

## **Introduction to the Association of Lawyers for Animal Welfare**

The Association of Lawyers for Animal Welfare (ALAW) is a unique group, the members of which are lawyers and legal academics. ALAW's aim is to pursue the welfare and interests of animals through legal channels.

ALAW is an entirely non-profit making organisation aiming to harness the skills of its members and provide a forum for discussion of animal welfare law and related issues.

ALAW intends to monitor the progress of relevant legislation in Parliament and through its members to take part in the consultation process. It also intends to highlight any aspects of animal welfare law which appear to be in need of reform, and to contribute to the educative process through the dissemination of information relating to all aspects of animal welfare law, including where appropriate through training.

The most obvious areas of practice in which lawyers' training and expertise could be used to promote the cause of animal welfare, given the current climate, are those of criminal litigation, civil liberties and human rights. There are, however, a number of other, perhaps less obvious, areas in which lawyers could make a valuable contribution, including constitutional law, environmental health, planning, freedom of information, civil litigation, media law, associations and corporations, charities, and so forth. In addition, lawyers have well-developed skills such as advocacy and drafting that are of general application and could be utilized to assist and promote the cause of animal welfare.

Whatever their particular area of practice or specialism, therefore, by offering their skills and expertise, lawyers are well placed directly to contribute to the cause of animal welfare.

This first edition of the Journal of Animal Welfare Law – ALAW's newsletter – covers the main developments of the past year. The regular features of the Journal will include updates on court decisions concerned with animal welfare, a list of relevant new legislation and/or proposals for legislation, and articles on topical issues.

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**Anyone wishing to submit an article or case report should send copy to PO Box 67, Ellesmere, Shropshire SY12 9WZ or email: [info@alaw.org.uk](mailto:info@alaw.org.uk)**

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## **Animal welfare law in the UK**

***Pauline Moylan,***  
***Barrister***

*The greatness of a nation and its moral progress can be judged by the way its animals are treated - Mahatma Gandhi*

It is an oft-recited mantra that the UK is a nation of animal lovers. If that is to be regarded as anything more than a popular myth, one might reasonably expect that ill-treatment of animals would be prohibited by law, and that non-compliance would be dealt with vigorously.

Another oft-recited mantra is that the UK has the best animal protection laws in the

world. Whereas that if true may be reassuring, it is irrelevant because it is merely comparative and says nothing in absolute terms of the effectiveness of British law. A one-off murderer in many respects may be regarded as “better” than a serial killer, but no one would suggest that murder is something of which to be proud.

In absolute terms, therefore, how effective are the UK laws in dealing with ill-treatment of animals?

Certainly there exists legislation that prohibits generally the mistreatment of animals. Whereas this serves to some extent to protect some animals in some circumstances, significant areas of activity or “categories” of animals are excluded from its ambit. Moreover, the laws purportedly designed to regulate the treatment of animals in those excluded areas serve in reality merely to legalise treatment that would be prohibited under the general legislation. As a result:

- of the hundreds of millions of animals slaughtered each year for food, most are raised in factory farms, neither seeing daylight nor breathing fresh air,
- each year millions of animals in laboratories are lawfully subjected to experiments including those in which animals are burnt, blinded, mutilated, irradiated and force-fed chemicals,
- many thousands more animals, for the sport or entertainment of humans, are denied the most basic freedoms for their entire lives.

The reality for animals in the UK thus falls very far short of the myth, and many now believe that UK laws are ineffective in dealing with the ill-treatment of animals

not coming within the ambit of protection against cruelty provided by the Protection of Animals Act 1911 or the proposed protection of the Animal Welfare Bill. The recent case of *R (Compassion in World Farming Limited) v Secretary of State for the Environment, Food and Rural Affairs*<sup>1</sup> also highlights in the view of many (see article below) the failure of the courts to protect animals from the worst aspects of commercial exploitation.

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## **The Animal Welfare Bill: an introduction to the philosophy of animal welfare legislation**

***Mike Radford***  
***Reader in Law, University of Aberdeen***

The Protection of Animals Acts have, during the course of almost a century, made a major contribution to animal protection, but there is an urgent need to reassess the scope and effectiveness of a legislative regime which in its present form pre-dates the First World War, and whose concepts and language can be traced back further into the nineteenth century.

As a consolidation act, the Protection of Animals Act 1911 was primarily intended to maintain the status quo, and it is therefore not surprising that both it and the Protection of Animals (Scotland) Act 1912 reflect the character of their Victorian and Edwardian predecessors, proscribing various forms of conduct which had previously come to be defined as offences of cruelty, and making miscellaneous provisions in respect of animal fights, impounded animals, use of poisons, use of dogs as draught animals,

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<sup>1</sup> [2004] EWCA Civ 1009.