

# News, Updates and Briefings

## Wild Animals in Circuses

An overwhelming proportion of the public, as well as NGO's and members of Parliament, supported the ban on wild animals performing in circuses during last year's circus-gate. This, however, did not encourage the government to introduce a ban, rather they came up with a scheme. The licensing scheme is supposedly a temporary solution while the government works towards a ban. In government's own words: "The precise detail of a ban must be carefully thought through to ensure it has the intended effect. This will take time." According to DEFRA the proposed licensing scheme would promote and safeguard the welfare of wild animals in travelling circuses in England. The scheme would fall under new regulations that would be incorporated in the Animal Welfare

Act 2006 and would be enforced through government appointed inspectors. Circus operators failing to meet the conditions set out in licences would face enforcement action (criminal prosecution and suspension of a licence). The consultation closed on 25 April 2012 and draft Regulations are planned to be introduced to the Parliament by the summer.

It is estimated that between 35-50 wild animals are still performing in circuses in England. Elsewhere, Bolivia was the first country to introduce a ban followed by Austria, Peru, Costa Rica, Israel, Singapore and Greece.

## Who's Afraid of Squirrels?

The EU Commission has recently completed a public consultation on a dedicated legislative instrument on Invasive Alien Species (IAS). This instrument will be a first of this kind filling a gap in the existing legislation. Invasive Alien Species are species of flora and fauna that were intentionally or accidentally released into the environment where they are not normally found. According to the EU biodiversity strategy to 2020 IAS can affect all types of ecosystems and are also a threat to human health. It is estimated that €12,5 billion worth

of damage has been caused by IAS across the EU. The strategy aims to identify and manage pathways to prevent the introduction and establishment of new IAS and to control or eradicate priority species. The Eurogroup for Animals advice that the best way to put an end to further damage is through prevention by limiting the import, trade, sale and keeping of invasive animal species and education on risks and impact of IAS, establishing codes of conduct and consideration of low risk species.

## Elimination of Sow Stalls in Jeopardy

The Eurogroup for Animals reports (20/3/2012) that only 12 Member States will be ready to comply with Directive 2001/88 (amending Directive 91/630) which lays down minimum standards for the protection of pigs essentially recognizing that the current pig-rearing practices are detrimental to animals' welfare. The Directive will come into force on 1 January 2013 having given the producers 12 years to introduce the necessary structural changes to production facilities. This new piece of legislation aims to ban the use of individual stalls for pregnant sows and gilts during a period starting from 4 weeks after service to 1 week

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before the expected time of farrowing and the use of tethers, improve the quality of the flooring surfaces, increase the living space available for sows and gilts, allow the sows and gilts to have permanent access to materials for rooting, introduce higher level of training and competence on welfare issues for the stockmen and the personnel in charge of the animals, and request new scientific advice in relation to certain issues of pig farming. It is not yet clear how the EU intends to enforce the law in the rest of the member countries.

The UK banned stall and tether systems in 1999.

## Badger culling in England and Wales

On 21 April 2012 the Independent reported that the Badger Trust had been allowed to judicially review DEFRA's decision to allow the cull of badgers in England in order to stop the spread of bovine TB in cattle. At the judicial review the Trust will seek to overturn DEFRA's decision to cull on 3 grounds: 1) the proposed eradication of badgers will not stop the disease from spreading and may even increase the spreading of TB; 2) the cost impact assessment that lays behind DEFRA's decision is flawed; and 3) the responsibility to grant licences for killing of badgers should not have been given to Natural England. The hearing will most likely take place in June. Earlier this year the Welsh government decided to vaccinate badgers against bovine tuberculosis instead of culling. In their communiqué the Trust said: “*Badger Trust is pleased that this Government is saving Welsh taxpayers, rural communities, and badgers from a cull. Following a thorough review of the science, the Minister has today*

*concluded that a cull of badgers is not necessary and would not bring about any substantial reduction in the incidence of bovine TB. Vaccination represents a safe and satisfactory alternative.”*

## Review of Wildlife Legislation

The Law Commission is in the process of preparing provisional proposals to reform the wildlife management legislation. In the Commission's view the current law is complicated, inflexible and contradictory and the outdated regime needs to be aligned with modern day approach to wildlife. The main legislation, the Wildlife and Countryside Act 1981, has been amended so many times that it is practically impossible for non-lawyers to use. The reform seeks to simplify and modernise the current framework and to properly align it with the EU law requirements.

The Commission's aim is to open public consultation after the publication of the provisional proposals in June 2012. A final report with the Law Commission's recommendations and draft bill is in plans for mid 2014.

## Keeping of Primates as Pets (Prohibition) Bill 2012

Keeping of Primates as Pets bill was a private members' bill introduced by Sheryll Murray (South East Cornwall, Conservative). The bill went through first reading at the House of Commons at the end of January 2012 but failed to complete its passage

through the Parliament meaning that the bill will not go further in the parliamentary process. Apart from the prohibition of keeping of primates as pets the bill also aimed to ban breeding, sale and purchase of primates, and to introduce regulations for animal sanctuaries and for conservation purposes.

RSPCA estimates that between 2,500 and 7,500 primates are kept as pets in England, Wales and Scotland. Other sources claim that the numbers are a lot higher, 15,000 to 20,000.

## New definitive guideline for dangerous dog offences

The Sentencing Council for England and Wales has issued a new definitive guideline for dangerous dog offences. The new guideline will come into effect from 20 August 2012 and applies to all cases dealt with on or after 20 August, regardless of when the offence was committed. The new guideline heralds a tougher approach for those convicted of dangerous dog offences with increased top of sentencing ranges. It also aims to provide greater clarity and consistency in relation to sentencing. It is envisaged that more offenders will receive jail sentences and community orders with fewer discharges. According to the Sentencing Council enable the courts to make best use of their powers against irresponsible dog owners. The offences in the Dangerous Dogs Act 1991 covered by the new guideline are:

- Owner or person in charge of a dog dangerously out of control in a public place, injuring any person.
- Owner or person in charge allowing a dog to be in a private

place where the dog is not permitted to be, injuring any person.

- Owner or person in charge of a dog dangerously out of control in a public place.
- Owner or person in charge allowing a dog to be in a private place where the dog not permitted to be which makes a person fear injury.
- Possession of a prohibited dog (Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro).
- Breeding, selling, exchanging or advertising a prohibited dog.

The guideline includes injuries to other animals as an aggravating factor in allowing the dog to be out of control and widened the definition of vulnerable victims from children to apply to the elderly, disabled and visually impaired.

The new guideline can be downloaded from [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

## Cheale Meats former slaughterhouse employees receive jail sentences

On 25 April 2012 Piotr Andrezej Wasiuta and Kelly Smith received jail sentences after pleading guilty to offences under the Animal Welfare Act 2006. Wasiuta, aged 23, admitted three charges of stubbing out cigarettes on the faces of pigs. Smith, aged 40, admitted two counts of beating animals with excessive force and frequency. Wasiuta was jailed for six weeks and Smith for four weeks. Both men received reduced sentences after pleading guilty to the charges.

The men had been filmed abusing animals by covert cameras. One pig



was filmed being hit more than 32 times in 62 seconds. The Food Standards Agency declined to investigate and referred to Defra which was unwilling to prosecute on the basis of covertly obtained footage by a third party that it could not have obtained under its own statutory powers. However, the Crown Prosecution Service thought differently. In March 2012 Simon Clements, Head of the Welfare, Rural and Health Prosecutions Division at the Crown Prosecution Service said:

*“I have advised the Food Standards Agency that Piotr Andrzej Wasiuta and Kelly Smith should be prosecuted for animal cruelty offences following the alleged mistreatment of pigs at Orchard Farm, Little Warley, Brentwood, Essex in March and April of last year.”*

After sentencing Animal Aid’s Head of Campaigns, Kate Fowler commented:

*‘We are satisfied that Wasiuta and Smith have now been brought to justice. Their acts of cruelty were inexcusable and caused untold suffering to animals who were already scared and vulnerable. However, many other slaughterhouse workers, who also caused serious and deliberate suffering to animals, have escaped justice because this*

*government refused to act. We are now calling on the Food Standards Agency to look again at two other cases to see whether charges may be brought under the Animal Welfare Act.’*

EDM 2273, which calls on mandatory CCTV in Slaughterhouses, has been signed by ninety-five MPs. For more information see:

[http://www.animalaid.org.uk/h/n/NEWS/news\\_slaughter/ALL/2688/](http://www.animalaid.org.uk/h/n/NEWS/news_slaughter/ALL/2688/)

For further background information to the case see Bates, A (2011); Undercover Evidence: The Use of Filmed Footage as Evidence in Animal Welfare Prosecutions. The Journal of Animal Welfare Law Autumn-Winter Edition 2011 pp 1-3

## A new practitioner work is available at discount to ALAW members

The new publication: Civil Liability for Animals has been written by Peter North, Former Principle of Jesus College and Vice Chancellor, University of Oxford. The book focuses on liability for animals, covering the harm done by dangerous and straying animals including both dangerous and non-dangerous species.

For more information visit: [www.oup.co.uk/isbn/9780199600816](http://www.oup.co.uk/isbn/9780199600816)

The Oxford University Press will offer ALAW members a 20% discount on the book when ordered directly from the OUP. To claim the discount please quote ALAUTH6. (Discount is valid until 31.08.12.)