

PET(4) CAR 04

Petitions Committee

Consultation on petition P-04-398 Campaign for a Welsh Animal Offenders Register

Response from **the Farmers' Union of Wales**



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Dear Sir / Madam

Petition Regarding the Establishment of an Animal Offenders Register in Wales

Thank you for inviting the Farmers' Union of Wales to contribute to the above consultation. Following an internal consultation with its twelve County Branches, the Union submits the following comments for your consideration.

General Comments

The Union believes that maintaining the high animal health and welfare standards already achieved by the Welsh livestock sector is of paramount importance. Welsh livestock producers adhere to strict animal welfare regulations and maintain an on-going commitment to high standards of livestock care. Stringent animal welfare conditions must be met by producers claiming payments under the Common Agricultural Policy and, each year, livestock producers in Wales are subject to animal health and welfare inspections under cross compliance statutory management requirements.

However, whilst the Union fully supports high welfare livestock production, the present petition offers no ground-level support for the establishment of an Animal Offenders Register and the Union is concerned that the actions of animal rights lobby groups who represent only a small but vocal minority in terms of public opinion has led to a plethora of regulations which have little impact on animal welfare. It is perhaps worth noting that the FUW has consistently expressed concern that the expertise of impartial bodies such as the British Veterinary Association is often overlooked in favour of the views of bodies such as the Royal Society for the Prevention of Cruelty to Animals; despite the former being the more highly qualified authority on many issues pertaining to animal welfare.

FUW members unanimously opposed the establishment of an Animal Offenders Register due to significant concerns about the associated administrative and financial burdens that would be placed

upon compliant producers. Indeed, the costs associated with establishing the register, maintaining up-to-date information on offenders, policing the buying and selling of livestock in relation to the register and compensation for damage to businesses for errors in registration, would make the establishment of an Animal Offenders Register untenable.

An Animal Offenders Register without the funding and enforcement requisite to policing, maintaining and protecting the register would be ineffectual at protecting or improving animal welfare and, as previously stated, would function to reduce the competitiveness of compliant, high welfare, premises by imposing unnecessary administrative and financial burdens upon them. With this in mind, the Union believes that the proposed changes will mainly function to increase bureaucracy and that the overall effect of the proposal on animal welfare will be neutral. However, the impact of the register on the cost to industry could be substantial.

Members suggested that an increase in the resources offered to Local Authorities would make a greater impact on animal welfare than the establishment of an Animal Offenders Register.

The majority of livestock sold in Wales are handled by livestock markets and the present petition lacks clarity and an understanding of the complexities inherent in livestock sales. Members stressed that engaging with an Animal Offenders Register during high volume livestock sales would be completely impracticable. Moreover, the Animal Welfare Act 2006 specifies that persons with temporary responsibility of livestock, such as market operators, have a duty of care to ensure animal welfare is protected at all times. There is also specific legislation¹ covering the welfare of animals at markets and shows. Such legislation applies as soon as an animal is unloaded at a show or market and remains in force until the animal is removed. Several members therefore queried which party would have ultimate responsibility for utilising the register during livestock sales.

The very nature of livestock auctions means that market operators selling livestock would only be able to identify if a successful buyer was named on the animal offenders register *post* sale. Aside from the obvious financial and administrative burden on livestock markets conducting a high volume of checks, the petition makes no allowances for the provision of compensation to the livestock keeper following any resultant lost sales. A very high volume of livestock pass through livestock markets each month and consultation with a register under these circumstances would be highly costly and highly impracticable. Members believed it utterly inappropriate that compliant producers, keepers and markets could be held responsible for the actions of a small minority of individuals acting against the underlying values and aspirations of the livestock sector and under their own volition.

Persons convicted of offenses against animals are punishable under the Animal Welfare Act 2006. Animal cruelty convictions are the responsibility of the relevant authorities and members believed that placing the burden of responsibility on law-abiding producers and keepers was discriminatory and an unwarranted and unfair diversion of responsibility.

¹The main legislation that governs animal welfare at shows and markets includes the:

- Animal Welfare Act 2006
- Welfare of Animals at Markets Order 1990
- Welfare of Animals at Markets (Amendment) Order 1993
- Welfare of Horses at Markets (and Other Places of Sale) Order 1990
- Welfare of Animals (Transport) (Wales) Order 2007

Several members suggested that the additional costs associated with the use of an Animal Offenders Register will likely lead to animal sales – and thus animal sales revenues - moving from Wales to England in order to avoid the additional administrative and financial implications of consulting with a register.

Hybu Cig Cymru – Meat Promotion Wales – is responsible for the development, promotion and marketing of red meat in Wales. Hybu Cig Cymru is funded by a levy collected from farmers and processors in Wales at the point of slaughter. Given that the levy monies collected relate to the provenance of slaughter, any register which facilitates an increased movement of sales from Wales to England could also function to decrease the amount of levy collected in Wales. Amongst other issues, Hybu Cig Cymru works with the livestock sector to improve the health and welfare of farmed livestock through livestock research and development, knowledge transfer and best practise initiatives. Any reduction in revenue would therefore have serious detrimental implications for Welsh livestock producers and the Welsh red meat sector as a whole.

Several members commented that convictions for failing to comply with the Animal Welfare Act 2006 do not automatically lead to a ban on keeping animals. Indeed, individuals may have those animals currently in their possession removed under the 2006 Act but may not be banned from keeping animals in the future. When using the proposed Animal Offenders Register in this type of situation, the seller of an animal could be prosecuted for selling to an individual convicted under the Animal Welfare Act, but the buyer could not be convicted for being in possession of another animal.

Notwithstanding the concerns and statements provided above, several members also provided several additional comments regarding the establishment of an Animal offenders register:

Members believed it would be inappropriate for the register to keep information on holding numbers as this could affect future tenants or buyers of a given land parcel.

Members noted that one justification for the establishment of the Animal Offenders Register contained in the present petition was that there is currently *'no law to stop anyone who has been convicted of animal cruelty from moving a few miles up the road and then obtaining another animal to inflict further abuse on'*. Under the Animal Welfare Act 2006, convictions which lead to a ban on keeping animals apply to the individual convicted and not the address at the time of conviction. An individual banned from keeping animals under the 2006 Act would therefore already be legally prohibited from purchasing or keeping new animals under a different address. However, without proper enforcement, convicted individuals may still obtain animals illegally from a third party and the FUW fails to recognise how any of those methods employed by individuals seeking to circumvent a current ban on keeping animals would be mitigated by the establishment of an Animal Offenders Register. The FUW therefore believes that increased attention to ground-level enforcement, rather than the addition of an Animal Offenders Register, will better aid in enforcing convictions under the 2006 Animal Welfare Act.

Several members stated that serious consideration would need to be offered to the types and severity of convictions included in the register and the time period for removal of information after any ban on keeping animals lapses.

Members expressed concern that the lack of broadband facilities in rural areas would prohibit the use of an on-line register.

I trust that due consideration will be given to the preceding information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hazel Wright', written in a cursive style.

Dr Hazel Wright
FUW Senior Policy Officer