

contained within the summons did not provide sufficient information about the nature of the charges and that the appellant was entitled to know what specific act or omission she was charged with. This did not render the summons defective, but required further information curing the defect be given in good time, and the appellant had indeed been provided with sufficient further information to enable the charges to be understood. The appeal was therefore dismissed.

Worcestershire County Council v Tongue and others [2004] EWCA Civ 140

The defendants were farmers who had been convicted of causing unnecessary suffering to part of their herd of cattle contrary to Section 1(1)(a) of the Protection of Animals Act 1911 and made subject to a disqualification order, preventing them from having custody of animals for the rest of their lives. The claimant authority sought an injunction for the removal of cattle from their custody on the grounds that they were in breach of the disqualification order. It submitted that the civil courts had jurisdiction to grant this relief by virtue of Section 222(1) of the Local Government Act 1972, under which it had the right to seek the assistance of the said courts in carrying out its functions under legislation.

It was held at first instance that although cattle were being kept in breach of the disqualification order, the fact that they were suffering and the desirability of their removal from the defendant's ownership did not give the court jurisdiction to make the order sought as the cattle were on the defendant's land and were his property. While a civil court had jurisdiction to grant relief in the form of a prohibitory injunction to restrain a person from

infringing a statute where the local authority had the power to enforce that statute through the criminal courts, it did not have jurisdiction as a matter of principle to order the cattle to be taken into possession of a third party in the absence of the Council having some right in respect of the cattle.

The local authority appealed against the decision. It argued that it was responsible for maintaining the welfare of animals in the region and was entitled to remove the animals as they were still being kept in breach of the disqualification orders. The appeal was dismissed and the Court of Appeal held that the Order sought went beyond the powers of the courts under the Protection of Animals (Amendment) Act 2000.

LEGISLATION

The Incidental Catches of Cetaceans in Fisheries (England) Order 2005

The Order makes provision for the enforcement of Community obligations relating to sea fishing by vessels in certain areas as set out in Council Regulation (EC) No 812/2004,⁴ requiring Member States to monitor the by catch of cetaceans by the implementation of an observer scheme and requiring certain vessels to deploy acoustic devices in relation to specified gear while fishing. The Order came into force on 2 February 2005 and does not form part of the law of Scotland or Northern Ireland and does not apply in Wales.

⁴ Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98, OJ L 150, 30.4.2004, p. 12.

Draft Animal Welfare Bill, Command No. 6252, 15.7.2004

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The Fur Farming (Compensation Scheme) (England) Order 2004

The Order establishes a compensation scheme for mink farmers affected by Section 1 of the Fur Farming (Prohibition) Act 2000 banning fur farming in England with effect from 31 December 2002. The original scheme was quashed by the High Court.

The Conservation of Seals (Scotland) Order 2004

The Order prohibits from 4 September 2004 the killing, injuring or taking of common seals and grey seals in a defined area within the Moray Firth (Article 2). The protection offered to seals in this Order is in addition to protection afforded during closed seasons for seals provided for in Section 2(1) of the Conservation of Seals Act 1970.

In 2004 the UK signed up to the new *Council of Europe Convention on the Protection of Animals During International Transport*. The Convention will extend improved animal welfare standards beyond EU borders. Other countries that signed the Convention were Belgium, Croatia, Finland, Germany and Greece.

Freedom of information – implications for animal welfare campaigners

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The Freedom of Information Act 2000 (the “FoI Act”) finally came fully into force on 1 January 2005. With the Data Protection Act 1998 and the Environmental Information Regulations 2004, it forms a triumvirate of legislation dealing with access to information.

The FoI Act entitles anyone to ask a public authority whether it holds information of a particular description and, if it does, to disclose it. The information can pre-date the Act, provided it is still held by the authority in question. There are around 100,000 public authorities, ranging from government departments and local authorities to universities, health trusts and myriad other bodies. An applicant only has to pay for the cost of copying and postage, although a public authority can reject a request if it would take too long to find the information (roughly three and a half days with central government and two and a half days with other public authorities).

The right to information is not, of course, absolute. There are numerous exemptions, such as national security and defence, governmental policy-making, confidential information and personal safety. Prohibitions on disclosure in other legislation continue to apply. Some exemptions are absolute and some are subject to a public interest test. If a request is rejected, in whole or part, the applicant can complain to the Information Commissioner and then to the Information Tribunal. A challenge raising a point of law can be taken to the High Court. Ministers have the right of veto