

Companion animals

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Introduction

This pamphlet looks at the various laws on animal welfare across Europe. The report focuses on domestic animals which are cats and dogs, and also looks at primates. The countries included in this research are Sweden, Norway, Finland, Denmark, Germany, France, Spain, and the UK.

Due to advancements in science, the status of animals has evolved from being seen as 'things' to being seen as sentient living beings. Animal welfare is a result of several combining factors (physiological, environmental, health, social and psychological). Animal welfare is ensured by five freedoms:

1. Freedom from hunger and thirst.
2. Freedom from discomfort (appropriate environment including shelter and a comfortable resting area).
3. Freedom from pain, injury or disease.
4. Freedom to express normal behaviour (sufficient space, proper facilities and company of the animal's own kind).
5. Freedom from fear and distress (conditions and treatment which avoid mental suffering).

Dogs

1. Wales:

The UK Animal Welfare Act 2006 (England & Wales) provides in-depth details for ensuring the welfare of dogs in the UK, adhering strictly to the 5 freedoms of animal welfare. Dogs must have a safe and clean environment and protection from hazards, such as household chemicals and poisonous plants. Dogs must have regular access to food and clean drinking water throughout the day. The Welsh Government's Code of Practice for the welfare of dogs states that owners must ensure that their dogs do not get too hot during the summer months, raising concerns of household areas such as conservatories. A breach of a provision of the code is not an offence itself but if proceedings are brought against a person, the Court looks at whether there has been compliance with the code.

Dogs must be microchipped and their data recorded in a database. Generally, a license is required by dog breeders. In Wales, breeders who keep three or more bitches, and breed three or more litters need to apply for a license. Licensed dog breeders are required to show puppies interacting with their mothers in their place of birth. New regulations in England, known as 'Lucy's Law', ban third-party sales and there is a commitment by the Welsh Government to introduce a similar law in Wales prior to March 2021. Therefore, puppies may only be purchased directly from breeders or rescue shelters. There are no regulations concerning internet sales of dogs and many are still being imported from other countries.

'Lucy's law' is a campaign, which has widespread support, seeking to ban the sale of puppies by third-party commercial dealers. The campaign has been named Lucy's law after a rescue Cavalier King Charles spaniel called Lucy, who was heavily bred under poor conditions. When Lucy was rescued from a Welsh puppy farm, she was suffering. The Cavalier King Charles Spaniel's hips had fused together, she had a curved spine, bald patches, and epilepsy after years of mistreatment. She had been kept in a cage much of her life and was no longer able to have puppies. Dogs like Lucy are often kept by breeders

to produce litters of puppies, which are then taken from their mothers at four or five weeks old.

The campaign for Lucy's law has been driven by the group Care and Respect Includes All Dogs known as CARIAD with has the support of people across Wales. The ban would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies would be unable to sell these pets, unless they themselves had bred them, improving accountability and allowing potential purchasers to see the dog in its "home" environment. Many people were horrified after watching a BBC documentary which highlighted poor welfare standards in some breeding establishments and many of us were convinced that the 2014 regulations were not working as we hoped they would.

Over 12 months, BBC Wales Investigates found "filthy" conditions at breeding sites licensed and approved by councils. As part of the licensing process breeders pay vets to check dogs to decide if they are "fit to breed". But an expert panel told BBC Wales some vets' standards had "slipped" and they were "part of" a "broken system". There were vets who did not appear to question the environment dogs were being kept in, despite long lists of animals with serious health problems. It also claimed some animals at licensed sites were found with mange and intensely itchy skin conditions, and others were found with cysts, matted fur and eye problems, but the breeders were still re-licensed by the council, and vets failed to raise any concern about the sites in their official reports.

The campaign for Lucy's law is based on concerns for the welfare of cats and dogs. A ban would prevent the removal of puppies for sale from their mother and the rest of the litter at a young age. The Wales Animal Health and Welfare Framework Group review found a link between third-party sellers and poor welfare at the breeding establishment. The campaign argues that third-party sales create additional risks for consumers and public health and safety, due to the potential purchase of unwell and unsocialised puppies.

The Dogs Trust argues that, due to the complexity of the issue, an end to third party sales can best be achieved by introducing a ban as part of a comprehensive package of coordinated measures. It calls for the Welsh Government to close loopholes, and asks for:

Regulation of all rehoming centres and sanctuaries, claiming that underhand breeders could easily set up as one of these; anyone breeding or selling puppies to be on the radar of their local authority to prevent bad practice amongst breeders; and tougher controls on pet travel to prevent puppy smuggling from overseas

The Welsh Government published a consultation, Third-Party Sales of Puppies and Kittens, in February 2019. The majority of respondents to the consultation felt that a ban would have a positive effect. However, some called for a more robust licensing system to make breeders and sellers “more visible and traceable”. Some organisations and individuals felt that a third-party ban would need to be part of a package of measures to avoid any unintended consequences of the ban.

On 18 July 2019, Lesley Griffiths the responsible Minister committed to introducing a ban on the third-party sale of puppies and kittens. On 4 March 2020 she said the Welsh Government would be “legislating on this before the end of this Senedd session in March 2021.”

During the coronavirus pandemic, the issue has not been deprioritised. In a letter to the Climate change, environment and rural affairs Committee in June the Minister said officials are drafting regulations. She highlighted that the proposed changes to commercial third-party sales of puppies and kittens go beyond the ‘Lucy’s Law’ campaign and the legislation introduced in England.

The Welsh Government published its ‘final’ eight-week public consultation A Ban on Third Party Sales of Puppies and Kittens on 22 June this year and we would urge anyone with a view to respond to it. The consultation states the proposed ban would:

- Ensure consistency with Welsh Government advice that purchasers should seek to see the puppies or kittens with their dam/queen/ mother;
- Incentivise welfare improvements in high volume commercial dog breeding establishments by ensuring transparency, accountability and appropriate remuneration for breeders;
- assist purchasers in making well informed choices based on seeing a puppy or kitten with its mother and encourage responsible buying decisions;
- Reduce the sale of puppies which have not been bred to the recognised standards of welfare in Wales.

How we treat our pets says a lot about us, many claim we are an animal loving country, we need the law changed to prove we are.

2. EU

EU law prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. There is a duty of care onto animal owners who are responsible for their health and welfare. Surgical procedures for appearance purposes are prohibited.

3. Germany

The Animal Protection regulation requires that where more than one dog is kept, dogs must be kept together as a group. The dogs must also be kept in housing providing shelter, natural light and adequate space. Dogs may only be kept on a tether if the connection can slide freely and it is at least six metres long and ensures that the dog can go to its refuge, lie down and turn freely. Tethering is prohibited for dogs up to the age of 12 months.

There is no national requirement for dogs to be identified and registered, however, it is compulsory in some regions. Dog breeders must be authorised, and premises must be inspected before an authorisation is granted. The requirements include provisions on the environment where dogs are kept, the education of breeders and on selective

breeding. Traders need to be authorised and dogs can then be sold in pet shops, markets and on the internet.

4. Denmark

Rooms and areas where dogs are kept must be designed in such a way that the animal's needs are met and that they have freedom of movement for eating, drinking, and resting. If a dog savages a person or another dog, the police are obligated to euthanise. Tail docking is forbidden for dogs, except for five specific breeds of dogs. A vet is required to tail dock and it is prohibited for dogs older than four days.

Dogs must be identified and registered in a national database linked to an EU database. Dog breeders must be authorised and regularly inspected. Denmark issues a detailed list of requirements for dog breeders including provisions on socialisation and a requirement for dog breeders to be knowledgeable of dog welfare. For example, dogs must have at least 15 minutes every day of contact with humans. There is a prohibition on owning and breeding 13 specified dog breeds and mixed breeds. Commercial dog traders must be authorised, and there is no prohibition on any place where dogs may be sold. There is a requirement for the education and training of staff taking care of dogs in pet shops.

5. Spain

Spanish Royal Decrees do not apply to companion animals. The only major law on companion animals dictates that animal transport must not cause unnecessary suffering. In addition to this, companion animals may not be used in fights. The animal must be kept in a good sanitary condition and have access to suitable accommodation. Furthermore, they must have a diet which promotes their healthy development.

Dogs must be identified and registered in a regional database, with all regional databases linked to an EU database. Dog breeders must be authorised and inspected

before they can register in an official register. Dog traders must be authorised and registered. Dogs can be sold in pet shops and at markets. Only Catalonia prohibits sales on the street. Internet trade is not regulated.

6. Sweden

Sweden has strict animal welfare policies and detailed guidelines for people to follow. Animal welfare rules state that dogs need a well-balanced diet and free access to drinking water. If an owner has multiple dogs it must ensure that each dog has equal access to food, without disturbing any of the others. If the dog is kept outdoors at temperature below zero, owners must ensure the dog can drink enough water during the day and is kept warm. Additionally, the dog must then be watered at least twice a day. Swedish law requires dogs to exercise every day outdoors. However, they should be rested for at least six hours before further exercise, and longer for puppies and older dogs. Dogs which reside permanently in kennels must be rested in another place so that they can come outside every day.

Dogs must be identified and registered in the Central dog register, which is not linked to an EU database. Dog breeders need a permit and are inspected before, or shortly after they start operating. There are strict, detailed requirements for dog breeders including the environment which the animal is kept, environmental enrichment and selective breeding. For example, dogs may not be tethered indoors, and a maximum of 2 hours outdoors. Dogs cannot be sold at pet shops, markets, or on the street. Commercial traders must be properly trained to get a license.

Cats

1. Wales

The Animal Welfare Act 2006 provides in-depth details for ensuring the welfare of cats in the UK, adhering strictly to the 5 freedoms of animal welfare. Cats must be kept in a safe and clean environment and have protection from hazards such as chemicals and poisonous plants. The Welsh Government's Code of Practice for the welfare of cats states that cats must have unrestricted regular access to food and water throughout the day. Cats must not be exposed to high open windows in case of falling. A breach of a provision of the code is not an offence itself but if proceedings are brought against a person, the Court looks at whether there has been compliance with the code.

Microchipping and registration of cats are not compulsory in the UK. There are no specific requirements for cat breeders. Pets cannot be sold at markets or in the street. New regulations in England known as 'Lucy's Law', ban third-party sales and there is a commitment by the Welsh Government to introduce a similar law in Wales prior to March 2021. Therefore, kittens may only be purchased directly from breeders or rescue shelters. There are no regulations concerning internet sales of cats and their import from abroad.

2. EU

EU law prohibits anyone from causing unnecessary pain, suffering or distress, or to abandon a companion animal. There is a duty of care onto animal owners who are responsible for their health and welfare. Surgical procedures for appearance purposes are prohibited.

3. Sweden

Animal welfare rules state that cats need a well-balanced diet and free access to drinking water. The need for a well-balanced diet stems from cats feeling unwell if they weigh too much or are too thin. If an owner has multiple cats it must ensure that each cat has equal access to food, without disturbing any of the others. If the

cat is kept outdoors at minus degrees, owners must offer enough drinking water to the cat, and at least twice a day. Swedish law also requires owners to provide a stimulating environment, ensuring it has its own lying area, the opportunity to climb, claw its claws and places to hide. Cats must never be tied up unless on a leash when it goes outside with the owner. Spaces for cats are explicitly detailed, the law states that resting areas for cats must be at least 2 square meters per cat, and the ceiling height must be at least 1.9 meters. Additionally, there must be either sunlight and/or lighting which is not irritating for cats.

There is no requirement to identify and register cats. Cat breeders need a permit and are inspected before, or shortly after they start operating. There are strict, detailed requirements for cat breeders including the environment which the animal is kept, environmental enrichment and selective breeding. For example, kittens may not be separated from their mother before they reach 12 weeks of age. Cats cannot be sold at pet shops, markets, or on the street. Commercial traders must be properly trained to get a license.

4. Spain

Spanish Royal Decrees do not apply to companion animals. The only major law on companion animals dictates that animal transport must not cause unnecessary suffering. In addition to this, companion animals may not be used in fights. The animal must be kept in a good sanitary condition and have access to suitable accommodation. Furthermore, they must have a diet which promotes their healthy development.

Some regions require the identification and registration of cats, however, there is no national database. Cat breeders must be authorised, registered and inspected before they can register on an official register. Cats can be sold in pet shops and at markets. Only Catalonia prohibits sales on the street. Internet trade is not regulated.

Primates

I am opposed to individuals keeping primates such as monkeys and supports the recommendation for a new document which could set clear and specific benchmarks about the keeping of primates. Estimates suggest 120 primates are currently kept as pets in Wales. However, no governmental guidance for their keeping exists and the number is only an estimate.

Last year, the Welsh Government asked the animal charities to identify if there is a need to introduce any new codes. The absence of monkey-focussed guidance has been a priority area for this workstream. The recommendations are rapidly approaching completion and are expected to be submitted to the Welsh Government this month.

We need the Welsh Government implement a legally enforceable code, if we cannot ban their private ownership then we need a statutory code with tough penalties to protect monkeys kept as pets.

Conclusion

It is important that we provide good conditions for companion animals, as the status of animals has evolved from being seen as 'things' to being seen as sentient living beings.

Animal welfare must be ensured by the five freedoms:

1. Freedom from hunger and thirst.
2. Freedom from discomfort (appropriate environment including shelter and a comfortable resting area).
3. Freedom from pain, injury or disease.
4. Freedom to express normal behaviour (sufficient space, proper facilities and company of the animal's own kind).
5. Freedom from fear and distress (conditions and treatment which avoid mental suffering).

Very few people set out to mistreat dogs and cats, but I believe a short course in looking after them should be given to everyone purchasing a cat and a dog. I would also like an outright ban on keeping primates outside registered zoos.