



<b>MEETING</b>	Advisory Committee
<b>DATE</b>	25 September 2008
<b>TITLE</b>	<b>DRAFT DEFRA Protocol for Handling Animal Welfare Cases in Cooperation with the Hindu Community</b>
<b>CLASSIFICATION</b>	Unclassified
<b>SUMMARY</b>	The Committee was asked to comment on the draft protocol during the summer and provided broad support. In view of the email debate, however, the Committee is provided a further opportunity to discuss the issues arising and to comment.
<b>DECISIONS REQUIRED</b>	TO DECIDE WHAT IF ANY FURTHER COMMENTS IT WISHES TO MAKE TO DEFRA
<b>ATTACHMENTS</b>	NONE
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## Summary

1. In June/July 2008 Defra sought comments on its draft religious protocol below which deals with the actions to be taken by Animal Health and owners of bovine animals in the care of the Hindu community at temples and similar sites 'run in accordance with Hindu principles' when enforcing animal welfare legislation.
2. RCVS, among other organisations, was asked to agree to the responsibilities and processes to be followed. During the summer, Advisory Committee was provided an opportunity to comment by email.
3. While the Committee broadly supported the protocol, it was concerned by the wording of paragraph 16 of the protocol which stated that if the private veterinary surgeon believes the animal cannot be successfully treated then the owner must contact the local Animal Health office. It has been suggested that in any publication of the protocol by the RCVS, the client confidentiality provisions in the Guide should be highlighted so that a veterinary surgeon involved in this type of case would feel he/she could report the matter to Animal Health him/herself where the owner was reluctant to do so. However, if that is the route by which requests are likely to reach Animal Health, should this be stated in the protocol?
4. Defra advised that it had been suggested that the final protocol should include an annex setting out the considerations an enforcement officer should observe when operating in a holy environment. Defra is consulting on this with members of the Hindu community and will circulate by Defra as soon as it is ready.
5. In the meantime, Defra has been advised of the Committee's broad support and we have asked for sight of the final version of the protocol before RCVS confirms it is happy for the RCVS name to be retained in the list of organisations providing agreement.
6. The Committee is provided with a further opportunity to consider its support and identify any issues it wishes to be raised with Defra.

## **PROTOCOL FOR HANDLING ANIMAL WELFARE CASES IN COOPERATION WITH THE HINDU COMMUNITY**

### **Aims and scope of the protocol**

1. This protocol sets out the way in which the beliefs of the Hindu community will be taken into account when enforcing animal welfare legislation.
2. The protocol only applies to bovine animals in the care of the Hindu community at temples and similar sites run in accordance with Hindu principles.
3. This protocol acknowledges that the manner in which the Hindu community cares for bovine animals is governed by strict ethical and religious beliefs. It also acknowledges that financial or other such considerations will not limit the efforts of the Hindu community to provide palliative care as they might in a situation where commercial farming practices are involved.
4. This protocol does not replace or amend the provisions of the Animal Welfare Act 2006 or any other animal welfare legislation. It is intended to provide guidance on the handling of cases within its scope and does not change the legal obligations placed on an owner of an animal.
5. This protocol does not apply to any action required for disease control purposes.
6. It describes the responsibilities of the various parties and the processes to be followed in the case of animals within the scope of the protocol and has been agreed by [*Representatives of the Hindu Community; AH; Defra; RSPCA; Police; ACPO; LACORS; BVA; RCVS*].
7. It is agreed that Animal Health will take the lead in areas within the scope of this protocol. Where other bodies (e.g. Local Authorities, RSPCA) are aware of or are investigating an incident within the scope of the protocol, they should contact and refer the case to Animal Health. Animal Health will ensure that the relevant body is kept informed of progress with the case. If the Local Authority is not already involved, Animal Health will inform them if they are investigating an incident covered by this protocol.

### **Beliefs of the Hindu community**

8. For Hindus all life is sacred. Amongst the animal kingdom the cow has a special position because of her immense contribution to the quality of human life. In the Hindu scriptures the cow is described as an auspicious creature and it is strictly forbidden to kill her. The primary responsibility of the dairy farmer was called "go-raksha" which means cow protection. This includes taking care of her until the time of her natural death. Caring for cows and other cattle is therefore one of the most pious acts a Hindu can perform.

### **Legal responsibilities**

9. The owner of an animal has a duty to ensure the welfare of an animal<sup>1</sup> which means providing for the following needs:
- a suitable environment
  - a suitable diet
  - ability to express normal behaviour
  - housing with or apart from other animals
  - protection from disease, injury, pain and suffering

The owner must ensure that an action or lack of action does not cause unnecessary suffering to the animal<sup>2</sup>. The owner must take appropriate action (such as seeking treatment from a veterinarian) when the animal is in distress and suffering. Suffering will be considered unnecessary where that suffering could reasonably have been avoided or reduced.

10. Where an animal is suffering (physically or mentally), or there are reasonable grounds to believe that this is the case, the Animal Welfare Act 2006 gives an inspector<sup>3</sup> or a police officer the power to intervene to alleviate that suffering. However they are not authorised to destroy or arrange destruction of an animal (except in exceptional circumstances see paragraph 22) unless a veterinary surgeon has certified that euthanasia would best serve the welfare of the animal. A veterinary surgeon has the power to examine an animal and take samples from it to decide whether it should be destroyed in its own interests. Where a veterinary surgeon certifies that euthanasia is in the best welfare interests of the animal, the Act permits an inspector or police officer to arrange for the animal to be killed in such circumstances.
11. The owner will normally (except in exceptional circumstances see paragraph 22) be kept informed at every stage of the process about the proposed course of action by the inspector, constable or veterinary surgeon. The options available to relieve suffering and the implications of those will be explained to them.
12. Where enforcement action is taken by a statutory body (e.g. Local Authority or police) the provisions in the Regulators Compliance Code<sup>4</sup> and the Enforcement Concordat<sup>5</sup> will be followed. This includes giving those involved an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required.

### **Process for handling welfare cases**

13. It is the responsibility of the owner to care for the animal as far as practicable, in an appropriate manner, fulfilling the requirement to ensure the

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<sup>1</sup> Animal Welfare Act 2006, section 9.

<sup>2</sup> Animal Welfare Act 2006, section 4.

<sup>3</sup> "Inspector" means a person appointed by the national authority (Defra/National Assembly of Wales) or a local authority who is empowered for the purposes of the Animal Welfare Act (section 51).

<sup>4</sup> <http://www.berr.gov.uk/files/file45016.pdf>

<sup>5</sup> <http://www.berr.gov.uk/files/file10150.pdf>

welfare of an animal. If an animal is injured or shows signs of illness or disease that can be expected to cause pain or suffering the owner must contact their private veterinary surgeon without delay. It is not acceptable to wait until there are signs of pain or distress.

14. Where an animal's condition requires emergency action to relieve unnecessary pain or suffering the owner must take immediate action to relieve the suffering. This may require action before a veterinary surgeon arrives.
15. The owner's private veterinary surgeon should assess the condition of the animal and decide whether it can be treated to recover without unnecessary pain or suffering.
16. If in the opinion of the private veterinary surgeon, the animal cannot be successfully treated within a reasonable timescale and advises that the animal might suffer unnecessarily as a result, the owner must contact their local Animal Health office<sup>6</sup>.
17. In discussion with the private veterinary surgeon, Animal Health will assess the condition of the animal and consider whether the suffering is unnecessary. In making the assessment, the prospects of recovery, the effectiveness of the palliative care being provided to the animal and whether suffering can be relieved with appropriate pain relief will be taken into account. Animal Health will inform the owner of the conclusions reached and their implications.
18. Where the care and treatment being provided is seen to be effective in relieving suffering, Animal Health will liaise with the private veterinary surgeon to monitor the situation. This will continue until the animal recovers or the condition has stabilised.
19. Should the suffering of the animal be considered unnecessary, Animal Health will take appropriate action which may include euthanasia if this is considered to be the best course of action on welfare grounds. The reasons for this will be explained to the owner before any action is taken (unless immediate action is required – see paragraphs 22 - 24). If Animal Health considers that an animal has been allowed to suffer unnecessarily they will contact the Local Authority who will decide whether further enforcement action would be appropriate.
20. Animal Health will ensure that the owner of the animal is fully consulted (unless immediate action is required) and kept informed at each stage. This will include an explanation of the available courses of action and the potential implications of each.
21. Where Animal Health decides to euthanase an animal that decision will be discussed with a senior official and should be endorsed by him / her (unless immediate action is required).

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<sup>6</sup> A list of the Animal Health offices can be found at the following address:  
<http://www.defra.gov.uk/animalhealth/about-us/contact-us/animal-health-offices.htm>

### **Immediate Action**

22. In exceptional circumstances where an animal is in distress e.g. as a result of serious injury or trauma there might be a need to take immediate action. Where an inspector or constable considers that immediate action to relieve the animal's suffering is necessary he / she can act without a veterinary surgeon's certificate if it appears to him / her that:

- the condition of the animal is such that there is no reasonable alternative to destroying it; and
- the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.

23. In a situation where immediate action is considered necessary and:

- the owner is not present; or
- locating the owner to notify him / her of the action proposed would prolong the animal's suffering unnecessarily

the inspector, constable or veterinary surgeon will act to relieve the animal's suffering without notifying the owner beforehand. If this is the case section 18(11) of the Animal Welfare Act 2006 requires the owner to be notified as soon as possible, that the animal has been destroyed.

24. In exceptional circumstances, where the Animal Health officer considers a delay would prolong a distressed animal's suffering unnecessarily, that officer is not required to seek the approval of a senior official.

25. Inspectors and Constables are provided with powers under section 23 of the Animal Welfare act 2006 to enter premises by force if necessary in order to carry out their duties. Such powers will only be used in exceptional circumstances and the religious implications of such enforcement activity will be considered carefully before such powers are executed.

**ANNEX**

**CONSIDERATIONS TO BE TAKEN INTO ACCOUNT BY ENFORCEMENT OFFICERS OPERATING IN A HOLY ENVIRONMENT WITH SACRED ANIMALS**