



MEETING	ADVISORY COMMITTEE
DATE	25 SEPTEMBER 2008
TITLE	EUTHANASIA WITHOUT THE OWNER'S CONSENT
CLASSIFICATION	Unclassified
SUMMARY	To consider revised paragraphs to Part 2 D of the Guide to Professional Conduct – Maintaining practice standards – Euthanasia without the owner's consent and to consider revised paragraphs on the destruction of horses at racecourses, and other sporting events and euthanasia of dangerous dogs.
DECISIONS REQUIRED	To approve the proposed revisions
ATTACHMENTS	NONE
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Summary

1. Part 2 D of the Guide contains guidance on euthanasia without consent. The passing of new welfare legislation affecting England, Scotland and Wales provides the impetus for the College to update these provisions and review its position with regard to euthanasia without consent generally.
2. While powers are conferred in the legislation for the police/local authority officers to destroy or arrange for destruction of an animal in distress, there is no specific authority conferred on veterinary surgeons to destroy an animal in such circumstances.
3. The Animal Welfare Act (which applies in England and Wales) provides a person may commit an offence if an act of his or a failure to act causes an animal to suffer unnecessarily. The Animal Health and Welfare Act (Scotland) provides that a person *responsible* for an animal commits an offence if his failure to act causes unnecessary suffering. The Guide therefore retains the principle that a veterinary surgeon may need to act without the owner's consent.
4. The British Horseracing Authority (formerly the Jockey Club) was asked to confirm its rules with regard to the destruction of horses. The legal affairs manager provided revised rules. The guidance for veterinary surgeons asked to destroy an animal injured at a sporting event is retained.
5. The provisions in the Guide that follow the old Section 11 of the Protection of Animals Act have been removed.
6. The guidance on dangerous dogs has been amended following a check on the legislation in this area.

Conclusion

7. The Committee is asked to consider and approve the proposed revisions to Part 2 D of the Guide to Professional Conduct.

Part 2 – D Maintaining practice standards

Euthanasia without the owner's consent

27. The Animal Welfare Act 2006 ('AWA') (which applies in England and Wales), the Animal Health and Welfare (Scotland) Act 2006 ('AHW(S)') and the Welfare of Animals (Northern Ireland) Act 1972 ~~provide that a failure to destroy an animal to prevent further suffering may be an offence (unnecessary suffering or cruelty).~~ contain provisions to

safeguard the welfare of animals. For animals in distress, there are no provisions in these Acts which specifically authorise a veterinary surgeon to destroy an animal. Under the 2006 Acts powers to destroy an animal or arrange for its destruction are conferred on an inspector (who may be appointed by the local authority) or a constable. A veterinary surgeon may be asked to certify the condition of the animal is such that it should in its own interests be destroyed. An inspector or constable may act without a veterinary certificate if there is no reasonable alternative to destruction and the need for action is such that it is not reasonably practical to wait for a veterinary surgeon.

Under the Welfare of Animals (Northern Ireland) Act 1972 the police may summon a veterinary surgeon or take action themselves where the owner refuses to give consent or is absent.

A person may commit an offence if an act or failure to act causes an animal to suffer unnecessarily.

~~The duty to destroy falls most heavily on the veterinary surgeon who has the skill and training to make the correct assessment. In these circumstances he/she acts as an agent of necessity. If, in the opinion of the veterinary surgeon, the animal's condition is such that it should, in its own interests, be destroyed without delay, the veterinary surgeon may need to act without the owner's consent and should make a full record of all the circumstances supporting the decision in case of subsequent challenge.~~

~~28. The Acts give statutory powers to a police constable enabling him to order the destruction of a bovine animal, horse, mule, ass, sheep, goat or pig whose condition, in the opinion of a veterinary surgeon, is so severe that it cannot be moved and that it would be cruel to keep it alive. In these circumstances the veterinary surgeon should ask for a written and signed instruction to destroy from the officer in charge, including his identity number and the log number of the incident at a given police station.~~

Sporting events

29. Where the veterinary surgeon is asked to destroy an animal injured in a sporting event, the opinion of a professional colleague, if available, should be sought before doing so. Veterinary surgeons officiating at sporting events should consider:

- a. whether the owner will be present and able to consent to euthanasia if necessary
- b. whether the owner has delegated authority to another to make that decision in their absence and
- c. whether if damages were sought for alleged wrongful destruction they would have adequate professional indemnity insurance cover.

Destruction of injured horses

The Rules of Racing, British Horseracing Authority, which apply to BHA regulated events state:

'Where, in the opinion of the attending veterinary surgeon, a horse is so severely injured that it ought to be humanely destroyed, the Owner or the Trainer should, wherever possible, first be informed. However, the veterinary surgeon may proceed with humane destruction, without reference to Owner or Trainer, in order to prevent undue suffering to the horse. Before taking this action the veterinary surgeon should, wherever practicable, seek a second opinion.'

(Ref: ~~the British Horseracing Authority [formerly the Horseracing Regulatory Authority the Jockey Club]~~ Instruction J17 and FEI Article 1009.15)

Destruction of 'dangerous' dogs

30. Under the Dogs Acts of 1871 and 1906, the Dog Control Act 1966, the Dangerous Dogs Acts of 1989 and 1991, The Dangerous Dogs (Amendment) Act 1997 and The Dangerous Dogs Order (Northern Ireland) 1991, a destruction order may be made by the Court or Justice of the Peace or Sheriff ~~or the police~~, and the destruction of a healthy animal is normally involved. In these circumstances a veterinary surgeon asked to destroy a dog should, unless there is a genuine threat to human safety, request a written and signed order from one of the appropriate statutory authorities. An owner may request the destruction of a 'dangerous' dog. ~~If this is impossible, the written authority should be obtained immediately afterwards.~~

Professional Conduct Department
16 September 2008