

17 October 2006

Mr Ben Bradshaw MP
Parliamentary Under-Secretary of State
Defra
Nobel House
17 Smith Square
London
SW1P 3JR

Dear Mr Bradshaw

Enforcement of the Animal Welfare Bill

On behalf of the organisations listed at the end of this letter I would like to raise an issue that is being debated within the animal welfare organisations. This is the issue of enforcement and in particular cross-border problems and information for the public.

We all welcome the Animal Welfare Bill and are looking forward to it receiving Royal Assent later on this year and commencement next year. However we are unsure whether it is clear as to who will be enforcing which aspects. While we note that, during the EFRA Select Committee sessions on the draft Bill, the different authorities made it clear where they saw their role to lie, we would like to know if this remains the same.

For example, the police indicated that they felt their role was at the more extreme end of cruelty and that they did not have the ability to take on the role traditionally carried out by the RSPCA¹. Similarly, Local Authority Co-ordinators of Regulatory Services (LACORS) felt that their work was primarily aimed at licensing of activities and not dealing with pets in domestic dwellings². This would appear to show a relatively clear delineation between the different aspects of the work:

- Farm Animals - State Veterinary Service
- Licensing/Inspection - Local Authorities
- Extreme violence towards animals - Police
- General animal welfare duties - RSPCA

However, in our experience this is unlikely to be clearly understood by the general public and we would want to see efficient and effective enforcement of the Bill. Does Defra plan to ensure there is public understanding of these roles, including advice as to who they should contact for the different issues?

Secondly, the organisations have been considering the difference in the legislation in Scotland, England and Wales, although we note that the primary legislation will be the same in the latter two countries. Concerns have been raised surrounding the public understanding of the differences in the legislation, in particular the secondary legislation and whether the public, let alone the enforcers, will know which laws apply where. Without a clear public information campaign this is likely to be a potential problem along the large border between England and Wales as well as the border with Scotland.

¹ EFRA Select Committee, Questions 626 and 639

² EFRA Select Committee, Question 638

Furthermore, several of the undersigned organisations have considerable experience of dealing with Local Authorities on animal licensing and animal welfare issues. It is the opinion of these organisations that there is considerable variation and inconsistency in understanding and application of current legislation. We are therefore concerned about the implementation and enforcement of the new Acts (and secondary legislation) by Local Authorities unless there are clear and transparent arrangements to ensure consistency of approach through comprehensive and appropriate guidance on application and enforcement.

I do hope that you are able to respond to us on these matters as it will help us to advise our supporters and members of the public.

Yours sincerely,

David Catlow
President

Animal Protection Agency
Bio-Veterinary Group
BirdsFirst
Blue Cross
Born Free Foundation
British Veterinary Association
Captive Animals Protection Society
Cats Protection

Dogs Trust
IFAW
Kennel Club
League Against Cruel Sports
Monkey Sanctuary Trust
PDSA
Wood Green Animal Shelters

cc: ILPH
National Equine Welfare Council
RSPCA