



RESEARCH PAPER 00/4
14 JANUARY 2000

The Fur Farming (Prohibition) Bill

Bill 6 of 1999-2000

This is a Government Bill introduced after the failure of a similar Private Member's Bill of the same name which was introduced by Maria Eagle last session.

This Bill would prohibit the keeping of animals solely, or primarily, for the value of their fur. The Bill would create an offence and provide means for compensation to be paid to those currently involved in fur farming. The Bill applies only to England and Wales.

This paper is a revised and updated version of that produced for Maria Eagle's Private Members Bill (Bill 13 of 1998-99) and updates Research Paper 99/24)

Stephen McGinness

SCIENCE AND ENVIRONMENT SECTION

Patsy Richards

SOCIAL AND GENERAL STATISTICS SECTION

HOUSE OF COMMONS LIBRARY

Recent Library Research Papers include:

99/103	The <i>Transport Bill</i> : Part II Local Transport Plans and Buses [Bill 8 of 1999-2000]	13.12.99
99/104	The <i>Transport Bill</i> : Part III Road Charging and Workplace Parking [Bill 8 of 1999-2000]	13.12.99
99/105	The <i>Transport Bill</i> : Part IV Railways [Bill 8 of 1999-2000]	13.12.99
99/106	Unemployment by Constituency – November 1999	15.12.99
99/107	Millennium Trade Talks and the ‘Battle in Seattle’	15.12.99
99/108	Social Security, War Pension and National Insurance provisions in the <i>Child Support, Pensions and Social Security Bill</i> [Bill 9 of 1999-2000]	16.12.99
99/109	Pensions: provisions in Part II of the <i>Child Support, Pensions and Social Security Bill</i> [Bill 9 of 1999-2000]	17.12.99
99/110	Child Support provisions in the <i>Child Support, Pensions and Social Security Bill</i> [Bill 9 of 1999-2000]	21.12.99
99/111	A Century of Change: Trends in UK statistics since 1900	21.12.99
99/112	Defence Statistics 1999	21.12.99
00/1	The <i>Political Parties, Elections and Referendums Bill</i> - Electoral Aspects [Bill 34 of 1999-2000]	06.01.00
00/2	The <i>Political Parties, Elections and Referendums Bill</i> - Donations [Bill 34 of 1999-2000]	07.01.00
00/3	The <i>Political Parties, Elections and Referendums Bill</i> - Referendums and Broadcasting [Bill 34 of 1999-2000]	07.01.00

Research Papers are available as PDF files:

- *to members of the general public on the Parliamentary web site,
URL: <http://www.parliament.uk>*
- *within Parliament to users of the Parliamentary Intranet,
URL: <http://hcl1.hclibrary.parliament.uk>*

Library Research Papers are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. Any comments on Research Papers should be sent to the Research Publications Officer, Room 407, 1 Derby Gate, London, SW1A 2DG or e-mailed to PAPERS@parliament.uk

Summary of main points

Fur farming may be considered a trade in animals much like any other. Animal welfare organisations, however, claim that it is inherently wrong to keep wild animals in cages and kill them for what is essentially a luxury product.

The Fur Farming (Prohibition) Bill seeks to make it illegal to keep animals for the sole or primary reason of killing them for their pelt. This fulfils a Government pre-election pledge.

The industry argue that prohibition for purely moral reasons is a dangerous precedent to set and that they are willing to improve welfare standards if required.

The scientific evidence for animal welfare in fur farms remains in its infancy. There is solid evidence of shortcomings in the current standards of welfare and that some methods of killing fur bearing animals are inhumane. There is, however, little support for the claim that it would be impossible to provide good welfare for captive mink. Neither is there clear information as to whether such welfare would make the farming of animals for their fur uneconomic.

CONTENTS

I	Fur Farming	9
	A. Facts about the Industry in the UK	9
	B. Brief History of the Industry in the UK	12
	C. Fur Farming in other countries	16
II	Political Comment	18
	A. Animal Welfare	18
	B. Compensation to existing fur farmers	22
III	Welfare Arguments	25
	A. Mink are wild animals and should not be kept in cages	25
	B. Mink are semi-aquatic and need water in which to swim	26
	C. Conflict exists between commerce and animal welfare	26
	D. Killing methods are cruel	27
IV	Industry Arguments	29
	A. Trade would not stop, just move abroad	29
	B. Prohibition is not necessary	29
	C. Council of Europe	30
V	Scientific Comment	31
	A. Effects of confinement	31
	B. Requirements of confined animals	32
	C. Social behaviour of captive mink	32
	D. Conclusions of University of Cambridge Report	33

VI	The Fur Farming (Prohibition) Bill	34
	A.	
	Summary	34
	B.	
	Commentary on the Clauses	34
	Appendix	36

I Fur Farming

Fur farming usually involves the raising of either mink or fox for their skins. The use of animal skins for clothing has been human practice for thousands of years but now there is a growing concern that the raising of animals merely to utilise their skin for luxury goods is wrong.

A. Facts about the Industry in the UK

The number of mink and fur farms in the UK has declined over the past few years. Details are, however, difficult to obtain due to the need for security. These establishments are prime targets for animal liberation groups. There are currently 13 fur farms in the UK (all in England), run by 11 licensed farmers. These farms produce approximately 100,000 pelts per year and contain an estimated 130,000 mink. UK farms exclusively raise mink; there are no fox farms presently in this country.

By county, the remaining fur farms are distributed as follows;

Fur farms by County, England 1996-1999

	1996	1997	1998	1999
Cornwall	1	1	1	1
Dorset	1	1	1	1
Hampshire	1	1	1	1
Isle of Wight	1	1	1	1
Lancashire	5	6	6	5
Northumberland	1	1	1	1
Staffordshire	1	1	1	1
South Yorkshire	0	1	1	1
West Yorkshire	2	2	2	1
England	13	15	15	13

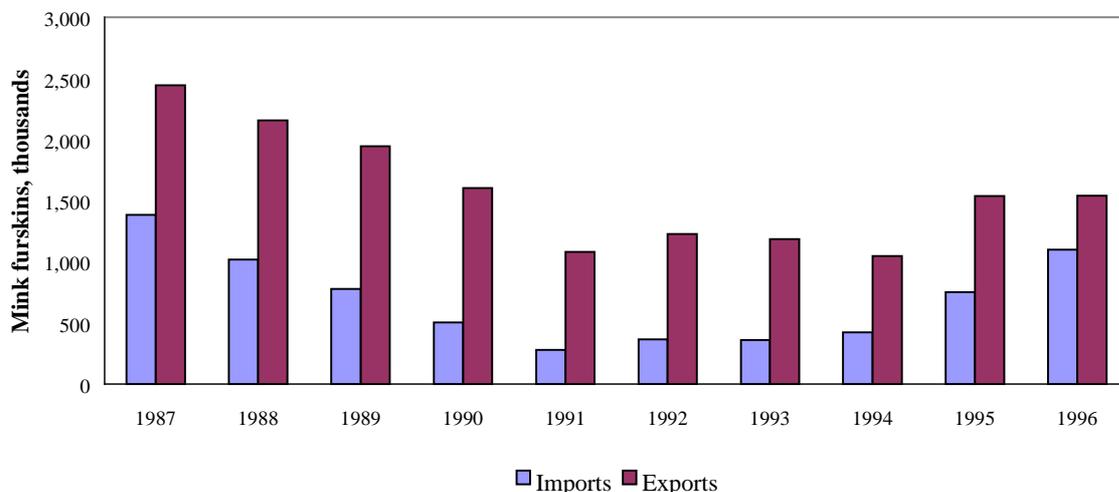
As at various dates, latest 25 January 1999

Sources: *HC Deb* 1 June 1998 c72w; 2 July 1997 c195w;

2 February 1997 c655w; 25 January 1999 c690w; 21 March 1996 c312w

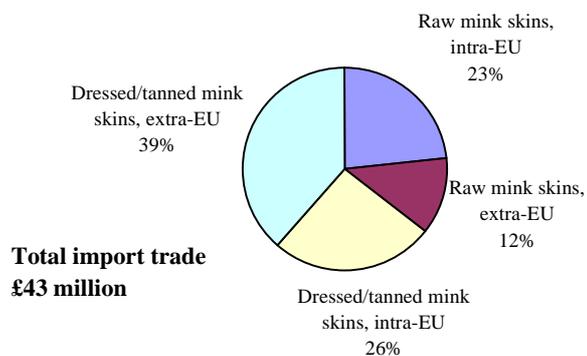
According to a PQ answered 1998,¹ imports of mink furskins to the UK fell during the late 1980s but are now rising again. The pattern for exports is rather less clear;

UK mink trade



Looking in more detail at the total value of exports and imports for 1997, it is clear that while the UK imports a high number of raw skins, our exports (next page) are accounted for almost entirely by dressed or tanned skins;²

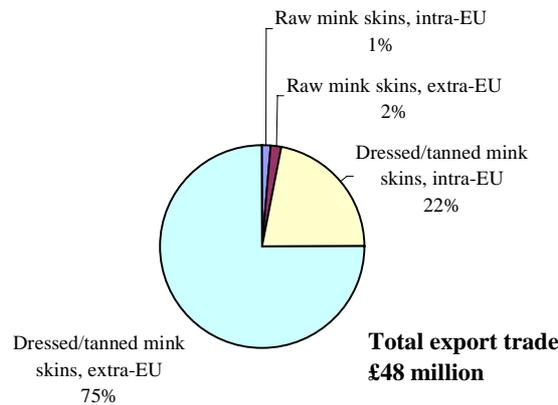
Value of UK mink imports 1997, whole furskins



¹ HC Deb 12 January 1998 c 30W

² HM Customs & Excise Business Monitor MA20 *Overseas Trade Statistics of the UK with the World*

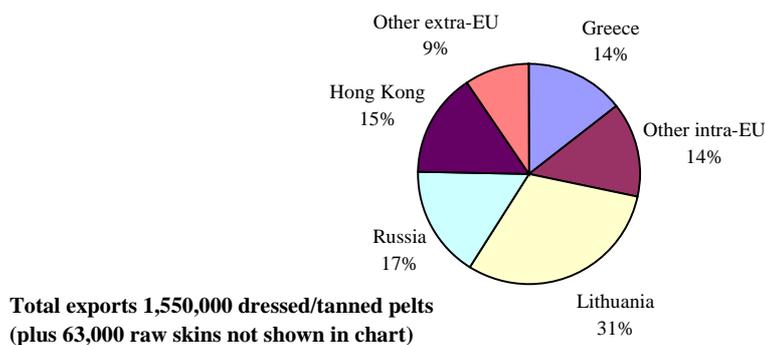
Value of UK mink exports 1997, whole furskins



UK imports and exports by destination

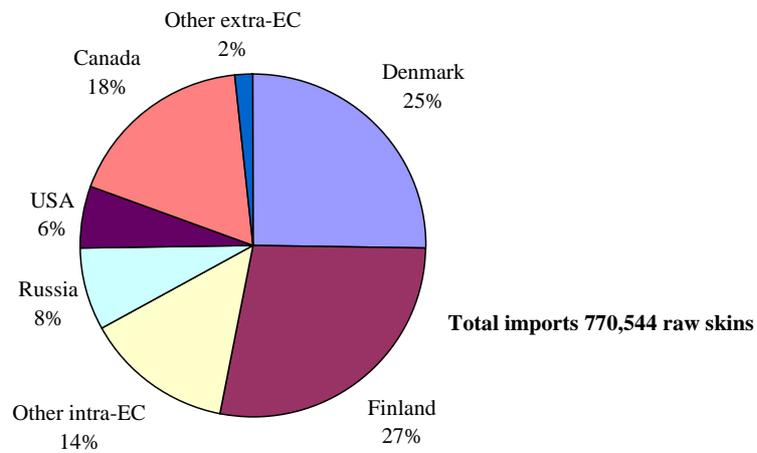
The UK exported over 1.6 million whole mink furskins in 1997. The bulk of these were dressed or tanned skins, with raw mink skins making up only around 4% of this total (some 63,000 whole raw furskins). The million and a half dressed or tanned skins exported in 1997 were sent to the following destinations:

**UK mink exports by destination, 1997
whole skins, dressed or tanned**



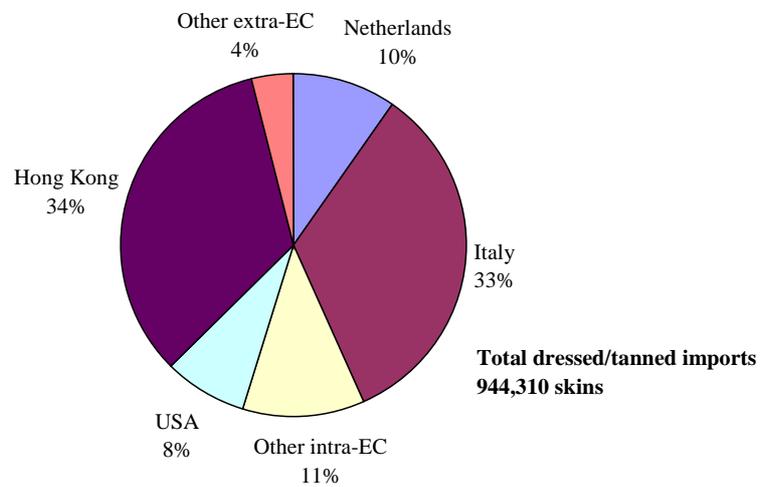
Total imports roughly match total exports; the UK imported over 1.7 million mink skins in 1997, over a million from destinations within the EU. Raw skins come, predictably, from the world's biggest producers (overleaf);

Raw whole mink skins, imports 1997



While dressed skins come mainly from Italy and Hong Kong;

Dressed/tanned whole mink skins, imports 1997



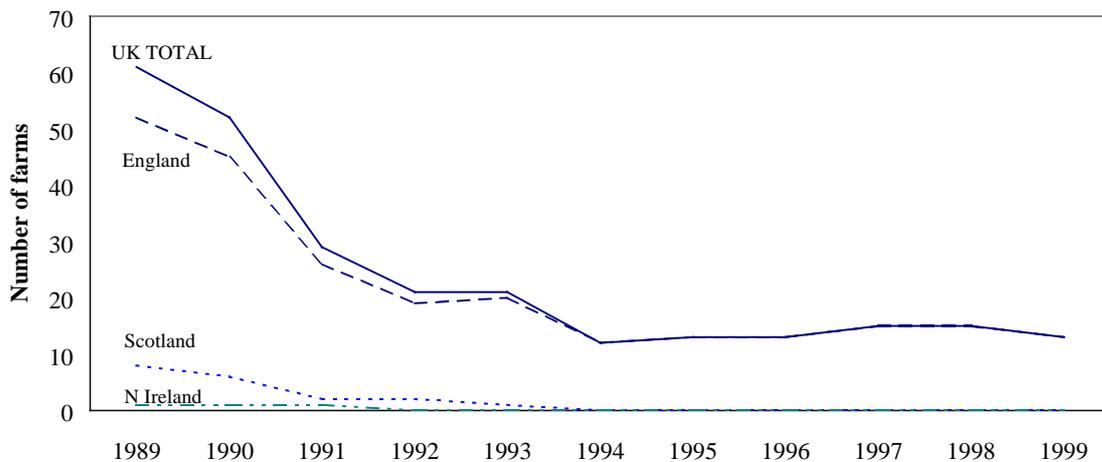
B. Brief History of the Industry in the UK

Mink were first introduced to the UK, by fur farmers, in 1929. The industry grew over the next 40 years until there were over 600 farms in the UK as a whole. It was in the early 1980s that the campaign against the wearing of fur gained a high profile. By 1982 there were only 68 farms in the UK and in 1989 the animal welfare organisations hailed the closure of the

Hudson's Bay Company auction house,³ where much of the fur trading within the UK took place.

A further blow to the fur industry was the Farm Animal Welfare Council (FAWC), an advisory body to the Ministry of Agriculture, Fisheries and Food, condemning fur farming and refusing to issue guidelines for the welfare of animals kept for such a purpose. The FAWC instructed the industry to conduct more research into the issue before they would consider the matter once more.⁴ After 1989 there was a steady decline in the number of fur farms in the UK as demonstrated in the graph and table below:

Fur farms in UK 1989-1999



The number of licensed fur farms has fallen over the past decade by four fifths, from 61 in 1989 to 13 today, five of which are in Lancashire.

Licensed mink fur factory farms, UK 1989-1999

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
England	52	45	26	19	20	12	13	13	15	15	13
Scotland	8	6	2	2	1	0	0	0	0	0	0
N Ireland	1	1	1	0	0	0	0	0	0	0	0
None in Wales											
UK TOTAL	61	52	29	21	21	12	13	13	15	15	13

As at various dates, latest 25 January 1999

Sources: HC Deb 1 June 1998 c72w; 2 July 1997 c195w; 2 February 1997 c655w; 21 March 1996 c312w; 23 July 1993 c450w; 1 May 1995 c54w; 3 May 1995 c252w; 3 May 1995 c220w; 25 January 1999 c690w

³ "Furs firm to quit Britain after 300 years", *The Daily Telegraph*, 19 June 1989

⁴ Farm Animal Welfare Council Press Notice, *Farm Animal Welfare Council disapproves of mink and fox farming*, 4 April 1989

In 1993 the animal welfare organisation Lynx was taken to court for libel when they labelled a fur farm “a hell-hole.” Lynx lost the case and was fined, paying both £100,000 costs and £40,000 damages. This resulted in the closure of the organisation⁵ but it was essentially re-founded in the Respect for Animals organisation. Opinion polls support the view that fur farming was, and is, unpopular with results of three quarters of those polled against the existence of fur farms in the UK.

RSPCA/MORI fur polls 1996-1999

Which, if any, of the items of clothing made from real fur on this list would you ever wear?

	June 1997	February 1999
Full length coat made of real fur	5%	4%
A jacket made of real fur	6%	4%
An item of clothing with real fur trim, collar or cuffs	7%	6%
Other	-	1%
None- I would never wear real fur	87%	86%
Don't know	1%	2%
Any fur item	12%	11%

Columns sum to more than 100% because more than one answer was allowed

To what extent do you agree with the statement 'There should be a ban on the farming of animals for their fur'?

	Aug/Sep 1996	June 1997	February 1999
Strongly agree	55%	60%	50%
Tend to agree	21%	17%	23%
Neither agree nor disagree	10%	8%	10%
Tend to disagree	10%	10%	10%
Strongly disagree	2%	4%	4%
Don't know	1%	2%	2%
AGREE	76%	76%	75%
DISAGREE	12%	14%	14%

Percentages may not sum due to rounding

Source: RSPCA.

The election of Labour to power in the 1997 election seemed to suggest that the end of fur farming in the UK was nigh as its abolition had been one of the party's commitments.⁶ However, before any legislation was passed, the Mink Keeping Order 1992, which allowed

⁵ Roger Tredre, “Why fur coats are an on-off thing”, *The Independent*, 22 January 1993

⁶ Labour Party, *New Labour new Britain: new life for animals*, December 1996

the keeping of mink for the purposes of fur, was due for renewal. The original order was for five years and whilst animal welfare organisations realised it was probably not an option to abolish the practice at that time they were dismayed that Labour renewed the order, even if it was just for three years.

The fur trade seemed to be undergoing a revival. In 1997 the Council of Europe passed guidelines to the Convention on the Protection of Animals Kept for Farming Purposes⁷ which set international standards for the keeping of fur bearing animals. This allowed many of the practices being carried out on fur farms to continue, such as the keeping of animals in cages and their slaughter using cooled and filtered exhaust gases.⁸ A more high profile indication that fur might be coming back into acceptability was that supermodels, who had backed a campaign against the wearing of fur, began to model fur garments on the catwalk once more.⁹

This comeback was disputed by Respect for Animals who have embarked once more on advertising campaigns against the wearing of fur.¹⁰

The following table demonstrates the dramatic decline in the market for fur in the UK.

UK fur sales

<i>£ millions</i>					
1980	1991	1996	1997	change	
				1980-97	1996-97
190	11	3	2	-99%	-28%

1996/7 figures are UK manufacturer sales, clothing and accessories excluding hats and headgear

UK net supply (after imports/exports) are slightly lower but round to the same

Sources: *Product Sales and Trade ONS Series PRQ13*

WSPA

⁷ <http://www.coe.fr/eng/legaltxt/87e.htm>

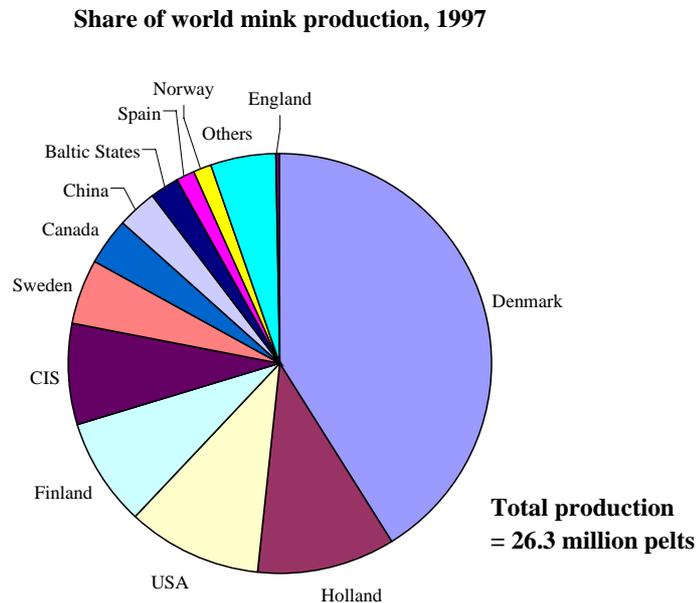
⁸ Danny Penman, "The British want to shut down mink farms. The Council of Europe just draws the line at tearing out their fur while they're still alive", *The Observer*, 1 June 1997

⁹ "Fur's big comeback snares supermodel", *The Guardian*, 8 March 1997

¹⁰ "Fur trade 'comeback' held at bay", *Financial Times*, 13 January 1998

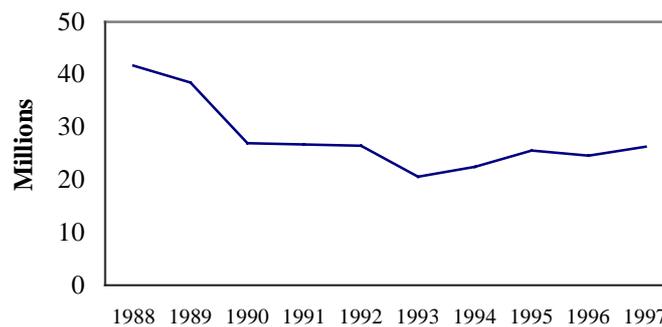
C. Fur Farming in other countries

The world's biggest mink producer is Denmark:



The full figures for production by country are shown in the table in the appendix. Total world production of mink stood at over 26 million pelts in 1997, according to figures from the Oslo fur auctions. World production has fallen over the past decade but may now be recovering;

World mink production 1988-1997



The most recent overview of fur farming internationally may have been the World Society for the Protection of Animals document, *Fashion Victims*. The above and following details of fur farming are based on information from this document.¹¹

¹¹ World Society for the Protection of Animals, *Fashion Victims*, August 1998

Denmark rears mink, fox, and racoon and is the largest producer of mink. The Danish Fur Farming Order deals mainly with the environmental issues related to mink farming, i.e., the noise, smell and anti-escape barriers. It does not actually address the issue of animal welfare in any depth. The fur farms have to be licensed by local authorities and are inspected by environmental officers several times per year. Welfare is addressed through the Scandinavian Fur Breeders' Code of Practice and Guidelines.

Finland rears mink, blue fox, and racoon. Finland is a major producer of fox fur and legislation for farms are governed by decrees which cover most aspects of fur farming. There are decrees which govern cage size and provision of nest boxes. The Finnish Government transposed the Council of Europe recommendations into law in 1992.

France rears mink, fox, racoon, chinchilla and coypu. France had 70 farms in 1990 containing about 550,000 mink. There is no legislation for animal welfare on these farms though requirements exist to protect the environment.

Germany rears mink, fox, chinchilla, and coypu. Germany introduced legislation in the late 1980s which required fox farms to use solid floors and for larger cage sizes. The state of Hessen went further in 1996 by prohibiting the use of cages, requiring animals to have climbing possibilities, access to water basins, hiding places and that only one third of the floor space to be perforated. Currently there are no fur farms in Hessen.

In the rest of Germany, voluntary controls regulate annual inspections of fur farms and farmers require an annual licence from the district veterinary service.

II Political Comment

The political history of the fur farming issue was discussed in an earlier Library Research Paper produced in response to Maria Eagle's Private Member's Bill.¹² This paper will outline the form of the debate that occurred during Parliament's consideration of that Bill.

The second reading of the Bill took place on 5 March 1999. Maria Eagle presented the reasons she believed the Bill to be necessary:

Fur farming is the intensive breeding of essentially wild animals, mink in this country and other animals elsewhere, although until recently fox, too, was farmed in this country. Because the animals have to be kept and bred intensively, they are kept in relatively small cages and are unable to exhibit their natural behaviour. They live relatively short lives in some distress prior to being slaughtered for their fur.¹³

A. Animal Welfare

Essentially this was to be a Bill for the promotion of animal welfare. Finer points of detail had to be added to reassure the House that the Bill did not intend to prevent the sale of animal fur, such as rabbit, that was the by-product of food production. Nor was it to be the first step in banning the wearing, or trading, of fur in the UK.

The emphasis on the Bill being an animal welfare Bill was highlighted in the first question within the debate: were mink wild or domesticated animals. Maria Eagle believed not:

It is not possible to be certain that animals that have been farmed for only 70 years are domesticated. One need only consider what occurs when they escape or are released. They become feral extremely quickly and are perfectly able to survive in the wild. They immediately revert to their natural behaviour.¹⁴

This point is crucial to the argument of whether the legislation can indeed be regarded as a welfare motion. If it is true that the mink are non-domesticated and cannot be kept humanely then the only welfare option is to prohibit the keeping of mink in cages. The response of opponents to the Bill was to say that the mink are domesticated and it would be sufficient to put in place legislation improving the welfare standards within mink farms.

If it can be found that proper welfare standards could be established for the keeping of mink in cages then the banning of fur farming of mink would be done mainly on moral or ethical grounds. It was pointed out by Douglas Hogg that this would be an unusual way to make legislation:

¹² HC Research Paper 99/24 "Fur Farming (Prohibition) Bill" 2 March 1999

¹³ HC Deb 5 March 1999 cc 1331-2

¹⁴ HC Deb 5 March 1999 c 1336

...one should be very slow to use the criminal law to impose one's own moral views on the community as a whole. In many other contexts, hon. Members would largely agree with that proposition. It is certainly a view that permeates the debate on abortion, and it was manifest in the debate on homosexuality on Monday. One should be slow to use the criminal law to impose one's own moral standards.¹⁵

This would almost inevitably lead to the question that if it were permissible to prohibit the farming of fur for purely ethical reasons would it not be a short step to banning the wearing of it for the same reasons? Maria Eagle pointed out that the imposition of strict welfare standards in Hessen effectively prohibited fur farming as an economically viable occupation. Those opposing the Bill made it clear that if required welfare standards were of a level to make the farming of mink uneconomic then they would have little sympathy for the end of the industry under these circumstances:

Mr. Hogg: The hon. Lady makes a fair and an unfair point, and I believe that what she describes has happened in one of the lander. She is right that such standards can be required of fur farmers so that the process is made uneconomic.

Mr. Nicholls: Tough.

Mr. Hogg: My hon. Friend says tough; I was going to say, "Hard cheese," but it is the same thing. If we conclude that the requirements are necessary, but the consequence of those requirements is that the farmer goes out of business, I say, "Hard cheese," and my hon. Friend says, "Tough." We agree with those consequences, but we approach the matter in a different way. We have not decided that such farming is wrong in principle, but that, in order to make it tolerable, the farmer has to comply with a range of standards. If that cannot be done, he goes out of business.¹⁶

A comparison was drawn to the plight of pig farmers who have gone out of business due to the costs of high welfare standards:

Mr. Gray: My right hon. and learned Friend mentioned pig farmers. Is he aware that a number of pig farmers in my constituency have gone out of business because of the abolition of tethers and stalls, and that they received no compensation of any kind because they were unable to live up to the welfare standards that the Government demanded? Precisely the same would apply to mink farmers: if they were unable to live up to those standards, they would go out of business. Hard cheese, as he says.¹⁷

The opposing statements made much of the current indications that mink were inherently unsuitable for farming. The need of the animals to have access to water, their territorial

¹⁵ HC Deb 5 March 1999 c 1351

¹⁶ HC Deb 5 March 1999 c 1354

¹⁷ Ibid

instincts, and the unsuitability of available methods for their destruction were all posed as evidence of that unsuitability.

The Minister, Mr Morley, supported the argument that it is impossible to keep mink under welfare friendly conditions:

Our principal independent adviser is the Farm Animal Welfare Council, which laid down five absolutely basic criteria with which any kind of animal rearing system must comply - the five freedoms, as they are called. For the information of the House, the five freedoms are freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to express normal behaviour; and freedom from fear and distress.

Fur farming could comply with some of those basic freedoms. Animals could certainly be kept free from hunger and thirst, and there are regulations in respect of that. Other issues, such as discomfort, pain and injury, and fear and distress, are debatable from both sides of the argument. However, one of the crucial basic freedoms that is not debatable is freedom to express normal behaviour.¹⁸

The right to the five freedoms was later attacked by Mrs Gorman:

The Minister advances the concept of basic freedoms, but it is absurd to suggest that those freedoms are natural rights--a natural part of an animal's existence--for, in the wild, animals do not enjoy those basic freedoms. Unlike the Minister, I cannot reel them all off, but let me cite the freedom from disease, pain and distress. Most animals in the wild die as a result of disease; many, having been attacked by other animals, die in pain; and I am sure that both those causes of death cause them some distress. To lay down acceptable standards and call them basic freedoms is nonsense.¹⁹

The principle of animals being denied the five freedoms was extended by Mr Forth to show that the principles being put forward by the Minister to support the banning of fur might equally be used to ban the keeping of domestic pets:

This is similar territory. One has to ask how comfortable we feel about the use of animals for domestic or public entertainment, and the conditions in which they should be kept. We all have different views. Some hon. Members may easily make the leap to saying that we should ban animals in circuses because such use and abuse of animals is unacceptable. Others may have views on domestic pets--be they goldfish, birds in cages, rabbits in hutches, or whatever. These are all legitimate areas of concern, which serve to illustrate that the absolute argument used by some today about mink is not as absolute as it might seem.²⁰

¹⁸ HC Deb 5 March 1999 c 1381

¹⁹ HC Deb 5 March 1999 c 1387

²⁰ HC Deb 5 March 1999 cc 1391-2

The welfare argument was taken up again in Committee during consideration of clause 1 of the Bill. Mr Loughton supported the Bill on welfare grounds but compared the banning of mink on moral grounds to that of banning slavery:

I wonder what my hon. Friend's judgment would have been in the last century. Then, the slave trade and ownership of slaves was very much a minority activity, but it was deemed right at that time to ban it. Society deemed that it was an outdated and unacceptable practice for that century. Similarly, people deem, from a moral point of view, that fur farming is no longer an acceptable activity in this country in 1999. We want to send out a signal to the rest of the civilised world that we have taken that stand.²¹

This move from welfare to moral arguments was a constant through debate on the Bill. Many arguments began by citing the need for high welfare standards and would move to the point that the keeping of mink for their fur was immoral. This was a feature of the debate repeated in the report stage of the Bill to the extent that the promoter of the Bill, Maria Eagle, admitted that the Bill was moral in nature.

My primary purpose in respect of the Bill has been to get rid of what I see as a cruel practice, where the thing that is produced is not necessary to life. Food is necessary to life. I accept that there are vegetarians among us, but I do not believe in compulsory vegetarianism. However, I do not consider that it is necessary, in any circumstances, for fur to be available for the use of mankind, especially when the way in which it is obtained is demonstrably cruel and cannot be performed in accordance with present animal welfare standards.²²

The major debate about welfare and morality arose over the issue of rabbits. How could the raising of rabbits for fur be illegal when the raising of those same rabbits for meat and skin, under the same welfare conditions, be legal?

Maria Eagle: Just to clarify the point, I hope that I have not been inconsistent. The point that I have been trying to make is that I see a difference--I know that the right hon. Members for Penrith and The Border (Mr. Maclean) and for Bromley and Chislehurst (Mr. Forth) do not; perhaps they will accept my argument--between keeping animals in intensively farmed conditions for food, which is a necessary part of life, and for adornment, which is not necessary. I accept that the right hon. Gentlemen do not think that that is a sufficiently large difference to matter, but I do.

Mr. Maclean: I am grateful to the hon. Lady and I respect her view. She sees an ethical distinction between rabbits in a 2 ft sq cage that are reared for expensive titbits in restaurants and those other rabbits.

Rabbit is not a staple diet of the British population. The last time I had rabbit was downstairs in the Churchill Room of this building as an expensive starter. It is not an essential requirement of life. However, I do not see the distinction between keeping

²¹ Standing Committee B 31 March 1999

²² HC Deb 14 May 1999 c 595

rabbits in a 2 ft sq, or 1.5 m sq cage--whatever the size is; I will not bore the House with the figures--merely so that we can have them as tasty nibbles in the Churchill Room of the House of Commons, and keeping other rabbits, identical in almost everything except their covering, in the same size of cages, fed and watered the same way to the same welfare standards. The latter would be illegal and liable to a £20,000 fine because we have determined that those rabbits are being kept purely for the adornment of women, or men. I see that, in the latest fashions, men are into fur as well. If the hon. Member for Garston takes that view, I can equally say that the bit of rabbit that people eat is not essential to our life style either, as we have ample food supplies of all other types available.²³

Whilst this argument is a strong counter to the welfare reasoning behind the Bill as a whole it is less so in relation to the prohibition of mink farming in particular. There would be greater welfare concerns over raising mink in farm conditions due to their carnivorous nature that endows them with characteristics such as greater intelligence and territoriality.

B. Compensation to existing fur farmers

Another major provision within the Bill was the compensation arrangements for fur farmers who would be put out of business by the legislation, were it to be passed. It is unusual for Private Members Bills to contain a provision for compensation and its presence was a sure indicator of Government support for the Bill. The inclusion of the provision for compensation was made despite an opinion solicited by Compassion in World Farming which indicated that compensation need not be paid in such a situation:

Accordingly, and subject to the caveat mentioned in paragraph 3, we have concluded that a farmer or trader could not rely on the principle of legitimate expectation as a basis for claiming compensation in the event of the prohibition of factory farming of mink.²⁴

The caveat mentioned above was that if traders had entered into discussions with MAFF or other governmental agencies before making substantial investments they might use those discussions as a basis for claiming compensation.

In the Second Reading Debate Douglas Hogg questioned the provision of compensation within the Bill:

First, if that is her view, why is the obligation to pay compensation not mandatory? Secondly, losses are defined so as to exclude loss of income. In other words, businesses may receive some compensation, but the main loss that they will suffer - revenue - is put outside the compensation regime.²⁵

²³ HC Deb 14 May 1999 c 602

²⁴ Richard Plender QC and Michael Collett, Opinion in the matter of the Destructive Imported Animals Act 1932 and the Treaty establishing the European Community, 8 December 1997

²⁵ HC Deb 5 March 1999 c 1334

Ms Eagle replied that such questions would be more appropriately answered within the committee debate. Several amendments were tabled to Clause 5 which dealt with the matter of compensation.

These amendments sought to include a number of costs associated with the running down of the business:

"...provision for the payments of the reasonable fees of the professional advisers of persons making claims." [amendment 24]

"...provision for the payment on account where requested by the claimant of 90 per cent. of the amount of compensation agreed [...] within 3 months of the submission of the claim." [amendment 25]

"...provision for the payment of interest..." [amendment 26]

"...provision for the cost of clearing the land in question of buildings or other fixed equipment utilised by the business."²⁶ [amendment 27]

It was argued that the provision of money for advice was analogous to the provision of money for advice when land was taken under compulsory purchase. Land compensation practice also provided precedent for the quick delivery of 90 per cent of agreed compensation and for interest to be paid for delayed payment. The final provision was to see that the Bill made some provision for the clearance of the buildings necessary to mink farming but of limited use for other purposes.

Maria Eagle repudiated the analogy of compulsory purchase believing redundancy to be more apt. This was because the land itself would not be taken from farmers, just their ability to use it for the farming of fur bearing animals.

Elliot Morely however said that the points made within the amendments had some merit. The consideration of advice, provision for necessary clearance of buildings, the making of an interim payment and interest on payments made after unreasonable long delays were all matters the Government were willing to consider. The amendments were not passed however as it was believed the wording might be technically deficient.

He made the Government's position on the matter of compensation very clear:

Mr. Morley: I am happy to put on record an assurance that the Government have accepted the principle of compensation. We also support the Bill, which includes the relevant compensation clause. It follows, therefore, that we will have to honour that commitment. We have dealt with some of the details of compensation. I have given the hon. Member for Basingstoke some reassurances about what we regard as reasonable and what we are prepared to consider. I will certainly be willing to reflect on other points that the hon. Gentleman made on how compensation will work.

²⁶ Standing Committee B 31 March 1999

On the wording of the Bill, it is true that compensation is discretionary. Compensation will not automatically be paid as a result of this legislation: there is an element of discretion. Legislation has sometimes had a detrimental effect on businesses, but no compensation has followed. There were several cases of that under the previous Administration. It is, however, important to proceed with the Bill. There is widespread support for it. We recognise that there are implications for those involved in the fur trade. We have, therefore, accepted the principle that there should be reasonable compensation. That is the Government's position.²⁷

The subject of compensation was never discussed in any detail at the report stage of the Bill as it ran out of time and eventually fell at the end of the session.

At the end of the time for debate the topic of discussion had moved on to varying coverage of the Bill throughout the UK. It was noted that farmers in the rest of the UK, suddenly banned from practising fur farming, could take their compensation and open a farm in Northern Ireland. This would be similar to the case in Austria which banned fur farming (of which there was only one practitioner remaining). The fur farmer then moved 20 miles across the border to the Czech Republic where the money was used to re-establish his business.

In the present Bill, which only covers England and Wales, the possibility would seem to be available for farmers to move to Northern Ireland or Scotland. There is the possibility however that there may be legislation in the Scottish Parliament, for the prohibition of fur farming, introduced later this year, either through a Members Bill or a Committee Bill. There is however no current formal commitment to do so.

²⁷ Standing Committee B 14 April 1999

III Welfare Arguments

The campaign against fur farming relies heavily on a concern that the industry is inherently cruel to the animals being utilised by the industry.²⁸ There are a number of organisations that campaign for an end to fur farming and these range from radical animal rights organisations such as PETA (People for the Ethical Treatment of Animals) to the more mainstream organisations like the RSPCA.

There are several issues that are common to both ends of the spectrum of opinion with regard to fur farming. The more radical end of the spectrum, as represented by PETA, do not believe the use of animals in any shape or form is acceptable and argue that it should be disallowed. This, when taken to its conclusion, would result in there being no animal husbandry for meat or animal products such as milk and wool and even to disallowing the keeping of pet animals such as cats and dogs. Such issues are of a moral nature and outwith the scope of this paper.

A. Mink are wild animals and should not be kept in cages

This argument is based on information known about how mink live in the wild and how they act in captivity. Whilst the keeping and domestication of mink might have been accepted if the product was needed rather than simply desired, to do so for what is essentially a luxury product is unacceptable to many. The argument, then, is slightly more complex than simply that mink are wild animals. It is more that wild animals should not be subjected to the inevitable stress of domestication purely for the enjoyment of mankind.

The major differences between keeping mink and killing them for their skins and keeping cattle and killing them for their meat and skins are:

- that fur is perceived as a luxury item whilst beef is commonly regarded as a foodstuff;
- that cattle have been domesticated over thousands of years whilst mink have been in captivity generally for less than one hundred years;
- that herbivorous animals such as cattle are easier to domesticate than carnivorous animals such as mink.

Mink are known to be solitary animals in the wild which defend their territory through patrolling, scent marking and aggression. This aggression has been noted between unfamiliar adult animals which are put in the same cages.²⁹

In the wild mink will have a territory in which they reside and a larger range in which they hunt. Within this range they will have several nests and will defend against incursion by

²⁸ World Society for the Protection of Animals, *Fashion Victims*, August 1998

²⁹ A.J. Nimon and D.M. Broom, "The Welfare of Farmed Mink and Foxes in relation to Housing and Management", Cambridge University Animal Welfare Information Centre, 1997

other mink. The mink, used to hunting, travel large distances every day; some studies have recorded mink making overnight trips of over 4.3 kilometres. The desire to travel has been demonstrated by the fact that mink, in captivity, do not have to be rewarded to run on wheels placed in their cage.

The natural requirement for hunting by mink has led them to be inquisitive and investigative. This curiosity leads to a need for captive animals to be given some enrichment of their environment to assuage this need for activity.

There are reports that mink will cower and run away from humans who approach their cages. This would suggest that they are not domesticated and still displaying the fight or flight reflex of wild animals to human presence.

It is also claimed that the large mink population in the wild, derived from escaped and released mink, adapt quickly to such a life, thereby demonstrating their inherent wild nature.

B. Mink are semi-aquatic and need water in which to swim

Studies of mink show that they spend most of their time in or close to water. Mink often hunt in water and spend some of their time at play in aquatic environments. The mink has semi-webbed feet which show they have evolved toward spending a significant amount of their time in the water. In the fur farming environment there is no opportunity to swim at all which cannot be ideal in terms of welfare. This has been rebuffed in British Fur Trade Association briefing material which quotes a study by Danish researchers³⁰ which places a distinction on mink use of water as another hunting milieu and its use as a recreational facility. The thrust of the report suggests that mink would have little need of water but that its presence might improve welfare.

A contemporary study³¹ examined the importance mink placed on various additions to their environment. Within the experiment mink were provided with several cages which could be accessed but doors were made progressively harder to open using weights. The importance placed by the mink on each environment was assessed by the weight against which they would push to access that environment. It was found that the mink would work as hard to access swimming water as they would food. This suggests that access to swimming water should be a significant welfare consideration.

C. Conflict exists between commerce and animal welfare

Welfare organisations feel that because fur farming is a business, animal welfare is given insufficient priority compared with profits. Captive mink can display a wide variety of pelt

³⁰ K Skovgard, LL Jeppeson and CPB Hansen, Would you like a swim, Madam Mink, *Scientifur*, Vol 24 pp 247-251, 1997

³¹ JJ Cooper and GJ Mason, The behavioural priorities of mink (*Mustela vison*) in a closed economy, *Proceedings of the British Society of Animal Science*, 17, 1997

colours and rare ones, such as white, fetch a premium in the marketplace. The colour of the pelt, controlled by a sequence of eighteen genes, can be manipulated through careful breeding.

This means there is a positive financial pressure on fur farmers to produce these rare colours. The breeding programmes have, however, concentrated upon the colour of the pelt regardless of other concerns and rare colours may be linked to poor physical condition. The white pelt, for example, is produced by a line of mink which are congenitally blind.³² The conflict between welfare and profit here is obvious but the breeding line still exists due to the emphasis of profit over welfare.

It is obvious that improving welfare standards will inevitably cost the producer more and cut into the profitability of a fur farming business. In certain countries improving the welfare standards have coincided with the cessation of fur farming in that region.³³ This would suggest either that good welfare makes farms uneconomic to run, or that farmers will relocate to avoid onerous costs due to animal welfare.

D. Killing methods are cruel

Due to the nature of the business it is necessary to harvest animals farmed for their fur without spoiling the pelt. This means that killing methods have to be employed other than those accepted as humane for food animals such as cattle and sheep. There are a number of options in wide use throughout the world and animal welfare groups have some concern about most of them.

One of the most widely used methods for the killing of mink is the use of gassing by carbon monoxide (CO) or carbon dioxide (CO₂). These gases are supposed to reduce the availability of oxygen to the animals and lead to unconsciousness followed by death. It is not immediately obvious why this may be of concern, as these gases are killers of people in their own homes. The Government are always keen to tell the public that poorly maintained gas heaters will result in a colourless, odourless gas that will kill.

The use of carbon dioxide is of more concern than carbon monoxide, but the source of both gases is the main concern of welfare groups. Carbon dioxide is a colourless gas, but possesses an acrid odour. It is claimed that whilst 100% carbon dioxide can kill mink in 19 seconds, the mink react to its presence and suffer extreme stress in being forced into such an environment. Being semi-aquatic, however, the mink are capable of holding their breath for extended periods of time and this method will not result in a quick or easy death.

Carbon monoxide would then appear to be a better option. However, it has been reported that mink seem capable, not only of detecting the presence of dangerous gases but the reduced

³² World Society for the Protection of Animals, *Fashion Victims*, August 1998

³³ *ibid*

availability of oxygen. Whilst they may not detect the presence of the carbon monoxide they will detect the reduced availability of oxygen and again suffer the stress of looking for a non-existent escape before being overcome. More general concerns about gassing are the requirement to handle the animals whilst transferring them from cages to the gassing chamber and the method by which the gasses are produced. In most farms the gases are generated through the use of an engine where the exhaust gases are cooled in water then filtered through a scrubber unit before being introduced to the gassing chamber. Even in the case of carbon monoxide there are concerns that the residual gases will cause distress to the animals and that only clean cylinder gas should be used. This would, of course, raise costs substantially.

Barbiturates and other materials have been utilised to render the animals unconscious or to kill them. The problem with such materials is that they are often difficult to administer and some methods result in conscious but immobilised animals which may be skinned alive. Some are also responsible for extremely uncomfortable deaths.³⁴ In the UK in 1997 there were fifteen mink farms. Fourteen of these used gassing (10 with carbon monoxide) whilst only one used barbiturate injection.

³⁴ World Society for the Protection of Animals, *Fashion Victims*, August 1998

IV Industry Arguments³⁵

The British fur trade is represented by the British Fur Trade Association (BFTA) which has recently placed an open letter in the House Magazine which branded Maria Eagle's Private Member's Bill "*ill considered and emotive*". They base their concerns very much on the fact that the legislation will not prove effective in increasing overall animal welfare and that prohibition is not necessary to improve welfare of animals bred for their fur.

The BFTA would present the facts as follows

- Farmed mink have been bred as such for over 80 generations and cannot be directly compared to their wild counterparts.
- Significant numbers of mink released from fur farms will return to their cages at the normal feeding time.
- Fur farmers themselves have an interest in the welfare of the animals as the pelts are worth more when they are in good condition.
- Scientific study has shown that there is potential for welfare to be improved on fur farms, to such an extent that the trade should not be considered unnecessarily and inherently cruel.
- British fur farmers are willing to improve welfare standards.

A. Trade would not stop, just move abroad

The market for fur is stable or growing – the amount of pelts the market will bear will not disappear if the UK trade is banned. Foreign fur farms will take up slack. The BFTA believe that it is unreasonable and disproportionate to destroy the livelihood of farmers and their families who take a responsible approach to the care of their animals. They believe that science, and not emotions or morals, should take the lead in setting welfare standards.

As mentioned in previous sections welfare regulations in many other countries are less rigorous than those in the UK. The UK trade is not a large part of the European fur trade and their contribution could easily be taken up by other EU Member States.

B. Prohibition is not necessary

A 1994 report, by Professor P.R. Wiepkema to the Dutch Government, recommended that the fur farming trade might carry on with improved standards of welfare.³⁶ The industry has reacted to this report by drawing up an action plan for mink farming. The plan was assessed by Professor B.M. Spruijt of the Centre for Animal Welfare of Utrecht University. This action plan has been accepted by the Dutch Government.

³⁵ Personal communication and material from British Fur Trade Association

³⁶ Dutch Fur Breeders Association (NFE), *Action Plan for mink farming in the Netherlands*, October 1996

The recommendations put forward include:

- nest boxes should be available at all times;
- animals should not be subjected to a slimming diet;
- availability of group housing with more than one conventional cage;
- animals should be selected for curiosity and quiet behaviour;
- females and young should have more spacious accommodation.

The new standards are to be phased in, initially 25% of animals will conform to new standards rising to 50% by 2000 and to 100% within 10 years.

C. Council of Europe

The refusal of the Farm Animal Welfare Council (an independent advisory body to MAFF established by the Government in 1979) to provide a code of conduct for fur farms is often used as support for the impossibility of providing adequate welfare in this pursuit.

The Council of Europe *Convention for the Protection of Animals kept for Farming Purposes* does, however, make reference to animals farmed for their fur:

Article 1

This Convention shall apply to the keeping, care and housing of animals, and in particular to animals in modern intensive stock-farming systems. For the purposes of this Convention animals shall mean animals bred or kept for the production of food, wool, skin or fur or for other farming purposes, and modern intensive stock-farming systems shall mean systems which predominantly employ technical installations operated principally by means of automatic processes.

It might equally be said that the inclusion of fur farming on such a document infers that proper welfare standards with respect to such husbandry can be achieved. The Council of Europe adopted a revised Recommendation on farmed fur animals in June 1999 which is likely to be used as a standard for future EU legislation on farm welfare.

V Scientific Comment

The most recent comprehensive review of the literature relating to the welfare of animals raised for their fur is that carried out by the University of Cambridge Animal Welfare Information Centre.³⁷ This paper was commissioned by the organisation Respect for Animals and contains many points worthy of comment. The information from that report with relation to mink was recently published in *Animal Welfare*, a peer-reviewed journal.³⁸

A. Effects of confinement

One of the most common effects of confinement on farmed mink was stereotypy. The studies looking at this phenomenon have identified the reasons for this as being boredom and looking for a way to escape confinement. Stereotypy is repetitive behaviour, such as head twirling, with no apparent goal, which confined animals are known to exhibit. Its occurrence is often associated with environments lacking in stimulation for the captive animals, behaviour which is absent from wild animals in their natural environment. There are different stereotypical behaviours but once the stereotypy is established it may, subsequently, be elicited by a number of stimuli. There is evidence however that though associated with poor welfare conditions, mink that do exhibit stereotypy are actually coping better with their captivity than mink who do not.

In one study of 142 female mink (kept singly in cages) 70% exhibited stereotypy to some degree and half of them did so for over 25% of their waking hours. Other studies have shown similar levels of this behaviour in both male and female mink. For captive mink within enriched environments (e.g., with swimming water, added cages, available toys) or in zoos where the environment is better tailored to the animals' needs, stereotypy is absent.

Another commonly quoted effect of confinement is self-mutilation or cannibalism. This again is accepted as good evidence of poor welfare conditions. Cannibalism seems relatively rare amongst mink as compared to other species but improved conditions reduced both self-mutilation and cannibalism amongst captive mink.

It has been claimed that farm-reared mink have become less fearful of humans and more tame due to their captivity over generations. The Cambridge report spoke of early scientific papers describing mink fleeing to the rear of cages at the approach of humans and contrasting such behaviour with that described in a paper published in 1996 where mink responded to nearby human activity with curiosity.

³⁷ AJ Nimon and DM Broom, "The Welfare of Farmed Mink and Foxes in relation to Housing and Management", *Cambridge University Animal Welfare Information Centre*, 1997

³⁸ AJ Nimon and DM Broom, "The Welfare of Farmed Mink", *Animal Welfare*, Vol 8(3), pp 205-228, 1999

The 1996 paper described attempts to breed mink to display various behaviours. The only trait there was any success in achieving was more fearful mink. There was no evidence to suggest that farmers would be successful in selecting for less fearful animals.

B. Requirements of confined animals

The most basic requirement for captive mink was a nest box, an area where the mink might escape from general view. In the wild, however, mink are likely to have more than one nest and so the availability of alternative nest boxes would be beneficial to welfare conditions. In comparison, several studies have shown that the lack of a nest box results in more stereotypy and in poor general overall health.

Once the necessity of a nest box was established related factors have been studied. For example, changes in access to the nest box and design of the nest box were found to be important. For example, a nest with a false bottom reduced kit (infant) mortality.

The size of the actual cage was also shown to be important. Cages which were too small resulted in animals which displayed fewer natural behaviour activities, such as scent marking.

Although not looking at mink one study found that activity and interest were not simply a matter of adjacent chambers for animal movement. Comparison was drawn on how often foxes moved from one chamber to another when two cages were connected simply by an opening and two similar cages connected by a 1.5m long tube. It was found that foxes with the simple connection swapped about 250 times a day whilst those with the tunnel swapped up to 500 times per hour.

There have not been many studies which have looked carefully at enriching the environment of cages for mink. Those which do exist suggest that even minor enrichment of cages improves welfare. A raised platform reduced the incidence of stereotypy in female mink, a result, it was suggested, of being able to rest free from the demands of her kits. Watering by the use of an automatic spray system led to increased activity of mink whilst the introduction of toys such as balls were less effective. More natural enclosures, i.e., containing soil and branches removed running stereotypies and increased the incidence of play amongst captive mink. In many of these studies it was not possible to definitively quantify the effects of such enrichments but there is enough evidence to suggest the welfare of mink in cages can be improved.

C. Social behaviour of captive mink

The Cambridge paper describes studies which looked at the best social housing for mink. In the majority of cases mink are housed either singly, in mated pairs or female with kits. This is due to the known fact that the mink live naturally in territories which rarely overlap and meetings between unfamiliar adults can result in extreme hostility.

An early study found evidence that group housing of mink increased stress levels compared with singly housed mink. This has not been fully supported by later studies. Indeed several

studies show that group housing of mink may actually improve welfare, though such groups must be established from the time of weaning.

The keeping of mink in family groups may make the provision of larger and more enriched caged environments more economically viable for fur farmers.

D. Conclusions of University of Cambridge Report

The report concludes that enough scientific evidence exists to show that the current level of welfare for mink on fur farms is not adequate. Mink are denied a range of behaviours within farms that would be available to them in the wild. A nest box is the minimum requirement for mink and good welfare would require much more.

The keeping of mink in captivity has not yet led to the complete domestication of mink. Indeed, only fearful behaviour has, so far, proved to be responsive to breeding programs.

Good welfare may be possible within the context of a captive environment. There has been no estimation of the economic consequences of such enrichment and the effects this might have upon the feasibility of fur farming.

One of the methods by which welfare may be improved and economies made could be through keeping groups of mink within a community environment. There has as yet been no serious attempt to model such a community but there exists that possibility.

The main thrust is that, if mink farming is to continue, a radical rethink of housing is required.

Professor Broom was of the opinion that the debate on welfare of farmed mink should be subject to more thorough scientific criticism than can be achieved through studies carried out and published in non-peer reviewed journals. It may be claimed however that this style of publication of research on farmed mink was due to the need for mink farmers to be provided access to research findings in farming publications. Publication in non-English language journals that may not have a wide coverage may also contribute to this perception.

VI The Fur Farming (Prohibition) Bill

A. Summary

The Fur Farming (Prohibition) Bill was introduced in the House of Commons on 22 November 1999. Explanatory notes have been provided by the Ministry for Agriculture Fisheries and Food which may be accessed via the Internet.³⁹ The Bill is very similar to that introduced by Maria Eagle on 25 February 1999.

It has been kept short, only seven clauses, to ensure that it addresses the problem at hand, i.e., the farming of animals for their fur. It does not seek to ban the trade in furs nor the wearing of garments fashioned from fur. As such the Bill makes it an offence, punishable by a fine, to keep or breed animals that will be used, primarily or solely, for their fur. There is provision, within the Bill, to allow the Minister to make schemes whereby compensation may be paid to farmers forced from the fur trade. There is also provision to provide powers of entry and forfeiture to aid in the enforcement of the legislation. The legislation will be for England and Wales only.

B. Commentary on the Clauses

Clause one contains four subsections. Subsection one provides the main thrust of the Bill; making the keeping of animals, primary or solely, for the purpose of killing them for their fur an offence. It does not matter whether the person who breeds the mink actually kills them; it is enough that they are being bred for their fur. The primary or solely wording is an attempt to ensure that animals which provide leather do not come under the legislation and killing is mentioned to exempt those animals which provide, for example wool, but are not killed in the process.

The second subsection extends the liability of the offence to others who knowingly permit, or cause, others to keep animals as above. An example is provided in the explanatory notes:

An example of a person who might be guilty of the offence of permitting is a person who grants a tenancy of land for the purpose of enabling the tenant to carry on a fur farming business.

Subsection three also extends the bounds of the offence to breeding animals and subsequently selling them where they will be killed for their fur. That may for example include the breeding of animals in England and Wales and then selling them to fur farms in the EU where they may, in the future, be killed for their fur.

The final subsection of clause one indicates the scale of the fine that may be expected for breach of the legislation, i.e., a fine not exceeding £20,000.

³⁹ <http://pubs1.tso.parliament.uk/pa/cm199900/cmbills/006/en/00006x--.htm>

Clauses 2 and 3 relate to forfeiture orders. When someone has been convicted of keeping animals for the purpose of killing them for their fur the animals concerned may be removed and killed, or otherwise disposed of. The court does not have to take any other action, such as fining the offender, and there is opportunity to show cause why the order should not be made.

When a forfeiture order has been made, there is a right to appeal against that order within seven days of the date of the order. No animals may be destroyed before the opportunity for such an appeal, and its potential success, has passed.

Once a forfeiture order may go ahead, the former owner of the animals may be made to pay for their continued upkeep either on his own premises or of someone else, appointed to keep them.

Clause 4 provides the Minister with the power to authorise entry onto premises where there is reasonable grounds to suspect that animals are being kept contrary to the provisions of the Act. These powers of entry allow those authorised to enter and inspect animals or other material found there. The Bill would make it an offence to obstruct or hinder those exercising power of entry. Right of entry under this provision does not extend to private dwellings.

Clause 5 provides the appropriate authority with the power to provide compensation to those who will suffer as a result of this Bill. The appropriate authority is defined in clause 6 as the Minister for Agriculture, Fisheries and Food, and, in relation to Wales the National Assembly. The legislation will not extend to Northern Ireland or Scotland. If there is any dispute over compensation paid by such a scheme then they will be examined by the Lands Tribunal.

Clause 7 states that clauses 1-4 would come into effect by order made by statutory instrument any time after the 1 January 2003. Clause 5 allowing the arrangement of compensation will come into effect two months after the legislation receives Royal Assent. This would allow farmers who cease farming before the trade is ruled illegal to be eligible for compensation.

Appendix

Mink Production by country, 1997

<i>Thousands</i>	
Denmark	10,800
Holland	2,800
USA	2,700
Finland	2,200
CIS	2,000
Sweden	1,350
Canada	920
China	800
Baltic States	600
Spain	400
Norway	305
Italy	265
Germany	200
Ireland	160
France	160
Iceland	150
Belgium	140
Argentina	140
England	100
Others	105
Total	26,295

*Source: WSPA, Fashion Victims 1998
Data from Oslo Fur Auctions*