

UK CENTRE FOR ANIMAL LAW (A-LAW)

BRIEFING PAPER IN RESPONSE TO DEFRA'S

ACTION PLAN FOR ANIMAL WELFARE AND THE ANIMAL WELFARE (KEPT ANIMALS) BILL

JULY 2021

A-LAW Response to the Animal Welfare Action Plan and the Animal Welfare (Kept Animals) Bill

Introduction

On 12 May 2021, the Government published its Action Plan for Animal Welfare, in an announcement that the 'UK launches first ever action plan to improve the welfare and conservation of animals at home and abroad'. This was followed shortly afterwards by the Animal Welfare (Kept Animals) Bill, introduced to Parliament on 8 June 2021.

We asked each of our Animal Law Working Groups for their response to the Action Plan and the Kept Animals Bill.

Executive summary

We welcome the recognition that animal welfare is an important issue and that it is being taken seriously by policy makers. We also welcome some of the ambitious proposals to tackle animal welfare abuses in the UK and abroad and a commitment to high welfare standards in forthcoming trade deals.

There are also areas where we would have wanted to see a firmer commitment to ending well documented and persistent animal welfare problems. We will also be carefully considering the detail and delivery mechanisms for each of these commitments.



A-LAW – Action Plan

Wildlife Law Working Group



We are especially pleased to see proposals to ban keeping of primates as pets. This is something that we advocated for in the recent Government consultation, and you can read our response [here](#). We also welcome new laws to crack down on illegal hare coursing and a commitment to funding for wildlife conservation projects whilst we further hope that the government undertakes to properly resource wildlife crime units within police forces which are at the forefront of wildlife crime detection, investigation and prosecution. We are concerned to read about plans to 'restrict' the use of glue traps as and would prefer to see a complete ban on animal welfare grounds and this is an issue we will publish a paper on shortly.

In relation to wildlife abroad, we are pleased to see a commitment to using UK policy to address practices fuelling wildlife problems overseas including a ban on the import of hunting trophies from endangered animals and a ban on the import and export of detached shark fins.

We are also pleased to see proposals for a ban on the advertisement of unacceptably low-welfare animal practices abroad such as elephant rides, something that A-LAW friend and lawyer, Duncan McNair of Save The Asian Elephant (STAE) has campaigned for. We hope to see a complete ban on the importation and domestic sale of foie gras which we note the Government is 'exploring.'

A-LAW – Action Plan

(Continued)

Notwithstanding the positive developments set out in the Government’s Action Plan, we note that the Government has regrettably not proposed to address several major issues facing UK wildlife.

Firstly the progress of the Animal Welfare (Sentencing) Act 2021 is a welcomed and necessary development for the welfare of companion animals, the planned legislation creates two levels of protection against cruelty for animals in the UK. This is because the act does not increase the penalty for offences which amount to cruelty against wildlife (e.g. pursuant to the Wildlife and Countryside Act 1981, the Hunting Act 2004 or the Wild Mammals (Protection) Act 1996). Such a divergence in protection is neither morally or logically justified and we strongly hope the Government addresses this.

Furthermore, the Government has not proposed any solution to the issue created by the Invasive Alien Species (Enforcement and Permitting) Order 2019 that wild species deemed “alien” cannot be released back into the wild by sanctuaries or veterinarians where they are asked to care for injured specimens. This prohibition combined with the fact that animal rescue centres practically lack the resources required to care for such animals themselves forevermore means that such centres often have no choice but to euthanise injured animals brought, else they face prosecution under the 2019 Order. Such an outcome is an absurdity and an affront to the Government’s assertion that it is prioritising animal welfare. The Government should amend the 2019 Order to permit the rehabilitation of injured “alien” species.



The Wildlife Law Working Group is led by Rob Espin, solicitor; Dr Angus Nurse Head of Criminology and Criminal Justice at Nottingham Trent University and co-chair of the Wildlife Law Working Group and Francesca Nicholls

A-LAW – Action Plan

Companion Animal Law Working Group

We welcome a commitment in the Action Plan to tackling puppy smuggling and ear cropping through changes to import rules. We also welcome compulsory microchipping for cats and a ban on remote controlled training e-collars.

Whilst we also welcome a new taskforce to crack down on pet theft, we call for immediate steps to be taken to create a specific offence of pet theft or to urgently review the sentencing guidelines so that sentencing policy reflects the disruption to the family relationship and not simply the financial worth of the stolen animal.

In relation to the detailed proposals, the Kept Animals Bill proposes several positive measures to tackle the import of dogs from ‘puppy farms’ and address other undesirable practices such as ear cropping, which is illegal in the UK. The proposed measures include a reduction in the maximum number of animals that can be transported under PETS in a motor vehicle and provisions for the keeping records or information, which could prevent repeat travel under PETS. The Bill also empowers the Government to make provision about animals that are seized and detained by virtue of having been unlawfully imported, and a provision enabling ownership of a relevant animal to be transferred in specified circumstances. There are also proposals for new penalties, reflecting the gravity of the offences.

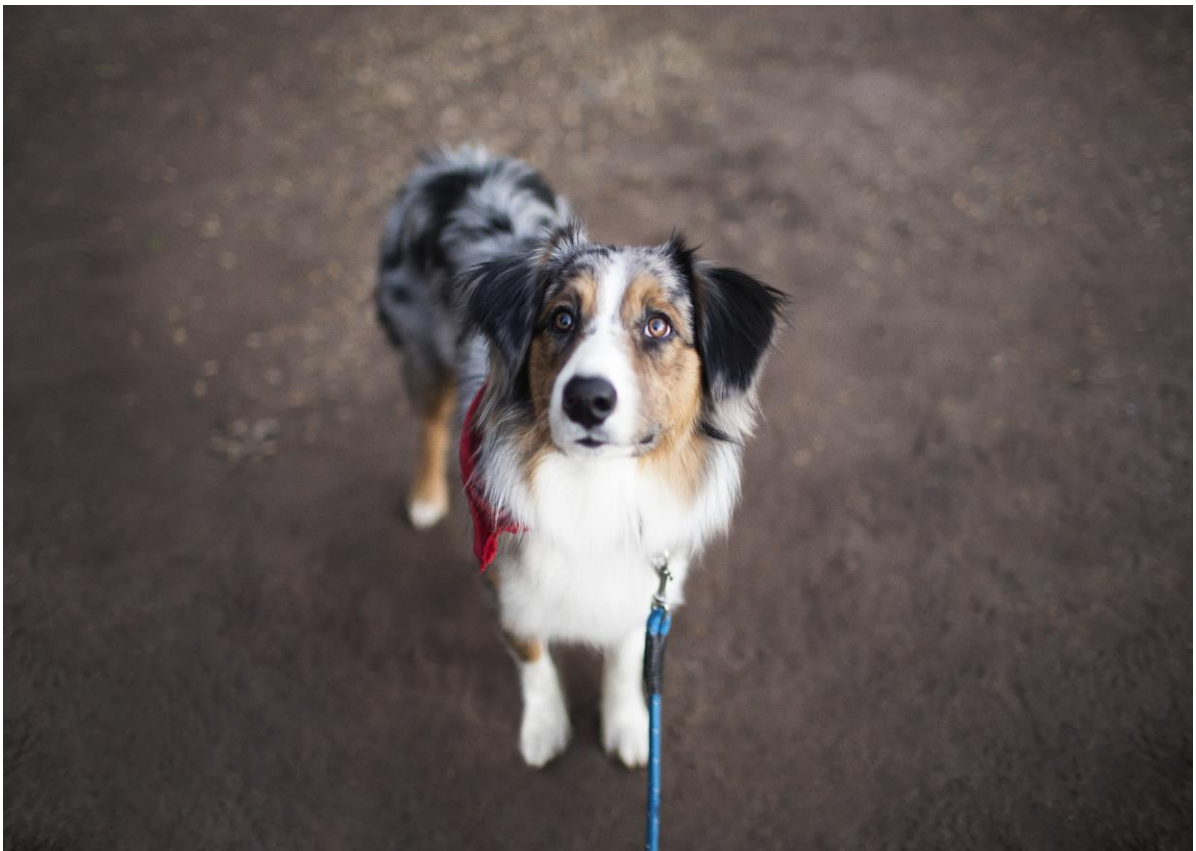
The Bill includes powers for the Government to bring in further restrictions on the movement of pets on welfare grounds and empowers ministers to increase the minimum age that dogs can be imported into the country through regulation. This will make importing puppies less lucrative and make it easier to spot underage pups being brought into the country. While these measures are welcomed, we are concerned about the position for rescue organisations and would urge the Government to consider an exemption for charities and other rescues.

Despite it being illegal to transport a pregnant dog in the last 10% of her pregnancy, pregnant bitches are being imported into GB, so that their puppies can be sold at a younger age as ‘born in GB’. The Bill empowers ministers to make regulations further prohibiting/restricting the movement of pregnant bitches.

A-LAW – Action Plan

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It is also welcomed that the Bill specifically empowers the Government to make regulations restricting the import of dogs with cropped ears other mutilations, such as docked tails, or any other procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment. These are important measures designed to clamp down upon rising numbers of dogs with cropped ears being reported by organisations such as the RSPCA. Ear cropping is painful and unnecessary and detrimental to dogs' health, behaviour, and welfare and is illegal in the UK.



The Companion Animal Law Working Group is led by Michelle Strauss, solicitor; Randi Milgram, attorney and Jessica Ward, Zoology student, University of Edinburgh. We are grateful to Molly O'Donoghue, Aberdeen University for her analysis of the Kept Animals Bill.

A-LAW – Action Plan

Farmed Animal Law Working Group



We were pleased to see a commitment to ending the export of live animals for fattening and slaughter in the action plan, and a commitment to introducing new measures to improve welfare during transport. A-LAW supports proposals to place limits on the live export trade and is pleased that the Government has introduced measures to end exports for slaughter and fattening of some farmed species through its Animal Welfare (Kept Animals) Bill. We recognise that this represents a significant victory for animal protection groups and members of the public who have campaigned against this concerning trade for many years.

Whilst there is much to celebrate, it is necessary to highlight that the current legislative proposals would allow significant parts of the live export trade to continue. The provisions, as they are currently drafted, would prohibit exports for slaughter and fattening of so-called ‘relevant livestock’, which includes cattle, equines, sheep, goats, pigs and wild boar. Notably, poultry and rabbits are not included within the definition of ‘relevant livestock’, and there is no limit on exports of any species for breeding purposes. These exclusions are not unexpected, but they do give A-LAW cause for concern as we feel the proposed approach is simplistic.

A-LAW would prefer to see the introduction of a broader prohibition on live exports that includes breeding animals and a wider range of species, subject to a licensing regime that would allow the export of some special value animals to continue, but only in accordance with stricter minimum legal standards. We would also urge the Government to introduce legislation to improve welfare in transport more generally, which must include species- and life stage specific improvements. Given the strength of the scientific evidence, A-LAW feels it is particularly imperative that maximum journey times for poultry are reduced to no more than four hours as a matter of priority.

A-LAW – Action Plan

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We are also pleased that the Government will be reviewing the use of cages for poultry, and farrowing crates for pigs. However, we would welcome a firm commitment to ending the use of these outdated practices, which significantly compromise the welfare of these animals.

We also welcome commitments to improving the welfare of animals during slaughter and look forward to reviewing detailed proposals. This should include as a minimum phasing out the use of carbon dioxide stunning for pigs and water bath stunning for chickens, practices which are associated with well-documented and severe animal welfare problems.

We also wish to see mandatory stunning for fish and other species not adequately protected under current legislation and improvements to welfare standards for broiler chickens, which currently fall short.

Of course, crucial to the success of any new legislation will be consistent and effective implementation, and so we will be carefully considering the enforcement and delivery mechanisms behind any new proposals.



The Farmed Animal Law Working group is led by Danielle Duffield, solicitor ; Natalie Harney, law graduate and A-Law trustee, and Vanessa Pearson, The University of Law, Graduate Diploma in Law

A-LAW – Action Plan

Animal Experimentation Law Working Group

We are disappointed that that the Action Plan is lacking any specific proposals for animal use in research and there is no firm commitment to:

- improve upon EU animal testing standards and systems,
- ensure there will be no duplication of animal experiments due to leaving REACH,
- develop a roadmap towards phasing out animal experiments, and
- act upon recommendations over the past two decades to review section 24 of the Animals (Scientific Procedures) Act 1986, including the last Home Office consultation in 2014 which received almost 5,000 submissions calling for a repeal of section 24, which predates freedom of information legislation and criminalises unauthorised disclosure of information about animal experiments.



The Companion Animal Law Group is led by Dr Simon Brooman, Lecturer in Law at Liverpool John Moores University; Blanche Koenig solicitor and A-Law trustee, and Nadine Leese, student at Liverpool John Moores University.

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