

# The Animal Welfare (Kept Animals) Bill: Second Reading

*Ensuring animals have a good life by advocating on their behalf*

## Key facts...

- ★ The RSPCA broadly welcomes the Animal Welfare (Kept Animals) Bill.
- ★ We welcome the Bill's intention to ban the keeping of primates as pets, however we have concerns about how the proposals in this area will work in practice. The reliance on a licensing scheme in this area will only function if the conditions attached to any license are very strict.
- ★ In relation to the illegal trade in puppies, we welcome the Bill's proposals to tackle this problem. We urge the Governments in Westminster, Wales and Scotland to use the powers the Bill provides to ban imports of young puppies, dogs with mutilations including cropped ears, and pregnant dogs as soon as practicably possible once they are available.
- ★ We strongly support the Bill's proposal to ban live animal exports from Great Britain, which we have been campaigning for for many years.
- ★ In relation to livestock worrying, we support the majority of the Bill's proposals. However, we are concerned about the vagueness of some of the wording, particularly the term "at large", and the effect that this will have on the enforceability of this section of the Bill.
- ★ In relation to zoos we welcome many of the amendments to the Zoo Licensing Act the Bill proposes, including making zoo standards statutory and increased penalties for non-compliance. It is vital that new statutory standards prioritise animal welfare, apply consistently to all zoos, are subject to a transparent and robust consultation process (now and in the future) and are properly enforced.

## Part One: Keeping Primates (clauses 1-25)

### Key points for Second Reading

- Primates should not be kept as pets as their complex welfare needs can never be met in a domestic environment. The intention of the Bill to end this practice is extremely welcome.
- The proposed licensing system could allow some private keeping of primates to continue indefinitely. A ban on private sales of primates would be an easier way of stopping their keeping.
- When will the Government publish the licensing standards? What will these standards contain? Who will be involved in drafting them?
- In many cases, local authorities already struggle with their existing animal welfare responsibilities. Placing this additional burden on them with no extra support or resources is concerning.



The RSPCA warmly welcomes the intention of the Bill to prohibit the keeping, breeding, acquiring, gifting, selling or otherwise transferring of primates of primates in England (and the Welsh Government's intention to pass a Legislative Consent Motion which should pave the way for this to be extended to Wales as well). However, we have a number of concerns around the way the Bill proposes to do this. In particular, we are concerned that the Bill rests so heavily on a licensing system, especially as the welfare conditions attached to this proposed license are not contained within the Bill itself.

This ultimately runs the risk of allowing some private keeping of primates to continue indefinitely, particularly as licensed keepers could continue to breed and sell primates to other licensed keepers in England and elsewhere. This would be contrary to the Government's manifesto commitment which was to ban primates as pets.

With the exception of those involved in the genuine rescue and rehabilitation of primates and the handful of private keepers who reportedly participate in zoo-led cooperative breeding programmes, we see no justifiable reason to allow the keeping, and particularly selling, of primates to continue indefinitely into the future. It is essential, at the very least, that the license conditions are meaningfully consulted on, reflect the very latest animal welfare science and highest standards of animal welfare, and restrict the private keeping of these complex creatures to the absolute

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minimum. An outright ban on the sale of primates would be an easier way of stopping the private keeping of primates once and for all, would be significantly easier for local authorities to enforce, and enjoys wide support from welfare groups, zoos and other primate experts. There is legal precedent, in that there is already a ban on the breeding and sale of certain species, in the The Invasive Alien Species (Enforcement and Permitting) Order 2019.

We also have concerns about the proposal to place the responsibility for enforcing a ban on local authorities. There are serious problems with the enforcement of many existing animal-related licensing schemes administered by local authorities. In our experience, local authorities are hugely under-resourced, subject to ongoing cutbacks and often lack the required animal welfare experience and skill base. The result is that standards of care vary hugely across the country; a classic postcode lottery. The RSPCA therefore would like to see Defra take on the role of a centralised enforcement body, such as occurs on farm animals through the Animal and Plant Health Agency (APHA) or on licensing research animal establishments through the Home Office.

Finally, with suitable spaces in genuine sanctuaries already very scarce, we are also concerned about the risk that there will be a huge shortage of places to rehome primates that are given up or removed from current owners after the 24 month registration and transition period ends. This could lead to unwanted primates being abandoned or let loose, or primates being left in wholly unsuitable conditions by local authorities who are ill-equipped and under-resourced to deal with finding suitable homes.

## **Part Two: Dogs Attacking or Worrying Livestock (clauses 26 - 41)**

### **Key points for Second Reading**

- **The proposals in the Bill to tackle the scourge of livestock worrying are very welcome.**
- **The use of the term “at large” undermines the Bill’s intentions. It is too vague and could make the provisions of the Bill difficult to enforce.**
- **The Bill allows the police to seize dogs involved in livestock worrying incidents. These powers must be used proportionately and, in any instance where a dog is seized, their welfare in kennels must be properly safeguarded. Many dogs find the kennel environment extremely stressful.**

Increased use of the countryside by people allows them to appreciate nature and should be seen as a positive. However, where houses have been built and people have moved in, sometimes with pets, this has had an impact on those who keep livestock in some areas. In particular, irresponsible dog owners who do not ensure their pets are kept securely at home when they are out, or those who walk their dogs without taking care around livestock unfortunately have led to an increase in the number of attacks on livestock being reported to the police. As such we welcome the majority of updates this part of the Bill provides.

This is an incredibly complex issue with a number of factors that need addressing. It would seem most livestock worrying incidents occur with unaccompanied dogs (e.g. those who have escaped from gardens) as well as, to a lesser degree, dogs being walked by their owners indicating this is as much a dog welfare problem as it is a livestock welfare issue. Dog owners can play a key role in preventing incidents by simple measures, such as keeping their dogs under control when out or ensuring the perimeters of their property is secure.



Looking specifically at the proposals in the Bill, we largely welcome the changes in the law proposed as we believe this does address many of the common problems at present. However, we believe the definition of “at large” is too broad and contains loopholes. In our view a simpler matter of fact definition that purely identifies whether a dog is on a lead or not would be more practical from an enforcement perspective and would prevent accidents or the unexpected.

In addition we have a number of questions we would like to seek clarification on. We are unclear as to why there appear to be two, slightly different, offences concerning ‘livestock’ in the broadest sense, but also ‘relevant’ livestock in quite a narrow sense. The RSPCA, like many of the welfare organisations, has concerns about the impact of any seizures on dog welfare. For many years we have been working on this issue and raising our concerns. We would like reassurances from the Government about how they propose to protect the welfare of an increased number of dogs that could be seized as a result of this and other relevant legislation. Looking at the provisions concerning

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disqualification we are unclear as to why they are different to those set out under the Animal Welfare Act 2006. We accept they would only be limited to dogs, but the purpose and rationale remains the same. We also note there are no provisions within this part of the Bill to provide for compensation to the livestock owner. As with all parts of the Bill guidance will be critical. Can the Minister provide further information around the timeframe and who will be involved in the development of such guidance?

### Part Three: Export of Livestock (clauses 42-43)

#### Key points for Second Reading

- After decades of campaigning by countless animal welfare groups like the RSPCA, this Bill will finally deliver an end to the unnecessary and cruel practice of live animal exports.

This Bill is the UK Government's chosen vehicle for enacting their commitment to ending live exports. Section 42 of the Bill makes it an offence for anyone to export relevant livestock animals (which includes cattle - including calves, sheep, pigs, wild boar, goats and equines) from Great Britain for slaughter or further fattening to anywhere outside of the British Islands. There is an exemption for poultry which we are concerned about as this would cover all poultry not just day old chicks. The offence covers sending or attempting to send animals from Great Britain outside the British Islands, transporting or attempting to transport animals abroad from or through Great Britain, and organising or attempting to organise an export. Anyone found guilty of an offence can be sentenced to prison, fined, or both. As animal welfare is a devolved matter, specific decisions relating to the enforcement of the ban (for example, giving powers of entry, inspection, search, seizure etc in relation to live animal export offences to a particular agency) will be made by regulations in each of the relevant national authorities; the Government at Westminster for England and the Governments in Wales and Scotland respectively. These can commence two months after the Bill has become law.

It is important to note that the Bill only refers to exports from Great Britain (i.e. not Northern Ireland). This is because Northern Ireland is under the auspices of the EU's Single Market, as defined in the Northern Ireland protocol, and to ensure compatibility with World Trade Organisation (WTO) rules. The RSPCA believes that the way the Bill is worded ensures that it is compatible with WTO rules and will cover the majority of UK animals such as calves and sheep that are presently exported live.



### Part Three: Importation of Dogs, Cats and Ferrets (clauses 45 - 46)

#### Key points for Second Reading

- The measures proposed in the Bill will have a positive impact on the illegal trade in puppies.
- The limit on the number of animals imported per vehicle and per person should be three.
- The Governments in England, Wales and Scotland must introduce the necessary regulations to further crackdown on imports, as the Bill provides, as soon as possible.



The Bill, in clauses 45 and 46, proposes a number of measures to tackle the illegal puppy trade, principally a limit on the number of puppies per vehicle that can enter Great Britain of five animals and lowering the number per person from five to three (as opposed to five animals per person, which is currently the case). This applies to non-commercial movements and to dogs of all ages, as well as cats and ferrets. It also contains powers for the Government and its counterparts in Scotland and Wales to make regulations to take further steps to tackle the trade by banning imports of animals below a certain age, with mutilations (including cropped ears) or who are pregnant.

The RSPCA supports all of these measures though we believe the number of animals per vehicle and per person should be lowered to three. We believe that these will have a positive impact in tackling the illegal puppy trade. In particular, we strongly support any move to increase the age at which puppies can be legally imported. We know that very young dogs represent the biggest potential profits for puppy dealers because of the emotional pull of the 'cute factor' and so cutting off this part of the trade, if properly enforced, would be a potentially huge step forward. The RSPCA advocates a minimum age limit of six months.

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Similarly, we are pleased to see action to ban the import of dogs with cropped ears which has, sadly, become a growing problem recently.

Although the three areas for potential import bans can be seen as trade restricting measures and are thus subject to WTO rules, we believe that all three are compliant. Indeed, there is precedent from other countries: the USA, for example, has a ban on imports of puppies under six months old.

### Part Three: Zoos (clause 47)

#### Key points for Second Reading

- Increased penalties and statutory status of zoo standards is positive, but reassurance is needed on the consultation process for revising zoo standards, now and in future.
- Animal welfare should be explicitly mentioned in the Zoo Licensing Act.
- Animal welfare standards should be the same, regardless of "zoo description".
- Government must commit resources to training local authority licensing officers and zoo inspectors.

The Bill proposes a number of changes to the Zoo Licensing Act 1981 (ZLA), the most substantial being the removal of section 1A 'conservation measures'. The intention is to move these to the Secretary of State's Standards of Modern Zoo Practice (SSSMZP, or 'zoo standards'), which themselves will change status to become statutory. The RSPCA welcomes the change in legal status of the SSSMZP but we are concerned about deleting section 1A removes the only mention of animal welfare, albeit indirect, in the Zoo Licensing Act. The Zoo Licensing Act should therefore require that zoo standards must also specify animal welfare standards. We would also like reassurance that zoo standards, especially given their promoted status, cannot be changed without clear, transparent and robust consultation with appropriate stakeholders, including the RSPCA.

The Bill would allow different standards to be set for different "descriptions of zoos". Animal welfare standards should be the same, regardless of zoo type, and there are already substantial concerns for animals in some types of zoos, such as some smaller zoos and farm parks that are already subject to fewer inspections.

We are pleased to see zoo inspectors could be nominated based on their species knowledge, but we would like this extended to all zoo inspectors, not just vets.

Other welcome changes include an increase to penalties for non-compliance, e.g. operators who breach zoo licensing conditions could be subject to an unlimited fine. Of course, penalties are only as good as those applying them and the Government should commit to ensuring local authority licencing officers, and the zoo inspectors that advise them, get good quality, regular training to effectively deliver their duties under the ZLA, including the use of powers under the Animal Welfare Act 2006.

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