

Statutory guidance for the licencing regime and pet sales under the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021

Consultation response form

Your name: British Veterinary Association (BVA)

Organisation (if applicable): British Veterinary Association (BVA)

The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 18,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters. Members of BVA's Policy Committee, which includes vets in companion animal practice, have provided input into our response to the consultation, as have BVA's Welsh Branch.

BVA Welsh Branch represents members in Wales, bringing together representatives of specialist and territorial divisions, government, academic institutions and research organisations in Wales. The branch advises BVA on the consensus view of members in Wales on Welsh and UK issues.

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Responses should be returned by **01 October 2021** to

Animal Welfare & Framework Branch
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: companionanimalwelfare@gov.wales

Question 1

Do you think, as drafted, the business test provides enough advice to Local Authority officials? If not, do you have any alternative suggested wording?

We are concerned that the list of exemptions included leaves the business test open to abuse.

The exemption of “infrequent” sale of “surplus offspring” bred for “pleasure” is very much open to interpretation, and we disagree with the suggestion that someone might breed to continue a line but make little profit selling the surplus stock.

We support the £1000 business test, since this is a clear and unambiguous test and less open to abuse.

Welsh Government should introduce a system by which decisions made across Wales are reviewed in order to ensure consistency between LAs. It may also be helpful to provide Local Authorities with case studies to help interpret the guidance.

It would also be helpful to highlight an example of “not for profit” rehoming, and to require the charitable status of organisations to be scrutinised.

Question 2

Do you think, as drafted, the definition of a Rehoming Centre (Pet Sales guidance document, page 9) will ensure these premises will be able to continue rehoming puppies and kittens which have not been bred on the premises? If not, do you have any alternative suggested wording?

The suggested definition seems reasonable. To reduce potential loopholes, it would be helpful to add that the business has a non-breeding policy, and to define ‘vulnerable’ to remove ambiguity, ie injured, abandoned, neglected, stray etc.

Consideration should also be given to bringing the definition in line with other UK legislation, to improve clarity and to reduce the likelihood of loopholes. In Scotland, the definition of an Animal Welfare Establishment is: *“A place or places in Scotland where relevant animals that have been abandoned or otherwise separated from their keeper including as a result of a relevant relinquishment or a relevant seizure, or sick, injured or captured animals that were previously living in a wild state are kept for their care”*

We support rehoming being treated differently from pet sales, however, these centres should also be required to meet minimum standards, eg the [Code of Best Practice for Animal Welfare Establishments](#).

Question 3

Do you think the species specific conditions in the guidelines are sufficiently comprehensive to ensure the welfare of these animals?

We have serious concerns about the guidance in relation to snakes. Table K-01 on page 80 states the minimum length for snake vivaria as 2/3 body length. We have long supported the BVZS recommendation that the minimum acceptable length for the enclosure is the full body length of the snake when stretched out. We are aware that the Animal Welfare Committee, who have recently been commissioned to review this, will soon be publishing the same recommendation, and a recent study provides further evidence in support of this¹. We strongly recommend that Welsh Government adopt this minimum requirement.

We are also concerned that the document is confusing, with related information spread across different sections. It would be helpful to cross-reference sections where relevant information can be found in more than one place.

Following consultation with members with experience and expertise in relation to the different species covered, the following improvements to the guidance should be considered:

Guinea Pigs

Under the higher standard section, it states that grass grazing can be substituted with vegetables high in vitamin C. This implies that if grass grazing is provided, vegetables high in vitamin C are not necessary. Grass or hay grazing should make up at least 80% of their food, but a source of vitamin C is also an important part of their diet². This guidance must be clarified to state that both food sources are a requirement.

Domestic small rodents

The higher standard requirement for opaque cages would benefit from additional detail, eg whether it is advised that all sides are covered, and if this should be at all times.

Birds

In relation to enrichment and flying, we note the line *“The recommended period is a minimum of one month in a twelve-month period but daily or overnight is preferred.”* These scenarios are very different, making the recommendation unclear and easier to avoid compliance. Consideration should be given to making a clear, evidence based recommendation for minimum flying time.

The texture of perches should be considered. Perches that are both too smooth or too abrasive can cause ulceration and bumblefoot to the plantar aspect of the bird's foot. The diameter of the perches must also be appropriate for the size of the bird's foot.

On page 19, the guidance mentions *“Raptors should be provided daily with fresh clean water in a bath but it should be withdrawn during freezing weather, where they are kept*

¹ Hoehfurtner, T. *et al.* (2021) Does Enclosure Size Influence the Behaviour & Welfare of Captive Snakes (*Pantherophis guttatus*)? *Applied Animal Behaviour Science*, p.105435 Available at:

<https://www.sciencedirect.com/science/article/abs/pii/S0168159121002227?via%3Dihub>

² <https://www.pdsa.org.uk/taking-care-of-your-pet/looking-after-your-pet/small-pets/your-guinea-pig-s-diet>

outdoors, to avoid health problems.” There is no reference to this in the species specific-section of the report, so it may be overlooked by keepers.

There are a number of references to raptors and birds of prey throughout this document, yet businesses that breed falcons in Wales are not required to be licensed under the Statutory Guidance for the Licencing Regime and Pet Sales under the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021. This is a concern as the lack of welfare codes, inspection and transparency of records for falcon breeders may mean the welfare of the birds may be compromised in some establishments. Welsh Government should review the requirement for anyone breeding birds of prey in order to protect their welfare.

Reptiles and Amphibians

“Advice must be given on environmental conditions”

This should include how to accurately monitor temperature and humidity.

Advice should also be given on appropriate diets and supplementation for the different life stages of the reptile.

Fish

Suitable Environment

There is no mention of aquaria size requirements. We recognise this may be challenging due to the number of species, however, there is published advice available, eg from the Ornamental Aquatic Trade Association (OATA) and City of London Corporation.

Temperature

There should be mention of other measures to take when water temperatures are excessively high other than the provision of ‘supplementary aeration or oxygenation’. For example, the use of electric cooling fans, air conditioners or water chillers.

Table L-01

This could be simplified by combining some of the ‘fish groups’ which share similar temperature ranges (eg most marine fish).

Table L-02

This refers to ‘free ammonia’, which is now more commonly called ‘un-ionised ammonia’.

The ammonia and nitrite levels used are maximum levels which can be tolerated for short periods, but are not best practice. 0.0mg/L is recommended in the OATA care sheets.

The fact that dissolved oxygen levels are given implies that these should/must be measured. This is not practical in most situations since the lowest dissolved oxygen levels are usually in the early hours of the morning and requires expensive equipment that must be calibrated regularly. It is not clear where these minimum dissolved oxygen levels come from.

The pH in marine tanks in OATA's care sheets is '8.1 to 8.4', but only the minimum level is stated in this guidance document. A maximum pH is needed to ensure dangerously high levels are not mistakenly thought to be acceptable.

Protection from Pain, Suffering, Injury and Disease

The 'higher standard' states that aquatic 'businesses must have in place reasonable measures to prevent the import, outbreak and spread of disease/pathogens. This must be demonstrated by implementation of a biosecurity plan'. We would support this being applicable to all businesses to prevent spread of disease.

The statement 'Fish waste, including cadavers, may be incinerated or disposed of through general waste in sealed double-bagged plastic bags' may need clarification if there is a limit to the volume that can be disposed of in this manner. The Environment Agency should be consulted if large cadavers are regularly disposed of in general waste.

The guidance should reference the possible need for a water discharge consent from the Environment Agency by some aquatic businesses.

In relation to frozen water in cold weather, the guidance should also recommend use of a small floating electric pond heater to keep an area of pond surface open for air exchange with water in the pond.

Guidance for inspectors on businesses consolidating imports of fish

Further detail should be provided to the conditions, as the bullet point notes, which are not very helpful.

The use of the abbreviations for CITES, IATA and WIT should be expanded.

Question 4

Do you have any further comments or suggested amendments?

Overall

The document is not written in a consistent style, with variable levels of detail and areas of repetition throughout. The numbering system is unclear, and there are several spelling and formatting errors to correct. It would be helpful to cross-reference sections where relevant information can be found in more than one place.

General conditions

5. Suitable environment

Within the guidance for 5.2, we are concerned that three months is a long time for an animal to spend in transitional housing of a small size. The minimum requirements for accommodation sizing should apply at all times. The size requirements should also be included or referenced in this document.

We are also concerned that the lighting requirements do not include enough reference to the UV spectrum.

Condition 5.6. mentions separation of predator and prey species during transportation. The document should make clear that this separation is a requirement at all times and not just during transport. Similarly, it should be made clear that the injured, diseased, and ill animals which are not fit for transport should also not be on sale or on public display.

6. Diet

Condition 6.1 should require veterinary input into deciding what is an appropriate diet. Condition 6.2. should recommend veterinary intervention at an earlier stage to avoid significant weight change.

Condition 6.8 should state that all food should be stored correctly, not just fresh and frozen feeds as suggested by conditions 6.1 and 6.3.

8. Animal handling and interactions

Customers should be told to wash their hands before and after handling animals, rather than simply encouraged, or asked to wear gloves.

9. Protection from pain, suffering, injury and disease

This section needs to have a much greater emphasis on veterinary input, which is a vital part of protecting animal health and welfare.

For condition 9.12 it would be helpful to clarify how a veterinary surgeon authorises a person as competent, eg a signed declaration. We are also unclear why this condition does not apply to fish.

10. Emergencies

It would be useful to say how often drills needed to take place.

Specific conditions

2. Records and advertisements

'For fish, deaths should be recorded when mortality exceeds 5% of animals on site, over a 24 hour period'. We are concerned that 5% is too high and would expect aquatic businesses to consider a much lower level to be significant. We would expect 1-2% to be a more appropriate figure.

3. Prospective Sales: pet care and advice

Additional detail for all species is needed in this section.

We are unsure what a 'care plan in place for a single housed rabbit' involves. Rabbits should not be housed alone³.

5. Sale of animals

It would be helpful to include the appropriate ages for sale for all juveniles, not just dogs, cats, ferrets and rabbits.

More detail is needed alongside the statement "Pregnant animals should not be sold". It would be helpful to indicate how pregnancy is determined, and to identify any exceptions eg viviparous livebearer fish. We would recommend restricting this to mammals and strengthening the 'should' to 'must'.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

³ BVA, BVZS and BSAVA policy position on housing pet rabbits in compatible pairs or groups:
<https://www.bva.co.uk/media/3284/bva-bvzs-and-bsava-policy-position-on-housing-pet-rabbits-in-compatible-pairs-or-groups-full-jan-2020.pdf>