

## NEW ACT TO PREVENT ANIMAL SUFFERING

### **Jacqui Fulton, Equine Lawyer at Blythe Liggins Solicitors in Leamington Spa, talks about the new Act.**

The Animal Welfare Act received Royal Assent on 8 November, ensuring that horse owners (and the owners of other animals) will have a legal responsibility to care for their animals properly.

The Act makes the owners and keepers of horses legally responsible for their horses welfare and may well therefore be the single most important piece of legislation to protect animals for almost a century (The Act updates the Protection of Animals Act 1911).

This means that owners and keepers of horses will have a legal duty to properly care for their animals, and welfare organisations will be able to respond positively to reported incidents of neglect.

At present, welfare organisations such as the RSPCA and Redwings cannot intervene when an owner is causing a horse to suffer, until significant weight loss, distress, injuries or untrimmed feet have been proven. And once the horse has got to the point where it has suffered significant weight loss and distress, there is quite often very little that the welfare organisation can do for the animal, and in many cases the horse has to be destroyed on humane grounds.

The current law only allows action to be taken at quite a late stage, meaning that welfare organisations are often unable to act to prevent suffering. But from 6 April 2007 when the new Act comes into force, welfare groups will be able to step in before suffering occurs.

Under the new Animal Welfare Act anyone who is responsible for a horse or other pet will have a legal responsibility to meet its basic welfare needs, offering a proper diet, including fresh water and somewhere suitable to live. Any need to be housed with or apart from, other animals must be met, and the animal should be permitted to express normal behaviour and it must be protected from and treated for illness and injury.

The purpose of welfare organisations is to prevent animals from suffering at the hands of cruel or ignorant people. The RSPCA have always made it clear that they want to prevent animal suffering and this is why the 'P' in the RSPCA stands for prevention. Prosecution is a last resort. The new law should allow welfare organisations such as the RSPCA to achieve prevention of suffering, which the current law does not allow them to do.

In addition, penalties will be awarded to owners found to be neglecting the basic needs of their horses. At the moment, very few owners are prosecuted because it is difficult to compile enough evidence to prove their animals are suffering. But under the new Act it is possible that there will be more prosecutions and welfare organisations will be able to step in earlier, when they anticipate suffering will occur.

Specifically the Act will:-

- reduce animal suffering by enabling preventive action to be taken before suffering occurs
- place on people who are responsible for domestic and companion animals a duty requiring them to do all that is reasonable to ensure the welfare of their animals
- extend the existing power to make secondary legislation to promote the welfare of farmed animals to non-farmed animals, bringing legislation for non-farmed animals in line with that for farmed animals
- deter persistent offenders by strengthening penalties. 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
- simplify the legislation for enforcers and animal keepers by consolidating over 20 pieces of legislation into one
- extend to companion animals welfare codes agreed by Parliament, a mechanism currently used to provide guidance on welfare standards for farmed animals
- strengthen and amend current offences related to animal fighting
- increase the effectiveness of law enforcement for animal welfare offences
- increase from 12 to 16 the minimum age at which a child may buy an animal, and prohibit the giving of pets as prizes to unaccompanied children under the age of 16
- ban mutilations of animals, with certain specified exemptions

Whilst the Act aims to prevent animals from unnecessary suffering, the true effect the Act will be unknown until the new law is tested after it comes into force on 6 April 2007. Whilst the primary elements of the Act have been finalised, there are a number of issues which are the subject of secondary legislation and codes of practice, which will continue to be considered into 2007, and beyond. This includes greyhound racing, animals in circuses, and the sale of animals at pet shops and at pet fairs.

**Jacqui Fulton is a Solicitor Advocate at Blythe Liggins Solicitors in Leamington Spa.**

**For further advice on the Animal Welfare Act or for advice on any other equine related legal matter contact Jacqui Fulton at Blythe Liggins on 01926 831 231 or e-mail [jf@blytheliggins.co.uk](mailto:jf@blytheliggins.co.uk)**