



DEBATE PACK

Number CDP 2017/0109, 27 March 2017

Animal welfare

Summary

This debate pack has been produced ahead of the Backbench Business debate on animal welfare in the House of Commons Chamber on Thursday 30 March 2017. The Member in charge of the debate is Neil Parish MP.

The Motion to be debated is:

That this House notes that current penalties for animal welfare offences in England are amongst the lowest in Europe; believes that while the Government's plans for a new licensing regime for dogs in England is welcome the Government should consider a ban on the third party sale of dogs; and calls on the Government to increase the maximum penalty for animal welfare offences to five years, as recommended in the Environment, Food and Rural Affairs Select Committee's Third Report, Animal welfare in England: domestic pets, [HC 117](#).

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Summary

The subject of this debate was selected by the Backbench business Committee on [7 March 2017](#). The Motion to be debated is:

That this House notes that current penalties for animal welfare offences in England are amongst the lowest in Europe; believes that while the Government's plans for a new licensing regime for dogs in England is welcome the Government should consider a ban on the third party sale of dogs; and calls on the Government to increase the maximum penalty for animal welfare offences to five years, as recommended in the Environment, Food and Rural Affairs Select Committee's Third Report, Animal welfare in England: domestic pets, [HC 117](#).

Ahead of the debate, the Environment, Food and Rural Affairs (EFRA) Committee Chair, and sponsoring Member for the debate, Neil Parish stated:

"Our inquiry into animal welfare highlighted the scale of the puppy trade in the UK. The quality of life of the puppies vary considerably and I believe that banning the third party sale of dogs is essential to improving the condition of dogs sold in the UK. Since the publication of our report, many welfare organisations, such as the RSPCA, have changed their minds on third party sales and agree that there should be a ban. I will be urging the Government to look again at this issue.

During our inquiry, we found that incidences of inhumane treatment of animals are all too common. Sentencing powers under the Animal Welfare Act are some of the weakest within the international community. The Animal Welfare Act was a landmark piece of legislation in 2006, but it is now time for the Government to legislate to increase the maximum custodial sentence for animal cruelty. I believe that the maximum penalty should be increased to five years."

This briefing focuses on animal welfare in England and Wales, but provides comparisons with Devolved approaches where they differ.

1.1 Animal welfare

Animal welfare is a devolved matter in the UK. In England and Wales, the [Animal Welfare Act 2006](#) provides safeguards for the welfare of animals and 'protected animals' (which are defined as being commonly domesticated in Britain). In Scotland, the [Animal Health and Welfare \(Scotland\) Act 2006](#) provides for similar protections, and the [Welfare of Animals Act \(Northern Ireland\) 2011](#) does the same for Northern Ireland.

The *Animal Welfare Act 2006* makes owners and keepers responsible for ensuring that the welfare needs of their animals are met. These include the need:

- for a suitable environment (place to live)
- for a suitable diet
- to exhibit normal behaviour patterns
- to be housed with, or apart from, other animals (if applicable)
- to be protected from pain, injury, suffering and disease¹

The Act makes it an offence to cause unnecessary suffering to any animal. The Act also contains a duty of care to animals. This means that anyone responsible for an animal must take reasonable steps to make sure the animal's needs are met.

Penalties for animal cruelty offences

Penalties for animal cruelty are set out in the [Animal Welfare Act 2006](#) in sections 32-45 on post-conviction powers. In England and Wales, anyone found guilty of an offence under the Act:

- may be banned from owning animals;
- may be subject to an unlimited fine; and/or
- imprisoned for up to six months.

The maximum prison sentence in Scotland is one year, and in Northern Ireland the maximum sentence has recently been increased from two years to five years.²

It is for the courts to decide on an appropriate penalty based on the individual circumstances of each case. To help magistrates to impose appropriate sentences and penalties they are provided with guidance in the form of the Magistrates' Courts [Sentencing Guidelines](#) issued by the Sentencing Council.³ The guidelines give examples of offences, aggravating and mitigating factors, as well as the range of suggested sentences and penalties for various types of offence.

Are animal cruelty sentences sufficient?

Some animal welfare charities (including [Battersea Cats and Dogs Home](#)⁴) and MPs (including the [Environment, Food and Rural Affairs \(EFRA\) Committee](#)⁵) have recently called for an increase in animal cruelty sentences from the current six months up to five years.

In their November 2016 report, the EFRA Committee compared the sentencing in several European countries. The committee found that the maximum sentence for animal cruelty in England and Wales was one of

¹ [Animal welfare guidance](#), DEFRA, [accessed: 23 March 2017]

² [Justice Bill: 'Revenge porn' and animal cruelty laws passed by MLAs](#), BBC, 11 February 2016 [accessed: 29 March 2017]. See also section 48 of the [Justice Act \(Northern Ireland\) 2016](#)

³ Sentencing Council, "[Animal cruelty](#)" [accessed: 23 March 2017]

⁴ [Sentencing for animal cruelty in England and Wales](#), Battersea Cats and Dogs Home, 2017

⁵ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**

the lowest in Europe and lower than in Scotland (one year), Northern Ireland (five years), France (two years) and Germany (three years).⁶

However, the Government has rejected these calls, stressing that they believe the courts are finding current sentencing powers adequate:

Defra is in regular dialogue with the Ministry of Justice in relation to sentencing policy for animal welfare offences.

Current sentencing practice for offences of animal cruelty in the Animal Welfare Act 2006 does not suggest that the courts are finding current sentencing powers inadequate.⁷

This is to some extent reflected in the table overleaf, which shows that in 2015 the average custodial sentence was 3.3 months and has not been above 3.8 months in the years between 2004 and 2015. However, animal welfare charities, such as Battersea Cats and Dog Home, have argued that this average sentence does not capture the fact that maximum sentences have been handed down. Battersea Cats and Dog Home therefore states that the “current sentencing decisions of the Courts provide strong evidence in support of reform, not against it.”⁸

The table overleaf also shows that in 2015 around a third of animal cruelty cases were considered by the Courts to warrant a custodial sentence, and for those cases which warranted a fine the average fine imposed was £244.

⁶ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**

⁷ EFRA, [Animal welfare in England: domestic pets: Government Response to the Committee’s Third Report](#), Fourth Special Report of Session 2016–17, 7 February 2017, **HC 1003**

⁸ [Sentencing for animal cruelty in England and Wales](#), Battersea Cats and Dogs Home, 2017

Animal cruelty offences 2004 – 2015

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Cautions Issued	16	34	32	51	26	32	46	36	31	25	23	17
Total Proceeded Against	1,117	1,227	1,164	1,206	1,372	1,517	1,491	1,810	2,081	1,965	1,557	1,246
Total Found Guilty	879	954	867	975	1,038	1,132	1,129	1,398	1,573	1,472	1,183	933
Total Sentenced	879	954	866	972	1,039	1,133	1,129	1,400	1,571	1,468	1,181	936
Custody	39	64	57	52	71	102	75	110	135	118	105	91
Suspended Sentence	8	10	46	50	65	119	100	161	185	243	237	202
Community Sentence	215	220	239	246	334	434	453	530	639	572	395	341
Fine	319	324	273	311	259	290	283	336	300	303	250	177
Absolute Discharge	5	12	4	5	9	1	1	0	4	1	2	3
Conditional Discharge	225	262	198	262	228	167	195	244	288	202	148	100
Compensation	34	28	15	19	8	11	10	4	5	7	6	2
Otherwise Dealt With	34	34	34	27	65	9	12	15	15	22	38	20
Average Custodial Sentence Length (months)	2.7	2.8	3.8	3.6	3	2.9	2.8	3.1	3.4	3.5	3.1	3.3
Average Fine (£)	344	479	448	362	294	320	341	223	215	212	252	244

Source: [Ministry of Justice Criminal Justice System Statistics Quarterly: December 2015](#)

Outcomes in 2015

Conviction Rate:	75%
Proportion immediate custody:	10%
Proportion fined:	19%
Average custodial sentence:	3.3 months
Average fine:	£244

Enforcement of the Act

The law (like most laws) is a 'common informer's Act'. This means that anyone is allowed to bring a prosecution for an offence. The Royal Society for Protection of Cruelty to Animals (RSPCA) investigates many offences relating to animal cruelty or welfare of domestic animals, and in some cases farmed animals, and bring prosecutions where appropriate.

The RSPCA does not have formal enforcement powers such as power of entry or the power to seize documents. Where owners do not cooperate or refuse entry to their property, the RSPCA has to call on the assistance of the police. The RSPCA has a long established expertise in both the investigation and prosecution of cases involving animal welfare and has built up a body of precedent and case law.

The RSPCA received nearly 1.2 million calls to its animal cruelty line in 2015, and investigated 143,000 complaints, as shown in the table below. The number of calls and cases reported has declined in recent years. The RSPCA secured 1,781 convictions in a magistrate's court in 2015, fewer than both 2014 (2,419) and 2013 (3,961).⁹

General RSPCA facts and figures for England and Wales

	2013	2014	2015
Calls to 24-hour cruelty line	1,327,849	1,299,163	1,118,495
Complaints of alleged cruelty investigated	153,770	159,831	143,004
Welfare improvement advice and notices dispensed	76,810	82,746	81,475
Cases reported to RSPCA Prosecutions Department	2,174	1,754	1,431
Suspects reported to RSPCA Prosecutions Department	3,354	2,918	2,008

Source: RSPCA *Prosecutions report 2015*

Specialist reporting agencies

The Scottish Society for Protection of Cruelty to Animals (SSPCA) is a reporting agency to the Crown Office. This means that SSPCA investigators are authorised to enforce the Animal Health and Welfare (Scotland) Act 2006. The RSPCA does not have these powers.

The EFRA Committee report on animal welfare (published on 16 November 2016) examined the role of the RSPCA in enforcing the Act in England and Wales.¹⁰ ¹¹ The Committee recognised the RSPCA's "invaluable role in investigating allegations of animal mistreatment," but also noted a number of areas the charity needed to do more e.g. transparency and a better complaints procedure

The committee specifically recommend that "the Government look at amending current legislation to make the RSPCA a Specialist Reporting

⁹ RSPCA, [Prosecutions Report 2015](#), 2016

¹⁰ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**

¹¹ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**

Authority.”¹² This would provide the RSPCA with analogous responsibilities to those of the SSPCA in Scotland.

The [Government response](#) to the committee inquiry (published on 7 February 2017) rejected this recommendation. Instead, the Government stated that:

“that the RSPCA should be given the opportunity to implement the recommendations of the Wooler Review and demonstrate its commitment to responding to the concerns that have been raised by the Committee.”¹³

Box 1: The ‘Wooler Review’: An independent review of prosecution activity of the RSPCA

In December 2013, the RSPCA decided to commission a review of the manner in which the charity discharges its prosecution role. Stephen Wooler, the former Chief Inspector of HM Crown Prosecution Service Inspectorate, was commissioned to conduct this review, which was [published in September 2014](#).¹⁴ The review recognised the “substantial and important role” the charity played in enforcing animal welfare legislation, but also found that the charity operated outside the mainstream prosecution system in an “unstructured and haphazard environment”. The review found several aspects of the RSPCA’s enforcement work where change was necessary, in particular by providing accountability and improving transparency.

The review made 33 recommendations on the charity’s investigation and prosecution activity, including:

- putting the charity’s investigation and prosecution functions on a more formal basis, seeking statutory appointment of RSPCA inspectors under the Animal Welfare Act 2006;
- more detailed operational guidance to govern relationships with the police;
- a review of the complaints procedure;
- realignment of the charity’s prosecution role in certain areas such as animal sanctuary cases
- a comprehensive review to be undertaken by the charity of its prosecutions structure, including the adoption of a prosecution policy statement and clearer guidelines on how it assesses whether to take prosecutions.¹⁵

1.2 Breeding and sale of dogs

Currently, local authorities in England are required by law to issue licences for specific animal-related establishments and activities, with the aim of maintaining good standards of animal welfare. [Government estimates show](#) that there are approximately 2,300 licensed pet shops, 650 licensed dog breeders, 1,800 licensed riding establishments, and 6,300 licensed animal boarding establishments in England.¹⁶ These comprise the fourth largest group of business licences issued by local authorities, after premises, taxi and gambling licences.

¹² EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**

¹³ EFRA, [Animal welfare in England: domestic pets: Government Response to the Committee’s Third Report](#), Fourth Special Report of Session 2016–17, 7 February 2017, **HC 1003**

¹⁴ [The independent review of prosecution activity of the RSPCA](#), Stephen Wooler, September 2014

¹⁵ [The independent review of prosecution activity of the RSPCA](#), Stephen Wooler, September 2014

¹⁶ [The review of animal establishments licensing in England: Next steps](#), DEFRA, February 2017

From December 2015 – 12 March 2016, DEFRA consulted on [the review of animal establishments licensing in England and Wales](#).¹⁷ After reviewing the responses, on 2 February 2017, [DEFRA announced proposals](#) to change the animal establishments licensing regime. These proposals would specifically:

- require anyone breeding and selling three or more litters in a twelve month period to hold a licence;
- prohibit the sale of puppies under eight weeks' of age;
- impose "tougher animal welfare standards" on licensed dog breeders and sellers; and
- require all licensed sellers to include their licence number when advertising.¹⁸

Exemptions to the test of three litters or more will apply to owners who can show that they are not selling any of the puppies, as well as "the requirement that each breeding bitch should have only one litter per year."¹⁹

The Government have said they will draft regulations under the Animal Welfare Act, and aim to have the new regulations in 2018.²⁰

Third party sales

The [Kennel Club and Dogs Trust both welcomed the Government's announcement that it was changing the law around breeding puppies](#).²¹ However, both also wanted to see further actions; the Kennel Club specifically called for a ban on third party sales.²² Third party sales involve sales being made by persons not involved in breeding the dog. Many vets maintain there are welfare issues associated with third party sales, and that they would prefer that puppies being sold to be with their parent.

The EFRA Committee also recommend introducing a ban on third party sales of dogs in their animal welfare report, stating that

Responsible breeders would never sell through a pet shop licence holder. The process of selling through a third party seller has an unavoidable negative impact upon the welfare of puppies. It also distances the purchaser from the environment in which their puppy was bred. Banning third party sales so that the public bought directly from breeders would bring public scrutiny to bear on breeders, thereby improving the welfare conditions of puppies. It would also bring a positive financial impact to breeders, allowing them to retain money that is currently lost in the supply chain. We acknowledge that difficulties of public access, due to a rural location, security issues and diseases, may be challenging for

¹⁷ [Consultation on the review of animal establishments licensing in England](#), DEFRA, 20 December 2016

¹⁸ [New plans to crack down on backstreet puppy breeders](#), DEFRA, 2 February 2017

¹⁹ [The review of animal establishments licensing in England: Next steps](#), DEFRA, February 2017, p. 3

²⁰ [PO 64919](#) [Dogs: Animal Breeding] 27 February 2017

²¹ As quoted in [New plans to crack down on backstreet puppy breeders](#), DEFRA, 2 February 2017

²² As quoted in [New plans to crack down on backstreet puppy breeders](#), DEFRA, 2 February 2017

some breeders. On balance, however, we consider it is more important that animal welfare standards are ensured across all breeders.²³

In response to a [PQ on 23 November 2016](#), DEFRA Minister Lord Gardiner said that the Government had no plans to ban third party sales, and that such a ban was not supported by many of the major animal welfare organisations.²⁴ In addition, the Government response to the EFRA committee report agreed that it is sound advice for prospective buyers to try to see the puppy interact with its mother, but felt that a ban could drive some sales underground:

The Government agrees that it is sound advice for prospective buyers to try to see the puppy interact with its mother. A ban on third party sales would in effect be a statutory requirement for puppies to be sold only by breeders. It is unclear how well such a ban would be enforced and local authorities are already under pressure to regulate the existing regime as effectively as possible. Given the demand for dogs there is a risk that a ban on third party sales would drive some sales underground, and welfare charities are already concerned about the number of good breeders. We note that a number of established welfare charities with experience and knowledge of the sector have advised against a ban on third party sales. We consider that such a ban has the potential to increase unlicensed breeding in addition to a rise in the sale and irresponsible distribution of puppies, and may be detrimental to our welfare objectives.

The Government still wishes to address issues relating to the sale of dogs other than by the breeder, and we have considered other approaches. We support the robust licensing of all pet sellers including third party sellers. Through the Government's revision to the licensing regime anyone in the business of selling pet animals will require a licence.²⁵

Online advertising of pets

The Committee recognised that online advertisement would need to continue even with a third party ban on the sale of pets. They therefore recommended that the Government introduce legislation to provide effective regulation of that trade.²⁶ Specifically, the Committee recommend that the Pet Advertising Advisory Group's (PAAGs) minimum standards be made mandatory for all websites where pets are advertised and sold.²⁷

Box 2: What is the Pet Advertising Advisory Group?

[PAAG](#) is an advisory group made up of animal welfare organisations, trade associations and veterinary bodies, which aims to:

- Ensure that where pet animals are advertised for sale this is done legally and ethically

²³ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**, para 90

²⁴ [PQ HL 3144](#) [Dogs: Sales] 23 November 2016

²⁵ EFRA, [Animal welfare in England: domestic pets: Government Response to the Committee's Third Report](#), Fourth Special Report of Session 2016–17, 7 February 2017, **HC 1003**

²⁶ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**, para 101

²⁷ EFRA, [Animal welfare in England: domestic pets](#), Third Report of Session 2016–17, 16 November 2016, **HC 117**, para 100

- Engage with websites and publications to ensure they have up to date knowledge on animal welfare issues in relation to advertising pets for sale
- Highlight illegal adverts to website providers so that they can be removed promptly
- Encourage those websites which advertise pets for sale to self-regulate and comply with agreed minimum standards which underpin a legal and ethical approach to the trade in pets
- Raise public awareness of the need to act responsibly when buying pets from websites and publications

The group is working to deal with the increasing problem of inappropriate adverts appearing on classified websites, and have drawn up a set of minimum standards they would like websites to adhere to, as well as success criteria they would like them to aim towards.

The Government explained that it has endorsed the PAAG's Minimum Standards, which were developed with input from DEFRA, but that it would stop short of legislating "to require all websites advertising pets for sale in England to be subject to the PAAG minimum standards, not least because of the difficulties in the enforcement of those operating offshore."²⁸ The PAAG welcomed the Government's commitment to the PAAG standards. Following the publication of the Government's response to the EFRA committee report, the Chair of the group, Paula Boyden, said:

"The ease and popularity of the internet means that the impulse buying of pets has increasingly become an appealing option for many prospective buyers. However, the lure of a quick sale also attracts many unscrupulous breeders and dealers to websites.

"To tackle the challenges of online advertising of pets for sale, PAAG has been working with classified advertising sites to ensure the adverts are legal and ethical. Unfortunately without regulation of online advertisements, this voluntary approach has reached a plateau.

"Despite our efforts we have noticed many 'bad' adverts have moved to unengaged websites that have avoided working to implement the minimum standards on their sites. Therefore, today's commitment by the Government to take action to encourage transparency and traceability of sellers is a welcome step forward for the welfare of the animals involved."²⁹

²⁸ EFRA, [Animal welfare in England: domestic pets: Government Response to the Committee's Third Report](#), Fourth Special Report of Session 2016–17, 7 February 2017, **HC 1003**

²⁹ [Crackdown on unscrupulous online pet sellers](#), PAAG, 7 February 2017, [accessed: 29 March 2017]

2. Press articles

Independent

Move to ban sale of puppies in UK pet shops derailed following opposition from leading dog charities

3 March 2017

<http://www.independent.co.uk/news/uk/home-news/dogs-trust-blue-cross-efra-sub-committee-puppy-pet-shops-ban-animal-welfare-a7609266.html>

The Times

Jail animal abusers for five year, urges charity

20 February 2017

<http://www.thetimes.co.uk/article/jail-animal-abusers-for-five-years-urges-charity-jfh5dj2fb>

WalesOnline

Dogs are suffering in Welsh 'puppy farms' despite new regulations, say campaigners

13 December 2016

<http://www.walesonline.co.uk/news/wales-news/dogs-suffering-welsh-puppy-farms-12312362>

Northern Echo

Redcar MP Anna Turley leading debate on Animal Cruelty (Sentencing)

8 November 2016

http://www.thenorthernecho.co.uk/news/14873684.Animal_abuse_linked_to_domestic_violence_Teeside_University_research_suggests/

The Times

Call to step up fight against animal cruelty

24 October 2016

<http://www.thetimes.co.uk/article/call-to-step-up-fight-against-animal-cruelty-z356sfq6l>

Independent

The devastating reality of puppy smuggling in the UK

26 October 2016

<http://www.independent.co.uk/extras/the-dark-world-of-puppy-smuggling-a7381891.html>

BBC online

'Designer' puppy boom boosts unlicensed breeders - RSPCA

19 February 2016

<http://www.bbc.co.uk/news/uk-35609471>

Telegraph

Puppy farming – a booming but horrific part of the UK economy

25 January 2016

<http://www.telegraph.co.uk/pets/news-features/puppy-farming--a-booming-but-horrific-part-of-the-uk-economy/>

3. Press releases

Dogs Trust

We don't believe a ban on sales of puppies in pet shops will work, here is why...

28 March 2017

“Dogs Trust views on third party sales”

The welfare of our nation’s dogs is Dogs Trust’s highest priority and the issue of third party sales is a complex and emotive one. We understand people are passionate about it – we are too, so it’s important for us to give you our reasons as to why we don’t believe introducing a ban at this time will solve the problem...

1. Third party sales refers to the selling of dogs anywhere away from their breeder including places such as high street pet shops and puppy dealers.
2. Dogs Trust wants to see an end to third party sales, including sales in pet shops, although in reality, thankfully, there are very few high street pet shops left. Ultimately, everyone in the animal welfare sector wants to put a stop to unscrupulous breeders; we just have differing opinions on how to get there. We believe that introducing a ban at this time is not wise as it fails to deal with the root causes of the problem – a woefully low supply of puppies from ethical sources. As such, any ban will simply drive the trade further underground and make enforcement harder.
3. As long as the supply of puppies from responsible breeders falls short of meeting the growing demand in the UK, dishonest breeders will breed dogs for increasing profits and evade the law, once again making enforcement even more difficult. We already know that this is happening now.
4. This shortage of ethical breeders is fuelling the mass importation of dogs into the UK – both legally and illegally. Since 2014 our own undercover investigations into the illegal importation of puppies have shaped our view that a ban on third party sales would not deter such criminal activity. Traders are illegally importing puppies under the Pet Travel Scheme rules, which are intended for pets, rather than under the commercial movement rules and so would not be deterred by a ban on third party sales. This trade is rife and sentences for offenders are utterly inadequate. Read more about our fight against puppy smuggling [here](#)
5. We believe in evidence based solutions and we’re taking action by pulling together a research team to carry out further investigations into dog breeding and selling in the UK. The team will look at problems of enforcement, the need for tougher sentencing and securing our borders against the illegal importation of puppies, as well as gathering evidence that can lead to proposals designed to address the root causes of the problem.

6. Independent research (carried out by research and strategy consultancy Populus*) showcases the complexity of this issue as it revealed that well over half (61%) of people think that a ban should definitely not be imposed until we know more about the consequences of doing so. A further 11% of respondents think that there should definitely not be a ban, whereas only 28% of respondents think it is sensible to introduce a ban now.

7. At the present time we believe a better route is a robust regime of licensing and inspection of breeders and traders as well as increased enforcement of the law.

8. The Government recently reviewed the legislation on dog breeding and sales and a ban on third party sales was not one of the proposals considered. Dogs Trust welcomed new reforms announced in February 2017 which will explore new parameters to develop tighter inspections on breeding, pet selling and animal boarding establishments by those who are trained in animal welfare. To make this work we believe that local authority inspectors need greater support and resources to enforce these tighter licensing rules.

9. We were, however, disappointed that the Government did not take on our recommendation for anyone trying to sell a litter of puppies to be registered and to set the statutory licensing threshold for dog breeders at more than one litter. This would have brought more breeders onto the radar of the local authorities and given traceability of all puppies.

10. If a ban on third party sales was introduced, the options for getting a dog would either be directly from the breeder or from a rehoming organisation. As rehoming organisations are not regulated, and anyone can set themselves up as one, we are deeply concerned this could be exploited by puppy traders setting themselves up as rehoming organisations. Defra recently announced there will be no regulation of rehoming organisations so there is already a gaping loophole.

11. Whilst we support a ban on puppies being sold away from their mothers, we have to be mindful of how a third party ban would be enforced due to limited resources. We are already hearing reports of dealers blatantly buying puppies in Ireland and selling them in the UK as 'rescue'. We are also aware of people using fake mums to dupe unsuspecting members of the public into thinking they are buying a puppy responsibly. Our Puppy Smuggling investigations since 2014 have also informed our views.

12. As a rehoming organisation we care for over 15,000 rescue dogs every year and in an ideal world all potential dog owners would rehome a rescue dog. But, in reality we know first-hand that some dog owners only want a specific breed of puppy and are not willing to wait. Rescue organisations would not have the quantity of pups to meet the demand.

13. The animal welfare sector and the government need to continue to work collaboratively to facilitate a marketplace dominated by ethical suppliers of puppies for an ever increasing population of dog owners.

Radical measures are needed and our hope is that our research will open the door to the most appropriate path.

**Populus interviewed a nationally representative sample of 2,079 UK adults aged 18+ from its online panel between 24-26th March 2017. Surveys were conducted across the country and the results have been weighted to the profile of all adults. Populus is a founder member of the British Polling Council and abides by its rules. Further information at www.populus.co.uk*

Defra

New plans to crack down on backstreet puppy breeders

2 February 2017

Tougher dog breeding licensing rules to better protect thousands of puppies are to be introduced as part of [a swathe of reforms to safeguard the welfare of Britain's pets](#), Environment Secretary Andrea Leadsom announced today.

The plans to tighten up laws around selling pets and breeding dogs will make it completely illegal to sell puppies younger than eight weeks and require anyone breeding and selling three or more litters of puppies a year to apply for a formal licence. Irresponsible breeders who don't stick to these rules face an unlimited fine and/or up to six months in prison.

The new rules will mean smaller establishments - sometimes called 'backstreet breeders' - which supply thousands of dogs to families each year, as well as larger commercial breeders, must meet strict welfare criteria to get a licence. Irresponsible breeders can neglect the health and welfare of the puppies they raise and may not properly vaccinate them, leading to steep vets' bills and heartbreak for buyers.

The rules will also be updated and made fit for the modern age with anyone trading commercially in pets online needing to be properly licensed, to help make reputable sellers easily accessible to prospective buyers.

The plans also cover how pet shops, boarding houses and riding stables are licensed, introducing a single 'animal activities licence' to improve the process and make enforcement easier.

Environment Secretary Andrea Leadsom said:

Everyone who owns a pet or is looking to introduce one into their life will want to know that the animal has had the very best start to life. Yet for thousands of puppies born each year to irresponsible breeders, from smaller operations to larger puppy farms, their first weeks are spent in cramped and squalid conditions without the care and attention they need. That is why we are cracking down on the worst offenders by strengthening the dog breeding licence and giving councils the power they need to take action.

With more and more pet sales now taking place on the internet, it's right that this market is subject to the same strict licensing criteria as

other breeders and pet shops so that consumers are not misled. The plans announced today will help people choosing new family pets to be confident the animals have been properly bred and cared for from birth and are ready to move safely to their new homes.

Under the new plans, pet shops will also be required to give buyers written information about the animals they buy, with details of the five welfare needs owners must meet under the Animal Welfare Act around environment, diet, behaviour, housing and freedom from pain. This advice is particularly important when buying exotic pets, which can have very specific welfare needs.

Welcoming the plans, Dogs Trust Veterinary Director, Paula Boyden, said:

As the UK's largest dog welfare charity, Dogs Trust welcomes the Government's review of animal establishments licensing in England and the range of measures it sets out.

We are particularly pleased that it will be illegal to sell a puppy below the age of 8 weeks and that there will be tighter licensing rules which will require sellers of pets to display their licence when advertising. We also applaud the move towards a risk based single licensing system which will incorporate those breeders that have gained UKAS approval rather than exempting them.

We believe that Local Authority Inspectors need support to enforce these tighter licensing rules. As such, moves to mandate the use of Model Conditions and for inspectors to be offered training and standards to be set is most welcome.

Caroline Kisko, Kennel Club Secretary said:

We are pleased that Defra will be taking forward proposals to ban the sale of puppies under the age of 8 weeks by commercial third parties; we have called for a ban on third party sales, and refuse to register puppies being sold to third parties, but this new rule is a step in the right direction. We also welcome the requirement for pet sellers to provide written information about the animals they sell and for those who sell pets online to display their licence number.

As the litter licensing threshold is set to reduce from five litters to three we look forward to working with Defra on the new risk based licensing system, to ensure that UKAS accredited Assured Breeder Scheme (ABS) members will continue to be inspected by the Kennel Club for the maximum licence length of three years. This will incentivise more breeders to join the scheme, and breed to a higher standard of welfare that the ABS requires, and reduce the inspection burden on local authorities.

Pet owners are also being urged to make sure their pet's microchip details are up to date. Latest figures show 94% of dogs have been fitted with microchips, nine months after the Government introduced a law requiring all dogs to be painlessly fitted with a chip containing their owner's details. But a Battersea Dogs and Cats Home study of stray

dogs last year found that only 20% of their microchips contained up to date information.

It's vital that owners who move house or change their phone number make sure they keep their pet's details up to date, so they can be reunited should their four-legged friend ever go missing. Owners can check with their microchip provider that their details are correct.

Andrea Leadsom added:

It is absolutely critical that owners not only make sure their pet is microchipped, but that they also make sure details are kept up to date so they can be reunited if their pet is lost or stolen.

It is excellent to see that so many owners have taken action to get their dogs chipped, yet all too many still need to be rehomed because the owner hasn't updated their details—heart-breaking for the owner and the dog, and easily avoidable with a five-minute phone call.

RSPCA

RSPCA picking up the pieces as charity sees impact of rise in 'designer' breeds

Animal welfare charity starts to see fashionable breeds being cast aside

Thursday 5 January 2017

The RSPCA is starting to see the effects of a soaring demand for a number of 'designer' breeds such as pugs and French bulldogs.

The animal welfare charity has started to see an increase in the number of these popular, fashionable breeds coming into its care.

In 2016 alone, the RSPCA rescued a number of pugs and French bulldogs who had been abandoned, seemingly unwanted.

Poor Petunia

The RSPCA was called late at night on 18 March after a member of the public found a pug collapsed in a blanket in the street in Cricklewood, north-west London.

The poor dog, who was found curled up in a blanket where she'd been dumped, was rushed to Putney Animal Hospital with an infected, ulcerated eye and severe ear infections (pictured above). She was treated but, a week later, vets made the difficult decision to put her to sleep to end her suffering.

Petunia was scanned and found to have an Irish Kennel Club microchip which was not registered so an owner could not be traced.

Feeling blue

RSPCA Cymru launched an investigation after an emaciated blue French bulldog was taken into a veterinary surgery on 21 July.

The bitch was thought to have come from either Newport or Cardiff and had serious health issues.

Puppy dumped

Milo the pug pup was just eight-weeks-old when he was dumped by a bin in Congleton, Cheshire, on 1 October.

The little dog was lucky to be found by a passerby and was taken into RSPCA care where he was treated for a skin condition before being rehomed.

RSPCA animal welfare officer Stephen Wickham said: "It is so sad that someone deliberately dumped Milo like this, knowing that as a young pup he would be completely defenceless.

"We don't know for certain how long he was there for before he was found, but he would have been very vulnerable out there on his own."

'Free pug'

A tiny pug puppy was found abandoned in a garden in Wimbledon on 20 October alongside a note reading: 'Free pug xxx'.

The little puppy, named Pumpkin by RSPCA staff, was found in a plastic pet carrier without a door and had a nasty injury to his eye and later had to have the eye removed.

Inspector Phil Norman said: "The note indicates that Pumpkin has been dumped deliberately so it may be that he was an unwanted pet and his owner didn't realise the amount of work it takes to look after a puppy, or that they did not want to pay the cost of vet care."

Pumpkin was rehomed by one of the veterinary nurses who cared for him.

Basket dogs

A pug-type dog was found dumped in a metal basket with a mastiff cross in a park in Swansea, Wales, on 30 October.

The two dogs were found at Ravenhill Park and were rushed to a vets nearby for treatment but, sadly, the pug had to be put to sleep to prevent her from any further suffering.

The eight-week-old pup had problems with her heart as well as a serious skin condition. The mastiff cross, named Henry, was treated for a skin condition.

Petrified puppies

A pair of frightened French bulldog puppies were found in a cardboard box in Pontypool Park, Wales, on 12 November by a dog walker.

The male pups were very emaciated and had severe skin conditions so required veterinary treatment after being rescued by the RSPCA.

Neither dog was microchipped and it was unclear why the youngsters had been abandoned in such a sorry state.

Breeding bulldogs

Just a few weeks later - on 25 November - the RSPCA was contacted again when two French bulldogs were found in a park in Burton.

The three-year-old males, neither of which was microchipped, again had severe skin conditions and both had badly overgrown claws - with one of the dogs with claws so long that they curled under and into the pad of his foot.

Keith and Albert, as they were named by RSPCA staff, were taken into the charity's care after being found by the member of the public in Stapenhill Gardens.

RSPCA inspector Nicola Johnson said the dogs had been suffering for "some time" and were in a "despicable condition".

She added: "Neither of them have been neutered and therefore we can't rule out the fact that they have been used for breeding and then dumped when they were no longer needed."

Pug thrown out of car

The RSPCA were contacted on 4 December after a pug was found lying by the side of the road with serious injuries, having been thrown out of the window of a moving car.

The three-year-old, named Crumble, was found collapsed in Writtle, Essex, and rushed to the vets. The poor little pug was paralysed and had organ failure so had to be put to sleep a few weeks later to end her suffering.

It is believed the bitch had previously been used for breeding as veterinary staff said there were signs she'd had several litters and the RSPCA feared she'd been cast aside as she could no longer produce pups to sell.

'The price of poor puppy breeding'

RSPCA chief inspector Ian Briggs, who leads the charity's special investigations into the puppy trade, said: "There's huge demand in England and Wales for certain breeds of dogs that have been popularised and glamorised by celebrities, social media and popular culture.

"In this country, we're seeing a huge increase in the number of people buying pugs and French bulldogs and now the RSPCA is starting to see that trend first-hand.

"Unfortunately, as responsible and reputable breeders of these types of dogs cannot keep up with demand, underground breeders and traders are filling the gap in the market and are offering buyers the chance to buy puppies at cheaper prices and without waiting lists - often with disastrous consequences.

"This is the price of poor puppy breeding - consumers faced with sick and dying puppies who need expensive veterinary treatment or lifelong behavioural support; a surge in these breeds coming into the care of rescue centres and charities from people who did not do their research before taking on a dog that requires a lot of time and commitment; and

an increase in the number of these breeds being abandoned either because, as puppies, they didn't sell or became poorly, or as breeding stock they couldn't produce litters anymore.

"Once again, organisations such as the RSPCA are left picking up the pieces, and the animals are paying the ultimate price - often with their lives."

RSPCA England's Scrap the Puppy Trade campaign is calling for stricter legislation around the breeding and selling of dogs. For more, visit the website: www.rspca.org.uk/scrapthepuppytrade.

4. Parliamentary material

PQs

[Animal Welfare: Prosecutions](#)

Asked by: Baroness Smith of Basildon

To ask Her Majesty's Government how many prosecutions for animal cruelty there have been in each year since 2010.

Answering member: Lord Gardiner of Kimble | Department: Department for Environment, Food and Rural Affairs

The number of defendants proceeded against at Magistrates Courts for offences under Section 4 of the Animal Welfare Act 2006, in England and Wales, from 2010 to 2015, can be viewed in the table. Data for 2016 is planned for publication in May 2017.

Defendants proceeded against at Magistrates Courts for offences under S4 Animal Welfare Act 2006, England and Wales, 2010 to 2015 (1)(2)

2010	2011	2012	2013	2014	2015
1,077	1,277	1,385	1,266	1,016	755

(1) The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

(2) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source: Justice Statistics Analytical Services - Ministry of Justice.

10 Mar 2017 | Written questions | House of Lords | HL5620

[RSPCA: Prosecutions](#)

Asked by: Knight, Julian

To ask the Secretary of State for Environment, Food and Rural Affairs, whether she plans to remove the right of the RSPCA to prosecute cases of animal cruelty.

Answering member: George Eustice | Department: Department for Environment, Food and Rural Affairs

Anyone may bring forward a prosecution under the Animal Welfare Act 2006 and the Government does not intend to change that position.

In the light of public criticisms of its role, the RSPCA set up the Wooler Review, which made 33 recommendations which the RSPCA have already assessed and considered for action. We believe that the RSPCA should be given the opportunity to implement the recommendations of the Wooler Review and demonstrate its commitment to responding to the concerns that have been raised.

02 Mar 2017 | Written questions | House of Commons | 64920

[Animal Welfare](#)

Asked by: Lord Dubs

To ask Her Majesty's Government what representations they have received from (1) Battersea Dogs and Cats home, and (2) other charities, about increasing the sentences for cruelty to animals.

Answering member: Lord Gardiner of Kimble | Department: Department for Environment, Food and Rural Affairs

We have received a number of representations from animal welfare charities including the RSPCA, Blue Cross, Dogs Trust as well as Battersea Dogs and Cats Home supporting an increase in the maximum penalties for animal cruelty offences. We have also read the report by Battersea Sentencing for Animal Cruelty in England and Wales which supported an increase in the maximum penalty to five years' imprisonment.

01 Mar 2017 | Written questions | House of Lords | HL5481

[Dogs: Animal Breeding](#)

Asked by: Knight, Julian

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps she is taking to tackle animal cruelty in puppy farms.

Answering member: George Eustice | **Department:** Department for Environment, Food and Rural Affairs

We recently announced that we will modernise the licensing scheme for dog breeding and selling to improve the welfare of dogs, including requiring anyone breeding and selling three or more puppies in a twelve month period to hold a licence; prohibiting the sale of puppies under eight weeks' of age; imposing tougher animal welfare standards on licensed dog breeders and sellers; and requiring all licensed sellers to include their licence number when advertising.

We aim to have the new regulations in place next year.

27 Feb 2017 | Written questions | House of Commons | 64919

[Animal Welfare: Penalties](#)

Asked by: Baroness Parminter (LD)

I thank the Minister for that reply. The maximum sentence available for extreme and premeditated cruelty is six months. We lag behind the rest of mainland Europe and Northern Ireland, whose maximum sentence is five years. Given that the EFRA Select Committee has now recommended a rise to five years, is it not time that the sentence matched the crime?

Answered by: Lord Gardiner of Kimble

My Lords, obviously I have considerable sympathy with the noble Baroness. Some of the examples of animal cruelty cases are, frankly, beyond belief, and that is why I am very pleased that the independent Sentencing Council aims to ensure that the most serious cases of animal cruelty could receive longer sentences within the maximum six months' imprisonment. The council is currently considering the consultation responses, and will draft the definitive guideline with a due publication later this year.

16 Jan 2017 | Oral questions 1st Supplementary | House of Lords | 778 c6

[Dogs: Smuggling](#)

Asked by: Cameron, Dr Lisa

To ask the Secretary of State for Environment, Food and Rural Affairs, if her Department will assess the potential merits of moving enforcement responsibilities from carriers to Government agencies in order better to tackle the illegal importation of puppies by way of the pet travel scheme.

Answering member: George Eustice | Department: Department for Environment, Food and Rural Affairs

Defra takes the issue of the illegal importation of puppies and abuse of the pet travel scheme seriously. All pet animals entering Great Britain on approved routes under European Union Pet Travel Scheme are subject to documentary and identity checks. These are performed by carrier's staff or checkers acting on their behalf. The Animal and Plant Health Agency (APHA) train and appoint carriers and pet animal checkers. APHA also undertake random audits. Audits carried out in 2015 identified only 1.3% of the animals checked to be non-compliant with pet travel rules. APHA work closely with carriers and pet animal checkers to address any issues identified and provide additional training as required.

We have no current plans to amend the arrangements for checking pet animals at the border. Defra is currently reviewing the operation of the Pet Travel Scheme in England and review includes the pet checking and carrier approval process. As part of the review the Department held a public consultation during the autumn of 2016. We are currently analysing the feedback from the consultation which will be published as part of the overall review in 2017. Since December 2015 APHA Port of Dover staff have been working in partnership with the Dogs Trust to

identify, seize and quarantine underage puppies illegally transported into the country.

22 Dec 2016 | Written questions | House of Commons | 57906

[Dogs: Sales](#)

Asked by: Baroness Jones of Whitchurch

To ask Her Majesty's Government whether they are planning to introduce constraints on the third party sale of puppies.

Answering member: Lord Gardiner of Kimble | **Department:** Department for Environment, Food and Rural Affairs

The Government consulted on changes to the regulations on the breeding and sale of dogs earlier this year and proposed that all dog breeders that breed and sell three or more litters of puppies per year should hold a licence. The Government did not propose in the consultation banning third party sales. Such a ban is not supported by many of the major animal welfare organisations.

The Government published a summary of replies to the consultation on 15 September this year. The Government's response to the consultation will be published in due course.

23 Nov 2016 | Written questions | House of Lords | HL3144

[Dogs: Animal Breeding](#)

Asked by: Chalk, Alex

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps are being taken to tackle selective breeding of dogs for aesthetic reasons which cause health defects.

Answering member: George Eustice | **Department:** Department for Environment, Food and Rural Affairs

We have consulted on proposals to modernise dog breeding licensing legislation, including helping promote schemes which are accredited by the UK Accreditation Service. One scheme is the Kennel Club's Assured Breeder Scheme which involves the Kennel Club working with breed societies in the development and application of tests to identify dogs that have genetic defects that can cause health problems.

12 Sep 2016 | Written questions | House of Commons | 44686

[Animal Welfare: Sentencing](#)

Asked by: Shannon, Jim

To ask the Secretary of State for Environment, Food and Rural Affairs, whether she has had discussions with the Secretary of State for Justice on reviewing sentencing for crimes which involve violence or cruelty against animals.

Answering member: George Eustice | Department: Department for Environment, Food and Rural Affairs

My officials are in regular dialogue with Ministry of Justice colleagues in relation to sentencing policy with respect to animal cruelty offences including animal fighting.

15 Jul 2016 | Written questions | House of Commons | 42199

[Animal Welfare: Crime](#)

Asked by: Turley, Anna

To ask the Secretary of State for Environment, Food and Rural Affairs, what steps she is taking to help tackle serious cases of animal cruelty.

Answering member: George Eustice | Department: Department for Environment, Food and Rural Affairs

In this country we have one of the most comprehensive pieces of legislation anywhere in the world to protect animals. Under the Animal Welfare Act 2006 it is an offence either to cause any captive animal unnecessary suffering or to fail to provide for its welfare needs. The maximum penalty is 6 months' imprisonment and/or an unlimited fine. The financial element of the penalty was raised only last year from a maximum fine of £20,000. Courts can also disqualify offenders found guilty of animal cruelty from keeping animals for as long a period as they consider appropriate. The overwhelming majority of people in this country are responsible but in circumstances where cruelty does occur I believe we have the necessary measures for enforcement agencies and courts to take action.

19 Apr 2016 | Written questions | House of Commons | 34036

[Dogs: Smuggling](#)

Asked by: Baroness Jones of Whitchurch

To ask Her Majesty's Government what national resources are available to track and apprehend gangs selling illegally imported puppies to buyers across the UK.

Answering member: Lord Gardiner of Kimble | **Department:** Department for Environment, Food and Rural Affairs

We are aware that some unscrupulous individuals are illegally importing pet animals with the intention of selling them on arrival in the UK. The Government takes the issue seriously and we are committed to working with relevant agencies and other non-government organisations to tackle this illegal trade. National resources engaged in this work include the transport companies (or their agents) who ensure compliance with the pet travel scheme, staff at the Animal and Plant Health Agency (APHA) who monitor and regulate the import of animals, and Local Authorities who enforce legislation where illegally imported pets are discovered. The APHA actively shares intelligence it gathers relating to

abuse of the pet travel rules with Local Authorities and other EU Member States. This enables further investigation and follow up action to take place. Defra and the APHA have also provided practical support to multi-agency collaborative enforcement action. For example, in April last year, we assisted with the ageing of young puppies during 'Operation Bloodhound', which resulted in several penalty notices and cautions being issued.

The illegal trade is ultimately driven by demand for cheap, pedigree puppies. The Government has published guidance to outline steps that prospective pet owners should take to avoid buying an illegally imported pet. The Government is currently consulting on a number of proposals to update the laws on the breeding and selling of dogs. The proposals include requiring anyone who breeds more than two litters of puppies a year to be licensed. An exemption from local authority licencing is proposed where a business is regulated by a body accredited by the UK Accreditation Service to certify, at a minimum, the legally-required welfare licence conditions. The consultation ends on 12 March.

Defra recognises the problems that can arise from the on-line advertising of pets for sale. In recent years, the Department has been working closely with and supporting the Pet Advertising Advisory Group (PAAG) – which is a grouping of animal welfare charities, veterinary experts, animal keeping interests and the pet industry. Working with PAAG, we have been able to encourage six of the main on-line pet advertising sites to adopt minimum standards for adverts and to remove those that do not meet the standards. With PAAG's help and the cooperation of six key on-line sites, over 130,000 inappropriate adverts for animals were removed over a 12-month period in 2014/15. We continue to work with PAAG to encourage more on-line sites to sign up to the minimum standards.

08 Mar 2016 | Written questions | House of Lords | HL6349

Debates

Commons Chamber

[Animal Cruelty: Sentencing](#)

08 November 2016 | Vol 616

[Dog Fighting](#)

29 June 2016 | Vol 612

[Welfare of young dogs bred for sale](#)

08 March 2016 | Vol 607

Lords Chamber

[Animal Welfare: Penalties](#)

16 January 2017 | Vol 778

5. Useful links and further reading

Dogs Trust: *Briefing on the recommendations of EFRA's Animal Welfare: Domestic Pets Inquiry*, 28 March 2017

<https://www.dogstrust.org.uk/news-events/news/efra%20debate%20briefing.pdf>

Battersea Dogs & Cats Home 2017, *Sentencing for animal cruelty in England and Wales*

<http://www.bdch.org.uk/files/Cruelty-Report.pdf>

Environment, Food and Rural Affairs Committee: *Animal welfare in England: domestic pets: Government Response to the Committee's Third Report*, 7 February 2017, HC1003

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/1003/1003.pdf>

Defra consultation outcome: *Animal welfare: reviewing animal establishments licensing in England*, 20 December 2016

<https://www.gov.uk/government/consultations/animal-welfare-reviewing-animal-establishments-licensing-in-england>

Environment, Food and Rural Affairs Committee: *Animal welfare in England: domestic pets*, 16 November 2016, HC117

<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/117/117.pdf>

Northern Ireland Assembly: *Review of the Implementation of the Welfare of Animals Act (Northern Ireland) 2011*, published February 2016

<https://www.daera-ni.gov.uk/sites/default/files/publications/dard/final-report-of-the-review-of-the-implementation-of-the-welfare-of-animals-act-ni-2011.PDF>

PDSA Animal Wellbeing (PAW) Report 2015:

https://www.pdsa.org.uk/~/_media/pdsa/files/pdfs/veterinary/paw-reports/pdsa-paw-report-2015.ashx?la=en

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