

Cases, Updates & Materials

Leigh Day is currently instructed by Wild Justice on three issues – two are the subject of ongoing proceedings and one case has recently settled

Gamebirds

In early 2020, Wild Justice issued proceedings against the Secretary of State at Defra for failing to assess the impact of some 60 million Pheasants and Red-Legged Partridges on European Protected Sites (EPS) in England.

Under Article 6(3) of the Habitats Directive, Member States are required to have put in place measures to ensure that the adverse impact of plans and programmes not directly concerned with the management of Special Areas for Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Wild Birds Directive are assessed. No such measures are in place to evaluate the likely significant effect of the annual introduction of these gamebirds on Natura 2000 sites.

The case was due to be heard in the Planning Court before Mr Justice Holgate on 3rd and 4th November but, a few days beforehand, Defra undertook to urgently bring in the following measures by Statutory Instrument to protect European wildlife sites from continuing damage:

1. Adding the Pheasant and Red-legged Partridge to Schedule 9 of the Wildlife and Countryside Act 1981, which contains species which cause ecological, environmental or socio-economic harm. This means that those species can only be released under licence and to do otherwise would be a criminal offence.

2. Bringing in a general licence which will permit releases of the two gamebird species away from protected wildlife sites but not on them or near them (within 500m is proposed, subject to consultation) unless a number of licence conditions are met. For example, there will be limits to the numbers of birds that can be released under the general licence.

3. Monitoring by Natural England of a large number of sites to ascertain the extent of damage caused by non-native gamebirds.

The decision to establish a licensing regime for the annual introduction of gamebirds is a major breakthrough in regulating the impacts of huge numbers of non-native birds on our most valuable wildlife sites. Wild Justice will be examining the detail of the proposed scheme very carefully to ensure that it fulfils the Secretary of State's obligations under the EU Habitats Directive.

Welsh Ministers have subsequently confirmed they intend to consult on adding pheasants and red-legged partridges to Schedule 9 of the Wildlife and Countryside Act 1981 and Natural Resources Wales (NRW) also intends to consult on the appropriate conditions for the general and specific licences that arise from that addition. However, the aim is that there will be an appropriate process in place for releases of pheasants and red-legged partridges in Wales in the 2022 season, taking into account elections to the Senedd are taking place on 6th May 2021.

General Licences

Leigh Day has also been assisting Wild Justice in their ongoing challenges to England and Wales' stance on licencing the killing of wild birds. Licences issued by Defra in England (until last year by Natural England, NE) and by Natural Resources Wales (NRW) provide a derogation from the Wild Birds Directive permitting what would otherwise be prohibited unlawful killing. In addition to specific licences issued to individuals after scrutiny of why the applicant believes le-



that action is justified, both Defra and NRW also issue so-called 'general licences' which can be relied on by anyone to kill specified lists of wild birds provided they believe they are killing for purposes such as conservation and health and safety.

Wild Justice launched proceedings against NE in 2019 based on a fundamental flaw in their general licences; namely, that, contrary to the requirements of the Wildlife & Countryside Act 1981, Natural England had not considered any other alternatives to lethal action by general licences, let alone satisfied itself that such alternatives would not work, before granting the licences. The practical result of that failure by NE was to permit the casual killing of thousands of birds across the UK, despite the likely availability of non-lethal alternatives in many cases.

In pre-action correspondence, NE repeatedly refused to acknowledge shortfalls in the law, leaving Wild Justice with no option but to issue proceedings. NE then finally conceded the claim and the case went on to be one of the

biggest wildlife and conservation stories of the year, in part, perhaps, due to NE's hasty revocation of the 2019 general licences and the subsequent granting of new general licences without detailed consultation. It was in the wake of NE's action that the Secretary of State for Food and Rural Affairs rescinded NE's delegated powers to issue the general licences and brought that function back in to Defra.

Wild Justice is currently pursuing proceedings in Wales, arguing that NRW's licences are also irredeemably flawed because, among other things, contrary to the explicit requirements of the WCA 1981, they fail to set out the circumstances in which the general licences can be relied on to carry out lethal control to achieve their respective purposes. For example, in the case of the general licence allowing the lethal control of certain species of bird to conserve populations of other wild birds, the licence fails to: (i) specify the species being protected by culling Carrion Crows (it lists 143 species instead – some of which do not occur in Wales and others, nesting in burrows or in large colonies, would nev-

er be predated by Carrion Crows); (ii) limit the geographical areas where the licence should be used (for example to those parts of Wales where these vulnerable species actually nest); and (iii) identify the time of year when the licence can be used. As such, it fails to describe the circumstances of legitimate use at all. This is a fundamental flaw, permitting (as it does) the killing of a Carrion Crow, or 100 Carrion Crows, in the centre of Cardiff even where the species that killing purports to protect (such as Grey Partridge, Curlew, and Lapwing) are not at any risk from Carrion Crows in central Cardiff.

The NRW case will be heard remotely on 18 December 2020. Meanwhile, Defra has recently published new draft general licences following a review. These are due to come into force on 1 January 2020, but may be affected by the NRW proceedings. Wild Justice is also examining these licences.

Badgers

Culling Badgers as a measure to curb the spread of Bovine TB started in Gloucester and Somerset in 2013. It now extends to 54 areas in England and it is thought that some 64,000 Badgers will be shot in the 2020 cull. This year, for the first time, it has been expanded into areas ("Edge Areas") in which the vaccination of badgers is being piloted, with decimating effect on schemes that are intended to provide a long-term solution to the control of bTB.

Natural England published 10 licences for supplementary Badger control on 15 May 2020. Further licences followed in September 2020. Condition 21 of the Licences states that all reasonable steps must be taken to ensure that Badgers shot under the licence are dispatched "swiftly and humanely".

Wild Justice believes that in order to work out whether steps being taken are reasonable, NE must have some idea what is meant by "swiftly and humanely" – but it would appear to have no basis for measuring it. In July 2020, Wild Justice applied for a Judicial Review (JR) of NE's failure to clarify how it sets a benchmark for humane-ness, arguing that a lack of clarity means that an unacceptably high proportion of Badgers are left to an inhumane death.

NE is being asked to explain what measure for humaneness it is using after it chose not to apply the approach to humaneness agreed in 2014 by the Independent Expert Panel (IEP) established by Defra to report on pilot culls in Somerset and Gloucestershire. The Panel considered that for the controlled shooting of Badgers in the field, the percentage of animals surviving for more than five minutes after being shot, and the percentage being wounded but not retrieved (the "non-retrieval rate"), should not together exceed five per cent. i.e. at least 95 per cent of Badgers that are shot at should die within five minutes.

The Government accepted that steps should be taken to improve shooting accuracy in its response to the IEP report but, despite efforts to improve the overall quality of marksmanship, Natural England's annual reports demonstrate that the non-retrieval rate alone has consistently remained above 10 per cent since 2014, i.e. double the level recommended by the IEP.

In August 2020, the Honourable Mr Justice Johnson refused permission for JR on the papers and in October 2020, Mrs Justice Farbey refused permission following an oral hearing in the High Court. Wild Justice has recently lodged an appeal in the hope that the Court of Appeal will consider it arguable that NE is acting unlawfully because it has imposed a condition that is entirely vague and unenforceable and provides none of the necessary certainties to ensure that reasonable steps are being taken to ensure the culling of Badgers is humane. The Court of Appeal's decision is awaited.

Wild Justice is represented in these cases by Carol Day, Tom Short, Tessa Gregory and Rhiannon Adams of Leigh Day and David Wolfe QC and Anita Davies of Matrix Chambers.

Carol Day, Tom Short, Tessa Gregory & Rhiannon Adams of Leigh Day

Bureau rejects Scottish Wildcat Haven Bern Convention Complaint

The Scottish wildcat (*Felis silvestris*) is one of the few native predators left in Scotland. With only 35 recorded in northern Scotland in recent years, they are at risk of genetic extinction. Three main factors have contributed to this: (1) hunting for sport; (2) loss and fragmentation of their habitat; and (3) hybridisation and associated disease.

In 1988, the Scottish wildcat gained legal protection, making it illegal to deliberately or recklessly capture, kill or injure a wildcat and damage or destroy breeding sites or resting places of a wildcat. It is against this background that recent steps taken by Wildcat Haven CIC are considered.

Bern Convention Complaint

It has been suggested that the population of Scottish wildcats is no longer viable with the numbers so low and breeding in captivity is the only viable option. Wildcat Haven disagree and have instead established a campaign to protect and conserve the remaining wildcat population in their current habitat. They instead would complete a comprehensive national survey to identify wildcat presence, followed by strict protections to prevent logging and disturbance, and allied to an intensive neutering programme for hybrid and feral cats in the area.

Wildcat Haven have stated that 13 of the remaining 35 wildcats live in Clashindarroch Forest. This however, is a commercial woodland, and the forest is subject to logging operations. National Geographic reported that 90 hectares of timber – 1.3% of the forest – is cut annually. Forestry and Land Scotland's new land management plan for Clashindarroch proposes felling 5.2% of the trees over the next five years, and thinning across 29% of the forest area.¹

¹ <https://www.nationalgeographic.co.uk/animals/2020/09/amidst-hybridisation-and-habitat-disruption-the-highland-tiger-is-cling->

As a result of the continued commercial operations at Clashindarroch Forest and the failure to make any specific protections for the wildcats, Wildcat Haven submitted a [complaint](#) (dated 9 April 2020) under the Bern Convention against the Scottish Government.

The Bern Convention is a binding international legal instrument in the field of nature conservation, covering the natural heritage in Europe. The [Convention](#) aims “to ensure conservation of wild flora and fauna species and their habitats [and gives] special attention to endangered and vulnerable species...” [Appendix II](#) of this Convention specifically mentions the protection of *Felis silvestris*.

Wildcat Haven's complaint comprised the following alleged failures of the Scottish Government:

1. Failing to complete a comprehensive national survey which adequately assessed the remaining population size and distribution of the species and failing to produce a cohesive national action plan to protect the remaining populations in the wild;
2. Failing to apply and uphold environmental laws designed to protect this strictly protected species from disturbance; specifically, as a result of commercial logging ongoing at the Clashindarroch forest and;
3. Failure to enforce and uphold the Convention in respect of a planned windfarm development by Vattenfall Wind Power Limited which would disturb the wildcat's resting place.

Scottish Government Response

In the Scottish Government's [response](#) (dated 31 July 2020) to Wildcat Haven's complaint, all alleged failures were rebutted on the basis that “whilst recommendations can be helpful tools, which the UK values and implements where it is appropriate to do so, none of these recommendations are legally binding on Parties to the Convention”. Further, several key areas of the complaint strayed beyond the UK's obligations

[ing-on-by-a?fbclid=IwAR02H86R2mzYOWdi1wbb5TFTGReh1Y-H8DSPx54MKeXchsljAP5RBF-wxJM](https://www.scottish.gov.uk/information/press-releases/2020/07/31-scottish-government-response-to-wildcat-haven-complaint/)

under the Convention: e.g. non-compliance with obligations under EU law which is not within the remit of the complaints process under the Convention.

The Scottish Government response recognised that wildcats are one of Scotland's most endangered animals and their conservation and protection is of the "highest priority". To this end, a Scottish Wildcat Conservation Action Plan (SWCAP) was produced in 2013. A SWCAP Steering Group, representing a range of organisations, specialisms and interests, was established to take this work forward and implemented the multi-partner Scottish Wildcat Action (SWA) project (which ran from 2015-2020). The SWA concluded that there is not currently not a viable wildcat population in Scotland – the number of cats is too small, hybridisation too far advanced and the population too fragmented. The IUNC SSC Cat Specialist Group (CSG) has also been instructed by the Scottish Government to carry out an independent review of SWA's work and other wildcat conservation activities in Scotland.

The independent review from the CSG, along with the conclusions of the SWA, informed the design of a new EU LIFE-funded project, 'Saving Wildcats'. This work runs from 2019-2025 and involves (1) the further development of the conservation breeding programme in collaboration with breeders across the rest of the UK and Europe, (2) the construction of purpose-built breeding facilities at the Royal Zoological Society of Scotland's (RZSS) Highland Wildlife Park, liaison with other European specialists who will be providing animals for the project and (3) the production of a new, updated wildcat action plan.

Bern Convention Decision

Wildcat Haven's complaint was considered at the meeting of the Bureau of the Standing Committee of the Bern Convention on 15 – 16 September 2020. In their brief [decision](#) (at page 20), the Bureau stated that a breach of the Convention had not occurred and the complaint was dismissed. Their expert analysis reached the conclusion that the species could no longer be conserved in the wild. The actions of the Scot-

tish government to repopulate the wildcats in captivity and reintroduce in the wild appeared to be the only realistic solution .

The Bureau supported the government's strategy, but urged the authorities to cooperate together with Wildcat Haven and the IUCN SSC Cat Specialist Group in order to share expertise and elaborate joint action plans.

Continuing to Challenge the Scottish Government

Wildcat Haven consider the government to be in breach of their duty under the Nature Conservation (Scotland) Act 2004 by refusing to designate Clashindoroch Forest as a protected site. Living Law has [written](#) to Scottish Natural Heritage calling for the land to be turned into a site of special scientific interest (SSSI) to help protect the vulnerable wildcats. The Scottish Government response is due by 12 October 2020.

Sophie Mills, A-law Scottish Steering Committee



The Law behind some of the Current Animal-Related Parliamentary Petitions

Many proposals for new animal-related legislation abound, including some that address long-held complaints about the current system, and some that address legal loopholes in existing laws. We have summarised a few notable petitions that we are keen to see progress.

Jasmine's Law

On October 14, MP Andrew Rosindell MP introduced the Dogs and Domestic Animals (Accommodation and Protection) Bill, a Ten-Minute Rule Bill that proposes to ban blanket 'no pet' policies in rental agreements. In the competitive UK housing market, default 'no pets' policies are common. This bill seeks to switch the default position to one which permits families to access rental accommodation with their pets unless there is reasonable cause to disallow a

pet according to individual circumstances.²

Jasmine's Law is named after a Weimaraner dog whose family started the campaign. Jasmine's loved ones experienced the hardships that blanket clauses on pets can cause when a family member was precluded from caring for her upon moving into rental accommodation with such a ban. The relative was not permitted to have Jasmine in the accommodation for even a short time.

The bill follows the observation by Housing Secretary Robert Jenrick MP in January that it should be easier for well-behaved pets to legally stay in rental housing; Rosindell's bill is the first official action to follow from this statement.

The bill does contain safeguards for landlords, requiring that tenants should demonstrate that they are responsible owners through actions such as: providing veterinary confirmation of vaccinations; having the animal spayed/neu-

² <https://www.rosindell.com/campaigns/pet-every-home>

tered; and demonstrating that the animal responds to some basic training commands (for dogs). Provided this evidence of responsible ownership is satisfied, the default in rental housing would no longer be to disallow pets. Instead, there would be an assumption that owners may keep their pets, provided that the accommodation is suitable for the species concerned.

France, Germany, Belgium, and Switzerland have already outlawed blanket restrictions on pets in the rental sector.

In November, we invited Sarah Dixon (The FOAL Group) and Dr. Liz Ormerod (Society for Companion Animal Studies) to talk about, respectively, the campaign and research into the human-animal bond that underlies much of the work in this area. Dr. Ormerod has worked tirelessly over many years to persuade local authorities to move away from 'no pet' clauses in rental agreements and has also worked with the rental sector to educate landlords about the impact blanket application of such policies can have in individual circumstances and, in particular, the impact upon vulnerable groups relying upon their pet for companionship and support, sometimes over a period of many years.

The tragic death of John Chadwick³ exemplifies just this and also highlights another issue: the consequence of such policies upon people reliant upon social housing, who face being deemed intentionally homeless if they decline an offer of accommodation on the grounds that it would mean separating from their companion animal. John was in a vulnerable category when he lost his home after a private landlord wanted to sell the property. He was separated from his pets after being placed in temporary accommodation by the local authority, and he faced permanent separation from them when an offer of permanent housing with a 'no-pet' clause attached meant that he would be permanently separated from his companion animals. Sadly, he died by suicide 10 days after being separated from his beloved pets.

Dr Debbie Rook (Northumbria University) highlights the impact upon the elderly population

³ <http://www.scas.org.uk/give-up-your-pets-or-your-home-in-loving-memory-of-john-chadwick/>

in her article 'For the Love of Darcie'⁴ which describes the plight of a man who decided to give up his place at a residential care home and move into private rental accommodation, rather than face separation from the dog with whom he had shared his life.

Pet Theft Reform

A further two e-petitions, each attracting over 100,000 signatures, were debated in Westminster Hall on 19 October 2020, both concerning pet theft, but putting forward differing proposals for how the Government might address the rising incidence of dog thefts.

The first petition, 'Pet Theft Reform: Amend animal welfare law to make pet theft a specific offence' (244530) calls for pet theft to be classified as a specific offence and treated differently from theft of inanimate objects.

The second petition 'Make pet theft crime a specific offence with custodial sentences' (300071) also calls for the re-classification of pet theft and for sentencing guidelines to be revised.

Under current law, pets who are stolen are treated as property under the Theft Act and treated in the same manner as inanimate property. Sentencing guidelines reflect the monetary value of the stolen property; as most pets have a monetary value under £500, sentencing for such theft usually falls into a lower tier.

The second petition proposes a revision to sentencing guidelines with pet theft becoming a category 2 offence, with a starting point of two years custody.⁵ Both petitions call for the sentencing guidelines to reflect the emotional impact and trauma caused by the offence, rather than the monetary value of the animal.

The public response to the e-petitions suggests strong public opinion on this issue; in 2018 as well, a petition calling for re-classification of pet theft to a specific crime also received over 100,000 signatures. A Private Members Bill was put forward but failed to complete its passage

⁴ For the Love of Darcie: Recognising the Human-Companion Animal Relationship in Housing Law and Policy https://link.springer.com/article/10.1007/s10991-018-9209-y?wt_mc=Internal.Event.1.SEM.ArticleAuthorOnlineFirst

⁵ <https://petition.parliament.uk/petitions/300071>

through Parliament.

Tom Hunt MP opened the debate in Westminster Hall on 19 October. In relation to law reform options, he said: "I think in this case that it would probably be better to try to get the sentencing guidelines changed than to try to get a new specific pet theft law introduced – it is more likely to achieve what we are looking for."

It is reported that the government is 'keen to act' on the matter⁶ and so we may well see further action on this in the near future.

With pet theft on the rise, such reform could help to successfully deter criminal acts of the sort. During this past year of lockdown, while purchasing and adoption of pets has increased, so too has pet theft seen a dramatic rise, with record highs.

These petitions for law reform also raise an important point of principle. Should the classification of animals as property be changed to reflect their sentience? There are many who believe that the property classification of animals, while useful to preserve ownership rights, should reflect that animals fall into a special category of property. David Favre adopts the term 'living property' and argues for reform, reflecting the special position of animals. This would arguably be another step towards recognising that the property status of animals needs to be qualified in some instances to reflect the sentient nature of the property in consideration.

Breed Specific Legislation

Opposition to the UK's outdated breed specific legislation is a perennial issue. A petition to replace breed specific provisions in the Dangerous Dogs Act with a new statutory framework attracted 118,639 signatures when it closed in September 2020.⁷

The petition proposes law reform that focuses on behaviour, not breed, and at the owner's ability and/or efforts to control their dog rather than the dog's physical features.

The Government's response to the petition was

⁶ <https://www.bbc.co.uk/news/uk-england-54605544>

⁷ <https://petition.parliament.uk/petitions/300561>

as follows:

'The Government considers that prohibition on the four types of fighting dog under Dangerous Dogs Act 1991 should remain in place. This is supported by police who are responsible for enforcing the Act.'

Campaigners argue that breed specific legislation has failed to achieve what Parliament intended to achieve: protecting the public. As many other jurisdictions have realised, focusing on specific breeds or types of dogs fails to tackle the causes of dog aggression and focuses on dog breed, rather than behaviour and owner responsibility. It is also argued that such legislation stigmatises those breeds and creates a public perception of dangerousness that is not borne out by scientific research.

The dangerous dogs legislation already confers extensive power upon the courts to deal with dogs that exhibit 'dangerous' behaviour and it is questionable whether it is necessary to include additional powers in respect of those dogs subject to breed specific provisions, so called 'banned breeds'.

A-law submitted written evidence⁸ to the Environment, Food and Rural Affairs Committee⁹, for its inquiry into this issue in 2018. We have identified a number of problematic issues with the Dangerous Dogs Act, including the breed specific provisions. As we highlight in our submissions, the breed specific provisions can be unfair and harsh in their application to dogs of a gentle disposition and good temperament, who may nevertheless be subject to euthanasia on the basis of their breed. We have called for the Law Commission to review this area of law with a view to making recommendations for legislative reform to Parliament.

In November 2018, DEFRA commissioned research in collaboration with Middlesex University to assess the effectiveness of dog control measures, identify and examine factors implicated in dog bite injuries, and to consider mea-

⁸ <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Environment,%20Food%20and%20Rural%20Affairs/Dangerous%20Dogs%20Breed%20Specific%20Legislation/written/84509.html>

⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvfru/1040/104002.htm>

asures for promoting responsible dog ownership. It is unlikely that there will be further progress on this issue through Parliament until this study has been properly evaluated and DEFRA has considered measures taken in other jurisdictions to see what lessons can be learnt.

Restricting Puppy Imports

A recent petition seeking to restrict the exploitative import of young puppies for sale in the UK has obtained more than 127,000 signatures.¹⁰ In the aftermath of Lucy's Law, which is an amendment to the licensing regulations to prohibit the sale of puppies from third parties, focus has now turned to the importation of young puppies from abroad.

Our legal volunteers have been among the great lawyers who have supported Marc Abraham ('Marc The Vet') with his campaign to close loopholes in the law which enable disreputable breeders to supply high quantities of puppies bred in low welfare conditions, often with unaddressed health problems. The campaign provided input into the recent EFRA inquiry that took place in November and their written evidence to the inquiry recommends that:

'The simplest and most pragmatic solution identified is to raise the minimum import age of puppies intended for resale, to at least six months, which importantly facilitates the preferable increased wait time post rabies vaccination(s) and essential serology/blood tests; encouraging increased levels of rabies protection by exceeding the maximum incubation period for rabies infection (supported by BVA, Dogs Trust, and others); with most cases of Rabies presenting 3-8/12 weeks post-infection.'

The impetus for this petition was the death of a young puppy just six days after being imported from Russia by a UK-based agent. While the celebrity nature of this situation attracted public attention¹¹, this is far from an isolated incident.

Although puppies may not be lawfully transported into the UK until they are 15 weeks old (to account for vaccination needs), many young-

¹⁰ <https://petition.parliament.uk/petitions/326261>

¹¹ <https://www.mirror.co.uk/3am/celebrity-news/brits-risk-catching-fatal-diseases-23056294>

er puppies are indeed imported, as it is difficult to accurately determine age in puppies this young. There are also concerns that the current age restrictions do not reflect the robustness of dogs for travel and the need to allow time for blood tests to confirm that transferable diseases are not present, including the rabies infection.

In response to awareness raising around this issue, the Environment, Food and Rural Affairs (EFRA) Committee held a special one-off session¹² and there is hope that the minimum age for the commercial import of puppies for re-sale will be raised in the next six months.

We support these law reform efforts to close routes to market for unscrupulous dog breeders who sell dogs bred in low welfare conditions to unsuspecting members of the public. Not only is this bad for the puppies and consumers, but it also potentially undermines public confidence in reputable breeders. We hope, however, to see an exception for puppies from rescue organisations whose purpose is charitable and non-commercial.

Microchip scanning

An increasing number of high-profile petitions seek to require veterinary practices to check microchips in particular situations. Microchipping regulations have been in force in the UK for some time now,¹³ requiring dogs more than 8 weeks of age to be chipped. Equines are required to be chipped in England¹⁴. However, there is no requirement for cats to be microchipped, although in 2019 the Government committed to review this position and put out a call for evidence. Public feedback is due on this issue soon.

There have been two Parliamentary petitions addressing separate, but related issues around compulsory scanning of microchips by vets.

The Tuks law petition seeks to create legislation

¹² The inquiry can be viewed here on Parliament TV - <https://parliamentlive.tv/Event/Index/d8a331de-9242-4e64-b1e2-07b792766073>

¹³ The Dogs (Amendment) Act (Northern Ireland) 2011; The Microchipping of Dogs (England) Regulations 2015; The Microchipping of Dogs (Scotland) Regulations 2016; The Microchipping of Dogs (Wales) regulations 2015

¹⁴ Equine Identification (England) Regulations 2018

that will require veterinarians to scan a microchip before euthanising a healthy or treatable animal. This scan would check (a) that the person presenting the animal is registered on the microchip; and (b) whether there are any dual registration details, such as an animal rescue or owner, who could be contacted.

Tuks Law was launched in the name of a rescue dog called Tuk who was brought to the UK from Romania and rehomed as a puppy. Tuk was later sold online, and when he was just 16 months old, he was taken to a vet and euthanised. Were it law to scan microchips, Tuk's death may have been prevented, as the microchip would have shown both that the person asking for Tuk to be euthanised was not his registered keeper, and that there was dual registration with a rescue who would have taken Tuk into their care.

Tuks Law is particularly relevant where animals are rehomed by rescues, as the rehoming contract typically states that in the event an owner is unable to care for an animal, it must be returned to the rescue, who will then find alternative care. Such contracts may avoid needless euthanasia of healthy or treatable animals. The petition is also relevant for situations where an animal may have strayed, and the owners are searching for that animal.

Listening to campaigners, the Government has accepted the need to make it a statutory requirement for vets to check the microchip of dogs prior to euthanasia. It is anticipated that this legislative change will be introduced in an Animal Welfare Bill which will be announced in the Queen's Speech in 2021.

The campaign for Tuks Law has highlighted some of the practical difficulties posed by the present microchipping regulations which do not require a centralised database; consequently, there are now 14 approved microchip databases in the UK.¹⁵

It remains to be seen whether legislative proposals will reflect the calls for Fern's Law, a requirement for vets to scan pets for microchips when an animal is registered for treatment. Whilst some practices do routinely check a microchip when a dog is first registered with

their clinic, vets are under no legal obligation to check a microchip of any pet that they treat. This proposed legislation aims to help owners whose dogs have been stolen, increasing the odds that they will be reunited.

Fern's Law developed from the story of a dog named Fern, who was stolen from her home in 2013. It wasn't until 6 years later that Fern was reunited with her family, after a vet checked her chip when she was brought in as a stray.

The petition to introduce Fern's Law garnered over 112,000 signatures and is due to be debated in parliament.¹⁶ The government responded in April 2020 to advise that it would consider the proposal put forward in this petition as part of its wider review of the microchipping regulations in England.

If any members wished to assist us with our work on above issues, please contact the chairs of the Companion Animal Special Interest Group: Randi Milgram (blogeditor@alaw.org.uk) and Michelle Strauss (michellekstrauss@gmail.com). We would be particularly grateful to hear from practitioners with experience in Data Protection.

Randi Milgram & Michelle Strauss, Co-chairs of A-law's Companion Animal Special Interest Group

¹⁵ <https://www.gov.uk/get-your-dog-microchipped>

¹⁶ <https://petition.parliament.uk/petitions/300010>

Launch of a new Parliamentary Group formed to promote human-relevant science and the use of non-animal alternative methods in research

A new All-Party Parliamentary Group has been formed and launched in the UK, to promote human-relevant science. It held its first Annual General Meeting on 6th October 2020 to outline its priorities and looking forward, it aims to accelerate the uptake and development of animal free research and the use of human-relevant science.

The Parliamentary Group will bring together Lords, MP's and Peers of all parties, the human-relevant life science sector, third sector groups, scientists and stakeholders, to discuss and promote human-relevant science. The alliance between these different groups allows for coordination of ideas, progress and work, towards the promotion, implementation and adoption of human-relevant approaches in the UK, enabling the possibility of positive change for the future of animal use in research.

The Human Relevant Science Parliamentary Group is assisted by the Alliance for Human Relevant Science, which successfully collaborates like-minded companies, organisations and individuals, to express how significant advances in science and technology can result in new research methods based on human biology. The Alliance for Human Relevant Science calls for a fresh approach to drug discovery and aims to support science for better human health, save human and animal lives through improving safety and efficacy testing of medicines and chemicals, and to save money through more relevant research.

So what is the idea of human-relevant research? Human-relevant research promotes human-focused methods in research and in contrast, draws upon the issues with animal use in research. Animal use in research is an arguably an outdated method, of which is costly, time consuming and often displays limited relevance

to humans. Many breakthroughs in research are lost in translation from pre-clinical animal models, to humans. Drugs seemingly promising in animal studies, go on to fail in approximately 90% of human trials, despite the UK being a leader in scientific research.

The human focus of The Alliance for Human Relevant Science and the All-Party Parliamentary Group for Human Relevant Science, bridge this translational gap in scientific research, with human-relevant technologies (also known as new approach methodologies). Such new approach methodologies can transform the understanding of human disease and biology. They have the ability to pave the way for more human-relevant science, as well as producing quicker, more effective science, without the need to use animals. As these new approach human-relevant methodologies do not involve the use of animals, the unreliability of animal methods are avoided.

The group therefore appears to be a positive step in the right direction for animal welfare, due to influencing the move away from animal methods in research, through the promotion of innovative human-focused methods. The Alliance voices that such human-focused and innovative new methods, with sufficient investment, could also revitalise transitional research, save money and increase wealth and profitability, alongside improving public health.

In line with these ideas, the Parliamentary Group will discuss themes of strategic funding to incentivise the development of human-relevant methods and technologies. The group will also drive towards including human-relevant methods into regulatory guidelines on medicines development. Ultimately, this group presents a great opportunity to change mindsets and is a great platform to address, amplify and advance current animal use concerns in the UK, whilst promoting new approach methodologies.

The group has been formed and launched at a good time to promote the success of using human-focused methods in research, rather than animal methods, especially when considering the urgency for a COVID-19 vaccine and the present failure of animal methods to quickly reach that goal.

Brexit also brings the potential for major changes in UK research and thus it provides the ability to use innovative methods such as human-focused ones, to replace poorly performing animal tests. It is hopeful that these factors will further aid the group's success in bringing about positive change in UK science and research.

Overall, the new Parliamentary Group on Human Relevant Science should hopefully encourage good debate and will align the voice of various individuals and organisations. It is never simple to make change but nonetheless, this group is a step in the right direction. The group provides a great opportunity to drive positive progress towards the use of alternatives to animals in research, alongside the prospect of new, improved and possibly safer medicines as a result. It could advance science and produce better long-term outcomes for medicine, human health and animals, which can be praised by both members of the science and animal welfare communities.

Nadine Lees, LJMU Student & Researcher for A-law's Animal Research Special Interest Group

Italy State Council suspends controversial experimentation on macaques

The Italian State Council (Italian Supreme Court for administrative law) has ordered a second suspension of experimentation on six macaque monkeys, planned as part of the so-called European "Light-Up" project led by the Universities of Studies of Turin and Parma.

The primate experiments (intended to develop treatments for human patients with vision loss due to brain damage) involves making lesions in the macaques' brains' visual cortex to generate blindness, and the electrical signals around the lesion studied. The macaques would subsequently be euthanised. (*Anatomical-physiological mechanisms underlying the recovery of visual awareness in the monkey with cortical blindness*" issued by the Ministry of Health, no. 803/2018-PR on 15.10.2018).

The experiments were initially approved by the ethics committees of the European Research Council, the University of Parma and the Ministry of Health. In January 2020, the State Council overturned a decree by the Regional Court of Lazio and ordered a suspension of the experiments at the University of Studies of Turin, following representations by Lega Anti Vivisezione ("LAV"). However in May 2020, the Lazio Regional Court determined that the experiments could resume.

In the latest suspension, following further representations by LAV, the State Council overturned the May ruling, and ordered that a "careful and analytical" scientific study of the animal research must now be carried out by neutral third party scientists to determine whether it should continue. The analysis must take account of four key aspects: (1) replacement (if the anticipated results are achievable only through experimentation on live, non-human primates); (2) reduction (i.e. whether it is necessary to carry out the experiments on all six macaques); (3) if the principle of replacement is respected in relation to the scientific originality of the expected results, and the transmissibility of the results to human beings, taking account of the current state of scientific research; and (4) if the scientific findings of these opinions considered all three elements set out in Legislative Decree no. 26 of 2014 (implementing directive 2010/63/EU), which lay down as conditions for the otherwise-prohibited testing of non-human live primates. The next hearing on the merits is scheduled for January 28th, 2021.

https://www.giustizia-amministrativa.it/portale/pages/istituzionale/visualizza?nodeRef=&schema=cds&nrg=202007021&nomeFile=202005914_15.html&subDir=Provvedimenti

LAV noted that the ruling may result in the universities losing part of the (two million Euro) European Union funding already received for the experiments. An online [petition](#) opposing the experiments, organised by LAV, has now received more than 440,000 signatures.

Blanche Koenig, Co-Chair of A-law's Animal Research Special Interest Group

Welsh Government to introduce Lucy's Law

The Welsh Government have made the announcement that they will be bringing in Lucy's Law to ban the third-party sale of puppies. In the next few months, sales on third party puppy and kitten will be made illegal in Wales.

Current Welsh Government regulations mean a local authority licence is only needed by those breeding three litters or more per year. This has led to the highly criticised puppy farms and calls for changes to bring an end to them.

Criticism and a BBC Wales investigation led to a consultation, which ran between June and August, and found: "The commercial third party sales of puppies and kittens may be associated with poorer welfare conditions for the animals compared with direct purchase from the breeder."

"For example, the introduction to several new and unfamiliar environments, and the increased likelihood of multiple journeys for such puppies and kittens have the potential to contribute to an increased risk of disease, and lack of socialisation and habituation."

This consultation pushed the Welsh Government to bring Lucy's Law into force. The ban on commercial third-party sales has been confirmed as being introduced by the end of this Senedd (in May 2021).

Wales is not the first to introduce Lucy's Law, with it coming into force in England from the 6th April 2020, with a ban also set to come into force in Scotland.

Geraint Manley, Solicitor