

Joint animal welfare sector briefing on the Animal Welfare Strategy for England



1. Introduction

This joint briefing has been coordinated by the UK Centre for Animal Law (A-LAW) bringing together submissions by Animal Aid, Animal Equality UK, Animal Protection Agency (APA), Battersea Dogs & Cats Home, Born Free, Compassion in World Farming, Crustacean Compassion, Dogs Trust, FOUR PAWS UK, Freedom for Animals, Humane World for Animals UK, Naturewatch Foundation, League Against Cruel Sports, OneKind, Pigs Protection, Rabbit Welfare Association & Fund (RWAF), Save the Asian Elephant, Wildlife and Countryside Link, World Animal Protection and Wild Welfare.

Collectively, we welcome the government's Animal Welfare Strategy for England and the 60+ actions it sets out, and we support the principle that consistently high welfare standards should apply to all animals. The strategy presents a significant opportunity to deliver meaningful and lasting improvements to animals' lives. However, realising this ambition will depend on clear prioritisation, effective delivery and sufficient resourcing.

2. Purpose of this briefing

This preliminary joint briefing highlights shared immediate priorities and makes targeted recommendations to support the delivery of some of the strategy's key actions, with a particular focus on legislative reform and enforcement. Each contributing organisation would like to offer its support to facilitate successful delivery of the strategy. To that end, we have set out which contributing organisations have expertise in specific areas.

3. Cross-sector priorities

Recommendation 1: Adopt a clear delivery timetable for the strategy

We welcome the commitment to an integrated, cross-government approach to delivery of the strategy. This is essential given the breadth of the strategy and the 2030 delivery goal. To command sustained Cabinet Office and cross-Whitehall support, including beyond the current Parliament, the strategy should be underpinned by clear governance arrangements and transparent reporting.

We recommend that DEFRA:

- **Commit to a published Animal Welfare Strategy Delivery Timetable**, which translates the strategy's vision into clear, measurable targets supported by defined actions, timelines and resource allocation (human, financial and technological). In the short-term, clarify the government's immediate priorities in each area and how the government will engage with the sector throughout delivery of the strategy.
- **Set out a clear legislative pathway**, including a realistic timetable to consult on and introduce any primary and secondary legislation required to deliver key elements of the strategy.
- **Embed risk management and review mechanisms**, to enable early identification and mitigation of delivery risks and allow for adjustment, where required.
- **Establish performance monitoring and accountable reporting arrangements**, including clear baselines and success metrics (including Key Performance Indicators where appropriate) in keeping with established DEFRA practice in other sectors. An annual Animal Welfare Progress Report should be published and debated in Parliament on government time to allow MPs to scrutinise and hold the Government to account on the delivery of the strategy.

The strategy commits to a number of consultations across its focus areas. Pre-consultation activity should commence without delay, and a forward timetable for public consultations should be published to enable stakeholders to coordinate input and support delivery. Early consultation will be essential to ensure that any necessary legislative changes can be progressed within this Parliament.

Recommendation 2: Work with the sector to identify data capture required to effectively monitor enforcement and animal welfare service delivery

We welcome the commitment to systematically track and publicly report enforcement action taken in response to non-compliance with animal welfare requirements. To ensure this delivers meaningful oversight, DEFRA should work closely with the sector and other delivery partners to identify the core data needed to monitor enforcement activity and animal welfare service delivery effectively.

We recommend that DEFRA:

- Extend data capture beyond farmed animals to cover all kept animals at the earliest opportunity, and to support the capture of data related to wildlife crime by making key offences notifiable;
- Commit to publishing an annual animal welfare service delivery report; and,
- Commit to regular public data releases, which should be captured centrally under a dedicated Animal Welfare open data collection on data.gov.uk.

Recommendation 3: Collaboration on enforcement

The strategy emphasises the importance of good enforcement and the critical role played by Local Authorities and a range of partners. DEFRA should support the work of the newly formed National Companion and Exotic Animal Welfare Panel, which is made up of regional animal welfare hubs, to reduce enforcement costs while increasing enforcement action - similar to suggestions put forward by the All-Party Parliamentary Group for Animal Welfare (APGAW). DEFRA should also set up an internal Task & Finish Group formed of local authority experts, the RSPCA inspectorate, regional police representation and any other relevant organisations which conduct work on animal welfare compliance and enforcement. This group would work together to identify actions that can improve enforcement swiftly and without requiring new legislation, as well as setting out recommendations on discrete updates to the law that can deliver improved animal welfare.

Recommendation 4: Maintain responsiveness to serious and emerging animal welfare issues

Some significant animal welfare issues, including, among others, the keeping of wild animals as pets, lack of regulation of cat and rabbit breeding and the ongoing import and sale of foie gras, are not addressed within the current strategy. Others, such as the import and sale of fur, are not addressed with sufficient clarity. While

recognising that the strategy could not address all animal welfare issues, we encourage DEFRA to remain alert to serious and emerging welfare risks and to retain the flexibility to intervene where justified.

4. Specific policy areas

A. Companion Animals

We welcome the Government's ambition to improve breeding practices, the sale and import of companion animals and to strengthen welfare standards.

Effective enforcement: We welcome the commitment to work with local authorities to ensure enforcement is effective and consistent, and to work with the sector to improve standards and improve compliance with licensing, further to DEFRA's Post-Implementation Review. The sector would welcome clarity on when and how this work will take place to ensure it can provide effective input and help support improvements. There are a number of specific areas where we would like to see improvements and contributing members of this briefing are well placed to provide evidence and practical suggestions for how to tackle these challenges.¹

Dog breeding: We support the Government's commitment to end puppy farming and low-welfare dog breeding. To support implementation, we recommend incorporating the APGAW Innate Health Assessment into legislation and statutory guidance. The current licensing framework for dog breeding captures only a small proportion of dog breeders. Improved oversight and traceability could be achieved by introducing a registration scheme for dog breeders falling below the licensing threshold using powers available under section 13 of the Animal Welfare Act 2006 ('AWA 2006'). Any system of registration should be supported by a proportionate set of welfare-oriented registration conditions. We welcome the commitment to consult on expanding regulation to other dog breeding businesses and look forward to working with DEFRA to ensure robust protections are in place to promote the welfare of adult dogs and their progeny throughout the entire breeding process.

Rescue and rehoming establishments, including sanctuaries: We welcome the proposal to consult on licensing domestic rescue and rehoming organisations. We recommend: licensing should apply to all rehoming centres, including those importing animals from abroad; this could be delivered through amendment to the LAIA regs, supported by clear statutory guidance.

Illegal mutations: The strategy acknowledges the issue of dogs and cats with illegal mutilations and the issue of them being brought into the country illegally. This, and other forms of illegal importation, could be stopped through the Animal Welfare (Import of Dogs, Cats and Ferrets) Act. We urge the Government to prioritise passing the necessary secondary legislation to give effect to the important measures included within the Act.

Electric shock collars: We welcome the commitment to move forward on banning electric shock collars. A ban could be achieved through regulations under section 12 of the AWA 2006, and should extend to use, advertisement and potentially sale, and should not include exemptions. Given the last government brought forward legislation, it may not need a consultation at this stage.

Organisations who can provide expertise: APA, Battersea Dogs and Cats Home, Dogs Trust, FOUR PAWS UK, Naturewatch Foundation, RWAF

B. Wild Animals

We welcome the commitments on trail hunting, hares and snares, as well as the recognition that protection for wild animals has lagged behind scientific research, and the commitment to ensure that wild animals are treated with the same respect as other animals.

Hunting, hares, and snares and traps: We urge that these issues are prioritised as discrete actions to pass in the next parliamentary session. It would be worth, particularly for snares, considering drafting any legislation in such a way that additions could be added through a simple procedure subsequently.

Improving the welfare of decapods and cephalopods: We welcome the promise to issue guidance on the killing of decapods. It is important that this be published as quickly as possible and that all bodies responsible

¹ For example, wording of the statutory guidance for local authorities, which allows commercial animal trading at pet markets and undermines s.2 of the Pet Animals Act 1951; guidance on minimum enclosure size for snakes that is contrary to scientific evidence; and ensuring that guidance includes all animals sold in pet shops, including those recently recognised as sentient and also fish.

for enforcement have adequate knowledge and resources to implement it. This should be accompanied by an amendment to Schedule 2 Welfare of Animals at the Time of Killing (England) Regulations 2015 to include specific protections for these animals. To bring the law up to date with scientific understanding, powers available under s1(3) AWA 2006 should also be used to extend the definition of 'animal' to include sentient invertebrates. Furthermore, the definition of "protected animals" under the Animals (Scientific Procedures) Act 1986 should now be extended to include decapod crustaceans.

Equal respect and enforcement: Given the piecemeal state of the law on wild animals, we recommend revisiting the Law Commission's report on Wildlife Law, published in 2015. It highlights the current fragmented and outdated legislative approach, recommending that current wildlife legislation should be replaced by a single statute. Alternatively, to strengthen penalties, the government should consider amending the AWA 2006 so that wild animals are afforded the same protections as other categories of animals. Please see annex 1 for potential approaches to drafting.

Zoos: While we welcome monitoring of elephant welfare, as per recommendation 6 of the Zoos Expert Committee, in response to the Elephant Working Group's 10-year report, a process to debate the ethical complexities of keeping elephants in Britain's zoos should be devised to "inform a decision regarding continuous keeping of elephants in captivity or phasing out".

Organisations who can provide expertise: Animal Aid, Born Free, Crustacean Compassion, Freedom for Animals, FOUR PAWS UK, Humane World for Animals, Naturewatch Foundation, League Against Cruel Sports

C. Animals in farming

We welcome the aspiration that as many farmed animals as possible experience a good life and not just a life worth living, and specifically the promises made in relation to CO2 gassing of pigs, docking of pig tails, fish slaughter requirements, an end to cages and crates, updating standards of chicken breeding practices and reviewing the status of game birds. We look forward to opportunities to support progress in each of these areas.

Labelling: We would urge that any labelling requirements are made mandatory as only those in higher tiers will adopt if not compulsory. It is imperative that the UK retains the ability to adopt a comprehensive Method of Production Labelling regime, as consulted on under the previous Government, in the course of the SPS (Agrifood) trade agreement with the EU.

A life worth living: For there to be a genuine 'generational shift' towards achieving universally high standards such that farmed animals have a good life, DEFRA should consider how to encourage a move away from intensive animal production towards substantially lower stocking densities as encouraged in the strategy, making a transition to extensive farming systems. This could be supported through the Farming Vision and Food Strategy process, adapting existing subsidy schemes to incentivise the housing of animals in woodlands and the planting of woodland in permanent pasture. This would help towards the strategy's aim of adaptation to climate change, while simultaneously reducing risks of biodiversity crisis, antimicrobial resistance and securing greater food system resilience, whilst delivering the highest standards of animal welfare. The Animal Welfare Strategy and Food Strategy process should also work synergistically to use policy levers, such as public sector food procurement, to drive a societal dietary shift towards more plant-rich diets in a positive way (including use of 'nudge' tactics), reducing demand for animal protein which in turn can help to reduce dependence on high stocking density intensive farming.

Farrowing crates: The Government should consult on ending the use of farrowing crates and temporary, or 'flexible', crates in pig farming. Temporary crates do not deliver meaningful health and welfare improvements for sows or piglets. While confinement time is reduced, experiencing such severe confinement for many days (particularly as this prevents nestbuilding) still causes extreme suffering. Recent polling by Humane World for Animals also indicates low public acceptance of temporary crating.

Devolved governments: We welcome the commitment to work closely with Devolved Governments. We suggest that this is particularly important for the commitments related to farmed animals and urge that the Government work with devolved governments to deliver those commitments and food system reform.

Organisations who can provide expertise: Compassion in World Farming, Animal Aid, Animal Equality UK, FOUR PAWS UK, Humane World for Animals, World Animal Protection, Onekind, Pigs Protection

D. International/ trade

We welcome the pledge to use the UK's influence in bilateral and multilateral fora to champion high animal welfare standards around the world.

Trade: The government should specify an explicit animal welfare carve out as a red line in any agreement, including the SPS agreement currently under negotiation with the EU. This should retain the UK's sovereign right to prohibit import of products produced using methods that are illegal in the UK, such as fur.

Animals in Tourism: The Animals (Low Welfare Activities Abroad) Act received Royal assent on 18th September 2023, but currently lacks the secondary 'activity regulations' to bring it into effect. A large consortium of NGOs has already provided the government with a comprehensive list of activities that could be included in such legislation. On this basis, the Secretary of State at DEFRA should develop and table activity regulations to bring the Act into effect without further delay.

Integrating across government: DEFRA should encourage actors across government to champion high standards elsewhere, specifically with the Foreign, Commonwealth & Development Office, which should consider how to integrate animal welfare across its bilateral relations, Official Development Assistance and representation at multilateral fora.

Organisations who can provide expertise: Trade and Animal Welfare Coalition, Animal Equality UK, Born Free, A-LAW, FOUR PAWS UK, Humane World for Animals, Save the Asian Elephant, World Animal Protection

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Annex 1: Legislative amendments to bring protections for wild animals up to the same level as others

This could be drafted in such a way as to avoid concerns about extending liability for failure to act to protect wild animals. We propose consideration of two potential approaches:

1. Remove all reference to 'protected animals', including the current definition of protected animal at s.2 AWA 2006. Have all sections which apply to protected animals instead apply to all animals as defined in s.1, or as defined in the Animal Welfare (Sentience) Act 2022. This would have the effect of making it an offence to cause unnecessary suffering (s.4), to mutilate (s.5), to administer poison (s.7) and to cause animals to fight (s.8) to all animals. The offence of unnecessary suffering is currently constructed as 'an act of his, or a failure of his to act, causes an animal to suffer'. In order to address the concern that humans would be required to intervene upon seeing every suffering animal, this section would need to be amended such that a 'failure to act' would only apply to animals in the control of man and not to all animals. It would be worth considering the introduction of an explicit *mens rea* to the AWA 2006 in connection with s.4 which is not currently written, in terms of intention or recklessness.
2. Alternatively, the AWA 2006 could be amended to more closely follow language of the Animal Health and Welfare (Scotland) Act 2006, which has a specific offence set out at s.19(1) by which someone, with no responsibilities specific to the animal, causes a protected animal unnecessary suffering by an act, and ought reasonably to have known the act would be likely to cause suffering. The 'protected' animal qualification, set out in the Scottish Act, would also need to be removed, so that acts could also be prosecuted if committed against an animal not in the control of man. This would maintain a distinction between those animals which are in the control of man who are thus more dependent on humans because they are unable to provide for themselves because of their captivity, and as such it would require a higher level of responsibility for kept animals than those which are not. However, it would still provide protection from acts causing unnecessary suffering to animals in the wild.

Organisations that could provide expertise: A-LAW