



THE ASSOCIATE PARLIAMENTARY GROUP FOR ANIMAL WELFARE

An all party group for members of both houses at Westminster formed to promote and further the cause of animal welfare by all means available to the Parliaments at Westminster and in Europe

Chair: Eric Martlew MP Joint Vice Chair: Dr Nick Palmer MP, Lord Stratford
Joint Honorary Secretaries: Norman Baker MP, Baroness Gale, Lord Soulsby of Swaffham Prior. Treasurer: Tim Loughton MP

THE ANIMAL WELFARE BILL

Minutes

**Of meeting held on Tuesday 18th October 2005 6.30pm – 7.30pm
Committee Room 8, House of Commons**

PRESENT:

Nick Palmer MP, Ian Cawsey MP, Eric Martlew MP, Jane Allen (Office of Andrew Stunnell MP), Andrew Howard (office of Shaun Woodward MP), Lord Stratford, Lord Mancroft, The Duke of Montrose, Philip Hollobone MP, Theresa Villiers MP, Caroline Haines (office of Nick Harvey MP), Colin Breed MP, Ruth Brook (office of Nick Clegg MP), Christine Naguirat (office of Stephen Hesford MP),

John Bourne (Defra), Chloe Nash (Defra), Rachel Davies (Defra), Laura John (Defra), David Miller (Defra), Phil Alder (Defra)

Rachel Hevesi (The Monkey Sanctuary Trust), Karen Jeffers (The Monkey Sanctuary Trust), Andrew Tyler (Animal Aid), Helen Whitelegg (Redwings Horse Sanctuary), Martin Taggart (The Donkey Sanctuary), Wally Burley (Labour Animal Welfare Society), Jane Evans (Labour Animal Welfare Society), Annette Crosbie (Greyhounds UK), Lou Leather (Pet Advisory Committee), Maureen Purvis (Greyhounds UK), Chris Newman (FOCAS/FTSH), Phyllis Campbell-McRae (IFAW), Matt Collis (IFAW), Ken McKie (Waterside Action Group (W.A.G.)), Keith Davenport (OATA), Oliver Bennett (House of Commons Library), Janet Nunn (Pet Care Trust), Pauline Baines (Anti-docking Alliance), Claire Duke (Dogs Trust), Jack Johnstone (Dogs Trust), Elaine Cannon (NEWC), Tim Phillips (ADI), Jan Creamer (NAVS & ADI), Deepa Balaram (NAVS & ADI), Edit Todd (Passports for Pets), Mary Fretwell (Passports for Pets), David Bowles (RSPCA), Victoria Cussen (WSPA), Leah Garces (WSPA), Nicolas de Brauwere (Redwings Horse Sanctuary), Phil Sketchley (NOAH), Lord McNair (ECMA), Chris Anderson (Animal Aid), Clare O'Dempsey (Anti-docking Alliance), Shelly Willetts (Europeans for Medical Progress), Tim Morris (Glaxosmithkline), James Kirkwood (UFAW & HSA), Will Travers (Born Free Foundation), Daniel Turner (Born Free Foundation), Andy Ottaway (Campaign Wales), Brad Van der Veen (ECMA), John Catchpole (Parrots Magazine), Val Lawler (Parrot Magazine), Tony Pittman (Parrot Society), Donald Taylor (Cage & Avery birds), Colin O'Hara (Parrot Society), Mavis Ellingham (Parrot Society), Karen O'Malley (ILPH), Eloise Shavelar (CIWF), Rowen West-Henzell (CIWF), Chrissie Nicholls (BVA), Nicole Harrison (PFMA), Michael Bellingham (PFMA), Miranda Stevenson (BIAZA), Olivia Walter (BIAZA), Katharine Quarmby (BBC), Emma Rippon (BBC), Roger Matthews (ECMA), Nicki Brooks (Respect for Animals), Mark Glover (Respect for Animals), Charlotte Dawkins (League Against Cruel Sports), Mike Hobday (League Against Cruel Sports), Holly Lee (Kennel Club), Claire Robinson (RSPCA), Cassie Hague (APGAW/RSPCA)

APOLOGIES:

Clarissa Baldwin and Chris Lawrence (Dogs Trust), Phil Buckley (Kennel Club), Dr Svendson (Donkey Sanctuary).

Nick Palmer MP explained that he was deputising for Eric Martlew MP. He welcomed everyone to the meeting and introduced Defra Minister, Ben Bradshaw MP

The Animal Welfare Bill

GUEST SPEAKER: Ben Bradshaw MP

The Minister thanked everyone present for keeping up the pressure for the Animal Welfare Bill. He thanked the Defra Bill team for all their hard work and introduced John Bourne, Head of the Animal Health Animal Welfare section of Defra. The Animal Welfare Bill had been introduced to Parliament and published the previous week.

The Minister informed the Group that there was a vote scheduled for 7.15pm at which point all of the MPs would have to leave and that it would not be worthwhile coming back after the vote. He assured the Group, however, that he would be attending the APGAW reception later on in the evening.

Claire Robinson commented that the RSPCA were very pleased to see the Bill introduced and welcomed the new welfare offence. She commented that the Society remained a little bemused about where the Government stood on tail-docking. The Minister replied that it was an enabling Bill first and foremost. He said there were a range of issues to be dealt with in secondary legislation, which in turn will need approval of both Houses. He agreed with Claire that the key prize of the bill was the welfare offence which would kick in immediately and would result in an immediate improvement to welfare. He emphasised that the Bill was about improving welfare and not banning things and said that with regards to tail-docking, he was relaxed about going to Parliament on the issue and for Parliament to decide.

Lord Stratford welcomed the introduction of the Bill but said that he personally was disappointed that any registration and regulation of animal sanctuaries won't happen until 2009 and asked why there would be a delay in this. The Minister replied that this was a capacity issue. He commented that every organisation wanted their bit done first but assured the Group that Defra are constantly reviewing the order in which secondary legislation will be introduced.

Mike Hobday from the League Against Cruel Sports had a question about shooting and conservation. He suggested that it was rather odd to allow pheasants to be continued to be kept in battery cages after they had been banned for hens and called for the need for regulation to cover battery cages for pheasants. The Minister agreed that as the EU has banned traditional 'battery cages' (ban coming in in 2012) for laying hens then it would seem sensible to ensure consistency across the board.

Jack Johnstone from the Dogs Trust asked how the government proposed to enforce the Bill within the Better Regulation Framework and about the cost implications of this enforcement. The Minister replied that the approach to enforcement Defra is taking is a risk-based approach focussing on the areas that need particular attention and that significant resources are being put into the development of a database for this purpose. He also hoped that some of the cost of enforcement would be covered by the fees charged by Local Authorities.. He said that an added value of the database would be that Local Authorities would know who was doing what in animal welfare, as the database would be available to all local authorities. This would be of particular interest as any animal welfare related court orders against a person, or persons banned from keeping animals would be highlighted on the database.

Colin Breed MP expressed his disappointment that the Bill did not cover keeping primates as pets. The Minister suggested that owners might well be prosecuted under section 8 (welfare offence) of the Bill but emphasized that it was not about banning things but about improving welfare. He also mentioned that Defra Minister, Jim Knight MP is working on a possible measure under Article 8.2 of CITES on this issue.

Kenneth McKie asked how the Government was planning to educate the Police, the Local Authorities and the public. The Minister thought that there was a good head of steam as far as the public goes with strong support for the Bill. He said that there would be workshops and meetings with Local Authorities,

among which there was a lot of enthusiasm for the Bill. He emphasized that he didn't want to burden Local Authorities or organisations such as the RSPCA with extra activity but didn't envisage that this would be the case. He commented that in all probability the RSPCA will continue to take the majority of prosecutions and added that the Bill requires Codes of Practice to be drawn up to offer guidance on the requirements of the welfare offence, and this will be done in collaboration with interested parties.

The Duke of Montrose asked if the Bill would cover bio-security and the recording of movement of animals, commenting that this was important with issues such as Avian Flu. The Minister replied that there was nothing about disease in the Bill and touched briefly on the fact that Defra has contingency plans in place to deal with Avian Flu. There were also requirements for databases in the Animal Health and Welfare Strategies for England and Wales.

Colin O'Hara from the Parrot Society called the Minister's attention to the enormous popularity of bird-keeping and animals in the UK and the importance of 'Animal Fairs' due to their educational and social aspects. He asked, given these factors, whether the Minister would agree that introducing a regulated licensing regime with a code of practice for these events is the way forward? The Minister agreed with Colin.

Greg Glendell from Birds First asked whether the Minister intended to consult on whether Pet Fairs should be licensed. The Minister replied that there would be a full public consultation on all elements of the regulation and a full Regulatory Impact Assessment. He said that at the moment Defra agrees with Colin and thinks that licensing is the way forward.

Elaine Toland from Animal Protection Agency said that given dangers such as Avian Flu did the Minister not think he should intervene to scrap Pet Fairs. The Minister replied in the negative. He emphasized that the Bill was an enabling measure with a welfare offence and that this is its biggest step forward. He emphasized that it was not a 'Christmas Tree Bill' – with a branch to hang each issue on, and that we shouldn't allow single issues to detract attention from the substantial advances made by the main clauses.

Jan Creamer from Animal Defenders International explained her organisation's frustration at the slowness of developing case law and asked how the welfare offence will work with circuses, particularly with regard to the transport of animals. The Minister replied that it would be up to the court to decide, on the basis of evidence presented, how the welfare offence will operate in any particular context, and that it was important for case law to be built up in this area. The welfare of all animals during transport is dealt with under WATO, and will be addressed by the EC Regulation which will enter force in 2007. Jan added that there was a problem in relying on case law as it could be regarded as anecdotal. The Minister replied that abuse or cruelty to animals has always been an offence but that the Bill now allows us to intervene before suffering occurs.

Daniel Turner from Born Free Foundation emphasized that animals have particular needs which need to be adequately addressed whether they are in a circus environment or other environment. He asked whether consideration would be given to an animal's needs under the Bill, regardless of the circumstance in which it is kept ie would the welfare offence stipulate the same requirements of a circus proprietor and a zoo owner? Chloe Nash of Defra replied that the court would have to take into account all of the circumstances, because while the animal's needs may be the same in each context, what it will be reasonable to require the person responsible to do to meet those needs may vary according to the circumstances. Information/standards from other sectors may prove helpful on this front.

Annette Crosbie of Greyhounds UK asked whether the Minister thought that they were discriminating in favour of the greyhound racing industry in leaving greyhound tracks unregulated (given that the Government gain an income of somewhere in the region of £20 million in taxes from racing). The Minister replied that organisations such as the League Against Cruel Sports are involved with the Working Group on greyhounds. He added that it is not the case that greyhound tracks will be unregulated as they will be subject to the welfare offence. He emphasised that all these issues are

constantly under review and that he would continue to listen carefully to animal welfare groups as he always had in the past.

Nicolas De Brauwere from National Equine Welfare Council asked about the Government's plans regarding licensing livery yards and sanctuaries. The Minister replied that it was intended to licence livery yards. He said that they are still thinking about when to introduce a regime for sanctuaries and added that their plan was to register them.

Lou Leather from Pet Advisory Committee raised concerns that most of the substance of the Bill relied on the introduction of secondary legislation. He asked that given that one of the Better Regulation Taskforce's tasks was to reduce the amount of legislation being produced, whether there was a danger that the BRT is going to intervene with the introduction of secondary legislation. The Minister replied that there was always a danger but that he was quite confident having taken the Bill to the planning Committee twice. He said that it was difficult to measure in economic terms the gains in animal welfare but that he would continue to make the necessary arguments.

Phyllis Campbell-McRae asked whether regulation will apply to primate breeders. John Bourne said that they hadn't made that proposal and that they might consider it but that it would be a matter of priorities

Rachel Hevesi from the Monkey Sanctuary asked how the Government is planning to define sanctuaries. John Bourne of Defra replied that the definitions of sanctuaries will be one of the challenges ahead.

Steve Nowotny from Pet Care Trust commented that in the pet sector where only 1 in 4 pet shops have access to the internet, communication has always been a challenge. He asked what was being done to work with enforcement. The Minister replied that guidance was being produced for Local Authorities and that he accepted that communication of the guidance to all interested parties would be key.

Dr Freda Scott-Park informed the Minister that the BVA would continue to call for a complete ban on tail-docking.

Holly Lee from the Kennel Club said that given that the Animal Welfare Bill is unlikely to outlaw the sale and use of electric shock collars until Defra undertakes independent research, but is likely to outlaw tail docking of non-working dogs despite the fact that current scientific evidence is ambiguous, the Kennel Club would like to ask the Minister when he expects the research on the effects of electric shock collars to be finalised and whether the Department is also planning to undertake independent research into the effects of docking puppies' tails. The Minister agreed that they had commissioned research on shock collars as this was a difficult area. He said that with regard to tail-docking there was already a substantial body of research available and further research on tail-docking was unlikely to be practical before completion of the Bill's progress. He said that he was quite happy with individual MPs making up their minds on this issue in a free vote.

Tim Philips from Animal Defenders asked how we can move on from using case law to inform issues of circuses. The Minister said that he was not a lawyer but he believed that the introduction of the welfare offence would make a huge difference because people will be free to argue in court that an animal's needs are not being met.

Nick Palmer MP asked about the timetable of the Bill. The Minister replied that he hoped that we would have a second reading by Christmas but that Committee Stage would probably not be until after Christmas.

The division bell went and Nick Palmer MP thanked the Minister for being present and reminded the Group that the meeting was to be followed by a reception on the Terrace.

Date of the next meeting: Tuesday 6th December 6 -7 p.m. Committee Room 16