

**30/6/2004 ANIMAL CONCERN: COMMENTS ON THE CONSULTATION DOCUMENT
“Proposals to revise Existing Animal Welfare Legislation”.**

Submission prepared by John F. Robins, Campaigns Consultant to the pressure group Animal Concern (founded 1876) and Secretary to the charities Save Our Seals Fund and Animal Concern Advice Line.

Animal Concern welcomes moves by SEERAD to revise many areas of animal welfare legislation in Scotland. We recognise this is the greatest opportunity in several generations to improve by law the protection of animals in Scotland. We urge our legislators not simply to tinker with existing laws but to seize the chance to take great strides in improving the lot of animals in human care. Scotland has a chance to lead the world in animal welfare and protection legislation.

Although much of the legislation being revised is many years out of date we would ask that care is taken not to omit anything which might seem irrelevant in the 21st century but which should still be illegal.

As the range of legislation to be revised is vast and much of it many decades out of date, it is likely that our submission will be lengthy. We understand that it will have to be edited for inclusion in the consultation summary. If anyone requires a full copy of our submission they should contact us direct at:

Animal Concern, PO Box 5178, Dumbarton G82 5YJ.
Tel/fax 01389-841-639, Mobile: 07721-605521.

E-MAIL: animals@jfrobins.force9.co.uk website: <http://www.animalconcern.com/>

Licensing

Most of our proposals rely on an annually renewable licensing system. Ideally different situations would be policed by similar licensing schemes adapted to the specifics of a particular industry or practise. On commercial licenses a named person or post should be nominated as “the animals friend” with a legal duty to ensure animal welfare is maintained and license conditions observed. Many recognised courses are available to provide proof of competence for holders of different licences thought it might be necessary to approve and adopt new certificated courses to meet all the licensing requirements under any new legislation. Licensed premises should be officially inspected at least annually and the regulatory agency should be duty bound to carry out unannounced inspections on all premises at least once every 18 months.

Licensing systems should not be policed by any organisation involved in running any centres licensed under the system.

Relevant Agencies

Throughout our response to the consultation document we refer to “the authorities” or “the agencies” involved in prosecuting offenders who cause suffering to animals. At present when we receive information from the public we pass this on to one or more of four agencies. These are the police, SEERAD, local authority environmental protection departments and the SSPCA. The first three have legal responsibility to uphold animal welfare legislation and the fourth, the charity SSPCA, tends to plug the gaps in the resources of the other agencies. This is a great pity because, due to the time and charitable resources spent addressing situations which statutory bodies have a legal obligation to deal with, the SSPCA cannot possibly fulfil the role for which no-one has a statutory duty – that of caring

for sick, injured and abandoned wild animals and birds. If the statutory "animal police" were properly resourced then the SSPCA could take on the crucial role of providing round the clock animal paramedic and hospital services.

We urge that this proposed new legislation be used to clarify and streamline the situation regarding responsibility for animal welfare. This would avoid confusion, duplication of effort and waste of resources.

Ideally we would like to see one agency, headed by a Minister with Special Responsibility for Animal Welfare, responsible for policing Animal Welfare. That Minister should not be the Minister for Environment and Rural Affairs. The conflict of interests and vast workload involved makes this both impracticable and incapable of securing public confidence.

With standardised legislation and licensing throughout the country one agency could make a great impact. It would also free up resources for police and local authority environmental services.

Having one agency involved would also make it easier to collate and publish information on licensed premises, inspections, prosecutions and the like. A list of offenders and those banned from keeping or working with animals could also be centrally maintained. It is important that as much information as possible is published to allow open and unbiased monitoring and evaluation of the system.

A national agency with a full force of officers throughout the country would maintain animal welfare and ensure public safety. It would be funded from ring-fenced licensing schemes, savings made from reduction in duplication and wasted resources plus direct funding from central and local government departments which currently address the areas in question. Funding could also be gained from seizure of equipment, vehicles, cash or property used for or gained from illegal activities. Those who argue about the cost should be reminded of the cost of the last foot and mouth epidemic, the cost of BSE, the resources already involved in dealing with e-coli and other animal related health issues.

Another advantage of a national organisation is that it facilitates the use of undercover officers. With regular inspection duties local officers would be well known to local license holders. If it was felt necessary to use an undercover investigator to check out standards at animal marts, pet shops or abattoirs then officers could be seconded from other parts of the country.

It should also be remembered that there will be many occasions when expert opinion, including species specific veterinary advice, will have to be sought from out with the agency. A database of such expertise should be created and care must be taken that no-one with a vested interest (such as a vet/client relationship) be involved in any investigation or prosecution.

Whatever system is decided upon we hope that it will be properly resourced with funding and legal powers such as the right to enter premises or land, impound animals and seize any equipment, vehicles, cash or property used for or gained from illegal activities. There is no point in bringing in new laws if they are not enforced.

Our disappointment over exemptions

We would like to note our disappointment that two main areas of legislation directly involving the welfare of animals in Scotland are not to be addressed in this process and, at present, are not subject to any other proposals to modernise legislation.

The first is The Conservation of Seals Act 1970, which actually does nothing to protect seals in Scotland. The single successful prosecution under this Act was instigated by Animal Concern in 1989 and won on a technicality. It is embarrassing to campaign against seal culling in Canada and South Africa when we know that thousands of seals are being legally killed every year in Scotland.

The Conservation of Seals Act 1970 is not being considered under the current consultation because it refers to wild animals that are not under human care or management. However these animals are being killed because of increased human use of their marine environment to factory farm fin-fish. We hope the Scottish Executive and Parliament will address this situation in the near future.

Our second area of concern involves the use of animals in experiments. This is not being addressed because administration of the Animals (Scientific Procedures) Act 1986 is a reserved matter and is policed from Whitehall by the Home Office. We do not know how many vivisection laboratories there are in Scotland and we do not know how many animals they hold. It is likely to be dozens of labs holding many hundreds of thousands of animals. We had hoped that the Scottish Parliament would have pushed to have this legislation devolved after we exposed the deadly risks the current situation poses for the Scottish population. In autumn 2000 Animal Concern revealed that genetically modified pigs had been bred at a secret laboratory near Alness, Easter Ross. These animals were being bred for use in experiments aimed at developing xenotransplantation; the transplant of organs from animals into humans. It is widely recognised that this work could produce new diseases from which humans have no protection yet the local health board, police and council knew nothing about the laboratory. The Scottish Parliament was also ignorant of its existence. Again we hope the Scottish Executive and Parliament will address this very worrying situation in the near future.

Additional Areas We Would Like To See Covered

Cats

We would like to see cats, and indeed all companion animals, given increased legal protection. In particular we would like to see discrimination between cats and dogs done away with. If a driver has a duty to report hitting a dog to the police s/he should have the same obligation for an accident involving a cat.

Guard Dogs

We would welcome legislation to provide minimal welfare standards for guard dogs. We once had to inform a complainant that, as long as the dog was fed and watered and given veterinary treatment if required, nothing could be done for a German Shepherd housed, 24/7, on the flat roof of a factory in Hillington. Other guard dogs are simply dumped behind fences, given food and water, and left to their own devices. These animals become stressed, bored and dangerous. Guard Dogs should be specially licensed with the owner/handler having to show proof of their own competence and provide the dog with minimum standards of accommodation (including environmental enhancement such as provision of toys), veterinary inspection/treatment, compulsory free exercise and off-site walking time.

“Pest” Species

From our recent experience it is arguable that most pest control operations involving the killing of birds in Scotland is being carried out illegally due to failure to ensure compliance or even understanding of current legislation.

We would like to see legislation regarding control of “pest” species updated. Humane destruction should only be allowed after all non-lethal deterrence has failed. Animals should not be killed during known breeding seasons. It should no longer be illegal to release rescued “pests” such as grey squirrels back into the area they were found in. Of particular disgust is the practise of corralling heavily pregnant deer and killing them. As The Commission has now proven they can corral hinds we urge that contraceptive implants or vaccines be used to reduce deer numbers. We would also like to see legislation to end the ludicrous practise of people setting up Larsen traps in suburban gardens, catching corvids and then bashing the birds heads against a wall.

Farming

We also note that there is little mention of livestock farming in the proposals. This is despite a catalogue of incidents over recent years which have highlighted failings in the farming and live transportation of pigs, poultry, sheep and fish. Some of the biggest names in the livestock industry have been implicated in appalling cases of neglect of animal welfare and hygiene standards.

Livestock farming (including aquaculture) affects the welfare of several hundreds of millions of animals in Scotland each year. It also has the greatest potential to adversely effect the environment and to damage human health. This massive industry cannot be left to police itself with worthless self-certificated quality standards which are no more than marketing logos designed to attract gullible consumers.

We would like to see the introduction of tough legislation designed to protect animals, the environment and consumers. The transport of animals to slaughter should be limited or eliminated through introduction of more local and/or mobile abattoirs.

All those involved in the rearing, transportation, marketing and slaughter of livestock should be licensed. Those who fail to take proper care of animals in their keeping, fail to protect the environment or put consumer safety at risk should be banned from owning or keeping animals for five years on a first conviction and for life on a second conviction. Banning orders should be a mandatory part of sentencing with those wishing to challenge the sentence having to use the appeals procedure.

New Areas to Cover

We would like to see some areas of animal welfare concerns, which perhaps did not exist when current legislation was introduced, brought into the new law.

There are many pet walking and pet sitting agencies around and, from reports received by Animal Concern, some are excellent. Others should be wearing Stetsons and spurs. These should be regulated and licensed to ensure staff are competent, limits imposed (such as a maximum number of dogs to be walked at a time) and insurance made mandatory. Pet grooming parlours and services should also be regulated.

There are many pet trainers and pet psychologists touting for trade. These should be regulated and licensed and, in the case of trainers, banned from using punishing adverse stimuli devices (such as electric shock collars).

There are a growing number of falconry and bird of prey establishments in Scotland. These include companies and individuals providing gull and pigeon scaring services in towns and on landfill sites. These should all be licensed to ensure the birds are obtained from proper sources, kept in suitable conditions and cared for by competent people. The practise of tethering birds to roof and poles to act as living scarecrows should be outlawed as it causes stress to the birds and can lead to injury when they are mobbed by gulls. All captive birds of prey should have a logbook showing place of origin and history of ownership. The birds should all be subject to DNA testing and microchipping to help stamp out the illegal trade in raptors.

Showing Animals

It is of concern to us that animals can be subject to unnecessary suffering at agricultural, pet, horse and breed shows. We would like all these events and venues licensed with minimum standards set for the space allocated to stable or hold each animal, the length of time animals can be kept in such temporary accommodation, provision of ventilation or heating to avoid temperature extremes, provision of food and water and cover by veterinary staff.

Legislation is also required to limit or ban the use of “cosmetics” to enhance the look of animals. Powders, dyes, resins, soaps and other additives are used to give animals bulkier or shinier coats and to cover blemishes and flaws. These are not always harmless substances especially if animals ingest them as they try to groom them off. They can also cause skin irritation.

Legislation is needed to ban the showing of animals which have been surgically mutilated (e.g. docked) or bred to have debilitating features.

It should also be mandatory to have a drug-testing regime at major events. We were astonished to discover this happens at horse shows down south but not in Scotland.

Zoos

Ideally Animal Concern would like to see traditional (including “modern” traditional) zoos and safari parks phased out and the land used to provide sanctuary for animals including exotic animals retired from zoos and laboratories or rescued from the exotic pet trade.

Despite knowing there is an excess of zoo-bred animals zoo accountants want cute cuddlies to parade for the press at Easter. A year later many of these animals bred in Scotland have been dumped in poor conditions in foreign zoos.

We would like to see a requirement for zoos to apply for breeding certificates for any animals they do not intend to neuter or put on long term contraception. These certificates should only be issued if it can be proven the offspring will be part of a recognised conservation programme with a realistic chance of being returned to the wild. At present zoos and safari parks produce far more young animals than are needed to replace existing stock. Many of these animals are mongrels of dubious origin and detrimental to conservation schemes. At best they add to the growing surplus of zoo-bred animals which nobody wants. In some European zoos staff have killed, roasted and eaten animals to help keep numbers down.

The decades long fiasco which thankfully ended with the recent closure of the bankrupt slum which was Glasgow Zoo proves there is a very real need to overhaul zoo legislation in Scotland.

Welfare of Captive Fish

The inclusion of fin-fish is very important. We see two areas where legislation on fin-fish welfare is long overdue – the welfare of intensively farmed fish (both for human consumption and for sale or release into sports fisheries) and the giving of fish as prizes at fairs.

On fin-fish farming we would urge that the best possible scientific advice be taken to determine maximum stocking levels, as it is known that current stocking densities are detrimental to welfare. Fin deformities and cataracts are common in farmed fish but this suffering might be avoided by the introduction of a legal maximum stocking density. One source of suffering for farmed fish is caused by interaction with predator species. In particular seals and birds such as heron and cormorant cause suffering to fish in marine cages by physically biting the fish through the cage nets or by scaring the fish by their close proximity. This can easily be avoided by fitting and maintaining properly tensioned anti-predator nets around and above the cages to exclude seals and other predators. The proper use of these nets should be made a legal requirement to improve the welfare of fish in fin-fish farms. Legal provision should be made to ensure the nets are properly maintained as poorly maintained nets do not protect the fish and can cause a slow death to predators which become entangled in loose nets.

Animal as Prizes

Although many people think the giving of goldfish as prizes is illegal it is not. Currently some local

authorities ban giving fish and other animals as prizes and some do not. Even where a local authority has a ban in force it can only enforce it on fairs set up on council owned land. If the fair is on private land such as a rugby pitch or supermarket car park no-body can stop goldfish being displayed in warm, oxygen depleted plastic bags and given away to youngsters who will soon be flushing the dead animal down the toilet. We would like to see the giving of all live animals as prizes banned by law.

Specifics

On specific paragraphs of the Consultation Document our comments are as follows:

The Definition of “Animal”

11: This should include cephalopods and crustaceans kept in captivity for both culinary and zoological purposes. It is now recognised that fish feel pain and react to adverse stimuli including visual stimuli such as sight of predator species. It is known that cephalopods are extremely intelligent. For instance octopus can quickly learn to open screw-top jars to release food.

We ask that legislation will include provision for the humane treatment and dispatch of crabs, prawns and lobsters in the restaurant trade. Animal Concern once had to resort to a bit of a white lie after receiving several complaints about live lobsters being kept in an overcrowded tank in direct sunlight in a fishmongers window. After being threatened with the fictitious Cruelty to Crustaceans Act 1995 the fishmonger agreed to keep the lobsters in a larger tank in the shade. As the proposed new laws are designed to be enabling legislation we hope that it will be amended to include compulsory use of The Crustastun, a device for pre-stunning shellfish prior to killing, currently under development in England.

An Obligation to Ensure Good Welfare

12. This is a vital starting point for any new legislation. At present people can only be prosecuted after they have caused an animal to suffer. Action or lack of action which is likely to cause an animal to suffer should be an offence.

Abandonment

13. This needs to be dealt with and properly defined. Time and again we receive complaints about pet animals left unattended and it can be extremely difficult to determine if they have been abandoned. We would suggest (so long as they have access to water and food) it is not welfare unfriendly to leave a dog unattended for a period of say as long as 18 hours or a cat for say 48 hours and it could be OK to leave other animals such as pet fish or reptiles for longer periods (again so long as they have access to food and water and are maintained in the right environment). Abandonment of a pet animal would have to be species specific.

As for farm animals it would be sensible to define maximum periods between checks on stock. This would vary as to the type of animal, how it is being kept, time of year and weather conditions. Dairy cattle have to be milked at least twice a day while beef cattle on good summer grazing with a secure water supply may not need to be inspected more than once every few days.

Animals in intensive or semi-intensive systems (if they continue to be permitted) should be inspected several times a day to ensure injured animals are humanely destroyed or given veterinary treatment, morts removed to minimise disease risk and cannibalism and system controls are maintaining a survivable environment.

The greatest difficulty is going to be how to determine when sheep have been abandoned or not? Over recent years we have dealt with many cases of sheep left to their own devices both on the hill

and when gathered on lower ground. Of all the free-range farm animals in Scotland sheep suffer the most from neglect. It is common for sheep to roll on their backs and die or for them to starve to death due to poor grazing and lack of supplementary feeding. Many sheep spend their lives hobbling around on rotten feet due to being kept on poor ground and the reluctance of farmers to spend a few pence per animal on vaccines. We need tough laws to protect sheep from neglect.

Animal Fighting

14. Care must be taken to ensure any permitted exemptions do not weaken the Protection of Wild Mammals (Scotland) Act 2002.

Animals in Circuses/Performing Animals

15. It is time to ban the use of all animals in circuses and travelling equestrian shows. No doubt there shall be calls to ban exotic animals only but who is to say an elephant suffers any more than a horse or a dog through being forced to live the circus life?

I have witnessed a troupe of large dogs go from the Big Top in Perth into individual cages in a windowless box van between performances. I have seen elephants chained by the leg in a tent on the SECC car park in Glasgow for 23.5 hours a day and given, according to their owner, a one-hour walk in the car park as exercise in a three-day period. I have witnessed horses, zebra and camels tethered in a tiny tent for 23.5 hours a day at Bellahouston Park in Glasgow.

I have never seen at first hand animals being trained for the circus. What I have seen is secretly filmed videotapes which resulted in successful cruelty prosecutions against some of the biggest names in the British circus and safari park industries.

I have seen the premises animals are kept in between venues. In Glasgow we discovered that animals destined for the SECC Christmas circus were kept in the area for many weeks prior to going onto the SECC site. Before it was demolished a run-down barn on a farm off Kirkintilloch Road, Bishopbriggs was used. For at least 6 weeks in 1998 this barn was home to 5 elephants, 3 llamas and several horses. The barn was a ramshackle building constructed of brick, timber and corrugated iron sheeting. It was not wind or watertight. Each elephant was restrained by two leg chains. Their tails touched the rear wall, their trunks the front wall and roof and their sides the sides of the individual stalls they were kept in. A llama died while being held in the barn. In subsequent years, after the barn was demolished, the animals were kept in an unused factory warehouse in the East End of Glasgow.

It has been argued that a ban on performing animals would stop traditional horse and pony events and dog shows. Animal Concern does not oppose such events, as they are very different to travelling circuses and equine displays. They are competitions rather than performances and dogs and horses are taken from a home base to the event and then returned home at the end of the day or the weekend. Circus animals spend the vast majority of their time under close confinement, something which cannot be justified in the 21st century.

Dangerous Wild Animals In Captivity

16. The Dangerous Wild Animals Act 1976 was primarily introduced to protect the general public from carnivorous big cats, wolves and other potentially dangerous exotic animals which some people, notably pop stars and other celebrities, liked to keep as pets. Other people kept such animals to profit from their use in advertising and public appearances. Selling exotic animals, including big cats, primates and bears, as pets was also a way for zoos and safari parks to get rid of surplus animals which had been replaced by cuter baby animals. Circuses would sell off cubs and other young animals which were too expensive to rear and train. Most animals from zoos and circuses cannot be returned to the wild, as many are mongrels, crossbreeds or the result of incest. Such animals are

detrimental to conservation and species protection.

17. Since 1976 Animal Concern has directly been involved in two incidents which, had we not been personally involved, we would have dismissed as urban myths. One involved a diminutive woman from the East End of Glasgow whose dog was eaten by her pet boa constrictor. She took the snake for walks (draped over her shoulders) in

Alexandra Park. One afternoon the snake tried to kill and eat her. We advised her to give the animal to Glasgow Zoo, which she did. Not long afterwards she replaced the snake with an iguana which she did not know how to feed or care for. The animal, like many others of its species, was being fed an inappropriate diet and its skeleton was wasting away. It too ended up in Glasgow Zoo.

The second incident occurred when one of our Directors visited a cottage for rent on Loch Lomondside. On being shown around the property he was informed that the damaged wallpaper and woodwork would be repaired now that the tenant who was moving out had shipped his pet tiger and lion cubs to Northern Ireland. He was also assured that the alligator in the bath was not a sitting tenant and would also be removed. These animals belonged to a stage hypnotist.

Two incidents involving Dangerous Wild Animals are not many in nearly 30 years. However we would not like to see this Act done away with or greatly watered down. We would rather see a new act to cover the importation, breeding, sale and keeping of all non-native animals and birds. The main reason for this is to continue to protect the public and our environment from dangerous animals and to protect dangerous and not so dangerous animals from people.

Pet shops and dealers can, in the quest for profits, expose both animals and people to risks. An animal does not need to be able to bite your bits off to be dangerous. Pet shops supplied terrapins by the tens of thousands to meet the craze for live Ninja Mutant Turtle "toys". These, like other exotics, can carry salmonella and other bugs which cross to humans. They also live for many years and grow from the size of an old 50p piece to that of a dinner plate. There was no way sanctuary could be found for all those which were abandoned when they grow too big for their tanks or when their owners went to University or jail. Many are now living and, given recent mild winters, perhaps breeding, in the canals and ponds they were dumped in.

When there was a craze for big spiders pet shops cashed in. Few told buyers of the risks from the hairs which tarantulas can shoot from their backs into eyes or airways. Thanks to Harry Potter there is a growing market in captive owls. There is now a population of escaped non-native Eagle Owls in the wild.

Every year we have reports of escaped pet snakes turning up uninvited in people's homes. These are usually harmless pets but they do cause fear and alarm to the people who find them. At least a couple of dozen times a year we receive calls from people who need to rehome exotic pets because they have run out of space, do not know how to keep the animals or have simply grown bored of them. I would expect that the mortality rate among exotic pets is extremely high.

18. We would like any act to cover all exotic pets. We agree with most of the suggests under clause 18 but would argue that, although the situation should be kept equal throughout the country, it should not be made easier to obtain a license to keep an exotic animal. The onus should be on local authorities NOT to issue a license unless they are confident the keeper knows how to properly care for his or her pet without putting the public or the animal at risk.

Licenses should be renewed and inspections carried out on an annual basis to ensure welfare standards are maintained and to help guard against illegal breeding or trading.

The license fee should be uniform throughout the country but in addition the keeper should cover the costs of independent veterinary or other inspections where required. Individuals with good knowledge of the species involved should carry out such inspections. Vets should not be carry out

inspections for their own clients. License fee income should be ring-fenced to ensure the system is properly maintained.

The “72” hour rule is a recipe for disaster. Under this rule an elephant, which later tried to kill its owner then ran amok in Liverpool, performed the opening ceremony at an Indian restaurant near Partick cross. A truckload of reindeer was parked up a Glasgow side street off Byres Road overnight before taking Santa to his grotto in a city centre store. If these animals had been spooked or released it would not have taken them 72 seconds to cause carnage on the streets. If someone wants to take a dangerous animal on a wee trip then, just as a publican must apply for an extension to a drinks licence, the keeper should apply for an extension or variation to their keepers licence and satisfy the issuing authorities (if the animal is to be taken into another council’s jurisdiction a local temporary license should be required) that all public safety and animal welfare precautions will be taken.

The Sale of Young Companion or Pet Animals

20. There is a very real need to totally overhaul all aspects of the pet breeding, dealing and supply trade for all animals. Attention has recently focused on Irish puppy farms but this is not a new problem originating from Ireland. For decades we have received complaints about dogs bred in licensed breeding establishments in various parts of Scotland (notably Aberdeenshire, Lanarkshire and Ayrshire) as well as puppies brought in from England and Wales. Sadly puppy factory farming is legal within the U.K.. Scotland could be the first country in the U.K. to make this vile trade illegal.

This trade causes immense suffering to the animals (including breeding bitches and the sire dogs) and results in people unknowingly buying sickly pets, many of which die within a few weeks. Others may require lengthy, expensive veterinary treatment to help them survive. Those that do survive have been reared in a bleak and unstimulating environment with little human contact. This can lead to behavioural problems making the dogs very poor, sometimes dangerous pets.

We would like to see totally new legislation covering the breeding, importation, transportation and sale of puppies and indeed all pet animals. Ideally we would like to see the breeding of dogs and cats centred on small scale at-home situations where breeders are limited in the number of bitches/queens they own. This could range from two or three breeding females for large breeds of dog to perhaps half a dozen for smaller breeds and cats. Breeders should be covered by personal and premise licenses so that only licensed individuals can sell dogs and then only from licensed premises.

That would mean animals could not be sold from car boots or markets and that new owners would see where the dog is being sold from which might be enough to dissuade them from buying from intensive breeders. By refusing to license dealers people would have to buy direct from breeders.

Although we believe current legislation in the U.K. does not do enough to protect dogs from puppy farmers and dealers we at least have some legislation which is a lot better than the situation in Ireland. We would suggest that EU legislation including The Treaty of Rome be checked to see if there is scope for our banning the import of puppies and other animals from countries where legally enforceable welfare standards fall short of those demanded in this country. In many areas U.K. citizens have to comply with animal welfare laws while animals and animal products come into this country from countries with no welfare legislation. These welfare unfriendly imports are sold at prices which undercut U.K. suppliers thus undermining our welfare laws.

Pet dogs, cats and other companion animals should come with a “logbook” giving, where available, details of where and when the animal was born, its sex, the name and address of the breeder, the names of the parent animals and the names and addresses of the owners of those animals, the names and addresses of any third parties handling or owning the animal between breeder and final owner. It should also include the name of any vet who has examined the animal. The logbook to hold details of any illnesses, injuries or parasite problems suffered by the animal plus date and details of treatments given. The logbook should have space to log the pet’s entire life including veterinary inspections, injections and treatments. This logbook would perhaps be the size of a small paperback

book and could include information on how to care for the pet and the duties of the owner to the wellbeing of the animal and their responsibility to the community at large for the behaviour of their pet. It should also include information on the need for hygiene when dealing with pets and give details of the symptoms of any diseases which people can pick up from the animal species. The logbook would be paid for by the supplier of the animal who could perhaps offset the cost by commercial or charity sponsorship and advertising.

Animals should be micro chipped with details of the breeder. These can be updated when the pet goes to its owner. The details of the microchip (number of the chip and details of the company responsible for the chip) must be entered in the logbook. We would also like to see legislation requiring owners to put, where practicable, a collar and engraved disc on their pet with the disc carrying the phone number of the owner and stating the animal is microchipped.

For dogs there should be an 8-week restriction on removing pups from their mother and it should be an offence to remove pups under that age from their mother without good veterinary reasons. Appropriate weaning/removal times should be specified for all pets.

Suppliers should be required to have a vet examine animals in the 48 hours before sale to determine if they are fit for sale. The result of the vet's examination plus contact details of the vet to be entered in the logbook.

Pet Shops

24. There should be a minimum age of 17 before anyone can buy a pet and pet shops should be obliged to take back any animal within 72 hours of purchase. We would like to see all pets come with a logbook containing information on how to care for the pet and the duties of the owner to the wellbeing of the animal and their responsibility to the community at large for the behaviour of their pet (see above for more detail).

25. See above re our hope that all pets, especially exotics, would be covered by new legislation. Pet shops should be obliged to provide adequate (not just basic) accommodation for all animals on their premises. It is well known that some pet shops put animals in small cages in the hope that people will "pity purchase" to "rescue" the animal from the shop.

Special provision should be required for exotic and expensive animals which may be kept on the premises for months or even years before being sold.

26. If a local authority vet does not have the required knowledge of any animal in a pet shop then the pet shop license holder should cover the expense of getting an appropriately qualified person (appointed by the council) to inspect the animal.

There is a very real need to ensure people employed to handle, care for and sell animals in pet shops know what they are doing. This may mean adopting appropriate nationally recognised qualifications and insisting pet shops sponsor existing and new staff through qualification courses.

It should be made illegal for pet shops to sell canines and felines. These should be obtained direct from licensed breeders or, better still, licensed rescue centres.

Animals, birds and fish on display in pet shops must be kept out of reach of the public to avoid injury (to animals and public), disease transfer and stress to the animals.

Pet Fairs

27. and 28. In principal we are opposed to the sale of animals from anywhere but properly inspected and licensed premises deemed suitable for the species on sale. We do understand that pet fancy clubs, often involving fish and bird breeders, do hold events in town halls and similar venues. If

these are to continue they should be licensed and the venue subject to prior inspection to ensure it is suitable. In addition the organisers should cover the cost of having a local authority appointed vet attend the event to ensure good standards of animal welfare and any legal restrictions on the sale of animals are observed. On no account should the sale of live animals be allowed at street markets or car boot sales.

Keeping Exotic or Dangerous Animals as Pets

29. and **30.** See above re licensing all pets and issuing of a logbook with details on keeping and caring for pets. Ideally we would like to see the sale of non-captive bred exotics banned and keeping of others restricted or phased out to avoid suffering to the animals and potential risk to people and the environment.

Shoeing of Horses

31. and **32.** Animal Concern has been opposed to coup or show shoeing of Clydesdale horses since the late Kenneth Mitchell first brought this practise to our attention. He told us about uneven trimming of the horses' hooves and the fitting of shoes built up on the outside edge and hammered razor thin in the shortened inside edge. Instead of the traditional **U** shape horseshoe coup shoes are more the shape of an **?**. These shoes are fitted to the rear feet of the Clydesdales forcing them into an unnatural close-footed stance preferred by judges at horse shows. Kenneth gave us samples of such shoes he had removed from foals under six months old. Fitted before bones and joints had properly formed to force the feet into this unnatural stance. In human terms this is like the binding of women's feet in China – cruelty in the name of fashion.

An excellent farrier whose first concern was for the welfare of the horses he shod, Kenneth Mitchell raised Petition PE347 in a bid to have this practise outlawed. As PE347 progressed through the Petitions Committee and Justice Committees it gathered a great number of submissions of support from farriers and specialist equine vets. None of whom support the view put to a SEERAD consultation meeting by a pro-couper who claimed Clydesdale horses have different feet from all other horses!

Clydesdale horse owner Jim Sharp took over as Petitioner on the death of Mr. Mitchell. In his submission to this consultation Mr. Sharp includes much of the supporting expert witness statements which show why Justice 2 Committee recommended the proposed coupling ban be brought forward to the legislative stage.

Voluntary codes of conduct produced by self-policing organisations might suffice when dealing with sports such as soccer or tennis but they can never suffice when we are trying to safeguard the welfare of sentient creatures. The Clydesdale Horse Society produced a voluntary code of conduct for shoeing but when we asked if we could bring a farrier to inspect the shoes on Clydesdales at the National Stallion Show we were told it would be up to individual owners if they let us see their horses and that we should not take an English farrier because of “differing shoeing methods in Scotland and England.”. It should be noted that English judges have been known to disqualify coup shod horses while their Scottish counterparts favour the unnatural “Charlie Chaplin” stance of couped animals.

At one of the consultation meetings on these proposals a prominent member of the Clydesdale Horse Society admitted that coup or show shoes were fitted for cosmetic purposes. Cosmetic purposes are not good enough reasons to maim horses.

We suggest it be made illegal to shoe any foal under one year old and that all shod horses' hooves should be level trimmed and fitted with level, even and balanced shoes. The only exemptions to this

should be for recognised veterinary purposes where a foal needs shod early or a horse needs unbalanced shoes for corrective purposes. Horses shod in this way for medical reasons should not be allowed to enter the show ring.

Greyhound Racing

33. to 34. If greyhound racing is to continue (and we do not agree that it should) then all greyhound racing should be properly governed by legislation covering all tracks in Scotland. Each racing dog should be registered and identified by microchip (not as easy to remove as a tattooed ear). To register a dog a fee of say £100 should be payable and on entering a dog in a race a fee of say £1 should be levied. These fees should be paid into a properly constituted charity to care for unwanted and retired greyhounds. All dogs should also be covered by veterinary insurance. All tracks should have a vet present on race days. All tracks should have a drug-testing regime in place. A dog should have a minimum rest period of say 5 days between races. Greyhound owners should maintain logbooks (such as those we have suggested for pet dogs) for each animal they are responsible for. We would like this legislation used to regulate all forms of animal racing including horse racing and trotting.

The Welfare of Captive Pheasants that are being Bred for Sport Shooting

35. and 36. All captive-bred animals should have welfare protection and it would make sense to regulate the breeding of pheasants. This could also be used to maintain health standards to avoid problems with disease such as salmonella getting into the food chain. The practises of de-beaking and fitting “blinkers” or “spectacles” should be outlawed. Pheasant breeders should be designated pheasant farmers and licensed and inspected along with all livestock farmers.

Tail Docking and Mutilations

37. and 38. We would like to see tail docking of dogs banned unless specifically required for veterinary reasons. Those who argue in favour of tail docking say it is done to protect working animals from injury and not for cosmetic reasons. If that is the case then why have they never suggested the obvious third solution: banning docked dogs (i.e. working dogs) from dog shows? Docking dogs' tails is another fashion foible of people who think they know better than evolution.

Docking the tails of lambs and pigs are an indication of poor farm welfare standards and should only be permitted if carried out by a veterinary surgeon for good veterinary reasons and NOT as an alternative to improving welfare standards.

Declawing of dogs and cats should only be carried out by vets for justifiable medical reasons. There are still moronic vets out there who will declaw cats in the interests of the welfare of the owner's dining table legs.

Markets

39. to 41. On Sunday 24th September 2000 Animal Concern member John Williamson spotted a dying sheep in a paddock at Thainstone Mart, Inverurie. Although the Mart was busy there were no Scottish Veterinary Service (SVS) vet or SSPCA Inspector present. It was not until the following day that the animal was put out of its misery. On 7th October 2000 Mr. Williamson returned to Thainstone. He was photographing dead sheep in the “mort box” when he noticed a live but injured lamb thrashing around among the carcasses. He telephoned me in Glasgow and this time I was able to get hold of an SVS vet who destroyed the animal.

Thainstone Mart is one of the most modern marts in Scotland and part of Aberdeen and Northern Marts Group Limited whose Chief Executive is Brian Pack, a long standing SSPCA Director! If this can happen in what should be one of the best marts, what is happening in less modern marts without

such impressive welfare connections?

All livestock marts should be licensed and should meet minimum set standards for the welfare of all animals put through the premises. The license should specify a 24-hour veterinary presence when any animals are on site with the vet given a statutory duty to treat or destroy any unfit animal immediately and to make a report to SEERAD and/or the Procurator Fiscal on any contravention of animal welfare legislation by the mart or anyone using the mart.

Animal Sanctuaries

42. Animal sanctuaries, rescue centres, rehabilitation centres and individuals carrying out such work should be licensed and regulated. The license should stipulate basic welfare, hygiene and treatment standards to ensure animals are properly accommodated, not overcrowded, fed & watered and given any necessary veterinary treatment. If necessary an independent vet or expert on the species of animal involved should be asked to judge the competence of the centre or individual seeking a license. The sanctuary or individual should not be exempt from holding any additional license required for the handling or keeping of any specially protected species.

Particular attention should be given to “commercial” animal sanctuaries run as part of open to the public tourist attractions such as marine life and falconry centres. These may require to be dual licensed as zoos and sanctuaries. Before granting a sanctuary licence it should be determined if rescue and rehabilitation is indeed a genuine service provided by the centre or whether the term sanctuary is being used to encourage the public to visit the centre and part with cash.

A sanctuary licence should not be granted lightly. The public needs to know that a sanctuary is a proper and competent place to take injured animals and birds and that when they donate money to a sanctuary they are funding genuine animal welfare work and not contributing to or offsetting the costs of a commercial enterprise.

Where companion animals, including equines, are involved the centre or individual should be compelled to do proper home checks before re-homing animals and should make provision to have all rehomed animals neutered and microchipped.

Where wild animals and birds are involved it should be stipulated that recuperated creatures be released as close as possible to where they were found or, if that is not practicable, into suitable habitat. When an animal or bird cannot be returned to the wild due to injury, it should either be humanely destroyed or kept in suitable conditions but not used for breeding.

All licensed centres and individuals should be obliged to keep a logbook showing details of where all animals come from, how they are treated and how they are disposed of. This logbook to be available for inspection by anyone on payment of a nominal fee of say £1.

We would strongly recommend that all rescue and rehabilitation operations, especially those which seek financial support from the public, be incorporated within a properly constituted charity or not for profit limited company and that it publish annual accounts. It should be a licensing requirement that all sanctuaries publish annual accounts showing income and expenditure and details of the number and type of animals brought in and how they were disposed of.

Animal sanctuaries should be inspected at least once a year on license renewal and, if practicable at least on one other occasion per year. We would recommend that all licence applications from individuals or organisations with less than four staff or volunteers be required to specify who will care for the animals should the main licence holder become incapacitated. All applications should also specify the veterinary practise or practises they will use to provide any necessary treatments.

If any premises used as a sanctuary cannot be staffed 24 hours a day then a notice should be

displayed giving an emergency telephone contact number. This would avoid people leaving injured animals when there might not be someone available to care for them for many hours or even days.

This licensing system should not be policed by any organisation involved in running any centres licensed under this system.

Livery Stables and Yards

43. These should be regulated and licensed. We would also like to see traditional “Donkey Ride” enterprises subject to licensing.

Tethering of Horses

44. We receive many calls from members of the public concerned about horses (and goats) tethered on waste ground or in fields. We recognise this is sometimes done to keep animals away from ragwort or other hazards but this should only be done as a short-term measure and perhaps a time limit (in hours, not days or weeks) should be imposed on how long an animal can be tethered. There should also be minimum standards for types and lengths of tethers.

By far the biggest problem we encounter is caused by the tethering or chaining of pet and guard dogs. We know of dogs kept chained for indefinite periods and in totally unsuitable conditions. At present we can only advise people to contact environmental health offices to complain about noise pollution by barking. Laws regulating tethering of dogs would be beneficial.

We also receive many complaints about horses left in fields with no proper shelter from the elements and inadequate grazing/fodder/water provision. The lack of shelter can be caused by the fact horses are not classed as agricultural animals and planning permission for even a basic shelter can be difficult to obtain. When dealing with horse welfare problems a major issue can be tracing the person responsible for the animal. This would be solved if all horses were required to be microchipped.

We also ask that tethering of birds of prey as a pest deterrent be made illegal.

Power to Seize Animals

45. We agree this is a very necessary measure and that local authorities and other relevant regulatory bodies be given the power to remove any animal(s) which are suffering or are at risk of suffering, from any domestic, commercial or agricultural premises or land. If it is not possible to remove the animals from site the authorities should be empowered to put on site competent staff and any necessary resources to care for the animals. These powers should be prosecutable whether or not the owner or keeper of the animal(s) is known or is present.

Unless a veterinary surgeon determines the animal(s) must be humanely killed to avoid further suffering the seizing authority must make proper provision to care for the animal(s) until their fate is decided in court. Should the court find in favour of the owner or keeper of the animal(s) the prosecuting authority or courts should cover any costs involved. Where the court finds against the owner or keeper then s/he should, in addition to any other sentence, cover all costs involved. This could be recovered from any financial value of the animals seized plus seizure of any assets (including vehicles, property and land) used in the enterprise which led to the prosecution.

Human Rights

46. and **47.** Much is made of how we are restricted in our domestic legislative powers by the E.U.

However we should remember that Article 36 (depending on which version you consult) of The Treaty of Rome states:

“The provisions of Articles 30 to 34 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; *the protection of* health and life of humans, *animals* or plants”.

Even if the protection of animals clause did not allow us national leeway it could also be argued that if Scotland was discriminated against because of our superior animal welfare legislation then it would be those countries discriminating against us who would be at fault.

Sustainable Development

48. Sustainable development and the economic impact of animal welfare legislation should not be an excuse to allow animals to suffer. It is arguable that increased welfare requirements in both sheep and salmon farming in Scotland would have been good for the industries as well as the animals.

If sheep farmers had been forced by law to provide proper veterinary care for their stock it is likely that stocking densities would have been lower, giving better prices per head and perhaps avoiding the glut of animals in the late 1990's when an NFUS official declared sheep were worth “less than a packet of crisps”. To the majority of farmers sheep are still worth less than the few pence per annum it would cost to vaccinate them against foot rot and other debilitating and painful conditions.

Increased welfare standards might also have stabilised the salmon farmer industry which went for quantity not quality and suffered greatly from disease and mortalities causing many companies to fold.

Equal Opportunities

49. It is unlikely the proposals would effect guide or other assistance dogs. However all animals, including those trained to assist physically challenged humans, are entitled to protection. I would hope that adverse stimuli, used in some countries to train primates to assist people, would not be allowed in this country.

Regulatory Impact Assessment

50. As much of the proposals would rely on licensing schemes then the cost of implementation should, at least in part, be met by licence fees. Pedigree and exotic pets can be expensive to buy. It costs many hundreds of pounds to provide a lifetime of feeding and veterinary care for even a humble rescued moggie. Owners should be prepared to pay a reasonable fee for the privilege of having a companion animal especially if fees are ring-fenced and used to support the scheme and to provide low cost-spay/neutering for pets of those on pensions and low incomes. Licensing fees could also be discounted for those groups.

Livestock farmers, dealers, transporters, pet shops and the like profit most from animals and should pay a fee based on the number and species of animals they handle each year. If that means 1p on a ½ kilo of mince or a salmon steak so be it.

Licence fees for animal sanctuaries and rehabbers should not be prohibitive but should at least cover the costs of any veterinary inspections required to determine suitability to hold a licence.

If it is agreed that animals deserve protection then that protection must be paid for through direct payment of fees, direct and/or indirect taxation and by consumers of animal products. What is

important is that any new law is properly funded and not left to flounder for lack of staff, cash and equipment.