The Animal Welfare Bill
[HL Bill 88 of 2005–06]

Patrick M. Vollmer

6th April 2006
LLN 2006/003
House of Lords Library Notes are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on Library Notes should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to victoryi@parliament.uk.
## Contents

1. Introduction p. 1
2. Second Reading p. 4
3. Circus Animals p. 15
4. Docking of Dogs’ Tails p. 17
5. Third Reading p. 24
6. Bibliography p. 26
1. Introduction

The Animal Welfare Bill (HC Bill 58 of session 2005–06) was presented to the House of Commons on 13th October 2005.

The second reading debate took place on 10th January 2006 (HC Hansard, cols. 161–249). The Bill was then considered in eight sittings of Standing Committee A between 17th and 26th January 2006. The report stage of the Bill (HC Bill 117) took place on 14th March 2006 (HC Hansard, cols. 1330–1422), followed immediately by the third reading (HC Hansard, cols. 1422–7). The Animal Welfare Bill (HL Bill 88) was then presented to the House of Lords on 15th March 2006, and is due for second reading debate on 18th April 2006.

In January 2002, the Government initiated a public consultation on whether to introduce an Animal Welfare Bill to consolidate and bring up-to-date the legislation on domestic and captive animals. The Department for Environment, Food and Rural Affairs received 2,351 replies to the consultation, and an analysis of the replies was published by the Department in August 2002. A draft Animal Welfare Bill was then issued by the Department in July 2004 (Cm 6252). The House of Commons Environment, Food and Rural Affairs Select Committee looked at the draft Bill in their first report of session 2004–05 (8th December 2004: HC 52). The committee fully supported the Government’s initiative to modernise and improve animal welfare legislation. However, they considered “that the draft Bill raises many important and often complex issues which must be resolved before the final Bill is introduced to Parliament” (page 5). In their report, the committee made 101 recommendations on the draft Bill or the policy underlying it. The Government responded to the committee’s report in February 2005 (session 2004–05: HC 385).

In October 2005 the Government published the Animal Welfare Bill. The press release accompanying the Bill stated:

The most significant animal welfare legislation for nearly a century has been published by Defra.

The Animal Welfare Bill, which applies to England and Wales, was introduced in the House of Commons yesterday and published today. Animal Welfare Minister Ben Bradshaw said:

“Once this legislation is enacted, our law will be worthy of our reputation as a nation of animal lovers.

“We are raising standards of animal welfare. Anyone who is responsible for an animal will have to do all that is reasonable to meet the needs of their animal.

“This is a much more appropriate way to ensure an animal’s welfare than relying on a 94-year-old law that was only designed to prevent outright cruelty.”

The Bill will:

• reduce animal suffering by enabling preventive action to be taken before suffering occurs;
• improve animal welfare by introducing a duty on those responsible for animals to do all that is reasonable to ensure the welfare of their animals (for the first time for non-farmed animals);
• simplify animal welfare legislation for enforcers and animal keepers by bringing more than 20 pieces of legislation into one;

• deter persistent offenders by strengthening penalties and eliminating loopholes. For example, those causing unnecessary suffering to an animal will face up to 51 weeks in prison, a fine of up to £20,000, or both;

• extend the power to make secondary legislation and bring current licensing powers into one place;

• extend to companion animals the use of welfare codes agreed by Parliament, a mechanism currently used to ensure the welfare of farmed animals.

Mr Bradshaw said: “The vast majority of pet owners and others involved with the care of animals have nothing to fear from this legislation. This Bill is aimed at those few who do not properly fulfil their responsibilities for the animals in their charge.

“This Bill will make a real difference to the lives of domestic and kept animals in England and Wales. I expect it to have wide support across the country and in Parliament.”

(Department for Environment, Food and Rural Affairs, Press Release, 449/05: 14th October 2005)

A regulatory impact assessment of the Bill was also published in October 2005, and the Defra webpage on the Bill provides an outline of the proposed areas of secondary legislation under the Bill (http://www.defra.gov.uk/animalh/welfare/bill/).

In December 2005, the House of Commons Environment, Food and Rural Affairs Committee looked into the Animal Welfare Bill in their third report of session 2005–06 (HC 683):

Our predecessor Committee was specially concerned about the scope of the secondary legislation to be introduced by the Bill. We were therefore glad to receive reassurances from the Minister that the Government intends to undertake “full consultation” on the individual issues to be dealt with by means of secondary legislation. We share our predecessor Committee’s interests in the proposed secondary legislation on such matters as the docking of dogs’ tails, pet fairs, performing animals and animal sanctuaries, and we iterate our predecessor Committee’s call for public consultation on, and the closest Parliamentary scrutiny of, the proposed secondary legislation in these areas. We also welcome the Animal Welfare Minister’s commitment that the House will be given the opportunity to express its opinion on tail docking during the passage of the Bill

(House of Commons Environment, Food and Rural Affairs Committee, Animal Welfare Bill, 14th December 2005: HC 683, paragraph 4)

The House of Commons Library research paper on the Animal Welfare Bill (RP 05/87: 7th December 2005) provides a useful comparison between the draft Bill, the report of the House of Commons Environment Food and Rural Affairs Select Committee and the Animal Welfare Bill as introduced in the House of Commons on 13th October 2005. House of Commons Library standard notes consider certain specific issues in more detail—pet fairs (SN/SC/3435: 12th December 2005), performing animals (SN/SC/3342: 6th March 2006), the

Part 2 of this House of Lords Library Note looks at the second reading of the Bill in the House of Commons. A variety of issues were raised during the committee and report stages of the Bill; this note focuses on two key issues—circuses and tail docking—in parts 3 and 4 respectively. A brief description of the third reading forms part 5. Finally, a bibliography lists the documents used to compile this note.
2. Second Reading

The Secretary of State for Environment, Food and Rural Affairs, Margaret Beckett, began her speech by summarising the developments leading up to the current Bill. She outlined the current animal welfare legislation:

The linchpin of our current legislative framework is the Protection of Animals Act 1911, which, as the House will appreciate, is nearly 100 years old. In its time, the 1911 Act was a landmark Bill that set out specific prohibitions against human cruelty to animals and proved remarkably enduring—for more than 50 years, Parliament dealt only with relatively minor amending Acts and supplementary provisions. In the 1960s, however, concerns about new farming methods and a better understanding of good husbandry practices led Parliament to pass the Agriculture (Miscellaneous Provisions) Act 1968. That Act was a further landmark. For the first time, the law moved beyond simply regulating cruelty and created a positive regulation-making power to promote the welfare of animals. That power, however, was limited to the welfare of farm livestock. Since then, Parliament has passed major laws on animal health and scientific procedures, but the 1911 Act, supplemented by the 1968 Act and some 20 others, remains the platform for animal protection legislation.

(HC Hansard, 10th January 2006, cols. 161–2)

She said that after ninety years of evolution, it was clear that the existing legislation was excessively complex and inaccessible, and that in particular it had not kept pace with scientific advances: “Since the 1960s, research into the behaviour and physiology of the individual species has greatly improved our understanding of the sheer complexity of animal welfare” (ibid, col. 162). The Agriculture (Miscellaneous Provisions) Act 1968 enabled the Government to make Regulations in respect of livestock, and thereby to respond to scientific developments and evolving welfare standards. However, in respect of pets:

… The inflexibility of the 1911 Act requires the Government—or, indeed, Members—to present amending Bills to effect change. Given the competing priorities for parliamentary time, that asymmetry means that protection for pets is lagging behind protection for farm animals. The Bill creates a more flexible statutory framework. It sets out key principles, but leaves detailed matters to secondary legislation.

(HC Hansard, 10th January 2006, col. 162)

Turning to the animals to which the Bill applies, Margaret Beckett said:

The Bill applies to all animals under the control of human beings except those used in scientific procedures, which will continue to be subject to the Animals (Scientific Procedures) Act 1986. For the purposes of the Bill, the definition of “animal” is restricted to non-human vertebrates, but there is a power to extend this definition to cover invertebrates, should sufficient scientific evidence emerge to demonstrate that they are capable of feeling pain.

(HC Hansard, 10th January 2006, cols. 163–4)
In relation to invertebrates, in particular cephalopods, i.e. animals such as octopuses and squid, the Secretary of State referred to the ongoing European Union review into the pain experienced by invertebrates, and said: “We anticipate that further evidence will be available, and that an assessment will be made, in the near future” (ibid, col. 164).

She went on to outline the protection afforded to fish and to animals shot in the wild:

Fish, as vertebrates, are protected by the Bill, which is important not only for the millions of fish kept in ornamental ponds and tanks, but for those farmed under regulated conditions. However, further to the concerns discussed by the Select Committee and to our 2005 rural manifesto commitment on fishing, [the Bill] exempts the activity of fishing from cruelty and welfare offences. Anything done by anglers and fishermen in the normal course of fishing is outside the scope of the Bill. Similarly—and again in line with our rural manifesto—the Bill will not affect the traditional sport of shooting. Animals shot in the wild, such as pheasants, do not fall within the definition of “protected animal”; nor, when free to roam, do they have a relationship with human beings such that a person could be held responsible for a specific bird. At the time of shooting, these animals are outside the Bill’s scope, but it will cover similar animals during any period spent in captivity before their release into the wild.

(HC Hansard, 10th January 2006, col. 164)

Margaret Beckett said that the Bill carried over the offence of causing unnecessary suffering to an animal under the control of humans from the Protection of Animals Act 1911: “In so doing, it retains the substance of the provisions, but simplifies and updates them” (ibid, col. 165).

For the first time, the Animal Welfare Bill “imposes a specific statutory ban on mutilations. It then provides for exemptions in secondary legislation to that general ban, so as to permit procedures that are considered necessary for the overall welfare or good management of an animal, such as neutering or ear clipping” (ibid, col. 165). In response to a question, Margaret Beckett elaborated on the practice of tail docking:

I am very conscious indeed that the docking of dogs’ tails is a controversial practice. At present, the law permits veterinary surgeons to undertake the operation, and the Government are inclined to support the status quo. However, we appreciate that there are genuine and strongly held views on both sides of the argument. It is our hope and intention that Parliament will decide the issue, and that hon. Members will have the opportunity to express their views during the passage of the Bill.

(HC Hansard, 10th January 2006, col. 165)

The subject of tail docking in dogs was debated further during the committee and report stages. Part 4 of this note provides an overview of the discussions.

The Secretary of State turned to the new provisions on the duty of the person responsible for an animal to ensure its welfare (clause 9 of HL Bill 88):

The House will be aware of, and regret, the fact that between 750 and 1,000 people are prosecuted every year for causing unnecessary suffering to captive or domestic animals. However, there are cases where, although animals are perhaps not yet suffering, their welfare needs are not being met. Action in such circumstances can
currently be taken only against owners of farm livestock. For other captive and domestic animals, the owner can only be invited to take action. The Bill addresses that anomaly by laying a general duty on a person to ensure that the needs of an animal for which he or she is responsible are met, to the extent required by good practice. To comply with that duty, owners and keepers will need to understand their responsibilities and take all reasonable steps to provide for the needs of their animals.

(HC Hansard, 10th January 2006, col. 166)

Although there were already many sources of information available to assist owners and keepers in looking after their animals, “the Government will try to help further by producing codes of practice … similar to those already widely used for farm animals” (ibid, col. 166). The Secretary of State gave an undertaking that all such codes would be subject to public consultation and to the appropriate parliamentary scrutiny.

A principle of the Bill was, according to Margaret Beckett, that responsibility for animals should lie with adults: “For that reason the Bill makes it clear that parents or guardians are responsible in law for the treatment of their children’s animals. The Bill also raises the minimum age at which children can buy pets from 12 to 16 years” (ibid, col. 167). Furthermore, the Bill prevents an animal being given as a prize to a child under 16 years, unless the child is accompanied by an adult (clause 11 of HL Bill 88). The aim of these provisions was not to “prevent children from keeping or looking after pets, or from actively learning about the husbandry of animals. Indeed, responsible care and stewardship of animals can be an important aspect of the education of children, but the Bill will ensure that a responsible adult makes the decision about the keeping of a pet” (ibid, col. 167).

She went on to discuss the provision enabling Regulations to be made to promote the welfare of an animal for which a person is responsible (clause 12 of HL Bill 88): “These powers will enable us to flesh out, where necessary, the general duty [to ensure the welfare of an animal (clause 9 of HL Bill 88)] … [The powers] mirror and extend existing provisions for farm livestock” (ibid, col. 167).

Powers are also provided to make licensing or registration schemes:

The powers for licensing and registration will replace a range of statutes regulating such activities as performing animals, pet shops, riding schools and dog-breeding and animal-boarding establishments. Through secondary legislation, we will regulate activities such as animal sanctuaries, pet fairs, livery yards and the welfare of racing greyhounds.

(HC Hansard, 10th January 2006, col. 167)

The Secretary of State went on to explain that the Animal Welfare Bill, like the legislation it replaced:

… Will be what is perhaps somewhat infelicitously called a “common informers” Act, which means that anyone—a private individual or an organisation—can take forward a prosecution under its provisions if they think that they have the necessary evidence. However, powers of entry, search and seizure are reserved for the police, local authorities and the state veterinary service. The definition of an inspector is a person appointed to be an inspector by such an authority.

(HC Hansard, 10th January 2006, col. 168)
She discussed the role of the RSPCA:

During the pre-legislative scrutiny, there were a number of questions about the role of the RSPCA and its inspectors … The Bill does not give the RSPCA specific extra powers; indeed, it should be made clear that the RSPCA has not asked for any such extra powers. As is the case now, if the RSPCA has reason to believe that an offence has been committed and entry to a property has been refused, it will approach the police to ask them to use their powers of entry.

(HC Hansard, 10th January 2006, col. 168)

In relation to penalties under the Animal Welfare Bill, Margaret Beckett said:

The maximum penalty for causing unnecessary suffering will be a fine of £20,000 or 51 weeks imprisonment, or both. At present, the top fine is £5,000, so the Bill has raised that penalty significantly. The maximum sentence of 51 weeks imprisonment is the maximum that magistrates courts can impose under the Criminal Justice Act 2003. The maximum penalty under the welfare offence will be £5,000 or 51 weeks imprisonment, or both. We are also using the Bill to close a loophole in existing legislation, whereby offenders can circumvent orders disqualifying them from having custody of an animal.

(HC Hansard, 10th January 2006, col. 168)

On the territorial extent of the Bill, Margaret Beckett noted:

I should perhaps make a point about different legislation in different countries. We have put in place procedures for both jurisdictions—England and Wales and Scotland—to have reciprocal arrangements in place to apply disqualification orders so that we prevent any circumstance arising in which a person who is found unfit to own or look after animals by a court in one part of the UK can evade the law by moving between countries.

(HC Hansard, 10th January 2006, col. 169)

She concluded her speech by saying:

By progressively placing cruelty towards animals outside the bounds of acceptable behaviour, legislation has helped to create a society and a culture in which the vast majority of our fellow citizens abhor unnecessary suffering in animals. We hope and believe that the Bill will create an opportunity—just as the 1911 legislation created a platform on which cruelty became increasingly unacceptable—in the coming 100 years for human responsibility for animal welfare to be actively recognised, nurtured and practised.

I hope that the Bill will serve the purpose of putting animal welfare at the heart of our legislation and that it will take us through the next 100 years, not least because the flexibility that it creates will allow us to make changes much more easily to reflect changing circumstances. I am happy to commend it to the House.

(HC Hansard, 10th January 2006, cols. 169–170)
Mr Peter Ainsworth, Shadow Secretary of State for Environment, Food and Rural Affairs, began by paying tribute to the work that had been put in by a large number of individuals and bodies to the Bill:

The Government were right to introduce the Bill in draft form, allowing that input from a large number of different interests, but the scrutiny that that process enabled has exposed the complexity of the issues involved and the diversity of strongly held opinions on specific aspects of what is proposed. That complexity and conflict of opinion perhaps helps to explain why it has taken 95 years to get around to updating the basic framework of animal protection. It is not surprising that the Government have adopted a cautious, almost crablike approach to the legislation—although I notice that, rather unfairly, crabs are not covered under the terms of the Bill. The effect of that approach, however, is that a large number of potentially controversial measures that the Government say they intend to introduce do not appear in the Bill, but will be the subject of secondary legislation.

(HC Hansard, 10th January 2006, cols. 170–1)

He then discussed the definition of “animal”:

The Secretary of State will be aware that there has been considerable debate about the definition of “animal” for the purposes of the Bill … The definition is confined to vertebrates other than man. As I understand it, the Bill’s purpose is to alleviate the suffering of animals. It would be logical, therefore, to extend that protection to all animals that have been found, on scientific evidence, to be capable of suffering.

(HC Hansard, 10th January 2006, col. 171)

In relation to the new duty of care to ensure an animal’s welfare (clause 9 of HL Bill 88), Mr Ainsworth said:

For most people, the new duty of care will have no impact. The vast majority of people who care for animals find it second nature to look after them properly. However, it is a sad fact that much legislation is determined by the actions or failures of a minority. The evidence provided by the RSPCA suggests that a significant number of animals suffer every year because the law is either inadequate or flouted … [The new duty of care] represents a major step towards ending abuse and neglect. Indeed, the RSPCA goes further and says that it is “confident that this new offence alone will have an historic impact on animal welfare.”

(HC Hansard, 10th January 2006, col. 171)

He said that the Opposition also welcomed the updating of the enforcement and sentencing provisions:

Concerns have been raised that in practical terms the effect of the Home Office’s custody plus arrangements will water those down. I hope that the Government look carefully at those suggestions. In addition, I hope that they give further thought to the recommendation of the EFRA Committee that greater maximum sentences should be available to the courts in particularly serious cases of abuse. The Bill also proposes to close a significant loophole whereby people who are subject to disqualification orders
flout them by pretending that custody of their animals has passed to somebody else. We very much welcome the closing of that loophole.

Given the frustration that has often been expressed about the way in which the courts frequently do not use the existing powers available to them … I am particularly pleased that the courts will now be required to give reasons for not issuing a disqualification order in the event of someone being found guilty of a cruelty offence.

(HC Hansard, 10th January 2006, cols. 171–2)

The Opposition were, however, concerned “about a number of measures that will be introduced under the legislation which are not in the Bill” (ibid, col. 172):

I am talking about the proposed codes of practice and the regulations that are to be introduced by statutory instrument. Rarely can a regulatory impact assessment have contained more information about the Government’s intentions than the Bill itself or the explanatory notes. Thank goodness for the regulatory impact assessment—but it would have been much better if the proposed codes of conduct and regulations had been produced in time, if only in draft form, so that their impact could be considered in the context of the Bill.

(HC Hansard, 10th January 2006, col. 172)

Mr Ainsworth went on to quote from the Regulatory Impact Assessment:

“The Animal Welfare Bill is an enabling measure, setting out certain fundamental principles but leaving detailed legislation to regulation and codes of practice.”

That, really, is the trouble. Even with the commitment to consult on the regulations and codes of practice, that is an inadequate way for Parliament to consider detailed legislation. Unamendable statutory instruments get a maximum of one and a half hours of obscure debate in Committee …

I think I know why the Government have taken this approach. It is partly to prevent the Bill from becoming too long, complex and inflexible, and I have some sympathy with that. However, the Bill is enabling only in the sense that it enables the Government to do virtually whatever they want.

(HC Hansard, 10th January 2006, col. 173)

Peter Ainsworth turned to the question of a general ban on mutilation (clause 5 of HL Bill 88), and wondered what would be exempt:

… The regulatory impact assessment, as ever the best source of information on the Bill, states, in the context of discussions about the draft Bill:

“Sincere views were held by those who both support and oppose a ban on cosmetic docking and our preference is that there should continue to be freedom of choice.”

That suggests to me that the Government are in favour of allowing the cosmetic tail docking of dogs to continue as now … I say to my right hon. Friend that if the matter
arises in committee or subsequently on the floor of the House, my right hon. and hon. Friends will certainly be offered a free vote on the matter and on many of the other issues that are likely to arise in consideration of the Bill.

(HC Hansard, 10th January 2006, col. 174)

He said that there were many “other ambiguities and loose ends in the Animal Welfare Bill that would merit further scrutiny, such as the question of whether wing pinioning of birds should be exempt from the provisions relating to mutilation and whether a bird reared for game shooting remained the responsibility of its previous keeper once it had been released into the wild” (ibid, col. 174).

He proceeded to raise concerns in relation to enforcement:

There is the use of the phrase “good practice” in [clause 9 of HL Bill 88] which the RSPCA believes may give rise to lengthy arguments in court. There is the question of whether it should be necessary for authorities to obtain a warrant before entering private premises in the case of an obvious emergency. There is the role of the police, who have questioned whether they should be involved except in cases of serious cruelty. We all know that local authorities are already overstretched. Will they have the funds and expertise to carry out their expanded duties under the Bill?

(HC Hansard, 10th January 2006, col. 174)

Mr Ainsworth said that he was aware that these points were detailed but emphasised that they were important: “It is unfortunate that it appears that many of them will not be resolved by the time that the Bill completes its passage through both Houses of Parliament” (ibid, col. 174).

He concluded his speech by stating:

Having spoken about the reservations that we have about the way in which the Bill has been structured, it is a good and, we believe, well-intentioned measure, even if it is a sad reflection on human behaviour that such measures are needed. We look forward to a constructive and open dialogue with the Government as the Bill and a long list of subsequent measures pass into law, in the hope that sentient creatures that can suffer pain but cannot speak for themselves will live in a kinder world as a result of our efforts.

(HC Hansard, 10th January 2006, col. 175)

Mr Norman Baker, then Liberal Democrat Shadow Secretary of State for Environment, Food and Rural Affairs, welcomed the Animal Welfare Bill and said that the Bill was a once-in-a-century opportunity to significantly improve animal welfare. He congratulated “the Government on introducing a Bill that cohesively brings together the relevant Acts of Parliament and that allows the prospect of further improvements” (ibid, col. 178).

In particular, he welcomed the duty of care to ensure the welfare of an animal (clause 9 of HL Bill 88):

It will go a long way to dealing with the abuses, which all Hon. Members know about from their postbags, televisions and elsewhere. In some cases, authorities, including
the Royal Society for the Prevention of Cruelty to Animals, did not intervene to help animals in distress because an offence had not technically taken place.

(HC Hansard, 10th January 2006, col. 178)

He was, however, concerned that the good intentions in the Bill might not be followed through as, to some extent, the Bill relied upon external activity:

The duty of care provisions … will rely on the RSPCA and others taking court action in particular cases to establish case law. That applies to all legislation to some extent, but to a greater extent in respect of the Bill. That pushes the responsibility for the interpretation of this central part of the Bill away from Parliament and on to the courts. The wording is therefore terribly important. At worst, we could end up passing an Act that we all think is very good, but subsequently find that it is flawed when tested in the courts, or that the secondary legislation that we expected is not introduced. We need to push the Government further to try to get a clearer picture than emerges at present.

(HC Hansard, 10th January 2006, col. 179)

Mr Baker discussed the proposed use of secondary legislation:

It will indeed provide flexibility if we have a Bill that can be amended quickly in the light of circumstances … However, there is a balance to be struck between that flexibility and some degree of certainty that the measures that we expect, and have been argued for outside, will be introduced.

(HC Hansard, 10th January 2006, col. 179)

Mr Baker went on to state that there were several matters missing from the Animal Welfare Bill. He thought that clarity was needed in relation to pet fairs:

Many of us believe that the Pet Animals Act 1951 bans pet fairs, yet they go on all the time. It appears that they will be licensed or registered and allowed to continue, contrary to the 1951 Act. That is legal nonsense and needs to be cleared up.

(HC Hansard, 10th January 2006, col. 180)

Further issues that required clarification were electric shock collars, circuses, and gamebirds. Mr Baker also pointed out that the Bill currently before the House had, in comparison to the draft Bill, been “watered down in a number of respects” (ibid, col. 180). He pointed out that:

In the draft Bill, for example, the equivalent of clause 7 [on fighting (clause 8 of HL Bill 88)] made it an offence to use photographic and recording equipment at a fight, but that provision has now been removed. Presumably, therefore, under the new arrangements people will be able to film these disgusting activities and escape a penalty.

(HC Hansard, 10th January 2006, col. 181)

At the report stage the provision on fighting was redrafted by the Government to address the concerns expressed.
In relation to licensing and registration, Norman Baker was worried that the Government were proposing to allow the registration of certain activities rather than licensing them: “It can be counterproductive to register an activity. In the context of a duty of care and of animal welfare, we should consider licensing in most cases, rather than registration” (ibid, col. 182).

He concluded by saying: “I greatly welcome the Bill, which contains some very good provisions, but we need to make sure that its proposals can be followed through” (ibid, col. 182).

The subject of animals in circuses was taken up by a number of MPs, who, although they enjoyed and valued circuses, felt that wild animals should no longer form part of this kind of entertainment. For example, Eric Martlew, Labour MP for Carlisle, said:

I am a great supporter of circuses, and I realise that they provide the first live entertainment for many children. I do not want them to disappear. I fear that too many children spend too much time in front of the television, and not enough time going out and having real-life experiences. But in the United Kingdom in 2006 there is no place and no need for wild animals in circuses.

(HC Hansard, 10th January 2006, col. 184)

Similarly, Ann Widdecombe, Conservative MP for Maidstone and The Weald, said:

Children of my generation used to love going to the circus, where the animals’ performance gave us much innocent pleasure … I remember seeing elephants balancing on an amazingly small space … Now, of course, I understand, as I suspect we all do, that much of the conduct used to persuade animals to act in that fashion is not benign—and that is a deep understatement.

(HC Hansard, 10th January 2006, col. 187)

James Gray, Conservative MP for North Wiltshire, commented on the use of horses in circuses:

… Most hon. Members and people across the nation would agree that it is probably not right to keep lions and tigers in a circus, because it is an entirely unnatural environment for them. However, we should think carefully about the subject of horses in circuses, as performing horses may well perform naturally and enjoy what they are doing.

(HC Hansard, 10th January 2006, col. 198)

Mr Ben Bradshaw, Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, responded to the debate. He began by returning to the issue of the definition of “animal”:

It was inevitable that there would be a debate about where the line should be drawn. There will always be those who want it to be drawn that little bit further to include cephalopods and crustaceans and those who are happy with the proposals as they stand, accepting the Government’s belief that there is not yet enough scientific evidence to support their inclusion …
According to strong advice that I am currently receiving, however, only one country in the world has included cephalopods in its animal welfare legislation … New Zealand. Norway has included crustaceans, but not cephalopods.

There is still a great deal of scientific uncertainty, and as the Bill will introduce fairly wide powers, sanctions and punishment, as well as a burden of proof, we thought that we should act according to science rather than—in this instance—the precautionary principle.

(HC Hansard, 10th January 2006, cols. 242–3)

Mr Bradshaw then discussed the concerns over the extent of delegated powers under the Animal Welfare Bill:

As I have said, the Bill tries to strike a balance between being flexible and allowing future Governments to change the law in the light of changing scientific evidence, mores and public attitudes, and not giving Governments so much power that they can ride roughshod over public, or even parliamentary, opinion. I remind Members that we have had similar secondary legislative powers in respect of farmed animals for 30 years and they have worked extremely well. They have enabled us to keep up to date with the latest advice, public attitudes and what we learn about how animals feel, without needing to come back to Parliament every time to seek primary legislation.

The general mood of this House was to support the Bill in that respect, while seeking assurances that we intend to come back to the House and deal with such matters through secondary legislation. My right hon. Friend the Secretary of State gave that assurance in her opening remarks, and I repeat that a number of safeguards will be in place to ensure that new orders, regulations and codes will be subject to the appropriate level of scrutiny. We are committed to public consultation on any regulations or codes that we wish to introduce, before final approval by Parliament. The vast majority of them will be subject to the affirmative procedure.

(HC Hansard, 10th January 2006, cols. 244–5)

He turned to the use of wild animals in circuses, and made the point that very few circuses still used wild animals: “To our knowledge, only seven circuses in total use animals at all, while only three use wild ones” (ibid, col. 245). He went on to say that “although the Bill does not set out to ban activities, the welfare offence that it introduces, and the requirement that the welfare needs of animals must be met, will in effect mean that many wild animal acts in circuses will no longer be possible.” (ibid, col. 245).

The developments in relation to circuses during the passage of the Animal Welfare Bill through the House of Commons are considered further in the next part of this note.

In relation to pet fairs he commented that the term could cover a wide range of gatherings:

Some of them involve the sale of animals or birds, whereas others merely involve the exchange of expertise by enthusiasts who come together to share good practice. Therefore, there are some arguments … for the retention of pet fairs in some form. That is one reason why the Government are considering licensing rather than banning them.
We have not seen any convincing evidence that it is impossible to meet the welfare needs of animals at pet fairs.

(HC Hansard, 10th January 2006, col. 246)

On the subject of electric shock collars, Mr Bradshaw said:

I know that there is much public support, including from many animal welfare organisations, for an immediate ban on electric training aids and shock collars, but some argue strongly that electric shock collars can be useful training mechanisms in the last resort. They also argue that the alternative is euthanasia for the animal which, I hope, most hon. Members would not support. We are keen to conduct more research on the issue, because there is an absence of good research on electric shock collars. We are trying to get that research underway as quickly as possible and we have the power to address the issue through regulation-making powers.

(HC Hansard, 10th January 2006, col. 247)

The Parliamentary Under-Secretary concluded by saying:

The Bill provides great protection for animals while ensuring that enforcement authorities are better able to enforce welfare standards. It is ambitious but proportionate, and I commend it to the House.

(HC Hansard, 10th January 2006, col. 248)
3. Circus Animals

The House of Commons Library standard note on performing animals and the Animal Welfare Bill (SN/SC/3342: 6th March 2006) summarises the issues relating to performing animals raised at the various consultation stages prior to the current Bill. The issue of wild animals in circuses has most recently been dealt with in the report of the Born Free Foundation and the RSPCA titled It’s time Parliament changed its act: An examination of the state of UK circuses with wild animals published on 18th January 2006. The report states:

Today, three resident UK circuses with wild animals remain. They spend much of the year on the road, travelling hundreds of miles to perform. However, there are currently no restrictions to prevent the number of circuses, or the number of wild animals performing in circuses, from increasing …

The animal circus, by its very nature, operates in such a way as to facilitate ease of frequent transportation and to ensure day to day animal control. Due to their dependency on regular travel, circuses cannot provide sizeable and complex living conditions … The solution to this archaic exploitation of wild animals is … an end to the use of wild animals in circuses.

(Born Free Foundation and RSPCA, It’s time Parliament changed its act: An examination of the state of UK circuses with wild animals (January 2006), page 1)

The use of wild animals in circuses was discussed in detail at standing committee, where Shona McIsaac, Labour MP for Cleethorpes, proposed a number of new clauses and amendments to the Bill which would not have banned circuses but would have addressed the welfare issues surrounding the transportation and incarceration of wild animals by circuses. She argued that:

There are … other welfare issues associated with keeping animals in travelling circuses, which are often related to the nature of travelling and the type of work that those animals are made to do. I have mentioned the excessive periods that some animals spend travelling or shut in transporters. Temporary facilities often lack environmental enrichment and space for exercise, and animals often travel while sick, injured or pregnant. Furthermore, violence and force are commonplace in the training regime of animals that are made to do complex and unnatural tricks. Also, animals are often grouped inappropriately.

(Standing Committee A, sixth sitting: 24th January 2006 (afternoon), col. 223)

A variety of issues were raised during the course of the debate on Shona McIsaac’s new clauses and amendments, including the types of animals to be banned, visiting circuses, winter quarters and performing animals in general.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Ben Bradshaw, responded to the debate. Many of the issues raised could, he thought, be more effectively dealt with by Regulations rather than in the Animal Welfare Bill itself:
Given, however, the strength of feeling expressed by the Committee … I shall reflect on whether it is possible to bring forward the timing of regulations applying to circuses.

(Standing Committee A, sixth sitting: 24th January 2006 (afternoon), col. 239)

Shona McIsaac withdrew her amendment at the end of the debate.

Subsequent to the discussions in standing committee, Ben Bradshaw made a written ministerial statement to the House of Commons in which he announced the introduction of Regulations to ban the use of certain non-domesticated animals in travelling circuses:

I have previously made it clear that I sympathise with the view that performances by some wild animals in travelling circuses are not compatible with meeting their welfare needs. The Animal Welfare Bill will itself represent a significant step forward: [clause 9 of HL Bill 88] imposes a requirement that someone responsible for an animal, such as a circus proprietor, should meet its reasonable welfare needs.

But having listened carefully to the arguments of hon. Members of this House at Second Reading and during Standing Committee I am not convinced that by itself this element of the Animal Welfare Bill will provide sufficient clarity to circus proprietors and enforcers on what is permitted and what is not. To provide this clarity I intend to use a regulation under [clause 12 of HL Bill 88] of the Animal Welfare Bill to ban the use in travelling circuses of certain non-domesticated species whose welfare needs cannot be satisfactorily met in that environment. In drawing up proposals for secondary legislation we intend to ensure a clear read-across between zoo licensing standards and those standards that we will require from permanent circus premises. Individuals or organisations who train performing animals will be subject to inspection. This will be in addition to existing proposals that we introduce a code of practice for circuses and performing animals to deal with other issues such as training activities, trainer competences and accommodation needs for animals when travelling.

The ban will apply to travelling circuses only—zoo performances, performances in the audio-visual industry and performances in static circuses will not be affected. Discussions will start shortly with industry, welfare organisations and other Government Departments on the content of draft regulations, which will then go to public consultation.

(HC Hansard, 8th March 2006, cols. 60–1WS)
4. Docking of Dogs’ Tails

A useful overview of the subject of tail docking in the context of the Animal Welfare Bill is provided by the House of Commons standard note on the subject (SN/SC/1694: 21st March 2006). The standard note surveys a number of key sources of information on tail docking.

The issue of tail docking in dogs was discussed during the committee stage of the Animal Welfare Bill in the House of Commons, both in the context of proposed amendments to the provision on mutilation (clause 5 of HL Bill 88) and in the context of proposed Regulations submitted to the standing committee by the Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Ben Bradshaw. In relation to the proposed Regulations, Ben Bradshaw explained:

Version 1 has been drafted to achieve the Government’s preferred position and permits all tail-docking of dogs by exempting the procedure from the general prohibition on mutilations. Version 2 would permit the docking of working dogs’ tails only … Such procedures would mean that a vet would have to certify that such a dog was intended to be a working dog …

A third version, which, to save paper, I have not circulated … would have the effect of prohibiting all docking of dogs’ tails by not providing for any exemption.

(Standing Committee A, second sitting: 17th January 2006 (afternoon), col. 62)

Mr Bradshaw gave assurances that the draft Regulations which would be put forward by the Government would reflect the balance of argument of the standing committee. Most of the members of the committee contributed to the discussions, and Mr Bradshaw concluded:

Going by the balance of opinion in the Committee, we would bring forward a statutory instrument … which would implement a full ban on the tail docking of dogs.

(Standing Committee A, second sitting: 17th January 2006 (afternoon), col. 76)

However, at the report stage of the Animal Welfare Bill in the House of Commons, Labour, Conservative and Liberal Democrat MPs were given a free vote on tail docking through a new clause and amendments thereto, both submitted by the Government. Ben Bradshaw commenced the debate by reviewing the opinions expressed in standing committee, and by explaining why the Government had decided to deal with tail docking in this manner rather than through Regulations as proposed at standing committee:

In Committee, the majority of Members who spoke advocated a total ban on the docking of dogs’ tails. Some Members said that they would prefer an exemption for working dogs and no Member who spoke supported the status quo of allowing cosmetic docking. However, all members of the Committee, whatever their views, said that they felt that the issue should be opened up more widely to all Members. That is what we are doing now.

(HC Hansard, 14th March 2006, col. 1332)

He explained the three options placed before the House:
We are offering the House three options—first, a ban on tail docking, but with an exemption for working dogs; secondly, a ban with no exemption for working dogs; and thirdly, the status quo, which allows cosmetic docking. Of course, it will remain possible under all those options for a vet to dock a dog’s tail if that is necessary for medical reasons—for example, because the tail is damaged or has become diseased.

(HC Hansard, 14th March 2006, col. 1332)

Members who wanted a ban on tail docking with an exemption for working dogs were asked to vote for a new clause (new clause 6 of HL Bill 88), and against a set of amendments; Members who wanted a total ban were asked to vote for the new clause and for the amendments; and Members who sought the retention of the status quo were asked to vote against the new clause (ibid, col. 1332). In the event that the third option, i.e. retaining the status quo, had been chosen, the Bill would not have been changed and the Government would have undertaken to introduce a total exemption for tail docking of dogs through the regulatory process (ibid, col. 1333).

At the outset, Mr Bradshaw made it clear that he supported a ban on tail docking with an exemption for working dogs (ibid, col. 1332).

Mr Bradshaw went on to address one of the main concerns expressed by members of the standing committee—that any exemption for working dogs should be workable and enforceable:

The Government agreed, and we have endeavoured to achieve that in the new clause. Under the new clause, only a vet could preventively dock a dog’s tail provided that, first, the dog is no more than five days old, and secondly, the vet has been shown specific evidence that the dog is likely to be used for work in connection with law enforcement, the armed forces, emergency rescue, pest control or the lawful shooting of animals.

… In effect the vet would issue the owner with a certificate showing that the dog had been docked legitimately and detailing the evidence that they had seen. The puppy must be microchipped before it is three months old and the microchip number added to the certificate. The effectiveness of the new clause hangs on the definition of a dog that is “likely” to work. The Government have sought to define that tightly, but we also propose to introduce a delegated power to allow the appropriate national authority to tighten it further as necessary.

(HC Hansard, 14th March 2006, cols. 1332–3)

He then explained how the proposed scheme would operate if the new clause was passed unamended:

Through regulations, we would prescribe a template certificate that a vet must use for each dog that they dock and which would record the details of the vet, the owner, the date of docking and the microchip number. The vet and the owner would sign it—the owner to confirm that they had not provided false information. Providing false information would be an offence carrying a penalty of up to 51 weeks in prison, or a level 4 fine—currently £2,500—or both. The regulations would specify, too, the evidence that the vet must be shown before they could certify that a dog was likely to
work. For law enforcers, for example, that could be a police identification badge and evidence from the head of a police force’s breeding programme that the dog was intended to be worked.

(HC Hansard, 14th March 2006, cols. 1333–4)

Furthermore, the new clause would seek to address cosmetic docking:

The new clause includes provisions to drive down the demand for cosmetically docked dogs, which is extremely important for Members who are considering voting for the exemption, but would like more reassurance that it will bite—excuse the pun. Experience from Sweden and Germany—countries with a complete ban and an exemption for working dogs, respectively—suggests that not restricting the showing of docked dogs results in continuing demand for them and incentives to find ways around a ban, including importing. Therefore, the Government propose restricting the showing of legally docked dogs to demonstrations of their working ability. That is not because of any distaste for showing, but to support the aim that only dogs intended for working are docked. That would ensure that the number of dogs docked would be kept to a minimum.

(HC Hansard, 14th March 2006, cols. 1333–5)

MPs spoke on all options offered. The following speeches reflect the order of options offered to the House: Ban with an exemption for working dogs; total ban; and retention of status quo.

Paddy Tipping, Labour MP for Sherwood, spoke in favour of a ban on cosmetic docking with an exemption for working dogs. Mr Tipping had been a member of the Environment, Food and Rural Affairs Select Committee that considered the draft Animal Welfare Bill, as well as a member of the standing committee. He discussed the report of the select committee:

The report produced by the Select Committee was a good one; it was unanimous, and among its findings was the recommendation that

“tail docking in dogs should be banned for cosmetic reasons.”

It also commented that allowing an exemption for working dogs was difficult in view of the practicalities involved, but concluded that the best way forward was to introduce an exemption, provided that the procedure was carried out by a vet. The vet should take the necessary steps to establish that the dog was to be a working dog, and should maintain records and microchip the dog with details of who had done the docking. The vet should also give the owner a certificate showing why the dog had been docked.

(HC Hansard, 14th March 2006, col. 1349)

Mr Tipping concluded by saying:

I support the Select Committee report and I am delighted by the new clause, which takes all the points that the Select Committee has asked for and puts them down in detail. My hon. Friend the Minister has made the point that the strong aspect of the
new clause is the unique proposal that will stop the showing of dogs that have been docked. That will stop the impetus towards docking dogs for cosmetic reasons.

(HC Hansard, 14th March 2006, col.1350)

Norman Baker, the former Liberal Democrat Shadow Secretary of State for Environment, Food and Rural Affairs, was in favour of a total ban on tail docking:

The issues are whether the mutilation of a dog at birth is justified, and, whether or not it is justified, whether the dog suffers as a consequence of the procedure. It is now for others to make their case … I would simply say that a dog is born with a tail, so presumably that tail has a purpose. If it did not, it would have been eliminated through genetic manipulation over many generations. Tails assist balance and agility, and they are used to communicate with other dogs. It is questionable, to say the least, whether it is advantageous to dogs to have them removed. As to whether puppies feel pain, to be fair, the science is not clear on that; there is no clear evidence in that regard as to the consequences of the mutilation.

(HC Hansard, 14th March 2006, col. 1348)

Mr Baker went on to discuss working dogs:

What are the downsides if tail docking is not performed on working dogs? It is up to those who advocate the mutilation of an animal to make the case that that mutilation is justified. It is not for those of us who believe that mutilation is wrong to make our case. An animal is born as it is born: a dog is born with a tail. Those who wish to remove their tails must justify that decision …

I am happy to accept that some breeds are prone to tail damage if they work in thick cover or confined spaces. I am also happy to accept that, in some circumstances, tail damage in later life can lead to a dog suffering more severe pain, and that a general anaesthetic would be necessary to remove the tail at that time. One could also argue that working dogs were more susceptible to such injury than pet dogs. However, the scale of the incidence of such injury has not been teased out, even by those in favour of tail docking.

(HC Hansard, 14th March 2006, col. 1348)

Shona McIsaac, Labour MP for Cleethorpes, who had been a member of the standing committee, also spoke in favour of a complete prohibition on tail docking with no exemption for working dogs. She began her speech by reviewing the history of tail docking:

… It is important to understand the history of tail docking and the reason why it became a common practice for certain breeds in this country … A tax was levied on the owners of working dogs. Farmers, drovers and other owners of working dogs began to dock, or shorten, their dogs’ tails so that they could avoid the tax. The tax was repealed in 1796, but people who were worried that it might be reintroduced continued the practice of tail docking. Prior to the tax, working dogs were not docked. The practice dated only from when the tax was brought in.

(HC Hansard, 14th March 2006, cols. 1341–2)
She went on to outline the procedure involved in tail docking:

The process of docking involves cutting through—often by tying—bones, cartilage, muscle and nerves. It is done without anaesthetic on puppies under a week old and no analgesic relief is given after the procedure has been carried out. There is no justification for allowing the practice to continue.

(HC Hansard, 14th March 2006, col.1342)

Shona McIsaac concluded her speech:

Unless someone can stand up today and explain how they can tell with absolute certainty whether a two-day-old puppy is going to become a working dog, there can be no excuse for carrying out this mutilation “just in case”. The profession is against it, as are the majority of animal welfare organisations, and I urge all hon. Members to support the option for a total ban. We must not leave loopholes that can be exploited.

(HC Hansard, 14th March 2006, col. 1347)

Shona McIsaac’s reference to ‘the profession’ related to the recent statement by the Royal College of Veterinary Surgeons on tail docking which she had quoted from earlier in her speech. In their letter of 8th March 2006, the RCVS informed MPs that their position on the docking of dogs’ tails had changed. Previously, the Royal College had been opposed to the docking of dogs’ tails unless it could be shown to be required for therapeutic or prophylactic reasons (RCVS, Veterinary Surgeons: Guide to Professional Conduct). However, in their letter of 8th March 2006, the Royal College explained that the RCVS Council had reconsidered the issue following the debate in standing committee, and now proposed that the docking of dogs’ tails should be banned except where the operation is carried out for therapeutic purposes:

Sometimes it is necessary to amputate a tail in whole or part because it is injured, and there may be other circumstances when amputation is clinically necessary. In our view, however, the operation should not be carried out for cosmetic purposes or simply to avoid the possibility of future injury.

The law was changed with effect from 1 July 1993 to restrict the docking of dogs’ tails to veterinary surgeons. Since that time RCVS has advised its members that the operation should only be carried out for “therapeutic or truly prophylactic purposes”. The College’s guidance does not countenance docking “just because the dog is of a particular breed, type or conformation”. It has, however, proved very difficult to enforce this advice, and it is clear that some breeds have continued to be docked as a matter of routine.

Those who favour the docking of certain working dogs argue that if it is not done they are liable to damage their tails. The evidence is unclear, because the dogs in question are normally docked and it is hard to say whether they would otherwise be particularly likely to suffer injuries. In the absence of clear evidence it seems to us that it is right not to dock even working dogs. If Parliament agrees and the law is changed to prohibit all docking, except for therapeutic purposes, we recommend that the effects should be reviewed after five years. If those who advocate docking for working dogs are right a total ban should mean that veterinary surgeons find they
have to treat more tail injuries in the relevant types of dog. It will therefore be important to monitor this so that the effects of the change in the law can be assessed.

(RCVS, Letter to MPs—Docking of Dogs Tails, 8th March 2006)

The RCVS were particularly concerned by the requirement that a veterinary surgeon certify that a dog is likely to be used for work under clause 6(4) of HL Bill 88:

This provides for a veterinary surgeon to certify that a puppy is likely to be used as a working dog. In the College’s view it would not be appropriate for a veterinary surgeon to offer such an opinion. Veterinary surgeons are trained to diagnose and treat disease in animals, and their expertise does not extend to assessing the intentions of the current or a future owner of a newborn puppy. It is in any case not possible at that stage to judge whether a particular puppy in a litter will prove suitable for training as a working dog.

(RCVS, Letter to MPs—Docking of Dogs Tails, 8th March 2006)

On the final option, maintaining the status quo, Bill Wiggin, Shadow Minister for Environment, Food and Rural Affairs, said:

At all stages, we must bear in mind that any sort of docking is illegal unless it is carried out by a qualified vet. The next step is to decide whether the procedure is necessary and whether it hurts. The evidence is overabundant, because everyone has an opinion. I am sure that it probably can hurt, but usually does not and that it is sometimes necessary, but it is not a feature that I personally find attractive in a dog. I am left to make a decision based on the overwhelming area of agreement, which is that the vet who performs the operation must do it properly and legally. If that is the case, I can see no reason why people who are so committed to animal welfare that they take six years to qualify, and end up with enormous student debts, should not be more than able to decide whether they feel comfortable with the operation, and why that should not be enough. That is satisfactory. There is no need for a ban.

(HC Hansard, 14th March 2006, col. 1340)

He went on to elaborate why he was not in favour of the new clause:

There is a temptation to vote in favour of … [the new clause] because it contains an exemption for working dogs. The exemption is prudent and sensible, but I will be forced to vote against the measure because I prefer the status quo. I have changed my position slightly since the Committee stage. I have been persuaded by the volume of bureaucracy, paperwork and certificates—and sheer difficulty—that the measure would introduce.

Owners should decide which dogs need to be docked. There is a compelling argument for pre-prophylactic docking based on evidence that damage will be done later in life ... As the Minister said, show standards are the area on which progress could be made. For example, a non-docked dog should be at no disadvantage compared with a docked dog unless the tail has a fault. There is an incentive for show dogs to be docked if there is a fault with the tail, so the anti-docking campaign should focus its attention on that.

(HC Hansard, 14th March 2006, col. 1341)
Mr Wiggin concluded by saying that he would reluctantly not support the new clause:

… on the basis that I do not like banning things, paperwork or bureaucracy. I do not like cosmetic docking either, but we should make the matter a free choice for all dog owners, rather than using the bill to determine what should happen.

(HC Hansard, 14th March 2006, col. 1341)

The House divided on the new clause, and 476 MPs voted in favour and 63 MPs voted against a ban on tail docking with an exemption for working dogs. In a second division on the Government’s amendments to the new clause, 267 MPs voted in favour and 278 MPs against a total ban on tail docking.
5. Third Reading

The third reading was used as an opportunity to thank Members of the House for their constructive contribution to the debate on the Bill. The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Ben Bradshaw, said:

I start by acknowledging a satisfying, but not altogether common, feature of our deliberations this afternoon, this evening and over the past few weeks, which is that the Bill has benefited from substantial cross-party support. The Opposition parties did not divide the House on Second Reading, and they have played a constructive hand during the detailed consideration of the Bill. We have had a good and rational debate, and Members on both sides have made important contributions. That good atmosphere enabled the Government to listen and, I hope Members will agree, improve the Bill in several important respects.

(HC Hansard, 14th March 2006, col. 1422)

He went on to pay tribute to individual Members as well as to his team at the Department for Environment, Food and Rural Affairs.

Bill Wiggin, Shadow Minister for Environment, Food and Rural Affairs noted:

The Conservative party has always supported what we see as the Bill’s primary intentions: updating and consolidating a century of fragmented and outdated legislation, and introducing the positive duty of care. We recognise the importance of the legislation and have taken every opportunity to work consensually and constructively with Members on both sides of the House. Moreover, the scientific evidence to which I attach so much importance is such that legislation founded on it will always transcend political divides.

With that in mind, I pay tribute to the role played by the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), in making the legislation possible.

(HC Hansard, 14th March 2006, cols. 1422–3)

Norman Baker, the former Liberal Democrat Shadow Secretary of State for Environment, Food and Rural Affairs, said: “It is a good Bill. It is not perfect, of course. There are issues with which we disagree—it would be extraordinary if we did not—and I hope that some of the issues … will be dealt with under secondary legislation … We have taken on trust the Minister’s assurance that measures will be introduced on a range of issues that people feel very strongly about” (ibid, col. 1425). He concluded by saying:

This is the first Animal Welfare Bill for 95 years. Of course, the Protection of Animals Act 1911 was introduced by a Liberal Government. Obviously, animals have had to wait for another Liberal Government, which has not happened since those days, unfortunately—so we have had to rely instead on a Labour Government to introduce another Bill to update that very important 1911 Act. I am pleased that the Government have done so. Animals will be better protected as a consequence of the Bill.
I am also pleased that it has been possible to do so in a spirit of consensus and co-operation across all parties—something of which we can be proud.

(HC Hansard, 14th March 2006, col. 1425)
Bibliography


