RSPCA CYMRU CONSULTATION ON AN ANIMAL OFFENDERS REGISTER FOR WALES – BVA / WELSH BRANCH / BSAVA RESPONSE

1) BVA is the national representative body for the veterinary profession in the United Kingdom and has over 16,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.

2) The BVA’s Welsh Branch brings together representatives of the BVA’s territorial and specialist divisions, government, academic institutions and research organisations in Wales. The Branch advises BVA on the consensus view of the Welsh members on Welsh and United Kingdom issues.

3) Our response has been formulated in close liaison with the British Small Animal Veterinary Association (BSAVA), which exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 10,000 members. We have also consulted the British Veterinary Zoological Society (BVZS) who are broadly supportive of our response, and we have liaised with the relevant production species divisions.

4) We fully support the principle of enabling enforcement authorities to keep a check on those who are disqualified from keeping animals. In our previous joint response with BSAVA to the Petitions Committee of the National Assembly for Wales we were clear in our reservations and concerns regarding the suggested open register. We are pleased to see that the Task and Finish Group will not be pursuing the possibility of an open register and is instead focusing on the advantages and disadvantages of the variety of closed registers possible.

5) Access to the Register
As already stated in our response to the Petitions Committee, we would not support a requirement for breeders and sellers to access a central database before supplying an animal. In order to place a duty on a seller or breeder to consult the Register there would need to be in place a clear definition of seller/breeder, and consideration would also need to be given to whether the legal duty would or could reasonably extend to owners who were not licensed breeders but did produce animals for onward sale, intentionally or otherwise. Another critical consideration is how breeders/sellers, as distinct from other members of the general public, could be given access to the Register without data reaching the public domain and being misused. Similar data protection issues arise if considering granting Register access to pet homes, rehoming centres or auctioneers. We do of course agree that supplying any breed of animal to an offender should be avoided, but believe that funding and manpower would be better spent keeping close track on the activities of convicted offenders rather than placing a responsibility on largely law-abiding animal breeders/sellers or other suppliers of animals, effectively creating a new offence of failure to check the Register.

6) Funding the Register
As a Register would ideally need to be self-funding, and the number of disqualification orders imposed would not be sufficient to cover the cost through a fee charged to the offender, we would suggest that this indicates that introducing a Register, and the associated administrative burden of maintaining and policing it, may not be proportionate to the size of the problem in Wales. To make an informed
assessment it would be useful to see animal welfare conviction statistics, including the number of disqualification orders and subsequent breaches. We believe that efforts may be better focussed on increasing sentencing powers for intentional animal welfare offences and directing proportionate time and money into effective follow up to reduce breaches under existing legislation.

7) Impact on the veterinary sector
We have some concerns regarding the expectations the existence of a register might place on vets, particularly if they were one of the groups granted access to such a register. The primary focus for vets must be the health and welfare of animals under their care, and we would not wish to see an expectation that they would play a role in ‘policing’ the background of their clients or indeed making a report against a client unless there was an evidential reason to do so1. In developing the thinking around the future of a register, RSPCA Cymru may wish to consider how to incorporate the work of the Links Group, a multi-agency interest group that promotes the welfare and safety of vulnerable children, animals and adults so that they are free from violence and abuse.

8) Cross-border implications
Any register would be extremely limited in its ability to identify breaches of a disqualification order if it only applied to Wales. Anyone convicted of an offence outside Wales would not be identified on the register and the proposals would not do anything to prevent an offender convicted in Wales from travelling over the border, acquiring an animal and then returning to Wales. We believe that any proposal to address breaches must be coordinated and consistent if meaningful results are to be achieved.

9) In conclusion, we strongly support the principle of resourcing enforcement authorities to monitor those who are disqualified from keeping animals, and more strictly enforce existing animal welfare legislation. However, we are yet to be convinced that an animal offenders register as a stand-alone register in Wales will have adequate impact, particularly when there is no alignment with the remainder of the UK. We welcome RSPCA Cymru’s detailed consideration of the practicalities of a register before progressing the proposals any further. We would be very happy to meet with the Task and Finish Group if this were considered to be useful.

November 2017

---