



A-LAW
c/o Clair Matthews
Monckton Chambers
1 & 2 Raymond Buildings
Gray's Inn
London, WC1R 5NR

21 August 2019

Ms Claire Phillips
Mr Luke Fayers
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Ms Phillips and Mr Fayers

1. We are writing on behalf of the UK Centre for Animal Law (A-law), a registered charity which exists to promote knowledge and education about the law relating to animal protection, and the more effective enforcement of legislation relating to animals (www.alaw.org.uk).
2. We understand that you are reviewing the *Code of Practice for the Welfare of Gamebirds Reared for Sporting purposes* (https://gov.wales/sites/default/files/publications/2017-11/gamebirds-reared-for-sporting-purposes-welfare-code-of-practice.pdf_0.pdf).
3. Whilst there has not yet been a public consultation launched, we would like to take this opportunity to make a few observations.
4. We note at the outset that the Code applies to, '*all birds bred and reared under controlled conditions for the purpose of release for sport shooting, together with birds retained for breeding purposes.*' It does not apply to specific breeds of birds and although the title of the Code refers to 'game birds', this is not a species, but a definition of their use ('birds shot for sport or food'). The Code acknowledges at 3.1 that 'game birds' – typically pheasants, quail, grouse and guinea fowl - are not domesticated species.

5. There is strong public support for a ban on all caging of non-domesticated, wild animals except in zoos. Even in the case of zoos, the general view of the public is that the use of cages should be regulated and that provision for enrichment and expression of natural behaviours is made.

6. A public petition calling for a ban on:

a) both barren and enriched cages for farmed animals including cages for laying hens, rabbits, pullets, broiler breeders, layer breeders, quail, pheasants, partridges, guinea fowl;

b) farrowing crates for sows; and

c) individual calf pens,

has attracted 106,022 signatures to date and is scheduled for a parliamentary debate on September 9th 2019 (<https://petition.parliament.uk/petitions/243448>).

7. A European Union wide petition for the ban of cage use in farming has received 1,358,749 signatures. <https://ciwf-int.endthecageage.eu>

8. Ireland is set to join 14 other EU countries in banning fur farming, following increasing pressure from the public and animal welfare groups to end the practice, which sees mink kept in cages and unable to express normal behaviours -

<https://www.independent.co.uk/news/world/europe/ireland-fur-farm-ban-mink-farming-jobs-ispca-animal-welfare-a8972546.html>

9. In Wales, it is reported that a YouGov poll, commissioned by Animal Aid and the League Against Cruel Sports, found 74 per cent of people in Wales thought that shooting birds should be made illegal

(https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/1qaemiv24u/YG-Archive-230418-League%20AgainstCruelSports.pdf)

10. The petitions and opinion polls on these issues reveal a public mood that is not tolerant of animal cruelty, including the keeping of wild animals in cages for farming purposes. It is against this backdrop that we suggest that a public consultation about a ban on the use of cages for wild birds reared to be killed for sporting purposes should be seriously considered.

11. If non domesticated birds are caged, their use should be supported by a strong regulatory regime that:

(a) is informed by the best scientific evidence to ensure that the welfare needs of the birds are met; and

(b) is backed up by an adequate enforcement regime.

12. In relation to 11(a), we consider that cage sizes must in future be based upon scientific evidence about space and enrichment requirements that allow the birds to express their natural behaviours. Although the Code at 6.1 states '*when birds are housed or penned, the accommodation should be well constructed and managed and of sufficient size to ensure good health and welfare....*' there are no minimum requirements stipulated for cage size or layout and concerns have been raised by the League Against Cruel Sports that birds are kept in 'cramped' cages and 'intensive rearing sheds'.

13. If so, this current practice sits uneasily with the observation in the Code that:

“whatever the species being produced or reared, or the methods used, the overriding principle that should guide everyone involved is that all due consideration should be given to the health and welfare of the birds concerned. In order to achieve this, owners and keepers have a duty to ensure a bird’s welfare as detailed in the ‘five needs’ in Section 9 of the Animal Welfare Act 2006. Therefore birds must: have an environment appropriate to their species, age and the purpose for which they are being kept, including adequate heating, lighting, shelter, ventilation and resting areas; be provided with appropriate space and facilities to ensure the avoidance of stress and to allow the exhibition of normal behaviour patterns; be adequately protected from pain, suffering, injury, or disease.” (Introduction, Code)

14. Similarly, we have particular concerns about paragraph 5.1 of the Code. This currently says that management devices or practices that do not allow birds to fully express their range of normal behaviours should not be considered as routine and that keepers should *work towards* the *ideal* of management systems that do not require these devices.

15. It is our view that systems and practices that do not permit the full expression of normal behaviours should be banned. In order to give effect to the Animal Welfare Act 2006, if birds are caged at all, this should be in facilities and with management devices that enable them to express a range of normal behaviours.

16. Having regard to these factors we are of the view that the Code does not ensure adequate protection of the birds’ ability to exhibit normal behaviour patterns and thus protect them from ‘unnecessary’ suffering under section 9(2) of the Animal Welfare act 2006.

17. In relation to 11(b) above (enforcement regime), it is important that farms rearing birds for shooting are being properly monitored by independent bodies and that enforcement action is taken where failures to comply with the Code are identified. Thus we suggest a revised Code should include a requirement of unannounced, unscheduled visits to monitor compliance and set out clearly the enforcement action that applies in the case of any breaches of the Code.

18. Should you require any further information about the issues raised in this letter, we will be happy to assist you.

Best wishes

Paula Sparks, Judith-Anne MacKenzie and Tiffany Mitchell

On behalf of the UK Centre for Animal Law