Background
The RSPCA broadly welcomes the Welfare of Animals at the Time of Killing (WATOK) (England) Regulations which, in general, improve on the previous slaughter provisions. Further, they include a number of requirements that the RSPCA had called for. For example, the new provisions include a requirement for larger slaughterhouses to have an Animal Welfare Officer, who is accountable for compliance with the new legal requirements, and also for personnel who are involved in the killing of animals and related operations to hold a Certificate of Competence for their duties. However, other parts of the legislation are of concern and are not set at a level that is consistent with the above so that a satisfactory minimum level of welfare is achieved. In particular, this includes the omission of reference to any stunning parameters for poultry killed ‘in accordance with religious rites’. Such an omission leaves this important area – which has a significant impact on poultry welfare at a critical time - unregulated.

The use of electrical waterbath stunners
The RSPCA is concerned about the use of electrical waterbath stunners due to their actual and potential detrimental impacts on bird welfare. For example, these systems involve the shackling and inversion of live birds, which is known to be both stressful and painful. In addition, it is not currently possible to ensure all birds receive an effective stun from this process. Further, it is not possible for operators to distinguish between unconscious and immobilised birds and, therefore, to assess stun efficacy. However, the Society acknowledges that, at this time, these systems are legally permissible. Whilst this continues to be the case, it is strongly recommended that their use should be effectively regulated to ensure, as far as possible, the humane stunning of all poultry subjected to such systems.

Specific area of concern: legal wording
A draft version of WATOK contained the following wording under Schedule 3, Part 1, Paragraph 2, which is also the wording that has been adopted in the published versions of WATOK for both Wales and Northern Ireland:

General prohibition
2.—(1) No person may kill an animal in accordance with religious rites without prior stunning unless it is a sheep, goat, bovine animal or bird killed in a slaughterhouse in accordance with this Schedule.
(2) Nothing in this Schedule applies to the killing of animals in accordance with religious rites which are stunned before killing, but in such cases an animal must be restrained and stunned in accordance with the EU Regulation and Schedule 1.

However, the 2015 published version of the WATOK (England) Regulations omitted the wording under
point (2) of this section. This omission has consequences for the welfare of chickens in that no stunning parameters are prescribed that would help ensure an effective stun during electrical waterbath stunning.

RSPCA position and recommendations

1. We are concerned that the omission in the WATOK (England) Regulations of reference to the parameters for electrical waterbath stunning for the killing of poultry for religious purposes may result in the ineffective stunning of birds and resultant severe suffering. Specifically, we are concerned that the stunning of poultry for religious purposes is unregulated in this respect.

2. There is clear scientific evidence to support the position that the electrical stunning parameters for poultry, as specified in Council Regulation (EC) 1099/2009 (Annex I, Chapter II, Paragraph 6.3, Table 2), do not ensure the effective stunning of birds. Therefore, we are also concerned that the prescribed parameters are inadequate to safeguard poultry welfare and that, as a consequence, birds can enter the neck cutting stage in a state of immobilization rather than unconsciousness.

3. As such, at the current time, in the absence of clear criteria for the practical differentiation of birds that are effectively stunned from birds that are simply immobilized, stunning parameters must be set at a level that are known to achieve a consistent effective stun. We therefore strongly recommend that WATOK makes specific reference to stunning parameters that are effective in achieving the stunning of poultry in a waterbath even if these differ from those laid down in Council Regulation (EC) 1099/2009. In addition, these parameters should include stun combinations that, as well as delivering an affective stun, are specific to, and considered acceptable for use by, the relevant religious authorities, i.e. they reliably and consistently provide a recoverable stun.

4. It is not considered acceptable for the Official Veterinarian to determine whether birds have been effectively stunned, as this position relies on reliable criteria being available for this purpose. Unfortunately, as stated above, there are no clear criteria that can differentiate practically (in the processing plant) between birds that are effectively stunned and those that are only immobilised and, therefore, this approach is not an effective safeguard.