Part IV — Comments and recommendations on particular species

SECTION I

Calves

133. Before our review commenced, the BVA had expressed concern to the Council about the welfare problems arising when young calves were sold repeatedly through markets. They also drew attention to the serious implications for human and animal health of the spread of the highly infectious disease of salmonellosis. The BVA recommended that there should be a regulation to prevent any calf less than 56 days old being presented for sale at more than one market within a period of 28 days.

134. Calves are often removed from their dams soon after birth. Few farmers have the capacity to keep them all so they are either sent direct for slaughter as bobby calves or sold to other producers who will rear them on for breeding or meat production. The calves which are not sent for slaughter will normally either be sold through markets or direct to dealers or their agents. Large numbers of calves under 10 days of age are gathered from different farms and may be transported over relatively long distances from areas of surplus to areas of deficit. Both mixing and transportation increases the risk of spreading salmonella infections.

135. Calves are afforded the same protection as other animals under the Protection of Animals Act 1911 (1912 Scotland), the 1964 Markets Order and the 1975 Transit Order (see paragraph 20). In particular, the 1964 Order requires that calves must be housed in covered accommodation in the market. The MAFF guidelines also recommend that weakly calves should not be sent to market; should be protected against the weather and draughts; should be sold where they stand; should not be tethered by string nor twine; should be able to lie down; that special care should be taken in unloading and loading young calves from vehicles without ramps; and that if calves have to be carried they should not be lifted by the tail or neck. The Council's Codes of Recommendations for the Welfare of Cattle recommend that ‘A calf should not be removed from the farm of birth for at least three days unless for
suckling by another newly-calved cow or direct to a place of slaughter as a bobby calf. It should not be sent to a dealer or to a market before it is seven days old unless at foot with its dam. A calf showing any signs of ill-health should not be moved other than for treatment or direct to a place of slaughter.' The LAMC, IAAS and the individual Market Codes discuss the need for special care in the handling of calves and variously prescribe conditions covering their acceptance, fitness for sale and penning.

136. The movement of calves is controlled by the Tuberculosis Order 1964. This requires that when bovines less than 14 days old are moved off the farm of origin, they must be marked or identified typically by a numbered ear tag. The Movement of Animals (Records) Order 1960 requires that the movement of animals (cattle, sheep, pigs and goats) off or on to a farm and dealer's premises must be recorded. For bovine animals it is also a requirement that the breed, age, sex and ear mark or ear tag number be recorded although where bovine animals are moved to a slaughterhouse or fatstock market details of age, sex or marking do not need to be recorded. However, the 1975 Transit Order requires each journey of farm animals to be recorded.

137. We received many comments on the marketing of calves. One organisation thought that calves should never be sold through markets; others considered that the minimum age should be increased from seven days to three months. There was general concern about the 'hawkings' of calves round several markets, the problems of overstocking on lorries (such that calves could not lie down) and in pens, and the handling of calves at loading and unloading. Some argued that calves ought not to be sold through the ring and that calves were frequently held too long at markets. In their report, the RSPCA drew attention to a number of incidents illustrating lack of care, poor handling and defective accommodation. The Society also recommended that all calves should be sold in holding pens in suitable batch numbers, thus avoiding over-crowding, and without being necktied; and that they should be submitted to veterinary inspection on arrival. In addition there was support by the RSPCA and others for the BVA recommendation that calves under 56 days of age should not be sold more than once in any period of 28 days. The Association also suggested that a readily identifiable mark, durable for at least one month such as a clipped coat or spray paint, tattoo or ear tag, should be applied to all calves under 56 days old on entry to a market. On the other hand, several commentators expressed fears that the calf trade would simply be driven underground if stricter controls were applied.

138. Following publication of the BVA document on *An Appraisal of Animal Welfare in Livestock Markets*, the LAMC conducted a series of discussions with representatives of the BVA, RSPCA and NFU and in December 1984 recommended to its member firms, with effect from 1 January 1985, a new *Trial Code of Practice for the Conduct of Calf Sales in Livestock Auction Markets in England and Wales* (see also paragraph 19). This Code applies to all calves under the age of 56 days which are presented for sale in a market and sets out the market procedures to be followed in respect of calf sales. It includes the important provision that a calf under 56 days of age should not be accepted if the auctioneer has reason to believe that it has previously been presented for sale in more than one market during the
The IAAS have included this in their permanent Code. The operation of the trial Code was reviewed in summer 1985 and has been extended for an indefinite period.

139. We devoted a great deal of time during the review to consideration of the welfare problems arising from the marketing of calves. We had discussions with the LAMC, IAAS and NFUs about all aspects of the review but especially on calves. We have already commented on some aspects of calf marketing, particularly unloading and loading (paragraph 39), handling (paragraph 47), accommodation (paragraph 81) and auction rings (paragraph 119).

140. We have considered all the evidence very carefully and have concluded that there is a welfare problem which is a cause for concern. Equally, the introduction of the trial Code of Practice has led to an improvement in the situation during recent months.

141. From a commercial point of view, it is necessary for farmers and dealers to be able to move calves from surplus regions to areas where they are in demand for rearing or for breeding or meat production. But calves which are moved through a number of markets over a short period of time are particularly susceptible to disease. We consider that a restriction on the number of times a calf can be sold would prove an effective way of reducing the incidence of salmonella and would help to reduce stress and thus welfare problems in such young animals. We have concluded that it is reasonable from the welfare point of view yet necessary from the commercial point of view that farmers and dealers should have the opportunity of marketing a calf twice in the first 28 days of life. This would mean that such marketings would have to take place during the previous 21 days since a calf cannot be exposed for sale in a market under seven days of age. We have also made provision for those producers who take calves to market where they are presented but not sold.

142. On identification, we have concluded that clipping the coat, although a more effective form of marking than spray paint, could create many problems. Calves may have fine hair and the clip markings may not grow out in 56 days and may adversely affect sales of such calves, even where legitimately presented in a market. One positive means of identification is ear tagging or tattooing but this might not be in the best interests of the calves' overall welfare. In any case, any form of marking carried out on entry to the market could create problems with labour requirements and, in larger markets where several lorries were being unloaded at the same time, conditions could become chaotic.

143. In paragraph 30 we have commented on the arrangement in one market where the operators employ a private veterinary surgeon to examine calves on arrival at the sale and advise on the rejection of animals which are considered to be unfit to put through the ring. We believe that this arrangement has particular merit.

144. The health of all calves is dependent to a great extent on whether or not they have received adequate colostrum. We recommend that all calves exposed for sale should have received adequate colostrum which is essential to enable them to resist the challenge of infectious organisms. The practice
of colostrum testing (a facility which is available at some markets) whereby it is possible to ascertain whether or not calves have had sufficient colostrum is of considerable merit.

145. Our recommendations are:
(a) The condition of the calf on arrival at the market should determine whether or not it can be accepted for sale.
(b) Any weak, injured or sick calves should not be accepted for sale. Specially designated isolation pens must be available. Such pens should be located as near as practicable to the entry point/s and any weak, injured or sick calves should be moved to these isolation pens for immediate veterinary attention.
(c) No calf shall be sold through a market under seven days of age.
(d) No calf with a wet navel shall be displayed for sale.
(e) The market operator shall not accept for sale any calf under 56 days of age if he has reason to believe that it has previously been presented for sale at any market more than once within the previous 28 days. An exception can be made when the calf is returned unsold to the herd premises on which it was born.
(f) The auctioneer must keep a record of the ear number, breed, sex and date of birth of each calf exposed for sale in a market together with the names and addresses of vendors and purchasers. Such records should be made available to the purchaser and should be retained for at least one year. The date of birth must be included on the purchaser's invoice by the auctioneer to facilitate the tracing on future marketing of all calves.
(g) Calves should be sold and removed from the market after sale as soon as possible and in any case should not be kept on market premises for more than 12 hours.
(h) Goads or sticks should not be used on calves.
(i) The requirements of regulation 4(1) of the 1975 Transit Order relating to the protection of animals during unloading and loading should be strictly enforced.
(j) Undue handling of calves should be discouraged. Only the owner or his representative and necessary market personnel should be permitted in the auction ring. (see paragraph 119).
(k) All holding pens should have at least three solid sides and a gated front.
(l) All holding pens should be provided with a sufficient quantity of clean dry bedding.
(m) Pens should not be overstocked and calves should have sufficient space in which to lie down in comfort.
(n) Calves of significantly differing sizes should not be penned together.
(o) Calves must not be muzzled or tied up in the pen.
(p) If an auction ring is used for calves it should be in close proximity to the pens to minimise movement.

146. With regard to the recommendations at (f), we believe that this would be facilitated if the market operator supplied the vendor with a label which could be tied round the neck of each calf before presentation and used by the vendor to record the relevant information required by the market operator. We understand that a new type of label is being manufactured which is virtually indestructible and would therefore be very suitable for this
Supplies of these labels could be sent out by the market operator to regular vendors of calves. The Agriculture Department should be encouraged to consider with the local authority how these provisions can be effectively enforced, including spot checks with the Agriculture Department and the local authority working together.

SECTION 2

Orphan lambs

147. There is a widespread practice of selling in markets orphan, 'cede' or surplus lambs which are often only a few days old. Sales are seasonal and involve only few lambs at a time. But there can be welfare problems, and evidently even the sight of these tiny creatures at markets has prompted many to write to us. No specific protection is given to these young lambs in the legislation, voluntary codes or Departmental guidelines, although they are subject to the general provisions of the Protection of Animals Acts.

148. Submissions to the Group argued that every encouragement should be given to direct sales or to sales through co-operative marketing schemes rather than through markets. It was said that the lambs were carried for long periods at markets, sometimes badly handled, and that market sales perhaps enticed the public to buy young lambs when they were ill-equipped to rear them.

149. We established that the numbers of lambs presented for sale vary significantly, with ages ranging from a few days to six weeks old. Most were one or two weeks old. Accommodation for these lambs and selling practices differ widely. Sometimes lambs will be kept in the farmer's vehicle and, after private sale, they are moved to the purchaser's vehicle. In other cases, lambs are penned at markets, not always under cover. They may be auctioned in the pen or put through the ring. Efforts are usually made to sell them promptly but are not always successful.

150. Many counties operate lamb banks, often with help of the NFU or local radio stations, which act as a contact service between those with spare ewe capacity and those wishing to sell orphan or surplus lambs. We commend such arrangements. They are preferable to putting young lambs through markets. We think there are insufficient grounds to justify a proposal to ban the practice of selling such lambs in markets but we recommend that the following safeguards should be introduced to protect them:—

(a) Lambs under the age of four weeks should be subject to the provisions of the Markets (Protection of Animals) Order 1964, as amended, which lays down certain requirements for certain categories of livestock, including calves, to be kept in covered accommodation.
(b) The pens in which such lambs are kept must be adequately bedded and free from draughts.
(c) Such lambs must not be retained in the market for any longer than absolutely necessary and in any case no longer than six hours. Market
operators should arrange for them to be sold at the earliest possible opportunity.

(d) Such lambs should be sold in their pens and not through the auction ring and moved around the market to the minimum possible extent.

151. We are aware that occasionally orphan lambs go to purchasers who are ill-equipped to rear them. It would be unrealistic however to attempt to impose controls on who should and who should not be allowed to buy them. This essentially requires good commonsense on the part of seller and buyer.

SECTION 3

Goats

152. Throughput figures for the sale of goats in markets are not available, and although numbers are estimated to be small, we understand that the trend is upwards resulting particularly from a growing interest in goat milk production and increasing demand for goat meat by ethnic communities.

153. Goats are covered by some of the provisions of the 1964 Markets Order. Enforcement authorities and market operators need to be reminded that goats are subject to some of these provisions in the same way as other species in the 1964 Order. In addition we recommend that goats should be accommodated in pens suitable for the purpose. Lactating goats must be properly cared for and overstocking of their udders should not be allowed.

154. Although sold on an even smaller scale than orphan lambs, goat kids are similarly small, delicate animals and need to be extremely carefully handled. Our recommendations in relation to orphan lambs should therefore apply also to kids under the age of four weeks.

SECTION 4

Poultry

155. Commercial poultry producers rarely use live auction markets. Chick sales from markets are normally to domestic poultry keepers for egg production or for fattening. Similarly, the birds sold are largely end-of-season and culled birds from domestic poultry keepers, small scale producers and fanciers. These birds are frequently bought for immediate slaughter, often by or for members of ethnic communities.

156. In common with other species, poultry are subject to the same general provisions of the Protection of Animals legislation. More specifically, the welfare of poultry exposed for sale in a market is protected by the provisions
of the Conveyance of Live Poultry Order 1919 and, in respect of unfit
poultry, by the Poultry (Exposure for Sale) Order 1937. The 1919 Order
requires that poultry in markets must be protected from exposure to bad
weather or excessive heat; that they must not be kept in unsuitable containers;
and that they must not be carried unnecessarily head downwards or tied by
the legs. There are also general provisions requiring that during conveyance
including unloading and loading, receptacles containing poultry should be
lifted, carried or deposited with care so as to avoid injury or unnecessary
suffering to the birds.

157. The 1937 Order makes it an offence to expose ill, injured or fatigued
poultry for sale. Inspectors who find poultry for sale in contravention of the
Order can issue a written notice to the owner or person in charge of the
poultry requiring that the poultry be moved to a suitable place in the market
for treatment or, at the option of the owner or his agent, be destroyed. The
various Codes of Practice do not make any specific recommendations on the
welfare of poultry.

158. Many commented on the poor handling of poultry. The kinds of
incident quoted involved the packing of birds into unsuitable or small
containers or even plastic bags; the carrying of birds by their legs or wings;
unnecessary harassment and handling by prospective purchasers; unhygienic
cages; and unsatisfactory arrangements for slaughter, which in many cases
was carried out in amateur fashion. The RSPCA also drew attention to the
unacceptable conditions in which poultry are handled and kept in markets
and expressed concern in particular on the lack of control and supervision
of slaughtering.

159. Our findings support the contention that at the majority of markets
and sales, little attention is paid to the welfare of poultry. In some cases
cages are inadequate, and after sale, poultry are carried away in unsuitable
cardboard boxes, plastic bags or sacks. None of these containers meet the
requirements of Article 3 of the 1919 Order and we urge the enforcement
authorities to pay particular attention to this problem. We have also seen
birds tied by the legs, sometimes in pairs, and by the wings. We are agreed
that there are no circumstances in which poultry should have their legs tied.
With proper cages, this potentially cruel practice would be unnecessary. If
there are no suitable facilities for the sale of poultry — such as suitable
cages for the size of the birds sold — they should not be sold in a market.
We recommend that it should be an offence to sell birds in a market in
unsuitable cages.

160. The slaughter of poultry in markets is an area of particular concern
and one which appears to be neglected by market operators and enforcement
authorities. The current position in law is that anyone may slaughter poultry
in markets. The Slaughter of Poultry Act 1967, as amended, and the
Slaughter of Poultry (Humane Conditions) Regulations 1984, in line with
the recommendations made by the Council in their report on the Welfare of
Poultry at the Time of Slaughter, give additional protection to birds while
they are awaiting slaughter and when being slaughtered, including in a
market place. They are protected from unnecessary pain and distress, adverse
weather, direct sunshine, lack of ventilation and delays in slaughtering. We
understand that under amendments to the Slaughter of Poultry Act 1967,
made by the Animal Health and Welfare Act 1984, the Agriculture Departments will be issuing proposals for new regulations on licensing of poultry slaughtermen. These will also apply to the slaughter of poultry carried out in a market place. We very much hope that these new regulations will lead to improvements. In the interim period, where poultry are sold and slaughtered in a market, we believe that it is incumbent upon the market operator to provide suitable premises set aside for that purpose and competent operatives approved by the market operator to carry out slaughter.

161. There is quite a substantial trade in poultry for slaughter among ethnic communities. We doubt that sellers and buyers are generally aware of the requirements of the relevant welfare legislation. We agree with the RSPCA that suitable posters drawing attention to the legislation should be provided and suggest that the market operator should arrange for a multi-language poster to be displayed in a prominent position in the poultry section of the market stating that if anyone causes suffering to any animal or fowl, they are liable to prosecution under the 1911 Act.

162. Our recommendations are:
(a) In order to prevent rough handling of birds, the provisions contained in the Conveyance of Live Poultry Order 1919, the Poultry (Exposure for Sale) Order 1937 and the Slaughter of Poultry (Humane Conditions) Regulations 1984 must be strictly enforced.
(b) Poultry should be transported in a suitable crate, basket or box. They must not be carried in sacks or plastic bags.
(c) Dogs should be prohibited from the area where poultry are sold.
(d) Receptables and cages must not be overcrowded and must be large enough for birds of each species to stand upright. Article 3 of the 1919 Order must be enforced.
(e) Geese and turkeys must not be forced into cages designed for hens and cage doors must be sufficiently large to enable birds to be caged without undue force.
(f) Poultry must not be tied by the wings or legs.
(g) Poultry must not be handled unnecessarily.
(h) Where poultry are slaughtered in a market, they should be slaughtered quickly and humanely by competent operatives approved by the market operator and such slaughter should be carried out in suitable premises set aside for that purpose. (The proposals being developed, as described in paragraph 160, will be relevant here).
(i) Birds should not be moved from their cages to a sale ring.
(j) Birds should not normally be at a market for a period sufficiently long to require feeding and watering but facilities should be available in case of emergency.
Rabbits

163. Relatively few rabbits are sold through markets. They are not covered by the provisions of the Markets Order nor are they given special mention in the various voluntary codes or Departmental guidelines. But they are subject to the general provisions of the Protection of Animals legislation and also the Transit of Animals (General) Order 1973.

164. Representations have been made to the Group that rabbits should be given better protection in markets and that the provisions of the Markets Order should apply equally to them. Adverse comments have been made about the standards of caging provided, about overcrowding and inappropriate methods of carriage and handling. It has also been proposed that rabbits intended for immediate slaughter should be killed by a competent operative before leaving the market.

165. We agree with these and other points and recommend that the following points should be included in a Code of Practice on the sale of rabbits at markets:

(i) Rabbits should be held in suitable covered accommodation which is properly maintained and is free from draughts and extremes of temperature.
(ii) When rabbits are kept on the market premises overnight they should be provided with suitable food and water. The standard of overnight accommodation, including space standards, should be in accordance with the recommendations contained in the Council's draft Code of Recommendations for the Welfare of Rabbits, as submitted to Agriculture Ministers.
(iii) Rabbits should not be picked up or carried by the ears only, nor should they be transported in sacks or bags.
(iv) Where rabbits are slaughtered in a market, they should be slaughtered quickly and humanely by competent operatives approved by the market operator and such slaughter should be carried out in suitable premises set aside for that purpose.

166. Going further, we recommend that it would be right to grant basic protection to rabbits exposed for sale in markets on the lines of the proposals we make elsewhere (paragraph 28) for a new provision in the markets legislation, creating an offence of causing unnecessary suffering. Legislation should also require rabbits to be given an adequate supply of drinking water.

167. Finally, we would again stress the need for proper supervision by market operators, and effective enforcement of the legislative changes we now propose.
SECTION 6

Miscellaneous animals

168. A number of markets sell miscellaneous animals (e.g. guinea pigs, ferrets, pigeons, hamsters) which are usually sold as pets. Under the Pet Animals Act 1951, as amended 1983, animals are defined as 'any description of vertebrate' and the Act specifies that no person may carry on the business of selling pets unless licensed to do so by the local authority. The Act also prohibits the sale of animals as pets in any part of a street or public place or at a stall or barrow in a market. We believe that most pet animals are sold in a market by individuals as and when the need arises and not as a regular business activity. But this aspect of market sales should be borne in mind by the local authority in order to prevent abuse.
Part V — Horses

Introduction

169. The Council's terms of reference are to 'keep under review the welfare of farm animals on agricultural land, at markets, in transit and at the place of slaughter'. This remit therefore includes horses only insofar as they are farm animals within the terms of the definition of livestock contained in the Agriculture Act 1947 and the Agriculture (Miscellaneous Provisions) Act 1968.

170. After the review of livestock had commenced, the Working Group decided, and the Council agreed, that in view of the concern expressed about the methods of handling horses and ponies at some markets and sales, their remit should be extended to include the welfare of horses in livestock markets and sales. In November 1983, a further Press Notice was therefore issued which invited submissions from interested organisations and members of the public. In addition, letters were issued, inviting contributions on the welfare of horses, to a number of organisations who had commented in response to the original Press Notice: and also to a further 48 organisations who were known to have a particular interest in this topic. 37 organisations and seven members of the public subsequently submitted further comments on horses.

171. We have already commented in paragraph 7 on the historical background and tradition of livestock markets. In the Middle Ages, horse fairs tended to be of greater importance than livestock markets or sales to local communities because of the key role of horses and ponies as work animals for transport and agricultural purposes. Even in those days, the major horse fairs were attended by dealers from the continent as well as all parts of England, Scotland and Wales. Records dating from the early 19th century indicate that as many as 4,000 horses would be sold daily at some of the more important fairs. Sales of horses and ponies off the hills and moors at certain times of the year are also a long established tradition. These fairs were attended by those who needed horses and ponies for work in coal mines, on agricultural land, and, as van ponies, for delivery purposes.

172. Today, horses and ponies are still sold at a large range of sites and under widely differing conditions. Sales take place on market premises, on open ground, at race courses, on farm premises, on purpose-built sites, and at intervals ranging from weekly to annually. In practice, the majority of sales are held monthly or annually; and most of these sales are held on
market premises or on open ground. There has been a distinct shift in the purposes of sales of horses and ponies. A large number exchange hands at markets, sales and fairs for essentially recreational purposes. Here again, there is a broad spectrum of types and values of horses, ranging from expensive thoroughbreds to newly-broken ponies for riding by youngsters. Some horses are still sold for slaughter, mainly to meet the export trade in horsemeat to the European Community. In 1985, 5.545 tonnes of horsemeat valued at about 7.4 million pounds were exported to EC countries. There are no exports of live ponies or horses for immediate slaughter and thus all of this trade goes 'on the hook' through (EC-approved) export slaughterhouses.

Existing legislation and enforcement

173. The welfare of horses and ponies at markets and sales is protected by the Protection of Animals Act 1911 (1912 in Scotland) which creates an offence of cruelty where an animal is caused unnecessary suffering. It is open to any person, under this Act, to bring a prosecution case to the Courts. In practice, both the welfare societies and the police between them have been most active in bringing offenders to book.

174. The Transit of Animals (Road and Rail) Order 1975 applies to horses in the same way as to cattle, sheep, pigs and goats. It thus protects horses during transit and during loading and unloading, including at market or sale premises. Enforcement of this Order is the responsibility of local authorities who are required by the Animal Health Act 1981 to appoint inspectors for the purpose. These are commonly known as 'Diseases of Animals Inspectors'. We refer to their powers in paragraph 20(b).

175. Farm animals in markets benefit from the further protection, in addition to the legislative provisions described in paragraphs 173 and 174, in the form of the Markets (Protection of Animals) Order 1964. But these additional measures are not applicable to horses. This does not mean that horses are without statutory welfare protection in markets since the Protection of Animals Acts apply. But with the absence of detailed orders for horses, enforced by local authorities, it does mean that no one is allocated clear enforcement responsibility in law for the welfare of horses and ponies in markets. Nonetheless, this lack of cover has been helpfully met by the Agriculture Departments themselves in the voluntary code which they have produced for the guidance of operators of horse, pony and donkey markets, sales and fairs.

MAFF/DAFS Code of Practice

176. A survey was carried out by the State Veterinary Service in 1978 which showed there were no major deficiencies in accommodation or facilities, nor unsatisfactory welfare practices at the great majority of places where horse and pony sales took place. This survey did indicate, however, the need for guidance on the conduct of such sales. The Ministry of Agriculture, Fisheries and Food therefore issued in July 1979 a non-statutory Code of Practice for the guidance of operators at these sales. It was agreed at the time that the
State Veterinary Service would monitor the way in which the Code was working, and encourage compliance by all concerned. We gather from the Agriculture Departments that their monitoring of the Code has shown that conditions and the conduct of sales at the majority of markets where horses and ponies are sold compare favourably with the terms of the Code. There are a small number of markets where conditions fall short in some respects. But for some of these markets and sales, full compliance with the Code is simply not practicable because, in some instances, the physical facilities are simply not those which a more modern or purpose-built market can offer. In other instances, horse sales are held on an annual basis on open ground sites. We understand that the Agriculture Departments take action in respect of all markets where breaches of the Code have been noted, advising market operators. Clearly however the provisions of the Code are not statutorily enforceable, though improvements have been achieved, as a result of advice and persuasion, at a number of markets.

Discussion

177. The comments and suggestions which were received in response to the Council’s Press Notice were wide ranging and in many cases very detailed. But the common points which emerged were that the 1964 Order should be amended so as to extend its scope to cover horses; that this legislation should be strictly enforced and that the responsibility for its enforcement should be given to the State Veterinary Service. A number of commentators expressed particular concern about the welfare aspects of the unloading and loading of horses and ponies at markets as well as their rough handling on occasions. The failure to separate shod and unshod horses, and to keep stallions apart from mares with foals, was alleged to be a frequent occurrence. Many commentators raised points about the physical facilities at markets. Most saw a need for adequate supplies of clean drinking water and for the provision of feed, particularly where animals were kept overnight. Aspects of public conduct were also touched upon. Frequent reference was made to the problems which can be caused by members of the public who can disrupt the smooth running of markets by standing in passageways or the entrances or exits to the sale ring. Finally, it was also suggested that weak or unfit animals and foals under the age of six months should not be presented for sale.

178. The RSPCA in its detailed report drew attention to the failure to provide suitable facilities for horses and observed that they are mostly housed in standard cattle pens. The Society’s findings are much in line with the main thrust of the comments briefly summarised in the above paragraph. The Society also recommended that the 1964 Order should be amended specifically to include horses and that the Council should consider making recommendations to Ministers calling for the Agriculture Departments’ Code of Practice to be made mandatory.

179. When visiting markets during the course of the review, the Group bore in mind these general and many detailed points. The Group visited sales held on purpose built sites, some of them principally livestock markets and others specialist horse or pony markets. Individual members made a series
of unannounced visits to sales of horses or ponies coming off the moorlands and hills (drift pony sales). The aim was to gain a first hand knowledge of the way in which such sales were conducted and the conditions which were alleged to exist. The Group also held discussions with auctioneers who are experienced in selling horses. And in all the visits, they took every opportunity of talking to the local authority enforcement officers, RSPCA inspectors, veterinarians, auctioneers and their staff, the police, and others.

180. Observations confirmed that there is indeed room for improvement in several respects, particularly in the methods of unloading and loading and handling of horses and ponies. We share the view of many of our commentators that at some of the annual sales, suitable accommodation and facilities are lacking.

181. The Group has examined in the rest of this report very many aspects of the welfare of farm livestock in markets. The comments we have made about the need for care in handling all livestock at markets apply equally to horses.

182. We have seen instances of inexperienced people handling horses and we noticed also that members of the public did at times block the passageways, entrances and exits to sale rings and the sale ring itself. There seemed to be a natural tendency for those close to horses to prod them or pat them on their way. The attention which animals receive in this way from the public — and we doubt that any harm is intended — serves only to confuse and frighten horses and ponies. This is particularly true of those that are unbroken and applies especially at the most stressful time when animals are entering and leaving sale rings or being moved around markets. We consider that public access to the passageways, entrances to and exits from sale rings must be as far as possible prevented. However, we appreciate that this is a difficult area and it is impossible to visualise hard and fast rules or statutory requirements which could practically apply to all circumstances in every market. We think that the key to this problem lies in our frequent observation that, where the auctioneer and his staff are in full control of the sale ring, there are far fewer problems with unauthorised personnel. We therefore strongly urge auctioneers to bear in mind the stress that can be caused to horses through harassment — intentional or otherwise — caused by the public, and to use their authority and force of personality to ensure that such interference is minimised. Some auctioneers have a naturally commanding presence: the threat of suspending sale proceedings has in many cases been more than enough to ensure that rings and passageways are properly cleared of unauthorised persons. We shall be discussing our recommendations on the introduction of legislation later in this report. However, on the matter of public interference, we would urge the enforcement authority to take action in cases where they consider that the presence of people in the ring or passageways has been sufficient to cause animals unnecessary suffering.

183. We consider that crops and goads, including electric goads, should not be used on horses at all. We have already commented in paragraph 54 that the excessive use of sticks and goads is wholly undesirable. We have emphasised that persuasion rather than force must be the aim. We commend the practice which we saw at one horse sale where the handling and moving of horses was carried out most efficiently and humanely by market staff who
were clearly very experienced in the care of animals. Ponies were moved by handlers using long sticks with a flag or cloth tied at the end; ponies were encouraged to move when the sticks were waved at them for guidance. They were being used as an aid to movement and for steering animals and not as a weapon. In our view, it is vitally important that rough handling be prevented. All drovers and handlers should be competent and experienced in the handling of horses.

184. Some people have commented that, in their view, horses should never be ridden in markets. On the other hand, it seems clear that some prospective purchasers may want to establish whether the horse they may buy is a 'good ride' and whether it is quiet and well behaved. We therefore recommend that horses should only be ridden in a market where there is good reason for it and that where this occurs, riders must be experienced. If possible, a specified area of the market should be provided for the purpose.

185. In our review of penning facilities, we saw one particular instance where, after the sale, horses and ponies were penned with animals of greatly differing sizes enclosed together. This can lead to fractiousness or bullying, or in extremis, to injury. We therefore recommend that animals penned together should be of approximately the same size.

186. We have observed the difficulties which can arise when there are no separate entrances and exits to the auction ring. Where separate entrances and exits cannot be provided, animals should not pass in a confined space. We have noted in particular that horses do not like being led or encouraged to move across moving platforms (such as those on weighbridges) or any other unstable surface. Special care needs to be taken if horses are required to enter the sale ring by crossing such a platform. Where this is unavoidable, movement of the platform must be kept to the minimum.

187. We have also noticed that in some cases the supply of buckets is inadequate and horses cannot be provided with water. An adequate supply of buckets should be provided to enable horses in pens or stalls without water troughs to be offered water. We consider that food and water must be provided and must be offered to animals at appropriate intervals on the day of sale and in particular when they are left in the market overnight. Horses and ponies may have travelled long distances prior to the sale. There may be sound reasons for withholding food and water prior to the journey and this can prove to have welfare benefits. Equally, after the market, horses might be transported considerable distances before reaching their final destinations where they are given water and nourishment. In our view, these factors make it all the more important that fresh water and suitable food is offered at appropriate intervals. We feel that this need should be recognised in the new legislation. We consider it should be made to protect horses in markets, though legislation will not alter the fact that what matters, first and foremost, is commonsense and proper attention to animals' needs.

Conclusion

188. In the light of all the comments received and our own observations, our visits, and our detailed discussions with many involved in the marketing
of horses, we came to the conclusion that specific legislation should be introduced to protect the welfare of equines in markets, on broadly similar lines to that which already applies to cattle, sheep, pigs and goats. In our view, the most important benefit of this would be that the clear responsibility for enforcement in relation to horse welfare in markets would be laid down. It would be allocated to local authorities. In this connection, we would also stress the extreme importance of a substantial local authority presence in horse markets and sales to enforce both the new legislation we have in mind and the existing provisions of the transit legislation which deal with the care of animals during loading and unloading. We outline the provisions we would suggest for inclusion in the legislation in the paragraphs below. But the basic principles for framing the legislation we consider to be as follows:

(i) The specific needs of equines in markets will be better taken into account if a new and separate markets order is made for equines. This seems appropriate in its own right, and it would also have the merit of focusing enforcement authorities’ attention on the new and additional provisions we recommend.

(ii) The new order should nonetheless adopt the same basic approach as the 1964 Order, but improved in the ways we have suggested for that Order in earlier sections of this report. Thus, for example, horses would be protected further by the creation of an offence of unnecessary suffering.

(iii) The order should incorporate those specific provisions of the Agriculture Departments’ Code of Practice that are suitable for transformation into statutory requirements. We consider overall — and many commentators have made the same point to us — that the Code has been good in many ways. It has proved generally useful and effective, thanks in particular to the efforts of the State Veterinary Service who have been talking to market operators and advising on the basis of the Code’s broad contents. In our view, not all of the Code’s provisions would form a suitable basis for statutory requirements. The remainder should be incorporated into a revised and improved Code of Practice which could supplement the new legislation we have in mind.

(iv) Similarly, the recommendations we have outlined above, as well as the comments which have been made to us and endorsed by us, should all be incorporated as appropriate in the new order or the supplementary code.

(v) The Order will need to be carefully framed to take account of the wide variation in the frequency of horse sales and the kinds of facilities which are provided.

Contents of the New Order and Code of Practice

189. We recommend that this Order should include the following:

(a) an offence of causing unnecessary suffering by reason of a number of stated causes (e.g. — through being exposed to the weather; through inadequate means of preventing animals from falling within or escaping from the market; or any other cause);
(b) foals which have not been weaned must not be presented for sale except when at the foot of their dams;
(c) all unloading and loading ramps as part of market premises must have a suitable non-slip surface. Unloading and loading ramps should be provided with adequate side protection to prevent animals falling off;
(d) the following classes of animals should be individually penned: stallions, cryptorchids (rigs), fractious animals, heavily pregnant mares, mares with foals at foot and animals whose hind feet are shod;
(e) animals should be so contained and distributed within the pens as to avoid injury, overcrowding or other cause of unnecessary suffering, regard being had where necessary to unfitness and to differences in age and size;
(f) the excessive use of any instrument or thing used for driving animals must be prohibited;
(g) an adequate supply of clean drinking water and a means of supplying it to the animals must be provided;
(h) every animal within the sale yard must be provided with an adequate supply of suitable clean drinking water as often as is necessary to prevent it suffering from thirst;
(i) sufficient hay racks or nets, food troughs or buckets and adequate and suitable bedding must be provided when animals are kept overnight in the sale yard. Proper supervision must also be provided;
(j) animals kept overnight in the sale yard must be given suitable food at appropriate intervals. Hay must be given in racks or nets and feedingstuffs in troughs or buckets;
(k) pens, boxes and stalls used for the animals must be such that there are no dangerous projections and must be so constructed that the risk of injury is minimised.

190. The following recommendations should be included in the Code of Practice:

(a) if broken horses are led, they should be led by a suitable means, e.g. a bridle, head collar or halter. Unbroken horses should not be led;
(b) if horses are ridden in the market, they must be ridden by experienced people and if possible a specified area of the market should be provided for this purpose;
(c) if animals are restrained, proper head collars or halters should be used;
(d) separate entrances and exits to the auction ring should be provided. Where this is not possible animals should not pass in a confined space;
(e) where horses enter the sale ring by crossing over a cattle crush or weighbridge, movement of the platform should be kept to a minimum;
(f) wherever possible, loading and unloading of animals should take place in a designated area provided within the sale yard. Straw, peat, sawdust or other suitable material should be used where necessary on ramps;
(g) entrances to, exits from and passageways to sale rings should be kept clear for the passage of animals. Entry to sale rings should be
restricted to the auctioneer, necessary market personnel and the vendor or his representative;

(h) the number of animals presented at a market, sale or fair should not exceed the capacity of the market, sale or fair;

(i) normally, broken and unbroken horses should not be penned together but in some circumstances this may be appropriate.