

CHAPTER FOURTEEN OVERVIEW OF BRITISH ANIMAL WELFARE
LEGISLATION

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THE MEANING OF WELFARE

Ethical problems about the effect which man has on animals are of three major kinds: those relating to conservation of species and habitats, those concerning whether or not animals should be killed, and those relating to the welfare of animals. Some laws bear on more than one of these, but only those which have an effect on animal welfare will be considered here. Animals, including man, have a variety of methods which they use to cope with difficult aspects of their environment. In some circumstances they fail to cope, and die, or do not grow, or cannot reproduce. In other conditions they do cope, but only with much difficulty. The welfare of an animal is its state with regard to its attempts to cope with its environment (Broom 1986). Welfare can vary from very poor to very good, and it can be measured scientifically using a variety of different indicators (Broom 1988, Fraser and Broom in press). It may be poor for a short period, for example because of acute pain, or it may be poor for a long period because the individual has to contend with prolonged illness or difficult conditions of housing. Moral decisions may be taken by anyone about how poor welfare must be before the situation is considered intolerable, and many laws have the effect of minimising the likelihood that poor welfare will be caused by one or another of a variety of human actions.

WHAT EFFECTS DO LAWS HAVE ON ANIMAL WELFARE?

The commonest aim of laws which relate to animal welfare is the prevention of physically cruel actions which

cause pain to animals. Pain detection systems are present in all vertebrate animals which have been studied, and in many invertebrate animals. The nervous pathways and chemical transmitters included in such systems in man are very similar indeed to those in other mammals and in birds. The systems in reptiles, amphibians and fish also have very many parallels with those in man. Behavioural responses to pain vary greatly from one species to another, but it is reasonable to suppose that the pain felt by all of these animals is similar to that felt by man. As reviewed in other chapters of this book, there are at least thirteen items of legislation which provide for the penalisation of human actions which cause pain directly to animals. One category of such laws proscribes certain methods of killing animals which would cause pain. For example, the Wild Birds Protection Act 1904, which penalises the use of pole-traps for catching birds because such traps often catch birds in such a way that they are squashed, or their bones are broken. Similarly, the Pests Act 1954 penalises the use of painful leg-hold traps for mammals, or whatever else was caught, and the Animals (Cruel Poisons) Act 1962 specifies that poisons such as phosphorus or strychnine, which result in a painful death, should not be used. The Wildlife and Countryside Act 1981 is a recent Act which deals with such problems. Other Acts have proscribed bull fighting (Protection of Animals Act 1934), and badger baiting (Badgers Act 1973). The use of anaesthetics during operations on pets, farm animals and experimental animals is referred to in various Anaesthetics Acts and in the Animals (Scientific Procedures) Act 1986. Stunning before slaughter is required by several Acts which concern farm animals. The most important Act of this kind is the Protection of Animals Act 1911, which refers directly to beating or otherwise ill-treating animals, causing fights, wilfully poisoning, or operating without due care.

As illustrated in earlier chapters, at least sixteen Acts have the effect of reducing the chances of cruel actions, which result in pain or other suffering to

animals, occurring. These include the Veterinary Surgeons Acts of 1881 and 1948, which should prevent incompetent people from attempting to carry out veterinary work. Other examples are the Abandonment of Animals Act 1960, the Slaughterhouses Act 1974, which includes a requirement that equipment be checked regularly, and the Cinematographic Films (Animals) Act 1937, which makes it an offence to exhibit films whose making involved the infliction of pain or terror on animals.

A third type of Act which has the effect of reducing pain, also discussed in more detail elsewhere in this book, is that which makes the killing of certain animals illegal. Acts ranging from the Act for the Protection of Seabirds 1869 to the Wildlife and Countryside Act 1911 state that it is an offence to kill certain animals, and hence they reduce the numbers of attempts to kill animals. If an animal is shot so that it dies instantaneously, this causes no problems of welfare as such, but many animals which are shot take many hours or days to die. Others survive but carry shot in their bodies for the rest of their lives, and the pain involved in such wounding clearly means that the welfare is poor. Laws which deter people from shooting at animals do have a beneficial effect on welfare.

In addition to the many laws which relate to the occurrence of pain in animals, there are laws which reduce the likelihood that the welfare of animals will be poor for longer periods. All laws which reduce disease levels and make provision for inspection of animals or premises by veterinary or other inspectors can improve animal welfare. The Animal Health Act 1981, for example, has the effect of keeping some diseases out of the United Kingdom and controlling or eradicating serious diseases such as bovine tuberculosis and brucellosis. The veterinary visits to farms which are a consequence of this Act can have beneficial effects in addition to those resulting from the reduction of the serious disease because the veterinary officers concerned can offer other advice, and their presence may

deter farmers from neglecting animals. Disease reduction and inspections are also benefits consequent upon laws applying to animals in pet shops, pet boarding establishments, zoos, riding establishments, experimental laboratories, farms, vehicles, and markets.

The conditions in which animals should be kept, and obligations to treat sick animals, are specified by at least ten laws. For example, the Markets (Protection of Animals) Order 1964 refers to the protection of animals from inclement weather, the provision of adequate food and water, and allows for the possibility that a Veterinary Inspector may treat, remove or detain sick animals. There are similar provisions in Acts relating to farm animals in the Agriculture (Miscellaneous Provisions) Act 1968, and in other Acts referring to animals in boarding kennels, riding establishments and zoos. The Health and Safety at Work Act 1974 is primarily concerned with conditions for people, but since people work in animal accommodation buildings, it also leads to benefits for animals.

Other Acts prevent various forms of non-physical cruelty. The caging of wild birds is prohibited, for example by the Wildlife and Countryside Act 1981, which also prevents the disturbance of some wild birds, and certain forms of caging on farms are prevented by the Agriculture (Miscellaneous Provisions) Act 1968. The Protection of Birds Act 1954 specifies that no bird can be put in a receptacle which does not allow it to stretch its wings, but excludes from this provision receptacles used during veterinary treatment, and those for domestic fowl. The Agriculture (Miscellaneous Provisions) Act 1968 proscribes actions which cause unnecessary distress to animals. The Codes of Recommendations following from this Act refer to animals having the opportunity for freedom of movement, the company of other animals, and the opportunity to exercise most normal patterns of behaviour, but these Codes are not mandatory. A very specific requirement to avoid supposed mental cruelty is that contained in the Slaughter of Animals

(Prevention of Cruelty) Regulations, to avoid slaughtering an animal in sight of another animal.

WHAT WELFARE PROBLEMS EXIST DESPITE THE LAWS?

Wherever animals are used by man, the relevant legislation starts by taking account of HUMAN requirements, rather than by considering the situation from the animal's perspective. This leads to various anomalies, in that poorer welfare is tolerated in some circumstances than in others. The treatment which is legal for rabbits is quite different according to whether the rabbit is a pet, a laboratory animal, a farmed animal, or a wild hunted animal. For laboratory rabbits, any cruel treatment must now be justified by an estimation of the value of the results. Wild rabbits, however, can be shot, injured, and hence caused to suffer, in order merely to entertain and satisfy the hunter. Enforcement of laws also varies greatly, so that almost all rabbits in laboratories and farms, although not perhaps well-housed, are fed and cared for efficiently, while some pet rabbits are housed in worse conditions and are seriously neglected. The number of animals kept has a bearing on the likelihood of enforcement. Thus a farmer who allowed a cow to become weakened by disease or lack of food, and then to die from being trampled into accumulated dung by other animals, might well be prosecuted, but such events are commonplace in broiler chicken units. The chicken must suffer as much as the cow, and the fact that it is one individual amongst many thousands does not alter this fact.

Poor welfare can result from deliberate cruelty, neglect, inadequate systems of housing and management, etc. Some forms of deliberate cruelty which cause pain to animals continue unpunished because the perpetrators are not found out, rather than because no relevant law exists to deal with them. Organised dog-fights and the use of illegal poisons are examples of this. Legal actions which often lead to animals suffering pain include inefficient attempts to kill animals whilst hunting, certain operations on farm animals and pets, ritual slaughter, and some procedures during the **testing of products** and **experiments** involving animals. Some

operations on farm animals and pets can only be carried out under anaesthesia. but cause a certain amount of pain afterwards. Others, such as the castration of young animals using a rubber ring, were widely used and were not thought to cause much pain at the time when present laws allowed them, but now it seems that they do in fact cause pain. Recent studies of the effects of castration operations on young piglets show that some pain persists for several days (Wemelsfelder and van Putten 1985).

Ritual slaughter involves cutting the throats of farm animals without prior stunning. This is supposed to facilitate bleeding from the carcass and was the most humane method for killing animals before modern techniques became available. Recent work shows, however, that evoked responses which are characteristic of animals which are fully aware of stimuli impinging on them, continue for 20 - 120 seconds after the throat is cut (Daly, Kallweit and Ellendorf, in press). No such responses are shown by stunned animals. Hence, the ritually-slaughtered animals are in pain for up to two minutes after the throat is cut. The idea that stunning interferes with bleeding out from the carcass is wrong, so there are only traditional reasons for continuing the practice. When set against the suffering, these reasons seem to most people to be insufficient to justify religious slaughter without prior or simultaneous stunning. The practice is still legal in the United Kingdom but it is illegal and accepted as such by Muslim and Jewish groups in Ireland, Norway, Sweden, Switzerland and 6 of the 8 Länder in Austria.

Accidental ill-treatment of animals can result from lack of knowledge. Children can injure small animals by squeezing them, and pet owners can over-feed their pets. All those who are responsible for animals can cause suffering to them accidentally, or due to neglect arising from insufficient knowledge. Animals may be insufficiently or incorrectly fed, not kept clean or not protected from disease, physical hazards or attacks by other animals. Neglect can be very serious and may result in prosecution by

the Ministry of Agriculture State Veterinary Service in the case of Farm Animals, or by the RSPCA or the police. However, the neglect has to be unreasonable and very serious before a prosecution is likely to be brought. Some people do not care for animals adequately because they are not able to do so, or because they are too careless or miserly to do so. Some laws make provision for disqualification from keeping animals, but this measure is used only as a last resort. It is possible for a person who knows nothing about methods of keeping animals to obtain a pet or set up a farm. It is the latter problem which is more severe, as people can be responsible for hundreds or thousands of individual animals on a farm. A system of granting licenses to those who are competent to look after them is needed. Those who wish to qualify for a stock-keeper's licence should have to take a course, like those run by the Agricultural Training Board, or show evidence of their ability. Once granted, licences could be taken away from those who demonstrate that they are cruel, or are not responsible enough to look after animals.

A final type of problem, which is very prevalent despite our laws, is the use of inadequate systems for housing and managing animals. Problems arise because housing design and the organisation of management procedures are not based upon the biological needs of the animals. Buildings are often designed by architects who consider neither the people who work in the buildings nor the animals which live there. Furniture and equipment on farms, in laboratory animal houses and in temporary accommodation and vehicles for housing or transporting any sort of animal, is designed more for human convenience than for good animal welfare. Management practices concerned with feeding, cleaning or breeding of farm animals, laboratory animals and pets are also determined more by human than animal needs. Legislation generally follows this bias, so whilst there is some control of the incidence of severe pain in animals, there is much less restriction on housing and management systems which result in prolonged poor welfare. This is due in part to conceptual difficulties in the past over the appreciation of

what constitutes long-term poor welfare, as opposed to acute pain. Modern scientific evaluation, however, is pin-pointing the severe housing and management problems, so legislative action can now be taken.

One way in which poor welfare has often been reduced in frequency as a consequence of legislation has come about as a result of the laws which minimise the spread and incidence of disease. Such laws are in the interests of farmers and pet owners, as well as in the interests of animals. Animal owners do sometimes cruelly neglect their animals, however, in that many sick animals are not treated. Such neglect could be penalised more often.

The problems resulting from modern methods of housing calves, sows and hens are a consequence of economic pressures on the animal production industry, and are regretted by many farmers. In the absence of legislation relevant to all competing farmers in a closed market like the European Economic Community, individual farmers can only go so far in their attempts to improve welfare, since these may have an effect on economic efficiency. Codes of practice are useful in some situations, for example where the best practice differs greatly according to local circumstances, but detailed laws are needed which refer to many more aspects of animal housing and transport.

Inspection is provided for in much United Kingdom legislation, but although some establishments such as abattoirs and licensed laboratories are subject to frequent inspection, other establishments such as farms and pet breeding centres may seldom be inspected. Legal provision should be made for every commercial enterprise involving animals to be inspected on a regular basis. The inspector should ensure that the persons concerned with animal management are aware of relevant laws and advisory codes. Inspection visits should be frequent enough to deter malpractice and should be made with a minimum of warning. The inspector should be a person who has no financial interest in the outcome of the inspection. Hence, the Official Veterinary Inspectors in abattoirs should not be

paid veterinary advisers to those abattoirs, and local veterinary inspectors in markets should not be required to penalise their own clients. For animals on farms, welfare inspection should be carried out by members of the State Veterinary Service, whose numbers should be increased so that adequate checking of all animal production units can be carried out. Some welfare inspections could be carried out by inspectors who are not veterinary surgeons, but close liaison with those involved in animal disease control would be essential. Inspectors of other animal establishments could be local government employees, as is the case at present for riding establishments etc., but experts covering a large geographical area are needed for specialist concerns such as zoos. In appointing such inspectors, care should be taken to obtain a reasonable balance between professional competence and ability to assess in a dispassionate, independent way.

Penalties for breaking laws concerning animal welfare should be sufficient to have a real deterrent effect. Small fines are of little use where the financial advantages of breaking the law are large. For most businessmen bad publicity is of some significance, but disqualification from keeping animals has the greatest effect. Some offences require disqualification on first conviction, rather than having to wait until a second conviction. These should be specified. Inspectors, police, veterinary surgeons and others can often have the most beneficial effect on animal welfare if they advise people rather than prosecute them, but civil service economies should not have an effect on the question of whether or not a prosecution is brought.

Animal welfare legislation should take account of the animals first. It should be enforceable, and there should be sufficient organised inspection to deter people from breaking the law. It should also encourage the education of those who come into contact with animals as to how to care for and treat animals in a humane way.

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