



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

All Party Group for Animal Welfare

An All Party Group for Members of the National Assembly for Wales formed to promote and further the cause of animal welfare, by all means available, in Wales.

Welsh Assembly All Party Group on Animal Welfare – 08.04.08

In Attendance:

Lorraine Barrett AM (Lab, Cardiff South & Penarth)
John Campbell – Protect Our Wild Animals
Suzanne Campbell – Protect Our Wild Animals
Brian Dalton - RSPCA
Wendy Davies – British Horse Society
Sgt Ian Guildford – Wildlife and Environmental Crime officer and PWLO for South West Police
Gale Hollingdale – accompanying Wendy Davies
Bethan Jenkins AM (Plaid, South Wales West)
Philip Jones – International League for the Protection of Horses
Rachel Jones - RSPCA
Claire Lawson – Public Affairs Manager for Wales, RSPCA
Roy Peckham – Pit Pony Sanctuary
Tina Reece – RSPCA
Ian Strachan – Scottish Government
Alain Thomas – Greyhound Rescue Wales
Les Thomas – Greyhound Rescue Wales

Apologies:

Christiane Glossop – OCVO
Lionel Ford – Donkey Sanctuary
Molly Lloyd – Donkey Sanctuary
Matt Collis – IFAW
Huw Thomas – NFU
Sian Edwards – Dogs Trust
Ifan Lloyd – BVA

Meeting opened at 12.30pm

Item 1: Chair's Welcome and Introduction

Lorraine Barrett AM opened the meeting by welcoming everyone and invited Ian Strachan, Head of Animal Welfare Branch, Scottish Government's Rural Directorate.

Item 2: Topic for Discussion: Animal Welfare Legislation: Where Scotland differs from England and Wales

Ian Strachan (Scottish Government) introduced himself and explained that he would be speaking about the Scottish Animal Health and Welfare Act, outlining the differences with the Animal Welfare Acts in England and Wales.

- Began with the similarities between the Acts:
 - Definition of “animal” and “protected animal”, with an option to amend if the science changes;
 - Both retain the “cruelty” offence of causing unnecessary suffering;
 - Both introduce the Duty of Care offence;
 - Both allow an Inspector to take possession of an animal which is in danger of suffering;
 - Power to make Regulations and issue Codes of Practice;
 - A disqualification made by a Scottish court applies in England and Wales and vice versa.
- Moved on to differences between the Acts:
 - Scotland has retained the specific offence of Abandonment. It was felt that it was important to treat this differently from the “welfare” offence;
 - Scotland has retained the specific offence of Cruel Operations;
 - Using animals as prizes. Scotland has prohibited with no exceptions, it is the offering of the prize which is the offence. The Scottish Government believes that to use an animal as a prize is wrong – no matter the age of the winner (the Act in England and Wales states that animals can be given as prizes if the recipient is over 16, or accompanied by someone over 16). The reasoning behind this is that no one should accept responsibility for an animal without very careful thought;
 - Care Notices (in Scotland) or Improvement Notices (in Wales and England). It is an offence to fail to comply with an issued Care Notice in Scotland. Scotland has no appeal system for this, but this is not considered necessary as the courts would consider if the notice was reasonable.
 - Scotland has a section which allows Scottish Ministers to prohibit the keeping of animals of a specified kind, to secure the welfare of the animals. There is an exception of this for zoos however. There is no such specific power in the Welsh and English Acts.
- Discussed Regulations – in Scotland they need to be for the purpose of **securing** the welfare of animals – in England & Wales they are for the purpose of **promoting** welfare.
- Stated that Scotland is able to issue Animal Welfare Guidance in addition to Codes of Practice. This Guidance can apply to people who are not responsible for animals, such as in the case of the Ragwort Code.
- Disqualification Orders. In addition to owning, keeping, dealing and transporting animals, a Scottish court can also disqualify a person from working with, riding, driving, providing a service relating to, and taking charge of animals. The Scottish Government believes that the legislation in England and Wales cannot prevent someone from taking charge of a neighbour’s animal, nor can it prevent a disqualified person from operating such businesses as dog walking services or grooming premises.
- In regards to Inspectors in Scotland, the Scottish SPCA (SSPCA) inspectors have been authorised by Scottish Ministers with powers to take possession of animals who are suffering and in danger of suffering. SSPCA inspectors also have the power to enter premises where they suspect that certain offences are being committed, unlike in England and Wales where RSPCA inspectors have not been given these powers.
- In Scotland, proceedings must be brought within six months of the offence having been committed, except for offences connected with animal fighting where the limit is the same as England and Wales, three years.

- Mutilations – tail docking of dogs – a total ban in Scotland and an offence to take a protected animal from Scotland to have a prohibited procedure performed on the animal.
- Expressed that there was no current ban on the showing of docked dogs in Scotland.

Item 3: Discussion and Q&A

Lorraine Barrett AM stated that it is becoming more and more important for Wales and Scotland to work together, as DEFRA's role declines. Thanked Mr Strachan for his presentation and asked the group for questions.

Q: Are farmed animals covered?

A: Yes

Q: Amersham horse case: is there anything we can do? If not, there seems to be a problem with the Act.

A: It shouldn't make a difference if the horses in this case are defined as farm or companion animals, as these are all protected. In this case, the court is allowed to make a disposal order before the case is tried.

Q: In terms of Codes of Practice and secondary legislation, are DEFRA's current problems effecting Scotland?

A: Staff reductions at DEFRA will effect Scotland as the Government still works closely with them, despite now being devolved. The Scottish Minister has stated that the Government intends to introduce legislation on pet dealers, sanctuaries, livery yards, shock-collars, sale of dogs and performing animals.

Q: Will the Scottish Codes be the same as in Wales?

A: The Scottish Ministers are the only ones who are able to issue Codes. These must first be issued in draft format for consultation. This process means that the Codes could differ greatly by the end of the process. They will, however, be broadly the same.

Q: There seems to be an opportunity for Wales and Scotland to pressurise England into introducing more greyhound racing regulations.

A: This issue is currently on hold in Scotland.

Q: Do Inspectors in Scotland have right of entry to properties?

A: They have right of entry if an offence is suspected.

Q: Is the legislation regarding tail docking and mutilations transferable to other areas? For example, a pit pony whose bone structure is damaged by being sent to work too young?

A: No, as this example did not result from a procedure. A mutilation for medical purposes is excusable under the legislation. It would be advisable to look at this as a welfare offence.

Q: What accountability does the SSPCA have to the Scottish Government?

A: The title of Inspector can be withdrawn for individuals if the Scottish Government sees fit.

Q: Has there been proof/evidence produced in Scotland on tail docking that could be used in Wales?

A: The Royal College of Vets is currently recording all tail injuries. Any evidence will take time to collect as the dogs this effects are only just now beginning to mature. Despite this lack of current evidence, other European countries have also banned tail docking, with no great evidence base against them.

Q: Is there a tail docking loophole in Scotland?

A: Currently it is not an offence for people to take a pregnant bitch out of Scotland, and have the puppies docked and brought back again. In Wales and England there also appears to

be a loophole allowing people to take their pups on docking trips outside of the banned area. This is not legal in Scotland.

Q: Is there a time factor regarding loopholes in the legislation.

A: If evidence comes to light which would necessitate a change in the legislation, this would be done through secondary legislation with amendments and exemptions. To amend the Act, the whole procedure would need to begin again.

Q: Why are the RSPCA not classified as Inspectors under the Act in Wales and England?

A: For ethical reasons as the RSPCA prosecute. The SSPCA do not prosecute, so there is no conflict of interest.

Q: How will you define what a sanctuary is? Are you likely to go with the Wales and England definitions.

A: It is still being decided.

Q: What work is being undertaken to cover livery yards?

A: Livery yards are going to be a difficult subject to cover.

Q: Currently there are not enough registered places to take in stray cats. There seems to be some difficulty over who is responsible for them.

A: Local Authorities cover stray cats.

Meeting closed at 2pm