

PET(4) CAR 03

Petitions Committee

Consultation on petition P-04-398 Campaign for a Welsh Animal Offenders Register

Response from Blue Cross



Introduction

Blue Cross is one of the UK's leading pet charities. Every year we rehome thousands of pet animals through our network of rehoming centres across the UK. In addition, Blue Cross offers free veterinary treatment to pet owners on low and reduced incomes.

Blue Cross is pleased to respond to the Welsh Assembly Petitions Committee consultation on the legislative and practical implications of creating an animal offenders register for Wales. As a rehoming and veterinary organisation that often takes in animals that have been abandoned and neglected by their previous owners, we understand the strength of public feeling on this issue and we welcome the opportunity to respond to this consultation.

For further information on any of the answers given below please contact

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- **The risks and benefits of creating an animal offenders register for Wales**

In 2011 84 people were convicted for animal cruelty in Wales, a rise of 31 % from the 2010 figures. Although there are no statistics available centrally on the number of people who transgress, it should be presumed that a proportion of those people who are banned from keeping animals will try and purchase another animal whilst subject to that ban. An animal offenders register would enable breeders, rehoming organisations and retailers to check whether someone had been convicted before releasing an animal into their care, therefore potentially preventing further cruelty and other welfare offences from taking place. The introduction of such a register could also act as a disincentive and could potentially result in a decrease in the number of animal cruelty incidents occurring throughout Wales.

Blue Cross can see merit in the establishment of a centralised database containing information on all those convicted of animal welfare offences in Wales. Access to this information could prove useful to a range of agencies, which in the long term could help to prevent and reduce incidents of animal cruelty.

There is much evidence to support the petition claim that there is a link between interpersonal violence and animal cruelty. A register that records those individuals convicted of animal cruelty could also have some use in this area.

The identification of individuals by use of such a register could be an important part of a multi-agency approach to reducing the escalation from animal cruelty to interpersonal violence.

Although we can see the merits of the proposed system, including the wider animal welfare benefits, we have a number of concerns relating to the practical implications of such a system. There is the possibility for the system to be misused, for data protection to be breached, and for vigilantism. Particularly when the issue is as emotive as that of animal cruelty.

Any register would need to be maintained and regularly updated to ensure that it was a useful resource. The risk is that anyone managing the system would not have the time or resources to effectively run it, resulting in a scheme that would allow animal offenders to slip through the net.

A similar risk would be abuse of the system by both sellers and buyers. There are implications to this being introduced solely in Wales. Although the system may be effective with Welsh offenders trying to buy animals in Wales there are going to be clear problems with offenders from other areas in the UK and also with Welsh offenders who cross the border to avoid the register. There is also the problem that a third party could buy the pets from a responsible seller who will check the register and then the third party could go on to sell them again avoiding the register.

- **The legal and practical implications of placing a duty on sellers/breeders to consult a register/ The administration and funding implications of such a register and how these could be addressed.**

As already stated above Blue Cross considers this an idea with some merit, which in theory could help to reduce instances of animal cruelty and other welfare offences in

Wales. It is however important to note that there are a significant number of legal and practical issues which would make this system difficult to implement in practice.

It is important to ensure that whoever is responsible for administering the register is able to implement a suitable system that would enable information sharing amongst all interested bodies and agencies. This also needs to work across regional and potentially, national boundaries.

We feel the best way to do this may be for a database to be held centrally by the relevant government department. The feasibility of that would have to be examined in detail by the Welsh Government and widely consulted upon.

Access to the information contained in the register needs to be wide enough to ensure that it is useful, however as previously mentioned it is important to ensure that the data is not used for vigilante style attacks or campaigns.

The introduction of 'Sarah's Law' in the UK faced similar challenges when establishing the system for naming registered sex offenders. This was addressed by ensuring that those parents who requested the data were not able to pass it on. This could provide a useful blueprint.

In the US, where a number of states have tried to introduce a similar system, it has been suggested that an animal offenders register could be funded through a fee system paid by offenders when they sign the register. The number of people convicted of animal cruelty in Wales however is probably not going to be sufficient to make the scheme self-funding.

Proposals would need to be examined in detail by the Welsh Government to see if funding for the scheme could be allocated. Given the current financial climate this appears unlikely.

The details of individuals recorded on a database would also need to comply with the Data Protection Act 1998. How long the data is kept and the way it could be used would also have to be governed by the Act.

- **Policing of a register and who should be responsible for administering the register**

The policing of any register of animal offenders is integral to its success. We can see a number of practical problems with this.

We fear that the register may only be used by the most responsible breeders and animal retailers. There is still going to be the problem of irresponsible and unscrupulous sellers/breeders who do not check the register. Furthermore there is the problem of individual private sellers and the informal, hobby breeders who may not have access or knowledge of the register. In recent years we have seen an enormous growth in the number of pets being sold on online classified websites by private individuals.

The sheer number of pets sold in Wales in any one week makes the policing of the

proposed system extremely difficult. It seems impractical to suggest that there will be the resources within such a system to check that every pet sale in Wales has been checked against the register; and in our opinion this could leave the system open to abuse. The system will rely on an element of co-operation from sellers which again leaves it open to abuse. There are also the practicalities to consider of having a system which is instantly accessible for breeders and sellers to use. Online database systems are expensive to operate however the alternative of some sort of paper-based system would be wholly impractical. A customer in a pet shop who wants to buy a goldfish for example is not going to be happy about having to fill into a form and wait for a number of days to see whether they are able to complete the purchase.

The goldfish example also highlights another practical issue - which animals being purchased would require a check against the register? Would the same check be necessary for someone buying an insect or a fish as for someone buying or seeking to rehome a cat or a dog?

- **The penalties and offences that should be associated with noncompliance of both offenders and sellers/breeders.**

There are a number of ways to address noncompliance with the register. These include fines for sellers and breeders, and/or the removal of breeding/pet shop licences. For those who try to purchase an animal when they are subject to a ban we feel it may be appropriate to extend their ban or enforce a lifetime ban from owning animals.

Again we would like to highlight the practical problems with enforcement which may make it difficult to identify and trace those who fail to comply with the system.

- **The cross-border implications of developing an animal offenders register for Wales only.**

There are a number of cross border implications which may make such a scheme more difficult to introduce in Wales alone.

The first clear problem relates to those people convicted of an animal welfare offence who then choose to cross the border to deliberately avoid being picked up by the register when they purchase another animal.

The second linked concern relates to those purchasing a pet in Wales who have been convicted of an animal welfare offence in another part of the UK. These people will not be recorded on the register.

These problems however do not mean that the scheme doesn't necessarily have merit. If such a system was introduced in Wales and shown to be an effective way of dealing with the problem of repeat cases of animal cruelty, there is the possibility of using a Welsh scheme as a blueprint for a UK-wide animal offenders register.