

# ANIMAL JUSTICE UK

VOLUME 5 | JUNE 2018

## SENTIENCE

Dr Joe Wills asks what the legal recognition of sentience means for killing animals

## AJUK INVESTIGATES

Charlotte Hughes contributes to our first AJUK Investigates feature on badger baiting

## INTERVIEW: DONALD BROOM



# ANIMAL JUSTICE UK

ISSUE 5 | JUNE 2018

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## WELCOME

Welcome to the fifth edition of Animal Justice UK; the UK Centre for Animal Law's eMagazine for students who are interested in animal law and policy.

This edition features articles on two highly topical subjects: animal sentience (see p.3) and the legal protection of lobsters and other crustaceans (see p.15). We are also delighted to launch a brand new feature called 'AJUK Investigates', the purpose of which is to highlight problematic or controversial areas of animal protection law. We are delighted that Charlotte Hughes has contributed our first 'AJUK Investigates' piece on badger baiting (see p.7). It gives us great pleasure, too, to include an interview with expert in animal welfare science, Professor Donald Broom (see p.22).

Summer is always a time of change for students, as many of you head off on exciting holidays, placements or on to pastures new as graduates. There have also been some changes in the A-law Student Team. Grace Wright, who many of you will know edited four brilliant editions of Animal Justice UK, has sadly stepped down from her role as Editor in order to focus on her early career as a Barrister. We would like to thank Grace for her dedication and hard work over the past few years, and we wish her every success at the Bar.

We are delighted to welcome Natalie Harney as our new Editor. Natalie has been an invaluable part of the Social Media & Communications Team since 2015, and has already shown her talent for editing by putting together this wonderful edition.

Whatever you are doing, have a wonderful summer, and thank you as ever for reading.

Edie, Natalie & Sally

A-law Student Team

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# ANIMAL OF THE ISSUE: AFRICAN ELEPHANT

BY RILEY FORSON

There are two subspecies of African elephant: those which live in the savannah grasslands and those which have adapted to live in the forests of the Congo Basin. The Savannah African Elephant is larger in size and has curlier tusks than the Forest African Elephant.

Elephants mirror humans in many ways; they age at similar paces, with young elephants reaching adulthood at 20 years old and it is now understood that elephants have a complex emotional and cognitive range very similar to humans. Elephants experience grief and joy as deeply as we do and have memories that span life-times, allowing them to trace paths to historic waterholes.

African Elephants play a vital role as the 'gardeners' of Africa, by dispersing seeds across their habitats and preventing over-growth of savannahs. Not only would natural habitats suffer without elephants, but our world would also be less beautiful without them and we would miss out on what we can learn from them.

Roughly 55 elephants are killed each day, which equates to one elephant every 25 minutes. Most commonly this is due to the demand for ivory or human-wildlife conflict. It is estimated that between 2007 and 2014, the African Elephant population declined by approximately 144,000, and that year-on-year



decreases of 8% across Africa are primarily due to poaching.

As a result, a significant amount of international legal protection has been enacted to try to prevent the trade in illegal ivory and poaching. In 1999, the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed African Elephants amongst the species protected under Appendix I, affording them the highest level of protection. This resulted in an international prohibition on the commercial trade in ivory specimens taken from the wild.

**"Roughly 55 elephants are killed each day, which equates to one elephant every 25 minutes. Most commonly this is due to the demand for ivory or human-wildlife conflict."**

CITES is implemented into European law via EU Council Regulation (EC) No 338/97. The **Control of Trade in Endangered Species (Enforcement) Regulations 1997** creates offences in relation to Regulation 338/97 and allows CITES to be enforced within the UK. DEFRA Secretary of State, Michael Gove MP, recently announced the UK would enact a total ban on ivory sales as soon as Parliamentary time allows. However, the USA has quietly lifted bans on the import of elephant 'trophies' into certain states and imports will now be reviewed on a 'case-by-case' basis. This is despite public opposition.

As ivory poaching and human-wildlife conflicts tear elephant families apart, many infant and juvenile elephants are left in vulnerable states. Fortunately, charities such as the David Sheldrick Wildlife Trust (DSWT), established by Dame Daphne Sheldrick, provide these orphans with a home until they

are ready to be returned to the wild. The DSWT has been so successful with its rehabilitation programme that it is now home to 29 wild baby elephants born to previously rescued orphans. Each year elephant lovers raise money for the DSWT by taking part in the Enormous Elephant Run in order to raise awareness about the ivory trade and the work of the DSWT to help save these beautiful creatures.

**Riley is a final year law student at University College London, where she is also an A-law Ambassador. She has always had an interest in the challenges faced by animals in obtaining standing in court. As a result, her final year Environmental Law research project focuses on the extent to which English law is ready to accept the locus standi of animals.**

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## **BREED SPECIFIC LEGISLATION UNDER SCRUTINY**

The Environment, Food and Rural Affairs (EFRA) Committee has launched an inquiry into the **Dangerous Dogs Act 1991** (DDA). The purpose of the DDA is to protect the public from attacks by dangerous dogs. It does this by prohibiting certain breeds of dog, namely the pit bull terrier, Japanese Tosa, Fila Brasileiro and Dogo Argentino.

Because it targets specific breeds, the DDA has always been controversial and has been subject to increasing scrutiny from campaigners in recent years. The RSPCA has released figures which show that between 1991 - 2016, of the 30 people who died from dog attacks, 21 were killed by dogs belonging to breeds not prohibited by the DDA. The EFRA Committee are accepting written evidence, the deadline for which is 6th June.





## THE LEGAL RECOGNITION OF SENTIENCE: WHAT IMPLICATIONS FOR KILLING ANIMALS?

BY DR JOE WILLIS

One of the surprising consequences of the on-going 'Brexit' saga has been the reigniting of a public debate about the legal and moral status of non-human animals. At the end of November 2017, the Government voted against including the recognition of animal sentience, as currently enshrined in the Lisbon Treaty, in the **EU Withdrawal Bill**.

Following outcry from opposition politicians, the media and animal advocacy groups, DEFRA Secretary Michael Gove presented a draft Bill before Parliament that would "embed the principle that animals are sentient beings, capable of feeling pain and pleasure, more clearly than ever before in domestic law."

In recent decades a number of jurisdictions - including the EU, Poland, New Zealand and France - have expressly recognised animal sentience. Sentience has long formed one of the bases for extending legal protections to animals. In 1789 English law reformer, Jeremy Bentham, famously stated, "The question is not, can they reason? Nor can they talk? But, can they suffer? Why should the law refuse its protection to any sensitive being?" The ethical salience of the animal capacity to suffer has informed over 200 years of animal welfare laws.

Historically, the law has fixated on the 'negative' aspect of sentience: the capacity to



suffer. Consequently, it has placed restrictions on the amount of suffering that can lawfully be inflicted on animals. However, as Gove states, sentient beings are "capable of feeling pain and pleasure." Animal sentience implies not merely the capacity to suffer, but also the ability to have pleasurable experiences in relation to, for example, play, sex, touch, food, anticipation, comfort and aesthetics. [1]

If inflicting suffering on animals is bad, it surely follows that depriving animals of pleasure is also bad. One of the ways in which animals can be deprived of pleasure is by being killed. Yet, surprisingly for many, explicit laws against killing animals in the UK are limited to a relatively small number of protected wild species. [2] Domesticated animals are not protected against killing at the hands of their owners. A survey published by the British Veterinary Association in 2016 showed that that 98 per cent of vets have been asked to kill healthy pets, with 53 per cent saying that this is not a rare occurrence. [3]

Can any existing animal protection laws be used to protect animals against needless killing? Under S.4 of the **Animal Welfare Act 2006**, if a person kills a protected animal in a way that causes 'unnecessary suffering' they will be liable for cruelty. [4] However, this section has no application in instances where such suffering is absent, such as where the death is quick or the killing is in accordance with established practice or regulations. [5]

Another basis for liability could be s.9 of the 2006 Act, which requires individuals responsible for an animal to take 'reasonable steps' to ensure that an animal's needs are met. While this obligation does not apply to the killing of an animal in 'an appropriate and humane manner' (s.9(4)), perhaps where the killing is not deemed humane or appropriate -

for example the shooting of a pet dog - then such killings should be subject to criminal sanction, even in the absence of any proof of suffering. However, s.9 only applies to those who are responsible for an animal and it remains to be seen if a court will interpret this provision as extending to the killing of animals rather than the maltreatment of them whilst they are alive.

Alternatively, animal advocates could lobby for the introduction of a new offence of animal killing in the UK. Clearly such an offence would have to be circumscribed in such a way as to make it practicable. In 2014, the Gujarat state government in India reportedly acceded to demands of Jainist monks in the city of Palitana to enact a local law banning the buying and selling of meat and prohibiting all slaughter of animals within the city boundaries. Whilst that would no doubt be very appealing to many animal advocates, there are no plausible prospects that such a law will be enacted in the UK in the foreseeable future.

Perhaps there are prospects for a compromise position between the status quo and the more radical demands of animal rights advocates. We can turn to other jurisdictions for inspiration: Italy, for example, prohibits veterinarians from killing stray cats and dogs unless they are 'seriously or incurably ill or proven to be dangerous'; Germany and Austria forbid the killing of animals without 'good reason' and 'proper reason' respectively; and, a number of US and Australian states have similar prohibitions.

A circumscribed killing offence in the UK is both practically feasible and potentially capable of prohibiting a number of practices involving the killing of animals for convenience, fun, sport or target practice. The proposed explicit recognition of animal



sentience in UK law provides the basis for a renewed discussion about the moral salience of animal consciousness and the implications this has for law reform. Recognition of the animal capacity for pleasure sits uneasily in a legal system that does not place any significant restrictions on the killing of sentient non-humans.

**Dr Joe Wills is a lecturer in law at the University of Leicester. His research interests are human rights, animal rights and moral and legal theory.**

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## References

[1] See Jonathan Balcombe, *Pleasurable Kingdom: Animals and the Nature of Feeling Good* (New York: St Martin's Press 2006); Marc Bekoff, *The Emotional Lives of Animals* (Novato: New World Library 2007).

[2] *Wildlife and Countryside Act 1981*, s 1 & 9.

[3] British Veterinary Association, "'Hidden, tragic cost" of Poorly Socialised Pets: Survey Reveals 98% of Vets Asked to Euthanise Healthy Pets' (British Veterinary Association, 6 September 2016)

<<https://www.bva.co.uk/News-campaigns-and-policy/Newsroom/News-releases/Survey-reveals-98--of-vets-asked-to-euthanise-healthy-pets/>>

[4] See e.g. *Gray & Gray v Crown Court Aylesbury & RSPCA* [2013] EWHC 500 (Admin) (finding the defendant liable for causing unnecessary suffering by letting animals under his care die).

[5] See e.g. *Patchett v Macdougall* (1983) S.C.C.R. 361; *Isted v DPP* [1998] Crim LR 194. *Animal Welfare Act 2006* s.4(4).





## REVIEW: 'A PRACTICAL APPROACH TO ANIMAL WELFARE LAW' BY NOËL SWEENEY

BY EDIE BOWLES

Firstly, I would like to take a moment to appreciate the size of this book. So many law textbooks are so big and heavy that you work up an appetite just opening them. Sweeney's book, on the other hand, is the length of your average novel and light enough to put in your bag and not have to book an appointment with the chiropractor immediately after!

It isn't just the size of the textbook that makes it accessible. Again, unlike the aforementioned tomes, Sweeney's style of writing is in plain English, but not at the expense of accuracy. I found this particularly useful recently when I needed a concise explanation of Codes of Practice made under the **Animal Welfare Act 2006**.

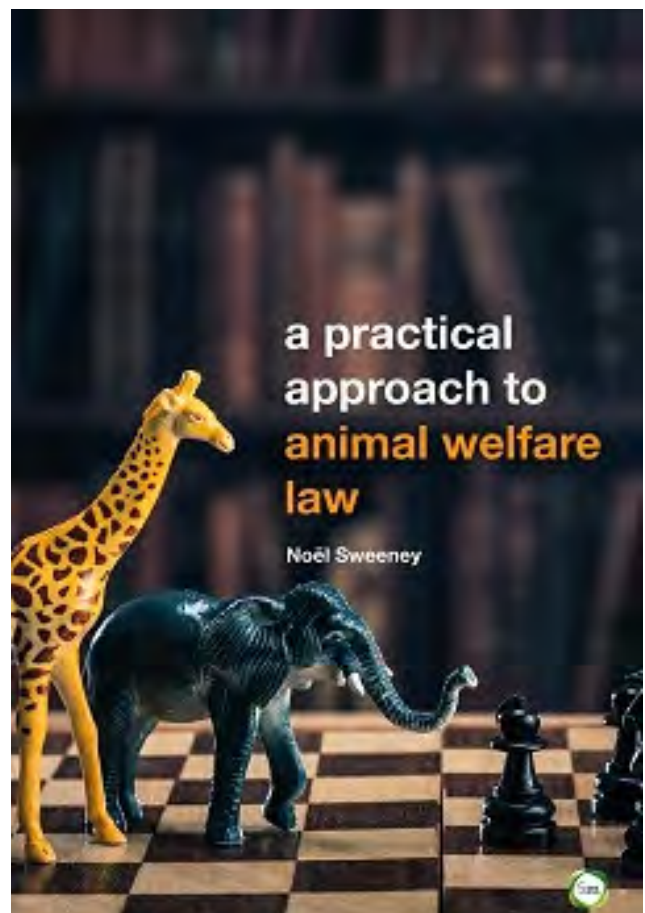
It is worth noting that the length of the book does come at a price, however, which is that if you are after a textbook that covers a wide range of animal welfare law, then this isn't it. Instead this book summarises aspects of the Animal Welfare Act 2006 and the **Dangerous Dogs Act 1991**. Whilst it would be true to say that a great deal of the laws we have in this country that affect animals flow from the Animal Welfare Act 2006, you would not get a complete understanding of those laws just by learning the primary Act. You also wouldn't get an understanding of the wealth of EU law, which will still apply in the UK in some shape or form post Brexit.

That aside, Sweeney's book really does what it says on the tin, that being it offers 'a practical approach'. He spends the first half of the book

writing short but helpful summaries of pertinent clauses and cases under the Animal Welfare Act 2006, and in the second half of the book he does the same thing with the Dangerous Dogs Act 1991. If you are after a straight-talking and concise guide to those two Acts, then this is the perfect book.

### About Noël Sweeney

Noël Sweeney of Veritas Chambers is a practising barrister who specialises in criminal law and human rights and animal law. He has lectured widely and written on all aspects of the legal status of animals.







AJUK INVESTIGATES

# BADGER BAITING

BY CHARLOTTE HUGHES

“People come—they stay for a while, they flourish, they build—and they go. It is their way. But we remain. There were badgers here, I've been told, long before that same city ever came to be. And now there are badgers here again. We are an enduring lot, and we may move out for a time, but we wait, and are patient, and back we come. And so it will ever be.” — The Wind in the Willows

**When a badger is threatened its natural instinct is to turn away, place its head between its legs and anthropomorphically mutter, "Go away. I'm not here." Only when repeatedly provoked will a badger react aggressively.**

This was evidence given by Malcolm Ingham, a retired Head Wildlife Ranger with extensive wildlife experience, during a trial brought by the RSPCA at Llandudno Magistrates Court in January 2018. The case centred on Operation Manhattan, an RSPCA Special Operations Unit investigation carried out in conjunction with North Wales Police Rural Crime Team. The defendant had been subject to undercover surveillance by the RSPCA which culminated in video evidence purporting to show him and the others removing a slate slab from a man-made badger sett in a copse at Cwm Bowydd farm in Blaenau Ffestiniog. The footage showed the defendants removing the badger trapped within before encouraging a group of dogs to fight with the animal. After, the co-defendants were then seen to be carrying a full hessian sack back to the farm, where two trapped wild foxes would later be discovered along with a large number of dogs being kept in varying conditions and for various purposes.

Badger baiting was made illegal in 1835 under the Cruelty to Animals Act. The Act was introduced by MP Joseph Pease following the introduction of the Cruel Treatment of Cattle Act 1822, which was one of the world's first pieces of animal welfare legislation. Badgers and their setts continue to be protected today in England and Wales under the **Protection of Badgers Act 1992** ("the Act"). The Act makes it an offence to wilfully kill, injure or take a badger (or attempt to do so); to cruelly ill-treat a badger; to dig for a badger; to intentionally or recklessly damage or destroy a badger sett, or obstruct

access to it; to cause a dog to enter a badger sett; or, to disturb a badger when it is occupying a sett.

There are certain circumstances when the above activities can be licensed by the relevant authorities, including for scientific, educational or conservation purposes; to prevent the spread of disease; to prevent serious damage to property; for development reasons; for agricultural or forestry operations; for drainage or sea defences; for the investigation of offences; for the control of foxes; and, in order to protect ancient monuments. General defences include the taking of a disabled badger that has been hurt by another person in order to tend to it, the killing of an injured badger as an act of mercy, unavoidably killing or injuring a badger in the course of a lawful act, or carrying out activities under the **Animals (Scientific Procedures) Act 1986**.

Defences to specific offences within the Act include necessity to prevent damage to property in relation to killing, injuring or taking a badger. The **Animal Welfare Act 2006** ("AWA") makes it illegal to cause, be involved in or be present at an animal fight, in addition to the keeping or training of an animal for a fight, and the supply or publication of a recording of an animal fight. The AWA also makes it an offence to cause unnecessary suffering to an animal for which a person is responsible, and to fail to take reasonable steps to ensure the needs of an animal are met.

Over time, sports that were once considered a mainstream part of society have been legislated against, resulting in many ancestral past-times now ceasing to exist and only operating underground, if at all. Cock fighting (banned 1849), dog fighting (banned 1835), bear baiting (banned 1835) and hunting



with packs of dogs (banned 2005) are all examples of sports involving animals that are considered to be misaligned with the principles of animal welfare we know today, and therefore expressly prohibited in the United Kingdom. There is, however, the question of tradition and the extent to which a people's culture can be legislated against. Article 13 of the Lisbon Treaty stipulates that a Member State must pay 'full regard' to animal welfare, whilst respecting cultural traditions and regional heritage. In Spain, for example, we see bullfighting being legally considered to be part of the country's historical and cultural heritage, despite opposition from large pockets of society, both within and outside of Spain.



In 2002, it was estimated that more badgers were killed due to badger baiting than foxes killed through fox hunting. This was despite badger baiting having been illegal for 167 years, and the Hunting Act having not yet been enforced. <sup>[1]</sup> The question must be asked whether the continuation of badger baiting is a symptom of the will to preserve the traditions of certain communities in the face of illegalisation (as opposed to the legal ingraining of the tradition in the heritage of the country, as with the Spanish example)? Or is it an act of cruelty that serves no purpose other to provide sadistic pleasure to the perpetrators? Louise Robertson, formerly of the League Against Cruel Sports, suggested in 2012 that badger baiters held different motives to traditional fox hunters, believing badger baiters to be motivated by cruelty and often involved in other criminal activity. While this may be true, the involvement of a juvenile in the aforementioned Cwm Bowydd case shows that these activities may be passed down through the generations, whether considered a part of tradition or not.

**"In 2002, it was estimated that more badgers were killed due to badger baiting than foxes killed through fox hunting."**

It is likely that prosecutions for badger baiting are just the tip of the iceberg, with many instances going unnoticed or unreported. In the case discussed above, the defendant's possession of veterinary paraphernalia (obtained presumably to self-treat the injuries inflicted upon his dogs to avoid arousing suspicion) suggests that his dogs were involved in more activities than the known instance of badger baiting. The discovery of foxes in cages, along with the remains of other wildlife, and the purpose built replica sett at Cwm Bowydd farm

suggests that this was not a one-off occurrence.

Attitudes towards badgers have inevitably changed during the course of the roll out of the badger cull. Bangor University believes that ten per cent of farmers have taken matters into their own hands in unlicensed areas in an attempt to control the spread of bovine TB. However, evidence suggests they are likely to further exasperate the problem. This perceived threat to farmers' livelihoods and negative press towards badgers may have contributed to the decision to bait badgers at the operational Cwm Bowydd Farm.

If we are to assume that the perpetrators of badger baiting do this for their own pleasure, or to take part in the tradition in which they were raised, it may be correct to assume that they would like to keep a record of such an event. In the Cwm Bowydd case, a video of an incident was recorded and sent via WhatsApp to a friend. The ease with which this footage can now be distributed through a fully encrypted platform such as WhatsApp could lead to the normalisation of such activity which can more easily go without detection.

**"Terriers involved in these activities often come away with damage to their jaws, skin, muscles and teeth. They can even suffer from de-gloving..."**

It would be wrong to focus the attention of this article solely on the cruelty administered to the baited badger. In this case the badger was restrained before being set upon by a pack of dogs (23 dogs were removed from the farm in total) to later be thrown, dragged, and kicked. However, injuries sustained by dogs in cases of badger baiting are equally as disturbing.





Although a badger will try its best to pretend its aggressors aren't there, it can cause significant damage when it feels the need to. Terriers involved in these activities often come away with damage to their jaws, skin, muscles and teeth. They can even suffer from degloving, a serious injury whereby a section of the skin is torn off (although the attribution of this solely to badger attacks was contested by a defence advocate in the Cwm Bowydd case).

Nevertheless, with any sport comes an element of competition, and with the increased ability to share these activities via social media, may come the desire to show off the dogs involved. It is this desire that may lead to new breeds of dog bred for the purpose of fighting. The **Dangerous Dogs Act 1992** ("DDA") bans four types of dog typically used for fighting: the Japanese Tosa; Pit Bull Terrier; Fila Brasileiro; and, Dogo Argentino. However it is argued that breed specific legislation is ineffective at preventing harm caused by dangerous dogs, as the onus should be placed on the owner and the deed, not the breed. [2] Instead, new breeds of dog, bred to fight, are slipping through a legal loophole due to the targeted, breed specific nature of the DDA.

Unfortunately, the fact that badger baiting has been illegal for 167 years yet is still rife at an underground level suggests that there is no quick fix to halt the activity. Better rural enforcement, with dedicated Rural Crime Teams who know the local community and the signs of baiting activity, coupled with less demonisation of our native wildlife in the media, would be a starting point. Encouraging members of the public to spot the signs of illegal activity, and to report suspicions, could help to uncover activities that are currently below the radar, especially as our rural areas are attractive to walkers from all over the

country. Equally, reporting images and videos that appear on social media may help to address the small number of baiters who choose to publicise their activities.

Ultimately, a change from breed specific legislation, to legislation that addresses the responsibilities of the owner, if adequately enforced, could help end the proliferation of dogs kept in substandard conditions to be used for illegal purposes. Continuing to prosecute known instances of badger baiting will hopefully send a clear message that unnecessary cruelty against our native wildlife, and in turn our dogs, is not acceptable.

Charlotte graduated from the University of Wales, Bangor in 2012 with an LL.B Law with Spanish degree. From here she developed a special interest in animal welfare law, going on to volunteer and work in a range of animal welfare roles. Charlotte completed a Master of Animal Law and Society at the Autonomous University of Barcelona in 2016, and is due to begin the LPC in 2018, whilst continuing in her role as a Regulatory Paralegal.

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## References

- [1] Collins, Martin and Vamplew, 'Encyclopaedia of Traditional Rural British Sports' (Routledge 2005) 38.
- [2] RSPCA 'Breed specific legislation - a dog's dinner 2016' (2016).

# ARE YOU A STUDENT WHO CARES ABOUT ANIMALS? GET INVOLVED IN A-LAW'S STUDENT GROUP!

The UK Centre for Animal Law (A-law) is the UK's leading charity dedicated to the cutting edge field of animal law. Join our Student Group and become part of a growing network of students and academics helping to improve the knowledge, understanding and quality of animal protection law in the UK!

You can get involved by:

- Becoming an A-law Student Ambassador;
- Setting up an A-law University Group;
- Joining A-law as a student member;
- Contributing to our eMagazine, Animal Justice UK.

If you have any questions or want to know more, email the Student Team at [studentgroup@alaw.org.uk](mailto:studentgroup@alaw.org.uk) or visit [alaw.org.uk](http://alaw.org.uk).







## REVIEW: THE UK GLOBAL ANIMAL EDUCATION AND LAW CONFERENCE

BY ALICE COLLINSON

On 24 February 2018, the LULS Student Animal Legal Defense Fund (SALDF) Chapter hosted the UK Global Animal Education and Law Conference at the University of Leicester where international animal protection lawyers, scientists and academics presented on an array of topics. The Conference was opened by Canadian lawyer, Rebeka Breder, who provided a fascinating insight into how she founded a thriving animal law practice in Canada. Dr Antoine Goetschel delivered an overview of the international work of the Global Animal Law Project and how lawyers can become involved in innovative projects at various stages in their careers. We also heard from A-law's very own Trustee and Student

Manager, Edie Bowles, on Freedom of Information and Judicial Review challenges brought by Cruelty Free International concerning animals used in research.

Professor Donald Broom (interviewed at page 18) provided an inspiring insight into his substantial experience in the field of animal welfare science, and discussed how scientists and lawyers can work together to implement, and achieve improvements to, animal welfare policy. Vicky Bond, Managing Director of the newly formed Humane League UK, presented on the organisation's corporate outreach projects, which are currently focusing working with retailers to encourage voluntary





commitments to cage free eggs by 2025. Further, academic Dr Joe Wills (see article at page 3) provided a lively discussion on his paper which considered how human rights and animal rights can complement each other.

We were also delighted to have Skype presentations from the US. Allie Phillips discussed her incredible work supporting domestic violence shelters to assist victims with companion animals. Jo-Anne McArthur, award winning photographer and author of

We Animals, gave an insight into the background to her new book, and Thomas Ponce of Lobby for Animals finished off the day detailing his work helping those interested in animal welfare to get involved in lobbying.

The event was an invaluable opportunity for students, lawyers and academics to meet and discuss exciting work in the emerging field of animal protection law. Further information can be found at [www.saldf.ukida.co.uk](http://www.saldf.ukida.co.uk).

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# WHY LOBSTERS DESERVE LEGAL PROTECTION

BY TIFFANY MITCHELL

The lobster is part of the large marine crustacean family. They are invertebrates and are void of a central nervous system. It is this fact that fuels the controversial global debate regarding their ability to feel pain. Despite the conflicting views of various ecologists and biologists, there is strong evidence to disprove the opinion that they are void of feeling pain. Some countries have afforded them protection under legislation, whilst several others believe in the principle of precautionary measures. The latter supports the idea that we should take necessary steps to prevent unnecessary suffering and err on the side of caution. However, in the vast majority of countries animal welfare legislation has not been

extended to include crustaceans or other marine animals.

## Swiss Legislation

Switzerland, unsurprisingly, has welcomed new legislation that prohibits boiling lobsters alive. Antoine Goetschel, a Swiss attorney who represented a 22-pound pike in the Swiss courts, explains that "globally, Switzerland is at the forefront of animal welfare legislation." In 2008, the country introduced a new Animal Welfare Ordinance which is comprised of 150 pages of detailed animal protection measures. In addition to the ban on boiling lobsters alive, the Ordinance also updated dated transport



laws, stipulating that “live crustaceans, including lobster, may not be transported on ice, but rather to be kept in their natural environment.”

The Swiss are not alone in their forward thinking. Reggio Emilia, a city in Italy, has also banned boiling lobsters alive, as has New Zealand. Norway and Austria include decapod crustaceans in their animal welfare legislation regulating the food preparation and restaurant trade. The RSPCA in Australia also supports the inclusion of crustaceans under relevant state animal welfare legislation. Several cities have also implemented further protective measures to ensure these animals endure the least amount of suffering possible. This includes prohibiting the sale of live creatures to the general public, as well as requiring chefs or other designated slaughterers to obtain a certificate of competence in crustacean slaughter.

It appears that the countries without a boiling ban justify their slaughter processes on the basis that these animals lack the biological make-up to experience the 'suffering' this practice can cause.

## Biology

When attempting to determine whether we should adopt by a precautionary principle, include these animals in our welfare legislation or implement strict bans, it is imperative to explore their biological make-up. Do they actually have the neurological hardware that is required to afford them the capacity to feel pain? As previously mentioned, there is divided opinion between ecologists and biologists. However, there is strong evidence to suggest that lobsters practice pain avoidance techniques to escape harmful stimuli. Robert Elwood, an ecology professor from Queen's University in Belfast,

is amongst the leading researchers in this field, and his research supports the notion that they can feel pain. Lobsters have nociceptors, a version of invertebrate prostaglandins, and neurotransmitters, the chemicals that enable humans to register pain. Through Elwood's research, it is apparent that these animals exhibit behaviours that would suggest they can experience discomfort. His experiments using crabs (and which can be assumed to apply to lobsters), recognise the species ability to rapidly learn how to avoid harmful stimuli. The crabs were shocked whilst inside a shelter, which they removed themselves from on two separate occasions. The third time they were placed into the tank they actively did not enter the shelter they had been previously shocked inside.

Lobsters have also shown signs of autonomy by self-amputating their own appendages in order to escape unwanted stimuli or a threat to their bodies. There are several examples where crabs have been seen 'nursing' a wound or contorting their bodies to reach a limb that has been wounded. Many are of the mind-set that these animals are merely reacting via reflex, as nociceptors sense excessive temperatures, as well as noxious chemicals. However, it is arguable from the research conducted by Elwood and several others in the field, that these behaviours extend far beyond a simple reflex. These experiments suggest signs of pain avoidance. Importantly, these animals' bodies are far more complex than has been previously assumed.

## Pain

Despite the fact that our biological composition is explicitly complex and different from that of these non-human beings, pain is something that is completely subjective. Human beings are able to voice their feelings,



This only further complicates the initial debate about pain.

A landmark study involving Zebra fish discovered that they are social animals, just like humans. When in a group setting, the fish proved to be more confident; it was this 'social buffering' that allowed them to be calmer when confronted by danger. Professor Rui Oliveira, of the ISPA University in Lisbon, led the study and explained how this process is actually very similar to the 'social buffering' processes experienced in the brains of humans and other mammals. Another important piece of research to explain how intelligent and complex non-human animals are related to the orca.

Orcas have a section in their brains that humans do not possess. This section of the brain is used for social bonding, and evidence suggests their social bonds are potentially stronger than human bonds.



These are just a few of the innumerable examples where the complexity of other beings mirrors or extends beyond that of humans. Arguably, our ignorance about the complex abilities of other species should not negate their capacity to feel, socialise and live. Likewise, it should not allow us to forfeit them even the most basic legal protections.

### The Impact of no legal protection

It is incredibly important to extend legal protection to lobsters and other marine animals. There have been several incidences where authorities have been unable to take action due not just to inadequate protection, but due to the total exclusion of these animals from welfare legislation. Mercy for Animals conducted an investigation inside a fish slaughter facility in Texas involving catfish. Workers were found to be using pliers to pull skin off the fish whilst they were fully conscious. Despite the practice of skinning animals alive being illegal in Texas, because these animals were not afforded the same protection as other species, law enforcement were unable to prosecute. Another example is that of live crabs being wrapped and immobilized in cling film in order to be sold in stores in Surrey. Again, the RSPCA were unable to take action because the law had not provided for their protection.

With new research being published daily, it is inevitable that perspectives will continue to change. At the moment, however, our laws appear to be lagging behind important scientific evidence.

**Tiffany Mitchell is a final year law student at Leicester University and holds a B.A in Law and Society with a certificate in criminology from Memorial University of Newfoundland, in Canada.**

# A-LAW STUDENT GROUP UPDATE

A-law's Student Group continues to go from strength to strength, and we are delighted to introduce you to our latest Student Group at Liverpool John Moores University and seven brand new Ambassadors. We now have **2** Groups and **10** Ambassadors operating at **11** universities across the UK, who are all doing a brilliant job promoting animal law on their campus. If you'd like to find out more about getting involved by setting up your own Group or by becoming an Ambassador, please email us at [studentgroup@alaw.org.uk](mailto:studentgroup@alaw.org.uk).

## MEET SOME OF OUR NEW AMBASSADORS

### UNIVERSITY OF STRATHCLYDE - IYAN OFFOR



Iyan is currently researching for a PhD in global animal law, international trade and environmental regulation. This is being undertaken at the University of Strathclyde where Iyan is a member of the Strathclyde Centre for Environmental Law and Governance. Iyan is an associate researcher for the Brussels-based Eurogroup for Animals, having worked for them in various capacities since the beginning of 2016. Iyan has an LLM by research in EU animal welfare law and trade. He has published on these topics in the Global Trade and Customs Journal and in the UK Journal of Animal Law. Iyan also blogs and tweets on trade and animal welfare.

During his LLB at the University of Edinburgh and the National University of Singapore, Iyan specialised in environmental law, trade law and international law. He wrote his thesis on transboundary police enforcement cooperation in wildlife crime fighting. He has been a student member of A-law since 2013. Through his role as a student representative, he hopes to widen engagement with A-law and with animal welfare law in the UK and abroad.



### UNIVERSITY OF EDINBURGH - KIRSTY MITCHELL

Kirsty is a 5th year law student at the University of Edinburgh, currently studying the Diploma in Professional Legal Practice after having completed her Law and French LLB Honours Degree in May. She was Vice President of the Law Students Council, has volunteered for animal rescue charities abroad, and is passionate about animal welfare and environmental issues. She will commence her legal traineeship in August 2019.

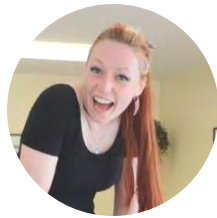
### UNIVERSITY OF ABERDEEN - LOVE HEREN



Love studies Scottish and English law at the University of Aberdeen and has a strong background in charity work as well as a long-standing interest in the welfare of humans, animals and the environment. She is now helping to spread awareness at her university as an A-law ambassador.

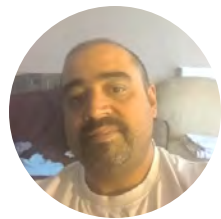


## UNIVERSITY OF ABERDEEN- ALISON HETHERINGTON



Alison is a Scots law student at the University of Aberdeen. She is currently on the committee for ELSA Aberdeen and helps to organise and run various seminars and conferences on law related topics. Her other interests include hiking and outdoor exploration, travelling, and Brazilian jiu jitsu. She has always had a keen interest in animals and the environment and has recently completed an honours level course in animal welfare law.

After (quite) some time spent travelling and freelancing, she started volunteering for animal welfare charities in various ways and realised she would like to devote her professional life to helping give animals a voice. She hopes to do this by focusing on legal advocacy or lobbying for animal rights.



## ARDEN UNIVERSITY - GREG BASTILLE

Greg is a final year law student at Arden University. He is a mature student with over 20 years' experience working with young people in care and families in need. Greg has also worked with children and adults with disabilities for Barnardo's. Greg decided to study law to help others and advocate for them. As his course progressed, he felt that animal welfare, and the environment we live in, are important for future generations to protect and maintain, hence why he became involved in A-law.



## SWANSEA UNIVERSITY - MARIA-ELENA CACACE

Maria-Elena is a LLM & LPC student at Swansea University, where she has been studying for the past 2 years as part of a career change. Maria-Elena grew up in South Africa where her admiration and respect for animals originated, observing them in the wild and rejoicing in their dignity and freedom.

After working and studying in supply chain management in the fashion industry, she became increasingly aware of the pervasiveness of animal exploitation in society. She was pleased to learn about A-law and its role promoting knowledge and understanding of the law governing animal protection.

## SOAS, UNIVERSITY OF LONDON - MINA DA RUI



Mina is an undergraduate law and international relations student at the University of London's School of Oriental and African Studies (SOAS).

Maria-Elena's aim as an A-law Ambassador is to drive awareness through an all-inclusive and non-judgemental platform of the legislative framework, the importance of animal welfare law and what we can do to assist in the advancement of animal and environmental interests, both in the UK and further afield. Maria-Elena hopes to facilitate the establishment of an A-law Student Group at the University, not only to encourage students to consider animal welfare for its ethical and compassionate merits, but also to consider its impact on society, our environment and the future.

# MEET OUR NEW UNIVERSITY GROUP

## AN INTRODUCTION TO A-LAW UNIVERSITY GROUP LJMU BY SHANNON THOMPSON



As law students at Liverpool John Moores University (LJMU), we are offered the unique opportunity in our final year to study animal law, directed by Simon Brooman. The nature of this module is special to us, as it allows us to explore an essential area of law which is rapidly expanding, particularly as the UK's departure from the EU fast approaches. The Animal Law module seeks to develop our critical understanding of the philosophical and practical foundations of the law relating to animals. In addition, it enables us to examine

whether animals are given adequate protection in the law, and how this compares between countries and between species. The syllabus this year has covered:

- The philosophy and ethical implications of human interaction with animals;
- Animal experimentation;
- Wildlife law and hunting in the UK;
- The international protection of animals;
- Biotechnology, animals and the law;
- The EU and Animal Welfare; and,
- Animals in Fur Farming.

The nature of this module, and the way in which it has been delivered to us, has prompted discussion and debate as we have been encouraged to create our own assignment titles and research areas of law which are important to us. It is through this that I personally became interested in animal rights, and further inspired the establishment of the





A-law University Group: LJMU. The group has acted as a setting for continued passionate discussion and learning outside of the classroom. However, membership is not limited to law students. Through advertising the group around the University, I have learned of the wider appeal of animal rights and have since been joined by members from non-legal backgrounds, such as psychology students. Together we primarily aim to work alongside A-law to provide a forum for the advancement of animal law education and to promote animal welfare across the UK.

As we are still in the early stages of development, we are going through a learning process and understanding how the group will work going forward. The group has naturally acted as a continuation of our in-class learning, as following lectures we are all able to bring to meetings different perspectives on animal welfare learnt throughout our varying modules. A recent topic which we have been discussing in light of the current legal issues is fur farming. We are currently exploring the idea of showing a series of short presentations at our meetings in order to explore different ideas with the hope that this will allow us to set achievable goals for the group going forward into the new academic year. We further hope to attend a conference, as this would not only be an exciting learning opportunity for us, but we are additionally hoping to connect with other student groups.

Our first official event was held at LJMU with Edie Bowles as a guest speaker. As A-law's Student Manager, Edie was able to help us understand what is expected of us as an A-law Student Group and what we could potentially achieve. The event itself acted as a fantastic opportunity for those new to the group to come along, listen and ask questions. Led by Edie, we discussed ideas going forward in addition to hearing about Edie's personal

journey into animal law. This was beneficial as it motivated those of us who hope to ultimately work towards the achievement of better animal welfare.

Attendees were encouraged to enter the A-law National Student Essay Competition on the topic of the sentience of crustaceans, which subsequently prompted discussion within the group regarding sentience generally and Brexit. Overall, we came out of this with lots of ideas for the group going forward. The success of the event was evidenced in the numbers of students who attended and later signed up to become members of our new A-law Student Group. Further, thanks should be extended to Edie as the event also showed us that what began in December, as two students exploring the possibility of expanding awareness of animal welfare, has become a successful catalyst for the advancement of animal law education within our university.

**Shannon is a law student at Liverpool John Moores University, where she is the Chair of the newly formed A-law University Group: LJMU.**



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# AN INTERVIEW WITH PROFESSOR DONALD BROOM

BY EDIE BOWLES

Donald is one of the world's leading scientists in the field of animal welfare. Although retired, Donald still writes papers and books on the subject and presents his work across the world. He was a professor in Animal Welfare within the Department of Veterinary Medicine at the University of Cambridge. He graduated in Natural Sciences (Zoology) from Cambridge in 1964, where he also completed his Ph.D. on behaviour development and responses of domestic chicks to startling stimuli. His move into animal welfare occurred whilst lecturing at the University of Reading, where he worked on the behaviour and welfare of calves and dry sows.

## How did you get into animal related academia?

I was always interested in birds and other wildlife and spent time on farms at an early age. This led to me developing an early interest in animals and wanting to be involved in animal studies of a scientific nature. I also realised animal behaviour was the most interesting to me. This resulted in me reading zoology at Cambridge where I also did my PhD in animal behaviour.

## When did you decide you wanted to focus on Animal welfare?

Whilst teaching animal behaviour and zoology at Reading University I started to become interested in animal welfare. I was very lucky that the National Institute for Research in Dairying was very close to the University. I started to work with the Institute and apply my studies and experience to the behaviour of the calves. I started collaborating on research with people working with the calves, particularly looking at the management structures. I noticed the problems arising with calves in small pens without social contact. This is when I started to do scientific studies on welfare. I also started to do work with pigs. I saw that pigs in sow stalls had abnormal behaviour, which the farmers didn't realise. I also worked on laying hens and live transport.

At that time, it wasn't possible to get funding for research on animal welfare, as there was none, but by the 1980s the government started to fund animal welfare research. In



Professor Donald Broom



1986 I was offered the position of Professor of Animal Welfare at the Department of Veterinary Medicine in Cambridge and I stayed in that position until retirement.

### **What changes in animal welfare have you noticed over the decades?**

The first change that occurred was the establishment of animal welfare as a scientific discipline. It was a major step forward to work out how to evaluate welfare in a scientific way; to have measures of suffering and happiness scientifically accepted. One of the other things that has happened is the growth of this area. In the 1980s, apart from work important for welfare on treating disease, there were only about 20 people working in animal welfare science; now there are two or three thousand.

Another change is that the scientific work is accepted by governments. For example the EU, including the UK, used scientific information to change the way in which animals were kept or treated by humans on farms, as pets, in the wild and in laboratories. Governments could get information about welfare from the science and base the laws on this rather than on less precise information.

### **How much of your focus is Animal welfare?**

While I was in Reading I did animal welfare research and behaviour not related to welfare and worked a bit on wild animals. However, at Cambridge I just focused on animal welfare science. My animal welfare work initially involved assessing welfare during housing, management and transport, as well as scientific studies to understand cognitive ability and sentience. It later moved on to the sustainability of systems for keeping animals.

### **How has animal welfare expertise been used to assist the law?**

The law that we had 30-40 years ago was entirely focused on human behaviour and what people should be able to do or not do. It was about cruelty and it was implicit that there was an effect on the animal. Even when it came to causing injury, the evidence for that was not assessed in law. The law has now changed and there is a duty of care to animals. The welfare of the animal is addressed, rather than only looking at an action of a human. There has also been a shift to consider the actual effect on the animal, rather than assessing the rightness or wrongness of an action. To get to this place, scientific studies on animal welfare were used.

I have appeared as an expert witness in cases. When I first appeared, the ultimate measure was the intention of harm, but gradually we have moved to looking at whether harm was caused and its magnitude. The Czech Republic was the first country to have a really wide-ranging animal welfare law that took these changes into account but has been followed by Germany, the UK, and others.

### **How has your work assisted changes in animal welfare law around the world?**

The most significant thing I have been able to do is use the results of animal welfare studies in committees, such as the World Organisation for Animal Health (OIE) and several EU bodies. It is important that these committees are made up of independent scientists, not representatives of any organisation, and that their reports are of a scientific nature and publicly available.

I was the chairman of the Scientific Veterinary

Committee on Animal Welfare in the 90s and was involved in the Scientific Committee on Animal Health and Animal Welfare, now run by the European Food Standards Agency. This Committee has produced reports on many topics, including housing systems, transport, seal skins, leg hold traps, and others. The majority of the reports were on farm animals, but that is only because that involves the most animals we use.

The legislation that we have in the whole of Europe, such as banning sow stalls, banning calves in crates, banning battery cages, live transport rules, and so on, all came about using reports from these committees. Our research has had a big effect.

Some of the worst things done to farm animals were banned due to research in many countries and reports written by those committees; legislation that affects millions of animals in the EU. The legislation is often either copied by other countries or used as education in other countries. For example, China is starting to follow our legislation on laboratory and farm animals. EU legislation is a huge driver for the rest of the world.

The OIE has for many years given advice to almost all countries in the world on how to control animal diseases. Part of its remit now includes writing recommendations on how to deal with animal welfare. This is important, as obviously it involves more countries than the EU. For example, China is very aware of the OIE recommendations when changing legislation. I have also helped train people in China and many other countries to comply with OIE recommendations.

I chaired the OIE Welfare During Land Transport Working Group, which resulted in a recommendation accepted by 168 countries, which countries will implement by legislation

or a code of practice. Although it is not compulsory to comply with the recommendations, most countries gradually do it. The first OIE recommendations were 10 years ago on slaughter and transport and apply to most animals. However, the OIE is gradually putting together recommendations on all other areas. The OIE is less strict than the EU, but it is the right direction.

### **How is your day at work spent?**

Whilst I am retired, I am still writing papers and books, and if someone asks me to I also give lectures. In March I gave a series of presentations in China on how to head in the same direction as the EU.

### **What animal welfare work are you most proud of?**

I am proud of the initial research I did that led to bans on young calves being kept in little boxes in lots of countries around the world. I am also proud of the work I did that has improved sow housing, and of being involved in the committees that put together the changes in the law.

The most recent thing I am proud of is helping defend the EU in a WTO challenge in Geneva regarding the banning of the import of sealskins into the EU. The sealskins were produced as a result of clubbing and shooting by mostly Canadian hunters. Canada challenged the EU ban. My role was to talk to all the lawyers about the scientific evidence about the welfare concerns regarding how the seals were killed by going through literature and video footage.

This case led to an extremely positive development at the WTO level. Prior to this case, the WTO did not include animal welfare as a reason for restricting trade. However, the



way this case was presented was that the EU population did not approve the killing of seals, and therefore it was a public morality issue. Public morality was originally brought in for child labour, but it was accepted by the WTO in this case that animal welfare issues could also meet the test. This opens up the possibility of other animal welfare issues falling under the public morality clause.

### Do you enjoy the work?

Yes. Whilst it means you are exposed to nasty things done to animals, it is worth it as you can improve things for lots of animals. I also enjoy helping to improve the sustainability of agriculture and trying to get people to change their attitudes to animals by demonstrating how clever they are.

### How can someone steer his or her career towards this area?

There is definitely a need for more people to do animal welfare science and other areas affecting animal welfare, such as animal welfare law, animal philosophy, and so on. There are limited numbers of jobs, but it is possible for anyone to be involved in doing or publicising the research.

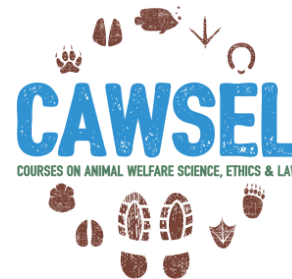
With that in mind, the best way to get involved is to do research and pass on the information through campaigning and lobbying. However, it is also important for people to recognise that campaigning and lobbying are distinctly different from independent scientific research. I have always been careful not to campaign and stick to purely scientific research, as there is a tendency for people not to believe campaigning information. However, all of these activities are incredibly important. It is also useful to present information in the courtroom and in legal documents.

### What tips would you give to students who want to work in this area?

Be prepared to learn something about the broader areas surrounding what you are interested in: other areas that aren't necessarily what you now know but are related. It is demanding, but it is necessary. You need to know enough to be able to have a sensible discussion and understanding. Anyone involved in this area should acquire as much relevant information as possible.

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## COURSES ON ANIMAL WELFARE, SCIENCE, ETHICS AND LAW (CAWSEL) RETURN



Cambridge University's annual CAWSEL courses return this September at St Catharine's College. There are four different courses to choose from:

1. Welfare concepts and assessment, and zoo animal welfare - 9-11 September;
2. Law and companion animal and horse welfare - 12-15 September;
- 3 Principles of ethics in relation to animal use - 17-19 September; and,
4. Farm animal welfare - 20-21 September.

Lecturers include Professor Donald Broom (interviewed above) and A-law trustee and animal law expert, Mike Radford OBE.

To find out more and book your place, visit [cawsel.com](http://cawsel.com).



## IN THE NEWS

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### MICHAEL GOVE ANNOUNCES COMPREHENSIVE IVORY BAN

In April, DEFRA Secretary, Michael Gove MP, announced a near total ban on ivory sales in the UK. The announcement was made after the Government received over 70,000 responses to its consultation on the issue, the majority of which were in favour of a ban.

The ban will be introduced as soon as Parliamentary time allows. A small number of exceptions remain for items which contain only a small amount of ivory made prior to 1947, musical instruments made prior to 1975, extremely rare items of at least 100 years old, and items held in accredited museums.

### A-LAW STUDENT ESSAY COMPETITION WINNERS ANNOUNCED

It gave A-law great pleasure to announce the winners of this year's Annual Student Essay Competition in April. This year saw us receive the highest number of entries yet, which were all written to an extremely high standard.

This year's question asked entrants to "Consider whether animal welfare legislation should be extended to include decapods." The overall winner was Jessica Allen (pictured), who is currently studying for the Bachelor of Civil Law at the University of Oxford. Melisa Oleschuk and Charlotte Mekis took second and third place respectively.

You will be able to read Jessica's winning entry in the next edition of A-law's Journal. Details about the 2019 Competition will be released in November.





## A SUMMER OF ANIMAL LAW SUMMER SCHOOLS

This summer, not one but three animal law summer schools will take place. From 3rd - 20th July, Aarhus University in Denmark will host a three-week Animal Law summer school. The main focus of the course will be on the rights that different societies afford to animals. It will seek to provide a comprehensive overview on the fundamental elements of the protection of animals in the legal system and will include teaching by researcher in animal law and A-law Ambassador, Iyan Ofor. Find out more [here](#).

Between 9th July - 3rd August, barrister Noël Sweeney will be teaching 'An Introduction to the Law and Practice of Animal Welfare' at Marlborough College Summer School in Wiltshire. The course will outline the aim and approach of English Law and practice with respect to domestic and wild animals. Find out more [here](#).

Finally, between 22-25 July, the Fifth Oxford Centre for Animal Ethics Summer School will take place on the topic of 'Animal Ethics and Law: Creating Positive Change for Animals'. The 4-day Summer School takes place at St Stephen's House, University of Oxford, and will bring together an impressive range of animal law experts from around the world. Speakers include Steve Wise of the Non-human Rights Project, A-law's Edie Bowles, Camille Labchuk of Animal Justice in Canada, and many others. Find out more [here](#). A review of the Summer School will feature in the next edition of Animal Justice UK.

**Please note booking for these courses may now be closed. Please contact the individual course providers for late booking enquiries.**

## A-LAW LAUNCHES BREXIT REPORT FOR ANIMALS IN THE HOUSE OF COMMONS WITH WCL AND OTHERS

On 16th January, A-law teamed up with Wildlife & Countryside Link (WCL) to launch 'Brexit: Getting the Best Deal for Animals' in the House of Commons. The report was prepared by A-law, WCL and over 40 of the UK's leading animal protection organisations and makes recommendations for enhancing animal welfare post-Brexit.

A-law's Legal & Policy Director, Alan Bates, represented the charity at the launch, which was attended by MPs including EFRA Committee Chair, Neil Parish, and Green Party co-leader, Caroline Lucas. Alan said, "Fixing gaping animal law flaws is a big opportunity for post-Brexit Britain and should be a key objective for the UK Government." You can read the Report [here](#).

## RSPCA REPORTS 25% RISE IN PROSECUTIONS INVOLVING EQUIDS

In April, the RSPCA released its Annual Prosecutions Report for 2017, in which it reported a 25% increase in prosecutions involving equids since 2015. It also announced that in 2017, the charity took in almost 1,000 equids, the highest number since 2014.

The Report also shows that in 2017, the charity investigated 141,760 complaints about alleged animal cruelty and that its Prosecutions Department secured 1,492 convictions against 696 defendants. The majority of offences were committed contrary to the Animal Welfare Act 2006. You can read the Report [here](#).

## CCTV NOW MANDATORY IN ENGLISH SLAUGHTERHOUSES

On May 4th, part of the Mandatory Use of Closed Circuit Television in Slaughterhouses (England) Regulations 2018 came into force, placing a duty on all operators of slaughterhouses in England to install CCTV in all areas where there are live animals. In addition, operators are under a duty to retain CCTV footage for 90 days.

Operators have until November to comply, after which point it will be an offence to contravene either of these duties. You can read the new Regulation [here](#).

## EFRA COMMITTEE HOLDS INQUIRY INTO THE UK FUR TRADE

In February, the Environment, Food and Rural Affairs (EFRA) Committee launched an inquiry into the fur trade in the UK. Although fur farming was banned in the UK in 2000, it is not illegal to import animal fur (with the exception of fur from cats, dogs and commercially hunted seals, which is prohibited under EU law). Animal protection charities have voiced concern that some items labelled as faux fur are actually made from real fur.

As part of the Inquiry, the Committee looked into how large the fur trade in the UK is and whether current legislation is adequate and sufficiently enforced. It took evidence from a range of stakeholders, including charities, retailers and those who represent the UK fur trade. The Committee will publish a Report on its findings in due course. Meanwhile, the House of Commons will [debate](#) the sale of animal fur in the UK on 4th June.

## GOVERNMENT PUBLISHES DRAFT SENTENCING AND SENTIENCE BILL

At the end of last year, and in the wake of controversy over the House of Commons' vote not to include a provision recognising animal sentience in the EU Withdrawal Bill, the Government released its [Draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill](#). The Bill aims to reflect the principle of animal sentience in domestic law and proposes increasing the maximum sentence for some animal welfare offences from six months to five years.

The Bill was opened up to a public consultation, which received over 9,000 responses. The Government is currently analysing submissions, and will respond in due course. In the interim, the EFRA Committee has released its own [Report](#), which is the result of its own pre-legislative inquiry into the Bill. In the Report, the Committee expresses a number of concerns, suggesting the Bill has been "presented to the public - and Parliament - in a far from finished state." In particular, it expresses concern about the "vagueness and ambiguity" of Clause 1 (the sentience clause). It also recommends increasing sentencing for other welfare offences, not just those committed under the Animal Welfare Act 2006.

In its [Response](#), the Government stated it is actively considering ways to improve the clarity of Clause 1.

**We were delighted as always to receive your submissions. We welcome submissions on any aspect of animal law from students, including book reviews, event reviews, news, case comments & critiques of legislation. Send any submissions or feedback to Natalie at [studentgroup@alaw.org.uk](mailto:studentgroup@alaw.org.uk).**





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