March 2016

EFRA COMMITTEE INQUIRY INTO DOMESTIC ANIMAL WELFARE

WRITTEN EVIDENCE SUBMITTED BY BRITISH VETERINARY ASSOCIATION AND BRITISH SMALL ANIMAL VETERINARY ASSOCIATION

Introduction and background

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 15,000 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.

2. The British Small Animal Veterinary Association (BSAVA) is the largest specialist division of the BVA and of the veterinary profession. It represents over 10,000 members, the majority of whom are in general practice and have expertise in the care and welfare of a wide range of small companion animals.

Issue 1: The effectiveness of the Animal Welfare Act 2006 with regard to domestic pets

3. We consider that the Animal Welfare Act 2006 (AWA) has been effective in its aim of bringing the majority of animal welfare legislation under one umbrella.

4. We consider that making clear the responsibilities of the person responsible for the animal in terms of explicit welfare needs, under section 9 of the Animal Welfare Act has been a good thing. However, we are concerned that too few people are aware of their responsibilities in this regard for it to be considered effective, as evidenced by the PDSA Animal Wellbeing (PAW) Report 2015 which found that only 31% of pet owners were familiar with their responsibilities under AWA (down from 45% in 2011 PAW Report).

5. The AWA 2006 can be difficult to enforce, in part because responsibilities for enforcement are sometimes unclear and enforcement is often limited by the available resources of charities and local authorities. For example there is no clear process for the practicalities of enforcing the five animal welfare needs and it seems that usually active suffering still has to occur before action is taken.

6. We understand that the requirement to meet any need a protected animal has, to be housed with, or apart from, other animals is often contravened, such as by keeping social species like rabbits and budgerigars on their own. However it is generally agreed that this requirement is difficult to enforce due to a lack of a precedent and case law. There are also practical difficulties such as attempting to prosecute someone if they had a pair of animals then one died and it was not happy to accept another mate.

7. The AWA 2006 can also act as a barrier to the development of more specific welfare related legislation because it is argued that if the AWA 2006 was enforced effectively then, in theory, suffering should not occur.
8. We support the power of Government to issue codes of practice under the AWA. However we draw your attention to the CFSG Review of the Statutory Codes of Practice on the welfare of cats and dogs in England. This concludes that while the Codes have proved useful in supporting the Courts in assessing whether the welfare needs of animals have been met, and as an educational tool as part of enforcement action, in their current format they have limited educational use to general pet owners.

9. We welcome the powers provided by Section 18 (5) to remove an animal in distress from their owner, in order to alleviate unnecessary suffering. Yet it is understood that courts can be reluctant to use Section 20 to transfer ownership of an animal or sell it. The process of obtaining an order, along with the wider court proceedings under the Animal Welfare Act 2006, can be costly both in terms of time and in providing the appropriate care for animals to meet their welfare needs, whilst charges are being considered.

10. For example, if an appeal is lodged then a dog may be kept in boarding kennels for two or three years whilst its case is being processed and heard, and it would be virtually impossible to meet their long term welfare needs during this time. In such cases, other options should be explored in order to improve its quality of life and wellbeing, such as more imaginative use of section 20 orders including temporarily re-homing the animal until such time as any court case is concluded.

11. We therefore suggest that in the interest of animal welfare, a system needs to be put in place and sufficient funding made available, to ensure that the animals' welfare needs are fully met throughout the duration of the court proceedings and until they can be permanently confiscated or returned to the owner.

12. We note the concerns of veterinary surgeons who deal with the AWA 2006 on a regular basis (such as acting as expert witnesses), that sentencing powers under the AWA 2006 are ineffectual and do not reflect the severity of many cases. The current maximum sentence of six months for serious neglect of multiple animals or intentional harm to any animal does not appear to be a significant deterrent, because the maximum sentence is very rarely given and most serious offences do not receive a custodial sentence. The DARD Review of the implementation of the Welfare of Animals Act (Northern Ireland) 2011 published in February 2016, recommends increasing penalties.

**Issue 2: Regulation surrounding the sale of domestic pets, including online sales and advertising**

13. We consider that the current legislation around the sale of domestic pets, e.g. The Pet Animals Act 1951 and The Breeding and Sale of Dogs Act (1999), are no longer fit for purpose and need updating to bring them in line with the requirements of The Animal Welfare Act and current practices in terms both of the species now regularly kept as pets and with online sales and advertising.

14. The BSAVA, along with the BVA and BVZS recently responded to the Defra Review of Animal Establishment Licensing in England supporting the proposal to bring existing licensing schemes under the Animal Welfare Act. We also recommended that this review is an appropriate opportunity to consider whether any other activities or animal establishments should be licensed in order to ensure that they meet appropriate animal welfare standards including:
   a. Animal rescue and rehoming centres
   b. Pet fairs
c. Breeding and sale of cats

15. We support the Pet Advertising Advisory Group (PAAG) whose standards for online adventing of pets have had some positive effect on online sales. However we recognise that online sales of pets are still largely unregulated.

16. In our response to the licensing consultation we proposed:
   • Anyone breeding from a dog should be required to register with their local authority
   • Any advertisement for the sale or supply of pet animals or services should be required to include the registration or licence number
   • A requirement to complete a short online questionnaire to demonstrate that the potential owner understands the responsibilities of pet ownership and how to meet the animal’s welfare needs

17. We also have concerns about the welfare of the increasing number of puppies (and other animals) that are imported for sale from Europe. As well as the potential to introduce disease we have serious concerns that for many of these animals, their welfare needs are not met during transport.

Issue 3: Enforcement of current animal welfare legislation, including prosecution of offences by the police, local authorities, the RSPCA and others

18. While we are not experts in enforcement, we are aware of the current constraints affecting all enforcement agencies. Since animal welfare enforcement is not a statutory responsibility, there are likely to be severe financial and resource constraints on the amount of enforcement that can be undertaken.

19. We note the findings of Dr Fiona Cooke\(^1\) that at the time of her initial survey only 50% of local authorities who had Animal Welfare Inspectors had officers with expertise in enforcement of animal welfare laws, and that resources were diminishing.

20. We are aware that the role of the RSPCA as a registered charity which raises funds from the public to fund its work, including enforcement and prosecution under the Animal Welfare Act, is very unusual. As the RSPCA is currently responsible for approximately 80% of cases prosecuted under animal welfare law we acknowledge the conclusion of the Wooler report that the RSPCA should continue as an investigator and prosecutor of animal welfare laws. However, we note that the Wooler report advises that while the RSPCA is not a public body, its role in prosecution, the scale of its enforcement role and its relationship with the police and other bodies mean that it is *de facto* a prosecuting authority and should therefore meet comparable standards as a public body and should work closely with government and public sector counterparts to ensure consistent enforcement of the animal welfare legislation.

21. We would also like to make the point that enforcement should not just be about prosecution but should also focus on education and other measures to prevent animal neglect and suffering.

\(^1\) PhD The application, implementation, enforcement and development of companion animal welfare in local authorities in Great Britain" http://alaw.org.uk/resources/articles/enforcement-the-conundrum-at-the-heart-of-animal-welfare-policy/
Issue 4: Comparative approaches to enforcement in England, Northern Ireland, Scotland and Wales

22. There are a number of differences in animal welfare legislation between England, Northern Ireland, Scotland and Wales including:
   - tail docking (completely banned in Scotland, exemption for working dogs in the rest of the UK)
   - electric pulse collars (banned in Wales)
   - dog licences (required in Northern Ireland)
   - control of horses (separate legislation in England and Wales and none in Northern Ireland and Scotland)
   - SSPCA inspectors have the power to seize animals and enforce the Animal Health and welfare (Scotland) Act 2006

23. These inconsistencies can cause confusion for owners and problems for vets, especially those working close to borders. It would, in our view, be preferable if the legislative requirements were the same across the UK.

24. Where there are differences in the legislation or enforcement, for example in relation to breeding and sale of dogs there is a risk that those businesses which are not meeting the required welfare standards will move to areas in which legislative requirements or levels of enforcement are lowest.