

BRIEFING: ACTION PLAN FOR ANIMAL WELFARE

JUNE 2021



UK GOVERNMENT ACTION PLAN FOR ANIMAL WELFARE

The UK Government detailed its Action Plan for Animal Welfare on 12 May, following the announcement of related legislation in the Queen's Speech. This Action Plan lays out the Government's planned commitments and legislative ambitions for the remainder of the parliamentary term. The Action Plan covers five policy themes: sentience and enforcement; international trade and advocacy; farm animals; pets and sporting animals, and wild animals. This briefing document focuses on the policy issues that affect cat and dog welfare.

Battersea welcomes the ambition and wide-ranging focus of the Action Plan and looks forward to working with the Government and officials to help shape the strategy.

This briefing sets out Battersea's thinking and several outstanding questions we have regarding the Action Plan.

SUGGESTED QUESTIONS

- What is the Government's timetable for delivering the commitments and legislation announced in the Action Plan for Animal Welfare?
- An increase in the age dogs can be legally imported into the UK is welcome. What additional measures, if any, is the Government planning to tackle puppy smuggling?
- The Action Plan states that Penalty Notices are planned to be used as an enforcement mechanism for animal cruelty offences. What types of cruelty will be dealt with by Penalty Notices and how will this interact with the new Animal Welfare (Sentencing) Act 2021?
- How does the Government intend to review the effectiveness of the Dangerous Dogs Act 1991? Will it review the use of Section 1 and ensure it provides effective public safety?
- What changes is the Government considering to the current dog microchipping system?
- Will the ban on electronic collars be extended to both their sale and use, and will it also extend to other aversive training methods such as prong collars?
- What is the Government's intention for the powers, remit and independence of the Animal Sentience Committee under the Animal Welfare (Sentience) Bill?

TIMETABLE FOR DELIVERY

- Battersea welcomes the Government's commitment to tackle the issues raised within the Action Plan, many of which have long been called for by Battersea.
- **We would welcome clarity on the intended timetable, and prioritisation, for delivering the commitments stated in the Action Plan, and how the Government intends to prioritise the legislative timetable.**

TACKLING PUPPY SMUGGLING

- The illegal importation of puppies and kittens into the UK, commonly termed "puppy smuggling" is a significant issue, although the true extent of the problem is not quantifiable – by its very definition, much of this activity is covert and undetected.
- The UK Government is proposing to tackle this issue by raising the minimum age before a dog can legally enter the UK. **Battersea agrees with this goal but remains concerned that a blanket ban based on age of dogs does not go far enough. We are concerned that there are potentially unforeseen loopholes in taking this measure which need to be mitigated, and a ban based on increasing the post-vaccination wait time would be more effective.**
- Battersea welcomes the commitment to reduce the number of dogs and cats that can be moved under pet travel rules. **Battersea suggests this is reduced to three dogs per non-commercial vehicle rather than the current PETS standard of five dogs per person.** This will allow for families to still travel with their pet whilst guarding against the smuggling of large numbers of pregnant bitches, puppies and/or kittens under the guise of owned pets.
- Battersea would propose six additional policy and legislative actions that can be used to stop puppies or kittens entering the UK, accounting for any potential unforeseen loopholes and improve enforcement:
 1. The vaccination of puppies for rabies should only be undertaken after they are 12 weeks old, and the **wait time post-vaccination before a puppy can enter the UK should be increased from the current three weeks to 12 weeks.** This would mean that importing or transporting puppies and kittens to the UK would be prohibited until they are at least six months' old. This would not only **make puppy smuggling uneconomic but would make enforcement easier and would significantly decrease the likelihood of rabies entering the UK.**

2. More visual checks should be made at border controls of the conditions in which animals travel into the country to help ensure that their health and welfare needs are being met.
3. Better **enforcement of border control checks**, including spot checks during out-of-office hours, is vital to root out illegally sourced animals entering the UK.
4. A **requirement should be added for dogs to be treated against ticks** before entering from certain countries where specific tick-borne diseases such as babesiosis and ehrlichiosis are present, to help prevent the spread of these diseases.
5. Verification of the age of the animal being transported should be added to the border-checking process.
6. Increased transparency of both commercial and non-commercial pet importation data is needed to allow for increased traceability and identification of importation trends.

IMPORTING PREGNANT ANIMALS

- The UK Government are proposing to impose restrictions on importing pregnant animals into the country.
- It is not clear in what form this will take place or what checks there will be at the border. **Battersea would be supportive of measures to stop pregnant bitches and queens from entering the UK when the intent is to sell the resultant puppies and kittens on for a profit.**
- More detail would be welcomed on how the Government intends to enforce this policy. For example, how will border forces identify a pregnant animal in the early stages of pregnancy, or will this only apply to animals visibly in the latter stages of pregnancy?
- There is potential for the Government to **create a reporting mechanism for vets when a pregnant animal is presented** to them with a foreign microchip / pet passport when it can be identified that the pregnant animal has travelled within its gestation period.

ANIMAL CRUELTY SENTENCING AND ENFORCEMENT

- Battersea began campaigning for maximum sentence for animal cruelty be increased to five years imprisonment in 2017. At the time, it was not publicly considered an issue of importance.
- Battersea welcomes the passing of the Animal Welfare (Sentencing) Act 2021, sponsored by Chris Loder MP, which delivers these increased sentencing provisions.
- Battersea does not believe that the maximum sentence would be necessary in many cases, nor should it be sought inappropriately. This change is concerned with giving Courts the opportunity to treat each case on its merits in accordance with appropriate guidelines.
- The Government's Action Plan proposes the use of Penalty Notices as a mechanism for dealing with animal cruelty. **Battersea would welcome clarity on the intended use of Penalty Notices in this area.**
- **Battersea believes that Fixed Penalty Notices should only be used for minor or technical breaches of legislation, such as a single offence of a technical nature which does not impact on animal welfare and is unlikely to be repeated.**

DANGEROUS DOGS ACT 1991

- Section 1 of the Dangerous Dogs Act (DDA) established Breed Specific Legislation (BSL), under which four breed types of dog were deemed to be dangerous. This was not based on their individual behaviour but on the way they looked and their perceived danger.
- Battersea views Section 1 as ineffective and outdated due to its focus on four breeds of dog rather than the individual dog's temperament or their training. **Between 1992 and 2019 only 8% of legal cases brought under the DDA involved breeds banned under Section 1 being dangerously out of control.**¹
- The sharp increase in attacks through the 30-year life of the Act, coupled with the non-eradication of the Pit Bull Terrier, suggests that it has failed in both respects. It is a blunt and unhelpful tool, unlike the flexible and adaptable Section 3, which is designed to deal with out of control dogs of any breed.
- **How does the Government intend to review the Dangerous Dogs Act to ensure it provides effective public safety?**

MICROCHIPPING

- Microchipping is one of the most effective methods for animal rescue centres to identify a pet and reunite it with its owner. The UK has approximately 10.9 million owned cats and 24% of the population have a cat.
- In 2019, only 40% of cats came into Battersea's centres with a microchip. Thanks to accurate microchip details, Battersea reunited 72 cats with their owners. This compares to 82% of dogs having a microchip. Through accurate microchip details, Battersea was able to reunite 456 for dogs with their owners.

¹ <https://bvajournals.onlinelibrary.wiley.com/doi/10.1002/vetr.24>

- **Battersea is supportive of compulsory microchipping of specifically owned cats, as this is a quick and efficient way of reuniting cats with their owners and could be used to provide proof of ownership.**
- With compulsory microchipping there could be a statutory presumption that the person registered on the database is the cat's legal owner. This would avoid the necessity for creating a concept of “keepership”, as distinct from “ownership”, which exists under the dog microchipping regulations.
- **In Battersea's view compulsory microchipping should not be required for feral, or colony cats and cats who do not have a defined owner.** Instead, a system of Trap, Neuter and Return (TNR) should be used, because, as feral cats are not habituated to humans, it is not in the interest of their welfare to be owned pets. TNR has the benefit of improving feral cat's welfare whilst reducing their numbers in the long term.

PET THEFT

- Pet theft is currently legislated for under Section 1 of the Theft Act 1968, where it is classed as a theft of property. This entirely fails to recognise that dogs and cats are sentient beings, the significant emotional impact of pets on their family, and the impact of a pet theft on pets' owners. Pets are not just chattel, they are a sentient part of the family.
- Battersea's research for our COVID-19 report in the six-month period March–August 2020 shows, across the 39 UK police forces that provided figures, a 6% increase in theft on the same period in 2019, but this is 6% lower than the 837 thefts recorded in 2018. **There is a disconnect between the perceived prevalence of dog theft and the actual reported impact.**
- In a recent Association of Police and Crime Commissioners survey of members of the public, 66% reported they were more fearful of walking their dog in daylight due to the perceived threat of pet theft. Battersea is concerned that the fear of pet theft could have an adverse effect on animal welfare by discouraging dog owners from exercising their pets.
- **Clarity is needed on the intended goals for the puppy theft task force and whether the Government plans to legislate, creating a new offence for pet theft, or to tackle low sentences for pet theft by updating sentencing guidelines.**

SENTIENCE

- Battersea is in favour of the acknowledgement of animals as sentient in law and supports this being reflected across Government activity and in the new Animal Welfare (Sentience) Bill.
- It is imperative that animals are recognised as sentient beings with the capacity for both suffering and joy and that their health and welfare needs should always be considered when planning legislation. Every area of human life impacts the natural world and the animals within it, so this duty of care should extend to all Government policy areas.
- **Clarification would be welcome on the powers and independence of the new Animal Sentience Committee, and how this will enable the Committee to hold the Government to account.**

AVERSIVE TRAINING METHODS

- Battersea is entirely opposed to aversive training methods such as dominance-based techniques, electric shock collars and prong collars. Our expert behaviourists know that there are no positive effects from aversive training methods compared to reward-based training.
- Electric shock collars cause unnecessary suffering and confusion to dogs, contravening one of the five freedoms listed in the Animal Welfare Act by inhibiting their natural communication and body language to create specific behavioural expressions.
- **Battersea would welcome clarity on how the Government intends to legislate for a ban on electronic collars, and what aspects this will cover, such as their use and sale. Would the Government also consider extending the proposed ban to cover other equipment used for aversive training methods, such as prong collars?**

ABOUT BATTERSEA

Established in 1860 to care for abandoned animals, Battersea aims to never turn away a dog or cat in need of help. *In 2019, we directly helped over 5,000 animals, including 3,213 dogs and 2,476 cats. Battersea runs an Academy which provides best practice operational advice and support to rescue charities caring for the UK's animals and animals across the globe. Battersea has supporters all over the UK and campaigns on behalf of cats and dogs, including as a part of the 50-strong coalition of animal welfare charities that came together in May 2021 to produce a [Green Paper on animal welfare policy called Act Now for Animals](#). [CLICK HERE FOR MORE INFORMATION ON BATTERSEA'S WORK. FOLLOW THE PUBLIC AFFAIRS TEAM ON TWITTER @BATTERSEA_PA.](#)*

Battersea Dogs & Cats Home (Battersea) is registered in England and Wales (company no. 278802, charity no. 206394). Our registered address is 4 Battersea Park Road, London, SW8 4AA.