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Dear Mr. Llumigusin,

Re: Animal Welfare Act 2006 – Post-Legislative Scrutiny 2010 Consultation Process

Thank you for the opportunity to comment on the effectiveness of the Animal Welfare Act 2006 as a part of the consultation process of the Act's post-legislative scrutiny.

The following response is made on behalf of the Royal College of Veterinary Surgeons (RCVS). The RCVS is the regulatory body for veterinary surgeons in the UK. The role of the RCVS is to safeguard the health and welfare of animals committed to veterinary care through the regulation of the education, and ethical and clinical standards of veterinary surgeons and nurses, thereby protecting the interests of those dependent on animals, and assuring public health. It also acts as an impartial source of informed opinion on relevant veterinary matters.

The RCVS commends the objectives and principles behind the introduction of the Animal Welfare Act and considers that the Act has the potential to significantly improve general levels of animal health and welfare. Thus far, however, the Animal Welfare Act appears to have fallen well short of achieving its full potential due to problems associated with the enforcement of the Act and a paucity of secondary legislation and welfare codes of practice.

Secondary Legislation

The RCVS considers that the effectiveness of the Animal Welfare Act depends to a large extent on the development and introduction of UK-wide secondary legislation to address specific welfare issues.

It is the view of the RCVS that one priority area for the introduction of secondary legislation is that of dog breeding. Current legislation in this field is confusing and uncoordinated; moreover, the regulatory impact assessment of the Animal Welfare Act envisaged new regulations on dog breeding being introduced by 2011.

Devolved Administrations

The RCVS is deeply concerned by the introduction of separate secondary legislation in England, Scotland, Wales and Northern Ireland. Whilst the devolved administrations are to be commended for the proactive approach they have taken to addressing certain animal welfare issues, the lack of a UK-wide approach only serves to move animal welfare issues from one part of the country to another and is likely to further increase public confusion as to the powers of the Act and appropriate standards of animal welfare.

Welfare Codes of Practice

The RCVS supports the British Veterinary Association (BVA) in commending the Coalition Government for committing to the introduction of further codes of practice. The RCVS considers that the paucity of codes introduced since the publication of the Act is another major reason for the failure of the Act to achieve its potential in improving standards of animal welfare. Codes of practice form an important part of educating and informing the public as to how the welfare needs of their animals can be met. The RCVS is aware, however, that the current codes of practice can be difficult for the public to understand as they are also written so as to be used by magistrates. Consequently, the RCVS would support measures to simplify or shorten the codes of practice, especially in the case of companion animals, so that they can be more easily understood.

The RCVS also has grave concerns that a number of the current codes of practice predate the Animal Welfare Act. It is imperative that where the Animal Welfare Act has updated legislation, the relevant codes of practice are updated simultaneously to reflect such changes. It is unacceptable for a farmer or smallholder, that has read and followed the relevant code of practice, to find themselves in court for a breach of the legislation.

Enforcement

Whilst a number of successful prosecutions have been made under the Animal Welfare Act, the RCVS maintains that there are significant problems relating to the enforcement of the Act. Local Authority enforcement teams tend to be small and resources are increasingly stretched, meaning that carrying out in-depth investigations into breaches of the Act can be difficult. Furthermore, constraints on police time can result in investigations into animal welfare offences taking second place to investigations into other offences.

Veterinary Services

The RCVS considers that codes of practice under the Animal Welfare Act could effectively be used as a means to improving the regulation of technicians performing procedures under the current Exemption Orders to the Veterinary Surgeons Act. By formalising, as a code of practice, the guidance as to the training and experience requirements of such technicians, the authority of such guidance would be significantly improved. Furthermore, if such guidance were made into a code of practice, then a breach of the guidance could be used as evidence if a prosecution were to be brought against a technician on animal welfare grounds.

If you require any clarification on our comments above, then please do not hesitate to contact me. Alternatively, representatives from the RCVS would be happy to meet with you to discuss and expand upon our position.

Yours sincerely,

Anthony Roberts RCVS
Policy and Public Affairs Officer