



# Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

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## RSPCA submission to the Welsh Assembly Government's Consultation on the draft Code of Practice on the Welfare of Gamebirds Reared for Sporting Purposes

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### Introduction

The RSPCA welcomes the opportunity to contribute to the Welsh Assembly Government's consultation on the Code of practice on the welfare of gamebirds reared for sporting purposes, which covers some very important issues. We have made some general comments and answered relevant questions from the consultation package, which we hope will be of help during the consultation process.

### General comments

The RSPCA is extremely pleased that the Animal Welfare Act 2006 has meant that gamebirds reared for shooting are now subject to a "duty of care", which has applied to those looking after their livestock counterparts for some time. Clearly the Welsh Assembly Government and DEFRA have worked closely on the development of this area of work and this consultation. The Society has been an active member of DEFRA's Gamebird Working Group, and we appreciated the opportunity to be able to offer experience and opinions for consideration in developing the draft Code. We do however feel the Group's role, in making suggestions rather than unanimous decisions, could be clarified within the impact assessment (IA) and consultation document.

### Consultation questions

- 1. Do you agree that a code of practice is the most appropriate option or do you consider that game farms should be regulated?; if so, who should regulate them?**
  - a) The RSPCA feels that it is entirely logical for the same provisions to be made for game birds reared for shooting as for those responsible for a farmed animal. The Society believes that any codes of practice prepared for commercial activities, such as gamebird rearing, should preferably be in conjunction with regulations. The keeping and caring for animals in commercial activities tends not to be carried out in such a varied way as with pets and thus the number of circumstances in which it is accepted can legitimately be more limited.
  - b) The RSPCA would agree that regulations could result in greater welfare improvements than the code could offer (point 88 of IA). However, the IA also states that these benefits would most likely be minor and that prosecution figures relating to gamebirds are not of a significant level to support the need for

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a regulatory regime (point 55.2). The RSPCA feels it must be recognised that such figures are not necessarily a fair indication of problems, as it is much more difficult for cases involving captive gamebirds to be seen and reported, unlike pets for example.

- c) The Society advocates that the welfare of game birds can be best promoted if the general conditions under which game birds must be reared and kept, prior to release, are set out in secondary legislation, in a similar way as Schedule 1 of the Welfare of Farmed Animals (Wales) Regulations 2007 applies to livestock. The RSPCA is very pleased that the Welsh Assembly Government maintained the requirement for livestock, within Schedule 1 of the 2007 Regulations, that a person responsible for a farmed animal:
- (a) must not attend to the animal unless he or she is acquainted with any relevant code of practice and has access to the code while attending to the animal; and
  - (b) must take all reasonable steps to ensure that a person employed or engaged by him or her does not attend to the animal unless that other person –
    - (i) is acquainted with any relevant code of practice;
    - (ii) has access to the code while attending to the animal; and
    - (iii) has received instruction and guidance on the code.

The Society feels that it is entirely appropriate for the same provisions, supporting the code of practice, to be made for game birds reared for shooting.

- d) During DEFRA's Working Group discussions it was indicated that if clear evidence came to light that welfare problems existed after the code had come into effect, regulations could be considered. We would like to know how such a problem could be identified without routine inspection or clear collection of data and information?

### **2. Do you think that a code reflecting the gamebird rearing season is the most sensible approach?**

### **3. Is it clear and easily understandable?**

### **4. Or do you think it should be set out in the alternative format with sections relating to each of the animal's five needs?**

- a) The RSPCA would urge that there is consistency between all of Welsh Assembly Government codes for farmed animals. We feel that these codes in their current format are easy to use and relevant to the sector for which they are intended.

### **5. Is it useful to have an Annex containing information on other legislation affecting gamebirds?**

- a) Relevant legislation is already referred to in the current Welsh Assembly Government livestock codes. This approach for gamebird rearers should help to make the Codes a more valuable and usable tool.

### **6. Are there any additional recommendations that should be in the code?**

(General suggestions on the content of the codes included in this answer)

- a) **Preface, 2<sup>nd</sup> para, final sentence** Should perhaps read '...can tend to *negate* such liability'.
- b) **Introduction, point 1** For clarification add '...appropriate to *the behavioural and physical needs* of their species...'
- c) **Introduction, point 3** For clarification add '...and *to allow* the exhibition of normal behaviour...'

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- d) **1.1, 2.1(d), 2.9(c), 3.7, 3.9, 8.5** 'Poult' is not necessarily the correct term for all young birds which could be covered by the description 'gamebirds reared for sporting purposes'. 'Young' or 'young birds' could be used instead.
- e) **2.9** As this section is about incubation and hatching, is 'each flock' relevant here? Some of the points, particularly the final paragraph, would be more relevant to 7.4.
- f) **3.5, 4.1** For consistency, 'gamebirds' rather than 'game' should be used. In addition, the spelling needs to be consistent; there is currently a mix of 'game birds' and 'gamebirds' throughout the document.
- g) **3.8** For clarity, '*...all birds should be checked...*', and '*...signs of abnormal behaviour, disease...*' in line with 3.5. The RSPCA would recommend that all birds are checked at least three times daily, which can be carried out without undue interference of those birds that are being prepared for release into the wild. The Welsh Assembly Government's own recommendations for laying hens recommends at least twice daily inspections.
- h) **4.1** The use of the word 'penned' seems unnecessary here as it should apply to all gamebirds as described by the code (6.1 refers to birds being housed *or* penned).
- i) **4.2** Rewording suggested, '*Where a natural source is not available, insoluble grit should be provided in adequate quantities...*'
- j) **5.2** The first sentence appears to relate to the husbandry section and the second sentence could be explained further to clarify that it refers to the speed of applying a management device.
- k) **5.5** The RSPCA is in agreement with FAWC's opinion (Opinion on the welfare of farmed gamebirds, November 2008), which did not find a justification for trimming and recommended against it. This seems particularly pertinent when the laying hen industry is phasing out beak trimming and, importantly, gamebirds must be prepared for feeding and defending themselves in the wild. The Society would urge for this to read '*Beak trimming should not be practiced.*'
- l) **5.7** The RSPCA strongly believes that masks or shrouds should not be used, and would therefore recommend the omission of the word 'generally', as these devices by their very design do not allow birds to carry out all behaviours properly and can cause frustration and distress.
- m) **6.1(iii)** Rewording suggested, '*appropriate size, stocking densities and facilities to properly cater for the behavioural and physical needs of the particular species*'.
- n) **6.5** Rewording suggested, '*Where a dry litter material is not available naturally, this should be provided and maintained in a clean, non-toxic and tangle-free form, to allow for dustbathing and the dilution of droppings*'.
- o) **6.6** For clarification, '*Sufficient perching, raised above the ground, should be provided to allow all birds to perch at the same time and without repeated disturbance*'.
- p) **6.8** The RSPCA is concerned that this might imply that existing facilities do not have to consider the recommendations of the code in the same manner, which would not be beneficial to bird welfare, or the aim of the code.
- q) **Housing and Penning** Suggest addition, '*Birds kept for laying eggs should be provided with nest boxes. These areas should provide sufficient private and comfortable spaces for the numbers of birds housed, with a suitable floor substrate (not wire) which encourages nesting behaviour and minimises the risk of build up of parasites and disease*'. This is consistent with requirements for laying hens, which must have nest boxes with no wire flooring.
- r) **Housing and Penning** Suggest addition, '*Barriers and hiding places should be included in pens to provide an opportunity for less dominant birds to move away from aggressors or hens to escape unwanted attentions of male birds.*'

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- s) **7.2** Suggest, ‘...to devise *and annually update...*’.
  - t) **7.4** Suggest, ‘... mortality, *illness and injuries, with reasons where known...*’, to help ensure that the information recorded is meaningful and useful in order to inform future management as stated.
- 7. Do you consider that cages can provide adequately for the welfare needs of breeding pheasants? Or do you consider that barren cages should not be used for the housing of breeding pheasants? Or do you consider that all cages for breeding pheasants should not be used?**
- 8. Do you consider that cages can provide adequately for the welfare needs of breeding partridges? Or do you consider that barren cages should not be used for the housing of breeding partridges? Or do you consider that all cages for breeding partridges should not be used?**
- a) The RSPCA does not believe any cages, including ‘enriched’ cages, can properly cater for the full behavioural and physical needs of birds in order to meet the requirements of the Animal Welfare Act 2006. The Society would therefore only support option 3 within the consultation, ‘Cage systems for breeding birds should not be used...’.
  - b) While it is appreciated that available scientific evidence on the effects of different housing methods on gamebirds is limited, we would urge that where there is uncertainty, common sense and experience of similar species should be applied. It is also crucial to remember that these are wild birds that will be released, and so must be kept in appropriate conditions in order to help prepare them for survival outside captivity.
  - c) In Westminster, Ministers have shown great concern over the use of cages in the gamebird rearing industry and given assurances that this issue would be addressed in the code in England. Indeed, a recent Parliamentary early day motion (EDM 507) showed 107 signatures in support of option 3, a ban on cages for gamebirds. This support must be followed through to benefit gamebird welfare and importantly, as point 97 of the IA states ‘...it is considered that the operators of cage systems could be at risk of prosecution under the 2006 Act for compromising the welfare of their birds.’. If the code is to serve as guidance on how best to meet the Act’s requirements then it needs to do just that.
  - d) The FAWC opinion states that the ‘enrichment’ of cages they had seen was ‘unlikely to satisfy the birds’ needs’, which strongly suggests there is no justification for supporting the use of these systems. And as the evidence within the IA suggest, many gamebird rearers are already keeping birds in higher welfare, and commercially viable facilities.
- 9. Do you consider that having a standard definition for a cage is necessary for a clear understanding by keepers if cages are to be restricted or banned? If so would the EFSA definition be a suitable approach?**
- a) This seems to have worked well in the laying hen industry and the RSPCA would agree that a definition is required to avoid any confusion, particularly if it is not possible to provide minimum sizes as referred to in the next question.
- 10. Do you consider that setting space allowance for breeding pheasants and partridges would address the concern?**
- 11. If yes, what would be the space allowance for an adult pheasant and what is the evidence that this is appropriate?**

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- 12. What would be the space allowance for an adult partridge and what is the evidence that this is appropriate?**
- a) While the RSPCA does not have sufficient evidence on which to base a suggested maximum stocking density or minimum enclosure size, the Society would consider such an option, which in itself would disallow the use of cages.
- 13. Do you agree that spectacles should not be used? Or do you consider that spectacles have welfare benefits provided they are used appropriately?**
- a) Recent DEFRA-funded research (The effects of the application of bits and spectacles in game birds, Game Conservancy Trust, December 2007) found that spectacles can result in damage to the nares and bill of birds. By their very design they affect the birds' ability to see, which in turn can make it difficult to feed and preen properly, and lead to distress and frustration. FAWC did not find sufficient evidence to justify the use of spectacles (point 52 in opinion) and has recommended for them to be banned (point 63), the RSPCA would fully support this position.
- 14. Do you agree that the use of bits for younger pheasants should continue when justified, monitored and fitted on an enterprise-by-enterprise basis?**
- a) Bits, which prevent birds from fully closing their beaks, can prevent birds from expressing their full range of behaviours, but are used to minimise injuries from feather pecking which can be common in gamebird rearing. Such injuries can result in poor welfare at the time and poor feather cover, subsequently increasing the risk of chilling when birds are released.
- b) With reference to bits, FAWC reported 'little evidence of any assessment as to whether the practice could be avoided for specific systems or enterprises' (point 43 of opinion). The RSPCA is extremely concerned that this may be the case and would stress that the risk of injurious pecking and cannibalism can be minimised by providing appropriate space and facilities to allow the birds to carry out natural behaviours properly.
- c) In cases where appropriate attention to factors such as enrichment, space, stocking density and nutrition cannot avoid the welfare implications of feather pecking injuries and cannibalism, the RSPCA would agree with the application of bits on the strict basis of the question above. Furthermore, bits should only be used on a short-term basis and on veterinary advice (in conjunction with the flock health and welfare plan (7.2 in draft codes)).
- 15. Do you agree that bumpa bits should only be used in exceptional circumstances?**
- a) As stated in FAWC's opinion, following communication with the gamebird rearing industry, no necessity has been proven for the use of Bumpa bits (point 52 of opinion). Therefore, the RSPCA would strongly urge that given the lack of justification for their use and previous comments on the welfare implications of using management devices, they should not be recommended in the code for use on any occasion.