationary and both the animal's carotid arteries and jugular veins must be severed by rapid, uninterrupted movements of a hand-held knife (**Schedule 3, Regulation 5(a), 6, 1(a) of WATOK and Annex III, Point 3.2 of the EU regulation**).
7. The animal must not be released from restraint or moved in any way, until a systematic check has been performed to ensure the animal presents no signs of consciousness or sensibility and at least 20 seconds has elapsed (**Article 5(2) of the EU regulation and Schedule 3, paragraph 6(2) (a) of WATOK**).
8. There should be a systematic procedure in place to verify that the total throughput is consistent with the 20-second standstill requirements (i.e. calculations demonstrating that the rate at which animals are slaughtered are no more than the maximum that can be slaughtered if each animal is held for at least 20 seconds).
9. An animal must not be dressed in any way until it presents no signs of life and is dead (**Article 5(2) of the EU Regulation and Schedule 3, paragraph 6,2 of WATOK**).
10. An animal ceases to be restrained when dead. [**Article 2, (p) and (a) of the EU Regulation**]. The legal provisions on restraining do not therefore apply to a dead animal.

V-restrainer equipment comes in a variety of shapes and sizes, however, it is the manner in which the equipment is used that will determine whether it is compliant with both the EU Regulation and WATOK. In the case of non-stun slaughter, provided the slaughterer is available to cut and bleed the animal immediately it is restrained and only one animal is placed in the restraint equipment at any one time, the process may be compliant with the law.

### **Facilities and Equipment**

In addition to the specific requirements on non-stun religious slaughter in the EU Regulation and in WATOK, there are also additional requirements concerning facilities and equipment in Annex II of the EU Regulation that a slaughterhouse will need to comply with if introducing new equipment or a new layout.