Welcome and introduction

1) S. Wensley welcomed attendees to the second meeting of NTCAWG to discuss the keeping and sale of NTCAs kept without a licence. Apologies were noted from Liz Mullineaux (BVZS), Alice Moore (Policy Committee), and Matt Leach (EWAP).

Minutes from previous meeting 4.8.21

2) The minutes from the previous meeting held on 4.8.2021 were accepted as an accurate record, and attendees were content with how the group’s underpinning principles had been captured.

Models of regulating trade and keeping NTCAs

3) Members were reminded of the underpinning principles that the group had agreed at the previous meeting, particularly:
   • Non-traditional companion animals should only be kept, bred or sold if there is a reasonable expectation that their five welfare needs can be met and that they will have a Good Life. This should be based on a complete assessment of published evidence and practical knowledge and experience.
   • There should be mechanisms in place to ensure that NTCAs are only kept, bred or sold where there is a reasonable expectation that their five welfare needs can be met and that they can have a Good Life. This should be based on a complete assessment of published evidence and practical knowledge and experience.
   • Mechanisms to control the keeping, breeding or sale of NTCAs could include improved regulation (eg. positive lists), strengthened licensing regimes (eg. DWA), prohibiting ownership/breeding/sale unless for authorised breeding/conservation purposes, introducing mandatory conditions at point of sale eg. for social and solitary species, and improved public education.

4) It was agreed that in light of these principles, the working group needed to consider the mechanisms through which to achieve these outcomes. In discussion, members considered potential mechanisms to regulate trade and keeping of NTCAs, the key points from these discussions are summarised below.
5) Maintaining the status quo
In discussion it was noted that:
- Maintaining the status quo was inadequate as more needed to be done to improve the welfare of NTCAs kept without a licence. The working group should be aspirational in its recommendations, and propose further regulation.
- The Scottish Animal Welfare Commission’s interim report on exotic pets (2021) had recently concluded that: “The evidence received by SAWC suggests that there are important animal welfare issues to address and that further regulation would be beneficial.”
- Consideration should be given to the wider regulation of trade and keeping of all pets, not solely NTCAs. However it was recognised this was out of scope of the working group.
- Consideration should be given to the potential unintended consequences of increased regulation of trade and keeping of NTCAs eg. driving ownership and trade of particular species underground; owners not seeking veterinary care; the veterinary profession being required to police new regulations.
- If increased regulation were to be introduced, consideration would need to be given to existing animals through grandfather rights. The aim of regulation should be to prevent further animals entering into the pool. However, consideration should be given to long-living species that are currently kept eg. parrots who may remain in inadequate conditions for the rest of their lives, which may be decades.
- Consideration should be given to the moral stress of the veterinary professional in any transition period to increased regulation eg. if euthanasia were required, or vets were concerned that they had to provide care for certain species of NTCAs that weren’t permitted under new regulations.

6) Self-regulation
In discussion it was noted that:
- Self-regulation was not an adequate solution, and had not been effective to date, particularly amongst general keepers. However, anecdotally it was recognised that self-regulation tended to work better for keepers of more unusual species as owners tended to have pride in their expertise.
- The limitations of this approach highlighted by SAWC were noted, including:
  - While trade associations may be able to regulate their members, they seldom cover the entirety of their sector.
  - Rules and codes of practice are unlikely to carry any sanction beyond removal of association membership, which places non-compliant traders out with the aegis of even a voluntary regulatory regime.
  - Any self-regulation system would only be a partial solution as it can only apply to trade and industry and not to private keeping, as this would be impossible to enforce without any oversight body.
- Experienced keepers may be providing for good health, however this did not necessarily correlate with good welfare.

7) Licensing
In discussion it was noted that:
- Licensing serves to regulate the keeper as opposed to the animal. Licensing of the vendor was also required.
- Any licensing system should be based on full cost-recovery to support effective enforcement.
- Consideration could be given to a hybrid model of licensing in conjunction with a positive list. It was noted that SAWC had highlighted that approach could be taken in its interim report on NTCAs:
  “Listing could form part of a multi-tier licensing approach, with a type of general licence to cover those animals listed as suitable for private keeping, and more specific licences available, when appropriate, for more experienced keepers with the knowledge and facilities to provide adequately for animals with more complex needs.”
• BVZS did not support a general licensing regime due to concerns that it would not be practically possible for local authorities to enforce due to resources and a lack of expertise across all species, and it may become discriminatory in terms of pet ownership if certain demographics could not afford the licensing fee.
• Consideration could be given to incorporating a knowledge test and certification into a licensing regime, so that owners are required to demonstrate their knowledge before purchase. However, it was noted that this approach has not been effective on its own at improving welfare for bearded dragons kept in Victoria, Australia.

8) Negative lists
In discussion it was noted that:
• Negative lists were the weakest mechanism for improved regulation as they were difficult to enforce, and require a high level of monitoring by authorities as new species come into trade, or species classifications are updated.
• Implementation of negative lists could drive NTCA ownership and trade underground, and also lead to abandonment of existing NTCA's.
• In Norway, legislation previously prohibited the trading and keeping of exotic pets on animal welfare grounds. Despite the ban, it was reported that importation, trading, and keeping of amphibians and reptiles persisted on a substantial scale. In 2018 the Norwegian government therefore introduced a positive list in the hope it would reduce the illegal trade, and keepers would be more inclined to seek veterinary care for their animals without fear of being reported to the authorities.

9) Positive lists
In discussion it was noted that:
• In light of provisions included in the primates section of the Kept Animals Bill, Defra were already considering positive lists, and Born Free and RSPCA had recently called for the implementation of a positive list in their report ‘The Exotic Pet-demic’.
• Of the methods of regulation considered, it was felt that positive lists had the potential to be the most effective and the most in line with the working group’s underpinning principles.
• Some people may incorrectly think that where a species is included on the positive list they are easy to keep and this could have the unintended consequence of making the ownership of certain species appear more attractive. Clear messaging would therefore be required to emphasise that if a species is on the positive list this does not make them easy to care for.
• Positive lists should not be formulated based on animals that are currently kept. Species selection for positive lists should be undertaken by independent parties using scientific, evidence-based, and objective sources.
• Consideration would need to be given to the transition period and what would happen to currently kept species that did not appear on the positive list. eg. grandfathering rights and quality of life considerations if animals were to be sent to re-homing centres/ sanctuaries (ie. husbandry and welfare conditions may not represent an improvement to those that the animal was kept in by their original keeper). It was also noted that while euthanasia of these animals would not present a welfare issue, it would pose a communications challenge to the public, and a wider ethical challenge for the profession (eg. risk of moral injury).
• The implementation of a positive list could lead to relinquishment of NTCA's, even if grandfather rights were introduced.
• Classifications of species are fluid and constantly being updated, therefore there should be specified review periods to keep the list up to date and consider whether species should be added/removed from the list.
• It may be challenging to include fish in a positive list system given the breadth of species kept.

10) Selection criteria for positive lists
In discussion it was noted that:
• Species selection should be evidence-based, conducted by an independent body, and have
specified review periods to keep the list up to date and consider whether species should be added/removed from the list.

- There was broad support for Toland et al.’s (2020) recommendations for the development of positive lists. However, the group considered that there should only be exemptions for individuals who can demonstrate they have a standard of expertise, appropriate facilities, and husbandry regimes to provide a Good Life for animals not on the positive list. A licensing regime should be used to ensure these individuals can meet this threshold. Conservation should not be a considered a legitimate reason for keeping these animals. In addition, the group felt that there should be restrictions on the ability of rescue shelters and sanctuaries to accommodate unwanted, abandoned or seized animals, depending on the quality of life and conditions that they are able to provide for these animals.

- There was strong support for the use of species assessment systems when developing the list. In particular, Schuppli and Fraser (2000) A framework for assessing the suitability of different species as companion animals, and the questions (however not the weighting) set out in Warwick et al. (2013) Assigning Degrees of Ease or Difficulty for Pet Animal Maintenance: The EMODE System Concept

11) **Recommended BVA position**

Having considered the different methods of regulating the trade and keeping of NTCAs, members agreed that:

- BVA should call for the introduction of a positive list supported by a licensing regime for ownership of animals not on the list.
- To obtain animals listed on the positive list, keepers should be required to pass a pre-purchase knowledge test to demonstrate they have the expertise to provide a Good Life for these animals. This test should be developed with input from the veterinary profession and industry eg. the Pet Know How test.
- The positive list should: be developed by an independent body; be based on scientific and objective evidence; have clear and transparent review processes; and ensure transitional arrangements for currently kept NTCAs in the form of grandfather provisions.
- We broadly support the recommendations set out by Toland et al (2020) and the use of species assessment systems eg those proposed by Schuppli and Fraser (2003), and the questions from the EMODE system, to inform the development of a positive list.
- Individuals who can demonstrate that they have a standard of expertise, appropriate facilities, and husbandry regimes to provide a Good Life for animals not on the positive list should be able apply for a licence to keep such animals. Conservation should not be a considered a legitimate reason for keeping these animals, licences should only be granted to those who can demonstrate they are able to adequately provide for these animals’ complex needs. Licensing requirements should be rigorous, require inspection from an inspector with species-specific knowledge, and the fulfilment of a knowledge-based test by the keeper.
- It should be emphasised that this proposed model of regulation would represent a two-tier standard of knowledge and expertise, as opposed to a two-tier standard of welfare.

**Pet vending regulations**

12) Members noted that England, Wales and Scotland had detailed legislation and licensing conditions to safeguard welfare in pet vending establishments through the Animal Activities Licensing regulations. In contrast, Northern Ireland regulated pet vending through the NI Pet Shop regulations, which have significantly less detailed licensing conditions with regard to animal welfare, and no species-specific guidance.

13) Members considered Defra’s current guidance for local authorities on granting licenses for pet vending. It was noted that this guidance was currently being reviewed by Defra and was informing the drafting of similar guidance for the Welsh and Scottish pet vending regulations.

14) In discussion it was noted that:
• Northern Ireland pet vending regulations should be brought in line with the more detailed licensing required in the rest of the UK.
• In England and Wales, the current two-tier system of minimum standards and higher standards was confusing and added an extra layer of complexity to inspections and compliance. It would be preferable to have a single standard.
• There were concerns that the original process for developing the Defra guidance and standards did not allow sufficient time for veterinary input and scrutiny, and there was a lack of transparency about the process underpinning the development of the guidance.
• The current Defra guidance (and proposed Wales guidance) did not make it clear enough that the licensing standards for pet vending should be considered as a temporary restriction in welfare while animals are offered for sale and that enclosure sizes etc may be smaller than those intended for long term husbandry. The guidance should explicitly state that these standards are not suitable for long-term husbandry and keeping. There were concerns that without this explicit statement, the guidance could be used in a welfare case as a defence for poor welfare standards in a private setting.
• While the current guidance does specify that animals should not be kept in these transitional conditions for more than 3 months, this period may be too long for some species.
• While it was recognised that it may not be practical for pet vendors to display animals high welfare conditions due to size restrictions, members were concerned that displaying animals in conditions intended for temporary holding (ie. a temporary restriction in welfare conditions) may normalise these standards in public perception. This could result in owners thinking that these conditions are appropriate for long term husbandry and keeping. As far as possible, pet vendors should act as role models for pet owners, and display animals in conditions that are conducive to positive welfare. This should not just be limited to those animals on display, but also animals kept off the shop floor.
• Enclosure sizes should be the same across all licensable activities.
• Displaying in conditions conducive to positive welfare eg. with appropriate enrichment, may confer advantages to pet vendors and result in increased sales of enrichment equipment, materials and accessories.
• Often local authority inspectors have a broad range of responsibilities beyond just animal welfare and so may not be appropriately trained in assessing the impact of conditions on animal welfare.

15) Following this discussion, it was agreed that the BVA position should call for:
• A review of pet vendor licensing in the UK (including Northern Ireland). Licensing conditions and guidance should include single system of detailed minimum standards (as opposed to the current two-tier system of minimum and higher standards).
• These standards should be evidence-based (making use of the hierarchy of evidence) and developed by an independent body with veterinary input. As part of this there should be a clear consultation process for stakeholders to input, review and scrutinise proposed standards, led by central government.
• Government should commission a literature review across species to inform the development of pet vending minimum standards. As part of this consideration should be given to whether 3 months is an appropriate time to keep animals in temporary conditions that are not optimal for welfare.
• As part of the review, pet vendors should be encouraged to role model higher welfare conditions to prospective pet owners, both on and off the shop floor. In addition, enclosure sizes should be the same across licensable activities.
• Until this review is conducted, current pet vending licensing guidance should explicitly state that the minimum standards set out in the guidance documents are not suitable for long-term husbandry and keeping.
• Government should also consider establishing ethical review boards at a local authority level to consider pet vending licensing applications before they are granted. These should be comprised of individuals with appropriate skills to appraise likely animal welfare implications.
of applications and make considered ethical judgements on whether licenses should be granted.

- There should be appropriate training in animal welfare for all local authority officers responsible for conducting inspections of pet vending establishments (and licensable animal activities more widely)

**Online sales**

16) Members reiterated their support for the principle that there should be mechanisms to monitor and limit internet advertising and sales of NTCAs, such as those promoted by the Pet Advertising Advisory Group (PAAG).

17) The group supported the current work being undertaken by the Pet Advertising Advisory Group, particularly the work being undertaken by PAAG’s ‘exotics’ subgroup.

18) It was noted that it would be useful for members to consider how statutory regulation of online sales could work at the next meeting, including discussion of PAAG’s overall position on the regulation of online pet sales, and research into this area conducted by K. Hinde.

**Action:** H. Atkin to find out PAAG’s overall position on statutory regulation of online sales

**Action:** H. Atkin to contact K. Hinde for more information about research and invite to present at next meeting.

**Date of next meeting**

19) Tuesday 30 November 2021 11.00-15.00, via Zoom.

20) It was agreed that at the next meeting members would receive a presentation on keeping NTCAs in Germany from Prof. Dr. Marina-Elisabeth Krautwald-Junghanns (University of Leipzig), consider regulation of rehoming centres and sanctuaries, and assess the effectiveness of the Dangerous Wild Animals Act.