

To: Interested Parties (on the attached list)

15 January 2010

Dear Sir/Madam

CONSULTATION ON THE DRAFT CODE OF PRACTICE ON THE WELFARE OF GAMEBIRDS REARED FOR SPORTING PURPOSES

I am writing to invite comments and views on the enclosed draft Code of Practice on the Welfare of Gamebirds reared for Sporting Purposes. The finalised Code will need to be approved by the Scottish Parliament and will be made under section 37 of the Animal Health and Welfare (Scotland) Act 2006.

A failure by a person to comply with the advice in the Code does not of itself constitute an offence, however, such a failure may be taken into consideration by a court should proceedings be brought against a person accused of an offence under Part 2 (the welfare sections) of the Animal Health and Welfare (Scotland) Act 2006. Whereas, complying with the provisions of the Code can be used as evidence in defence should a person be accused of an offence under the Act.

The consultation package includes:

- A Respondee Information Form,
- The consultation letter,
- The draft Code of Practice on the Welfare of Gamebirds reared for Sporting Purposes.

These documents can be found on the Scottish Government's website at <http://www.scotland.gov.uk/Consultations/Current>.

This consultation covers Scotland. Separate but similar consultations are taking place in England, Wales and Northern Ireland and we would be interested in responses from those who have already responded to the other consultations.

A list of the organisations which have been consulted is attached to this letter.

If you are aware of other organisations, businesses or individuals who you think should be consulted, please feel free to copy this consultation to them, or inform us of the omission.

Comments on the draft code should be sent to the following address by **9th April 2010**.

Allan McFarlane
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Room 350
Pentland House
47 Robb's Loan
EDINBURGH
EH14 1TY

By email to: animal.health@scotland.gsi.gov.uk

By fax to: 0131 244 6616

I would be grateful if you would clearly indicate in your response which parts or paragraphs of the draft Code you are responding to, as this will aid the analysis of the responses.

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. **Please complete and return the Respondee Information Form** (only required if you are providing a response) as this will ensure that we treat your response appropriately. If you ask for your response not to be published, we will regard it as confidential and we will treat it accordingly. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002, therefore, we have to consider any request made under that Act for information relating to this consultation exercise.

If you have any queries about this consultation please email or fax us as above, or call 0131 244 6117.

If you would like further copies of this consultation, or the document in an alternative format, such as large print, Braille, audiotape or disc, or in a community language please use the contact details above. I expect that most respondents will find it easier to send in a written response, but if you would find it easier to respond in some other way (such as by telephone, audiotape or at a meeting) please contact us to make the necessary arrangements.

This consultation and all other Scottish Government consultation exercises can be viewed at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out the location of your nearest Public Internet Access Point.

The Scottish Government has an e-mail alert system for consultations (SEconsult). This system allows stakeholder individuals and organisations to register and receive a weekly e-mail containing details of all new consultations (including web links). SEconsult complements, but in no way replaces our distribution lists, and is designed to allow stakeholders to keep up-to-date with all of our consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. I would encourage you to register.

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. In general, however, consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work, to do so in ways which will inform and enhance that work. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

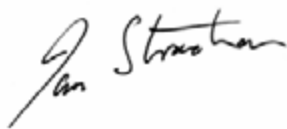
The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process. Depending on the nature of the consultation exercise, the responses received may:

- Indicate the need for policy development or review;
- Inform the development of a particular policy;
- Help decisions to be made between alternative policy proposals; and
- Be used to finalise legislation before it is implemented.

Where respondees have given permission for their response to be made public (via the Respondee Information Form) these will be made available to the public in the Scottish Government Library. All responses, where agreement to publish has been given, will be checked for any potentially defamatory material before being logged in the library or placed on the website. The library is located at Saughton House, K Spur, Broomhouse Drive, Edinburgh, EH11 3XD and you can make arrangements to view the responses by contacting the SE library on 0131 244 4565. Responses can be copied and sent to you but a charge may be made for this service.

If you have any comments about how this consultation exercise has been conducted, please send them to the response address above.

Yours faithfully



Ian W Strachan
Head of Animal Welfare Team

List of Consultees

2 Sisters Food Group
Action of Churches Together in Scotland
Advocates for Animals
Altnaharra Estate Ltd
Angus College
Animal Aid
Animal Concern
Animal Concern Advice Line
Animal Defenders International
Armac Veterinary Group
Associate Parliamentary Group for Animal Welfare
Association of Chief Police Officers in Scotland
Association of Government Veterinarians (Scotland)
Association of Government Veterinarians (Wales)
Atholl Estates
Aviagen Ltd
Barony College
Biobest Laboratories Ltd
Blair Drummond Safari Park
Blantyre Boarding Kennels
Braco Castle Farms
British Association for Shooting and Conservation Scotland
British Poultry Council
British Trust for Ornithology (Scotland)
British Veterinary Association
Carmichael Estate
Catholic Parliamentary Office
Charles River
Chartered Institute of Environmental Health
Church of Scotland (The)
Compassion in World Farming
Convention of Scottish Local Authorities
Corby, J (Ms)
Department of Agriculture and Rural Development
Dochfour Estate
Domestic Waterfowl Club of Great Britain
Dukes Veterinary Practice Ltd
Dundas Veterinary Group
Elmwood College
Eurogroup for Animals
Family Farmers Association
Farm Animal Welfare Council
Fergusson, Alex, MSP
Flanders Veterinary Services
Flett & Carmichael
Food Standards Agency (Scotland)
Fur & Feather Magazine
Game & Wildlife Conservation Trust (Scottish HQ)
Game Farmers Association
Glenrath Farms Ltd
Grampian Country Chicken (Rearing) Ltd - Vion UK
Hamilton, K (Mr)
HBS Ring Ltd
Health & Safety Executive
Health Protection Scotland
Hudghton, I MEP
Improving Regulation Unit
International Fund for Animal Welfare
Jamieson, J (Miss)
Judson, J C
Lantra
League Against Cruel Sports
Low, H (Mr) BVMS MRCVS
MacDonald, Margo MSP
Martin-Nichols, J (Mr)
McKenzie & Co MsRCVS
McNeill, J (Mr)
Moredun Research Institute
Muslim Council of Scotland
Nardini Rudder Veterinary Centre
National Animal Welfare Trust
National Cattle Association (Dairy)
National Farmers Union Scotland
National Gamekeepers' Organisation
National Library of Scotland
National Library of Wales (The)
National Secular Society
Noble Foods Ltd
North of Scotland British Veterinary Association
Northvet Veterinary Group
Oban Veterinary Surgeons
Oliver, S (Mrs)
Palacerigg Country Park
Pet & Animal Welfare Support Service
Poultry Club (The)
Poultry Health Services
Priory Veterinary Centre
Quality Meat Scotland
Rare Breed Survival Trust
Ringlink Scotland Ltd
Roslin Institute
Royal (Dick) School of Veterinary Studies
Royal Environmental Health Institute of Scotland (The)

Royal Highland And Agricultural Society of Scotland (The)
Royal Highland Education Trust
Royal Society for the Prevention of Cruelty to Animals (The)
Royal Society for the Protection of Birds Scotland
Rural Affairs and Environment Committee
Rural Services Scotland Ltd
Save Our Seals Fund
Scottish Agricultural College
Scottish Agricultural College Building Design Services
Scottish Agricultural College Veterinary Services
Scottish Association of Meat Wholesalers
Scottish Centre For Animal Welfare Sciences
Scottish Churches Parliamentary Office
Scottish Conservatives & Unionist Party
Scottish Council of Jewish Communities
Scottish Countryside Alliance
Scottish Egg Producer Retailers Association
Scottish Environmental Protection Agency
Scottish Gamekeepers Association
Scottish Government Information Management Unit (2 copies)
Scottish Government Rural Directorate Veterinary Division
Scottish Green Party
Scottish Inter Faith Council
Scottish Islamic Foundation
Scottish Labour Party
Scottish Liberal Democrats
Scottish National Party
Scottish Natural Heritage

Scottish Parliament European & External Relations Committee
Scottish Police Federation
Scottish Society for the Prevention of Cruelty to Animals
Scottish SPCA Edinburgh & Lothian Animal Rescue & Rehoming Centre
Scottish Voice for Animals
Scottish Waterfowl Club
Scottish Wildlife Trust
Society of Chief Officers of Trading Standards in Scotland
South West Machinery Ring Ltd
SPICe (5 copies)
Stewart, J (Mrs)
Stewartry Veterinary Centre (The)
Strathbogie Veterinary Centre
Trinity College Library
Union of Country Sports Workers
Universities Federation for Animal Welfare
University of Aberdeen (School of Law)
University of Stirling (Department of Psychology)
Vetcentre (Invergordon)
Veterinary Laboratories Agency
Vion UK Food Group
Wood Green Animal Shelters
World Pheasant Association
World Poultry Science Association United Kingdom Branch
World Society for the Protection of Animals

Animal Health Office (All)
Scottish Local Authorities (All)
Scottish Government Rural Payments & Inspections Directorate (All)

RESPONDEE INFORMATION FORM

Please complete the details below and return this form with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Title & Name: _____

Organisation (if applicable) _____

Postal Address: _____

Post Code: _____ Phone: _____ Email: _____

Permissions I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in the Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**CONSULTATION ON THE
DRAFT CODE OF PRACTICE
ON THE WELFARE OF GAMEBIRDS
REARED FOR SPORTING PURPOSES**

CONSULTATION ON THE DRAFT CODE OF PRACTICE ON THE WELFARE OF GAMEBIRDS REARED FOR SPORTING PURPOSES

Scope of the consultation

This consultation is seeking views on the draft Code of Practice on the Welfare of Gamebirds Reared for Sporting Purposes. The Code covers the time up to the point of release, that is when they are under the control of man and therefore under the provisions of Part 2 of the Animal Health and Welfare (Scotland) Act 2006.

The Code will apply to those game farms that rear birds for sporting purposes but not to any establishment that may be farming them for food only.

This consultation is not aimed at seeking evidence as to whether the sport of shooting gamebirds should be banned.

Animal welfare is a devolved matter and the Code will apply to game farms in Scotland only. Although similar codes are expected to be published for England and Wales.

Basic Information

We would like to hear from game farmers; game farming representative bodies; sport shooting interest groups; animal welfare groups; local authorities; veterinarians and anyone else concerned about the welfare of reared gamebirds.

No specific legislation applies to the rearing of gamebirds for sporting purposes, other than Part 2 of the Animal Health and Welfare (Scotland) Act 2006 (the “2006 Act”) which makes it an offence to fail to ensure that the welfare needs of an animal are met. The 2006 Act also makes it an offence to cause any unnecessary suffering to a protected animal and this includes gamebirds whilst they are being reared.

In 2006, concerns were raised about the welfare of gamebirds reared for sporting purposes. The concerns mainly centred around certain management techniques used in the rearing of the gamebirds such as the use of bits, and spectacles (devices that clip onto the birds nasal septum/mandibles that prevent bird-on-bird pecking and feather pecking) and the use of raised cages for the housing of breeding pheasants and partridges.

Various campaigns alleged that such management practices and housing systems compromise the animals’ welfare by either restricting the ability of the birds to exhibit normal behaviour patterns or by causing damage to the birds’ nasal area.

The 2006 Act provides powers for Scottish Ministers to make codes of practice for the purpose of providing practical guidance in respect of any provision made by or under Part 2 of the 2006 Act.

A GB wide working group was established to draft a code of practice for the rearing of gamebirds. This group included representatives of the gamebird industry, animal welfare groups, veterinarians, the Farm Animal Welfare Council and the sport shooting interest.

Background

We believe that there are relatively few cage housing systems in Scotland for breeding pheasants, as the majority of game farmers house the laying birds in pens, but farms who do use these systems tend to be the larger holdings, thus they may be responsible for a sizeable proportion of the young birds raised. Some cages may contain perches, a nest area and/or scratching mats (enriched cages) but others may be completely void of such enrichments (barren cages). The cages are raised from the ground and are not of a consistent size. Cages systems for the housing of breeding pheasants are more common in France from where it is estimated approximately 40% of the hatchings are imported into the UK for shoots here. Breeding partridges are commonly housed in pairs either in raised partridge boxes or less commonly in raised metal cages. However, we understand that the majority of the partridges released for shooting are imported as hatching eggs or young chicks, usually from France.

The majority of game farms use bits (small plastic devices that prevent the birds fully closing their beaks) on pheasant poults between the age of 3 and 7 weeks to avoid feather pecking which are removed before release. The use of spectacles (a device that fits onto the nares of the bird to prevent forward vision) on adult birds to prevent feather pecking and egg eating is less common.

Between 2005 and 2007, the use of bits and spectacles was the subject of research carried out by the Game Conservancy Trust (now the Game & Wildlife Conservancy Trust) *The Effects of the Application of Bits and Spectacles in Gamebirds, 2005-2007*, published in March 2009. It concluded that whilst the use of spectacles may have some benefit to the welfare of birds, this may be undone by the damage they caused to the nares and nasal septum of hen birds. The report added that the industry should consider re-designing spectacles to prevent the problem occurring.

The research also concluded that bits could have benefits for the welfare of the birds in the prevention of feather pecking and subsequent plumage damage or injury, but could damage the nostrils and crossed mandibles, particularly if they were not removed by seven weeks of age. The report recommended that this could be minimised by regularly checking birds, inserting and removing the bits in a competent and careful manner, and ensuring that the correct size of bit is used for the size of bird.

In 2008, in their *Opinion on the Welfare of Gamebirds*, the Farm Animal Welfare Council (FAWC), expressed concern on various aspects of the welfare of gamebirds. These were:

- The extent and duration of confinement of semi-wild species, sometimes within systems offering a barren, restricting environment;
- Routine use of management devices such as bits, spectacles and brailles; and

- Management and stockmanship issues, including record keeping, training, Flock Health and Welfare Planning and development of best practice

FAWC were particularly concerned about the development of raised cages for breeding pheasants and the long term use of small raised cages for partridges in pairs. The report commented that the use of management devices such as bits and spectacles appeared related more to tradition and routine than to a justified requirement for specific systems or enterprises. Their report contained a number of recommendations, including:

- Adoption of Flock Health and Welfare Plans, prepared in conjunction with a veterinary surgeon and regularly reviewed;
- An end to the use of 'spectacles', as they potentially caused more welfare problems than they solved;
- An end to the practice of beak trimming;
- Closer control of other management devices such as bits and brailles, with close monitoring on an enterprise-by-enterprise basis;
- Phasing out of barren cages for pheasants;
- Phasing out of small barren cages for partridges.

The industry does have its own code of practice on the rearing of gamebirds – produced by the Game Farmers Association. However, this is a voluntary code with no sanction applied by the Association if their members do not heed it and unlike a code made under the 2006 Act does not clearly set out how a game farmer can comply with their requirements under the 2006 Act. It is also not clear whether the GFA code could be used effectively in court in cases of poor welfare brought under the 2006 Act.

Executive Summary

This consultation is seeking your views on the Scottish Government's proposals to introduce a Code of Practice on the Welfare of Gamebirds Reared for Sporting Purposes (the Code).

The Code does not contain specific offences but will provide game farmers with guidance on how to meet the welfare needs of their animals (as required under section 24 of the Animal Health and Welfare (Scotland) Act 2006 – the "2006 Act") in relation to gamebirds reared for sporting purposes. It will also assist the courts as evidence in any case brought before them relating to failure to provide for the welfare needs of gamebirds reared for sporting purposes.

The Code is made under section 37 of the 2006 Act and will be approved by the Scottish Parliament prior to entering into force.

Although much of the advice in the Code will already be carried out by all competent game farmers, it does contain new advice on good practice in a number of areas. This is because either new evidence has shown that certain management practices may directly compromise the birds' welfare or where the Scottish Government considers that

the practice may compromise the birds' welfare and leave game farmers vulnerable to prosecution under the 2006 Act.

In particular, the Code advises game farmers:

- (i) on the housing of breeding pheasants and partridges. [Note that in paragraph 6.11 of the Code there are three options in relation to the use of cages: (a) that cages can continue to be used; (b) that barren cages are not used (allowing the use of enriched cages) or; (c) that all cages should not be used];
- (ii) not to use "spectacles" for gamebirds because research has shown that the benefits of the devices may be outweighed by the damage they can do to the birds;
- (iii) when using "bits", to regularly check the birds and ensure there is no disparity between the size of the bird and bit;
- (iv) that they are not causing the birds any obvious signs of discomfort or injury;
- (v) to make a flock health and welfare plan in conjunction with a veterinary surgeon; and
- (vi) to keep records of mortality and post mortem reports for a period of three years to inform future management.

The reasons for the above respective pieces of advice is:

- (i) concern that game farmers could be at risk of prosecution under the 2006 by keeping birds in conditions where they are unable to exhibit normal behaviour;
- (ii) (iii) and (iv) between 2005 and 2007, the use of bits and spectacles was the subject of research carried out by the Game Conservancy Trust (now the Game & Wildlife Conservancy Trust) *The Effects of the Application of Bits and Spectacles in Gamebirds, 2005-2007*, published March 2009. It concluded that whilst the use of bits and specs could benefit the welfare of birds, this may be undone by the damage they can cause to the nares and nasal septum of hen birds. The report added that the industry should consider re-designing spectacles to prevent the problem occurring;
- (v) and (vi) both of these were recommended by the Farm Animal Welfare Council in their 2008 *Opinion on the Welfare of Gamebirds* because they considered that there was little or no work on welfare assessment that might aid meaningful appraisal of on-farm breeding and rearing of gamebirds.

The industry will be encouraged to use the Code and sport shooters will be encouraged to use only quarry supplied and raised by game farms and shoots following the recommendations in this Code.

This consultation is not seeking views as to whether the sport of shooting gamebirds should be banned.

Summary of the current situation

Background

There are approximately 350 premises rearing 50 or more gamebirds per year in Scotland (registered on the GB poultry register). This figure also includes those establishments that obtain birds for release only.

The GB gamebird shooting industry is said to be worth an estimated £1.6 billion and sustains the equivalent of 70,000 full-time jobs¹.

There are approximately 40 million gamebirds (30 to 35 million pheasants and 5 to 10 million partridges) released each year in Great Britain for sport shooting².

About 40% of the pheasants reared and up to 90% of partridges are imported into GB. These are mostly as hatching eggs, with a lesser number of day-old chicks from France. Some birds or hatching eggs may be imported from outwith Europe³.

There are about 400 game farms in GB. In addition, there are up to 2,500 smaller premises with gamekeepers rearing birds for their own estates⁴.

There are about 7,000 shoots registered to release pheasants; and up to 1,500 premises rearing partridges and 3,000 releasing them⁵.

Game farms using cages for breeding birds vary in the numbers of cages they have and this can range from 200 to 1,200. The larger cage rearing farms may produce up to 3 million eggs a year.

Other relevant documents

Game & Wildlife Conservancy Trust's *The Effects of the Application of Bits and Spectacles in Gamebirds, 2005-2007*

<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=13487>

Farm Animal Welfare Council's *Opinion on the Welfare of Gamebirds*

<http://www.fawc.org.uk/pdf/farmed-gamebirds.pdf>

¹ Public & Corporate Economics Consultants (PACEC), Cambridge, 2006; www.shootingfacts.co.uk

² Farm Animal Welfare Council Opinion on the Welfare of Farmed Gamebirds, November 2008

³ Farm Animal Welfare Council Opinion on the Welfare of Farmed Gamebirds, November 2008

⁴ Farm Animal Welfare Council Opinion on the Welfare of Farmed Gamebirds, November 2008

⁵ Farm Animal Welfare Council Opinion on the Welfare of Farmed Gamebirds, November 2008
www.fawc.org.uk/pdf/farmed-gamebirds.pdf

Public & Corporate Economics Consultants (PACEC), Cambridge, 2006;
www.shootingfacts.co.uk

ADAS's *The UK Game Bird Industry – A Short Study*, 2005.
<http://www.defra.gov.uk/foodrin/industry/sectors/eggspoultry/documents/gamebirdindustry-study.pdf>

The Animal Health and Welfare (Scotland) Act 2006

The Animal Health and Welfare (Scotland) Act 2006 makes it an offence for owners/keepers to fail to provide for the welfare needs of their animals and this applies to owners/keepers of gamebirds. It also makes it an offence to cause any unnecessary suffering to a “protected animal”. For the purposes of the 2006 Act, a “protected animal” is (a) of a kind which is commonly domesticated in the British Islands; (b) is under the control of man whether on a permanent or temporary basis; or (c) is not living in a wild state. It is therefore an offence to cause any unnecessary suffering to a gamebird while it is under the control of man.

The 2006 Act gives the Scottish Ministers power to make codes of practice for the purpose of providing practical guidance in respect of any provision made by or under the 2006 Act.

The draft Code of Practice for the Welfare of Gamebirds

The Code of Practice provides game farmers with advice on how they can meet the welfare needs of their birds, as required by the 2006 Act. It will also assist the courts in any case brought before them under section 24 of the 2006 Act (failure to provide for the welfare needs of an animal). The Code will have to be approved by the Scottish Parliament before it can enter into force. It will apply to Scotland only – England and Wales have powers to make their own codes of practice relating to the welfare of animals.

Q1. Do you agree that a code of practice is sufficient to ensure the welfare of gamebirds, or do you consider that game farms need to be regulated? If you believe that game farms should be regulated who, in your opinion, should regulate them?

The Code has been deliberately set out to reflect the gamebird rearing season. An alternative approach would be to format the Code to relate to the animal's needs (for a suitable environment, for a suitable diet, to be able to exhibit normal behaviour patterns, to be housed with or apart from other animals and to be protected from suffering, injury and disease) as detailed in Section 24(3) of the Animal Health and Welfare (Scotland) Act 2006.

Q2. Do you think that a code reflecting the gamebird rearing season is the most sensible approach?

Q3. Is it clear and easily understandable?

Q4. Do you think it would be preferable to set out the Code in the alternative format with sections relating to each of the animal's five needs?

Q5. Is it useful to have an Annex containing information on other legislation affecting gamebirds?

Q6. Are there any additional recommendations that should be in the Code?

There are three options presented for Paragraph 6.11 in the draft Code, on the housing of breeding pheasants and partridges;

- (a) that cages can continue to be used;
- (b) that barren cages are not used (allowing the use of enriched cages); or
- (c) that all cages should not be used.

There is concern that cages may compromise the birds' welfare and could leave game farmers vulnerable to prosecution under the 2006 Act. Currently there is no set definition for what constitutes a cage in the draft Code. In their report on the welfare of laying hens the European Food Safety Authority (EFSA) considered a cage to be a system which is operated without the human keepers entering it.

Q7. Do you consider that cages can provide adequately for the welfare needs of breeding pheasants? Or do you consider that barren cages should not be used for the housing of breeding pheasants? Or do you consider that all cages for breeding pheasants should not be used?

Q8. Do you consider that cages can provide adequately for the welfare needs of breeding partridges? Or do you consider that barren cages should not be used for the housing of breeding partridges? Or do you consider that all cages for breeding partridges should not be used?

Q9. Do you consider that having a standard definition for a cage is necessary for a clear understanding by keepers if cages are to be restricted or banned? If so would the EFSA definition be a suitable approach?

An alternative approach to the welfare concern that birds are unable to exhibit normal behaviour patterns would be to set specific space allowances.

Q10. Do you consider that setting space allowance for breeding pheasants and partridges would address the concern?

If yes

Q11. What would be the space allowance for an adult pheasant and what is the evidence that this is appropriate?

Q12. What would be the space allowance for an adult partridge and what is the evidence that this is appropriate?

Paragraph 5.6 of the Code recommends that spectacles should not be used because they can cause damage to the nasal septum (this was based on the research *The Effects of the Application of Bits and Spectacles in Gamebirds, 2005-2007*, (published March 2009).

Q13. Do you agree that spectacles should not be used? Or do you consider that spectacles have welfare benefits provided they are used appropriately?

Paragraphs 5.3 and 5.4 of the Code recommend that bits when used in younger pheasants (aged 3-7 weeks) should be justified, monitored regularly, be appropriate for the size and age of the bird and be fitted and removed by trained and experienced stockmen; and bumpa bits should only be used in special circumstances. This is based on research carried out by *The Effects of the Application of Bits and Spectacles in Gamebirds, 2005-2007*, (published March 2009) and the Farm Animal Welfare Council's *Opinion on the Welfare of Gamebirds*, published November 2008.

Q14. Do you agree that the use of bits for younger pheasants should continue when justified, monitored and fitted on an enterprise-by-enterprise basis as described above?

Q15. Do you agree that bumpa bits should only be used in exceptional circumstances?

Q16. What are the estimated costs of meeting the requirements in this Code?

Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes

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Annex 1 – other legislation affecting gamebirds

Preface

This preface is not part of the Code but is intended to explain its purpose and to indicate the broad considerations upon which it is based. Similarly, the legislation quoted in boxes is not part of the Code but is intended to highlight some of the legal requirements. You should be aware that the legislation cited in the Code and in the Annex is correct at the date of issue but may be subject to subsequent change.

The purpose of this Code is to provide practical guidance in relation to the provisions in the Animal Health and Welfare (Scotland) Act 2006 (the Act) affecting birds bred and reared under controlled conditions for the purpose of release for sport shooting, together with birds retained for breeding purposes. Failure to comply with a provision of this Code, whilst not an offence in itself, may be relied upon as tending to establish liability where a person has been accused of an offence under Part 2 of the Act. Equally, compliance with a provision of the Code may be relied upon as tending to negate liability by a person in any proceedings for an offence under Part 2 of the Act.

No one law specifically regulates the breeding and rearing of birds. All gamebird breeders/rearers must comply with the relevant laws relating to their operation. The Annex highlights other relevant legislation in addition to the Act and is not part of the Code.

During the production and rearing process birds are protected from unnecessary suffering by Section 19 of the Act.

To cause unnecessary suffering to a protected animal (which includes an animal under the control of man) is an offence under section 19 of the Animal Health and Welfare (Scotland) Act 2006.

Section 24 of the Act requires that the birds' needs are adequately catered for (the duty to promote welfare or the 'duty of care')

Section 24(1) of the Animal Health and Welfare (Scotland) Act 2006 states that:

A person commits an offence if that person does not take such steps as are reasonable in the circumstances to ensure that the needs of an animal for which that person is responsible are met to the extent required by good practice.

Section 24(3) states that:

For the purposes of subsection (1), an animal's needs include-

- (a) its need for a suitable environment,**
- (b) its need for a suitable diet,**
- (c) its need to be able to exhibit normal behaviour patterns,**
- (d) any need it has to be housed with, or apart from, other animals, and**
- (e) its need to be protected from suffering, injury and disease.**

Other laws, including those relating to planning, registration, medicine controls, disposal of animal by-products and administration, and animal transport regulations also apply. It is the duty of everyone involved in the production and rearing of birds to be aware of the relevant laws and codes and to abide by them.

This Code which has been prepared following consultation, is issued with the authority of the Scottish Parliament pursuant to section 37 (animal welfare codes) of the Animal Health and Welfare (Scotland) Act 2006. The Code applies in Scotland and has been issued by Scottish Ministers.

Introduction

This Code of Practice, which relates to Scotland only, refers to all birds bred and reared under controlled conditions for the purpose of release for sport shooting, together with birds retained for breeding purposes. All personnel involved with gamebird management and husbandry are advised to be acquainted with the principles and content of this Code, insofar as they are relevant to their particular tasks and duties.

Whatever the species being produced or reared, or the methods used, the overriding principle that should guide everyone involved is that all due consideration should be given to the health and welfare of the birds concerned. Those responsible for the birds should, therefore, be knowledgeable and competent in gamebird husbandry and management techniques. In order to achieve this, owners and keepers have a duty to ensure a bird's welfare as detailed in the 'five needs' in section 24 of the Animal Health and Welfare (Scotland) Act 2006.

Therefore birds must:

1. have an environment appropriate to their species, age and the purpose for which they are being kept, including adequate heating, lighting, shelter, ventilation and resting areas;
2. have ready access to fresh water and an appropriate diet to maintain growth, health and vigour;
3. be provided with appropriate space and facilities to ensure the avoidance of stress and the exhibition of normal behaviour patterns;
4. be provided with company of their own kind as appropriate for the species concerned;
5. be adequately protected from suffering, injury, or disease. Should any of these occur a rapid response is required, including diagnosis, remedial action and, where applicable, the correct use of medication.

The contents of this Code apply to birds up to and including the period when they are confined to the release pens. Once the birds are able to leave and re-enter the pens voluntarily they fall outside the scope of this Code. It is recognized, however, that keepers will retain some responsibility for the welfare of the birds immediately post release and until they have adjusted to a free-living existence.

The breeding and rearing of gamebirds should always be carried out with due consideration for the health and welfare of the birds. In following the recommendations set out in this Code, those involved in the keeping of gamebirds will be working towards the ultimate aim of producing fit, healthy and properly acclimatised birds for release into the wild.

Recommendations

1. Origin of Stock

1.1 Records should be maintained of the source of all hatching eggs, chicks, poults and adult birds, in order to trace their origins should this prove necessary.

1.2 In order to minimize the risk of disease transmission and promote welfare, laying stock should, wherever possible, be maintained as a closed breeding flock. Where adult laying birds have to be brought in, particularly from the wild, all possible action should be taken to check the provenance and health of the birds. To achieve this, they may be mixed with some sentinel birds but should otherwise be kept separate from existing stock for a recommended thirty day period.

2. Incubation and Hatching

2.1 To reduce disease transmission, the hatchery building should be physically and operationally separate from any rearing facilities. The layout should allow for the following operations to be kept separate:

(a) egg storage;

(b) incubation;

(c) hatching;

(d) preparation and loading of chicks or poults for dispatch.

2.2 Buildings should be protected against entry of wild birds, rodents and insects, all of which may be vectors of disease.

2.3 Walls and floors should be of hardwearing, impervious and washable materials in accordance with good biosecurity practice.

2.4 Any natural or artificial lighting, air-flow and temperature should be appropriate to the operations being carried out.

2.5 Eggs should be collected at least once a day and should be cleaned and disinfected as soon as possible.

2.6 A continuing hygiene programme should be agreed for the hatchery and all personnel and visitors should wear appropriate protective clothing.

2.7 Buildings and all equipment should be kept in good repair.

2.8 The following should be disinfected and/or fumigated:

- (a) eggs between collection and incubation;
- (b) incubators regularly;
- (c) hatchers and equipment after each hatch.

2.9 Records should be kept for each flock and retained for three years to show:

- (a) origin of eggs, chicks, breeding stock and date of arrival;
- (b) hatchability;
- (c) destination of day old chicks, eggs and/or poults;
- (d) any laboratory tests, results, and post mortem examinations;
- (e) mortality .

Such records help to identify management and husbandry problems and their causes, and assist in improving the overall health and welfare of the flock. They also provide traceability in cases of disease outbreak.

2.10 In order to minimise the risk of disease transmission, custom hatching should be avoided wherever possible.

3. Inspection and Husbandry

3.1 Birds should be treated at all times with due regard for their health and welfare and in such a way as to avoid injury and minimise stress. This is particularly important for birds destined for release, where a degree of wildness is retained.

3.2 Gamebirds should not be handled more than is strictly necessary; they are non-domesticated species and therefore may be more prone to stress than domesticated farmed poultry. Where handling proves necessary this should be done in an appropriate manner.

3.3 Birds should be housed at all times to provide appropriate social groups (age, species, sex, sex ratios and size) and to minimize the risk of aggressive behaviour. Batch sizes of birds should be kept within easily manageable limits. Where possible, groups should be small enough so that if a disease problem arises the group can be isolated.

3.4 The breeding/rearing house or pen system should be designed and managed in such a way as to minimise aggressive behaviour within the flock. This may be achieved by providing physical and sight barriers, perches and hiding places within the pens, together with forms of environmental enrichment.

3.5 All game breeders and rearers should register with a veterinary practice in order to deal with any incidences of poor welfare, disease problems or injuries that require attention. Expert advice should be sought from veterinary surgeons and other suitably qualified advisers whenever necessary. Staff should be sufficiently knowledgeable to recognize normal behaviour and the early signs of abnormal behaviour associated with injury and disease.

3.6 Good biosecurity is essential to prevent disease. Regularly changed disinfectant foot baths should be in use at all main entrances to the unit to ensure adequate biosecurity. Disinfectants should be used appropriately with regard to the safety of the birds. Staff and visitors should be aware of the need for suitable footwear and other protective clothing, and should use the footbaths. It is advisable to keep a record of all visitors to the site.

3.7 All incoming chicks, poults or adult birds should be inspected for health on arrival. Eggs should be checked, cleaned, washed and fumigated as necessary. Where problems are identified appropriate remedial action should be taken.

3.8 It is recommended that birds should be checked at least daily for signs of disease or injury and more frequently during the breeding and rearing period. This inspection should be carried out by knowledgeable staff. All birds suffering ill health, injury or subject to equipment failure must receive immediate and appropriate attention, including the involvement of a veterinary surgeon where necessary. In cases where euthanasia proves essential, this must be carried out humanely and should be performed by trained members of staff.

3.9 All chicks, poults and adult birds should be adequately protected from predators. Any methods used must conform to legal requirements. Pest control procedures should be operated to ensure the health and welfare of the birds.

3.10 There should be a contingency plan to prevent or deal with emergencies such as fire, flood, storm damage, interruption of supplies or notifiable disease. A prominently positioned emergency action board should provide details of emergency procedures and also phone numbers of the emergency services, location of the unit and of local water sources.

4. Food and Water

4.1 All penned game must have access to adequate supplies of clean, fresh drinking water at all times, unless advised otherwise by a veterinary surgeon. Provision of drinkers should be sufficient to allow the birds adequate space to obtain water with minimum disturbance and competition from other birds. Provision must be made for

supplying drinking water in freezing conditions or in other circumstances where supply is limited.

4.2 Where grit is used it should be in adequate quantities and of the correct size and type to help birds' digestion.

4.3 All captive birds must be provided with a nutritionally balanced diet. Feed should always be of the correct size and type appropriate to the age and species, to maintain them in good health and to satisfy their nutritional and foraging needs.

4.4 Any change in diet should be made gradually, and for a period of time some blending of the two rations represents good practice. Provision of feeders should be sufficient to allow the birds to obtain adequate feed with a minimum of competition from other birds

4.5 All grains provided should be of good quality and free from obvious animal, chemical and microbiological contamination, such as mould.

4.6 All feed should be stored in accordance with good practice and used in a timely manner to ensure that it does not become contaminated. All receptacles, bins and vehicles should be regularly cleaned.

5. Management Devices

5.1 The use of management devices or practices that do not allow birds to fully express their range of normal behaviours should not be considered as routine and keepers should work towards management systems that do not require these devices. Any device that is designed to pierce the nasal septum must not be used.

5.2 Bird breeders/rearers and those employed by them should be sufficiently knowledgeable to be able to demonstrate competent levels of management in respect of bird husbandry. Bird welfare should not be compromised by the speed of operation.

5.3 The use of bits in young pheasants for short periods (3 to 7 weeks) to prevent injurious behavior should be justified and closely monitored on each premise. When used, bits must be made of suitable material appropriate to the size and age of bird and fitted and removed only by trained and experienced stockmen.

5.4 "Bumpa" bits should not generally be used except in response to a specific need and then only with particular care.

5.5 Beak trimming should not be performed on gamebirds except in exceptional circumstances where there is an overwhelming need to protect the welfare of the birds.

5.6 Plastic 'spectacles' fitted to the beak to prevent feather pecking or egg eating may cause significant damage to the nasal septum and should not be used. Any type designed to pierce the nasal septum is illegal and must not be used.

5.7 Anti-aggression masks or shrouds should not generally be used as a form of bird management.

5.8 Outer primary feathers may be clipped to restrict flight but care should be taken to avoid trimming growing feathers ('blood quills') as this may constitute interference with a sensitive tissue and would, therefore, be considered a mutilation, which would constitute an offence under section 20 of the Animal Health and Welfare (Scotland) Act 2006.

5.9 Brailing one wing to restrict flight should only be done with extreme care by a skilled operator or under close supervision and brails should be of the correct size for the birds concerned. Brails are usually only necessary in open pens. Their use in covered pens needs to be closely monitored and justified on a case by case basis. Any brail must be removed before release.

6. Housing and Penning

6.1 When birds are housed or penned, the accommodation should be well constructed and managed and of sufficient size to ensure good health and welfare. This is best achieved by

- (i) good design, including adequate facilities for the inspection of the birds, and their removal where necessary;
- (ii) protection from adverse weather conditions, extremes of temperature and predators;
- (iii) appropriate stocking densities to ensure good health and welfare;
- (iv) flooring appropriate to the species kept, designed to avoid foot injury and managed to prevent the ground becoming too soiled;
- (v) adequate lighting, heating and ventilation. Lighting should enable the birds to be inspected without difficulty, and should be available at all times to allow for inspection of the birds should this prove necessary. Fixed lighting should have a dimming facility to allow birds to prepare for darkness. If artificial lighting is used it should be introduced gradually with an appropriate minimum continuous night-time dark period in every 24 hours.

6.2 Housing should be capable of being maintained in a clean and hygienic condition to avoid the risk of disease transfer. For temporary housing, clean ground and a location away from poultry or livestock should be selected and both housing and equipment used should be kept in good repair to avoid injury and escape.

6.3 All housing and penning should be located so as to minimise disturbance to the birds and should be equipped with an inside and outside run (where appropriate) of

sufficient size to allow them to exhibit normal behaviour patterns. Consideration should be given to incorporating handling facilities when constructing pens.

6.4 All housing and penning for laying birds should have sufficient shelter to provide protection for all birds during periods of adverse weather.

6.5 Where used, litter should be clean, dry, non-toxic and tangle-free.

6.6 Sufficient perching should be provided for all birds, as appropriate to species.

6.7 All housing should be cleaned and disinfected between different batches of birds.

6.8 Gamebird breeders/rearers considering the use of new systems and equipment should assess whether they can be managed in ways that meet the full requirements of this Code. If they cannot, they should not be used.

6.9 Where gas heating is used it is important to ensure that the equipment is regularly serviced and is functioning correctly to avoid the risk of fire, build up of toxic gases and to ensure that the correct temperature is maintained in brooder houses.

6.10 All automatic systems should be regularly checked to ensure that they are working and a back-up system should be available in case of system failure.

6.11 PLEASE NOTE THAT THERE ARE THREE OPTIONS FOR THIS PARAGRAPH

Option 1

6.11 All laying systems used for the housing of birds should be designed and managed to ensure the welfare of the birds. Any system should be appropriately enriched.

Or

Option 2

6.11 Barren raised cages for breeding pheasants and small barren cages for breeding partridges should not be used. All laying systems used for the housing of birds should be designed and managed to ensure the welfare of the birds. Any system should be appropriately enriched.

Or

Option 3

6.11 Cage systems for breeding birds should not be used. All laying systems used for the housing of birds should be designed and managed to ensure the welfare of the birds. Any system should be appropriately enriched.

7. Disease treatment and Record keeping

7.1 Any bird suffering ill health or injury must receive immediate attention, including, where appropriate, the attendance of a veterinary surgeon.

7.2 It is good practice to devise a flock health and welfare plan in conjunction with your veterinary surgeon.

7.3 Medicines for treatment should only be used when necessary or when prescribed by a veterinary surgeon. Preventative use of medicines should only be carried out where appropriate and in conjunction with good husbandry practices or when the birds are under the care of a veterinary surgeon who recommends a prescribed medicinal product.

7.4 Records should be kept of any mortality and post mortem reports and retained for a period of 3 years to inform future management.

8. Catching and Transportation

8.1 All consignments from the unit, transported for the purpose of an economic activity, must comply with the requirements of The Welfare of Animals (Transport) (Scotland) Regulations 2006. Game farmers should familiarize themselves with this legislation.

8.2 Birds must be moved only in containers appropriate for the size and number of birds that do not cause injury, are secure, clean, well ventilated and offer protection from the weather. Transportation in sacks is not permitted.

8.3 All personnel involved with the catching and transportation of game birds should be competent in catching and handling techniques to minimise stress. Catching and carrying too many birds at one time constitutes poor welfare practice.

8.4 The time in transit should be kept to a minimum while complying with all the relevant legislation. The maximum journey time for day old chicks is 24 hours provided they are not more than 72 hours old at the journey's end. The maximum journey time for all other birds is 12 hours.

8.5 All chicks, poults and adult birds in transit should be adequately protected from adverse weather conditions.

8.6 To prevent disease spread and to aid good biosecurity all boxes, crates and vehicles should, where appropriate, be thoroughly cleansed and disinfected by appropriate methods between loads.

8.7 Birds that are unfit at the time of loading must not be transported.

9. Preparation for Release

9.1 At the time of sale for release purposes, all game birds should be in a healthy condition and must be fit for transport, well adapted and appropriately hardened off in respect of feather development, weather tolerance, diet and method of feeding. All birds ready for transport to release pens should have a final inspection to ensure that they are fit for release before being moved.

9.2 Release pens should be well prepared prior to the arrival of the birds, with adequate feeders and drinkers of a type familiar to the birds available on site.

**Other legislation affecting gamebirds.
This does not represent an exhaustive list.**

The Avian Influenza (Preventative Measures) (Scotland) Order 2006 – those keeping 50 birds or more must provide details of species of bird, husbandry system in which they are kept, the number of species usually kept, number with access to open air, details on seasonal stocking variations and nearby open water. Any changes in stocking rate by an increase or decrease of 20% or more requires notification.

Animal By-Products Regulation (EC) No. 1774/2002 – require various records to be kept. In addition game and hatchery waste in the form of surplus chicks and/or live unhatched chicks and embryos must be disposed of in accordance with the **Welfare of Animals (Slaughter or Killing) Regulations 1995** and the **Animal By-Products Regulation (EC) No. 1774/2002**. The code of practice issued by the Humane Slaughter Association also provides helpful guidance.

The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2009

Wing tagging was exempted from the general mutilations prohibition in Section 20 of the Animal Health and Welfare (Scotland) Act 2006 by the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2009.

Welfare of Animals (Transport) (Scotland) Regulations 2006 - See **Council Regulation (EC) No 1/2005** (the protection of animals during transport and related operations) and the **Welfare of Animals (Transport) (Scotland) Regulations 2006** and associated guidance for information on transport.

The Veterinary Medicines Regulations 2008 – require records to be kept on medicine usage, administration and disposal of unused medicines. Records must be kept for at least 5 years. Medicines and veterinary treatments must be stored and used in accordance with current legislation and codes of practice, and manufacturers' instructions should be followed. Records of all medicinal products must be maintained, and all withdrawal periods must be strictly adhered to so that any residues are eliminated.

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