

**PETITIONS COMMITTEE OF THE NATIONAL ASSEMBLY FOR WALES
CONSULTATION ON A PETITION IN SUPPORT OF AN ANIMAL OFFENDERS
REGISTER FOR WALES – JOINT BVA – BSAVA - BVA WELSH BRANCH RESPONSE**

- 1) The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.
- 2) The BVA's Welsh Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Wales. The Branch advises BVA on the consensus view of the Welsh members on Welsh and United Kingdom issues. We have also consulted the BVA's Ethics and Welfare Group (EWG), a standing committee of BVA Council, which considers ethical and welfare issues arising from the interaction of animals with human society.
- 3) The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It represents approximately 7,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small animals, namely dogs and cats.
- 4) We were pleased to have been given the opportunity to contribute to the Petitions Committee of the National Assembly for Wales' consultation on a petition in support of an animal offenders register for Wales. We understand that a central Welsh database is proposed consisting of the name and address of those convicted of any form of animal cruelty and abuse within Wales. It is proposed that breeders and sellers of animals would be required to check the database before allowing an animal to go to a new home and would be held liable if found to have supplied an animal to anyone convicted of animal cruelty or abuse.
- 5) We do not support the current proposal for an Animal Offender's Register to be set up in Wales with the requirement for breeders and sellers to check a central database before supplying an animal as we believe that there are a number of practical implications which would make the 'Register' unworkable. However we are in full support of the principle of introducing ways of enabling enforcement authorities to keep a check on those who are disqualified from keeping animals and further consideration might need to be given to whether a more limited register, only available to the enforcement authorities, would have any merit.
We have organised our comments in line with the specific questions posed by the Committee, detailed below:
- 6) **The legal and practical implications of placing a duty on sellers/breeders to consult a Register**
In order to place a duty on a seller or breeder to consult the proposed Register before selling an animal to a new owner there would need to be in place a clear definition of seller/breeder. Consideration would also need to be given to whether the legal duty would or could reasonably extend to owners who were not licensed breeders but did produce animals for onward sale, intentionally or otherwise. It is

unclear from the proposals whether all disqualifications relating to all types of domestic animal, or indeed livestock/farmed animals, would be included and whether donating or giving an animal not for profit would also incur a duty to check the Register. It must also be kept in mind that not all convictions for animal cruelty or abuse result in a disqualification and refusal to provide an animal to someone convicted of cruelty, but not disqualified, could lead to a legal challenge. We believe that the proposal would place an unreasonable burden on the seller and would rely on buyers to provide definitive proof of ID. In the case of a convicted offender attempting to breach a disqualification it is possible that falsified ID would be provided, or a friend or family member enlisted to obtain the animal on their behalf, therefore rendering the Register ineffective. We believe that funding and manpower would be better spent keeping close track on the activities of convicted offenders rather than placing the responsibility on largely law abiding animal breeders and sellers, effectively creating a new offence of failure to check the Register. Compliance checks on those disqualified from keeping animals would be a much better use of resources. Another critical consideration is how breeders / sellers would be given access to the Register and whether access by the public to information about animal welfare offenders could lead to vigilante attacks.

7) The administration and funding implications of such a Register

As we do not support the creation of a Register we do not have any suggestions for the administration and funding. Similar bodies created for similar purposes as the proposed Register have been fraught with problems and have proven expensive and unwieldy.

8) Policing of a Register and who should be responsible for ensuring the compliance of sellers/breeders with any requirement to consult the Register.

Whilst we believe that the protection of animal welfare should remain high on the agenda we also believe that the response must be proportionate and workable in the long term and we do not believe that the current proposal would achieve this. The administrative burden of policing such a Register may not be proportionate to the size of the problem in Wales. To make an informed assessment it would be useful to see animal welfare conviction statistics, including the number of disqualification orders and subsequent breaches.

We do not believe that sellers / breeders should be required to consult the register; therefore there would be no need to ensure their compliance.

9) The penalties and offences that should be associated with non compliance of both offenders and sellers/breeders.

We do not consider it within our remit to recommend penalties particularly as disqualification orders under the Animal Welfare Act 2006 are already enforceable. If the RSPCA or the Police become aware of a breach of an order they will take enforcement action and we do not consider that the introduction of a Register and the suggested prosecution of sellers/breeders would make a positive contribution to this process. If the Welsh Government wishes to tighten animal welfare legislation then we believe that efforts should be focussed on increasing sentencing powers for serious intentional animal welfare offences and directing time and money into effective follow up to reduce breaches under existing legislation.

10) The cross-border implications of developing an Animals Offenders Register for Wales only.

The proposed Register would be extremely limited in its ability to identify breaches of a disqualification order as it only applies to Wales. Anyone convicted of an offence outside Wales would not be identified on the Register and the proposals would not do anything to prevent an offender convicted in Wales from travelling over the border, acquiring an animal and then returning to Wales. A Wales only register could result in claims of discrimination if a seller or breeder supplied an animal to

someone convicted in England, but refused to provide an animal to someone convicted in Wales. We believe that any proposal to address breaches must be applied UK wide for there to be any chance of achieving meaningful results.