

Explanatory Memorandum to the Code of Practice for the Welfare of Cats

This Explanatory Memorandum has been prepared by the Animal Welfare and Framework Branch, Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Cabinet Secretary/Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Code of Practice for the Welfare of Cats.

Lesley Griffiths AM

Minister for Environment, Energy and Rural Affairs

12 July 2019

1. Description

Under the Animal Welfare Act 2006 (“the Act”), if someone is responsible for an animal they have a legal duty to take reasonable steps to ensure its welfare needs are met. The Code explains what needs to be done to meet the standard of care the law requires.

Breach of a provision of the Code is not an offence in itself but, if proceedings are brought against someone for a welfare offence under the Act, the Court may take into account the extent to which they have complied with the Code in deciding whether they have committed an offence or have met the required standard of care. Unnecessary suffering to any animal could constitute a serious offence under the Act.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

The Code is being laid under the ‘Negative Procedure’.

The Technical Standards Directive – The Directive places an obligation on Member States to notify the Commission of draft regulations that fall within the scope of the Directive. This new Code updates current standards and Regulations but does not differ substantially from the current Code. Although a breach of the Code does not amount to a criminal offence any proceedings under the Welfare Act 2006 may take into account any compliance with the Code. The current Code was not notified to the Commission and therefore this Code will also not be notified.

3. Legislative background

This Code of Practice is issued under section 14 of the Animal Welfare Act 2006 (the “Act”). This Code applies in Wales only, is issued by the Welsh Ministers. It applies to all cats for which a person is responsible.

4. Purpose & intended effect of the legislation

The existing Code of Practice for the Welfare of Cats reflected the science and legislation in force at that time and was made under the Animal Welfare Act 2006. A review was required to capture any changes in these areas and to ensure the standards being advised are still appropriate.

By not reviewing and amending the Code regularly to reflect any changes made to legislation and recognised minimum best practice standards, animals could be put at risk of harm.

The purpose of the Code is to ensure that those who are responsible for an animal are aware they have a legal duty to take reasonable steps to ensure its welfare needs are met. The Code of Practice explains what you need to do to meet the standard of care the law requires.

Section 4 of the Animal Welfare Act 2006 which has been included within this draft code currently states a person may be imprisoned for a maximum period of 51 weeks and/or fined. Following Defra's announcement officials are awaiting confirmation for a coming into force date for their Animal Welfare (Sentencing) Bill which will change the mode of trial and maximum penalty for offences under section 4 of the Animal Welfare Act 2006. Once this has been confirmed the text will be amended within the Code to reflect this change.

5. Consultation

Welsh Government officials worked with Animal Welfare Network Wales, an umbrella body representing animal welfare organisations in Wales, to review and update the Code for consultation.

A twelve week public consultation took place between 14 December 2018 and 8 March 2019. The consultation was published on the Welsh Government website with a press release alerting the general public to the launch. Known stakeholders i.e. enforcement agencies and special interest groups, were also contacted individually by email or post.

A Summary of the Responses to the Consultation is attached at Appendix 1.

Comments and suggested amendments were taken in to account when updating the Code and a number of additions were made as a direct result of the consultation.

6. Regulatory Impact Assessment (RIA)

There are no costs associated with the making of the Code and an RIA is not required at this time.