



ANIMAL WELFARE IN THE UK: PART 1

Protecting Animals from Abuse and Neglect
December 2024

The machinery of law: Protecting animals from abuse and neglect

A report by the UK Centre for Animal Law (A-LAW)

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Executive Summary

This report by the UK Centre for Animal Law (A-LAW) provides an overview of some of the legislative, investigative, enforcement and judicial frameworks protecting animals from abuse and neglect in the UK. It highlights the progress made in animal welfare protections while addressing gaps in legislation and enforcement mechanisms. Recommendations are offered to strengthen these frameworks, ensuring effective deterrence, investigation and sentencing.

Key findings:

Legislative framework:

- The UK's Animal Welfare Acts provide a robust foundation for protecting domesticated animals but lack adequate provisions for certain species, including sentient invertebrates.
- Wildlife protections are fragmented, with many offences focused on conservation rather than preventing cruelty.
- The failure to address the suffering of wild animals in certain legislative areas remains a critical gap.

Investigation and enforcement:

- Enforcement relies heavily on charities like the RSPCA and Scottish SPCA.
- Local authorities face resource constraints, creating inconsistencies in enforcement across regions.
- Farmed animal welfare is insufficiently monitored due to limited inspections and fragmented oversight.

Sentencing and judicial powers:

- The Animal Welfare (Sentencing) Act 2021 increased penalties for severe offences, yet sentencing guidelines for other offences show inconsistencies, particularly for wildlife crimes.
- Judicial training and clearer guidance are essential to ensure consistent application of penalties.

Animal Abusers Register:

- A lack of mechanisms to monitor disqualification orders under the Animal Welfare Acts hinders enforcement.
- The creation of an animal abuser register has wide support in principle but faces legal, financial and operational challenges, which must be overcome if such a tool is to be created.

Emerging concerns:

- Links between animal abuse and other forms of violence necessitate stronger multi-agency cooperation and data sharing.
- Technological advancements, such as AI and CCTV, remain underutilised in detecting and preventing animal abuse.

Recommendations:

- Legislative reforms: Extend protections under the Animal Welfare Acts to include sentient invertebrates and strengthen wildlife legislation to align with modern welfare standards.
- Enforcement improvements: Establish a centralised regulator for farmed animal welfare, provide statutory powers to enforcement charities and improve arrangements for local authorities.
- Sentencing improvements: Update sentencing guidelines to address inconsistencies and ensure penalties consistently reflect the severity of offences.
- Creation of an Animal Abuser Register: Develop a closed register accessible to relevant bodies to monitor offenders and prevent further abuse.
- Multi-agency collaboration: Enhance communication and data sharing between enforcement agencies, NGOs and other stakeholders.

Introduction

Over two centuries have passed since Britain enacted the world's first national animal protection law, the Cruel Treatment of Cattle Act 1822 (aka Martin's Act). This pioneering legislation offered protection to a limited range of species from specific acts of cruelty. Since then, the UK has introduced numerous laws addressing harm to animals across a broader spectrum of species. A significant milestone was the Animal Welfare Act 2006 (and equivalents in Scotland and Northern Ireland), which, for the first time, imposed a duty of care on animal keepers, marking a shift towards a more proactive approach to animal welfare.

However, legislation is only the foundation for protecting animals. To be effective, laws must be enforceable and actively implemented by law enforcement agencies, government officials and the courts. This report explores the oft-acknowledged gap that while efforts have focused on enacting legislation, less emphasis has been placed on enforcement mechanisms to ensure that animal welfare laws achieve their intended policy goals in the real world.

Parliamentary and other inquiries across the UK have identified issues with the enforcement and implementation of animal welfare measures, though these findings are typically incidental to broader discussions about animal welfare. No comprehensive review has been undertaken to assess the investigative, enforcement and judicial mechanisms that should collectively deliver Parliament's animal welfare objectives.

Ensuring effective protection for animals is inherently challenging. Many human-animal interactions occur out of sight - in homes, farms, slaughterhouses and across expansive rural areas - making detection of harms difficult. Furthermore, animals cannot report crimes or provide testimony, which complicates investigations. While animals can be treated as evidence in legal proceedings, their unique status as living property often creates additional and unique barriers to enforcement.

To address these challenges and ensure that Parliament's intent is realised, the state must actively counter these disadvantages. Strategies should include robust inspection regimes, better-trained and resourced enforcement agencies, powers that appropriately account for animals' interests and wider adoption of technology, such as CCTV, drones and Artificial Intelligence (AI). Specialist agencies, prosecutors and forensic experts can also play crucial roles in uncovering what has occurred in cases of animal harm. Additionally, multi-agency collaboration between the state, veterinary professionals, NGOs and private organisations can help identify animals and humans at risk, provided that risk factors are recognised and communication is effective.

Deterrence and prevention should be the ultimate goals of animal welfare policy. Achieving these requires a holistic approach, encompassing sentencing policy, offender rehabilitation and education initiatives.

This report examines the systems needed to ensure that the law protects animals as intended. It is aimed at the UK's governments and animal protection organisations seeking to improve protections. The analysis covers key areas including legislation, enforcement and investigation, sentencing, post-conviction powers and the potential benefits of an animal abuser register. Each of these topics is vast, and this report provides an accessible and brief overview with recommendations to enhance the effectiveness of existing laws.

Our complementary report, *Enforcement & Oversight in Practice*, provides a data-driven analysis of how animal welfare laws are being monitored and enforced, with additional recommendations for improvement. Together, these reports aim to provide a pathway for strengthening animal protection in the UK.

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1. The legislative framework protecting animals from deliberate abuse and neglect

This section provides an overview of the legislative framework in the UK aimed at protecting animals from abuse and neglect. The core statutes, including the Animal Welfare Acts across England, Wales, Scotland and Northern Ireland, establish duties to prevent harm and promote welfare for "protected animals" under human control. This section also addresses wildlife, welfare in commercial contexts and ethical concerns, including animal sexual abuse. While the legislation demonstrates significant progress, critical gaps remain, such as the limited recognition of sentience in certain invertebrate species and the absence of species-specific welfare codes of practices for killing and slaughter. This chapter also identifies areas for improvement, recommending reforms to expand protections, enhance enforcement and ensure pace is kept with evolving scientific understanding and societal perspectives.

Animal welfare legislation

1. The main pieces of animal welfare legislation in the UK are the Animal Welfare Act 2006 ("AWA 2006"), which applies in England and Wales, the Animal Health and Welfare (Scotland) Act 2006 and the Welfare of Animals Act (Northern Ireland) 2011, collectively referred to here as the "UK Animal Welfare Acts".
2. The UK Animal Welfare Acts each adopt a broad definition of an "animal" as a vertebrate other than man, except where an animal is in its foetal or embryonic form. An allowance is made for changes to the categories of the animals to which the Act applies based on scientific evidence,¹ although it is disappointing that this has yet to be utilised.
3. In Britain,² the most severe animal welfare offences - such as causing unnecessary suffering - apply only to "protected animals." At present, an animal is considered a "protected animal" for the purposes of this legislation if: 1. it³ is an animal that is of a kind which is commonly domesticated in the British Islands; 2. it is under the control of a person, whether on a permanent or temporary basis; or 3. it is not living in a wild state, i.e., it is a domesticated species or captive animal. Therefore, wild animals fall outside the scope of the UK Animal Welfare Acts unless they are "under the control" of a person or are not living in a wild state. However, it is worthy of note that, in Scotland, there is now much greater sentencing parity between animal welfare offences and wildlife offences following the passage of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, which is discussed later in this report.
4. A person is responsible for an animal if they are in charge of it, they own it, or they have actual care and control of a person under the age of 16 years who has responsibility for an animal. The UK Animal Welfare Acts do not use the words 'cruel' and 'cruelty', which takes the emphasis away from the perpetrator's intention. Instead, the action or inaction of the person towards the animal is focused upon in these laws. Nothing in these statutes applies to anything lawfully done under the Animals (Scientific Procedures) Act 1986 or in relation to anything that occurs in the normal course of fishing.
5. There are two main types of offences: the 'prevention of harm' and the 'promotion of welfare' offences. In the Animal Welfare Act 2006 (England and Wales), the former comprises sections 4-8, and the latter is contained in sections 9-12. The following commentary will focus on the Animal Welfare Act 2006 only, as the Scottish and Northern Irish legislation is similar. However, readers are advised to refer to these specific Acts when appropriate, particularly as section numbers may differ.

¹ For example, see s 1(3) Animal Welfare Act 2006.

² Northern Ireland is unique as its offence of causing unnecessary suffering applies to animals, not just protected animals.

³ Where "it" has been used to refer to an animal/s, it is a reflection of the legislation and not the moral position of the authors.

The 'prevention of harm' offences

6. Under s4 AWA 2006, a person commits an offence if their act or failure to act causes a protected animal to suffer and they knew, or ought reasonably to have known, that this act or failure to act would have this result or would be likely to do so. It is also possible for a person to cause "unnecessary suffering" when they are responsible for an animal and fail to take reasonable steps to prevent another person from causing unnecessary suffering to the animal through their act or failure to act. "Suffering" can mean physical or mental suffering.
7. The considerations that will be taken into account when determining whether the suffering caused to an animal is "unnecessary" include: (a) whether the suffering could reasonably have been avoided or reduced; (b) whether the conduct which caused the suffering was in compliance with any relevant enactment, licence provisions or code of practice; (c) whether the conduct which caused the suffering was for a legitimate purpose, such as benefiting the animal, or protecting a person, property or another animal; (d) whether the suffering was proportionate to the purpose of the conduct concerned; and (e) whether the conduct concerned was in the circumstances that of a reasonably competent and humane person. Nothing in this section applies to the destruction of an animal when it takes place in an appropriate and humane manner.
8. Mutilations (called 'prohibited procedures') are forbidden under Section 5 of the AWA 2006. This prevents a procedure that "involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment." In addition, it is an offence to cause this kind of procedure to be carried out on an animal or for a person to permit a procedure of this nature to be carried out on an animal for which they are responsible. Exemptions are made for 'permitted procedures' within the Mutilations (Permitted Procedures) (England) Regulations 2007 (and devolved equivalents).
9. Section 6 creates an offence of docking the whole or part of a dog's tail or causing the whole or any part of a dog's tail to be removed by another person. Exceptions are made if the removal took place for the purpose of the dog's medical treatment or, where the tail docking is for working dogs who are not more than five days old and where the appropriate veterinary certification is gained. It is also an offence to show a dog whose tail has been wholly or partly removed at an event to which fee-paying members of the public are admitted, although exceptions apply.
10. Causing or carrying out the administration of poisonous or injurious drugs or other substances without lawful authority or reasonable excuse is an offence under Section 7. Permitting this action or failing to prevent it from happening is equally prohibited. Here, references to a poisonous or injurious drug or substance "include a drug or substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug or substance."
11. The UK Animal Welfare Acts broadened offences relating to animal fighting so that people directly or indirectly involved in this kind of criminal activity can be prosecuted, too. Section 8 AWA 2006 makes it an offence to cause or attempt to cause an animal fight to take place, or to knowingly receive admission money for, or to publicise or provide information about, an animal fight. In addition, taking part in, or being present at an animal fight, and making or accepting a bet on animal fights, are prohibited. Possessing items for use in connection with an animal fight or keeping premises for use for an animal fight is illegal. Similarly, keeping or training animals for use in relation to animal fights, or supplying, publishing, or showing a video recording of an animal fight, or possessing this kind of video recording with the intention of supplying it, are also all offences. Exceptions apply if the video recording is of an animal fight that took place outside Great Britain or before the commencement date, or if the video recording is being supplied for inclusion in a programme service.

The 'promotion of welfare'

12. Section 9 of the AWA 2006 requires a person responsible for an animal to “take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.” For the purposes of this statute, “an animal’s needs shall be taken to include (a) its need for a suitable environment, (b) its need for a suitable diet, (c) its need to be able to exhibit normal behaviour patterns, (d) any need it has to be housed with, or apart from, other animals, and (e) its need to be protected from pain, suffering, injury and disease.” This provision has effectively created a duty of care for those responsible for an animal to meet its needs and ensure its welfare.
13. A person is responsible for an animal if they are in charge of it, they own it, or they have actual care and control of a person under the age of 16 years who has responsibility for an animal.
14. The conditions of the Section 9 offence will depend on “any lawful purpose for which the animal is kept” and “any lawful activity undertaken in relation to the animal”, although these are not absolute defences.⁴ This section does not apply to “the destruction of an animal in an appropriate and humane manner,” so the slaughter or euthanasia of animals is not affected by this provision. However, animals' welfare needs must be met before their destruction, for example, whilst in a lairage or whilst being moved throughout a slaughterhouse. In addition, under s58, animals kept at a place designated as a scientific procedure establishment or at establishments that breed or supply animals for use in scientific procedures are not protected by the requirements of this duty of care.
15. Section 10 allows an appointed inspector to serve an improvement notice on the responsible person when there is a failure to comply with the requirements of Section 9(1). The improvement notice will specify 1. the respects in which the inspector considers the person is failing to comply with the relevant conditions, 2. the steps the inspector considers need to be taken to comply with the provision, 3. the timescale within which the necessary steps should be taken, and 4. the impact of non-compliance to the notice.
16. Section 11 makes it an offence to sell an animal “to a person whom he has reasonable cause to believe to be under the age of 16 years.” This includes transferring, or agreeing to transfer, ownership of an animal to such a person. Allowing an unaccompanied child under the age of 16 to win an animal as a prize is also prohibited.
17. Section 12 permits appropriate national authorities to make regulations “for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals.” The UK Animal Welfare Acts are supplemented by guidance and statutory codes of practice. The codes of practice do not form part of the law, but compliance or otherwise with a relevant code may be used as evidence in welfare cases.

Protecting animals from sexual abuse⁵

18. The Sexual Offences Act 2003 makes it an offence to have sexual intercourse with an animal, contrary to sections 69(1) & (3) and 69(2) & (3) of that Act. Those offences are committed if a person intentionally or recklessly performs an act of penetration with his penis (or causes another animal to penetrate with his penis) into the vagina or anus of a living animal. Offences under this section are triable either way, with a maximum

⁴ <https://www.legislation.gov.uk/ukpga/2006/45/notes/division/7/3/1>

⁵ In this section, we draw heavily upon the work of Mark Randell, to whom we give special thanks for bringing these anomalies and gaps to public attention.

sentence available of imprisonment not exceeding two years in the Crown Court and not exceeding six months in the Magistrates' Court.

19. Section 63 of the Criminal Justice and Immigration Act 2008 ("CJIA") criminalises the possession of extreme pornographic images. Under section 63(7)(d), this includes material that "portrays, in an explicit and realistic way... a person performing an act of intercourse or oral sex with an animal (whether dead or alive), and a reasonable person looking at the image would think that any such person or animal was real."
20. Thus, it can be seen that sexual offences involving animals only arise under the Sexual Offences Act 2003 if there is full penetration with a penis. This is in contrast with s63 Criminal Justice and Immigration Act 2008, where, under subsection 7, the acts that are classed as being 'extreme pornography' include oral sex with an animal (whether dead or alive).
21. In consequence, a person could be prosecuted for possessing an image of a certain sexual activity but not for carrying out the act itself. This means that, in the UK, some 'bestiality' cases, such as those involving the use of objects, are treated as animal welfare offences only, which means there is no onward referral of the offender to public protection mechanisms, such as MAPPA⁶ and ViSOR⁷. In other jurisdictions, including Canada, *any* contact for a sexual purpose between a person and an animal can be a criminal offence.
22. Sexual abuse of an animal is a serious matter and can be an indicator of other illegal sexual activity. In the USA, a study showed 31.6% of animal sex offenders also sexually offended against children and adults and 52.9% had a prior or subsequent criminal record involving human sexual abuse, animal abuse, interpersonal violence, substances, or property offences.⁸ Those who possess child abuse images on their computers are highly likely to possess bestiality images, too. Indeed, many are charged with both crimes together.
23. **In the public interest, we recommend s69 of the Sexual Offences Act 2003 be amended to reflect the more expansive offence in the CJIA.**

Regulation of commercial animal activities

24. Licensing is often used to regulate areas of commercial animal keeping to ensure the welfare needs of animals kept as part of a business are met. In 2018, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 ("LAIAR") was introduced in England and overhauled regulation of various activities involving animals, including selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. The regulations and each activity are supported by statutory guidance. Under reg 28 LAIAR, Defra must publish a post-implementation review after five years, which was due in 2023. This has not yet been released as of December 2024. **We recommend the post-implementation review of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be published as soon as possible.**
25. In 2021, the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 were introduced in Scotland. Although there are some similarities in approach between the English and Scottish regulations, there are some important differences. For example, the Scottish regulations cover selling animals as pets, rehoming activities, animal welfare establishments, dog breeding, cat breeding and rabbit breeding. The

⁶ Multi-Agency Public Protection Arrangements.

⁷ Violent and Sexual Offenders Register.

⁸ <https://jaapl.org/content/early/2019/05/16/JAAPL.003836-19>

Scottish regulations also take a different approach to licensing thresholds for breeding activities, relying solely on litter thresholds. In contrast, the English regulations incorporate a business test for all activities, including dog breeding, thereby bringing more operators into scope.⁹

26. In 2023, the Scottish Government consulted on expanding its animal activities licensing regime to other commercial animal businesses, including dog walking, pet grooming and dog breeding services (aka canine fertility clinics). In August 2024, the Scottish Government announced its intention to introduce a licensing scheme for canine fertility clinics at the earliest opportunity.¹⁰
27. The Welsh government introduced the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021, but this legislation only currently covers pet selling. Other animal activities are regulated under separate legislation, such as the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 and the Animal Boarding Establishments Act 1963. However, in 2023, the Welsh Government also consulted on expanding its animal activities regulations to cover other activities, including animal welfare establishments. It also used this as an opportunity to ask the public whether it thought greyhound racing should be licensed or subject to a phased ban. The consultation analysis is yet to be released.
28. In England and Wales, zoos are regulated under the Zoo Licensing Act 1981 (Amendment (England and Wales) Regulations 2002, in Scotland, under the Performing Animals (Regulation) Act 1925 (and guidance thereunder) and in Northern Ireland, the Zoo Licensing Regulations (Northern Ireland) 2003. Dr Liz Tyson has written extensively about the shortcomings in the current regulatory regime for zoos in England and the inadequate enforcement of the existing regulations.¹¹ The Dangerous Wild Animals Act 1976 (England, Wales, and Scotland) and the Dangerous Wild Animals (Northern Ireland) Order 2004 prohibit people from keeping ‘dangerous’ (as defined in the respective legislation and guidance) wild animals without a licence. The primary focus of these pieces of legislation is public protection, although some welfare provisions apply.

Legislation relating to farmed animals

29. In England, farmed animals are protected by the AWA 2006¹² and additional regulations which are made under the AWA. Many of the regulations implement legislation derived from the EU. For example, the Welfare of Farmed Animals (England) Regulations 2007¹³ are made under AWA and implement several EU Directives, such as the pigs and calves Directives, and set out welfare requirements for various farmed species.
30. Regulations are also in place concerning the transportation and killing of animals. The Welfare of Animals (Transport) (England) Order 2006¹⁴ is made under AWA and gives effect to retained EU Regulation 1/2005 and sets out minimum welfare standards during transport for vertebrate and cold-blooded invertebrate animals. The Welfare of Animals at the Time of Killing (England) Regulations 2015¹⁵ (WATOK) are made under AWA and give effect to Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (PATOK). The Mutilations (Permitted Procedures) (England) Regulations 2007¹⁶ are made under the AWA and make certain prohibited procedures on protected animals an offence. In addition to the primary and secondary

⁹ There are two parts to the dog breeding licensing threshold in LAIAR. Anyone who breeds three or more litters of puppies in a twelve-month period (regardless of whether the puppies are sold commercially) requires a dog breeding licence. Additionally, anyone who breeds and advertises a business of selling dogs requires a dog breeding licence.

¹⁰ <https://www.gov.scot/news/licensing-canine-fertility-services/>

¹¹ See *Licensing Laws and Animal Welfare: The Legal Protection of Wildlife Animals* (Palgrave Macmillan 2020) by Elizabeth Tyson.

¹² <https://www.legislation.gov.uk/ukpga/2006/45/contents>

¹³ <https://www.legislation.gov.uk/uksi/2007/2078/contents>

¹⁴ <https://www.legislation.gov.uk/uksi/2006/3260/contents>

¹⁵ <https://www.legislation.gov.uk/uksi/2015/1782/contents>

¹⁶ <https://www.legislation.gov.uk/uksi/2007/1100/contents>

legislation, there are a series of codes of practice, each applicable to a certain species of animal, covering on-farm welfare and transportation and how to comply with relevant legislation.

31. Scotland, Wales, and Northern Ireland similarly have a primary Animal Welfare Act, various secondary legislation and statutory codes of practice. In Wales, the Animal Welfare Act 2006 applies. This is supplemented by the Welfare of Farmed Animals (Wales) Regulations 2007/3070¹⁷ and various codes of practice.¹⁸ The primary legislation in Northern Ireland is the Welfare of Animals Act (Northern Ireland) 2011, supplemented by the Welfare of Farmed Animals Regulations (Northern Ireland) 2012¹⁹ and various statutory codes of practice.²⁰ In Scotland, there is a similar approach, with the primary legislation being The Animal Health and Welfare (Scotland) Act 2006,²¹ as amended by the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.²² There are supplementary regulations, including the Welfare of Farmed Animals (Scotland) Regulations 2010.²³ Scotland also has statutory codes of practice.²⁴
32. The framework for England, Wales, Scotland and Northern Ireland is outlined in Annexe C.

Protecting animals in slaughterhouses

33. Slaughterhouses are regulated in England by the Welfare of Animals at the Time of Killing Regulations 2015 (WATOK), with similar Regulations in Wales (2014), Scotland (2015) and Northern Ireland (2014). The overall purpose of these is to give effect to EC Regulation No 1099/2009, which states in Chapter II Article 3 a general requirement that “animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.” Under this regulation, business operators are required to take the necessary measures to ensure that animals are provided with physical comfort and protection; are protected from injury; are handled taking into consideration their normal behaviour; do not show signs of avoidable pain or fear or exhibit abnormal behaviour; do not suffer from prolonged withdrawal of feed or water; and are prevented from avoidable interaction with other animals that could harm their welfare.
34. To give a sense of the scale and importance of the issue, in 2019 alone in England, 1.027 billion poultry were slaughtered, while 1.8 million cattle, 9.9 million sheep and 8.9 million pigs were slaughtered.²⁵ Despite the significant number of animals impacted, there are currently no statutory codes of practice relating to the slaughter and killing of farmed species. A further oversight is that no legislative provisions protect farmed fish, either. **We recommend that species-specific statutory codes of practice relating to slaughter and killing be introduced and that welfare protections at the time of killing and slaughter be extended to farmed fish.**

Wildlife

35. If a non-domesticated (wild) animal is brought under human control, even temporarily, the animal will be protected under the UK Animal Welfare Acts from acts or omissions that cause unnecessary suffering, and a duty will arise to meet the animal’s welfare needs.

¹⁷ [The Welfare of Farmed Animals \(Wales\) Regulations 2007/3070](https://www.gov.wales/animal-welfare)

¹⁸ <https://www.gov.wales/animal-welfare>

¹⁹ <https://www.legislation.gov.uk/nisr/2012/156/contents/made>

²⁰ <https://www.daera-ni.gov.uk/publications/codes-practice-farmed-animals>

²¹ <https://www.legislation.gov.uk/asp/2006/11/contents>

²² <https://www.legislation.gov.uk/asp/2020/14/contents>

²³ <https://www.legislation.gov.uk/ssi/2010/388/contents>

²⁴ <https://www.gov.scot/policies/animal-health-welfare/animal-welfare/>

²⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955031/welfare-animals-time-of-killing-regs-2015-post-implementation-review.pdf p.64

36. In all other cases with respect to wildlife, there exists an extensive and detailed collection of laws that have been enacted over the last century to meet the competing policy needs of wildlife conservation, protection of the rural economy, landowner interests, rights to hunt, and the protection of wild animal welfare. The law is characterised by species and practice-related detail, exceptions and defences. Many offences exist that were not intended to prohibit deliberate cruelty but are included in this overview because they do, practically speaking, have that effect. With all that in mind, the following section is offered as an overview of the terrain and how the current law relates to the prohibition of deliberate animal cruelty towards wildlife.

Protection of wild mammals from cruelty

37. The Wild Mammals Protection Act 1996 contains the only offences that prohibit anything like general cruelty concerning wildlife. Under section 1, it is an offence for any person, with intent to inflict unnecessary suffering, to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal. A wild mammal is defined as any wild mammal that is not a protected mammal under the Animal Welfare Act 2006. Furthermore, “mammal” takes its dictionary meaning and accordingly excludes fish, birds, amphibians, other cetaceans, reptiles or insects.
38. There are extensive defences available, notably the attempted killing of a seriously disabled wild mammal as an act of mercy, so long as the accused's unlawful act did not cause that disability and the animal had no reasonable chance of recovery; the killing in a swift and humane manner of a wild mammal injured or taken in the course of a lawful hunting or pest control activity; and, any act done by the use of a lawful trap or snare, dog or bird and the lawful use of any poisonous or noxious substance. This offence is triable summary-only and is punishable by a maximum £5,000 fine and/or up to six months imprisonment.

Offences relating to trapping, snaring and poisoning

39. These activities, which are extensively practised for either hunting or pest control purposes, are controlled by several statutes. The law is technical, detailed and species-dependent. The general policy intent behind this body of legislation is to limit the suffering caused by certain types of devices and practices which are known to be particularly cruel. This includes animals that are the prey and animals that are used as bait. As such, these offences are designed to prevent intentional (or, at the very least, reckless) cruelty being caused to wildlife in the use of such devices and methods.
40. The Pests Act 1964 prohibits using certain spring traps (notably ‘gin traps’) on certain animals. The Act set up a DEFRA-approved regime for certain traps being authorised when used against certain species. Offences under the Pest Act are triable summarily and are punishable by a fine of up to £1,000 (level 3).
41. The Protection of Animals Act 1911 places a general duty on the setter of a trap to inspect it at least once per day. Failure to do so is a summary offence punishable by a £200 fine (level 1).
42. Section 11 of the Wildlife and Countryside Act 1981 prohibits using a self-locking snare or electrical device, or various weapons against any wild animal and the use of any animal as a live decoy. Section 11(2) prohibits using a wider variety of trapping, stunning and killing methods against only those species that are listed in Schedule 6 of the Act. The offences are summary only, and a person guilty of such an offence is liable on summary conviction to six months’ imprisonment, a level five fine, or both.

Conservation-focussed offences

43. Offences brought into law to protect species from a conservation perspective may prevent intentional cruelty, even though the main policy intent behind the legislation is not so much about protecting animals from cruelty.

44. The Wildlife and Countryside Act 1981 section 9 protects a number of species (see Schedule 5 of the Act) by creating an offence in respect of any person who intentionally kills, injures or takes such a species, or has such an animal in their possession. Intentionally or recklessly damaging, destroying or obstructing access to any structure or place an animal uses for shelter or protection is prohibited, as is selling wild animals listed in the Schedule. Plainly, taking animals out of their natural habitat to be transported and traded would cause significant suffering.
45. As mentioned above, section 11 of the Wildlife and Countryside Act 1981 prohibits using certain methods, principally traps, to take any wild animal.
46. The Conservation of Habitats and Species Regulations 2017 are one of the principal pieces of secondary legislation that transpose the terrestrial and offshore marine aspects of the EU Habitats Directive and certain elements of the EU wild birds directive (commonly referred to as the 'Nature Directive') into domestic law. As with the 1981 Act, the offences created under the Regulations would capture certain types of intentional cruelty, although the law here is not framed in terms of 'cruelty', nor is the reduction of animal suffering the policy driver.
47. Regulation 43 makes it an offence, subject to exceptions, to deliberately capture, kill, disturb or trade in 'European Protected Species', which are those listed in Schedule 2 of the Regulations. This is a relatively short list, including toads, dolphins, bats and butterflies.
48. Regulation 45 prohibits the use of certain methods of capturing or killing (see Schedule 4A for a list) against those animals listed in Schedule 4 (an even shorter list than Schedule 2, including seals, a hare species and the Atlantic salmon). At least some of the methods in Schedule 4A would certainly risk causing significant unnecessary suffering and include live baiting, blinding and electrocuting, so the legislation does seem to aim to prevent unnecessary suffering whilst leaving more conventional methods of control alone.
49. All offences are summary-only with maximum penalties of a term not exceeding six months imprisonment, a fine, or both.

British offences relating to specific animals

Badgers

50. Whilst badgers are within the scope of the Wild Mammals Protection Act 1996, these animals enjoy additional special protection under the Protection of Badgers Act 1992. Prosecution of offences against badgers, mainly in the form of 'badger baiting' is described by the Crown Prosecution Service as a UK wildlife crime priority. On a tactical level, the National Wildlife Crime Unit (NWCU) lists badger crime as one of their enforcement and prevention priorities.
51. Sections 1 to 3 of the Act prohibit killing or injuring a badger (other than as lawfully allowed, notably as part of culls), cruelly ill-treating a badger, and interfering with setts.
52. Some offences are summary-only and carry a maximum penalty of up to 6 months imprisonment and/or a level 5 fine. However, some are indictable (3 years maximum imprisonment and/or a fine), notably cruelly ill-treating an animal and causing a dog to enter a sett. A court has the power to order the destruction of a dog (not just the removal from the keeper) that was present when an imprisonable offence was committed and to disqualify the owner from dog ownership for a period of time.

Birds

53. The Wildlife and Countryside Act 1981 is the principal legislation. Under section 1, it is an offence to intentionally kill or injure a wild bird, or to take or destroy a nest or an egg, or for a person to have in his possession or control any live or dead wild bird, or part thereof, or anything derived from a bird or an egg or part of an egg. For the reasons explained above, such offences could be considered as measures to prevent intentional cruelty against wildlife.
54. Section 2 of the Act provides defences, covering shooting of certain species during certain times for sport. Section 5 of the Act prohibits various practices, including the use of miscellaneous devices intended to cause bodily injury or to kill or capture birds.
55. Section 8 prohibits confining any bird in a cage of insufficient volume to stretch its wings freely. Section 8(3) prohibits taking part in or arranging any event where captive birds are freed to be shot immediately or being the owner or occupier of any land used for such an event.
56. Section 11 (covered above under 'trapping') also provides protection to birds. Concerning birds, a defence is available where the trapping or killing is done per a General Licence issued by DEFRA. This is the legal mechanism that allows birds to be killed for the purposes of sport and pest control. This regime is species-governed and affects birds deemed to be 'game' and birds determined to be 'pests' in need of control.
57. All of the offences described here under the 1981 Act are summary only, and a person guilty of such an offence is liable on summary conviction to six months imprisonment or a level five fine, or both.

Deer

58. Sections 1 to 4 of the Deer Act 1991 prohibit the killing or injuring of deer by certain methods, and of poaching deer generally in England and Wales. Broadly speaking, the shooting of deer with certain firearms is not prohibited if done by the owner of certain land, at particular times, or under a licence.
59. The overall intention of the regime could be said to promote the sustainable killing of deer in a manner that is deemed to minimise unnecessary suffering (i.e. deer stalking and farming).
60. Deer in Scotland are protected by the Deer (Scotland) Act 1996 (as amended), which creates a range of offences, including unlawful killing, taking or injuring of deer under s17. An exemption is available if the person's actions are intended to prevent suffering under s25 of the Act. Occupiers also enjoy certain rights if deer are causing damage to certain crops. Depending on the specific offence, a range of penalties are available and outlined in sch 3 of the Act.

Fish

61. The Salmon and Freshwater Fisheries Act 1975 sections 1, 4 and 5 prohibit using certain methods, including firearms, explosives, gaffs and poisons, to injure or kill certain fish (salmon, trout, eels, lampreys, smelt, shad, freshwater fish and any specified fish in any waters).

Foxes

62. Foxes are protected by the Wild Mammals Protection Act 1996 and, although not species-specific, British hunting legislation. In England and Wales, the Hunting Act 2004 makes it an offence to hunt wild mammals with dogs under s1, unless the hunting is exempt. Exempt hunting is outlined in sch 1 and includes stalking or flushing

out a wild mammal subject to conditions, hunting rats, rabbits or retrieving hares, and hunting for research and observation purposes. A defence also exists for a section 1 offence if the person ‘reasonably believed’ the hunting was exempt. Illegally hunting wild mammals with dogs is a summary-only offence with a maximum penalty of a fine (level 5).

63. The Hunting with Dogs (Scotland) Act 2023 also creates an offence of hunting a wild mammal using a dog, unless an exemption applies. The offence is triable either way and can carry a maximum penalty of up to five years imprisonment, a fine, or both, on indictment. Crucially, in Scotland, trail hunting is also a summary-only offence. Under the Act, courts have powers to impose certain ancillary orders post-conviction, including deprivation orders (s21), disqualification orders (s22) and have the power to order the seizure of dogs if a disqualification order is breached (s23).

Wild animals in circuses

64. The use of wild animals in travelling circuses has been banned in England, Wales and Scotland via Wild Animals in Circuses Act 2019 (England), the Wild Animals in Circuses (Wales) Act 2020 and the Wild Animals in Travelling Circuses (Scotland) Act 2018.

Protection for sentient animals

65. It is implicit in the drafting of the UK Animal Welfare Acts that its intended scope is sentient animals. At the time of drafting, these were vertebrate animals. The UK Animal Welfare Acts confer powers upon the Secretary of State (or relevant minister in Scotland and Northern Ireland) to expand the category of animals to invertebrates based on scientific evidence. However, there has been no action to extend the definition to this class of species.
66. In 2021, the London School of Economics published an independent review of the evidence of sentience in cephalopod molluscs and decapod crustaceans. This work was commissioned by Defra and recommended that cephalopod molluscs and decapod crustaceans be included within the definition of “animal” in the Animal Welfare Act 2006 and be protected by any future legislation regarding animal sentience.²⁶
67. The Animal Welfare (Sentience) Act 2022, which establishes an Animal Sentience Committee that has powers to consider the extent to which government policy might have an adverse effect on the welfare of animals as sentient beings, includes both cephalopod molluscs and decapod crustaceans within its definition of “animal”. However, the UK Animal Welfare Acts are yet to be extended to these animals.
68. As mentioned, free-living animals not captured or kept under human control are not ‘protected animals’ for the purpose of this animal welfare legislation. Thus, the failure to extend the definition of animals to this class of species has no practical effect. However, in circumstances where these species are captured, kept, and killed, this has a real impact.
69. To give effect to the legislature's intentions, it is imperative that the definition of “animals” in the UK Animal Welfare Acts is extended to crustaceans and cephalopods and that regulations or statutory codes of practice are developed to set out welfare requirements for husbandry and killing.
70. **In future, we recommend the UK Animal Welfare Acts be amended to:**
- (a) create a duty to keep the scientific literature about sentience under regular review,**

²⁶ <https://www.lse.ac.uk/business/consulting/assets/documents/Sentience-in-Cephalopod-Molluscs-and-Decapod-Crustaceans-Final-Report-November-2021.pdf>

- (b) create a duty (rather than power) to expand the definition of ‘animals’ where the national authority is satisfied that a class or species of invertebrate is sentient, and,
- (c) in the event of any doubt about the existence of sentience, apply the precautionary principle in favour of animal welfare.

2. Recent assessments of the legislative framework

This section examines recent evaluations of the UK’s legislative framework for animal welfare, highlighting developments and gaps across England, Wales, Scotland, and Northern Ireland. It discusses the findings of key reviews, such as the EFRA Committee’s inquiries on pet welfare and abuse, progress under the Animal Welfare Plans in Wales and Scotland, and challenges in Northern Ireland’s enforcement of animal protection laws. Additionally, the section addresses wildlife legislation and the need for comprehensive reform.

Kept animals

England

71. The effectiveness of animal welfare legislation in England with regard to domestic pets was reviewed by the Environment, Food and Rural Affairs (‘EFRA’) Committee, which published the 2016/2017 report *Animal welfare in England: Domestic pets* (‘the 2016 EFRA Committee report’).²⁷ The Committee focused on the advertising and sale of domestic pets, as well as the prosecution and enforcement of animal welfare legislation with particular regard to dogs, cats and horses.
72. The UK Animal Welfare Acts create a legal framework that enables more detailed regulation to be made using secondary legislation. The Committee heard criticism that the timetable for secondary legislation presented to Parliament when the Animal Welfare Act 2006 was enacted had not been followed (para 12).
73. The 2016 EFRA Committee report identified that the licensing regime for pet animals was outdated and required a significant overhaul. This resulted in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 being introduced for England that substantially overhauled the licensing regime for activities involving animals (breeding dogs, sale of ‘pets’, dog boarding, hiring horses and keeping animals for exhibitions).
74. The focus of EFRA’s inquiry was the application of the legislation to animals kept as ‘pets’, and consequently, since the Animal Welfare Act 2006 has come into force, there has been no overarching scrutiny by the Committee of how the legislation protects other kept animals, such as those used in agriculture. **We recommend the EFRA Select Committee consider the adequacy of farmed animal welfare protections and enforcement arrangements in their future work programme.**
75. EFRA published an additional ‘Pet Welfare and Abuse’ inquiry report in April 2024 (the “2024 EFRA Committee report”). The 2024 EFRA Committee report on pet welfare underscored the importance of robust legislation and enforcement mechanisms to prevent unscrupulous breeding, abuse and illegal importation of pets²⁸. Critically, it emphasised the lack of progress on the animal welfare measures which were proposed in the Animal Welfare (Kept Animals) Bill²⁹, including restrictions on keeping primates as pets and regulations relating to importing dogs, cats and ferrets.

²⁷ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/117.pdf>

²⁸ Ibid.

²⁹ The Animal Welfare (Kept Animals) Bill was an ambitious piece of legislation which was introduced to the House of Commons in June 2021 and withdrawn on 8 June 2023 due to concerns about its broad scope.

76. The previous UK Government's withdrawal of this bill stalled progress on key animal welfare issues and led to increased calls for urgent action. In response, the previous Conservative government introduced the Animal Welfare (Primate Licences) (England) Regulations 2024, under the Animal Welfare Act 2006, to establish a licensing scheme for keeping primates. This licensing is anticipated to be implemented by 2026 and is endorsed by the RSPCA³⁰. The Animal Welfare (Livestock Exports) Act 2024 was also passed to end the live export of some farmed species for slaughter and fattening. However, some of the other measures proposed by the Animal Welfare (Kept Animals) Bill remain outstanding at the time of writing, although a new iteration of the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill has been introduced as a ballot Private Members' Bill, which has government support.³¹
77. The 2024 EFRA Committee report made a number of recommendations relating to new or amended legislation in England, including 1. altering the dog breeding licensing threshold under LAIAR to bring more breeders within the scope of licensing, as well as expressly bringing male dogs kept for breeding within the scope of the regulations, 2. introducing a licensing regime for cat breeding, 3. introducing a new Veterinary Surgeons Act, which should include measures to regulate canine fertility clinics, 4. increasing the penalty for performing acts of veterinary surgery illegally, contrary to s19 of the existing Veterinary Surgeons Act 1966, 5. introducing legislation to prohibit the importation of pets who have been subject to mutilations, such as ear cropping, tail docking and declawing, and 6. reforming pet importation rules to prevent puppy and kitten smuggling, including through prohibiting the importation of puppies and kittens under six months of age, amongst others. Due to the timing of the 2024 general election, the deadline for the previous UK Government to lay a response to the EFRA Committee's report and recommendations lapsed. It is as yet unclear if the new administration will lay a response.
- 78. We recommend the new UK Government strongly consider the EFRA Committee's 2024 Pet Welfare and Abuse report findings in formulating its companion animal welfare legislative priorities for this Parliament and, ideally, lay a response to the inquiry report.**

Wales

79. Although its remit extended only to England, the 2024 EFRA Committee report praised Wales for enhancing the training and consistency standards of its local authority animal welfare officers who oversee the licensing of activities involving animals. The Animal Welfare Plan for Wales 2021 to 2026³² outlines a strategy to enhance animal welfare across the country, to improve the qualifications, training and expertise of its local authority officers, initially in connection with their dog breeding licensing responsibilities. To achieve this, the country has trained a team of regional enforcement officers and senior intelligence officers to support local authorities in handling complex cases and develop a national model for licensing and enforcement in connection with kept animals.
80. In February 2024, the Welsh Government published a progress report³³ on its implementation of its Animal Welfare Plan for Wales. In the progress report, they state they have made progress delivering on priorities around enforcement and licensing, with the Animal Licensing Wales project hiring 11 regional enforcement officers, two support officers and two system coordinators to help support local authority animal welfare

³⁰ <https://lordslibrary.parliament.uk/new-licensing-for-pet-primates/>

³¹ <https://www.gov.uk/government/news/tough-new-legal-crackdown-on-puppy-smuggling-moves-a-step-closer#:~:text=This%20Bill%20delivers%20on%20a,are%20mutilated%20or%20heavily%20pregnant.>

³² <https://www.gov.wales/sites/default/files/publications/2021-11/animal-welfare-plan-wales-2021-26.pdf>

³³ <https://www.gov.wales/animal-welfare-plan-wales-year-2-progress-report.html>

enforcement across the nation. Additionally, the progress report states that four training courses had been delivered to local authority officers as of December 2023.

81. More broadly, the Welsh plan also sets out additional commitments to develop a national model for animal welfare regulation, mandate CCTV in all slaughterhouses, which has now been introduced via the Slaughterhouses (Wales) Regulations 2024, and review the use of cages for farmed animals.
82. Scrutiny of animal welfare in the Senedd is undertaken primarily by the Economy, Trade, and Rural Affairs Committee. The Committee's most recent work appears to have focused more on economic and trade matters, and this theme continues throughout its forthcoming work programme for Autumn 2024. **We would welcome greater scrutiny from the Senedd's Economy, Trade, and Rural Affairs Committee of Welsh animal welfare policy and the Welsh Government's delivery of its Animal Welfare Plan.**

Scotland

83. Scotland's *Animal Health and Welfare in the Livestock Industry: Strategy 2016 to 2021*³⁴ was a five-year plan tailored to enhance animal health and welfare standards in Scotland's livestock industry. Some specific actions to implement as part of this policy include enhancing training and education for those involved in animal husbandry to ensure high standards of care, implementing measures to prevent and control animal diseases, including improved biosecurity practices, developing welfare codes and guidelines and proposals to ensure regulations are effective and proportionate, and minimising the burden on businesses while maintaining high welfare standards.
84. In October 2023, the Scottish Animal Welfare Commission ('SAWC') published its latest annual report for the period 2022-2023³⁵. While SAWC takes guidance from the Scottish Government, it operates independently and forms its workplan based on evidence and considering animal welfare costs or benefits. One of the focus areas has been SAWC's production of a position paper on wildlife and animal welfare. It highlights that, historically, animal welfare legislation has focused on avoiding harm and resultant negative affective states, but SAWC propose an approach that encompasses positive welfare as well. This aligns with contemporary interpretations of welfare, which include not only avoiding harm but also providing opportunities for animals to engage in rewarding behaviours.
85. SAWC has also recently addressed the petition to end greyhound racing in Scotland. Their report on greyhound racing³⁶ highlights major animal welfare concerns, such as high rates of injuries and fatalities, and recommends that no new greyhound racing tracks be developed in Scotland. The report also suggests that an experienced, independent veterinarian should be present at every greyhound race to assess dogs' fitness to race, provide immediate care if needed and oversee dog welfare. SAWC emphasises the need for improved welfare standards during a greyhound's racing career and after retirement, addressing issues like injuries, overbreeding and living conditions. Additionally, SAWC recommends increasing public awareness about the welfare issues related to greyhound racing and promoting responsible pet ownership and rehoming efforts for retired greyhounds. These measures are endorsed and supported by the Scottish SPCA.

Northern Ireland

86. In Northern Ireland, there have been calls for more resources and training for enforcement officers to better implement the Welfare of Animals Act (Northern Ireland) 2011. However, progress has been slower in recent

³⁴ <https://www.gov.scot/publications/animal-health-welfare-livestock-industry-strategy-2016-2021/pages/1/>

³⁵ <https://www.gov.scot/publications/scottish-animal-welfare-commission-annual-report-sawc-activity-2022-2023/pages/1/>

³⁶ <https://www.gov.scot/publications/report-welfare-greyhounds-used-racing-scotland-scottish-animal-welfare-commission/pages/1/>

years following the collapse of the devolved Northern Ireland institutions in February 2022. The executive has now been restored and some specific animal welfare priorities are starting to emerge. For example, Agriculture Minister, Andrew Muir, has made a commitment to prohibit third party sales of puppies and kittens.

87. In 2016, DAERA and the Department of Justice published a wide-ranging post-implementation review of the Welfare of Animals Act (Northern Ireland) 2011. The review highlighted concerns around lenient sentencing for animal welfare offences and recommended a range of reforms to increase penalties. It also recommended that the three enforcement bodies in Northern Ireland (DAERA – then DARD, councils and the Police Service of Northern Ireland) meet regularly to discuss enforcement of the Act and that an annual report of animal welfare service delivery be published. Almost 70 recommendations covering sentencing, service delivery, public education and awareness, collaboration, dog breeding and pet selling and equines were included in the review and allocated to relevant bodies. **We recommend that delivery of the post-implementation review of the Welfare of Animals Act (Northern Ireland) 2011 recommendations be reviewed and that similarly comprehensive reviews of the Animal Welfare Act 2006 and Animal Health and Welfare (Scotland) Act 2006 be carried out by the UK, Welsh and Scottish Governments.**

Wildlife

88. In relation to wildlife, a major review of wildlife law in England was undertaken by the Law Commission (2016), according to which:
- Over the last decade, wildlife protection and the sustainable management of our natural heritage have become increasingly regarded as key policy aims for Government.... However, the legal framework for wildlife management is overly complicated, frequently contradictory, and unduly prescriptive. Consequently, the law creates unnecessary barriers to effective wildlife management, including the efficient implementation and enforcement of Government policy.³⁷*
89. With Brexit looming, the then Parliamentary Under Secretary of State, Dr Thérèse Coffey MP, pointed to the opportunity of leaving the EU to re-examine the regulatory framework and wildlife policy and to review the report recommendations in that context. This has still not happened.
90. It is beyond this report's scope to consider the entire wildlife regime's adequacy, but we note that many of the report recommendations are still valid eight years later. To support other policy objectives around sustainability and climate change, we suggest that it is imperative to ensure this important report is not forgotten.
91. **Consequently, we recommend that Law Commission's Wildlife Law report recommendations be revisited.**

3. Investigation and enforcement

This section explores the critical role of investigation and enforcement in ensuring the effectiveness of the UK's animal welfare and wildlife protection laws. It examines the responsibilities and challenges faced by various enforcement bodies, including local authorities, regulatory agencies and non-governmental organisations across the UK. This section highlights gaps in enforcement capacity, inconsistencies in local authority efforts and the need for more cohesive national frameworks. It also addresses sector-specific enforcement challenges, from farmed animal welfare to wildlife crime, emphasising the importance of robust investigative tools, adequate resourcing and clearer legal mandates to safeguard animal welfare and promote accountability.

³⁷ (Anon, (n.d.). Wildlife Law | Law Commission. [online] Available at: <https://www.lawcom.gov.uk/project/wildlife-law/> [Accessed 18 Aug. 2023]].

Animal Welfare Acts

England

92. As discussed in Section 2 of this report, a major review was carried out by EFRA in 2016³⁸ on the effectiveness of the Animal Welfare Act 2006, which focused on the welfare of domestic pets in England, primarily dogs, cats and horses (page 5, para. 5).
93. Regarding domestic animals, section 6 of the report highlights several key issues around enforcement. In particular, the report observes that national and local authorities have power under the Animal Welfare Act 2006 to appoint national and local inspectors. However, it is a discretionary power, and local authorities have no statutory duty to do so.
94. The report cites research in 2011 finding at para 131 that “just under 40% of local authorities in England had failed to appoint any Inspectors under the authority of section 51” and of those that had appointed inspectors, “only 17% had Inspectors dealing with companion animal welfare on a daily basis.”
95. The Committee concluded at para 134 that, “A major weakness of the Animal Welfare Act is that no state organisation is statutorily responsible for animal welfare.”
96. The Committee recommended at para 135 that the “Government place a statutory duty on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.” This recommendation has not been acted upon to date.

Wales

97. As in England, the primary enforcer of the Animal Welfare Act 2006 in Wales is the RSPCA. 22 local authorities are responsible for enforcing various statutory animal welfare functions, including animal licensing. According to the RSPCA’s website, it currently has in the region of 30 inspectors and Animal Rescue Officers (AROs) in Wales.³⁹ These personnel responded to 4,900 cruelty and neglect cases in Wales in 2023.⁴⁰ Staff in the RSPCA inspectorate do not have statutory powers, and RSPCA Cymru is calling for this to change to enable its frontline personnel to 1. serve statutory improvement notices under s10 AWA, 2. exercise powers under s18 AWA to take or arrange the taking of a protected animal to alleviate their suffering, 3. exercise powers of entry under s19 AWA and, 4. apply for a warrant to enter and search premises.⁴¹
98. In April 2023, RSPCA Cymru also published a report⁴² highlighting the need for regulation of Animal Welfare Establishments (AWEs) in Wales, which are currently unregulated. The report emphasised the lack of specific legislation beyond the Animal Welfare Act 2006 to protect animals in sanctuaries and rehoming centres. It also details numerous cases of inadequate care in AWEs investigated by the RSPCA, which, due to the lack of enforcement by local authorities, have resulted in substandard safeguarding by animal welfare establishments

³⁸ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/117.pdf>

³⁹ <https://politicalanimal.rspca.org.uk/inspectorate-powers#:~:text=Inspectors%20working%20on%20behalf%20of,and%20issue%20Animal%20Welfare%20Notices>.

⁴⁰ <https://politicalanimal.rspca.org.uk/documents/d/political-animal/briefing-from-rspca-cymru-providing-the-rspca-with-statutory-powers-july-2024-1->

⁴¹ Ibid.

⁴² https://www.rspca.org.uk/documents/1494939/7712578/1219_Animal_Welfare_Establishments_report_April2023.pdf/489d8ee4-76c6-c8bb-122c-a7a38bdb21c5?t=1681891665820

and poor treatment of vulnerable animals. The Welsh Government consulted on proposals to regulate AWEs and other animal activities early in 2024, and the outcome of that consultation is awaited at the time of writing.

99. The *Animal Welfare Plan for Wales: year 2 Progress report*⁴³, last updated in February 2024, outlines progress in enforcing animal welfare standards. This includes the establishment of a Local Authority Enforcement project, rebranded as Animal Licensing Wales Project, which has been actively involved in inspections and issuing improvement notices. This initiative focuses on improving the training and qualifications of animal welfare inspectors, and due to its success, it has been extended to 2025. Between February and December 2023, the project received 252 intelligence calls about unlicensed dog breeding, leading to 73 investigations and 391 inspections. This resulted in 58 improvement notices under the Animal Welfare Act 2006.⁴⁴

Scotland

100. The Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA) plays a crucial role in enforcing animal welfare laws in Scotland. They are the only animal charity in the UK recognised as a reporting agency to the Crown Office and Procurator Fiscal Service (COPFS), and their inspectorate has been granted powers to enter and search properties under warrant, seize animals and issue Animal Welfare Notices, under the Animal Health and Welfare (Scotland) Act 2006. Between 2011 and 2019, the Scottish SPCA reported 1,543 charges related to animal welfare offences to the Crown Office and Procurator Fiscal Service. These charges stemmed from 873 legal cases involving 1,065 individuals.⁴⁵
101. The rise of extreme animal cruelty in Scotland led to the passage of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.⁴⁶ It created powers for Scottish Ministers to make regulations to introduce fixed penalty notices for minor animal welfare offences, which are quicker and less costly to administer than going to court, and increased fines and custodial sentences for the most severe animal welfare and wildlife crime offences. This includes raising the penalties for causing unnecessary suffering and animal fighting to up to five years imprisonment and unlimited fines, a measure which had overwhelming support during the public consultation.⁴⁷
102. The Act also grants inspectors and constables greater powers to secure the welfare of animals who have been taken into possession as part of welfare cases without needing a court order. It is now possible for animals to be rehomed, treated and/or euthanised without the consent of the owner and without the need for a court order pursuant to s34 Animal Health and Welfare (Scotland) Act 2006.
103. To support the adequate use of the new powers granted by the 2020 Act, the Scottish government published detailed requirements for authorised persons in its *Animal Health and Welfare (Scotland) Act 2006 - sections 32A – 32L: guidance for authorised persons*.⁴⁸ The guidance restricts an authorised person's power to euthanise an animal by instructing that such authorised person can only decide to destroy an animal under section 32A if a veterinary surgeon has certified it is appropriate.

Northern Ireland

104. In Northern Ireland, the enforcement of animal welfare is managed by three main bodies: DAERA, PSNI, and local councils. An advantage of the arrangements in Northern Ireland is that lines of responsibility are

⁴³ <https://www.gov.wales/animal-welfare-plan-wales-year-2-progress-report-html>

⁴⁴ <https://www.gov.wales/animal-welfare-teams-delivering-across-wales>

⁴⁵ <https://www.gov.scot/publications/animal-welfare-prosecutions-reported-scottish-sPCA-2011-2019/>

⁴⁶ <https://www.legislation.gov.uk/asp/2020/14/contents>

⁴⁷ <https://www.gov.scot/publications/animal-health-welfare-scotland-act-2006-analysis-consultation-responses/pages/2/>

⁴⁸ <https://www.gov.scot/publications/animal-health-welfare-scotland-act-2006-guidance-sections-32a-32l-authorised-persons/pages/1/>

relatively simple and thereby easier for the public to remember. For instance, DAERA is responsible for farmed animal welfare, local councils are responsible for the welfare of other domesticated animals, and PSNI is responsible for wildlife crime and organised animal cruelty. This is in stark contrast to the rest of the UK, where a plethora of different statutory and non-statutory bodies are involved in enforcement, which can be confusing when members of the public with welfare concerns need to make a report to the appropriate body. Uniquely, the Northern Irish government also publishes an annual animal welfare service delivery report, outlining activity by these bodies.

105. DAERA is responsible for enforcing the Welfare of Animals Act (Northern Ireland) 2011 in connection with farmed animals. In 2022, DAERA conducted 89 full inspections in connection with complaints established to be animal welfare cases, an increase from 71 and 63 inspections in 2021 and 2020, respectively, and detected breaches in 32 cases, also up from 29 and 25 breaches in 2021 and 2020, respectively.⁴⁹ All of the prosecutions by councils which were completed in the period 2020-2022 resulted in convictions and a variety of penalties comprising of fines, liability for costs, community service, conditional discharge, restrictions or bans on keeping animals and custodial sentences.

106. The PSNI handles cases involving animal fighting, wild animals, animals on the road and other animal-related criminal activities. In 2022, PSNI convicted 12 offenders, six of whom incurred prison committals, two were prohibited from keeping animals, three were given monetary penalties, and another received a suspended sentence.

Enforcement of animal welfare legislation relating to domesticated animals

107. In Britain, insofar as it affects animals kept for companionship, most enforcement of animal welfare legislation is undertaken by local authorities and charities, such as the RSPCA and Scottish SPCA. The police are responsible for the enforcement of 'dangerous dog' control legislation, local authorities are responsible for stray dogs, whilst the APHA is responsible for enforcing rules around the commercial and non-commercial importation of pet animals.

Role of Local Authorities

108. Local authorities across the UK play a key role in enforcing animal welfare legislation that affects domestic animals. This includes licensing commercial activities involving animals, such as boarding, pet selling, dog breeding, and animal attractions, such as zoos and exhibits.

109. At the time of writing, there are 382 local authorities across the UK⁵⁰ and the majority⁵¹ have statutory duties to enforce welfare legislation that affects domesticated animals. There is significant variation across local authorities and concern across the animal welfare sector about the postcode lottery created by this fragmented enforcement system.

110. Efforts have been made to address this in parts of the UK. For example, in Wales, a centralised Animal Licensing Team has been formed in recent years to help standardise the implementation of animal activities regulations and provide specialised support to the 22 local authorities in the country. Some local authorities across the UK have also formed Shared Regulatory Service (SRS) partnerships and have teamed up with

⁴⁹ https://www.daera-ni.gov.uk/sites/default/files/publications/daera/Animal%20welfare%20service%20delivery%20statistical%20bulletin%202022_0.PDF

⁵⁰ England: 317; Scotland: 32; Wales: 22; Northern Ireland: 11.

⁵¹ The exception being upper tier authorities in England, e.g. County Councils. In England, upper tier authorities tend to be responsible for health and welfare legislation that affects farmed animals, whilst lower tier authorities are responsible for legislation that affects domesticated animals kept in other kinds of commercial settings.

neighbouring authorities to share resources to administer certain statutory duties, such as animal licensing inspections. The Scottish Animal Welfare Commission (SAWC) is reviewing how local authorities handle animal welfare issues as part of its current work plan and expects to report in 2025.⁵²

111. Calls for policy and legislative changes to ensure local authority animal welfare enforcement is undertaken more consistently have come to the fore in recent years. The All-Party Parliamentary Group for Animal Welfare (APGAW) published its ‘Improving the Effectiveness of Animal Welfare Enforcement’ report in 2022,⁵³ which contains a series of recommendations to address inconsistencies in England without the need for significant additional funding. Recommendations include amending the Animal Welfare Act 2006 to ensure local authorities use Dedicated Animal Welfare Officers (“DAWOs”) to enforce welfare legislation. Local authorities would not need to employ their own DAWO but would need to be able to access one, such as through a shared partnership. This would mean smaller local authorities, or those with few animal businesses in their area, could still benefit from dedicated expertise.
112. Other recommendations include forming a National Animal Welfare Board and regional animal welfare forums to discuss trends and emerging issues and inform policy while providing opportunities for greater collaboration between local authorities and other key groups, such as the police and NGOs. Additionally, the report recommends Defra start collecting animal welfare enforcement data on an annual basis.
113. In 2024, the EFRA Select Committee published its ‘Pet Welfare and Abuse’ report⁵⁴ and acknowledged the significant challenges local authorities in England face. This includes potentially substantial costs when animals are seized on welfare grounds and require care and accommodation during an investigation and legal proceedings. Concerningly, the report highlights that the capacity to house animals can be a barrier to enforcement, to the extent that some local authorities are struggling to execute warrants or are being forced to euthanise animals.
114. The Committee recommends the creation of a central unit of inspectors to support local authorities in England, much like the Animal Licensing Team in Wales. It also recommends that Defra work with local authorities to assess available kennel capacity and take steps to increase that capacity if required.

Challenges

115. The 2016/2017 report, ‘Animal Welfare in England: Domestic Pets’⁵⁵ was published by the EFRA Select Committee following an inquiry into the effectiveness of the Animal Welfare Act 2006 (“AWA”) in respect of domestic pets. As previously mentioned, the report highlights that national and local authorities have powers under s51 AWA to appoint inspectors. However, it is a discretionary power, and local authorities have no duty to appoint inspectors. Research in 2011 found that “just under 40% of local authorities in England had failed to appoint any Inspectors under the authority of section 51”, and of those that had, “only 17% had Inspectors dealing with companion animal welfare on a daily basis” [para 131].
116. The Committee concluded, “A major weakness of the Animal Welfare Act is that no state organisation is statutorily responsible for animal welfare. It is unacceptable that in a modern society no state organisation is responsible for animal welfare.”⁵⁶ The Committee recommended that “the Government place a statutory duty

⁵² <https://www.gov.scot/publications/scottish-animal-welfare-commission-workplan-july-2023/>

⁵³ <https://apgaw.org/wp-content/uploads/2022/08/Improving-Animal-Welfare-Enforcement-Report-1.pdf>

⁵⁴ <https://committees.parliament.uk/publications/44130/documents/218854/default/>

⁵⁵ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/11702.htm>.

⁵⁶ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/11702.htm> para 134.

on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are available to local authorities to support them in extending their statutory duties.”⁵⁷

117. The Government responded, “By replacing the existing laws on animal activities licensing schemes with regulations made under the 2006 Act, local authorities will be required to enforce the new licensing regime as it applies to pet sellers, dog breeders, riding establishments, animal boarding establishments and performing animals. We expect local authorities to decide how to enforce the Animal Welfare Act in their own areas based on local resources and priorities.”⁵⁸
118. Recent academic literature captures problems with the enforcement of animal activities regulations. Research published in 2020 by Angie Elwin and others⁵⁹ highlights a lack of information collected through the licensing regimes across the UK about the scale and diversity of the trade in exotic species. The study was based on information received from local authorities between May and September 2019 from Freedom of Information requests about licensed wild vertebrate pet selling (excluding ornamental fish) across the UK.
119. The findings indicate a lack of sufficient information in the animal schedule listed on many pet shop licences. Specifically, the paper cites a lack of information about the type and number of animals permitted for sale. Instead, phrases such as ‘various birds’ or ‘selection of snakes’ are used, with taxonomic information missing or listed without stating the maximum number of animals for sale. This was the case even in England, where the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“LAIAR”) clearly state that no animal other than the type of animal specified in the licence may be sold and requires that the licence must state the numbers for each species or species group that may be kept on the pet selling premises.
120. The authors conclude that this lack of information makes enforcement of the licensing requirements difficult. For example, if local authority inspectors do not know the specific type and number of animals permitted to be sold, it will be impossible to identify the legality of the species or the type of training required for inspection, or to “make meaningful assessments of the risk to human health and the welfare needs of the animals.”⁶⁰ Similarly, it will be difficult to determine if an animal is a ‘dangerous’ wild animal or a non-invasive species that could pose a risk to biodiversity or indigenous species if it escaped from captivity.
121. Furthermore, in England, which operates a star rating system under LAIAR, the authors found that 9.5% of pet traders in England had been given a one-star rating, indicating ‘minor failings’ which equate to a failure to meet the minimum conditions set out in LAIAR for record-keeping or animal welfare. These problems are potentially compounded by the lack of a statutory requirement for local authorities to enforce animal welfare legislation. Thus, whilst local authorities do enforce the licensing regime, strangely, there is no requirement on them when doing so to enforce the provisions of the parent Animal Welfare Act 2006.
122. **We recommend a comprehensive independent review of the ability of local authorities in England to deliver statutory and discretionary animal welfare duties, with a view to developing an improved delivery model. This could draw on examples of best practice from across the rest of the UK where appropriate.**

⁵⁷ Ibid para 135.

⁵⁸ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/1003/1003.pdf>

⁵⁹ <https://www.mdpi.com/2076-2615/10/12/2373>

⁶⁰ Ibid.

Prosecutions

123. In the abovementioned report, the EFRA Committee also recommended the RSPCA should, “withdraw from acting as a prosecutor of first resort where there are statutory bodies with a duty to carry out this role” (para 165). The RSPCA went on to announce in 2021 that it was exploring transferring its prosecution role to the Crown Prosecution Service (“CPS”), citing the significant responsibility of prosecuting increasingly complex and serious cases, as well as the impending introduction of increased maximum custodial sentences for serious welfare offences, as reasons.⁶¹ Alongside this announcement, the RSPCA signalled its intention to seek statutory powers for its inspectors. If the RSPCA achieves both of these things, this will bring England and Wales into greater alignment with Scotland, where decisions to prosecute animal welfare cases are taken by the Procurator Fiscal⁶² and where Scottish SPCA inspectors have statutory powers.
124. In making their recommendation, the EFRA Committee stated that the RSPCA should become a Specialist Reporting Authority and that the CPS would need to be suitably resourced and trained. It also suggested the RSPCA should retain its ability to bring private prosecutions “where it reasonably believes that there is no statutory alternative and where such a prosecution would further its charitable objectives” (para 168).
125. Undoubtedly, the handing over of prosecution functions to the CPS will be a challenge, although it could also represent an opportunity to address issues such as training for prosecutors in areas of animal protection legislation not under the ambit of the RSPCA, where there are already concerns about lack of expertise.
126. It is vital that the Committee’s recommendations about suitably resourced and trained CPS staff are heeded, and that, if prosecutions are handed over, the RSPCA becomes a Specialist Reporting Authority with appropriate powers given to Inspectors to enable them to investigate cases of suspected animal abuse or low welfare.

Farmed animals

Protecting animals on farms from deliberate abuse and neglect, including from breaches of regulatory standards

127. Investigating and enforcing animal welfare offences involving farmed animals is particularly challenging. This is due, in part, to the obvious logistical difficulties of thoroughly and simultaneously assessing and overseeing the welfare of what is often a vast number of animals. On a practical level, there are few dedicated locations where large numbers of farmed animals can be moved if they are seized, with most animal rescue groups focusing on caring for cats, dogs and other companion animals. In addition, the nature of farmed animals being perceived by society at large as a commodity means that significant expenditure on veterinary attention and other welfare measures is often unlikely and may be viewed as excessive when the cost of caring for these animals extends beyond their monetary value.
128. The speciesism inherent in investigating offences towards farmed animals is exacerbated by limited dedicated inspection by the enforcement bodies tasked with overseeing the welfare of the more than 900 million land animals reared on farms across the UK each year. The Animal and Plant Health Agency (APHA) is an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra). APHA is one of the regulators in Great Britain responsible for the delivery of government policies on animal health and welfare on behalf of Defra, the Scottish Government and the Welsh Government. While this regulator is tasked with overseeing health and welfare matters relating to farmed animals, they are also required to undertake multiple

⁶¹ <https://www.rspca.org.uk/whatwedo/strategy/prosecution>

⁶² The option to bring private prosecutions is not available in Scotland.

other functions, including disease surveillance and control; facilitating trade in animals, animal products and plants; conducting work for the Food Standards Agency (FSA) and the Convention on International Trade in Endangered Species (CITES); implementing and enforcing plant and bee health policy; implementing control measures around animal by-products; and dealing with issues relating to genetically modified organisms (GMOs) in England and Wales.

129. The most recent published annual statistics on the number of animal welfare inspections carried out on farms in Great Britain by the APHA dates from 2016.⁶³ This shows that just a tiny fraction of farms receive an animal welfare inspection, and details about the outcome of these visits are not provided. For example, in 2016, 1,676 (0.46%) farms had an animal welfare inspection out of a possible 362,151.⁶⁴ Such animal welfare inspections are typically conducted in response to an animal welfare complaint. Although APHA may carry out the inspection, the local authority would make any decision to take enforcement action.⁶⁵

130. APHA relies on local authorities for much of the day-to-day compliance monitoring and enforcement,⁶⁶ but it is well-established how stretched the resources of local authorities are across the country. An independent Farm Inspection and Regulation Review (the “Stacey Review”) published in December 2018 stated that “APHA appears to lack a sufficient breadth of enforcement powers”⁶⁷ and noted its reliance on local authority enforcement.⁶⁸ In recognising the problems with the current system, the report stated that “it is not acceptable or fair for enforcement to depend on locality” and “that the regulatory system should respond consistently to welfare complaints, and that oversight of animal health and welfare should not ever reduce because of local resource pressures.”⁶⁹ This review is discussed in greater depth below.

England

131. In England, there have only been a few independent reports published on the inspection and regulation of farms, which specifically cover enforcement, including:

- A National Audit Office report (2011) titled ‘Striking a balance: reducing burdens; increasing responsibility; earning recognition: A report on better regulation in farming and food business’ (the “2011 NAO Report”)⁷⁰ prepared by the Farming Regulation Task Force established in 2010 by the Minister of State for Agriculture and Food, James Paice. The Task Force was commissioned by Defra to undertake an extensive consultation on the impact of regulation on farmers and food-processing businesses in England (at a time when England was a member of the EU).
- A National Audit Office report (2012) titled ‘Streamlining farm oversight’ (the “2012 NAO Report”)⁷¹ prepared by the Department for Environment, Food and Rural Affairs to consider the progress the government is making following the 2011 NAO Report.

⁶³ <https://www.gov.uk/government/statistical-data-sets/animal-on-farm-welfare-inspections-in-great-britain>

⁶⁴ Ibid.

⁶⁵ <https://www.gov.uk/guidance/animal-welfare-on-farms-inspection>.

⁶⁶ APHA Regulatory & Compliance Policy (November 2017); Multi-Annual National Control Plan for the United Kingdom: April 2019 to March 2023.

⁶⁷ Farm Inspection and Regulation Review, December 2018.

⁶⁸ Ibid p43.

⁶⁹ Ibid pp vii-viii.

⁷⁰ <https://www.gov.uk/government/publications/independent-farming-regulation-task-force-report> (The 2011 NAO Report)

⁷¹ <https://www.nao.org.uk/wp-content/uploads/2012/12/1213797es.pdf> (The 2012 NAO Report)

- Dame Glenys Stacey's Farming Inspection and Regulation Review (2018) (the "Stacey Review"),⁷² commissioned by the Secretary of State for Environment, Food and Rural Affairs, Michael Gove, considered and made recommendations about farming-related regulation and enforcement. The inquiry extended to England only.
- Animal Equality's 'The Enforcement Problem: The Case for Stronger Enforcement of Farmed Animal Protection Laws in the United Kingdom' (2022) (the "Animal Equality Report"), which, as the title suggests, considered the UK more widely.⁷³

132. These reports highlight lacunas and problems with enforcement, spanning over a decade from the 2011 NAO Report to the Animal Equality Report in 2022. This report draws out recurring observations and findings across these reports, with a particular eye on what can be done to improve the efficiency and effectiveness of farmed animal inspection and enforcement.

Oversight

133. Oversight and enforcement of farming laws and regulations in England is the responsibility of five Defra bodies, local authorities and APHA. Within this framework, APHA and local authorities ("LAs") have responsibility for monitoring and surveillance of animal health and welfare.

134. LAs, in particular, are recognised as 'the statutory enforcing authority' for farmed animal welfare.⁷⁴ However, the Stacey Review notes that a survey of all LAs in 2014 concluded that "there were significant inconsistencies in enforcement across England, leading to a degree of 'postcode lottery'."⁷⁵ Eight years later, the Animal Equality Report has similarly identified the fact that there are over 300 principal local authorities across England, each being split into County, Unitary, Metropolitan, Borough or Sui Generis and District councils, resulting in varying approaches and different levels of funding.⁷⁶ This indicates that monitoring, surveillance and enforcement continue to be fragmented, varying between each local authority and its respective resources and priorities. Without cohesion, either by way of communication and partnership or otherwise through the involvement of a single regulatory body responsible for oversight and enforcement, there will continue to be lacunas in information and inconsistencies in approach.

135. On the role of LAs, the Stacey Review states that:

"The regulatory system should respond consistently to animal welfare complaints, and oversight should not reduce because of local resource pressures... it is not acceptable or fair for enforcement to depend on where you live. We appreciate that there is a cadre of capable and dedicated local authority animal health and welfare staff, albeit numbers are most likely reducing. Whilst recognising and applauding their good work, the primary responsibility for the regulation of animal health and welfare on farms should be moved from local authorities to the new regulator, in our view. A coordinated national regulatory strategy for animal health and welfare cannot be implemented now without centralised responsibility and authority."⁷⁷

⁷² <https://assets.publishing.service.gov.uk/media/5c11ac5d40f0b60c8701aa95/farm-inspection-regulation-review-final-report-2018.pdf> (The Stacey Review)

⁷³ https://animalequality.org.uk/app/uploads/2022/10/Report_The-Enforcement-Problem-in-the-UK.pdf (The Animal Equality Report)

⁷⁴ The Stacey Review p.42

⁷⁵ Ibid.

⁷⁶ The Animal Equality Report p.21

⁷⁷ The Stacey Review p.48

136. The Stacey Report also recognised that despite the work of the National Animal Health and Welfare Panel, communication and partnership between LAs and APHA was often reported as being relatively poor. This was due to priorities being misaligned and varying degrees of resources.⁷⁸ It also stated that:

“A survey of all LAs took place in 2014. From those that responded, it was clear the loss of ring-fencing and a reduction in overall LA funding had led to a shift away from dedicated animal health officers. LAs continued to carry out farm inspections (primarily for FSA-funded feed and food hygiene enforcement) but about half reported a reduction of between 25% and 75%. LAs had largely moved from proactive to reactive work. Almost six in ten said resource was not a factor when considering enforcement but the remainder said otherwise (including a significant number of the larger LAs). Resource applied to animal health and welfare had reduced by 45% in the preceding three years. Some LAs have since made difficult decisions to cut back further.”⁷⁹

137. Given the reported movement across LAs from proactive to reactive work, as well as the shift in resources away from dedicated health officers, it calls into question whether LAs can and should continue to be the enforcing authority. The independent reports point towards the notion of establishing a new independent regulator for farm and land management. Having a central body, with dedicated animal health officers, would not only create consistency in the approach and implementation of enforcement measures but would also mean that animal health and welfare would not be impeded due to the pressures or competing priorities of local authorities. Currently, no one body has a holistic view of each farm, and, consequently, disjointed and sporadic inspections or investigations have been reported.⁸⁰

138. The Stacey Review in particular advocates for a single regulator, with sufficient knowledge and experience, and a broad range of powers, to investigate and enforce the legislation, regulations and code of practice that govern farmed animal welfare. A single regulator would bring cohesion to a system that comprises separate agencies that do not have the appropriate resources or capacity to share information, which has resulted in the current disjointed approach. The regulator will be responsible for a periodic report on farming that is the outcome of a holistic and comprehensive assessment of farming practices across England.

139. The review additionally recommends that such a regulator be given the power to create or administer a licensing scheme in relation to designated farming activities.⁸¹ The purpose of this power would be to ensure that “only suitably capable farmers and land managers undertake designated farming activities.”⁸² The review does not consider which farming activities should or could be subject to licensing. However, it does imply inclusion of animal keeping would be within scope⁸³ and that powers could additionally be created to allow the regulator to seize and dispose of farmed animals “where there is a risk of harm, where the farmer is in breach of a registration or licence condition or restriction, or to secure compliance with an undertaking or direction.”⁸⁴ This would represent a significant change in approach to the regulation of farmed animal keeping.

140. The power to undertake criminal prosecutions⁸⁵ would be bolstered by an independent regulator, which would have collected data on the farmer and be able to conduct a proper investigation, to meet the higher

⁷⁸ The Stacey Review p.42

⁷⁹ The Stacey Review p.42

⁸⁰ The Stacey Review p.vi

⁸¹ The Stacey Review p87.

⁸² Ibid.

⁸³ See the description of power 28 on p95.

⁸⁴ Ibid.

⁸⁵ Ibid p96.

standard of proof required in criminal prosecutions. This regulator could also have a range of enforcement actions at its disposal, depending on the severity of the action or inaction. For example, where animal health and welfare standards are being disregarded, directions to comply and licence withdrawal could assist the regulator. In particular, where the animal keeper requires access to the market, cessation of business could be particularly effective.

141. A potential disadvantage of a centralised regulator, however, could be the loss of local knowledge. That said, where there are individual local authorities or other suitable bodies that exemplify competence and capability, the Stacey Review suggests that the regulator could be empowered to commission regulatory activities on to these LAs and other bodies. LAs would also not be marginalised by the new regulator, as the Stacey Review recognises that LAs have much wider responsibilities than just animal health and welfare on farms. They will wish to continue to investigate and prosecute within their own areas, and LAs will continue to play an important and valued role locally, in exotic disease outbreaks and other emergency situations.⁸⁶

142. At the time of writing, the UK government has not given a formal response to the Stacey Review. However, in April 2022, Victoria Prentis, then Minister of State for Defra, stated that “we have been using the learnings and recommendations made in the Review to engage with farmers and other experts to design and reform the farming regulatory system” and “will assess the recommendation of the Dame Glenys Stacey Review to deliver coherent regulation for the farming sector.”⁸⁷ However, there has been little further public discussion about the findings of the Stacey Review since and, with a new administration, it remains to be seen whether there will be any movement towards establishing a single regulator with any of the powers identified in the review.

143. However, a development that has since occurred is that in 2023, the Animal Health and Welfare Pathway (the “Pathway”) was launched as part of a wider Agricultural Transition Plan from 2021 to 2024.⁸⁸ The Pathway encourages partnerships between farmers, vets, and the wider industry to deliver benefits for animal health and welfare, as well as food security, public health and the environment.⁸⁹ This resembles the progress that was noted in the 2012 NAO Report as having been made in Scotland, where eight public supervisory bodies joined to form a public partnership, and in turn, share intelligence and carry out more comprehensive assessments. Improvements in England would stem from English agencies taking similar steps to Scotland to bring cohesion and coordination.

144. The Pathway has determined animal health and welfare priorities for each livestock sector, to summarise:

- Meat chickens: The Pathway priorities are focused on implementation of the Better Chicken Commitment and adopting welfare-improving technologies.
- Laying hens: The Pathway's priorities are to commence a transition away from cages, to improve feather cover management and improve bone health.
- Pigs: The Pathway's priorities are to improve biosecurity (by controlling endemic pig diseases), tackle reproductive and respiratory viruses, and reduce sow confinement and stress.
- Cattle (beef and dairy): The Pathway's priorities are to tackle bovine viral diarrhoea, reduce lameness, upgrade housing, improve pain management and improve cattle welfare; and

⁸⁶ The Stacey Review p.56

⁸⁷ <https://questions-statements.parliament.uk/written-questions/detail/2022-03-30/150189/>

⁸⁸ <https://assets.publishing.service.gov.uk/media/60085334e90e073ec94cc80b/agricultural-transition-plan.pdf>

⁸⁹ <https://www.gov.uk/government/publications/animal-health-and-welfare-pathway/animal-health-and-welfare-pathway>

- Sheep: The Pathway's priorities are to provide tailored health screening, reduce lameness, improve ewe sustainability and improve pain management.

145. **We recommend that the new UK government revisit the Stacey Review and give consideration to establishing a single regulator that could oversee animal health and welfare on farms in England.**

Recording

146. Another recurring theme across the independent reports is data collection and analysis, particularly lacunas in the collection and siloing of the information that is gathered. In this respect, the 2012 NAO Report acknowledges that:

‘The Department has not collected the data it needs to understand the scale, nature and effectiveness of farm oversight activity. It does not routinely collect or analyse robust data on the overall number and pattern of farm visits, nor levels of compliance across its regulatory regimes.’⁹⁰

147. In order to access information on how each agency is monitoring compliance with regulatory standards and codes of practice, DEFRA needs to reach out to each agency separately. Even if the information is provided by each agency or authority, the 2012 NAO Report notes that the separation of information means that agencies are measuring and categorising activity inconsistently.⁹¹ Such disjointed collection and recording of information hinders the ability to carry out a holistic assessment of the information collected and, in turn, to fairly and appropriately implement enforcement actions. It is, therefore, no surprise that DEFRA reported that:

“The Department does not systematically bring together data on levels of non-compliance or use it to evaluate associated risks. The Department does not routinely view all its data from across the 35,120 compliance inspections to evaluate rates of non-compliance, identify common problems or risks in farming practice, identify trends, or prioritise mitigation such as improved guidance. Systematic evaluation would enable the Department to prioritise the nature and approach of inspection activity across its oversight bodies...”⁹²

148. If a single regulator for farm and land management is formed, with dedicated animal health and welfare officers, the regulator can utilise the information created as part of the Animal Health and Welfare Review to build up its own databases, research and analysis capabilities to identify trends and respond appropriately, and establish new frameworks to ensure that farmers provide frequent information and that these are regularly checked, thereby creating sufficient surveillance data and information, and allowing the regulator to track progress.

149. A system called Chronos is currently used by the FSA to record animal welfare incidents and enforcement action taken by Authorised Officers in approved slaughterhouses. The purpose of the system is “to generate records of live and historic enforcement interventions and to help AOs in their:

- assessment and prioritisation of enforcement action
- communication of enforcement action in real time to other members of the inspection team and wider FSA audit and Unannounced Inspection colleagues
- tracking or monitoring of enforcement action through to compliance or a referral for investigation.”⁹³

⁹⁰ The 2012 NAO Report p.7

⁹¹ The 2012 NAO Report p.7

⁹² Ibid.

⁹³ <https://www.food.gov.uk/business-guidance/chapter-7-enforcement> para 2.4.1.

150. Data from Chronos is shared on a monthly basis with Defra and the Welsh Government.⁹⁴ Incidents relating to welfare in transport are referred to the relevant local authority and recorded on Chronos with a unique identification number “to aid traceability of cases.”⁹⁵ However, it does not appear that local authorities or APHA use this system, making it unclear how cases and outcomes are traced in practice. Also, oddly, incidents related to on-farm welfare are referred to the APHA and local authorities but do not need to be recorded on Chronos, creating a clear inconsistency in approach to different locations.⁹⁶ It is not clear how local authorities and the APHA record welfare incidents and enforcement action taken. **We recommend that farmed animal welfare incidents and enforcement action be recorded consistently and centrally to enable effective tracing of case outcomes and monitoring of trends. To enable this, consideration could be given to expanding the use of the existing Chronos system to APHA and local authorities.**

151. Presently, there are minimal legal requirements with respect to animal welfare reporting by people who operate farms. Schedule 1, paragraph 7 of the Welfare of Farmed Animals (England) Regulations 2007 requires that a record of any medicinal treatment given to animals and the number of mortalities of laying hens, calves or pigs must be maintained.⁹⁷ Such records should be kept for a period of three years and made available upon request by an inspector. This leaves multiple gaps: there are only three species expressly referred to in paragraph 7, which excludes other commonly farmed animals such as sheep and goats, and the nature of the record is with respect to medicinal treatment and mortalities only, leaving out the range of incidences that can occur on farms that can indicate issues in respect to animal health and welfare standards, for example, incidences of lameness in cattle, tail biting in pigs, pododermatitis in chickens etc. Regulations should go much further to improve standards of reporting and recording.

Inspections

152. In England, a risk-based approach to inspection is taken, whereby inspections occur following a potential breach of welfare standards, or as otherwise requested by a member of the public, vet or other official body. The Animal Equality Report cites that there are nearly 300,000 farms in the UK, but between 2018- 2021, an average of only 2.95% of farms were inspected by public bodies.⁹⁸ More recently, a sample of published responses by two local authorities across 2024 to freedom of information requests on farmed animal welfare shows one local authority responsible for 24 farms reporting that there had been 15 inspections (with two farms being inspected more than once) and another local authority responsible for 5 farms reporting that only one farm was inspected one or more times.⁹⁹ It is not possible to draw notable conclusions from such a small sample. However, this is important public interest information that should be proactively published. **We recommend Defra resume publishing on-farm welfare inspection data annually (this data was last published in 2016¹⁰⁰).**

153. Inspections, and the visibility they bring, are important for compliance. Inspections are even more important in the farming industry, given the set-up and infrastructure involved in farming. More often than not, animals are not visible to the public due to the size or location of farms, or otherwise due to the large farm housing that is used. Responsibility for farmed animals’ welfare also passes from one actor to another multiple times. This creates practical impediments to others being able to spot, report, and accurately attribute

⁹⁴ <https://www.food.gov.uk/business-guidance/chapter-23-animal-welfare> para 3.2.1.

⁹⁵ Ibid para 7.2.5.

⁹⁶ Ibid para 7.2.6.

⁹⁷ <https://www.legislation.gov.uk/uksi/2007/2078/schedule/1/paragraph/7>

⁹⁸ https://animalequality.org.uk/app/uploads/2022/10/Report_The-Enforcement-Problem-in-the-UK.pdf

⁹⁹ <https://www.thurrock.gov.uk/foi-responses/animal-welfare-0>; <https://secure.derby.gov.uk/foi/download?id=13311>

¹⁰⁰ <https://www.gov.uk/government/statistics/animal-welfare-inspections-on-farm>

culpability for, potential breaches of welfare standards. At the same time, regulations, such as the Welfare of Farmed Animals (England) Regulations 2007 (WOFAR), impose requirements in relation to sick and injured animals. For example, under WOFAR, lame cows require care without delay, with minimal means to check if these requirements are being met.

154. As considered later in this report, surveillance technologies such as CCTV are important to increase the chance of detection of breaches of welfare standards. In 2018, the Mandatory Use of Closed-Circuit Television (CCTV) in Slaughterhouses (England) Regulations 2018 came into effect. The equivalent Scottish regulations came into effect in 2021, and the Welsh Government announced in May 2024 that it has also approved the Mandatory Use of Closed-Circuit Television in Slaughterhouses (Wales) Regulations 2024. With respect to the regulation in England, whilst it imposes a duty to install and operate a CCTV system, the footage only needs to be kept for 90 days and is only made available to an official body if requested. This means that legal breaches that occur in slaughterhouses could go undetected by officials unless the footage happens to be reviewed.
155. The Stacey Review encourages the use of modern technologies to help develop surveillance more widely within the sector, for example, the use of high-resolution satellite imagery to detect breaches in regulation. The government has demonstrated that it is more willing to support the development of technologies related to animal health and welfare. An update on the Agricultural Transition Plan published on 19 March 2024 notes that since 2021, 134 projects have commenced involving over 350 organisations which aim to make use of artificial intelligence ("AI") to support animal health and welfare. Through the Farming Investment Fund, DEFRA has awarded more than 11,000 grants worth over £120 million to farmers, growers and foresters to invest in technology, equipment and infrastructure to support improvements in animal health and welfare.¹⁰¹
156. Official Veterinarians carry out post-mortem inspections to identify welfare issues. Where the results indicate poor welfare conditions (either by the severity of the animal's condition or the frequency of issues identified), a report is generated and shared with the animal keeper, as well as APHA, to target inspections. For such inspections and reporting to work, there needs to be adequate thresholds at which issues are flagged. If these thresholds are too high, offences could occur and be undetected. Another measure, which is advocated by the Farming Regulation Task Force, is 'earned recognition', which rewards good practice with less frequent inspections.¹⁰² Farmers can sign up for assurance schemes, for which membership requires frequent inspections, and be rewarded for good standards of animal welfare. In turn, regulatory agencies can rely upon the standards required for membership to the assurance schemes and the inspections being carried out as part of the schemes as evidence of compliance, rather than duplicate inspections. The practical effect of this would actually be reducing the number of inspections, creating more capacity for inspecting authorities. However, an earned recognition approach only works if welfare compliance information is reported to statutory regulators, so that information is shared, and the regulator continues to have sufficient oversight of the health and welfare of farmed animals.
157. The bringing together, and regular checking, of the information that is collated from post-mortem inspections, farming assurance schemes, as well as CCTV records and other technologies applied for surveillance, has significant potential to improve the safeguarding of animal health and welfare by enabling

¹⁰¹ <https://www.gov.uk/government/publications/agricultural-transition-plan-2021-to-2024/agricultural-transition-plan-update-january-2024>

¹⁰² <https://assets.publishing.service.gov.uk/media/5a78d24340f0b6324769a6d9/pb13527-farm-reg-task-report.pdf> p.5

comprehensive and holistic assessments of compliance with animal health and welfare standards across the farming sector.

Enforcement actions

158. The recent Animals (Penalty Notices) Act 2022 sets out a legal framework to issue fixed penalties to those not complying with animal health and welfare regulations with the aim of “support[ing] early redirection through behaviour change to promote compliance.”¹⁰³ The policy objective of this Act is to provide enforcers with an additional tool to promote compliance that is “flexible and proportionate.”¹⁰⁴ The Animals (Penalty Notices) (England) Regulation 2023 came into force on 1 January 2024, which set out the offences applicable to the relevant animal health and welfare enforcement action in sch 1. Other than formal prosecutions, legislative enforcement actions available for breaches of regulations in the farming sector include improvement notices under the Animal Welfare Act 2006 in England and Wales and the Welfare of Animals Act (Northern Ireland) 2011, and care notices under the Animal Health and Welfare (Scotland) Act 2006 in Scotland.
159. In England, the body primarily responsible for enforcement is the LA. The following statement has been published by an LA in respect to its approach to enforcement:
- “Where necessary, we will take enforcement action. This is usually a statutory notice, which details the steps the owner must take to improve the welfare of an animal. In extreme cases, we have powers to seize livestock and care for the animals while taking legal action against the owner.”¹⁰⁵
160. Although APHA has powers to undertake surveillance and investigations, APHA confirmed in a freedom of information response sent to Animal Equality that it does “not recommend prosecutions” to the local authorities and “does not have an enforcement function” itself.¹⁰⁶ The Stacey Review recognises in this regard that APHA appears to “lack a sufficient breadth of enforcement powers” and notes that APHA’s “lack of civil sanction and intervention powers is particularly striking.”¹⁰⁷ APHA “has few options outside advice, warnings and notices. In the absence of more flexible civil enforcement powers, APHA remains reliant ... on local authority enforcement in more serious cases. Local authority referrals then become dependent on local authority priorities.”¹⁰⁸ The review additionally suggests that “[i]n many cases, sensible outcomes could be achieved more quickly and efficiently using a wider range intervention powers rather than prosecution.” This has been somewhat addressed in recent years by the passage of the abovementioned Animals (Penalty Notices) Act 2022 and The Animals (Penalty Notices) (England) Regulations 2023, which creates a framework for enforcers to issue penalty notices for certain animal health and welfare offences.
161. Reports on enforcement actions in the farming sector, in particular, refer to a historical system called cross compliance, which ended at the end of 2023. Cross compliance was a system linked to certain farm support payments, and it had been heavily relied upon for the enforcement of animal health and welfare standards. The Stacey Report explains that “cross compliance penalties are determined by first assessing whether the breach resulted from negligence or intent, then the extent, severity and permanence are assessed by inspectors using guidance designed to achieve a consistent application of the rules.”¹⁰⁹ However, the Stacey Report states that its rules are “enforced mechanistically” which “undermines trust and confidence in the fairness of the system” and its role in driving up compliance with standards overlooks farmers who are not

¹⁰³ <https://www.legislation.gov.uk/ukpga/2022/19/notes/division/3/index.htm>

¹⁰⁴ https://www.legislation.gov.uk/ukxi/2023/1350/pdfs/ukxiem_20231350_en_001.pdf

¹⁰⁵ <https://www.norfolk.gov.uk/article/43624/Animal-welfare>

¹⁰⁶ The Animal Equality Report p. 54

¹⁰⁷ The Stacey Review p43.

¹⁰⁸ The Stacey Review p.43

¹⁰⁹ The Stacey Review p.40

eligible for subsidies.¹¹⁰ DEFRA has subsequently reported that the payments linked to cross compliance are winding down, having been "widely regarded as inflexible and disproportionate", as reported by DEFRA in its public consultation in 2023 on the implementation of penalty notices for animal health and welfare offences.¹¹¹

162. The move away from cross compliance creates room for new approaches to enforcement. There exists a range of formal enforcement actions, including warning letters, enforcement notices and financial penalties. However, there are other enforcement powers that could be made available to LAs and APHA to allow both bodies to take a more proactive approach. These actions do not need to be punitive in nature; they could incentivise and reward good behaviours and provide more accessible advice to prevent instances where a breach of standards could arise. Examples of such measures to incentivise and reward is the award granted under Agricultural Transition Plan to approximately 3,400 livestock farmers to purchase equipment and technology to improve animal health and welfare on-farm, such as better handling equipment, and future grants to support infrastructure developments to include livestock conditions.¹¹²

163. DEFRA refers to this approach as "payment-by-results", which supports livestock management and, in turn, improves animal health and welfare and is carrying out studies to understand what payment amounts would be sufficient.¹¹³ The Pathway initiative seeks to implement reform by financially rewarding farmers who deliver public goods. These financial rewards will be granted through:

- the Annual Health and Welfare Review, which was launched in February 2023, offers farmers funding for an annual visit from a vet of their choice (currently, this offer is for 3 years).
- Animal health and welfare capital grants, which can be applied for by livestock farmers of cattle, pigs, sheep, meat chickens and laying hens. In future, the Pathway aims to expand the grants to livestock farmers of goats, ducks and turkeys.
- Disease eradication and control programmes, to provide financial support to prevent and reduce endemic diseases and conditions; and
- Supporting stockmanship, which is a new scheme being trialled in 2024 and 2025, to reward farmers who achieve higher animal health and welfare outcomes by contributing to the costs associated with higher welfare practices.

164. For the first time, under the Pathway initiative, targeted funding will support and reward both initial and ongoing improvements in the health and welfare of England's farm animals.

165. Importantly, the aforementioned funds recognise that cost can be a barrier to change. Higher standards of animal health and welfare require greater cost. Initiatives that support these costs could support and encourage farmers to implement higher standards of animal health and welfare. More efforts can be made to ensure that higher health and welfare standards are supported in opposition to cheaper imports of farmed products.

166. The provision of incentives and support as an approach to enforcement, as noted by Rt Hon George Eustice, the Secretary of State for the Environment, Food and Rural Affairs, also breaks down the "binary divide between advice and enforcement" to implement "a modern approach to assurance and regulation with more

¹¹⁰ The Stacey Review p.43

¹¹¹ https://consult.defra.gov.uk/animal-health-and-welfare/penalty-notices-for-ahw-offences-in-england/supporting_documents/Introducing%20penalty%20notices%20for%20animal%20health%20and%20welfare%20offences%20in%20England.pdf p.16

¹¹² <https://www.gov.uk/government/publications/agricultural-transition-plan-2021-to-2024/agricultural-transition-plan-update-january-2024>

¹¹³ <https://assets.publishing.service.gov.uk/media/60085334e90e073ec94cc80b/agricultural-transition-plan.pdf> p.48

holistic assessments of regulatory compliance and with greater emphasis on advice and improvement so that farmers and regulators work together to improve standards. This will be underpinned by credible deterrents for severe or serial harm".¹¹⁴

Northern Ireland

167. In Northern Ireland, there has been no comprehensive review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011 as it applies to Farmed Animals since the Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011 Final Report - February 2016.¹¹⁵ While dated, this report makes some recommendations which still remain relevant, including around delivery structures, where the report recommends the use of "lessons learned from case reviews as a learning opportunity for enforcement staff and that training (including training of call handlers) be regularly reviewed." Since 2016, DAERA has produced annual reports¹¹⁶ summarising welfare compliance statistics for farmed animals. These reports set out the annual number of welfare complaints received about production sites (farms), the number of site inspections undertaken, and the outcome of any enforcement action taken. These reports are discussed in our sister report about *Enforcement & Oversight in Practice*.

Scotland

168. In Scotland, there has been no comprehensive review of the Animal Health and Welfare (Scotland) Act 2006, The Welfare of Farmed Animals (Scotland) Regulations 2010, and subsequent amendment Regulations, including the Welfare of Farmed Animals (Scotland) Amendment Regulations 2020, but implementation with regard to Farmed Animals has been looked at through a number of different avenues. The *Animal health and welfare in the livestock industry: strategy 2016 to 2021*¹¹⁷ was published in 2016 as "an animal health and welfare strategy...tailored to Scotland's needs". This strategy covered Farmed Animals. The Strategy recognised that "in some areas... improving the enforcement of existing legal standards has the greatest potential for improving animal welfare" with a specific action for The Scottish Government to "work with APHA, local authorities and other partners to review the current approach to enforcing livestock health and welfare regulation and will make proposals for improvements." While the Strategy itself did not cover the recommendations, it noted that "Farming organisations have argued that having a number of bodies overseeing animal health and welfare, including industry assurance bodies, local authorities, APHA and Scottish Government check on cross-compliance is both unnecessary and burdensome. The existing division of responsibilities can also make it difficult to assemble evidence where suspected infringements are particularly complex or cross several local authority boundaries." The Strategy noted the intention to streamline and improve the existing system, highlighting that implementation and enforcement can be difficult when there are multiple organisations.
169. In addition, in March 2020, the Scottish Animal Welfare Commission agreed that, in addition to its obligation under Regulation 14 of the 2020 Regulations to report on its activities, it would review relevant activity by the Scottish Government. This review provided an overview of the activity by the Scottish Government and, while not specifically focussing on enforcement, highlighted some of the work in progress, including discussions with other administrations and stakeholders on possible reforms to animal transport legislation, and funding of additional research on welfare of cattle and sheep transported by sea from the Northern Isles.
170. The review also noted the Scottish Government's involvement in the AWC, which is an expert committee of the Department for Environment, Food and Rural Affairs (Defra) and the Scottish and Welsh Governments,

¹¹⁴ <https://assets.publishing.service.gov.uk/media/60085334e90e073ec94cc80b/agricultural-transition-plan.pdf> p.6

¹¹⁵ <https://www.daera-ni.gov.uk/publications/review-implementation-welfare-animals-act-ni-2011>

¹¹⁶ Source: DAERA Animal Welfare Statistics for years 2016-2022. Available at: <https://www.daera-ni.gov.uk/articles/animal-welfare-statistics>.

¹¹⁷ <https://www.gov.scot/publications/animal-health-welfare-livestock-industry-strategy-2016-2021/>

previously known as the Farm Animal Welfare Committee (FAWC). While the AWC has not undertaken a comprehensive review on enforcement, they have published a number of opinions which touch on enforcement and issues with this. For example, the *AWC Opinion on the welfare implications of different methods and systems for the catching, carrying, collecting and loading of poultry* of March 2023¹¹⁸ included enforcement recommendations which included greater sharing of information, use of a digital system and "amending of the animal transport certificate so that, for poultry, there is a space in which the catching and carrying or collecting method used must be recorded." In addition, the AWC reviewed their 2014 *Opinion on the welfare of farmed fish at the time of killing* in September 2023.¹¹⁹ The review covered enforcement with recommendations including that "CCTV should be used at farmed fish slaughter sites, with recordings kept for 90 days and available to inspectors" and highlighting the lack of penalties for "those who fail to comply with the legislation and deliberately harm farmed fish or who fail to protect fish welfare during slaughter and killing." The Scottish Animal Welfare Commission also publishes its minutes online.¹²⁰ These cover and discuss elements of enforcement, including "the welfare of farmed fish at the time of slaughter."¹²¹

CCTV as an investigative tool

171. Footage from undercover investigations has shown animals at slaughterhouses being kicked, beaten and mistreated, in some instances leading to successful prosecutions of the individuals involved.¹²²
172. Given the difficulties in auditing the treatment of animals at the time of slaughter due to the scale in question and the health restrictions around presence during certain killing methods, the Mandatory Use of Closed-Circuit Television in Slaughterhouses (England) Regulations 2018 is a positive development. These Regulations introduce compulsory use of CCTV in all areas of slaughterhouses in England where there are live animals and similar regulations have been adopted in Scotland since July 2021.
173. In Wales, the Mandatory Use of Closed Circuit Television in Slaughterhouses (Wales) Regulations 2024 came into force on 1 June 2024 and give slaughterhouse operators six months to comply before the requirements are enforced from 1 December 2024.¹²³ As of January 2022, CCTV was present in 17 out of the 23 largest slaughterhouses in Wales, though only ten would fully comply with the Welsh Government's proposals with their current set-up.¹²⁴ The current Agriculture Minister, Andrew Muir, has signalled he intends to consult on the compulsory introduction of CCTV in Northern Ireland.¹²⁵ The FSA report that CCTV currently covers 99% of animals slaughtered in the nation.¹²⁶

¹¹⁸

https://assets.publishing.service.gov.uk/media/65ce3cdf0f4eb1001aa9811a/AWC_Opinion_on_poultry_catching__carrying__collecting_and_loading_submitted_version__27.3.23.pdf

¹¹⁹ <https://www.gov.scot/publications/animal-welfare-committee-awc-update-to-the-2014-fawc-opinion-on-the-welfare-of-farmed-fish-at-the-time-of-killing/>

¹²⁰ <https://www.gov.scot/groups/scottish-animal-welfare-commission/#:~:text=The%20Scottish%20Animal%20Welfare%20Commission%20members%20are%3A,lawyer%20specialising%20in%20Animal%20Welfare>

¹²¹ <https://www.gov.scot/publications/scottish-animal-welfare-commission-minutes-8-november-2023/>

¹²² For example, in the case of two employees at Cheale meats, Wasiuta and Smith, who were sentenced to imprisonment in 2012 for mistreating pigs after an undercover investigation filming the slaughterhouse. See <https://www.animalaid.org.uk/timeline-case-cheale-meats-employees/>. Welfare breaches were also discovered from CCTV footage at a slaughterhouse operated by G and GB Hewitt Ltd. The company and six slaughtermen were convicted of offences contrary to the Welfare of Animals at the Time of Killing (England) Regulations 2015 and sentenced to fines ranging from £160 to £19,500 in May 2023.

¹²³ <https://www.gov.wales/mandatory-use-cctv-all-slaughterhouses-approved>

¹²⁴ <https://www.gov.wales/mandatory-closed-circuit-television-cctv-slaughterhouses-regulatory-impact-assessment-html#:~:text=The%20Welsh%20Government%20has%20made,operating%20to%20high%20welfare%20standards.>

¹²⁵ <https://data.niassembly.gov.uk/HansardXml/committee-33130.pdf>

¹²⁶ <https://www.food.gov.uk/sites/default/files/media/document/fsa-21-09-15-animal-welfare.pdf> para 3.17.

174. CCTV increases the chance of detection and, coupled with increased penalties, should act as a more significant deterrent and lower rates of offending behaviour towards animals. CCTV cameras may also help highlight other animal welfare issues present in slaughterhouses, such as the reliability of stunning methods. It may also help determine whether animal welfare issues have occurred before arrival at or within the slaughterhouse. The FSA's 2022/23 annual animal welfare report states that 15% of major and critical non-compliances in slaughterhouses were identified using live or retrospective CCTV viewing.¹²⁷

175. Furthermore, the importance of CCTV is demonstrated by the fact that seven slaughterhouse Certificates of Competence were revoked and 43 suspended in 2022/23.¹²⁸ CCTV footage supported 84% of suspensions and revocations.¹²⁹ Indeed, the FSA has found that 29% of slaughterhouses audited have identified animal welfare breaches by reviewing CCTV evidence.¹³⁰ **We recommend that mandatory CCTV be introduced in Northern Ireland as soon as possible and that CCTV be utilised more widely to protect the welfare of farmed animals at markets, ports and during transport.**

The importance of CCTV being freely available for inspection and monitoring

176. Unrestricted access to recorded images is vital for ensuring footage from CCTV can be meaningfully used for evidential purposes. Real-time footage must be viewable by authorised persons, as this will allow spot checks to be carried out and faster action to be taken when regulatory breaches are discovered. In England and Scotland, by law, CCTV images should be retained and stored for 90 days.

177. Nevertheless, there are concerns that CCTV footage is not being viewed or acted upon to reach the animal welfare standards in WATOK. For example, in 2021, the Animal Justice Project obtained 200 hours of CCTV footage from one slaughterhouse deemed 'generally satisfactory' by the FSA and, in reviewing the footage, found evidence of extensive suffering and abuse. One piglet was alive in a scalding tank, bulls were beaten for over 40 minutes, and workers, including the manager, cut the throats of animals who had not been effectively stunned.¹³¹

178. Inspectors¹³² are empowered to view, seize or take a copy of CCTV footage for up to 90 days after filming. According to Defra's post-implementation review of the English Regulations, all FSA staff must monitor live and historical footage for a period of at least 15 minutes each day.¹³³ As the footage is not continuously monitored, the figure given by the FSA that 99.9% of animals are killed without incident¹³⁴ may not reflect reality, and there is a real risk that animal welfare issues will continue to go undetected. It is of particular concern that the FSA has reported "numerous losses" of CCTV footage.¹³⁵ This is despite the legislation placing a duty on business operators to retain and store CCTV images for 90 days. It is an offence to contravene this duty, which is punishable on summary conviction with a fine.

¹²⁷ <https://www.food.gov.uk/board-papers/annual-animal-welfare-report-202223> at 7.2.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955031/welfare-animals-time-of-killing-regs-2015-post-implementation-review.pdf p.24 at 89

¹³¹ See <https://www.animaljusticeproject.com/campaigns/scammed> and <https://www.surgeactivism.org/articles/breaking-lawbreaking-and-abuse-rife-at-slaughterhouse-despite-cctv-and-vet-presence-reveals-scammed-investigation>

¹³² "inspector" means a person appointed under regulation 34 of the Welfare of Animals at the Time of Killing (England) Regulations 2015(2) or a person appointed as an inspector under section 51 of the Animal Welfare Act 2006; s.51 AWA: 'An inspector is a person appointed either by a local authority or by the appropriate national authority (either the Secretary of State or the National Assembly for Wales). In practical terms, an inspector of the appropriate national authority is currently likely to be a State Veterinary Service inspector'. regulation 34, WATOK: 'The competent authority or a local authority may appoint inspectors for the purpose of enforcing the EU Regulation and these Regulations.'

¹³³ https://www.legislation.gov.uk/uksi/2018/556/pdfs/uksiod_20180556_en_001.pdf para 45.

¹³⁴ <https://www.food.gov.uk/board-papers/fsa-22-09-18-annual-animal-welfare-main-report-202122>, at 8.1

¹³⁵ https://www.legislation.gov.uk/uksi/2018/556/pdfs/uksiod_20180556_en_001.pdf para 63.d.

179. Under WATOK, slaughterhouses that kill over 1,000 ‘livestock units’¹³⁶ or over 150,000 farmed poultry per year are additionally required to appoint a dedicated animal welfare officer (AWO) to help ensure compliance with animal welfare rules. However, concerns about staff shortages and the mistreatment of personnel responsible for carrying out such checks have been reported in the media.¹³⁷

180. Whilst not a panacea, CCTV can clearly aid in detecting animal welfare issues in slaughterhouses. **We recommend that resourcing be made available to increase the number of inspectors responsible for overseeing animal welfare in approved slaughterhouses and increase CCTV monitoring. As highlighted in Defra’s post-implementation review, artificial intelligence could be utilised to increase monitoring capacity in the future.**¹³⁸ **We also recommend that efforts be made to transition CCTV footage to secure online platforms such that in-person visits are not always necessary to view footage, making monitoring more efficient and less time-intensive, and reducing the scope for intimidation of personnel.**

Stronger response needed by FSA to violations in slaughterhouses

181. Data published by the FSA shows that most animal welfare breaches in slaughterhouses in England and Wales are dealt with through verbal or written advice only. Incidents thought to have originated during transport or on farms are typically referred to the relevant competent authority.

182. For example, FSA animal welfare data¹³⁹ for 2023 shows that most instances at slaughterhouses were addressed solely using verbal or written advice. Amongst incidents addressed using oral or written advice include the following: 228 poultry were injured during unloading; 500 poultry were affected by rough handling; three sheep were pulled by their ears, fleece, tail or sensitive body parts; 30,000 poultry were given inadequate clean water; 23 cattle were affected by delayed bleeding after stunning; 39 cattle and 118 pigs were affected by overstocking in the lairage in separate incidents; 15 pigs were injured due to a slippery floor; 994 pigs were impacted by untrained staff performing tasks that require a certificate of competence. Each of these is an apparent breach of WATOK.

183. The FSA’s enforcement policy¹⁴⁰ within the Manual of Official Controls (MOC) sets out a hierarchy of enforcement action, which is influenced by the legislation contravened, the enforcement powers available and the level of risk associated with the non-compliance. In the case of breaches that require immediate action, the policy states:

“Where contraventions need to be remedied immediately based on public health/animal health or animal welfare risk, AOs [Authorised Officers] must first verbally request the FBO [Food Business Operator] rectifies the issue, but where they fail to respond, the advice may be followed immediately with the service of a formal notice requiring immediate rectification, such as a Remedial Action Notice for breaches of the Hygiene Regulations, a Welfare Enforcement Notice for breaches of animal welfare legislation or Notice requiring the Disposal of an ABP [animal by-product]...”¹⁴¹

184. Verbal and written advice, welfare enforcement notices (WENs) and referral for investigation may all be used to address breaches of WATOK within approved slaughterhouses. According to the enforcement policy, the first course of action, if a contravention of any legislation is detected, is for the Authorised Officer (an Official Veterinarian (OV) in the case of animal welfare breaches) to speak to the Food Business Operator (FBO) to

¹³⁶ This language has been replicated here as one farmed animal doesn’t always equate to one ‘livestock unit’, depending on the species.

¹³⁷ <https://www.thebureauinvestigates.com/stories/2016-08-28/severe-welfare-breaches-recorded-six-times-a-day-in-british-slaughterhouses>

¹³⁸ https://www.legislation.gov.uk/uksi/2018/556/pdfs/ukiod_20180556_en_001.pdf para 63.b.

¹³⁹ <https://www.data.gov.uk/dataset/92ee0c84-d680-400c-a560-94a3a1a100a6/animal-welfare-enforcement-non-compliance>.

¹⁴⁰ <https://www.food.gov.uk/business-guidance/chapter-7-enforcement>

¹⁴¹ *ibid* para 4.1.1.

provide education and advice. Further enforcement action can be taken if the FBO fails to take corrective measures. This requires the OV to make a referral to an FSA Veterinary Enforcement Decision Maker (VEDM).¹⁴² If the OV considers referral for investigation to be appropriate, a referral to a Welfare Triage Panel is also required as an additional step,¹⁴³ which appears to have been introduced between 01/04/21 to 01/03/22.¹⁴⁴ The stated purpose of the panel is to “oversee and assess the proportionality and consistency of animal welfare cases that could be subject to prosecution.”¹⁴⁵ We cannot find further information about the panel’s expertise in the public domain, although the VEDM is on the panel.¹⁴⁶

185. Breaches of WATOK where avoidable pain, distress or suffering has occurred during handling or slaughter require immediate referral for investigation¹⁴⁷ so that a decision can be made as to whether a prosecution should be pursued, although the above triage routes must still be followed. A CPS lawyer will take any decision to prosecute an animal welfare breach.

186. Historically, the FSA’s enforcement policy has indicated that the CPS will consider culpability as part of any decision to pursue a prosecution for animal welfare breaches.¹⁴⁸ However, in the case of *Highbury Poultry Farm Produce Ltd v CPS*,¹⁴⁹ the court of appeal found that culpability was not a consideration in such cases, which was upheld by the Supreme Court.¹⁵⁰ The court found that the offence under Regulation 30(1)(g) of WATOK, which requires that animals should be spared avoidable pain, distress or suffering during their killing, is one of strict liability in that no mens rea is required. As such, proof neither of knowledge nor culpability on the part of the business operator is required. Quoting Lord Bingham, the judges observed, “Parliament creates an offence of strict liability because it regards the doing or not doing of a particular thing as itself so undesirable as to merit the imposition of criminal punishment on anyone who does or does not do that thing irrespective of that party’s knowledge, state of mind, belief or intention. This involves a departure from the prevailing canons of the criminal law because of the importance which is attached to achieving the result which Parliament seeks to achieve.”

Penalties for breaching WATOK

187. A person found guilty of an offence under WATOK is liable on summary conviction to an unlimited fine or imprisonment for a term not exceeding three months. The Government’s Animal Welfare Committee has recommended that penalties for causing avoidable pain, distress or suffering, contrary to Article 3(1) of Council Regulation 1099/2009 on the protection of animals at the time of killing (PATOK), which is retained, should be brought into line with new Animal Welfare Act 2006 penalties, where a maximum custodial penalty of up to five years imprisonment is now available in England and Wales for the most severe animal welfare offences.¹⁵¹ **We support the Animal Welfare Committee’s recommendation to increase penalties for causing avoidable pain, distress of suffering to animals at the time of killing be increased to five years’ imprisonment.**

¹⁴² Ibid para 4.1.2.2.

¹⁴³ Ibid para 4.1.2.3.

¹⁴⁴ <https://www.food.gov.uk/board-papers/fsa-22-09-18-animal-welfare-report-annex-1>.

¹⁴⁵ <https://www.food.gov.uk/board-papers/annual-animal-welfare-report-202223>.

¹⁴⁶ <https://www.food.gov.uk/business-guidance/chapter-7-enforcement> para 4.1.2.3.

¹⁴⁷ Ibid para 4.9.1.

¹⁴⁸ https://www.food.gov.uk/sites/default/files/media/document/food-standards-agency-enforcement-policy-in-approved-meat-plants_0.pdf.

¹⁴⁹ [2018] EWHC 3122

¹⁵⁰ R (on the application of Highbury Poultry Farm Produce Ltd) v CPS [2020] UKSC 39

¹⁵¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955031/welfare-animals-time-of-killing-regs-2015-post-implementation-review.pdf at para 175.

Animals being transported to slaughter from farms

188. A Bureau of Investigative Journalism report in 2016¹⁵² revealed nearly 4,500 severe breaches of animal welfare regulations at British slaughterhouses over two years, amounting to six per day. It was estimated that 90% of category 4 breaches, which are the most severe type, between 2014 and 2016 were related to the transportation of livestock from farms. These included reports of animals being presented for slaughter emaciated, too weak to stand, diseased and with serious injuries, and of animals suffocating and freezing to death in trucks.
189. Despite this media attention, the issue has persisted, and welfare breaches originating in transport and farms continue to be recorded by authorised persons in approved slaughterhouses. For instance, in England and Wales, there was an 8% increase in incidents connected with transport reported during the 2022-23 financial year compared to the previous twelve-month period.¹⁵³ However, incidents recorded as originating on farms fell by 36%.
190. Data from October - December 2023 shows 881 out of 966 documented incidents recorded in slaughterhouses in England and Wales took place on-farm or during transport, most of which were recorded as category 4 incidents. In some instances, many animals are affected. For example, in one incident, 10,822 poultry were affected by pododermatitis, which causes inflammation and lesions on the feet. In another, 628 poultry were recorded as dead on arrival, whilst 60 pigs were affected by tail bites in another single incident.¹⁵⁴ As these incidents originate outside of the slaughterhouse, they are always reported back to the competent authority for welfare in transport and welfare on farms, namely the local authority and/or APHA. Information about how these other authorities take action is not available in the public domain, so it is unclear how these reports are typically dealt with.

Wildlife crime

Prosecution of offenders

191. The Law Commission's report on Wildlife Law highlights that existing wildlife laws are described as overly complicated and frequently contradictory, which creates barriers to effective enforcement and prosecution. One significant challenge is proving the mental element required to convict an offender of a wildlife crime, due to inconsistencies across the protection regime and a lack of consensus as to what that level of protection should be. For instance, killing, capturing or injuring an animal protected under article 9(1) of the Wildlife and Countryside Act 1981 is prohibited if the activity was carried out "intentionally", while killing, capturing or injuring a wild animal of a species protected by article 12 of the Habitats Directive, on the other hand, is prohibited if the activity is carried out "deliberately". Killing, capturing or injuring badgers and seals is prohibited if the activity is carried out "wilfully", which the courts interpret as including both "intention" and "recklessness". This has hindered the prosecution of clear cases of harm to protected and endangered species protected under different regimes.
192. The report recommends simplifying the regime by reducing the number of prohibited mental elements to two: "intentional" and "deliberate" and makes a case for the interpretation of "recklessness" in line with the standard for "deliberate", despite it being characterised as a higher standard at first glance. The Law Commission is of the view that the incidental nature of "recklessness" could result in the over-criminalisation of

¹⁵² <https://www.thebureauinvestigates.com/stories/2016-08-28/severe-welfare-breaches-recorded-six-times-a-day-in-british-slaughterhouses>

¹⁵³ <https://www.food.gov.uk/board-papers/annual-animal-welfare-report-202223#summary-of-data-on-animal-welfare-compliance-in-slaughterhouses-on-farm-and-in-transit>, para 7.3.

¹⁵⁴ See <https://www.data.gov.uk/dataset/92ee0c84-d680-400c-a560-94a3a1a100a6/animal-welfare-enforcement-non-compliance>

legitimate economic activities and impede harmonising the mental element of wildlife offences. Further to this, the report recommends reducing the dependency on criminal law by incorporating a mix of regulatory measures, such as guidance, advice, and a flexible system of civil sanctions like fines and bans.

193. The Wildlife and Countryside Link's ("WCL") annual wildlife crime report¹⁵⁵ for England and Wales (the "WCL Report") provides a comprehensive overview of the obstacles to effective prosecution of wildlife crime, including deliberate animal cruelty. The 2019 WCL Report details that the barriers vary depending on the wildlife species and/or human activity involved. In the interests of providing an overview of the prevalent barriers to justice for animals, this section shall focus on the issues ubiquitous to all forms of wildlife crime.

Recording of offences

194. Recording of wildlife crime can often be overlooked as a less important step in the prosecution process than the subsequent actions of the police and the Crown Prosecution Service ("CPS"). This could not be less true, as the 2019 WCL Report¹⁵⁶ cites inconsistent and unsatisfactory reporting as an issue hindering the investigation and prosecution of deliberate wildlife cruelty. Consistent and robust recording of wildlife offences is important to determine the amount and types of police resources required to investigate specific offences properly. Proper recording of crime also facilitates the identification of trends, therefore allowing the police and CPS to adjust their approaches to detect and successfully prosecute crime. **We recommend that Home Office Counting Rules are amended so that all serious wildlife crimes are notifiable.**

Specialist wildlife prosecutors

195. The 2019 WCL Report¹⁵⁷ cites the maintenance of an available network of specialist wildlife crime prosecutors as being key to successful prosecution. This is an issue with respect to a range of wildlife (particularly amphibians, badgers and species subject to trade) as the 2019 WCL Report finds that prosecutions brought to court cases are frequently fiercely defended, and the CPS's lawyers too often have little awareness of wildlife crime. **We support calls for the presence of specialist wildlife prosecutors beyond any initial hearing, which would materially improve the chances of successful convictions in many instances.**

Police investigations

196. A concern prevalent throughout the WCL Reports is that police officers (be they part of wildlife crime enforcement teams or otherwise) are too often not sufficiently trained or resourced to bring prompt investigations into alleged wildlife crime offences. This is exacerbated by the continued funding cuts suffered by public enforcement agencies, restricting the time and cost senior officers can afford to allocate to (sometimes complex) wildlife crime. Concerns relating to investigations include, but are not limited to:
- 1) the quality and efficiency of investigations vary, with key factors being whether an incident is identified as a police matter at an early stage and whether the investigating officers have sufficient wildlife-specific training to ensure basic procedures are followed and to interpret evidence correctly.
 - 2) specifically in relation to bats, it's important that senior officers afford investigative teams sufficient time to investigate offences, especially for complex or connected offending, fully; and
 - 3) it is critical for the CPS to receive relevant evidence early from police investigations in order for any follow-up queries to be made by the investigating officers and to allow for a comprehensive case file to

¹⁵⁵ <https://www.wcl.org.uk/wildlife-crime.asp>

¹⁵⁶ https://www.wcl.org.uk/docs/Link_Annual_Wildlife_Crime_Report_06.11.20.pdf

¹⁵⁷ Ibid.

be prepared. This is crucial because it is more difficult for evidential queries to be resolved later on in an investigation.

4. Animals taken into possession

This section examines the legal and practical issues surrounding the possession and rehoming of animals seized under welfare legislation across the UK. It highlights the powers provided under the Animal Welfare Acts, including the authority to make disposal orders to ensure timely rehoming or other outcomes for animals at risk of suffering. While such powers aim to prioritise animal welfare and alleviate financial burdens on enforcement authorities, evidence suggests problems with their application are hindering these objectives. The section explores the unique administrative powers introduced in Scotland to expedite decisions, safeguard animal welfare and reduce costs to enforcement bodies, providing a model for potential legislative reform in the rest of the UK.

197. The Animal Welfare Act 2006 (s.20) provides powers to magistrates in respect of animals taken into possession under section 18 because they are suffering or likely to suffer to make an order for their treatment, for possession to be given to a specified person, or for the animal to be sold, disposed of or euthanised. Similar powers exist under section 34 of the Animal Health and Welfare (Scotland) Act 2006, which broadly provides that a disposal order can be imposed by the court if the owner does not agree to voluntarily transfer ownership.

198. The power to make a court order for disposal of an animal without awaiting the conclusion of a trial, is welcome and should mean that animals taken into possession can be rehomed quickly in appropriate circumstances. There is some evidence, however, that these powers are not being utilised to their fullest extent. In Scotland, the Policy Memorandum for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill noted that:

‘The existing provisions for a disposal order under section 34 are meant to allow permanent arrangements to be made without awaiting the conclusion of any trial. However, discussions with enforcement authorities including local authorities, the Scottish SPCA and the APHA, have provided numerous anecdotal accounts of the process often being extremely time-consuming. The fastest reported time to obtain a disposal order was 14 days, whereas the longest was 18 months.’¹⁵⁸

199. There is similar anecdotal evidence to this effect from England and Wales (see, for example, the summary of our interview with David Martin below).

200. As the abovementioned Policy Memorandum identifies,¹⁵⁹ a delay in rehoming animals is likely to have both animal welfare and financial implications. The need for animals to find permanent homes as quickly as possible is axiomatic and particularly important where the animal is young and would benefit developmentally from being raised in a home environment.

201. The financial burden of looking after animals taken into possession falls upon rescue organisations or local authorities, both with limited resources, and the cost can be considerable, particularly when multiple animals are removed, as with puppies seized from large-scale, low-welfare breeders or animals seized from farms or hoarding situations. During recent evidence sessions to the EFRA Select Committee, Senior Dog Warden, Pip Griffin, from Worcester Regulatory Services highlighted this example:

“A raid was done... two weeks ago. There were 86 dogs. The bill just for kennelling for one month is £68,000 for that local authority. That is not including going to court, applying for a section 20, all the

¹⁵⁸ Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill, Policy Memorandum, Paragraph 75, available at <https://webarchive.nrscotland.gov.uk/20200218084237/https://www.parliament.scot/parliamentarybusiness/Bills/112958.aspx>.

¹⁵⁹ Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill, Policy Memorandum, Para’s 72-79.

people on the ground on that day, the vets and following on with the veterinary fees for those animals, the grooming and everything else that has been involved in that particular case. It is £68,000 just for one month.”

202. The Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 has addressed this issue in Scotland. The Act removes the need for a court order and provides an administrative power for authorised persons to arrange disposal, including rehoming. There are safeguards built in for the owners of seized animals, who must be served with a notice setting out proscribed information, including a description of the animals, the decisions taken in relation to them, the reason for taking those decisions and an explanation of the procedure for appeal. An owner has three weeks from the date of service of a notice to apply for a release order. There is also an appeals mechanism built in, and entitlement to compensation in certain circumstances.

203. The aforementioned Policy Memorandum describes the benefits of these new powers as below:

- “• Authorised persons will be able to take timely, transparent and consistent steps that best serve the welfare needs of sentient animals taken into care while, through procedural safeguards and entitlement to compensation, having due regard to the property rights of their owners.
- The requirement to state clear grounds for appeal against the decision regarding an animal will encourage owners to think seriously about what is best for their animals before taking action to stop the decision from being implemented.
- The right to compensation, and the separate appeal processes for the decision on permanent arrangements for the animal and for the amount of that compensation, may discourage appeals by the owner against the proposed arrangements where the owner’s only concern is the loss of any value in the animal.
- Making the sheriff’s decision on appeal under the new power final avoids potential delay to the implementation of the decision in relation to the animal due to a further appeal procedure.
- The ability to make permanent arrangements for animals in a more consistently timely manner will improve the welfare of those animals concerned and is also likely to reduce the costs to enforcement authorities significantly. This will minimise an important potential barrier to taking animals into possession under section 32 of the Act and may enable enforcement authorities to consider intervening earlier where animals are at risk.”¹⁶⁰

204. The need for these powers was supported by the Scottish SPCA in a statement which reinforces the magnitude of the sums potentially involved:¹⁶¹ “Since 2016, the Society’s spend on caring for animals involved in court proceedings exceeds £1.5m. In one puppy farming case, the Scottish SPCA spent £440,000 caring for the dogs involved whilst they waited on court proceedings to conclude.”¹⁶²

205. **We recommend that similar changes to enable early rehoming of seized animals, as happens in Scotland, are introduced across the rest of the UK to remove barriers to enforcement and, ultimately, improve the welfare of animals who have been seized.**

¹⁶⁰ Ibid para 91.

¹⁶¹ <https://web.archive.org/web/20220818165336/https://www.scottishspca.org/news/scottish-sPCA-backs-game-changing-overhaul-of-animal-welfare-law>

¹⁶² Ibid.

5. Sentencing and post-conviction powers

The treatment of animal welfare offences within the UK’s legal framework has undergone significant evolution, reflecting societal recognition of the importance of protecting animals from harm. This section provides an overview of the sentencing and post-conviction measures available for offences under various legislative acts, including the landmark Animal Welfare (Sentencing) Act 2021. It highlights the changes in maximum penalties, sentencing guidelines and ancillary orders, offering insight into the legal tools aimed at deterring cruelty and ensuring justice. Moreover, the section addresses comparative practices across the devolved nations, judicial inconsistencies and the continuing challenges in creating a robust legal deterrent for wildlife crimes.

Sentencing and penalties for offences under the Animal Welfare Acts for domesticated animals

Sentencing in England and Wales

206. The Animal Welfare (Sentencing) Act 2021 (“Sentencing Act”) increased maximum penalties for the following offences under Animal Welfare Act 2006:

- Section 4 - causing unnecessary suffering to a protected animal
- Section 5 - carrying out, or causing the carrying out, of a prohibited procedure on a protected animal
- Section 6 - docking a dog’s tail, or causing the docking of a dog’s tail, other than for the purposes of medical treatment
- Section 7 - administering, or causing the taking of, a poisonous or injurious substance to a protected animal
- Section 8 - animal fighting offences, including causing, publicising, betting on, or keeping premises for, an animal fight (amongst others).

207. These serious offences were previously summary-only but are now triable either way and carry a maximum sentence on indictment of up to five years imprisonment and/or a fine. Sentencing Council guidelines,¹⁶³ which have had effect since July 2023, outline the culpability and harm factors that courts should consider when determining sentencing for the above offences:

Culpability	Harm
A – High culpability Prolonged and/or repeated incidents of serious cruelty Sadistic behaviour Use of very significant force Leading role in illegal activity Involvement of others through coercion, intimidation or exploitation Category B offence may be elevated to category A by:	Category 1 Death (including injury necessitating euthanasia) Grave or life-threatening injury or condition caused Very high level of pain and/or suffering caused to animal(s)

¹⁶³ <https://www.sentencingcouncil.org.uk/offences/crown-court/item/animal-cruelty/>

<ul style="list-style-type: none"> the extreme nature of one or more medium culpability factors the extreme impact caused by a combination of medium culpability factors 	
<p>B – Medium culpability</p> <p>Deliberate attempt to cause suffering</p> <p>Prolonged and/or repeated incidents of cruelty or neglect</p> <p>Use of significant force</p> <p>Ill treatment in a commercial context</p> <p>Deliberate disregard for the welfare of the animal (including by failure to seek treatment)</p> <p>Other cases that fall between categories A or C because:</p> <ul style="list-style-type: none"> Factors are present in A and C which balance each other out, and/or, The offender’s culpability falls between the factors as described in A and C 	<p>Category 2</p> <p>Offence results in an injury or condition which has a substantial and/or lasting effect (including cases of tail docking, ear cropping and similar forms of mutilation)</p> <p>Substantial level of pain and/or suffering caused to animal(s)</p>
<p>C – Lower culpability</p> <p>Well-intentioned but incompetent care</p> <p>Momentary or brief lapse in judgement</p> <p>Involved through coercion, intimidation or exploitation</p> <p>Mental disorder or learning disability, where linked to the commission of the offence</p>	<p>Category 3</p> <p>Little or no physical/developmental harm or distress to animal(s)</p> <p>All other levels of pain and/or suffering to animal(s)¹⁶⁴</p>

208. The guidelines outline a range of aggravating and mitigating factors. Aggravating factors include, amongst others, the involvement of significant numbers of animals; the use of technology, such as social media, to record, publicise or promote cruelty; and, whether the offence was committed in the presence of other/s, including children.

209. Although a maximum penalty of up to five years imprisonment is available under the Sentencing Act, the guidelines specify a maximum custodial sentence of up to 3 years and 6 months for offending that is deemed to demonstrate both high culpability and category 1 harm. In its response to a public consultation ahead of the guidelines being issued, the Sentencing Council stated, “The Council does not believe it is feasible to raise sentence levels any further without risking animal cruelty offences being treated as equivalent to

¹⁶⁴ Ibid.

violent offences or those involving injury to human victims, such as an assault involving a weapon or resulting in serious physical injury.”¹⁶⁵

210. An increase in maximum sentencing powers for offences under the Animal Welfare Act 2006 is a welcome step that has strong public and NGO support. **Steps are required to ensure judicial consistency in the sentencing of animal welfare cases, and consideration should be given to adding dedicated animal welfare training to the Judicial College Prospectus.** It is too early to say whether the increased sentencing powers are being widely utilised by the courts. However, several high-profile cases have been reported in the media where offenders have been given custodial sentences ranging from two years to 33 months imprisonment¹⁶⁶ since the guidelines came into effect.

211. Revised Sentencing Council guidelines for section 9 failure to ensure welfare offending also came into effect in July 2023.¹⁶⁷ This offence remains summary only and carries a maximum sentence of up to 6 months imprisonment and/or an unlimited fine. These guidelines include new aggravating factors, including whether the offender has professional responsibility for the animals or is motivated by financial gain.

Post-conviction powers

212. A range of ancillary orders are available under the Animal Welfare Act 2006, including:

- Deprivation orders¹⁶⁸ - an offender can be deprived of ownership of the animal/s to which the offence has been committed.
- Disqualification orders¹⁶⁹ - an offender can be disqualified from 1. owning, 2. keeping, 3. participating in the keeping of, 4. dealing in and/or 5. transporting animals, and/or 6. being party to an arrangement where they control or influence how animals are kept. The intention behind disqualification orders is to safeguard the future welfare of animals. Such orders can be limited to certain types or species of animals and can be specified for life or for a specific time period.
- Destruction orders¹⁷⁰ - if it is deemed to be in the interests of the animal/s to which an offence has been committed, a court may order their destruction. Additional powers are available to enable courts to order the destruction of animals affected by fighting offences on other grounds.
- Forfeiture orders¹⁷¹ - equipment used to commit animal welfare offences can be forfeited and destroyed.

213. If the court decides not to make a deprivation or disqualification order, it must give reasons. Between 2016 and 2019, 2,419 disqualification orders were made (~605 per year on average), according to RSPCA figures. It is an offence to breach a disqualification order contrary to s34(9) AWA, which carries a maximum penalty of up to six months’ imprisonment and/or a fine.

Sentencing in Scotland

214. Scotland increased its maximum penalties for serious animal welfare offences to five years imprisonment and unlimited fines via the Animals and Wildlife (Penalties, Protections and Powers) (Scotland)

¹⁶⁵ <https://www.sentencingcouncil.org.uk/html-publication/item/animal-cruelty-guidelines-response-to-consultation/>

¹⁶⁶ <https://www.rspca.org.uk/-/news-jail-sentence-for-man-who-beat-dog-with-a-broom>; <https://www.rspca.org.uk/-/news-man-jailed-for-animal-cruelty-against-a-fox-and-his-pet-dogs>; <https://www.rspca.org.uk/-/news-lancashire-man-who-tortured-puppy-to-death-is-jailed>; <https://www.itv.com/news/granada/2023-07-28/sadistic-kitten-killer-jailed-and-banned-for-life-from-keeping-animals>.

¹⁶⁷ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/failure-to-ensure-animal-welfare/>

¹⁶⁸ Animal Welfare Act 2006, s33.

¹⁶⁹ Ibid s34.

¹⁷⁰ Ibid s37 and s38.

¹⁷¹ Ibid s40.

Act 2020. Crucially, as discussed above, this Act also grants additional powers when animals are taken into possession by allowing for the treatment, transfer of ownership or destruction of a protected animal/s against which an offence has been committed without the need for a court-issued disposal order. This means that animals seized as part of welfare investigations in Scotland can be rehomed, treated or euthanised well before the conclusion of legal proceedings, subject to the owner's right of appeal. Cost and capacity are often cited as two key practical barriers to animal welfare enforcement, and these additional powers help address that by preventing animals from being kept in kennels for months or even years while cases reach the courts.

215. In Scotland, calls have also been made for the introduction of empathy-based interventions that could be used when community orders are made. Research¹⁷² commissioned by the Scottish Government found there were limited examples where such interventions had been used in the context of animal welfare and wildlife crimes, and whilst available examples did suggest such methods could help reduce reoffending, some challenges were also identified. The report did not recommend immediate uptake of these approaches across Scotland but did state that work is underway to introduce restorative justice services across Scotland, and their use in connection with animal-related crimes may be appropriate in future. Although these approaches have yet to be adopted in Scotland, experts in the country have been leading the way in developing and sharing compassionate approaches for intervening in animal abuse.¹⁷³

Sentencing and penalties for wildlife offences

216. Whilst the Animal Welfare (Sentencing) Act 2021¹⁷⁴ represents a welcome strengthening of the deterrence against committing domestic animal abuse and provides the opportunity for further jurisprudence on sentencing, it fails to address the insufficient severity of sentences available for wildlife crimes. This is because (as explained above) the majority of deliberate wildlife cruelty offences would not be prosecuted under the UK Animal Welfare Acts.
217. Sentencing powers under the Wild Mammals Protection Act 1996 create a comparable offence ('with intent to inflict unnecessary suffering, to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal') to causing unnecessary suffering under the Animal Welfare Act 2006 (England and Wales) remains the same. This offence is still triable summary only and is punishable by a £5,000 fine and/or six months imprisonment. The equivalent maximum sentencing power under the UK Animal Welfare Acts would be five years imprisonment or an unlimited fine.
218. Offences under the Pest Act 1964 (prohibiting the use of certain spring traps) are triable summarily and are punishable by a fine of up to £1,000 (level 3).
219. An offence under the Protection of Animals Act 1911 for the failure of the setter of a trap to inspect it at least once per day places is summary only, punishable by a £200 fine (level 1) notwithstanding the high levels of suffering that may be endured by the animals trapped alive.
220. Offences under section 11 of the Wildlife and Countryside Act 1981 prohibiting various methods of trapping, stunning and killing methods (as above) and offences under section 9 (including intentionally killing, injuring or taking relevant species, or damaging, destroying or obstructing access to their shelter or protection)

¹⁷² <https://www.gov.scot/publications/restorative-justice-empathy-based-interventions-animal-welfare-wildlife-crimes/pages/2/>

¹⁷³ For example, Gilly Mendes Ferreira (Scottish SPCA) and Professor Joanne Williams (University of Edinburgh) recently co-edited *Understanding Animal Abuse and How to Intervene with Children and Young People: A Practical Guide for Professionals Working with People and Animals* (Routledge, 2023).

¹⁷⁴ <https://www.legislation.gov.uk/ukpga/2021/21/contents>

are summary only, and a person guilty of relevant offences are liable on summary conviction to six months imprisonment, or to a level five fine, or both. For birds also, killing and injuring birds (section 1), using prohibited devices to cause injury (section 5), confining a bird in a cage not of sufficient volume for it to stretch its wings freely and releasing a bird to be shot(section 8) are all summary only and a person guilty of such an offence is liable on summary conviction to six months imprisonment or to a level five fine or both.

221. Similarly, many offences created under the Conservation of Habitats and Species Regulations 2017 including those that involve the deliberate capture, killing, disturbance or trade in 'European Protected Species', and those arising from certain methods of capturing or killing (as above, including live baiting, blinding, electrocuting, etc.), are still summary only with a maximum sentence on conviction to imprisonment for a term not exceeding six months or to a fine, or to both.
222. Some offences under the Protection of Badgers Act 1992 are summary only (6 months maximum imprisonment and/or a level 5 fine) - although some are indictable (3 years maximum imprisonment and/or a fine), notably cruelly ill-treating an animal and causing a dog to enter a sett. Sections 1 to 4 of the Deer Act 1991 prohibit the killing or injuring of deer by certain methods and of poaching deer generally. The offences under the Deer Act 1991 are summary only, and punishable with a fine or up to three months imprisonment.
223. The Salmon and Freshwater Fisheries Act 1975 prohibiting using certain methods to injure or kill certain fish are triable either way, with maximum sentences of up to 2 years and/or a fine.
224. The anomalies are obvious and lack logical support. For example, where a wild animal comes under human control, such that the Animal Welfare Act 2006 is engaged, the maximum penalty for causing unnecessary suffering would be six years imprisonment and/or an unlimited fine. The same behaviour causing suffering to a mammal under the Wild Mammals Protection Act 1996 would carry a maximum penalty of a £5,000 fine and/or six months imprisonment.
225. In stark contrast to the position in England and Wales, great strides have been made in Scotland in the form of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (the "AWPPP 2020"). The effect on the punishments available under the Scottish equivalents of the legislation, as set out above, is to double the maximum applicable prison sentence on indictment from 6 months to 12 months and to multiply the maximum fine to £40,000.
226. In Northern Ireland, wildlife crimes are governed by the Wildlife (Northern Ireland) Order 1985 (the "NI Wildlife Order"). The NI Wildlife Order criminalises, amongst others, the killing or taking of wild birds and the intentional or reckless killing (including through the use of traps and snares, any devices discharged by hand or by explosives) or the destruction of the habitat or shelter of wild animals. These offences are summary only, and a person found guilty on summary conviction is liable to six months imprisonment, or to a level five fine, or both. Pursuant to the Welfare of Animals Act (Northern Ireland) 2011 (the "NI Act"), which in certain instances applies to all animals, offences such as causing unnecessary suffering or fighting carry a maximum sentence of 5 years on conviction on indictment or to a fine, or both. However, different sentences are prescribed for the same action in cases where the NI Act applies only to protected animals, i.e. not wild animals: under the NI Wildlife Order, administration of poisonous substances to wild animals or birds carries a maximum sentence of 6 months whilst the same behaviour under the NI Act in the case of protected animals carries a maximum sentence of 5 years on conviction on indictment.
227. It is vital that sentencing judges can impose penalties and sentences which are proportionate to the wildlife cruelty before them following successful prosecution. This cannot currently be said to be the case in

England and Wales, as the maximum fines and summary sentences available pale in the face of the severe and often abhorrent cases. Such a lacuna creates a real gap in the protections available to wildlife, as a strong deterrent is a key tool in preventing wildlife cruelty. It is inexcusable that even in instances where the police and CPS are presented with sufficient evidence to mount a successful conviction, the judiciary is unable to deter repeat or other offences because of the constraints placed on them by sentencing legislation.

Sentencing guidance / judicial inconsistency

228. The anecdotal evidence presented by both the Scottish SPCA and RSPCA shows that steps are also required to address judicial inconsistency in sentencing with respect to animal welfare offences. The Scottish SPCA states, “Sadly, many of the cases that have been dealt with by the courts over the last few years have highlighted the inconsistencies between sheriff decisions in sentencing but also the lack of deterrence for people committing such acts.”¹⁷⁵
229. The RSPCA has previously highlighted the inconsistency created by different sentencing powers for the same species depending on their use or purpose. For example, the RSPCA has highlighted the lacuna that existed prior to the increase in sentencing for serious animal welfare offending that “a person can go to prison for three years if their dog injures a guide dog, whilst the maximum sentence is only six months for beating a dog to death.”¹⁷⁶
230. The current Sentencing Council guidelines that were introduced in 2023 establish guidance for judges in England and Wales for sentencing serious animal cruelty offences, including causing unnecessary suffering, tail docking and animal fighting. The guidelines also set out new aggravating factors, including the offender having a professional responsibility for the affected animal/s and for offences that were motivated by financial gain. The guidelines, and in particular the new aggravating factors, were welcomed by the RSPCA and other animal groups.
231. However, the data tables published by the Sentencing Council prior to the guidelines entering into force (in May 2023) suggest that sentencing for violations of the Animal Welfare Act 2006 does not follow a consistent approach and there are differences in the penalties ordered by courts based on age, sex and ethnicity. For instance, in 2021, for the offence of causing unnecessary suffering, immediate custody orders were delivered only for 1 per cent of female offenders, whilst this number was 15 per cent for male offenders. Similarly, the likelihood of receiving a suspended sentence is higher in the 18 – 24 years category than in the 25-49 years age category.

¹⁷⁵ Scottish SPCA submissions to the Environment, Climate Change and Land Reform Committee (10.12.2019).

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https://politicalanimal.rspca.org.uk/documents/15717622/0/RSPCA%20Briefing_%20Increased%20Sentencing%20for%20Animal%20Cruelty/da35c130-6ecb-256a-34e5-86514459e55b?version=1.0&download=true

6. Animal Abusers Register

The creation of an Animal Abusers Register has been the subject of significant debate within the UK. Currently, there is no centralised mechanism to track individuals convicted of animal cruelty or disqualified from owning or keeping animals. This section explores the existing regime and its limitations, the potential benefits of a register, operational considerations, barriers and examples from other jurisdictions. It also examines policy recommendations to enhance oversight and ensure that those with a history of abuse cannot regain access to animals, emphasising the importance of a multi-agency approach and public support for stronger enforcement measures.

232. Under s34 AWA 2006, the court may disqualify a person from owning or keeping animals, dealing in animals, and/or transporting animals, and this power is widely used. For instance, according to RSPCA figures, in 2019, 538 out of 1,432 people convicted of an offence were disqualified in England and Wales.¹⁷⁷ However, enforcement is a problem because there is no system or means to monitor whether offenders are adhering to their disqualification orders. It is not possible to identify whether someone has been given such an order. This means those transferring legal ownership of an animal cannot find out whether they are unknowingly giving them to someone convicted of an animal welfare offence. It similarly means those licensing or permitting regulated animal activities cannot easily verify if someone is ineligible to apply for a licence¹⁷⁸ and instead have to rely on the honesty of the applicant.
233. In 2016, the EFRA Select Committee examined the case for an Animal Abuser Register in light of concerns that those found guilty of an offence under the AWA and subject to a disqualification order would fall under the radar of authorities that could not easily check whether someone was subject to such an order.
234. The Committee concluded that “It is very difficult to track those who have been banned from keeping animals. An accessible register could play an important role in protecting animals, and prevent abusers from accessing animals... We recommend that the Government examines the potential for the establishment of an animal abuse register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.”¹⁷⁹ In response, the government stated that it “agrees with the police that a publicly available register of animal abusers could facilitate vigilantism. Instead, if a person has concerns about another individual, they can approach the police who can check their records on the Police National Computer. The police may then take the most appropriate action. We consider that this is the best arrangement.”¹⁸⁰ We expect awareness of this option is likely to be low and, in any event, would be highly impractical in certain circumstances. For example, a charity that rehomes animals could not realistically approach the police to check the records of every potential adopter.
235. Both the Wales and Northern Ireland governments have also looked at this issue in depth. In June 2016, the Northern Ireland Assembly supported a call from the DUP to establish an accessible register of those convicted of animal cruelty offences and, in May 2021, shortly before becoming leader of the DUP, Edwin Poots, Minister of Agriculture, Environment, and Rural Affairs, tasked officials with exploring the creation of an all-

¹⁷⁷ <https://www.rspca.org.uk/documents/1494939/7712578/Prosecutions+Annual+Report+2019+%28PDF+1.83MB%29.pdf/5a5a3644-ea97-606e-cce1-373159a0a7c6?t=1583770854006>

¹⁷⁸ For example, under reg 11(1) and sch 8 para 6 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, anyone disqualified under s34 of the AWA is precluded from applying for a licence.

¹⁷⁹ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/11709.htm>

¹⁸⁰ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/1003/1003.pdf>

island register of animal welfare offenders to encompass both Northern Ireland and the Republic of Ireland.¹⁸¹ However, in June 2022, Poots said it was “untenable” for legal and financial reasons.¹⁸²

236. In Wales, the Welsh Government tasked the RSPCA with chairing a Task and Finish Group and to consider the establishment of an Animal Offender Register. which was completed in 2018; it was decided not to proceed with such a register due to barriers identified in the course of the review and a lack of evidence that registers established in other jurisdictions, such as in US states, had been effective.¹⁸³

237. With the benefit of these various studies and the challenges expressed within them, this section will look at the current regime, the benefits of a register, how a register might operate, barriers to a register and possible ways to overcome those barriers, including reference to other jurisdictions that have introduced such measures.

The current regime

238. The UK and devolved nations currently have no central register of people convicted of animal cruelty offences, or those disqualified under the AWA 2006, meaning that animals could be being rehomed or sold to people with a history of abuse. Crimes are currently recorded on the Police National Computer, which restricts access to the police: some statutory bodies have a level of access, but there is no access by local authorities, the RSPCA or those selling/rehoming animals.

239. Information is held on the Police National Database, and as such, information can be shared between enforcement agencies through the Government Agency Intelligence Network (GAIN). The Disclosure and Barring Service (DBS) may also record convictions for an animal welfare offence, but disqualification may not be disclosed. Employers are advised to request a DBS check for certain professions (such as veterinary recruitment), but it is optional for most roles involving interaction with animals. As such, there is little information sharing currently that can protect animals from exposure to those previously convicted of abuse, even where people were disqualified under the AWA 2006. **We recommend the inclusion of disqualification orders as part of a DBS check so that it could be searchable for employers, and that such checks be made compulsory, which is of particular importance for roles involving animals.**

240. As a consequence, the mechanism for enforcing disqualification orders is ad hoc. If people who are disqualified move their addresses, it becomes impossible for police to monitor the ban is being adhered to. The police also conduct no systematic in-person checks: the RSPCA researched the possibility of regular in-person spot-checks on disqualified persons in Wales and found that the cost was prohibitively high without additional government funding.¹⁸⁴ The RSPCA relies on members of the public reporting when a known offender is in possession of an animal, but this depends on them knowing about the original conviction or reading about it in historical media reports. Prosecutions are thus low: the RSPCA prosecuted only five offenders for breaching their bans in 2017.¹⁸⁵

¹⁸¹ <https://www.belfasttelegraph.co.uk/news/northern-ireland/poots-begins-exploratory-work-on-all-island-animal-abuse-register/40394399.html>

¹⁸² https://www.belfasttelegraph.co.uk/news/northern-ireland/environment-minister-edwin-poots-pulls-back-on-plan-for-animal-abuse-register/41765336.html?fbclid=IwAR2dJk6sMOT0EDYkNmZq2zycIH1yy-yruhxSLNrvGc_ZGYxPcK9nQ5DVA

¹⁸³

<https://politicalanimal.rspca.org.uk/documents/15717622/16043601/RSPCA%20Cymru:%20Examining%20the%20case%20for%20an%20Animal%20Offender%20Register%20for%20Wales,%20July%202018/9c0adfb2-c091-d7dd-ab52-e0fb1644b0b3?version=1.0&download=true>

¹⁸⁴ RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.8

¹⁸⁵ RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.8

Benefits of a register

241. A main benefit of an abuser register is to enable easier enforcement and oversight of disqualification orders and help bodies that licence activities involving animals identify people who may not apply for a licence owing to an animal welfare conviction. It thus helps protect animals from being exposed to potential abuse. It is also popular amongst the public: a petition in Wales for an animal abuse register received more than 220,000 signatures.¹⁸⁶
242. In addition, abuse registers can help protect communities from other types of violence, given the link between animal abuse and other forms of violence. As highlighted by the EFRA Committee, “The NPCC told us that there was a growing body of research suggesting a link between the abuse of animals and violence against people. In the USA, the FBI has begun tracking incidents of animal abuse as part of its National Incident-Based Report System.”¹⁸⁷ Similarly, in Canada, animal sexual abusers are now registered under the National Sex Offender Registry.¹⁸⁸ An animal abusers register could be a useful tool in achieving better multi-agency communication and form part of a wider strategy to identify and track offenders who could present a risk to both humans and animals.
243. One issue relating to this, however, is that while there is extensive evidence of the links between animal cruelty, domestic violence, child abuse and elder violence, this has primarily been undertaken in North America, which can mean the studies are either not as applicable in the UK context (being differences in demographics, behaviour, legal enforcement, education, the welfare state and offending) or some of the methodology would not be considered as robust as research conducted here. The dearth of UK-based research on links to other crimes was cited by the Welsh Government in 2018 as one of their reasons for deciding not to pursue a register. **Whilst more UK research has emerged in recent years, we recommend funding be made available for research on the impact of a register on offenders and wider research on the links between animal cruelty, domestic violence and child abuse in the UK. We would also recommend improving links between agencies to understand offending patterns better.**

How could a register operate, including barriers and ways to overcome them?

244. Both the Welsh and Northern Irish Assemblies have stopped short of introducing registers because of a number of practical obstacles. This section will look at some of those challenges and explore ways these might be addressed.
245. In doing so, it can be helpful to look at examples from other jurisdictions where abuser registers have been introduced. The US, for example, now has several: New York City introduced a register in 2014¹⁸⁹; there is one State-wide registry (Tennessee¹⁹⁰); and there are numerous County-level registries (22 out of 62 counties in New York State have registries¹⁹¹ and there are examples elsewhere, e.g. Cook County in Illinois¹⁹² and Hillsborough County in Florida¹⁹³).

¹⁸⁶ RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.2

¹⁸⁷ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/11709.htm>

¹⁸⁸

https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/LegislativeSummaries/421C84E#:~:text=Bill%20C%2D84%20amends%20the%20Code%20to%20define%20%E2%80%9Cbestiality%E2%80%9D,and%20restitution%20court%20order%20provisions.&text=Statistics%20Canada%20provides%20crime%20statistics,person%20to%20commit%20bestiality%3B%20and

¹⁸⁹ <https://www.nyc.gov/site/doh/health/health-topics/animal-abuse-registry.page#:~:text=Those%20required%20to%20register%20should,as%20required%20by%20the%20Act>

¹⁹⁰ <https://www.tn.gov/tbi/tennessee-animal-abuse-registry.html>

¹⁹¹ <https://www.nyshumane.org/animal-abuser-registries-nys/>

¹⁹² <https://www.cookcountysheriff.org/animal-abuser-registry/>

¹⁹³ <https://www.hillsboroughcounty.org/en/residents/animals-and-pets/animal-abuser-registry>

Should the register be public or closed?

246. One key consideration, if there is a register, is should it be made publicly accessible and, if not, who should have access to it? While some US lists are public (e.g. Tennessee), others (such as New York City) are available only to certain businesses and agencies that are responsible for animals. This reflects different purposes: while the purpose of a closed list is to prevent the sale or transfer to an abuser, the purpose of an open list may be further to punish or shame a perpetrator.¹⁹⁴
247. When the EFRA Committee considered this in 2016, it did not recommend that such a register be published, stating that a public list would raise a genuine risk of vigilantism and, indeed, in 2017, the UK Government's response cited concern about vigilante action as a reason for not pursuing the recommendation for a list at all.¹⁹⁵ The RSPCA, in its report for the Welsh Assembly, recommended a closed register if one were to be created.
248. In New York, the list can only be accessed in limited circumstances. Animal-related businesses granted permission to access it include animal control officers, animal rescue groups, animal shelters, dog and/or cat protective associations, Humane societies, pet shops, Societies for the prevention of cruelty to animals and veterinarians.¹⁹⁶ We would suggest taking a similar approach.

What should be the time limit?

249. Another consideration is how long a person should remain on the register. In New York, the registration period is for five years after sentencing or release from incarceration, and 10 years after a subsequent animal abuse offence.¹⁹⁷ Others place the limit at 15 years.¹⁹⁸ An appropriate time period would need to be determined.

Should it be compulsory to check the register?

250. In New York City, employees of certain animal-related businesses and organisations are required to check the registry and refuse to sell or transfer ownership of an animal to anyone listed there. In some Counties, it is an offence to sell or transfer an animal to an animal abuser with a fine of up to \$5,000.¹⁹⁹ By contrast, in Finland, it is not compulsory, and there is little knowledge about the existence of the register, so it is not used much at the point of transfer.²⁰⁰ We would recommend making it compulsory for people dealing in animals or licensing animal activities to check the register.

How can concerns about cost be mitigated?

251. Cost was cited as one of the reasons both the Welsh government and the Northern Irish Agriculture Minister did not go on to recommend the establishment of a register. We would recommend a more comprehensive consideration of how this might be approached, as there may be viable options. Some options to be considered include:

¹⁹⁴ RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.7

¹⁹⁵ <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/1003/100302.htm>

¹⁹⁶ <https://www.nyc.gov/site/doh/health/health-topics/animal-abuse-registry.page#:~:text=Those%20required%20to%20register%20should,as%20required%20by%20the%20Act>

¹⁹⁷ <https://www.nyc.gov/site/doh/health/health-topics/animal-abuse-registry.page#:~:text=Those%20required%20to%20register%20should,as%20required%20by%20the%20Act>

¹⁹⁸ For example, Dutchess County New York State, <https://www.dutchessny.gov/Departments/Sheriff/Dutchess-County-Animal-Abuse-Registry.htm>

¹⁹⁹ For example, Broome County, New York State provides a \$5000 fine for such offences.

See also <https://www.gobroomecounty.com/sites/default/files/dept/sheriff/pdfs/LOCAL%20LAW%20PERMANENT%206%20OF%202017.pdf> section 7(c).
See also <https://www.cattco.org/sheriffs-office/animal-abuser-registry>

²⁰⁰ RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.7

- i. Charging the offender a fee (for example, in some US Counties, offenders are required to pay \$125 to register²⁰¹). The RSPCA report for Wales considered this would not in itself be enough to sustain a register, however.
- ii. Charging the organisation transferring or selling the animal a small fee to access the register as in Finland. In Finland this seems to act as a deterrent to checking the registry, so is not advised unless a check is made compulsory.²⁰²
- iii. Charging the buyer or receiver of the animal a small fee to have the register checked to prove the lawfulness of the animal's acquisition if such a check is compulsory.
- iv. From various fines relating to registry offences, such as failure to register, acquiring an animal despite disqualification or transferring an animal to such an offender.
- v. Costs could be kept low by automating the process as far as possible.
- vi. Government funding could also be considered.

Which animals should be included?

252. Some registers exclude farmed animals being transferred to farmers, and service animals for people with disabilities.²⁰³ We would recommend the inclusion of farmed animals, given that in an agricultural context, a known abuser has the potential to harm a greater number of animals.

Data sharing issues

253. In addition to cost, data protection issues have been cited as another practical obstacle to creating an animal abusers' register, and in particular, the difficulties associated with this in the context of the UK's implementation of the European Union's General Data Protection Regulations ("GDPR") which make it difficult for data to be shared between the police and the RSPCA. The RSPCA's status as a charity and non-statutory enforcer prevents the type of data sharing typically seen between governmental bodies and means that the RSPCA, which handles most animal welfare prosecutions, is legally restricted from sharing or retaining information beyond its own investigations and prosecutions.¹⁰⁶
254. In April 2017, Stephen Kinnock (who at the time was an MP for Aberavon), told the BBC that concerns about data protection issues were not good enough¹⁰⁷ to justify the continued absence of such a register.
255. **We would make the following recommendations:**
 - **Legislative Amendments: amendments to the existing legislative framework for data sharing could be introduced to allow for (and encourage, where appropriate) the sharing of information regarding complaints, investigations, prosecutions and sentences for offenders¹⁰⁸ allowing, therefore, more effective supervision and better animal protection. More research would need to be undertaken to establish the nature and extent of the amendments to existing legislation which would be required to**

²⁰¹<https://www.gobroomecounty.com/sites/default/files/dept/sheriff/pdfs/LOCAL%20LAW%20PERMANENT%206%20OF%202017.pdf>. See a similar provision in Dutchess County, New York State: [https://www.dutchessny.gov/DutchessCountyPublicAccess/Resolutions/PDFProvider.ashx?action=PDFStream&docID=AZRbl4AkaorESykNh3nXhLLR%252fEE58jr%252fk3PV4MlfGR7O3RI3WNK7uHxmhVJAYemLvoQMg2HyDqxcmiR5Oc%252bnm7A%253d&chksum=ce19708684f5a63bac8dc22d401b3151&docName=Resolution%2b2019205%2b\(7%252f15%252f2019\)%253b%2bStatus%253a%2bADOPTED%253b%2bCategory%253a%2bLOCAL%2bLAW%2b-%2bSHERIFF&PromptToSave=False&ViewerMode=0](https://www.dutchessny.gov/DutchessCountyPublicAccess/Resolutions/PDFProvider.ashx?action=PDFStream&docID=AZRbl4AkaorESykNh3nXhLLR%252fEE58jr%252fk3PV4MlfGR7O3RI3WNK7uHxmhVJAYemLvoQMg2HyDqxcmiR5Oc%252bnm7A%253d&chksum=ce19708684f5a63bac8dc22d401b3151&docName=Resolution%2b2019205%2b(7%252f15%252f2019)%253b%2bStatus%253a%2bADOPTED%253b%2bCategory%253a%2bLOCAL%2bLAW%2b-%2bSHERIFF&PromptToSave=False&ViewerMode=0)

²⁰² RSPCA, Examining the case for an Animal Offender Register for Wales, 2018, p.7

²⁰³ See for example Broome County, New York State,

<https://www.gobroomecounty.com/sites/default/files/dept/sheriff/pdfs/LOCAL%20LAW%20PERMANENT%206%20OF%202017.pdf>

achieve this. There may be a need to differentiate between different types or levels of abuse, relative to the extent to which data can lawfully be shared between organisations.

- **Guidance:** We recommend that the ICO provide guidance about data sharing between statutory and non-statutory bodies for law enforcement purposes to aid understanding of what is and is not currently possible within the boundaries of the existing legislative regime.
- **Government Involvement:** At present, the RSPCA brings the majority of animal cruelty prosecutions forward. Greater levels of enforcement of animal abuse laws by governmental bodies should make data sharing more straightforward, given the relative ease by which data can be shared between these enforcement agencies.
- **Disclosure and Barring Service:** although a conviction for an animal welfare offence would be recorded on a DBS check, any disqualification may not be.¹¹⁰ We recommend the inclusion of disqualifications made under section 34 of the AWA 2006 and devolved equivalents so that any individuals likely to have close contact with pets (such as those working in rehoming charities and veterinary premises) could be checked to ensure the best possible care for the animals in their care.
- **Statutory duty:** Create a statutory duty for local authorities and police to report convictions under AWA 2006.

256. Additional Recommendations:

- Consider issues around parity in sentencing and refreshing guidance to magistrates on animal cruelty offences, including automatically imposing a ban on keeping animals for severe offences.
- Schedule 15 of the Criminal Justice Act 2003 classifies certain offences suitable for referral to the dangerous offenders register. This includes s.69 SOA offences but could be broadened to include other types of sexual abuse of an animal, as happens in Canada.
- Explore annual checks on offenders banned from keeping animals and encouraging LA and APHA inspectors to check for disqualifications.

Summary of recommendations

- In the public interest, we recommend s69 of the Sexual Offences Act 2003 be amended to reflect the more expansive offence in the CJIA.
- We recommend the post-implementation review of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be published as soon as possible.
- We recommend that species-specific statutory codes of practice relating to slaughter and killing be introduced and that welfare protections at the time of killing and slaughter be extended to farmed fish.
- We recommend the UK Animal Welfare Acts be amended to:
 - (a) create a duty to keep the scientific literature about sentience under regular review,
 - (b) create a duty (rather than power) to expand the definition of 'animals' where the national authority is satisfied that a class or species of invertebrate is sentient, and,
 - (c) in the event of any doubt about the existence of sentience, apply the precautionary principle in favour of animal welfare.
- We recommend the EFRA Select Committee consider the adequacy of farmed animal welfare protections and enforcement arrangements in their future work programme.

- We recommend the new UK Government strongly consider the EFRA Committee’s 2024 Pet Welfare and Abuse report findings in formulating its companion animal welfare legislative priorities for this Parliament and, ideally, lay a response to the inquiry report.
- We would welcome greater scrutiny from the Senedd’s Economy, Trade, and Rural Affairs Committee of Welsh animal welfare policy and the Welsh Government’s delivery of its Animal Welfare Plan.
- We recommend that delivery of the post-implementation review of the Welfare of Animals Act (Northern Ireland) 2011 recommendations be reviewed and that similarly comprehensive reviews of the Animal Welfare Act 2006 and Animal Health and Welfare (Scotland) Act 2006 be carried out by the UK, Welsh and Scottish Governments.
- We recommend that Law Commission’s Wildlife Law report recommendations be revisited.
- We recommend a comprehensive independent review of the ability of local authorities in England to deliver statutory and discretionary animal welfare duties, with a view to developing an improved delivery model. This could draw on examples of best practice from across the rest of the UK where appropriate.
- We recommend that the new UK government revisit the Stacey Review and give consideration to establishing a single regulator that could oversee animal health and welfare on farms in England.
- We recommend that farmed animal welfare incidents and enforcement action be recorded consistently and centrally to enable effective tracing of case outcomes and monitoring of trends. To enable this, consideration could be given to expanding the use of the existing Chronos system to APHA and local authorities.
- We recommend Defra resume publishing on-farm welfare inspection data annually (this data was last published in 2016).
- We recommend that mandatory CCTV be introduced in Northern Ireland as soon as possible and that CCTV be utilised more widely to protect the welfare of farmed animals at markets, ports and during transport.
- We recommend that resourcing be made available to increase the number of inspectors responsible for overseeing animal welfare in approved slaughterhouses and increase CCTV monitoring. As highlighted in Defra’s post-implementation review, artificial intelligence could be utilised to increase monitoring capacity in the future. We also recommend that efforts be made to transition CCTV footage to secure online platforms such that in-person visits are not always necessary to view footage, making monitoring more efficient and less time-intensive, and reducing the scope for intimidation of personnel.
- We support the Animal Welfare Committee’s recommendation to increase penalties for causing avoidable pain, distress or suffering to animals at the time of killing be increased to five years’ imprisonment.
- We recommend that Home Office Counting Rules are amended so that all serious wildlife crimes are notifiable.
- We support calls for the presence of specialist wildlife prosecutors beyond any initial hearing, which would materially improve the chances of successful convictions in many instances.

- We recommend that similar changes to enable early rehoming of seized animals, as happens in Scotland, are introduced across the rest of the UK to remove barriers to enforcement and, ultimately, improve the welfare of animals who have been seized.
- Steps are required to ensure judicial consistency in the sentencing of animal welfare cases, and consideration should be given to adding dedicated animal welfare training to the Judicial College Prospectus.
- We recommend the inclusion of disqualification orders as part of a DBS check so that it could be searchable for employers, and that such checks be made compulsory, which is of particular importance for roles involving animals.
- Whilst more UK research has emerged in recent years, we recommend funding be made available for research on the impact of a register on offenders and wider research on the links between animal cruelty, domestic violence and child abuse in the UK. We would also recommend improving links between agencies to understand offending patterns better.
- In connection with the creation of an Animal Abusers Register, we recommend:
 - Legislative Amendments: amendments to the existing legislative framework for data sharing could be introduced to allow for (and encourage, where appropriate) the sharing of information regarding complaints, investigations, prosecutions and sentences for offenders allowing, therefore, more effective supervision and better animal protection. More research would need to be undertaken to establish the nature and extent of the amendments to existing legislation which would be required to achieve this. There may be a need to differentiate between different types or levels of abuse, relative to the extent to which data can lawfully be shared between organisations.
 - Guidance: We recommend that the ICO provide guidance about data sharing between statutory and non-statutory bodies for law enforcement purposes to aid understanding of what is and is not currently possible within the boundaries of the existing legislative regime.
 - Government Involvement: At present, the RSPCA brings the majority of animal cruelty prosecutions forward. Greater levels of enforcement of animal abuse laws by governmental bodies should make data sharing more straightforward, given the relative ease by which data can be shared between these enforcement agencies.
 - Disclosure and Baring Service: although a conviction for an animal welfare offence would be recorded on a DBS check, any disqualification may not be. We recommend the inclusion of disqualifications made under section 34 of the AWA 2006 and devolved equivalents so that any individuals likely to have close contact with pets (such as those working in rehoming charities and veterinary premises) could be checked to ensure the best possible care for the animals in their care.
 - Statutory duty: Create a statutory duty for local authorities and police to report convictions under AWA 2006.

Annexes

Annexe A: Glossary

Term / Acronym	Definition
APHA	Animal and Plant Health Agency.
ASRU	Animals in Science Regulation Unit.
COPFS	Crown Office and Procurator Fiscal Service.
DAERA	Department of Agriculture, Environment and Rural Affairs.
EC Non-Compliance Incidents	An incident in which Article 27 of Council Regulation (EC) No 1/2005 on the protection of animals during transport is not complied with.
FTE	Full time equivalent.
FSA	Food Standards Agency.
FSS	Food Standards Scotland.
GBGB	Greyhound Board of Great Britain.
Non-Compliance Incidents	Incidents classified by the FSA as critical or serious.
Other Enforcement Actions	Enforcement actions imposed by the FSA, excluding Non-Compliance Incidents that were shared with the competent authority.
Potential Risk Incidents	Incidents classified by the FSS as category 3, representing a potential risk to animal welfare with no evidence of pain and suffering.
PDSA	People's Dispensary for Sick Animals.
PEL	An establishment licence that must be held by any establishment carrying out regulated animal research procedures.
PIL	A personal licence that must be held by individuals that conduct regulated animal research procedures.
PPL	A project licence that is required in order to conduct research involving regulated animal procedures.
PSNI	The Police Service of Northern Ireland.
Risk Incidents	Potential Risk Incidents and Serious Risk Incidents.
RSPB	The Royal Society for the Protection of Birds.
Serious Risk Incidents	Incidents classified by the FSS as category 4, representing an imminent risk to animal welfare and evidence of pain and suffering.
TB	Tuberculosis.
WCL	Wildlife and Countryside Link.
WECU	Wildlife and Environmental Crime Unity.

Wildlife Crime	Any unlawful act or omission, which affects any wild creature, plant or habitat in Scotland.
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Annexe B: Overview of UK's animal welfare legislation, guidance and codes of practice related to companion animals

(NB the below is non-exhaustive)

England	Wales	Scotland	Northern Ireland
Animal Welfare Act 2006 Animal Welfare (Service Animals) Act 2019 Animal Welfare (Sentencing) Act 2021		Animal Health and Welfare (Scotland) Act 2006 Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020	Welfare of Animals Act (Northern Ireland) 2011
The Animal Welfare (Sentience) Act 2022			
Secondary legislation			
The Welfare of Racing Greyhounds Regulations 2010 Microchipping of Dogs (England) Regulations 2015 Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Animal Welfare (Primate Licences) (England) Regulations 2024 The Mutilations (Permitted Procedures) (England) Regulations 2007	The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 The Microchipping of Dogs (Wales) Regulations 2015 The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 The Animal Welfare (Electronic Collars) (Wales) Regulations 2010 The Mutilations (Permitted Procedures) (Wales) Regulations 2007	The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 Microchipping of Dogs (Scotland) Regulations 2016	Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (Northern Ireland) 2013 Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012 Petshops Regulations (Northern Ireland) 2000
Guidance and codes of practice			

Buying a cat or dog Welfare of dogs Welfare of cats Welfare of horses, ponies, donkeys and their hybrids Welfare of privately kept non-human primates	Animal welfare establishments: code of best practice Code of Practice for the Welfare of Dogs Code of Practice for the Welfare of Cats Code of Practice for the Welfare of Rabbits Code of Practice for the Welfare of Horses	Code of Practice for the Welfare of Cats Code of Practice for the Welfare of Dogs Code of Practice for the Welfare of Equidae Pet rabbit welfare guidance	Code of Practice for the Welfare of Cats Code of Practice for the Welfare of Dogs Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids Code of Practice for the Welfare of Rabbits Code of Practice for the Welfare of Primates
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Annexe C: Overview of UK's animal welfare legislation, guidance and codes of practice related to farmed animals

(NB the below is non-exhaustive)

England	Wales	Scotland	Northern Ireland
Animal welfare legislation			
Animal Welfare Act 2006 Animal Welfare (Livestock Exports) Act 2024		Animal Health and Welfare (Scotland) Act 2006 Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020	Welfare of Animals Act (Northern Ireland) 2011
Secondary legislation			
The Welfare of Farmed Animals (England) Regulations 2007 'Schedules 2 to 9 providing additional species-specific conditions.' The Welfare of Animals (Transport) (England) Order 2006	The Welfare of Farmed Animals (Wales) Regulations The Welfare of Animals at the Time of Killing (Wales) Regulations 2014	The Welfare of Farmed Animals (Scotland) Regulations 2010 The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 The Welfare of Animals at the Time of Killing (Scotland) Amendment Regulations 2015	Welfare of Farmed Animals Regulations (Northern Ireland) 2012 The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014

<p>The Welfare of Animals at the Time of Killing (England) Regulations 2015</p> <p>The Mutilations (Permitted Procedures) (England) Regulations 2007</p>		<p>The Welfare of Farmed Animals (Scotland) Amendment Regulations 2019</p> <p>The Welfare of Farmed Animals (Scotland) Amendment Regulations 2020</p> <p>The Welfare of Farmed Animals (Scotland) Amendment Regulations 2024</p> <p>The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021</p>	
Guidance and codes of practice			
<p>Codes of practice for:</p> <ul style="list-style-type: none"> • laying hens and pullets • meat chickens <p>Code of recommendations for the welfare of ducks</p> <p>Codes of recommendations for the welfare of livestock - turkeys</p> <p>Code of recommendations for the welfare of livestock: cattle</p> <p>Code of practice for the welfare of pigs</p> <p>Code of recommendations for the</p>	<p>Code of practice of the welfare of cattle</p> <p>Code of Practice for the Welfare of:</p> <ul style="list-style-type: none"> • Laying Hens and pullets • Meat Chickens <p>Pig Welfare Code of Practice</p> <p>Sheep Welfare Code of Practice</p>	<p>Code of Practice for the Welfare of Cattle</p> <p>Guidance for the Welfare of Meat Chickens</p> <p>Guidance for the Welfare of Laying Hens and Pullets</p> <p>Guidance for the Welfare of Pigs</p> <p>Code of Practice for the welfare of Sheep</p>	<p>Codes of Practice under the 2011 Act in relation to farmed animals setting out minimum standards of care:</p> <ul style="list-style-type: none"> • Beef cattle • Dairy cattle • Meat chickens • Sheep • Laying hens • Pigs

welfare of livestock: sheep Code of recommendations for the welfare of livestock: goats Codes of recommendations for the welfare of livestock - deer Codes of recommendations for the welfare of livestock - rabbits			
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