



11/11/06

**Written Evidence to EFRACom: Evidence Session with the Defra Minister Ben Bradshaw
on the 15th November 2005**

Introduction:

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and represents circa 10,000 members. Our chief interest is to protect and promote the interests of the veterinary profession in this country and we therefore take a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health or employment concerns.
2. The BVA welcomes the opportunity to contribute evidence for the EFRACom evidence session with the Minister and have the following points to bring to the Committee's attention.

**Differences between the Animal Welfare Bill and the Animal Health and Welfare
(Scotland) Bill**

3. A major concern of the Association is that the Animal Welfare Bill and the Animal Health and Welfare (Scotland) Bill have some marked differences. The act of abandonment for example is covered in Scotland but not in England. It is felt that this may cause significant problems for those enforcing the powers set out in the Bills. BVA entirely supports the Committee's view that abandonment should continue to be a specific offence for the reasons the Committee stated. We have not changed our view and urge the Committee to press the government on this matter.

Specific Comments on the Animal Welfare Bill

4. BVA are disappointed that Defra have not seen fit to include a provision for statutory improvement notices which would have been a useful adjunct to enforcement and are disappointed that the government have chosen not to include the facility in the Bill. In particular we view improvement notices as particularly useful when implementation of secondary legislation on sanctuaries takes place because we consider it less likely that some will close. Closure of a significant number of sanctuaries would inevitably result in animals being killed because no place can be found for them.
5. The restraints following animal ownership disqualification are also felt to be incomplete.

6. BVA is concerned about the powers of entry into private dwellings where there is an animal welfare emergency and would like to recommend that this be looked at in more detail.
7. Mental suffering: BVA notes that the government have failed to take up the Committee's recommendation that there should be specific reference to mental suffering in Section 4 of the Bill. We strongly support the Committee's recommendation and wish to see the words 'physically and mentally' inserted in appropriate places in this section.
8. Mutilations: BVA is content with the definition of mutilation in the Bill and welcomes the ban on mutilations. However the Association remains concerned that the explanatory notes and RIA refer to permitting tail docking in certain types of dogs. The Minister has verbally referred to Parliament taking a free vote on this issue which is a relaxation of his previous line that cosmetic docking would be banned. Both cosmetic docking and non-therapeutic or prophylactic docking should be completely banned, as outlined in the RCVS' Guide to Professional Conduct (**Annex A**). This is a mutilation that the majority (over 90%) of veterinary surgeons find abhorrent. In fact most veterinary students are no longer taught to dock tails.
9. Fighting: The Bill is significantly watered down from the draft Bill as the range of offences is smaller. BVA cannot conceive why this universally condemned activity is not the subject of an offence whatever the connection. We suggest that the making, sale or possession of any recording of a fight should also be an offence (similar to child pornography) and would urge you to act to ensure that this barbaric practice is forever prevented.
10. Sale of pets to minors and pets as prizes: The section, as currently drafted, is muddled and shows no clear thought process. These are two separate issues and should remain so, as they were in the draft Bill.
11. Delegated powers: We support the wide powers available, which will allow legislation to be kept up to date with current science and best practice and we agree with the Committee that the sole purpose of the legislation being delegated is to achieve that. However, we suggest that the language of these sections could be improved.
12. Pet fairs: should be made illegal because it is almost impossible to protect the welfare of the animals involved. Certainly cats and dogs should not be allowed to be bought or sold at such events but there is grave concern over the transport and display of other exotic animal species, such as birds and reptiles.
13. Inspection intervals: we are extremely disappointed to see that licences are to be issued for between three and five years. We fail to see any animal welfare benefit in such proposals

and consider that adverse effects are almost inevitable. While we could accept a risk based approach to inspection we consider that the minimum should remain an annual licence.

14. Greyhounds: We welcome the fact that the proposed regulation is to be brought forwards.
15. Dog breeding: Puppy farms are of huge concern given that many see them as a source of income and have little regard for the welfare of the animals. Regulation of dog breeding must be tightened to ensure that all breeding dogs are carefully regulated.

Annex A

Docking of dogs' tails

RCVS position

[Please note that due to an error the advice from the 1993, rather than the 1996, Guide to Professional Conduct was originally set out in this Guide; corrected September 2000]

Leading Counsel has advised:

1. Docking, which may be defined as the amputation of the whole or part of a dog's tail has, since July 1993, been illegal under UK law, if performed by a lay person.
2. The Royal College has for many years been firmly opposed to the docking of dogs' tails, whatever the age of the dog, by anyone, unless it can be shown truly to be required for therapeutic or truly prophylactic reasons.
3. Docking cannot be defined as prophylactic unless it is undertaken for the necessary protection of the given dog from risks to that dog of disease or of injury which is likely to arise in the future from the retention of an entire tail. The test of likelihood is whether or not such outcome will probably arise in the case of that dog if it is not docked. Faecal soiling in the dog is not for this purpose a disease or injury, and its purported prevention by surgical means cannot be justified.
4. Similarly, docking cannot be described as prophylactic if it is undertaken merely on request, or just because the dog is of a particular breed, type or conformation. Council considers that such docking is unethical.
5. Docking a dog's tail for reasons which are other than truly therapeutic or prophylactic is capable of amounting to conduct disgraceful in a professional respect. In the event of disciplinary proceedings being brought in respect of tail docking, it shall be open to the RCVS by evidence to prove, and to the Disciplinary Committee on such evidence to find, that any therapeutic or prophylactic justification advanced for the docking in question is without substance. If such a finding is made, the Disciplinary Committee may proceed to consider and to decide whether in the circumstances the veterinary surgeon who undertook that docking knew, or ought to have known, that such purported justification is without substance.
6. For the avoidance of any doubt, any instance of tail docking which is found to have been undertaken for reasons which were not truly therapeutic or prophylactic will necessarily constitute an unacceptable mutilation of the dog, which, if carried out by a veterinary surgeon who knew or ought to have known of the lack of true justification