

**The National Assembly for Wales All Party Group for Animal Welfare (APGAW)**  
**15 November 2005 Meeting**

**In Attendance**

Minister for Environment, Planning & Countryside, Carwyn Jones AM  
 Chair, Lorraine Barrett AM (Lab, Cardiff South and Penarth)  
 Claire Lawson, RSPCA Cymru Wales  
 Philip Jones, International League for the Protection of Horses  
 Daniel Turner, Born Free Foundation  
 Lionel Ford, The Donkey Sanctuary  
 Roy Peckham, Pit Pony Sanctuary  
 Wendy Davies, British Horse Society  
 Sian Edwards, Dogs Trust  
 Ifan Lloyd, British Veterinary Association  
 Superintendent Carl Close, WAG Police Liaison Officer  
 Alun Streeter, Office of the Chief Veterinary Officer Wales  
 John Cambell, DEFRA - SVS - VO  
 Suzanne Campbell, Protection of Wild Animals  
 G. L. Jones, Rhondda Animal Aid  
 Andrea Williams, Rhondda Animal Aid  
 Stewart Kelly, Assembly Researcher to Lynne Neagle AM

**Item 1: Chair's welcome and introduction**

**Lorraine Barrett AM (Chair):**

- Opened the meeting by welcoming members and introduced the Environment, Planning and Countryside Minister Carwyn Jones AM

**Minister Carwyn Jones AM:**

- Stated that the Animal Welfare Bill is a major step forward for Wales. The final Bill will determine how much discretion the National Assembly has in this area. Once passed the Bill will be the most important piece of legislation to protect animals for almost a hundred years and is well overdue.
- The Animal Welfare Bill will provide Wales with the equivalent responsibility for non-farmed animals as it now has for farmed animals.
- Formerly the responsibility for animal welfare was split between Carwyn Jones and the Minister for Finance, Local Government and Public Services, Sue Essex AM. This has now been transferred to the Environment, Planning & Countryside Minister and under the new Bill he will be taking full responsibility for animal welfare. The day to day issues will be dealt with by the Office of the Chief Veterinary Officer for Wales.
- The Bill is a result of four years work and a consultation process between the National Assembly and DEFRA.
- The old 1911 Act has too many loopholes and does not have the power to deal pre-emptively with animal cruelty. The biggest changes are in the area of non-farmed animals.
- The new Bill will extend the Assembly's power to pass secondary legislation relating to animal welfare issues.
- The Bill outlines a number of important issues relating to preventative action.
- The owners of non-farmed animals will have a duty to keep animals in a good condition. If a person is placed in charge of an animal temporarily then responsibility is then transferred to that person.
- The new legislation will simplify the existing legislation, bringing twenty pieces of legislation into one and will strengthen the penalties for non adherence.
- The Bill is an enabling act which will be introduced progressively over the next five years. Significantly, welfare codes similar to those in existence for farmed animals are to be developed. It is important to maintain consistency with policies across the UK but Wales will be able to shape its own policy in some areas.
- The main issues in the Bill are;
  - It will not be necessary to prove that a person's actions or failure to act led to suffering. Ignorance will not be an excuse. It will be a strict liability offence.
  - New clause on animal fighting.

- Mutilation will be prohibited unless necessary. The Minister noted that tail docking is an issue and we will need to take the debate forward and decide what we need to do.
- Promotion of welfare - Clause 8 of the Bill states that a person has committed an offence when reasonable steps were not taken to adhere to the code of practice.
- Cruelty can be committed by action or inaction - by act or omission. This is a significant step forward.
- The Bill provides a very clear lead to people who have animals, for example, it requires that animals are kept in a suitable environment.
- The sale of animals to children under 16 is prohibited, and animals are not to be given as prizes to people under that age, (e.g. goldfish).
- It is important to note that the Assembly under the Bill is the appropriate national authority which has been given the power and the responsibility in terms of making the necessary legislation needed to protect animals.
- Local Authorities will continue to have responsibility for licensing issues.
- The codes of practice are to be extended to non-farmed animals. These codes will be developed by the Assembly following consultation. The codes have the potential to carry a great deal of weight in determining whether someone has committed an offence.
- The Bill clarifies the actions inspectors can take when identifying animals in distress. The powers of the inspectors will also be extended to where cruelty is likely to happen rather than where it has happened.
- Inspectors will have extended powers of entry, search, and new powers over the inspection of evidence that could lead to the commission of offences for which a warrant will be required.
- There will be no changes in the powers to prosecute an offender but the time limit will be extended from the present limit of 6 months to 3 years under the new Bill.
- The post conviction powers of punishment will include – imprisonment, fines, and cancellation of licences.
- There will be a lot of devolved policy making capabilities once the Bill is passed, the National Assembly will have to prioritise the main issues for Wales.

### Item 3: Discussion and Q&A

Suzanne Campbell raised the issue of tail docking.

Minister Carwyn Jones AM, clarified that any decisions taken by the Welsh Assembly Government on this issue will be subject to a full vote in the Assembly Chamber.

Daniel Turner commented on clause 8(2) of the Bill which details the basic needs of animals. He asked the Minister if the Assembly will have the power to act, if it is proven that a particular practice does not meet one or more of the basic requirements. Mr Turner asked whether the Assembly could create standards that would in effect prohibit a particular practice.

Minister Carwyn Jones AM confirmed that the Assembly will have the necessary powers and that the codes of practice provide the minimum level of action that can be taken.

Daniel Turner raised the issue of evidence of animal cruelty and neglect.

Minister Carwyn Jones AM explained that evidence can be included in the Assembly's consultation on the codes of practice or presented as evidence in court.

Daniel Turner noted that he is concerned about the use of wild animals in circuses. The code is due to be enacted in 2009 and the sunset clause in 2011. He stated that in his opinion this is far too long to wait.

Minister Carwyn Jones AM replied that the Assembly does not have direct control over what goes into the Bill however there has been close interaction and liaison between Westminster and the Assembly on the Bill. He stated that as Wales will have the responsibility to draw up codes of practice we can prioritise areas of work. The Minister noted that if legislation was passed in Wales that was different to that in England the effect would be that banning circuses in Wales would not achieve much for animal welfare across the UK. He added that some level of continuity is important in many policy areas. The Assembly's Environment Planning and Countryside Committee will be responsible for prioritising the codes of practice

Wendy Davies noted that a major challenge in preventing and prosecuting cases of animal cruelty is the definition of suffering.

Chair Lorraine Barrett AM queried whether the definition of suffering should be more specific as this could possibly create more loopholes.

Minister Carwyn Jones AM stated that the best way forward is to leave definitions for the courts to decide. He added that the codes of practice can list examples of definitions as guidelines but highlighted the need for flexibility.

Ifan Lloyd spoke of his experience of dealing with a number of cases with the RSPCA and the police. He stated that it is often very difficult to prove suffering in a court of law. He asked the minister if the new Bill will make it easier to prove that animals have been suffering unnecessarily.

Minister Carwyn Jones AM stated the fact that people will not be able to use ignorance as a defence in court will help. It will no longer be necessary to prove the owner's knowledge of suffering to his/her animals. Codes of practice defining examples of suffering will assist in supporting the expert opinion of the vet in a court of law.

Ifan Lloyd noted that it is vital that the codes of practice are very robust, enforceable and workable. The Minister agreed.

Superintendent Carl Close commented on the commitment of the four police forces in Wales to work in close consultation with the Welsh Assembly Government on members of the All Party Group on Animal Welfare on this important area of law.

Lorraine Barrett AM stated that there are high expectations of the Bill and enquired as to whether there exists the capacity in Wales to implement it effectively.

Minister Carwyn Jones AM stated that as the police force is not a devolved issue it was difficult for him to comment. He noted that the creation of the Office of the Chief Veterinary Officer for Wales does mean that Wales is more prepared to implement the Bill. The State Veterinary Service Agency receives most of its funding from DEFRA, the Chief Veterinary Officer for Wales is devolved in terms of policy but not finance. The Minister noted that the Assembly needs to analyse what commitments it wishes to make to local authorities to ensure that no extra burden is put upon them in discharging their responsibility for animal welfare.

Daniel Turner commented that the feedback from local authorities is that they do not have necessary animal health knowledge or the capacity to undertake the groundwork needed in such cases. If local authorities are given more power the Assembly Government must ensure that they also have the capacity to deliver.

Minister Carwyn Jones AM stated that it may be beneficial for some local authorities to take the lead in delivering animal welfare services for the whole of Wales while other local authorities take a supporting role.

Suzanne Campbell called for an independent veterinary body for Wales.

Superintendent Carl Close noted that the police forces are eager to be involved in the discussions about how the Bill will be implemented. He commented that the challenge is for all stakeholders to engage in greater collaboration. He added that it is often a question of making better use of existing resources.

Philip Jones added that it is important to communicate the provisions of the new animal welfare legislation to the general public.

Minister Carwyn Jones AM replied that there will be an Assembly communication strategy linked to the Bill.

Philip Jones noted that the traditions of previous generations are passed down through family members adding that what was practiced in the past is not always acceptable today.

Minister Carwyn Jones AM stated that attitudes have to change.

The issue of an independent welfare commission was raised by Philip Jones who recalled Prof. Mike Radford's comments to members in a past APGAW meeting. The Minister Carwyn Jones AM stated that the proposal would be better positioned on a UK wide basis and would raise the issue with DEFRA.

#### **Item 4: Website Update**

Chair Lorraine Barrett AM noted that the minutes from this meeting and previous meetings of APGAW are available on the website ([www.apgawwales.org](http://www.apgawwales.org)).

#### **Item 5: Topics for 2006 Meeting**

The following items were suggested:

- Presentation by the Born Free Foundation on Circuses
- Update on the Animal Welfare Bill
- Presentation by the Gower Bird Hospital
- Licensing of Livery Yards and Animal Sanctuaries

All other items and/or suggestions for speakers are to be forwarded to Claire Lawson, RSPCA.

Lucy Merredy and Rhian Jones 16.11.05