Report of the Enforcement Working Group

February 1990
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To:
The Rt. Hon. John Gummer MP.
Minister of Agriculture, Fisheries and Food

The Rt. Hon. Malcolm Rifkind MP.
Secretary of State for Scotland

The Rt. Hon. Peter Walker MP.
Secretary of State for Wales

22 February 1990

I have pleasure in submitting the Council's Report on the enforcement of farm animal welfare legislation and codes.

The need for better enforcement of existing legislation and codes has been a recurrent theme in previous Council Reports. Enforcement is of fundamental importance because any measures to improve animal welfare can only be effective if they are properly implemented and enforced.

You will see that the Report, which we intend to publish, contains a considerable number of recommendations. These should not be interpreted as a criticism of those who have responsibility for animal welfare enforcement but rather as constructive proposals for ensuring that the legislative provisions and those responsible for enforcement take proper account of animal welfare requirements.

I very much hope that consideration of our proposals and consultation on them will be undertaken at an early date in order that the required changes can be implemented as soon as possible.

Professor Sir Colin Spedding
Chairman –
Farm Animal Welfare Council
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1. INTRODUCTION

In a number of the Farm Animal Welfare Council's (FAWC's) previous Reports the lack of enforcement of existing legislation was cited as one of the reasons for inadequate welfare provision. It was felt that existing legislation was in general capable of providing satisfactory welfare protection if it was adequately enforced. There is little point in having legislation without adequate enforcement. A Working Group was therefore established to find ways in which enforcement could be improved.

2. REMIT OF THE ENFORCEMENT GROUP

To review the arrangements for securing the enforcement of welfare legislation on farms, at markets, in transit and at the point of slaughter and for encouraging compliance with the Welfare Codes on farms, and to make recommendations to the Council.

3. DEFINITION OF ENFORCEMENT

There are two areas of enforcement:

(i) Prevention of poor welfare – a continuous educative process.

(ii) Follow-up action – where problems are found.

Various authorities undertake routine monitoring and investigate complaints and problems. A range of action is taken, according to the circumstances:

- advice
- warnings
- cautions
- prosecutions.

4. METHODS

The Group approached its task by studying:

- the relevant farm animal welfare legislation and enforcement powers (Appendix A)
- the Agriculture Departments' Codes of Recommendations for the welfare of livestock (Welfare Codes)
- forthcoming European Community (EC) legislation and enforcement provisions

* The Ministry of Agriculture, Fisheries and Food
  The Department of Agriculture and Fisheries for Scotland
  The Welsh Office, Agriculture Department.
the Council’s recommendations for improvement of enforcement contained in
its various Reports, those accepted by the Government and those
implemented to date (Appendix B).

The Group heard oral evidence from the Association of County Councils (ACC), the
National Animal Health Panel (NAHP), the National Farmers’ Union (NFU), the
NFU for Scotland, the Royal Society for the Prevention of Cruelty to Animals
(RSPCA) and the State Veterinary Service (SVS). It carried out a written
consultation exercise with other interested organisations. A list of those who
responded is at Appendix C and we are grateful for their contribution.

5. REVIEW OF RECOMMENDATIONS MADE IN EARLIER
FAWC REPORTS

Appendix B summarises the Government’s action to date on FAWC’s
recommendations on enforcement contained in its earlier Reports. Our comments
on the recommendations still to be implemented are as follows:-

(i) **Poultry Slaughter Report (1982)**

We are concerned that the Official Veterinary Surgeon (OVS) has still not
been made formally responsible for enforcement in all poultry
slaughterhouses.


We are aware of the proposed regulations and that the requirements for
slaughterhouses will be affected by EC legislation on meat hygiene.
However, we are gravely concerned about the failure to include the
relevant provisions in the legislative programme in order to implement
recommendations regarding training, supervision and formal
responsibility for welfare which require amendments to existing primary
legislation.

(iii) **Farmed Deer Report (1985)**

We are concerned that the Government has not pursued the introduction
of legislation requiring veterinary supervision of unloading, lairing and
slaughter of farmed deer following the failure of a Private Member’s Bill
on the subject in 1987.

The recent introduction of a voluntary code is welcome but requires
supporting legislation as soon as possible.

(iv) **Markets Report (1986)**

The Group welcomes the commitment to improved enforcement given in
the Government’s response to the Markets Report. The Government
should ensure that the proposed Markets Orders are brought into force
as soon as possible. The Group notes that there has been an improve­
ment in liaison between the different enforcing bodies since the issue of
the Report. **It is felt appropriate to reiterate the recommendation that enforcement officers (including Local Veterinary Inspectors (LVIs) should wear some form of identification. We would also recommend that enforcing bodies should provide for inspection outside normal working hours and during the loading and unloading of animals.**
We are conscious of the need to protect the animals' welfare and the increasing awareness of all involved with the transport of unfit animals. We welcome the Government's response to the Report and urge that it is implemented as soon as possible.

We therefore recommend that the Government give urgent consideration to bringing forward the necessary legislation to implement these outstanding recommendations.

6. ENFORCEMENT INITIATIVE

In 1985 the Ministry of Agriculture, Fisheries and Food (MAFF) undertook an initiative to improve the enforcement of farm animal welfare legislation. This included:

(a) correspondence with the ACC to encourage better and more uniform exercise by member authorities of their enforcement powers in respect of markets and transportation. The collaboration of district councils in respect of the transport of unfit animals was also sought from the Association of District Councils

(b) greater collaboration between the SVS and local authorities

(c) devolution to local level in the SVS of the authorisation of veterinary statements provided by way of evidence

(d) establishment of Local Animal Welfare Liaison Groups (LAWLGs) (para 7.2(iv)).

The initiative has been effective in improving local collaboration and in raising standards of enforcement. However, there remains considerable variation from one area to another. There is also concern that the impetus of the initiative should be maintained (paras 8.4(ii) a) – f), 8.7(iii) a) and 8.7(iv) a) and b)).

7. ENFORCEMENT AUTHORITIES

Organisation

The table below indicates where the different agencies carry out enforcement.

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<td>SVS</td>
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<td>In transit/at markets</td>
<td>County councils, metropolitan district councils, London borough councils; islands or regional councils in Scotland; SVS; police</td>
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At abattoirs District councils, metropolitan district councils, London borough councils and the Corporation of the City of London; islands or district councils in Scotland.

Members of the SVS may also be present outside their statutory role. Voluntary bodies carry out enforcement in all these areas.

Some local authorities with enforcement powers under the Animal Health Act 1981* have authorised their Animal Health Inspectors (AHIs) to institute proceedings under the Protection of Animals Act 1911 and the Agriculture (Miscellaneous Provisions) Act 1968, in order to strengthen their enforcement capability. We recommend that all local authorities responsible for enforcement of the Animal Health Act 1981 take steps to authorise their Inspectors accordingly.

7.2 Co-ordination

There are 5 principal areas where co-ordination can take place within and between enforcement authorities.

(i) **State Veterinary Service**

The Regional Veterinary Officer (RVO) or Deputy Regional Veterinary Officer (DRVO) meets regularly with Divisional Veterinary Officers (DVOs) to co-ordinate activity within the region. RVOs meet quarterly under the chairmanship of the Director of Field Services. In addition the SVS employs private veterinary surgeons as LVIs to perform specific duties. Animal Health Officers (AHOs) carry out support tasks for which veterinary experience is not required.

(ii) **County and metropolitan district councils**

The responsibility for animal welfare enforcement falls to a number of different council departments. In two county councils in England and in nine Scottish authorities the Animal Health Act 1981 is still enforced by the police.

Enforcement officers meet on Regional Animal Health Panels (RAHPs) to discuss problems and exchange ideas. The NAHP coordinates the activities of the RAHPs. Liaison between councils is also conducted through their Associations.

*These local authorities are:

(i) In England and Wales:
   - County councils
   - The Corporation of the City of London
   - Metropolitan district councils
   - Portsmouth District Council
   - Southampton District Council

(ii) In Scotland:
   - Regional and islands councils
(iii) **District councils**

Animal welfare enforcement is co-ordinated by Environmental Health Departments which employ Environmental Health Officers (EHOs), Meat Inspectors and, for the purpose of supervising export meat slaughterhouses (all slaughterhouses in Scotland), OVSs.

Liaison takes place through the Institute of Environmental Health Officers, the Association of Meat Inspectors (AMI) and the Association of District Councils.

(iv) **Local Animal Welfare Liaison Groups**

These bring together farming, livestock haulage and market interests and representatives of the veterinary profession, welfare societies and enforcement agencies under the chairmanship of the DVO to discuss welfare issues. These Groups were established as part of MAFF’s Enforcement initiative (para 6). Meetings are held twice yearly and provide an informal and flexible forum for contact and collaboration according to local needs.

(v) **Liaison committees at markets**

At some markets, representatives of the various enforcement bodies attend informal market liaison committees where welfare matters are often discussed. There is much cross-membership between these and the LALGs.

In addition to these formal arrangements, there is regular day to day contact within and between all the enforcement authorities.

There is also valuable feedback of information to the enforcing authorities from their officials, voluntary bodies, the police and members of the public.

8. **EFFECTIVENESS OF PRESENT PROCEDURES: OBSERVATIONS AND RECOMMENDATIONS FOR IMPROVEMENT**

8.1 **Legislation**

A number of difficulties in enforcing the existing legislation were identified by organisations submitting evidence:-

(i) Imprecise wording in Orders made under the Animal Health Act 1981, for example “unnecessary suffering”, “substantial construction”, “... adequate ...”, “... sufficient ...”.

We recognise that the imprecise nature of these phrases may make proof of an offence difficult. Nevertheless, it is felt that a measure of flexibility is essential to satisfy the general intention of the legislation and variety of situations in which welfare problems arise.
There is scope for improvement in the definition of offences relating to ill-treatment in the Orders made under the Animal Health Act 1981 and the Agriculture (Miscellaneous Provisions) Act 1968. The Animals (Scientific Procedures) Act 1986 refers to procedures “which may have the effect of causing pain, suffering, distress or lasting harm”. The Protection of Animals Act 1911 (1912 in Scotland) refers to “doing or omitting to do any act, or causing or procuring the commission or omission of any act”.

Such wording, providing it is qualified by exempting “any recognised veterinary, agricultural, or animal husbandry practice” (Animals (Scientific Procedures) Act 1986) could improve the protection afforded without losing the measure of flexibility which we consider is required in the legislation.

We therefore recommend that consideration should be given as soon as possible to reviewing the wording relating to the ill-treatment of animals in Orders made under the Animal Health Act 1981 and the Agriculture (Miscellaneous Provisions) Act 1968 to bring the legislation more closely in line with the law for the protection of animals in other situations.

(ii) The Group notes that there may be difficulties in proving “mens rea” (guilty intent) in respect of offences of “causing or permitting”, for example, unnecessary suffering, particularly when the defendant denies knowledge of an animal’s condition. It is recommended that the phrase used in the Agriculture (Miscellaneous Provisions) Act 1968 “of which he knows or may reasonably be expected to know” should be adopted for such offences in legislation relating to animal welfare.

(iii) The Agriculture (Miscellaneous Provisions) Act 1968 applies only to livestock kept on agricultural land. Significant numbers of farm animals are kept in situations outside the scope of the Act and the benefit of the Welfare Codes.

It is desirable that these animals should be given the same protection as those currently under the 1968 Act. We therefore recommend that the coverage of the Act should be extended accordingly as soon as possible.

(iv) Welfare legislation is fragmented among different Acts and Orders (Appendix A)

It is recognised that consolidation of legislation may be impractical at present but it is recommended that it should be seen as a long-term aim.

(v) At present not all Meat Inspectors have statutory welfare enforcement powers in abattoirs in respect of ante-mortem management of animals.
The Group reiterates the recommendation made in the Red Meat Slaughter Report that a competent person (i.e. a veterinary surgeon, EHO or Meat Inspector) should be nominated for each abattoir as having overall responsibility for welfare requirements and should be allowed sufficient time and resources as part of his/her normal duties to carry out these responsibilities.

(vi) The Agriculture Departments' Welfare Codes do not have statutory authority and breaches cannot always be enforced by some form of sanction.

The Codes are written in general form as they are intended to give guidance on the best welfare practice in any husbandry system for the species concerned. They are an important part of a variety of approaches to enforcement and, as well as supporting prosecutions under the Agriculture (Miscellaneous Provisions) Act 1968, they are used for education and advice. Because of this it was concluded that it would be inappropriate for the Codes to have statutory authority. However, we note that the Agriculture Departments have responded to FAWC's recommendations in the Regulations Working Group's Interim Statement by including some Code provisions in Regulations to be made under the Agriculture (Miscellaneous Provisions) Act 1968.

8.2 Role of prosecutions

In the main the response of organisations submitting evidence was that prosecution should be used as a last resort where advice, warnings and cautions have failed.

It should be emphasised that we do not regard the number of prosecutions as the sole indicator of enforcement activity; we believe that education, advice and good stockmanship are the key to improved welfare. Nevertheless, there is a deterrent role in the publication of key prosecutions where convictions are obtained and appropriate punishments ordered.

It is recommended that the enforcement agencies should ensure that magistrates are aware of the importance and seriousness of offences involving animal welfare and this should be stressed on magistrates' training courses. It is also recommended that the prosecution authorities should ask for realistic costs.

8.3 Evidence of enforcement activity

In their evidence, several bodies called for better statistics on enforcement.

The Group found that enforcement activity (advice, warning, prosecution) was reported or recorded by various authorities. County and district councils provide information on their enforcement activity to the SVS. The NAHP first collected county council statistics in the year April 1987 to March 1988 (1988/89 statistics are at Appendix D). Voluntary bodies keep records of their enforcement activity.
There is, therefore, some collation of figures for enforcement on a national basis. However, very little of this is publicly available and what there is must be obtained from several different sources and cannot accurately be compared.

The Chief Veterinary Officer includes information on SVS enforcement (for the calendar year) in his annual report; the NAHP proposes to publish its national statistics and the Home Office publishes figures for convictions under certain animal welfare legislation. The Group recognises that caution must be exercised in the evaluation of statistical data; nevertheless, it believes that they are a useful tool for the monitoring of enforcement activity and an important aspect of public accountability.

The Group recommends that the SVS and local authorities collaborate in the publication of statistics which give a clear picture of national and regional levels of enforcement in all fields of farm animal welfare.

8.4 Co-ordination and standardisation of enforcement

(i) Single farm animal welfare inspectorate

The Group has studied the feasibility of a single farm animal welfare inspectorate and concludes that although it is desirable in theory it does not appear practicable at the present time.

A number of the advantages and disadvantages for each of the enforcing bodies have been identified and these are listed at Appendix E.

(ii) Other observations and recommendations

(a) All local authorities are autonomous. There is a need for improved liaison between county and district authorities.

It is recommended that there should be a formal structure for regular meetings between county and district authorities and this should be co-ordinated by the Agriculture Departments.

(b) We consider that the enforcement initiative (para 6) gave substantial impetus to enforcement. We welcome the commitment to further initiatives on the transport of unfit animals and markets. The Group recommends that similar initiatives should be taken on other welfare aspects of transport and at slaughterhouses. The effectiveness of all initiatives should be closely monitored.

(c) Liaison between local authority enforcement officers and the SVS is variable.

It is recommended that the best possible liaison between local authority enforcement officers and the SVS should be encouraged.
(d) Not all local authorities employ officers to deal solely with animal health and welfare.

It is recommended that all local authorities should appoint an officer with overall responsibility for animal welfare and designated as “Animal Welfare Officer”. There should also be a nucleus of full-time staff dedicated to this area of work.

(e) In different local authorities, the responsibility for animal welfare enforcement rests with a variety of departments, for example, Trading Standards, Public Health and County Land Agent.

It is recommended that each local authority should publicise its Animal Welfare Officer (for example by listing him/her in the telephone and other local directories) with a view to making these officers more readily identifiable and easily accessible to the general public.

(f) There are local variations in collaboration and in enthusiasm for animal welfare leading to variability in standards of enforcement.

It is recommended that renewed impetus should be given to inter-authority collaboration at all levels.

(g) Section 51 of the Animal Health Act 1981 hinders effective enforcement by local authorities, particularly in transit matters, in that it authorises them to enforce only within their own boundaries.

It is recommended that Section 51 of the Animal Health Act 1981 should be amended to permit local authority enforcement across boundaries.

Pending this, we recommend that local authority inspectors should be granted enforcement Powers regardless of boundaries (Section 63(8) of the Animal Health Act 1981).

(h) At present the Protection of Animals Act 1911 and the Protection of Animals (Scotland) Act 1912 require, in the absence of the owner, a police officer to authorise a severely injured animal to be put down. This may involve a delay and cause suffering to the animal. We believe that everything possible should be done to minimise the delay between the animal being found and its slaughter. We therefore recommend that the powers under Section 11 of the 1911 Act and Section 10 of the 1912 Act should be extended to other enforcement officers.

8.5 Resources

(i) State Veterinary Service

(a) It is noted that there has been a reduction in manpower over the last few years, particularly in the field service, which has operated to the detriment of welfare.
We are aware that there has been a recent strain on resources because of salmonellosis, bovine spongiform encephalopathy and SVS European commitments. We understand that because of these pressures there are insufficient resources for the SVS to carry out its animal welfare duties properly. We find this unacceptable and therefore **recommend that the numbers of SVS staff should be increased sufficiently to enable it to deal fully with its animal welfare commitments.**

(b) The Group commends the role of AHOs as the “eyes and ears” for the DVO. It is felt that feedback of information is important in identifying welfare problems and **we recommend that the welfare role of AHOs should be encouraged.**

(ii) **Local authorities**

There is variability in enthusiasm for animal welfare enforcement, which leads to disparity in the funds allocated. **It is recommended that local authorities should give proper priority to animal welfare by devoting adequate resources to animal welfare enforcement.**

8.6 **Education and training**

The Group feels strongly that education and example should be the initial approach to improved welfare and therefore adequate training of enforcement officers is essential. It is felt that the best local authorities, in terms of enthusiasm for animal welfare enforcement, should be put forward as examples for others to follow.

**It is recommended that local authorities should ensure that their inspectors are fully trained and competent in animal welfare. It is also recommended that shared training courses for all the statutory enforcement authorities be introduced with a view to standardisation of enforcement. We have studied a training programme by the South West Provincial Councils and we recommend that this should be used as a model.**

8.7 **Investigation and prosecution**

(i) **On farm**

In some areas more efficient enforcement has been brought about by joint investigation by the SVS and AHIs and we commend this. In particular, it is thought that it may be beneficial in cases where prosecution may be required because AHIs have local knowledge, resources and expertise. **It is therefore recommended that the SVS should retain the primary role for on-farm visits, advice and cautions but local authorities which enforce the Animal Health Act 1981 should also be encouraged to take an active part in on-farm investigations.**
It is further recommended that the Minister should use his existing power under Section 6(1) of the Agriculture (Miscellaneous Provisions) Act 1968 to grant AHIs right of entry on farms.

(ii) In transit

(a) The Group is conscious that at present there are basically two enforcement options – caution or prosecution. It is recommended that a “vehicle defect rectification system” similar to that used by the police should be introduced for transit offences where no suffering to animals has resulted.

(b) Many offences are detected when vehicles carrying livestock are stopped and checked by local authority inspectors with police assistance at organised road checks.

We recommend that all local authorities with responsibility for enforcement of the transit of animals and poultry legislation should carry out regular checks of livestock vehicles.

(c) At routine traffic checks, vehicles can be held up for lengthy periods. It is our view that vehicles carrying animals should not be delayed, especially in hot weather, and we recommend that all the agencies responsible for making road checks should give priority to livestock vehicles in the interest of the welfare of the animals being conveyed.

(iii) At markets

(a) The liaison committees at markets referred to in para 7.2.(v) are valuable in promoting co-operation and it is recommended that the Agriculture Departments should encourage such groups to be formed at markets where they do not exist at present.

(b) We welcome the Government’s commitment in its response to the Markets Report to promoting the enforcement of legislation for welfare at markets.

(c) In compliance with the Livestock Auctioneers Market Committee Code, we recommend that auctioneers should appoint welfare officers at markets where this has not already been carried out. The name of and means of contacting the welfare officer should be displayed prominently in the market.
(iv) At slaughter

(a) In some slaughterhouses (non-EC approved) where veterinary supervision is not a requirement, the district councils which have a statutory responsibility for meat inspection do not always provide sufficient resources for enforcement of the welfare regulations for slaughterhouses, or for inspection of animals prior to slaughter. We are concerned about the lack of provision for welfare enforcement in these slaughterhouses and **recommend that district councils which have statutory responsibility for meat inspection should provide adequate resources, regulate slaughterhouse operation and train their meat inspection personnel to ensure effective welfare enforcement including inspection of all live animals presented for slaughter.**

We also recommend that the Agriculture Departments encourage good liaison (as already occurs in some areas) between AHIs, Meat Inspectors and SVS officers employed at slaughterhouses in monitoring casualty animals which are subject to veterinary certification covering their fitness for human consumption and fitness to travel.

(b) As the previous MAFF enforcement initiative and a proposed initiative only deal with the transport of unfit animals for slaughter, **it is recommended that a new initiative should deal with all aspects of welfare at the slaughterhouse.**

(c) The Red Meat Slaughter Report highlighted the fact that some animals arrive at slaughter in an injured condition. Where this happens **we recommend that the enforcement authorities should trace the handling and management of animals to the farm of origin and take action as appropriate.**

(d) The fines for offences against the slaughter legislation are lower than for other animal welfare legislation and **we recommend that they be brought into line.**

8.8 EC legislation

The Group notes that on the establishment of the internal market, EC legislation will replace or require changes in existing UK law and that already a proposed regulation has been drafted which will replace the Transit of Animals Orders. Proposals to abandon national border checks of animals for health and welfare purposes and the consequent loss of the statutory ten hour rest period for animals in export lairages is viewed with great concern. It is concluded that it would be unacceptable if EC legislation brought about a reduction in welfare provision. **The Group recommends that the Agriculture Departments should monitor all proposed EC legislation to ensure that standards of animal welfare set in current UK legislation are maintained or improved.**
8.9 The role of voluntary enforcing bodies

The Group acknowledges the valuable role played by voluntary bodies but we do not believe that they should be granted a statutory role.

8.10 Licensing

It was felt that this subject warranted special attention as it was suggested by a number of organisations during consultation. The Group was conscious that such a system would have to be both feasible from an administrative point of view and effective in improving farm animal welfare.

Certain key factors were identified:

   i) Type of system:
      licensing – the issue of a permit
      registration – the compilation of a list.

   ii) The system would relate to either:
        individual farmers/stockmen or
        agricultural holdings.

   iii) Implementation by SVS or county councils or both.

   iv) Enforcement:
       a) offences could include:
          keeping livestock without a licence or in breach of a
          condition or standard;
          failure to register

       b) administrative withdrawal or suspension of licence, subject to
          review by a magistrate’s court

       c) penalties:
          fine, including continuing fine, for failure to register or
          obtain licence.

Three possible approaches were considered:

i) A licence to which conditions or standards are attached

Objectives

(a) This would be applicable to the individual farmer/stockman, for example, to ensure that a stockman receives training in the Welfare Codes.

(b) Before a licence was issued some kind of certificate of competence would be required to prove that certain knowledge or experience had been acquired.
(c) Conditions or standards (either general or specific to the licensee) which implement the welfare legislation and Codes would be attached to the licence. This would be comparable to existing animal establishment licensing systems and the licence would be subject to withdrawal.

Advantages

(a) It would promote knowledge and competence in welfare matters and compliance with the law and Welfare Codes.

(b) It would encourage agricultural colleges to include animal welfare in their syllabuses and promote attendance at animal welfare courses.

Disadvantages

(a) The administrative workload involved in the issue and renewal of such licences would require substantial additional resources.

(b) For the same reason the system would be difficult to monitor.

(c) Licence fees might be imposed.

(d) The demand for farm animal welfare courses and/or tests in order to obtain certificates of competence would be likely to create an additional burden for those who provide animal welfare courses.

ii) A licence to which no conditions are attached

Objective

A licence would be required for an agricultural holding. This could be defined as any holding where there are "livestock ... on agricultural land" as defined by the Agriculture (Miscellaneous Provisions) Act 1968. If recommendation 4 is adopted this definition could be extended to all premises where livestock are kept (paragraph 8.1 (iii)).

Advantages

(a) The power of withdrawal would encourage livestock keeping in compliance with the welfare legislation and Codes.

(b) Additional advantages would be the same as those for Registration (paragraph 8.10 (iii)).

Disadvantages

(a) At present there is no requirement for all livestock holdings to be listed with the Agriculture Departments and the demand on manpower would be substantial.
(b) Although the administrative workload involved in the issue of this licence would be less than for each farmer/stockman it would still be considerable.

iii) **Registration**

**Objectives**

(a) Registration of all owners of livestock with details of premises and type of stock. This would cover all livestock (as defined by the Agriculture (Miscellaneous Provisions) Act 1968) whether or not kept on agricultural land. At present the Act is deficient in this respect (paragraph 8.1(iii)).

(b) There would be an offence and a financial penalty, possibly a continuing fine, for not registering.

**Advantages**

(a) The location of all premises where livestock are kept would be known. Although an annual census of agricultural holdings is already taken, this information is confidential.

(b) Registration would make communication easier and allow proper targeting of educational material, for example, when notifying legislative requirements and when sending out copies of Welfare Codes and other relevant information.

(c) Registration would assist in disease control measures, for example, sheep dipping and pig movements.

(d) The register could be used to keep a welfare record for each holding.

(e) The surveillance and enforcement of animal welfare would be made more comprehensive.

(f) The SVS and some county councils already keep records of holdings for enforcement and other purposes. The use of such existing records would reduce the resources required for a welfare register.

(g) There are a number of circumstances in which registration already takes place, for example, milk and crop production. It will also shortly be introduced for poultry breeding and laying flocks.

**Disadvantage**

A substantial administrative workload would be involved.

**Conclusion**

The Group agreed that registration would be the most feasible option but that only licensing would achieve full benefits for animal welfare.
It is therefore recommended that the Agriculture Departments should consider the introduction of a licensing/registration scheme for all those having responsibility for livestock.

9. SUMMARY OF RECOMMENDATIONS

Recommendations for changes to legislation to enable better enforcement

1. The Government should give urgent consideration to bringing forward the necessary legislation to implement the outstanding recommendations in previous FAWC Reports (para 5).

2. Consideration should be given as soon as possible to reviewing the wording relating to ill-treatment of animals in Orders made under the Animal Health Act 1981 and the Agriculture (Miscellaneous Provisions) Act 1968 to bring the legislation more closely into line with the law for the protection of animals in other situations (para 8.1(i)).

3. The phrase used in the Agriculture (Miscellaneous Provisions) Act 1968 “of which he knows or may reasonably be expected to known” should be adopted for “causing or permitting” offences (para 8.1(ii)).

4. The coverage of the Agriculture (Miscellaneous Provisions) Act 1968 should be extended to livestock kept on non-agricultural land as soon as possible (para 8.1.(iii)).

5. Consolidation of animal welfare legislation should be seen as a long term aim (para 8.1.(iv)).

6. Section 51 of the Animal Health Act should be amended to permit local authority enforcement across boundaries (para 8.4.(ii)(g)).

7. Pending the implementation of Recommendation 6, local authority inspectors should be granted enforcement powers regardless of boundaries (Section 63(8) of the Animal Health Act 1981) (para 8.4.(ii)(g)).

8. The powers under Section 11 of the Protection of Animals Act 1911 and under Section 10 of the Protection of Animals (Scotland) Act 1912 should be extended to other enforcement officers in addition to the police (para 8.4.(ii)(h)).

EC legislation

9. The Agriculture Departments should monitor all proposed EC legislation and ensure that standards of animal welfare set in current UK legislation are maintained or improved (para 8.8).
Recommendations for improved enforcement

(a) On farms

10. The SVS should retain the primary role for on-farm visits, advice and cautions but local authorities which enforce the Animal Health Act 1988 should also be encouraged to take an active part in on-farm investigations (para 8.7(i)).

11. The Minister should use his existing powers under Section 6(1) of the Agriculture (Miscellaneous Provisions) Act 1968 to grant AHI right of entry on farms para 8.7(i)).

(b) In transit

12. There should be a new enforcement initiative to deal with all aspects of welfare in transit (para 8.4 (ii)(b)).

13. A “vehicle defect rectification system” should be introduced for transit offences where no suffering to animals has resulted (para 8.7(ii)(a)).

14. All local authorities with responsibility for enforcement of the transit of animals and poultry legislation should carry out regular checks of livestock vehicles (para 8.7 (ii)(b)).

15. All the agencies responsible for making road checks should give priority to livestock vehicles in the interest of the welfare of the animals being conveyed (para 8.7 (ii)(c)).

(c) At markets

16. Enforcement officers (including LVIs) should wear some form of identification (para 5(iv)).

17. Enforcing bodies should provide for inspection outside normal working hours and during the loading and unloading of animals (para 5 (iv)).

18. Agriculture Departments should encourage market liaison committees to be formed where they do not exist at present (para 8.7 (iii)(a)).

19. Auctioneers should appoint welfare officers at markets. The name of and means of contacting the welfare officer should be displayed prominently (para 8.7 (iii)(c)).

(d) At slaughter

20. A competent person (i.e. a veterinary surgeon, EHO or Meat Inspector) should be nominated for each abattoir as having overall responsibility for welfare requirements and should be allowed sufficient time and resources as part of his/her normal duties to carry out these responsibilities (para 8.1 (v)).
21. There should be a new enforcement initiative to deal with all aspects of welfare at the slaughterhouse (paras 8.4 (ii)(b) and 8.7 (iv)(b)).

22. District councils should provide adequate resources, regulate slaughterhouse operation and train their meat inspection personnel to ensure effective welfare enforcement, including inspection of all live animals presented for slaughter (para 8.7 (iv)(a)).

23. Agriculture Departments should encourage good liaison between AHIs, EHOs, Meat Inspectors and SVS officers employed at slaughterhouses in monitoring casualty animals which are subject to veterinary certification covering their fitness for human consumption and fitness to travel (para 8.7 (iv)(a)).

24. Where animals arrive at slaughter in an injured condition enforcement authorities should trace the handling and management of the animals to the farm of origin and take action as appropriate (para 8.7 (iv)(c)).

Local authority enforcement

25. All local authorities with enforcement powers under the Animal Health Act 1981 should authorise their AHIs to institute proceedings under the Protection of Animals Act 1911 and the Agriculture (Miscellaneous Provisions) Act 1968 (para 7.1).

26. All local authorities should appoint an officer with overall responsibility for animal welfare and designated as “Animal Welfare Officer”. There should also be a nucleus of full-time staff dedicated to this area of work (para 8.4 (ii)(d)).

27. Each local authority should publicise its Animal Welfare Officer with a view to making these officers more readily identifiable and easily accessible to the general public (para 8.4 (ii)(e)).

28. Local authorities should give proper priority to animal welfare by devoting adequate resources to animal welfare enforcement (para 8.5 (ii)).

29. Local authorities should ensure that their inspectors are fully trained and competent in animal welfare (para 8.6).

SVS enforcement

30. The number of SVS staff should be increased sufficiently to enable it to deal fully with its animal welfare commitments (para 8.5 (i)(a)).

31. The welfare role of AHOs should be encouraged (para 8.5) (i)(b)).
Liaison and collaboration between enforcing authorities

32. The SVS and local authorities should collaborate in the publication of statistics on enforcement (para 8.3).

33. There should be a formal structure for regular meetings between county and district authorities co-ordinated by the Agriculture Departments (para 8.4 (ii)(a)).

34. The best possible liaison between local authority enforcing officers and the SVS should be encouraged (para 8.4 (ii)(c)).

35. Renewed impetus should be given to inter-authority collaboration at all levels (para 8.4 (ii)(f)).

36. Shared training courses for all the statutory enforcement authorities should be introduced; the South West Provincial Council's training programme should be used as a model (para 8.6).

Prosecution

37. Enforcement agencies should ensure that magistrates are aware of the importance and seriousness of offences involving animal welfare and this should be stressed on magistrates' training courses (para 8.2).

38. Prosecution authorities should ask for realistic costs (para 8.2).

39. Fines for offences against the slaughter legislation should be brought into line with those under other animal welfare legislation (para 8.7 (iv)(d)).

Licensing/registration

40. The Agriculture Departments should consider the introduction of a licensing/registration scheme for all those having responsibility for livestock (para 8.10).
### PRINCIPAL ANIMAL WELFARE LEGISLATION

#### 1. ON FARM

<table>
<thead>
<tr>
<th>TITLE</th>
<th>MAIN PROVISIONS</th>
<th>ENFORCED BY</th>
<th>POWERS OF ENTRY</th>
<th>PENALTIES (MAX)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Agriculture (Miscellaneous Provisions) Act 1968</td>
<td>Makes it an offence to cause unnecessary pain or unnecessary distress to livestock on agricultural land</td>
<td>SVS</td>
<td>A person duly authorised by the Minister may at any reasonable time enter upon any land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether offence under this part of this Act has been committed on the land (Section 6(1))</td>
<td>£1000 and/or 3 months imprisonment (Section 7(1))</td>
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<td>For obstructing officer wishing to enter land £400 (Section 7(1))</td>
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<tr>
<td>Codes of Recommendations for the Welfare of Livestock for Pigs, Cattle, Sheep, Goats, Deer, Domestic Fowl, Turkeys, Ducks and Rabbits</td>
<td>Issued under the Agriculture (Miscellaneous Provisions) Act 1968 for the guidance of livestock keepers. Not mandatory but where a person is charged under the Act with causing unnecessary pain or unnecessary distress, failure to follow the provisions of a welfare code can be used by the prosecution as tending to establish guilt</td>
<td>SVS Police Local authorities</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(ii) Protection of Animals Act 1911 (as amended) Protection of Animals (Scotland) Act 1912 (as amended)</td>
<td>Make it an offence to cause any domestic or captive animal cruelty or unnecessary suffering Power to police with veterinary certificate to order slaughter or movement of casualty animals</td>
<td>SVS Police Local authorities</td>
<td>N/A</td>
<td>£2000 and/or 6 months imprisonment (Section 1(1))</td>
</tr>
<tr>
<td>(iii) Docking and Nicking of Horses Act 1949</td>
<td>Controls docking and nicking of horses</td>
<td>N/A</td>
<td>N/A</td>
<td>£400 and/or 3 months imprisonment (Section 1(3))</td>
</tr>
<tr>
<td>(iv) Veterinary Surgeons Act 1966</td>
<td>Provides restrictions on the practice of veterinary surgery</td>
<td>RCVS</td>
<td>N/A</td>
<td>Unlimited fine with jury £2000 if no jury (Section 19(1))</td>
</tr>
</tbody>
</table>
## 2. IN TRANSIT, AT MARKETS AND EXPORT

Orders made under the Animal Health Act 1981

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(i) Welfare of Poultry (Transport) Orders 1988 and 1989</td>
<td>Provides for the welfare of poultry during transport (road, rail and water) and while exposed for sale. Protects them against injury or unnecessary suffering; prohibits the transport of unfit poultry and receptacles for poultry in transport or for sale</td>
<td>County councils, Metropolitan district councils, London borough councils, MAFF, Police</td>
<td>(a) An inspector of the local authority or a Ministry inspector or veterinary inspector has powers under Section 63 of the Animal Health Act 1981 to enter any land or shed to which the Act applies or other building or place where he has reasonable grounds for supposing that there is to be found any pen, place, vehicle or thing in respect of which someone has failed to comply with the provisions of the Act or Order made under it</td>
<td>£2000 or one month imprisonment (£400 per animal for offences with respect to more than 10 animals) (Section 72)</td>
</tr>
<tr>
<td>(ii) Transit of Animals (General) Orders 1973, 1979 and 1988</td>
<td>Contains general measures safeguarding the welfare of all species of animal transported by sea, air, road and rail (other than farm animals and horses covered by the Transit of Animals (Road and Rail) Orders 1975-1988). Protect animals from injury or unnecessary suffering during loading and unloading and carriage and place a duty of care on person involved; provide for special requirements as to the carriage of animals in receptacles and prohibit the transport of unfit animals.</td>
<td>County councils, Metropolitan district councils, London borough councils, MAFF, Police</td>
<td>(b) An inspector or veterinary inspector may also at any time enter any pen, vehicle vessel, boat or aircraft where he has reasonable grounds for supposing that the Act or Order has not been or is not being complied with. In exercising these powers the inspector must, if required by the owner, occupier or person in charge state in writing his reasons for entering</td>
<td>£2000 or one month imprisonment (£400 per animal for offences with respect to more than 10 animals) (Section 72)</td>
</tr>
<tr>
<td>(iii) Transit of Animals (Road and Rail) Orders 1975, 1979 and 1988</td>
<td>Regulate the transport by road and rail of farm animals and horses with detailed requirements on the construction and maintenance of vehicles and receptacles and measures safeguarding the welfare of animals, during loading, unloading and transport</td>
<td>County councils, Metropolitan district councils, London borough councils, MAFF, Police</td>
<td>(c) In respect of poultry, a Ministry inspector (or veterinary inspector) and, if so authorised by an Order of the Minister, a local authority inspector may for the purpose of enforcing any Order for protecting poultry from unnecessary suffering, examine poultry and any receptacle or vehicle used for their transport or sale</td>
<td>£2000 or one month imprisonment (£400 per animal for offences with respect to more than 10 animals) (Section 72)</td>
</tr>
<tr>
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<tr>
<td>(iv) Markets (Protection of Animals) Order 1964 and 1965 amendment</td>
<td>Protects farm animals from injury or unnecessary suffering while in markets. Provides for the treatment and removal of unfit animals, the penning and separation of animals; covered accommodation for dairy cows, calves and pigs; the watering of animals, and the feeding and watering of animals kept overnight in markets</td>
<td>County councils Metropolitan district councils London borough councils MAFF Police</td>
<td>The inspector may enter any premises, vessel or supposing that there are poultry; (i) on sale (ii) being transported (iii) packed for transport or sale</td>
<td>£2000 or one month imprisonment (£400 per animal for offences with respect to more than 10 animals) (Section 72)</td>
</tr>
<tr>
<td>(v) Export of Animals (Protection) Order 1981 – to be revoked some time before 1993 and EC Regulation on the protection of animals during transportation comes into force</td>
<td>Protects the welfare of exported farm animals by imposing a system of licensing from which exemptions are made only in circumstances where the Minister is satisfied that animals will not be exposed to unnecessary suffering. Requires the pre-export lairage of food animals at approved premises and for the pre-export resting and care of such animals including feeding and watering during the required rest period of 10 hours</td>
<td>County councils Metropolitan district councils London borough councils MAFF Police</td>
<td></td>
<td>£2000 or one month imprisonment (£400 per animal for offences with respect to more than 10 animals) (Section 72)</td>
</tr>
<tr>
<td>(vi) Protection of Animals Act 1911 (as amended) Protection of Animals (Scotland) Act 1912 (as amended)</td>
<td>Make it an offence to cause cruelty or unnecessary suffering to any domestic or captive animal. Power to police, with veterinary certificate, to order slaughter or movement of casualty animals</td>
<td>SVS Police Local authorities</td>
<td>N/A</td>
<td>£2000 and/or 6 months imprisonment (Section 1(1))</td>
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### 3. AT SLAUGHTER

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<tr>
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<tbody>
<tr>
<td>(i) Slaughterhouses Act 1974</td>
<td>Part I provides for the licensing of premises as slaughterhouses and knackers' yards</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>Granted to an authorised officer of a council and necessary accompanying person for the purposes of ascertaining whether there is or has been any contravention of the provisions of this part of the Act or of any bye-law made under it and to allow the council to perform its functions under this part of the Act (Section 20). Provision to enter if necessary by force under a warrant issued by a magistrate</td>
<td>£400 and/or 3 months imprisonment and for a continuing offence a further fine of £50 each day (Section 23)</td>
</tr>
<tr>
<td>(ii) Slaughter of Animals (Prevention of Cruelty) Regulations 1968</td>
<td>Part II relates to the welfare of horses, cattle, sheep, swine and goats in slaughterhouses and knackers' yards; provides for the methods of slaughter, the licensing of slaughtermen and the making of regulations for securing humane slaughter conditions and for prescribing qualifications for holding a slaughterman's licence</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>At any time when business is or appears to be in progress or is usually carried out by any officer of the Minister or an officer appointed by the local authority in whose district the premises are situated may enter it for the purpose of ascertaining whether there is or has been any contravention of this part of the Act or regulations made under it (Section 42)</td>
<td>Contravention of slaughter provisions and licensing provisions fine £400 and/or 3 months imprisonment. Court may in addition cancel slaughterhouse/knackers' yard licence (Section 43)</td>
</tr>
<tr>
<td>(iii) Slaughter of Pigs (Anaesthesia) Regulations 1968 and 1984</td>
<td>Made under Part II of the 1974 Act. Lays down wide-ranging conditions for the humane treatment of the named red meat species awaiting slaughter including requirements for construction, layout and equipment of premises</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>Explanations as for Part II of Slaughterhouses Act 1974 above</td>
<td>Contravention of regulations fine £400 and/or 3 months imprisonment (Regulation 36). Court may in addition cancel slaughterhouse/knackers' yard licence (Section 37)</td>
</tr>
<tr>
<td></td>
<td>Made under Part II of the 1974 Act. Permits the use of carbon dioxide gas to anaesthetise pigs prior to slaughter</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>Explanations as for Part II of Slaughterhouses Act 1974 above</td>
<td>Contravention of regulations fine £400 and/or max 3 months imprisonment (Regulation 14)</td>
</tr>
<tr>
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<tr>
<td>(iv) Slaughter of Poultry Act 1967 as amended by the Animal Health &amp; Welfare Act 1984 (applies to England, Wales and Scotland)</td>
<td>Relates to the welfare of turkeys, domestic fowls, guinea fowls, ducks, geese and quails kept in captivity; provides for the methods of slaughter; requires local authorities to arrange for supervision of poultry slaughterhouses by qualified persons; provides for the making of regulations for securing humane conditions of slaughter, for licensing certain poultry slaughterhouses, employees and for specifying qualifications of persons who may supervise poultry slaughterhouses; provides power for the issue of codes of practice to give practical guidance in respect of Act and regulations made under it.</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>Granted to a person authorised by the Ministers or by the local authority in whose area the premises are situated for the purpose of ascertaining whether there has been any contravention of this Act or regulations made or Code of practice issued under it. Authorised officers may enter premises at any time if it appears slaughter takes place within 48 hours or birds are on premises awaiting slaughter (Section 4)</td>
<td>Contravention of prescribed slaughter method fine £400 (Section 1(3)). Contravention of regulations made under Act £400 (Section 3(2)(c) and (4)). Stunning birds in unregistered premises fine £100 (Section 2(1)). Obstruction of authorised officer fine £100 (Section 4(4))</td>
</tr>
<tr>
<td>(v) Slaughter of Poultry (Humane Conditions) Regulations 1984</td>
<td>Made under the 1967 Act. Lays down conditions to provide for the humane treatment of poultry both before and during slaughter.</td>
<td>District councils, London borough councils and Corporation of the City of London in England and Wales; islands or district councils in Scotland</td>
<td>Explanation as for Slaughter of Poultry Act 1967</td>
<td>Contravention of regulations fine £400 (Regulation 12)</td>
</tr>
<tr>
<td>(vi) Protection of Animals Act 1911 (as amended) Code of Welfare Practice on the Abattoir Slaughter of Farmed Deer</td>
<td>Makes it an offence to cause cruelty or unnecessary suffering to any domestic or captive animal. Power to police, with veterinary certificate, to order slaughter or movement of casualty animals. (Voluntary until powers to make Codes can be taken in primary legislation). Lays down guidance for abattoir operators on humane treatment of deer.</td>
<td>Police</td>
<td>Any constable shall have a right to enter any knackers' yard for the purpose of ascertaining whether there has been any contravention of or non-compliance with the provisions of this Act (Section 5(2))</td>
<td>£2000 (Section 5(1)) £2000 and/or 6 months imprisonment (Section 1(1))</td>
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<td></td>
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<td>Compliance with guidance will be monitored by district councils and SVS</td>
<td>N/A</td>
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### 4. ADDITIONAL SCOTTISH LEGISLATION AT SLAUGHTER

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>(i) Slaughter of Animals (Scotland) Act 1980</td>
<td>Provides for the registration of slaughterhouses and the annual licensing of knackers' yards</td>
<td>Islands or district councils</td>
<td>Granted to an authorised officer of a local authority for the purpose of ascertaining whether there is or has been any contravention of the provisions of section 4 or any byelaws made under section 8. Provision to enter premises, if necessary, by force under a warrant by a sheriff or magistrate (Section 13). At any time when business is or appears to be in progress or is usually carried out by any constable, officer appointed by the local authority within whose area the slaughterhouse or knackers' yard is situated may enter for the purpose of ascertaining whether there has been any contravention of the provisions of Section 10, 11 or 15 or any regulations made under Section 9 or by virtue of Section 10 (1) (Section 14)</td>
<td>Using premises as a slaughterhouse which is not registered fine of £400 and/or 3 months imprisonment (Section 4(2)) Carrying out the business of slaughterman or knackey on premises not licensed as a knackers' yard. Summary conviction incurs a fine not exceeding £100 (Section 6). Obstruction of empowered officer fine £50 (Section 14(2)). Persons guilty of contravention of slaughter provisions (Sections 10 &amp; 12) or licensing provisions (Section 15) fine of £400 and/or 6 months imprisonment (Section 18(1)) Court may cancel slaughterhouse registration or knackers' yard licence (Section 18(3)).</td>
</tr>
<tr>
<td>(ii) Slaughter of Animals (Prevention of Cruelty) (Scotland) Regulations 1955 as amended by the Slaughter of Animals (Stunning Pens) (Scotland) Regulations 1963</td>
<td>Lays down wide ranging conditions for the humane treatment of cattle, sheep, goats, swine and horses awaiting slaughter at slaughterhouse and knackers' yards including requirements for the construction layout and equipment of premises</td>
<td>Islands or district councils</td>
<td>Section 14 of the Slaughter of Animals (Scotland) Act 1980 refers – see above</td>
<td>Persons guilty of contravention of the regulations fine £400 and/or 6 months imprisonment (Regulations 26). Court may cancel slaughterhouse registration of knackers' yard licence (Section 18(3)).</td>
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<tr>
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<tr>
<td>(iii) The Slaughterhouse Hygiene (Scotland) Regulations 1978 (as variously amended)</td>
<td>Essentially a public health/hygiene measure. However contains some provisions which have a bearing on welfare eg lairage requirements, isolation of injured animals</td>
<td>Islands or district councils</td>
<td>Granted under Section 36 of Food and Drugs (Scotland) Act 1956 to an authorised officer of a local authority for the purpose of ascertaining whether there is or has been any contravention of the Act or of any regulations made under it. Provisions also to enter premises, if necessary by force under a warrant issued by a magistrate</td>
<td>A person guilty of an offence against these regulations shall be liable (a) on summary conviction to fine of £2000 (b) on conviction of indictment to a fine and/or imprisonment for up to one year (Regulation 60)</td>
</tr>
<tr>
<td>(iv) Protection of Animals (Scotland) Act 1912 (as amended)</td>
<td>Makes it an offence to cause cruelty or unnecessary suffering to any domestic or captive animal. Power to police with veterinary certificate to order slaughter or movement of casualty animals</td>
<td>Police</td>
<td>Any constable shall have a right to enter any knackers’ yard for the purpose of ascertaining whether there has been any contravention of or non-compliance with the provisions of this Act (Section 5(3))</td>
<td>£2000 fine and/or 6 months imprisonment (Section 1(1))</td>
</tr>
<tr>
<td>Code of Welfare Practice on the Abattoir Slaughter of Farmed Deer</td>
<td>(Voluntary until powers to make Codes can be taken in primary legislation). Lays down guidance for abattoir operators on humane treatment of deer</td>
<td>N/A Compliance will be monitored by islands or district councils and SVS</td>
<td>N/A</td>
<td>N/A</td>
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## 5. FORTHCOMING EC WELFARE LEGISLATION

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<tbody>
<tr>
<td>(i) ON FARM</td>
<td>Draft Council regulation concerning minimum standards for the protection of calves kept in intensive systems</td>
<td>Main issue concerns keeping of calves in single pens (veal crates)</td>
<td>The competent authority in each Member State with Commission veterinary experts making on the spot inspections to ensure uniform application</td>
<td>None (to be left to national legislation)</td>
</tr>
<tr>
<td></td>
<td>Draft Council regulation concerning minimum standards for the protection of pigs kept in intensive systems</td>
<td>Main issue concerns sow stalls and tethers</td>
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<tr>
<td>(ii) IN TRANSIT</td>
<td>Proposal for a Council regulation on the protection of animals during transport</td>
<td>To introduce common standards throughout the EC for the welfare of animals during transport. Applies requirements to all transport of animals within, to and from Member States.</td>
<td>The competent authority in each Member State with Commission veterinary experts making on the spot inspections to ensure uniform application</td>
<td>None (to be left to national legislation)</td>
</tr>
<tr>
<td>(iii) AT SLAUGHTER</td>
<td>Draft Council regulation on protection of animals for slaughter</td>
<td>To introduce common standards throughout the EC for the welfare of animals at the time of slaughter</td>
<td>Competent authority responsible for veterinary supervision of abattoirs</td>
<td>Granted to an officer of the competent authority responsible for veterinary supervision; official veterinarian of competent central authority; veterinary experts from the Commission</td>
</tr>
</tbody>
</table>
### IMPLEMENTATION OF ENFORCEMENT RECOMMENDATIONS MADE IN REPORTS BY THE FARM ANIMAL WELFARE COUNCIL

#### 1. REPORT ON THE WELFARE OF POULTRY AT THE TIME OF SLAUGHTER (1982)

<table>
<thead>
<tr>
<th>Para</th>
<th>Recommendation</th>
<th>Action to be taken by Government</th>
<th>Stage reached in implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,36</td>
<td>Better enforcement by local authorities</td>
<td>Guidance to local authorities</td>
<td>Circular to local authorities in conjunction with issue of code of practice</td>
</tr>
<tr>
<td>35</td>
<td>Licensing to be introduced for certain staff in slaughterhouses</td>
<td>Amendment to Slaughter of Poultry Act 1967 for powers to make regulations</td>
<td>Enacted by Animal Health &amp; Welfare Act 1984. Proposals for regulations issued for consultation September 1988. Comments being considered</td>
</tr>
<tr>
<td>37</td>
<td>OVS to be made formally responsible for supervision of welfare of birds in slaughterhouses</td>
<td>Primary legislation to make local authority official (not necessarily OVS) responsible for enforcement; qualifications to be laid down</td>
<td>Enacted by Animal Health &amp; Welfare Act 1984. Proposals for regulations laying down qualifications issued for consultation September 1988. Comments being considered.</td>
</tr>
</tbody>
</table>

#### 2. REPORT ON THE WELFARE OF LIVESTOCK (RED MEAT ANIMALS) AT THE TIME OF SLAUGHTER (1984)

<table>
<thead>
<tr>
<th>Para</th>
<th>Recommendation</th>
<th>Action to be taken by Government</th>
<th>Stage reached in implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>At every slaughterhouse local authority to designate an official with formal responsibility for supervising compliance with welfare requirements</td>
<td>Amendment to the Slaughterhouses Act 1974</td>
<td>Dependent on time becoming available in the legislative programme</td>
</tr>
<tr>
<td>29,37,41,42,52,55-62</td>
<td>Better enforcement by local authorities</td>
<td>Guidance to local authorities</td>
<td>Guidance to local authorities planned in conjunction with making of regulations (proposals issued for comment 20 June 1989); plan to lay regulations before Parliament</td>
</tr>
</tbody>
</table>
### 3. REPORT ON THE WELFARE OF LIVESTOCK WHEN SLAUGHTERED BY RELIGIOUS METHODS (1985)

<table>
<thead>
<tr>
<th>Para</th>
<th>Recommendation</th>
<th>Action to be taken by Government</th>
<th>Stage reached in implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>89,90</td>
<td>Enforcing authorities and Jewish and Muslim communities should be made aware of the requirement to comply with all aspects of the law</td>
<td>Letters of reminder to be sent</td>
<td>Implemented</td>
</tr>
<tr>
<td>95(e)</td>
<td>Legislation prohibiting slaughter of animals within sight of each other to be enforced</td>
<td>Require animals which are not slaughtered in a restraining pen to be slaughtered individually on cradle or table</td>
<td>Included in proposals for regulations issued for consultation on 20 June 1989</td>
</tr>
<tr>
<td>95(1)</td>
<td>All premises and slaughtermen carrying out religious slaughter of poultry should be licensed</td>
<td>Licensing and training requirements to be introduced in conjunction with those for the Red Meat and Poultry Slaughter Reports</td>
<td>Proposals for regulations on the licensing of poultry slaughtermen issued for consultation September 1988. Comments being considered</td>
</tr>
</tbody>
</table>

### 4. REPORT ON THE WELFARE OF FARMED DEER (1985)

<table>
<thead>
<tr>
<th>Para</th>
<th>Recommendation</th>
<th>Action to be taken by Government</th>
<th>Stage reached in implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>75(d)(i)</td>
<td>There should be veterinary supervision of unloading, lairing and slaughter of farmed deer</td>
<td>Amendment of the Slaughterhouses Act 1974</td>
<td>Dependent of time becoming available to legislative programme</td>
</tr>
<tr>
<td>Para</td>
<td>Recommendation</td>
<td>Action to be taken by Government</td>
<td>Stage reached in implementation</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>51,54,56,57,62,63</td>
<td>Better enforcement by local authorities</td>
<td>Local authorities to be reminded of responsibilities. Individual authorities to be chased up where more could be done</td>
<td>A package of measures on enforcement in markets will be implemented when the new Market Orders are made. Comments on the proposals for the new Orders are being considered and the new Orders are currently being drafted</td>
</tr>
<tr>
<td>52,53,60</td>
<td>Better enforcement of welfare provisions during transport and loading and unloading</td>
<td>Code of practice to state that enforcing authority should supervise loading/unloading</td>
<td>A package of measures on enforcement in markets will be implemented when the new Market Orders are made. Comments on the proposals for the new Orders are being considered and the new Orders are currently being drafted</td>
</tr>
<tr>
<td>55</td>
<td>SVS to be reminded of enforcement responsibilities</td>
<td>Instructions to be sent</td>
<td>A package of measures on enforcement in markets will be implemented when the new Market Orders are made. Comments on the proposals for the new Orders are being considered and the new Orders are currently being drafted</td>
</tr>
<tr>
<td>113</td>
<td>Agriculture Departments to encourage stronger liaison between SVS field staff and local authorities</td>
<td>Encourage stronger co-operation by means of local welfare liaison groups and other regular contacts</td>
<td>A package of measures on enforcement in markets will be implemented when the new Market Orders are made. Comments on the proposals for the new Orders are being considered and the new Orders are currently being drafted</td>
</tr>
<tr>
<td>115</td>
<td>Identification for LAIs and SVS</td>
<td>Instructions to SVS and guidance to local authorities</td>
<td>A package of measures on enforcement in markets will be implemented when the new Market Orders are made. Comments on the proposals for the new Orders are being considered and the new Orders are currently being drafted</td>
</tr>
</tbody>
</table>
### 6. ADVICE TO AGRICULTURE MINISTERS ON TRANSPORTATION OF UNFIT ANIMALS (1988)

<table>
<thead>
<tr>
<th>Para</th>
<th>Recommendation</th>
<th>Action to be taken by Government</th>
<th>Stage reached in implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Better enforcement by local authorities</td>
<td>Enforcement initiative to be launched</td>
<td>Proposals for a new Order amending the Transit of Animals (Road and Rail) Order 1975 will be circulated for comment. Proposals for complementing Code to follow. Enforcement initiative to be launched when the Order and Code are in place</td>
</tr>
<tr>
<td>16</td>
<td>Agriculture Departments should encourage the use of voluntary British Veterinary Association certificate relating to fitness to travel</td>
<td>Accepted</td>
<td>Proposals for a new Order amending the Transit of Animals (Road and Rail) Order 1975 will be circulated for comment. Proposals for complementing Code to follow. Enforcement initiative to be launched when the Order and Code are in place</td>
</tr>
</tbody>
</table>
ORGANISATIONS WHICH SUBMITTED WRITTEN EVIDENCE

Alliance Independent Retailers
Association of British Abattoir Owners Ltd
Association of Chief Police Officers of England, Wales & Northern Ireland
Association of County Councils/National Animal Health Panel
Association of District Councils
Association of Meat Inspectors
Association of Metropolitan Authorities
Birmingham City Council (E.B. Davies)
British Commercial Rabbit Association
British Goat Society
British Poultry Federation
British Veterinary Association
Chickens Lib
Convention of Scottish Local Authorities
Dartmoor Livestock Protection Society
Department of Transport
European Livestock Ltd
Farm Animal Welfare Co-ordinating Executive
Farm and Food Society
Farmers' Union of Wales
Food from Britain
Free Range Egg Association
Fur Breeders Association
Health and Safety Executive
Holstein Friesian Society of Great Britain and Ireland
Institute of Auctioneers and Appraisers in Scotland
Institute of Environmental Health Officers
Institute of Trading Standards Administration
Livestock Auctioneers' Market Committee for England and Wales
National Cattle Breeders Association
National Farmers' Union
National Farmers' Union of Scotland
Phillip Oppenheim MP
Mrs E. Phillipson, Ryefield Farm, North Humberside
Red Deer Commission
Road Haulage Association
Royal College of Veterinary Surgeons
Royal Highland and Agriculture Society of Scotland
Royal Society of Health
Royal Society for the Prevention of Cruelty to Animals
Scottish Landowners' Federation
Scottish Salmon Growers Association Ltd
Scottish Society for the Prevention of Cruelty to Animals
Shropshire County Council
Universities Federation for Animal Welfare
Veterinary Deer Society
Women's Farmers' Union – Staffordshire Branch
World Poultry Science Association
This appendix summarises local authority enforcement action under the following legislation:

The Animal Health Act 1981 and related Orders (Transit, Markets and Export)

The Protection of Animals Acts 1911 and 1912

The Agriculture (Miscellaneous Provisions) Act 1968

<table>
<thead>
<tr>
<th>Local authority group</th>
<th>Prosecutions - No. of defendants</th>
<th>Caution/advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish regions</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Welsh counties</td>
<td>10</td>
<td>1149</td>
</tr>
<tr>
<td>Metropolitan districts and London boroughs</td>
<td>13</td>
<td>117</td>
</tr>
<tr>
<td>English counties</td>
<td>171</td>
<td>3752</td>
</tr>
</tbody>
</table>

Notes

1. Many of the prosecutions brought by local authorities were supported by professional evidence provided by the SVS. In addition, 14 prosecutions were taken by MAFF.

2. Prosecutions taken by district councils and voluntary bodies are excluded.

ADVANTAGES AND DISADVANTAGES OF A SINGLE FARM ANIMAL WELFARE INSPECTORATE

1. State Veterinary Service

Advantages

(i) Veterinary expertise and authority to give advice.

(ii) Structured nationwide network.

(iii) Powers of entry on farms.

Disadvantages

i) Would detract from its present role as an adviser who depends to some extent on trust and collaboration with farmers to obtain information.

(ii) Responsibility for taking all prosecutions would be undesirable from point of view of workload and relationship with farmers.

(iii) Substantial funding and manpower would be required.

2. County councils

Advantages

(i) Expertise in inspection and prosecution.

(ii) Statistical and information network.

Disadvantages

(i) No powers to enter farms for animal welfare purposes.

(ii) Lack of veterinary expertise; therefore not qualified to be the single inspectorate in such a subjective matter as welfare.

(iii) Restricted to county council boundaries.

(iv) Wide variations within and between areas in collaboration and enthusiasm for farm animal welfare.

(v) Substantial funding and manpower would be required.
3. Voluntary bodies

Advantages
(i) Dedicated solely to animal welfare.
(ii) Independently funded.
(iii) Inspectors trained in animal welfare matters.

Disadvantages
(i) Not accountable to Parliament.
(ii) No powers of entry.
(iii) May not have the confidence of farmers.
(iv) Substantial funding and manpower would be required.

4. Local Animal Welfare Liaison Groups

It was suggested that these groups could employ inspectors. However, it was concluded that to give the Groups an official role would detract from the reason for which they were established ie. as voluntary, informal bodies.

5. Dedicated inspectorate

An additional consideration is whether the single enforcing body should be a dedicated inspectorate solely for the purpose of farm animal welfare enforcement, for example, a separate welfare “arm” within the SVS.

Advantages
(i) Specialised body giving concentrated effort in farm animal welfare enforcement.
(ii) Uniformity of enforcement standards.

Disadvantages
(i) Less breadth of cover (unless many more working hours than at present were available).
(ii) No welfare information derived from inspections made for reasons other than welfare.
(iii) No stimulus from other enforcement bodies.
GLOSSARY OF ABBREVIATIONS USED IN THIS REPORT

ACC – Association of County Councils
AHI – Animal Health Inspector
AHO – Animal Health Officer
AMI – Association of Meat Inspectors
DAFS – Department of Agriculture and Fisheries for Scotland
DRVO – Deputy Regional Veterinary Officer
DVO – Divisional Veterinary officer
EC – European Community
EHO – Environmental Health Officer
FAWC – Farm Animal Welfare Council
LAWLG – Local Animal Welfare Liaison Group
LVI – Local Veterinary Inspector
MAFF – Ministry of Agriculture, Fisheries and Food
NAHP – National Animal Health Panel
NFU – National Farmers' Union
OVS – Official veterinary Surgeon
RAHP – Regional Animal Health Panel
RSPCA – Royal Society for the Prevention of Cruelty to Animals
RVO – Regional Veterinary Officer
SVS – State Veterinary Service
WOAD – Welsh Office, Agriculture Department
Please note that these materials were produced before the recent creation of the Department for Environment, Food & Rural Affairs. We have not reprinted them as it would not be cost effective to do so, but when we reprint in future, they will be branded Department for Environment, Food & Rural Affairs. Your legal rights are not affected by this position.