

Shirley Hughes

From: Marie Lambden
Sent: 16 January 2015 13:44
To: Shirley Hughes
Subject: MSPCA
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From: martin.h@mspca.co [<mailto:martin.h@mspca.co>]

Sent: 15 January 2015 15:36

To: Marie Lambden

Subject: Select Committee on Roseleen Harrison petition for IoM Animal Welfare Act - ManxSPCA submission of evidence

Good afternoon Marie

Please find attached the ManxSPCA's written evidence for the Committee to consider the potential introduction of an Isle of Man Animal Welfare Act similar to the UK Act 2006.

We believe the submission is self-explanatory, as it includes an Executive Summary, so we have not provided a lengthy cover letter and trust this is in order.

Two PDFs are attached: 1) a confidential full version of the document for the Committee only; and 2) an alternative edited version for public viewing which is the same as the full document but has Appendix 1 removed because this is case studies that should remain confidential. We hope this is to your satisfaction and thank you in anticipation of your understanding and kind cooperation.

Should the Committee require any further details or clarification of our information, please do not hesitate to contact me or Lyn Renshaw, via email or on 851672.

We look forward to the next stage in this process.

With kind regards.
Martin Howell
Director/Trustee
ManxSPCA

ManxSPCA

**SUBMISSION OF EVIDENCE
TO
SUPPORT THE INTRODUCTION
OF AN
ISLE OF MAN ANIMAL WELFARE ACT**

January 2015

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The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

Jeremy Bentham.

The greatness of a nation can be judged by the way its animals are treated.

Mahatma Gandhi.

EXECUTIVE SUMMARY

The ManxSPCA, the island's only all-animal rescue organisation, attended to 187 animal welfare concerns in 2014 that were prompted by public contact (this figure includes animals in distress but excludes cases attended to through the Society's out-of-hours Dog Warden service and calls made directly to the Police or other welfare charities such as Island Horse and Pony Aid); worryingly this was an 18 per cent increase on the 2013 figure of 159 cases.

There are circa twelve Isle of Man Acts that refer to animals but, critically, none of these cohesively or clearly determine what is deemed to be cruelty towards or neglect of an animal; nor do they provide for a modern day practical solution to the policing of any laws to protect animals, in particular but not exclusively domestic pets of whatever shape, size and species.

Currently the onus is on the island's Police department or Government vets to investigate potential cases of cruelty to or neglect of animals. Even when these services have time to investigate an issue, time hit hard by reduced financial and practical resources, the current Isle of Man definition of "unnecessary suffering" (Isle of Man Cruelty to Animals Act 1997, clauses 1ci 1cii) is so vague it inevitably leads to an assessment based purely upon the animal's physical condition (ie is it receiving enough food and water?).

If adopted, the United Kingdom Animal Welfare Act 2006 contains, in one cohesive document, important innovations that would make a major but reasonable difference when it comes to helping the people of the Isle of Man to understand what is a compassionate, responsible and, in today's society, now acceptable way to treat animals. In fairness it is the ManxSPCA's experience that most (but by no means not all) cases of poor animal welfare it becomes aware of are down to neglect and misunderstanding rather than wanton cruelty.

There are three areas that would make a major difference to the removal of animal neglect and cruelty on the island, covered by the UK Animal Welfare Act 2006:

1. the introduction of the Five Freedoms duty of care criteria that must be afforded to all animals, the breach of which provides a sound base (already recognised by the veterinarian profession) for appropriate parties to determine if an animal is being treated properly;

2. the introduction of the Government's right to appoint suitable, responsible, trained, accountable third party Inspectors who can take the strain from the Police by investigating possible cases of cruelty to or neglect of animals, and who can utilise the Five Freedoms duty of care guidelines as their benchmark;
3. empowering these Inspectors to have independent responsible access to land where they suspect animal cruelty or neglect is taking place; provide them with the powers to seek a warrant where entry is denied, which will reduce the pressure put upon our Police and Government vet services whilst speeding up the inspection process to potentially save the animal or reduce its suffering; and provide the Inspectors with the power to issue Improvement Notices to neglectful animal owners/carers.

In addition to the above and the introduction of the UK Animal Welfare Act 2006, the Society recommends that the following further measures be addressed:

- a. minimum sizes for cages, kennels etc housing animals;
- b. compulsory micro-chipping of all dogs, including working dogs and those visiting the island;
- c. Pet Passport control to prevent the unscrupulous importing of dogs for sale from the Republic of Ireland and further afield, in particular Eastern Europe where puppy farming is prevalent;
- d. more stringent licensing for breeders, and a register to monitor the situation;
- e. protection for cats, in particular the introduction of the duty for a vehicle driver to report an incident if they are aware of their vehicle colliding with a cat to injure or kill it;
- f. effective banning orders, financial penalties and other sanctions for parties judged to be guilty of blatant neglect and/or cruelty, together with a register of such offenders.

The ManxSPCA believes the introduction and adaption of the UK Animal Welfare Act 2006, in particular the above innovations highlighted and further additions noted, will create a clear, comprehensive guideline and proper policing provision so that animals on the island can be treated in a compassionate, responsible and reasonable fashion, as they should.

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INTRODUCTION

The Manx Society for the Prevention of Cruelty to Animals (ManxSPCA) supports the petition of 29th April 2014 wherein Roseleen Harrison sought that Tynwald introduce legislation equivalent to the United Kingdom Animal Welfare Act 2006.

There is no cohesive Isle of Man Act that protects the island's animals. Currently circa twelve Acts refer to animals (including wildlife, birds and marine species) but these mainly focus upon or refer in passing to agricultural livestock, or wild birds, or the requirement to control animals so as to safeguard people or assets. The Cruelty to Animals Act 1997 concentrates upon animals used in research (despite, to the best of our knowledge, there being no such facility on the island) and the remaining document is so vague it affords no specific protection to animals, in particular domestic pets, being treated cruelly or neglected.

In addition, there is no empowered dedicated watchdog on the Isle of Man to police the proper treatment of domestic animals, to intervene and rescue helpless animals in distress or need of help, or to prosecute those who treat animals in a cruel or neglectful fashion. The ManxSPCA is capable of fulfilling this protective role and many believe it already does so (even criticising the Society for what they wrongfully perceive to be inaction if it does not step in when cruelty is brought to the organisation's attention) but the hard fact is that the ManxSPCA has no statutory right to step in when it becomes aware of neglect or cruelty. Currently the Society has to call upon Police support if it identifies such animal neglect or cruelty. But the Police service is under great financial and resource pressures, which means other matters usually take priority, with animal welfare cases ending up low on the agenda. In the United Kingdom animal welfare Inspectors are appointed who have various powers to monitor and protect animals, which takes the strain away from the Police; and it is similar provision for the appointment of suitable approved Inspectors, such as the ManxSPCA, the Society would like to see engrained within an Isle of Man Animal Welfare Act. Such a step would help to protect the island's animals whilst taking some pressure off our Police service and government vets.

Emulating or adopting the United Kingdom Animal Welfare Act 2006 would be an important and responsible improvement on the current position on the Isle of Man, effectively a massive stride forward. However, the UK Act should be used as a solid foundation for our own legislation, and then adapted with a number of additional, simple and reasonable measures that could also be introduced. These would make a big difference for animals whilst being a wonderful opportunity for the island to position itself as one of the international leaders in compassionate animal welfare.

KEY ISSUES

Duty of Care and the Five Freedoms

A key component of the UK Animal Welfare Act 2006 (the 'UK Act'), and absent from our legislation, is the Responsibility for Animals clause (item 3 in the UK Act), effectively a 'Duty of Care' that all owners and keepers of animals must follow. Any person responsible for an animal, permanently or temporarily, is legally required to ensure their welfare. An owner, even if they are on holiday for example, is still responsible for the animal's care if it is away from them – they cannot abdicate responsibility. Anyone who does not apply good standards of animal care can be dealt with by relevant authorities.

Crucially, guidance for appropriate Duty of Care is enshrined in the Five Freedoms (item 9.2, UK Act). Known as (Prof. Roger) Brambell's Five Freedoms, these are a summary of minimum care standards for animals under human control, including those intended for food or which act as working animals. Originally developed in 1965 from a UK Government report on livestock husbandry, the Five Freedoms are used as the basis for the actions of professional groups, including veterinarians and have been adopted by representative bodies internationally including the World Organisation for Animal Health and RSPCA. These five minimum care standards are that the animal must

- have a suitable environment;
- have a suitable diet;
- importantly, be able to exhibit normal behaviour patterns (for its species);
- be protected from pain, suffering, injury and diseases;
- have suitable housing, either with or apart from other animals (as would be normal for its species).

Part 1, clause 1c, i and ii, of the Isle of Man Cruelty to Animals Act 1997 states that causing 'unnecessary suffering' to an animal is an offence but 'unnecessary suffering' is open to interpretation and is usually deemed to refer to the animal's physical condition. By comparison, and critically, enshrined in the UK Animal Welfare Act 2006 is the requirement of the freedom for the animal to exhibit normal behaviour patterns. The definition of 'suffering' can be both physical and mental, the latter most likely if for example a dog is not given freedom to exercise on a daily basis and has no means of mental stimulation (to meet its minimum mental health requirements). This is a tragic situation for many animals, from pet rabbits to dogs for example, that the ManxSPCA regularly comes up against but currently is powerless to act. See Example 2 appended for a summary of an ongoing situation in the north of the island where the Society keeps trying to intervene to rescue a dog but has its hands tied by the lack of support legislation: a large friendly Rottweiler enclosed in a wooden cage 24/7 in a field in the middle of nowhere, away from any human or animal contact.

The Five Freedoms, together with minimum standards for animal housing (see Appendix 2) should be enshrined within an Isle of Man Animal Welfare Act so that a benchmark is in place against which neglect or cruelty can be measured. These guidelines would also provide a basis for educational information to be proactively provided to owners, young and old, by the Society and similarly interested animal welfare parties so that future neglect or cruelty through ignorance is avoided (see Example 4 appended where a 'cat lover' on the island has been keeping scores of cats on his premises but sadly the neglect and poor care of these animals resulted in many having to be destroyed by veterinarians; keeping so many untreated cats in one environment risks the danger of them passing diseases from one to another, known as cross-contamination).

Inspectors and their Right to Access

In addition to the need for Five Freedoms Duty of Care-based legislation, by far the most critical accompanying requirement is the provision of an appropriate resource to police an Animal Welfare Act. In 2013 the Society was called by the island's public to attend 159 cases where it was perceived an animal was in distress or there was poor animal care. Worryingly, this increased by almost 18 per cent in 2014 to 187 cases. Already the level of activity in January suggests that in 2015 there could be an annualised increase of more than 10 per cent on 2014. When the ManxSPCA attends these reported incidents the main obstacle that blocks the way for it to prevent animal cruelty or neglect on the Isle of Man is the Society's lack of any formal independent powers to gain access to an animal owner's land, garden or other property: so the Society attends the area but cannot lawfully inspect the matter further or intervene to help the animal. The Society is often accused of neglect or inaction by an unknowing public in such cases, but our greater concern and frustration is being aware of an animal that is suffering but not being able to rectify the matter if the owner is not interested in our help. In several examples in Appendix 1 the Society has been prevented from helping the animals because of the lack of legislation permitting the Society to have access to land where there has been suspected animal cruelty and neglect.

Presently the best the Society (or anyone else) can do is to call upon an increasingly stretched Police force to intervene, which is not always possible due to other Police commitments. Where Police help has been successfully sought, often it has only been after there was dire fear for the animal's life following protracted cruelty or neglect; and intervention is further delayed because it is the Police, rather than the Society, who have to seek a warrant if required to gain access (see Schedule 4, Isle of Man Cruelty to Animals Act 1997).

The UK Act provides for the appointment of independent approved Inspectors (see clause 52, UK Act) who can take the strain off the Police if they suspect a person is found not to meet any of the Five Freedoms/Duty of Care requirements. The Inspectors can access the area where the animal is kept or seek a warrant to do so (clause 18/19, UK Act) and issue an Improvement Notice (clause 10, UK Act) which will give details on how the owner or carer has failed to meet these requirements, the steps they should take to meet them and a deadline for carrying out improvements. If these are not made within the given time, the owner or carer may be prosecuted, possibly by the Inspector. In serious cases, where the animal's life or wellbeing is in danger, the Inspector may remove the animal for its own protection and seek veterinary treatment.

An Isle of Man Animal Welfare Act should provide for the appointment of independent suitably-trained, competent Inspectors (such as the ManxSPCA which currently manages the Government's out-of-hours Dog Warden and Kennel services) who would, as in the UK, have powers to investigate alleged mistreatment of animals, have access rights to gain entry to land or property to properly assess an animal's welfare, and ideally correct the matter without it having to go further. There should be the option for the Inspector to obtain an urgent warrant for access where needed. At a lower level many of the incidences could be satisfactorily resolved by the Inspector who can then maintain a watch to monitor the situation. As with the DEFA officers, it would be beneficial if the Inspector could be empowered to issue an Improvement Notice for the welfare of an animal. If court action is felt necessary, the Inspector and Police can progress this as deemed necessary.

FURTHER ISSUES

Whilst the Five Freedoms, appointment of Inspectors, and Inspector powers of access highlighted in the pages above are felt to be the most critical innovations for the Isle of Man's improvement in animal welfare, this does not mean the many other provisions of the UK Animal Welfare Act 2006 are any less relevant; and the Society therefore urges the Committee hearing evidence to consider the introduction of the full UK Act, whilst also retaining for any future need the protection for animals used in research afforded in the Isle of Man Cruelty to Animals Act 1997.

There are further improvements that can be made.

Minimum Standards for Cages, Hutches, Kennels etc

Wholly unsuitable, and therefore cruel, undersize cages are most common with all small animal cases that come to the ManxSPCA's attention. Domestic rabbits are usually sold in "meat rabbit" sized hutches with no allowance for the animal's need for exercise, but the purchaser of the rabbit assumes this hutch is "standard" and therefore acceptable on an ongoing basis. This is also a common problem with pet guinea pigs and hamsters, causing the animal dreadful physical and mental health suffering.

In Example 2 appended, also referred to above, the Rottweiler is kept in a small wooden cage where there is no room for the dog to exercise and so it is forced to stand and sleep in its own urine and faeces, also a common problem for rabbits and other small animals in tiny hutches.

There is a need for clear guidelines in the legislation to cover the specific requirements for keeping all species of animal. Whilst it is common to focus upon small domestic pets this should also cover horses and ponies (the Society works closely with Island Horse and Pony Aid, and understands the equine community has been invited to separately provide evidence to the Tynwald Committee). Farm animals have better protection from current Isle of Man legislation in this respect.

Whilst moves can be made to educate the public about the above, the ManxSPCA recommends that minimum hutch, cage, kennel etc size requirements and shelter provisions are an appended part of an Animal Welfare Act. Some examples are appended at the end of this evidence.

Pet Shops

By a combination of Right to Access and Minimum Standards/Five Freedoms engrained in legislation, appointed Inspectors would also be able to carry out unannounced inspections of pet shops to check the animals for sale, the size of their hutches, the conditions of cages and animals, their cleanliness and so on. Inspectors should also have the right to carry out checks at different times, not just within store opening hours, because the anecdotal evidence and reliable information at the moment is that many animals are retained 'back of office' away from the public in unsuitable conditions and often without anyone attending to them for long periods of time (eg when the store is closed to the public).

Micro-chipping

One of the worst cases of sickening wilful cruelty to animals on the Isle of Man in recent years was the binding of the legs and mouth of a Labrador which was then thrown, still alive, into Sulby Reservoir where it drowned. Sadly, despite Police efforts backed by public offers of a reward to find the guilty culprits they were not located. Had 'Sulby' (the name posthumously given to the Labrador by the ManxSPCA) been micro-chipped it might have been possible to start a trail of investigation to find the people who inflicted the cruelty. The traceability of animals and their owners is critical for many factors, from simply returning genuine stray animals to their homes and distressed owners or at the other end of the spectrum to locate unscrupulous owners who seek for example to sell or import factory-bred puppies. There is a need to tie-in with new animal welfare legislation the pending micro--chipping legislation that is already in the pipeline. The Society and many other experts on the island believe a massive step forward would be the mandatory micro-chipping of all dogs, importantly to include working dogs and those visiting the island. Once introduced, this legislation would enable the dog licence to be abolished.

Pet Passport

Under the current Pet Passport Scheme the maximum number of puppies that can travel at any one time is five. We should consider such a rule to hinder the trade in puppies from the United Kingdom & particularly the Republic of Ireland because the trade in poorly and cruelly bred puppies through the back door from Eastern Europe is on the increase. Ideally the Isle of Man should adopt the Pet Passport Scheme for dogs of all ages. As with the UK authorities, where it is the carrier that is responsible for ensuring that the correct paperwork accompanies all pets, we would like to see some mechanism in new legislation to insist upon the IoM Steam Packet Company being the only current carrier licensed to carry out the necessary checks. Inspectors, such as the ManxSPCA, could work with the IoMSPCo to supplement the carrier's systems by carrying out spot checks at the port. Checks should also be made if a dog or puppy is coming in from a

European country and a zoonotic disease (one that can be passed from animal to human) is known to exist in that area which is not covered under general vaccinations (eg sandfly).

We should also make it illegal to import or sell unvaccinated puppies, which would mean all puppies would have to be health-checked by a vet who could audit their welfare and react accordingly. Puppies travelling to and from the island would need a certificate declaring them fit to travel.

Breeding: licence & register

The unscrupulous breeding of pets purely for profit often leads to dreadful conditions for both mother and puppies, as with mass-bred kittens and other animal species. We believe the dog in Example 2 is isolated alone in a field in the middle of nowhere purely for occasional breeding with a bitch to generate income for the owner.

There are many horror stories about the atrocious breeding and animal transportation methods used by owners. A consequence of this is that the young animal is often damaged – both physically and mentally – before it enters adulthood (it is now well-documented that the first few weeks of a dog's life are the most critical for forming its character). Having clear conditions to identify pet breeders and a register of these is an important objective of the Society and veterinarians on the island. Micro-chipping, together with proper registration of owners, will help to overcome the practical difficulties in confirming the precise ownership of dogs. The Society would like to see the Scandinavian model adopted whereby anyone who wishes to breed from a dog, even one, must be registered and have a licence. In Switzerland unless you are a Government-approved, licensed and regularly audited breeder, your dog must be neutered or you face a substantial fine/confiscation of the animal: the ideal would be for the Isle of Man to follow this example of responsible ownership and care.

Cats

There are several cases on the island where, with best intent but in ignorance of proper animal care, people are keeping far too many cats within their property. This leads to cross-contamination of infections, cat flu, inter-breeding consequences and other problems. Ideally, serious consideration should be given to the reasonable number of cats that one person may own, although this may be difficult to quantify due to people caring for feral cats and because a knowledgeable caring owner might cope better with more cats than a less knowledgeable person. An improved mechanism to check upon owners (eg Inspectors) should

help here. Also, breeders and sanctuaries should be licensed by the Government and subject to ad hoc unannounced checks (the same consideration should be given to small animals as we are aware of some people who have large numbers and use them at times for breeding).

There have been cases where small dogs have been hit by vehicles on the island but the drivers have not reported the incident, perhaps believing the animal was a cat. The Society is aware of five dogs that have been killed by cars within the past few weeks alone but the incidents have not been reported. There is no responsibility to report a traffic accident involving a cat – despite this leading to no less distress for a cat-loving owner who cannot locate their cherished lost pet than that suffered by a dog owner whose pet has gone missing. The Society recommends it becomes law that a vehicle driver who hits a cat must report the incident to the police or an Inspector, in exactly the same way as they must by law if they hit a dog (a responsible and caring innovation to legislation that would put the Isle of Man well ahead of the UK).

Banning Orders

There is a need to clarify and legislate for owners guilty of neglect and in particular wilful cruelty, including banning orders and other sanctions. People who are prosecuted in the UK may be banned from keeping or owning animals, or from having any say over the care of animals in the future. Penalties can include up to a year's imprisonment and/or a fine up to £20,000. Isle of Man court action should be backed by severe and appropriate prison or other sentences, banning orders and fines so as to dissuade or prevent the guilty from owning and mistreating an animal in the future. A further improvement would be to have a central register of offenders and allow the ManxSPCA access to the data to prevent unsuitable people having new pets.

Education

Not so much a requirement of legislation but more a consideration of complementary action to accompany a new Animal Welfare Act would be improved public awareness of proper animal care. The Isle of Man Government should lead the way with a comprehensive website available to the public to give advice and suggestions on animal welfare, as well as other related information and links. Other organisations, such as the Society (particularly were it to benefit in credibility from being an approved Inspector), should be partnered to participate in a concerted initiative to educate the Isle of Man public in proper animal husbandry and care, because in our experience most cases of poor animal welfare are down to ignorant neglect rather than wanton cruelty.

APPENDIX 1

Confidential: Not for public viewing

Examples of Neglect/Cruelty

Example 1



A stray dog brought into the Society, in very poor condition found wandering the streets of Douglas. The dog was extremely thin, nails overgrown and had an open infected wound to its tail. Rushed to the vets, it needed emergency treatment. The police were also called to attend the vet surgery. The dog was not micro-chipped, so no owner could be traced but we believed we knew who they were. It was touch and go for the first few days as to whether the dog would survive and it had to remain at the vets on a drip to get fluids into its body. We advised the Police about the suspected owner but with no evidence there was little they could do. Luckily the dog made a full recovery and was successfully re-homed after weeks of care at the Sanctuary.

Problems encountered by the Society.

Had the dog been micro-chipped we would have been able to locate the owner, who could have been held responsible for the suffering caused to the dog.

The Sanctuary also incurred large costs with veterinary care in making sure the dog made a full recovery.

Example 2



A remote field 'Kennel' situated along a country lane, ½ mile away from an unrelated country house, and two miles from the nearest village

The owner of the field, being the owner of three large dogs, who on regular occasions through the year, winter months included, places one or all three of his dogs at the Kennel for long periods of time, weeks if not months. This is regardless of weather or season.

Each Kennel is built on a concrete base but the field is prone to flooding to the point that water and mud overlaps the base by a number of inches in the winter.

The Kennel is no more than 4 metres in length, base included, with a 1 metre enclosed bed area on a wooden base, rarely with any bedding.

The outer "Run" area, based on concrete, is open- fronted with pig wire.

The owner of the dogs and Kennel, lives over 4 miles away, has no form of transport and is reliant on buses or lifts by a relative.

Often one dog is left in the Kennel at a time, for weeks without proper human or animal interaction.

Food/water is left on an irregular basis, with no way of ascertaining whether it's fresh/clean.

Problems encountered.

The ability to challenge the specifications of the Kennel for size, its suitability for the size of dog, the protection from the elements, and the overall good husbandry of the surroundings.

Lawful access to the field/property to check on the welfare of the dog(s).

The mental wellbeing of the dog, a concern due to the lack of interaction, enrichment and general freedom of regular movement.

The ability to monitor a good feeding/watering regime.

Example 3

Common with all small animal cases that come in to the Sanctuary: generally domestic rabbits are sold in “meat rabbit” sized hutches with no major allowance for their need for exercise, so the purchaser assumes this hutch is the “standard” and therefore acceptable.

Often the cleaning regime advised is once or twice per week and the feed also; new owners are not given the correct facts that rabbit (and other small animal) cages need daily cleaning, and the pets feeding and watering.

This has been experienced first-hand through two of the island’s pet stores.

Problems encountered.

The issue here largely echoes those of the Society’s inability to have access to ‘see and check’, and legislation to press the specifications home to the individual when they have incorrect information from the pet store.

Example 4

A recluse who lives in a standard, 4 bedroom property in a busy village environment.

This male has over a number of years sought to care for stray cats/ferals and built a collection of over 40.

There is no question of him not feeding or watering the cats.

However this owner has let them breed and interbreed without care.

Many were found to be in general poor health, unsocialised, and as such unapproachable by both human and other local domestic cats, and were suspected of causing much damage to many local cats, even dogs. Several cats had to be put to sleep as the result of lack of care and treatment for cancer/flu and infestations.

Problems encountered.

The owner would not engage with Society staff or the Police, and would not allow officers into his house. He gave permission to “pluck” the cats out of his garden and surrounding area but refused us entry to the house, stating the cats were not his, he merely fed them and watched out for them.

General support in both entry, correction of the problem, and support by the Police/vets, to determine that this was direct neglect was not forthcoming and as such the matter was left at an impasse with over 10 cats left in the house and surrounding area.

There is no law to determine the correct number of cats per human owner, or the suitable environment for the cats to live in.

Example 5



The Society was called to a property by the Police who had visited it about another issue. On entry we were met by discarded rubbish and clothes all over the front room, kitchen and hallway. This house was privately owned; and the person kept three cats, one dog and a chinchilla. The conditions of the animals were all of a good level - body weight, coats etc were all good. There was fresh food and water available for all of these animals, and litter trays - which were clean - had been provided for the cats. No animal faeces were present in the house and the home did not have bad odours of animal mess/waste. The vet was called to attend the property and was happy with the conditions of the animals. The owner explained that there had been a family tragedy, which was the reason for the house being like it was, and said the animals were the only thing keeping them going. Social Services were called in to help this person and it was felt that taking the animals away would serve no purpose for this person as they genuinely cared for them. Regular checks were carried out and the person, who voluntarily cooperated with the Society, was able to get their life back on track.

Problems encountered.

What was right and what was wrong, leaving the animals or taking them? All of these animals were in good condition, well-balanced and had no problems with strangers. The main problem was that this was allowed to happen and had the Police not gone to the property for another issue the situation would have got worse without anyone being aware of it. We did speak to the owner at length regarding acceptable conditions that animals should be kept in. Our approach was to make the owner aware that we were there to help and were not the bad guys.

Example 6



In response to a phone call the Society visited a property to find a dog wandering in the garden.

The owner was not in and the Police were called.

At first we were unsure if the dog in the garden was alive but it started to move when our officer called it.

The Police arrived, along with the owner, and explained the reason for our presence.

We informed the owner that we had received a phone call from the public concerned for the dog.

The owner was extremely upset and distraught, explaining that there had been a number of personal issues that had caught up with them.

We informed the owner and Police that we wished to remove the dog from the property as it would have not got into this condition overnight - it would have taken many months. The owner agreed to this and the dog was taken to the vets.

The Police advised the owner that they might prosecute due to the condition of the dog.

The vet advised us that apart from the coat being extremely matted the dog was in very good health.

This was reported back to the Police who felt it would be better to try and get the owner to sign the dog over to us as they felt getting a prosecution may be quite hard as the general health of the dog was very good and the owner had already stated that they were having a lot of personal problems.

The Police spoke to the owner, advising them it would be in their best interests to sign the dog over to us.

The owner did sign the dog over to us, and it was clipped and successfully re-homed.

Problems encountered.

We were unable to enter the owner's garden and had to seek Police help.

Not being able to prove how long the dog had been left in the condition it was in (matted overgrown coat).

If we had an Improvement Notice in place we could have spoken to the owner ourselves and given a very clear time limit on the improvements we wanted to see.

We believe the owner loved the dog but should not have allowed it to get in this condition.

Example 7

One of the worst cases of cruelty that the Society has seen on the Island.

A dog was thrown in to Sulby Reservoir.

The dog in question was a chocolate Labrador and its age was assessed to be about 4-5 years old.

This dog had its front legs and back legs bound with duct tape, which had also been put around its muzzle.

The dog is believed to have been thrown into the Reservoir from a 30 foot drop and was pronounced dead at the scene. A couple of walkers saw his body at the water's edge and called the Police and Society.

The dog was removed from the water and taken to the vet for a post mortem: horrifyingly, it is believed he was still alive when he was thrown into the water.

A full Police investigation took place and a number of appeals were put out by the Society and companies even offered reward monies if the culprit(s) could be found and charged. Sadly no one to date has ever been charged with this callous act of cruelty.

Problems encountered.

Whilst it is difficult to prevent such callous, horrendous acts of wanton cruelty this case once again demonstrates a need for compulsory micro-chipping: had this dog been micro-chipped the Police would have had a start point for their investigation and may have found the person or people who did this.

We named the dog Sulby due to him losing his life there.



Visitors to iomtoday voice their outrage

I am absolutely disgusted and appalled at this act of cruelty. I hope the culprit is caught soon and named and shamed.
DAVE, Ramsey

I feel absolutely sick at the thought of what this poor defenceless animal went through. There is no excuse. I hope the culprit is found and made an example of.
TRICIA

When this sick and evil person is caught their picture should be published on the front of each local newspaper so that everyone on the Isle of Man knows who they are.
WENDY

I was shocked and disgusted to read this. I can't believe that someone would do this to a defenceless and innocent animal. Somebody must know who did this as I doubt they were on their own or have kept it to themselves. I would urge someone to speak up and let justice be done.
REBECCA, Perth, Australia

Our pets are very much part of the family. How can the person(s) responsible sleep at night? The law needs to start getting tough on animal cruelty and give out severe sentences. In this case, the charge should be pre-meditated murder.
JULIE

Barbaric

FROM PAGE ONE

It is essential whoever carried out this callous and undefensible act realises the consequences of what they have done and anyone who has information but is unwilling to come forward understands the extent of the suffering the animal endured.

A post-mortem examination on the dog revealed it was fit and healthy and had been fed shortly before its death.

The killing of the two to three-year-old dog sparked outrage. Police at Ramsey have been inundated with offers of help and our website, iomtoday.co.im, has received numerous messages condemning the brutal act.

Radio station Energy FM launched a bid to raise £3,000 for a reward, but the public response was so huge the fund had reached more than £5,000 as the *Manx Independent* went to press. The money will be split between a reward, if information is provided, and donations to animal charities.

Tower Insurance has put up a £2,500

reward following a request from staff and bosses at Ramsey shipping company Messers have added a further £500.

Manx Society for the Prevention of Cruelty to Animals spokesman Lyn Renshaw said she felt 'sheer horror' at the 'sadistic, callous' way the dog was killed — the worst act of animal cruelty she'd seen.

Anyone who has an animal they feel they can no longer keep should contact the MSPCA, which will take it in.

Police, who are describing the killing as 'barbaric and callous' are following a number of leads. They need to trace a blue, box-style van with two men in it seen near the reservoir at 4.30pm on Sunday. A spokesman said they may have had nothing to do with the inquiry, but needed to be identified so they could be eliminated from inquiries.

read more online
iomtoday.co.im

■ Dog Killed in Horror Attack

MANX INDEPENDENT

APPENDIX 2

Minimum space allowances & care conditions (examples)

Dogs

Minimum dimensions of pen design are recommended as stipulated by the UK Home Office (HMSO 1989). The allocated floor areas provide a reasonable compromise between economic costs and allowing sufficient room for locomotion, socialization and enrichment purposes.

It is arguable whether pen size should be based on body weight; however, body size is an equally poor predictor of a dog's space requirements. For example, an active puppy of, say, eight weeks might well require more space than an old, relatively inactive dog.

The space recommendations listed in Table 1 are based on professional experience. They have the benefit of encouraging pair-housing because the minimum sizes for single cages provide sufficient room for two adult dogs. For example, the minimum floor area for adult beagles of the weight category 10-25 kg is 4.5 m², both for a singly housed dog and for two pair-housed dogs. The addition of a third dog, however, necessitates that the floor area be increased by 2.25 m², i.e., to 6.75 m².

The height of the enclosure should at least allow the dog(s) to stand on hind legs without touching the roof. However, with pens of these sizes, the vertical dimension should also allow the carer to stand in the pen without having to stoop. In this respect a height of 150 cm may be too small (Table 1).

BODY WEIGHT KG (LB.) OF DOG	MINIMUM FLOOR AREA M ² (FT. ²) PER DOG		MINIMUM HEIGHT CM (IN.)
	HOUSED SINGLY	HOUSED IN GROUPS*	
less than 5 (11)	4.5 (48.4)	1.0 (10.8)	150 (59.1)
5-10 (11-22)	4.5 (48.4)	1.9 (20.5)	150 (59.1)
10-25 (22-45)	4.5 (48.4)	2.25 (24.2)	200 (78.7)
25-35 (45-77)	6.5 (70.0)	3.25 (35.0)	200 (78.7)
more than 35 (77)	8.0 (86.1)	4.0 (43.1)	200 (78.7)

* Floor area must be not less than that specified for a singly housed dog.

Table 1: Minimum space recommendations for laboratory dogs

Cats/Kittens

Cats and kittens are currently not recognised in legislation; for example, there is no guidance about the number one can own or what is suitable accommodation.

However, the ability to provide proper care, efficiently, is a factor that features in large amounts of published material. This centres on the ability to stop the spread of disease effectively between cat groups and other parties.

If someone is actively containing cats within spaces where they have no segregation from ill cats, professionals widely believe this to be neglectful but it is not stated as a requirement in law.

One factor raised by nearly all cat owners is the lack of care shown in Road Traffic matters, whereby a vehicle driver does not have to report a collision with a cat, but dogs, cattle, horses etc are provided for. Sparse when compared to many other animals but nonetheless important for cats is guidance on health care and the feline's environment.

Small animals (nb: even small animals need enrichment).

Rabbits

It is recommended that a 6ft x 2ft x 2ft hutch with an 8ft x 4ft x 2ft run for outdoor rabbits and the equivalent space if the rabbits live indoors be provided.

Ideally the outdoor run needs to be on grass.

The living areas should be cleaned daily.

Fresh food, water and hay should be provided daily.

Complete food should be given to stop selective feeding.

Vegetables to be given daily.

Hay makes up 80% of a rabbit's diet, so there should be a limitless supply.

Rabbits are happier in pairs. They can get very lonely when kept on their own, but pairs either have to be the same sex or one would need to be neutered or spayed to prevent breeding.

Sawdust/wood shavings are far too dusty for rabbits to live on and can make them very ill.

Soft chopped straw makes a nice bed for rabbits to sleep on and forage in. Add lots of meadow hay on top.

Rabbits should also have toys and chews every day to prevent boredom and to keep teeth healthy.

Yearly vaccinations are recommended.

See www.actionforrabbits.co.uk

Guinea pigs

Guinea pigs should be kept in pairs (but pairs would either have to be the same sex or one would need to be neutered or spayed to prevent breeding).

Two guinea pigs need a minimum of 4ft x 2ft (8 sq feet).

Outside runs are advised as they also need access to grass.

Complete food should be given to stop selective feeding.

Sawdust/wood shavings are far too dusty for guinea pigs to live on and can make them very ill.

Soft chopped straw makes a nice bed for guinea pigs to sleep on and forage in. Add meadow hay on top.

Vegetables and fresh water to be given daily.

Guinea pigs should also have toys and chews every day to prevent boredom and to keep teeth healthy.

Hamsters

The minimum cage size for a Syrian hamster would be 80cm wide by 50cm deep by 35cm high (2ft wide x 2ft deep x 2 ft high).

Hamsters should be bedded down on CareFresh® or short chopped shredded paper. White soft paper bedding should also be provided for the sleeping areas.

Hamsters should never be kept on wood shavings or sawdust. These can cause breathing problems and parasite infestations.

The cage and toys should be completely cleaned at least once a week with a small animal disinfectant.

Complete food should be given to stop selective feeding.

Vegetables and fresh water should be given daily.

Rats

Rats should not be kept alone.

At least 2 cubic ft of space per rat.

Should be cleaned at least twice a week.

Cages should be kept out of direct sunlight and draughts, as sudden changes in temperature can cause health problems.

Rats are omnivores so need a mixture of meat and vegetable matter. Diets should be supplemented with fresh foods such as raw or cooked vegetables (with no added salt or spices) or small meat portions.

Complete rat food should be given, to prevent selective feeding.

Fresh water should always be provided and whilst a bottle will ensure the water stays clean a heavy bowl can also be used.

Environmental enrichment is essential in order to fulfil a rat's necessary welfare needs thus reducing environmental stress (Belz *et al.*, 2003). Enrichment is relatively inexpensive to provide. Rats can be given cardboard boxes to sleep in although many do appreciate a comfy hammock. Ladders, ropes and untreated fruit tree branches also allow rats to climb using their amazing balancing skills. Branches also allow them to fulfil their natural and necessary rodent behaviour of chewing and keeping their continuously growing teeth down (Johnson *et al.*, 2004).

Objects such as empty cereal boxes, paper bags or scrap paper (be aware of ink) can also be placed in enclosures.

Suitable bedding materials are wood chip (non-aspen), cellulose based chips or shredded filter paper.

Avoid dusty bedding materials such as sawdust, and any bedding which is made of aspen as these can result in breathing and other health problems.

Corn snakes

They should be housed on their own.

A 4ft vivarium is suitable to house a corn snake as it is just large enough for them to stretch out.

Corn snakes should be given feed appropriate to the size of their mouth.

Feeding your Corn snake outside the vivarium is recommended.

Aspen Shavings or newspaper can be used for bedding.

Clean water to be given daily.

Clean out vivarium daily. A thorough clean should be done every 3 weeks.

Corn snakes require a temperature gradient of 25°C to 30°C (77°F to 86°F) during the day, and 20°C to 25°C (68°F to 77°F) at night.

UV light should be provided during the day.

A simple 12 hour light cycle is ideal for Corn snakes.

No white lights during the night. Use a red heat lamp for night.

ManxSPCA

**SUBMISSION OF EVIDENCE
TO
SUPPORT THE INTRODUCTION
OF AN
ISLE OF MAN ANIMAL WELFARE ACT**

January 2015

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The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

Jeremy Bentham.

The greatness of a nation can be judged by the way its animals are treated.

Mahatma Gandhi.

EXECUTIVE SUMMARY

The ManxSPCA, the island's only all-animal rescue organisation, attended to 187 animal welfare concerns in 2014 that were prompted by public contact (this figure includes animals in distress but excludes cases attended to through the Society's out-of-hours Dog Warden service and calls made directly to the Police or other welfare charities such as Island Horse and Pony Aid); worryingly this was an 18 per cent increase on the 2013 figure of 159 cases.

There are circa twelve Isle of Man Acts that refer to animals but, critically, none of these cohesively or clearly determine what is deemed to be cruelty towards or neglect of an animal; nor do they provide for a modern day practical solution to the policing of any laws to protect animals, in particular but not exclusively domestic pets of whatever shape, size and species.

Currently the onus is on the island's Police department or Government vets to investigate potential cases of cruelty to or neglect of animals. Even when these services have time to investigate an issue, time hit hard by reduced financial and practical resources, the current Isle of Man definition of "unnecessary suffering" (Isle of Man Cruelty to Animals Act 1997, clauses 1ci 1cii) is so vague it inevitably leads to an assessment based purely upon the animal's physical condition (ie is it receiving enough food and water?).

If adopted, the United Kingdom Animal Welfare Act 2006 contains, in one cohesive document, important innovations that would make a major but reasonable difference when it comes to helping the people of the Isle of Man to understand what is a compassionate, responsible and, in today's society, now acceptable way to treat animals. In fairness it is the ManxSPCA's experience that most (but by no means not all) cases of poor animal welfare it becomes aware of are down to neglect and misunderstanding rather than wanton cruelty.

There are three areas that would make a major difference to the removal of animal neglect and cruelty on the island, covered by the UK Animal Welfare Act 2006:

1. the introduction of the Five Freedoms duty of care criteria that must be afforded to all animals, the breach of which provides a sound base (already recognised by the veterinarian profession) for appropriate parties to determine if an animal is being treated properly;

2. the introduction of the Government's right to appoint suitable, responsible, trained, accountable third party Inspectors who can take the strain from the Police by investigating possible cases of cruelty to or neglect of animals, and who can utilise the Five Freedoms duty of care guidelines as their benchmark;
3. empowering these Inspectors to have independent responsible access to land where they suspect animal cruelty or neglect is taking place; provide them with the powers to seek a warrant where entry is denied, which will reduce the pressure put upon our Police and Government vet services whilst speeding up the inspection process to potentially save the animal or reduce its suffering; and provide the Inspectors with the power to issue Improvement Notices to neglectful animal owners/carers.

In addition to the above and the introduction of the UK Animal Welfare Act 2006, the Society recommends that the following further measures be addressed:

- a. minimum sizes for cages, kennels etc housing animals;
- b. compulsory micro-chipping of all dogs, including working dogs and those visiting the island;
- c. Pet Passport control to prevent the unscrupulous importing of dogs for sale from the Republic of Ireland and further afield, in particular Eastern Europe where puppy farming is prevalent;
- d. more stringent licensing for breeders, and a register to monitor the situation;
- e. protection for cats, in particular the introduction of the duty for a vehicle driver to report an incident if they are aware of their vehicle colliding with a cat to injure or kill it;
- f. effective banning orders, financial penalties and other sanctions for parties judged to be guilty of blatant neglect and/or cruelty, together with a register of such offenders.

The ManxSPCA believes the introduction and adaption of the UK Animal Welfare Act 2006, in particular the above innovations highlighted and further additions noted, will create a clear, comprehensive guideline and proper policing provision so that animals on the island can be treated in a compassionate, responsible and reasonable fashion, as they should.

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INTRODUCTION

The Manx Society for the Prevention of Cruelty to Animals (ManxSPCA) supports the petition of 29th April 2014 wherein Roseleen Harrison sought that Tynwald introduce legislation equivalent to the United Kingdom Animal Welfare Act 2006.

There is no cohesive Isle of Man Act that protects the island's animals. Currently circa twelve Acts refer to animals (including wildlife, birds and marine species) but these mainly focus upon or refer in passing to agricultural livestock, or wild birds, or the requirement to control animals so as to safeguard people or assets. The Cruelty to Animals Act 1997 concentrates upon animals used in research (despite, to the best of our knowledge, there being no such facility on the island) and the remaining document is so vague it affords no specific protection to animals, in particular domestic pets, being treated cruelly or neglected.

In addition, there is no empowered dedicated watchdog on the Isle of Man to police the proper treatment of domestic animals, to intervene and rescue helpless animals in distress or need of help, or to prosecute those who treat animals in a cruel or neglectful fashion. The ManxSPCA is capable of fulfilling this protective role and many believe it already does so (even criticising the Society for what they wrongfully perceive to be inaction if it does not step in when cruelty is brought to the organisation's attention) but the hard fact is that the ManxSPCA has no statutory right to step in when it becomes aware of neglect or cruelty. Currently the Society has to call upon Police support if it identifies such animal neglect or cruelty. But the Police service is under great financial and resource pressures, which means other matters usually take priority, with animal welfare cases ending up low on the agenda. In the United Kingdom animal welfare Inspectors are appointed who have various powers to monitor and protect animals, which takes the strain away from the Police; and it is similar provision for the appointment of suitable approved Inspectors, such as the ManxSPCA, the Society would like to see engrained within an Isle of Man Animal Welfare Act. Such a step would help to protect the island's animals whilst taking some pressure off our Police service and government vets.

Emulating or adopting the United Kingdom Animal Welfare Act 2006 would be an important and responsible improvement on the current position on the Isle of Man, effectively a massive stride forward. However, the UK Act should be used as a solid foundation for our own legislation, and then adapted with a number of additional, simple and reasonable measures that could also be introduced. These would make a big difference for animals whilst being a wonderful opportunity for the island to position itself as one of the international leaders in compassionate animal welfare.

KEY ISSUES

Duty of Care and the Five Freedoms

A key component of the UK Animal Welfare Act 2006 (the 'UK Act'), and absent from our legislation, is the Responsibility for Animals clause (item 3 in the UK Act), effectively a 'Duty of Care' that all owners and keepers of animals must follow. Any person responsible for an animal, permanently or temporarily, is legally required to ensure their welfare. An owner, even if they are on holiday for example, is still responsible for the animal's care if it is away from them – they cannot abdicate responsibility. Anyone who does not apply good standards of animal care can be dealt with by relevant authorities.

Crucially, guidance for appropriate Duty of Care is enshrined in the Five Freedoms (item 9.2, UK Act). Known as (Prof. Roger) Brambell's Five Freedoms, these are a summary of minimum care standards for animals under human control, including those intended for food or which act as working animals. Originally developed in 1965 from a UK Government report on livestock husbandry, the Five Freedoms are used as the basis for the actions of professional groups, including veterinarians and have been adopted by representative bodies internationally including the World Organisation for Animal Health and RSPCA. These five minimum care standards are that the animal must

- have a suitable environment;
- have a suitable diet;
- importantly, be able to exhibit normal behaviour patterns (for its species);
- be protected from pain, suffering, injury and diseases;
- have suitable housing, either with or apart from other animals (as would be normal for its species).

Part 1, clause 1c, i and ii, of the Isle of Man Cruelty to Animals Act 1997 states that causing 'unnecessary suffering' to an animal is an offence but 'unnecessary suffering' is open to interpretation and is usually deemed to refer to the animal's physical condition. By comparison, and critically, enshrined in the UK Animal Welfare Act 2006 is the requirement of the freedom for the animal to exhibit normal behaviour patterns. The definition of 'suffering' can be both physical and mental, the latter most likely if for example a dog is not given freedom to exercise on a daily basis and has no means of mental stimulation (to meet its minimum mental health requirements). This is a tragic situation for many animals, from pet rabbits to dogs for example, that the ManxSPCA regularly comes up against but currently is powerless to act. See Example 2 appended for a summary of an ongoing situation in the north of the island where the Society keeps trying to intervene to rescue a dog but has its hands tied by the lack of support legislation: a large friendly Rottweiler enclosed in a wooden cage 24/7 in a field in the middle of nowhere, away from any human or animal contact.

The Five Freedoms, together with minimum standards for animal housing (see Appendix 2) should be enshrined within an Isle of Man Animal Welfare Act so that a benchmark is in place against which neglect or cruelty can be measured. These guidelines would also provide a basis for educational information to be proactively provided to owners, young and old, by the Society and similarly interested animal welfare parties so that future neglect or cruelty through ignorance is avoided (see Example 4 appended where a 'cat lover' on the island has been keeping scores of cats on his premises but sadly the neglect and poor care of these animals resulted in many having to be destroyed by veterinarians; keeping so many untreated cats in one environment risks the danger of them passing diseases from one to another, known as cross-contamination).

Inspectors and their Right to Access

In addition to the need for Five Freedoms Duty of Care-based legislation, by far the most critical accompanying requirement is the provision of an appropriate resource to police an Animal Welfare Act. In 2013 the Society was called by the island's public to attend 159 cases where it was perceived an animal was in distress or there was poor animal care. Worryingly, this increased by almost 18 per cent in 2014 to 187 cases. Already the level of activity in January suggests that in 2015 there could be an annualised increase of more than 10 per cent on 2014. When the ManxSPCA attends these reported incidents the main obstacle that blocks the way for it to prevent animal cruelty or neglect on the Isle of Man is the Society's lack of any formal independent powers to gain access to an animal owner's land, garden or other property: so the Society attends the area but cannot lawfully inspect the matter further or intervene to help the animal. The Society is often accused of neglect or inaction by an unknowing public in such cases, but our greater concern and frustration is being aware of an animal that is suffering but not being able to rectify the matter if the owner is not interested in our help. In several examples in Appendix 1 the Society has been prevented from helping the animals because of the lack of legislation permitting the Society to have access to land where there has been suspected animal cruelty and neglect.

Presently the best the Society (or anyone else) can do is to call upon an increasingly stretched Police force to intervene, which is not always possible due to other Police commitments. Where Police help has been successfully sought, often it has only been after there was dire fear for the animal's life following protracted cruelty or neglect; and intervention is further delayed because it is the Police, rather than the Society, who have to seek a warrant if required to gain access (see Schedule 4, Isle of Man Cruelty to Animals Act 1997).

The UK Act provides for the appointment of independent approved Inspectors (see clause 52, UK Act) who can take the strain off the Police if they suspect a person is found not to meet any of the Five Freedoms/Duty of Care requirements. The Inspectors can access the area where the animal is kept or seek a warrant to do so (clause 18/19, UK Act) and issue an Improvement Notice (clause 10, UK Act) which will give details on how the owner or carer has failed to meet these requirements, the steps they should take to meet them and a deadline for carrying out improvements. If these are not made within the given time, the owner or carer may be prosecuted, possibly by the Inspector. In serious cases, where the animal's life or wellbeing is in danger, the Inspector may remove the animal for its own protection and seek veterinary treatment.

An Isle of Man Animal Welfare Act should provide for the appointment of independent suitably-trained, competent Inspectors (such as the ManxSPCA which currently manages the Government's out-of-hours Dog Warden and Kennel services) who would, as in the UK, have powers to investigate alleged mistreatment of animals, have access rights to gain entry to land or property to properly assess an animal's welfare, and ideally correct the matter without it having to go further. There should be the option for the Inspector to obtain an urgent warrant for access where needed. At a lower level many of the incidences could be satisfactorily resolved by the Inspector who can then maintain a watch to monitor the situation. As with the DEFA officers, it would be beneficial if the Inspector could be empowered to issue an Improvement Notice for the welfare of an animal. If court action is felt necessary, the Inspector and Police can progress this as deemed necessary.

FURTHER ISSUES

Whilst the Five Freedoms, appointment of Inspectors, and Inspector powers of access highlighted in the pages above are felt to be the most critical innovations for the Isle of Man's improvement in animal welfare, this does not mean the many other provisions of the UK Animal Welfare Act 2006 are any less relevant; and the Society therefore urges the Committee hearing evidence to consider the introduction of the full UK Act, whilst also retaining for any future need the protection for animals used in research afforded in the Isle of Man Cruelty to Animals Act 1997.

There are further improvements that can be made.

Minimum Standards for Cages, Hutches, Kennels etc

Wholly unsuitable, and therefore cruel, undersize cages are most common with all small animal cases that come to the ManxSPCA's attention. Domestic rabbits are usually sold in "meat rabbit" sized hutches with no allowance for the animal's need for exercise, but the purchaser of the rabbit assumes this hutch is "standard" and therefore acceptable on an ongoing basis. This is also a common problem with pet guinea pigs and hamsters, causing the animal dreadful physical and mental health suffering.

In Example 2 appended, also referred to above, the Rottweiler is kept in a small wooden cage where there is no room for the dog to exercise and so it is forced to stand and sleep in its own urine and faeces, also a common problem for rabbits and other small animals in tiny hutches.

There is a need for clear guidelines in the legislation to cover the specific requirements for keeping all species of animal. Whilst it is common to focus upon small domestic pets this should also cover horses and ponies (the Society works closely with Island Horse and Pony Aid, and understands the equine community has been invited to separately provide evidence to the Tynwald Committee). Farm animals have better protection from current Isle of Man legislation in this respect.

Whilst moves can be made to educate the public about the above, the ManxSPCA recommends that minimum hutch, cage, kennel etc size requirements and shelter provisions are an appended part of an Animal Welfare Act. Some examples are appended at the end of this evidence.

Pet Shops

By a combination of Right to Access and Minimum Standards/Five Freedoms engrained in legislation, appointed Inspectors would also be able to carry out unannounced inspections of pet shops to check the animals for sale, the size of their hutches, the conditions of cages and animals, their cleanliness and so on. Inspectors should also have the right to carry out checks at different times, not just within store opening hours, because the anecdotal evidence and reliable information at the moment is that many animals are retained 'back of office' away from the public in unsuitable conditions and often without anyone attending to them for long periods of time (eg when the store is closed to the public).

Micro-chipping

One of the worst cases of sickening wilful cruelty to animals on the Isle of Man in recent years was the binding of the legs and mouth of a Labrador which was then thrown, still alive, into Sulby Reservoir where it drowned. Sadly, despite Police efforts backed by public offers of a reward to find the guilty culprits they were not located. Had 'Sulby' (the name posthumously given to the Labrador by the ManxSPCA) been micro-chipped it might have been possible to start a trail of investigation to find the people who inflicted the cruelty. The traceability of animals and their owners is critical for many factors, from simply returning genuine stray animals to their homes and distressed owners or at the other end of the spectrum to locate unscrupulous owners who seek for example to sell or import factory-bred puppies. There is a need to tie-in with new animal welfare legislation the pending micro--chipping legislation that is already in the pipeline. The Society and many other experts on the island believe a massive step forward would be the mandatory micro-chipping of all dogs, importantly to include working dogs and those visiting the island. Once introduced, this legislation would enable the dog licence to be abolished.

Pet Passport

Under the current Pet Passport Scheme the maximum number of puppies that can travel at any one time is five. We should consider such a rule to hinder the trade in puppies from the United Kingdom & particularly the Republic of Ireland because the trade in poorly and cruelly bred puppies through the back door from Eastern Europe is on the increase. Ideally the Isle of Man should adopt the Pet Passport Scheme for dogs of all ages. As with the UK authorities, where it is the carrier that is responsible for ensuring that the correct paperwork accompanies all pets, we would like to see some mechanism in new legislation to insist upon the IoM Steam Packet Company being the only current carrier licensed to carry out the necessary checks. Inspectors, such as the ManxSPCA, could work with the IoMSPCo to supplement the carrier's systems by carrying out spot checks at the port. Checks should also be made if a dog or puppy is coming in from a

European country and a zoonotic disease (one that can be passed from animal to human) is known to exist in that area which is not covered under general vaccinations (eg sandfly).

We should also make it illegal to import or sell unvaccinated puppies, which would mean all puppies would have to be health-checked by a vet who could audit their welfare and react accordingly. Puppies travelling to and from the island would need a certificate declaring them fit to travel.

Breeding: licence & register

The unscrupulous breeding of pets purely for profit often leads to dreadful conditions for both mother and puppies, as with mass-bred kittens and other animal species. We believe the dog in Example 2 is isolated alone in a field in the middle of nowhere purely for occasional breeding with a bitch to generate income for the owner.

There are many horror stories about the atrocious breeding and animal transportation methods used by owners. A consequence of this is that the young animal is often damaged – both physically and mentally – before it enters adulthood (it is now well-documented that the first few weeks of a dog's life are the most critical for forming its character). Having clear conditions to identify pet breeders and a register of these is an important objective of the Society and veterinarians on the island. Micro-chipping, together with proper registration of owners, will help to overcome the practical difficulties in confirming the precise ownership of dogs. The Society would like to see the Scandinavian model adopted whereby anyone who wishes to breed from a dog, even one, must be registered and have a licence. In Switzerland unless you are a Government-approved, licensed and regularly audited breeder, your dog must be neutered or you face a substantial fine/confiscation of the animal: the ideal would be for the Isle of Man to follow this example of responsible ownership and care.

Cats

There are several cases on the island where, with best intent but in ignorance of proper animal care, people are keeping far too many cats within their property. This leads to cross-contamination of infections, cat flu, inter-breeding consequences and other problems. Ideally, serious consideration should be given to the reasonable number of cats that one person may own, although this may be difficult to quantify due to people caring for feral cats and because a knowledgeable caring owner might cope better with more cats than a less knowledgeable person. An improved mechanism to check upon owners (eg Inspectors) should

help here. Also, breeders and sanctuaries should be licensed by the Government and subject to ad hoc unannounced checks (the same consideration should be given to small animals as we are aware of some people who have large numbers and use them at times for breeding).

There have been cases where small dogs have been hit by vehicles on the island but the drivers have not reported the incident, perhaps believing the animal was a cat. The Society is aware of five dogs that have been killed by cars within the past few weeks alone but the incidents have not been reported. There is no responsibility to report a traffic accident involving a cat – despite this leading to no less distress for a cat-loving owner who cannot locate their cherished lost pet than that suffered by a dog owner whose pet has gone missing. The Society recommends it becomes law that a vehicle driver who hits a cat must report the incident to the police or an Inspector, in exactly the same way as they must by law if they hit a dog (a responsible and caring innovation to legislation that would put the Isle of Man well ahead of the UK).

Banning Orders

There is a need to clarify and legislate for owners guilty of neglect and in particular wilful cruelty, including banning orders and other sanctions. People who are prosecuted in the UK may be banned from keeping or owning animals, or from having any say over the care of animals in the future. Penalties can include up to a year's imprisonment and/or a fine up to £20,000. Isle of Man court action should be backed by severe and appropriate prison or other sentences, banning orders and fines so as to dissuade or prevent the guilty from owning and mistreating an animal in the future. A further improvement would be to have a central register of offenders and allow the ManxSPCA access to the data to prevent unsuitable people having new pets.

Education

Not so much a requirement of legislation but more a consideration of complementary action to accompany a new Animal Welfare Act would be improved public awareness of proper animal care. The Isle of Man Government should lead the way with a comprehensive website available to the public to give advice and suggestions on animal welfare, as well as other related information and links. Other organisations, such as the Society (particularly were it to benefit in credibility from being an approved Inspector), should be partnered to participate in a concerted initiative to educate the Isle of Man public in proper animal husbandry and care, because in our experience most cases of poor animal welfare are down to ignorant neglect rather than wanton cruelty.

APPENDIX 2

Minimum space allowances & care conditions (examples)

Dogs

Minimum dimensions of pen design are recommended as stipulated by the UK Home Office (HMSO 1989). The allocated floor areas provide a reasonable compromise between economic costs and allowing sufficient room for locomotion, socialization and enrichment purposes.

It is arguable whether pen size should be based on body weight; however, body size is an equally poor predictor of a dog's space requirements. For example, an active puppy of, say, eight weeks might well require more space than an old, relatively inactive dog.

The space recommendations listed in Table 1 are based on professional experience. They have the benefit of encouraging pair-housing because the minimum sizes for single cages provide sufficient room for two adult dogs. For example, the minimum floor area for adult beagles of the weight category 10-25 kg is 4.5 m², both for a singly housed dog and for two pair-housed dogs. The addition of a third dog, however, necessitates that the floor area be increased by 2.25 m², i.e., to 6.75 m².

The height of the enclosure should at least allow the dog(s) to stand on hind legs without touching the roof. However, with pens of these sizes, the vertical dimension should also allow the carer to stand in the pen without having to stoop. In this respect a height of 150 cm may be too small (Table 1).

BODY WEIGHT KG (LB.) OF DOG	MINIMUM FLOOR AREA M ² (FT. ²) PER DOG		MINIMUM HEIGHT CM (IN.)
	HOUSED SINGLY	HOUSED IN GROUPS*	
less than 5 (11)	4.5 (48.4)	1.0 (10.8)	150 (59.1)
5-10 (11-22)	4.5 (48.4)	1.9 (20.5)	150 (59.1)
10-25 (22-45)	4.5 (48.4)	2.25 (24.2)	200 (78.7)
25-35 (45-77)	6.5 (70.0)	3.25 (35.0)	200 (78.7)
more than 35 (77)	8.0 (86.1)	4.0 (43.1)	200 (78.7)

* Floor area must be not less than that specified for a singly housed dog.

Table 1: Minimum space recommendations for laboratory dogs

Cats/Kittens

Cats and kittens are currently not recognised in legislation; for example, there is no guidance about the number one can own or what is suitable accommodation.

However, the ability to provide proper care, efficiently, is a factor that features in large amounts of published material. This centres on the ability to stop the spread of disease effectively between cat groups and other parties.

If someone is actively containing cats within spaces where they have no segregation from ill cats, professionals widely believe this to be neglectful but it is not stated as a requirement in law.

One factor raised by nearly all cat owners is the lack of care shown in Road Traffic matters, whereby a vehicle driver does not have to report a collision with a cat, but dogs, cattle, horses etc are provided for. Sparse when compared to many other animals but nonetheless important for cats is guidance on health care and the feline's environment.

Small animals (nb: even small animals need enrichment).

Rabbits

It is recommended that a 6ft x 2ft x 2ft hutch with an 8ft x 4ft x 2ft run for outdoor rabbits and the equivalent space if the rabbits live indoors be provided.

Ideally the outdoor run needs to be on grass.

The living areas should be cleaned daily.

Fresh food, water and hay should be provided daily.

Complete food should be given to stop selective feeding.

Vegetables to be given daily.

Hay makes up 80% of a rabbit's diet, so there should be a limitless supply.

Rabbits are happier in pairs. They can get very lonely when kept on their own, but pairs either have to be the same sex or one would need to be neutered or spayed to prevent breeding.

Sawdust/wood shavings are far too dusty for rabbits to live on and can make them very ill.

Soft chopped straw makes a nice bed for rabbits to sleep on and forage in. Add lots of meadow hay on top.

Rabbits should also have toys and chews every day to prevent boredom and to keep teeth healthy.

Yearly vaccinations are recommended.

See www.actionforrabbits.co.uk

Guinea pigs

Guinea pigs should be kept in pairs (but pairs would either have to be the same sex or one would need to be neutered or spayed to prevent breeding).

Two guinea pigs need a minimum of 4ft x 2ft (8 sq feet).

Outside runs are advised as they also need access to grass.

Complete food should be given to stop selective feeding.

Sawdust/wood shavings are far too dusty for guinea pigs to live on and can make them very ill.

Soft chopped straw makes a nice bed for guinea pigs to sleep on and forage in. Add meadow hay on top.

Vegetables and fresh water to be given daily.

Guinea pigs should also have toys and chews every day to prevent boredom and to keep teeth healthy.

Hamsters

The minimum cage size for a Syrian hamster would be 80cm wide by 50cm deep by 35cm high (2ft wide x 2ft deep x 2 ft high).

Hamsters should be bedded down on CareFresh® or short chopped shredded paper. White soft paper bedding should also be provided for the sleeping areas.

Hamsters should never be kept on wood shavings or sawdust. These can cause breathing problems and parasite infestations.

The cage and toys should be completely cleaned at least once a week with a small animal disinfectant.

Complete food should be given to stop selective feeding.

Vegetables and fresh water should be given daily.

Rats

Rats should not be kept alone.

At least 2 cubic ft of space per rat.

Should be cleaned at least twice a week.

Cages should be kept out of direct sunlight and draughts, as sudden changes in temperature can cause health problems.

Rats are omnivores so need a mixture of meat and vegetable matter. Diets should be supplemented with fresh foods such as raw or cooked vegetables (with no added salt or spices) or small meat portions.

Complete rat food should be given, to prevent selective feeding.

Fresh water should always be provided and whilst a bottle will ensure the water stays clean a heavy bowl can also be used.

Environmental enrichment is essential in order to fulfil a rat's necessary welfare needs thus reducing environmental stress (Belz *et al.*, 2003). Enrichment is relatively inexpensive to provide. Rats can be given cardboard boxes to sleep in although many do appreciate a comfy hammock. Ladders, ropes and untreated fruit tree branches also allow rats to climb using their amazing balancing skills. Branches also allow them to fulfil their natural and necessary rodent behaviour of chewing and keeping their continuously growing teeth down (Johnson *et al.*, 2004).

Objects such as empty cereal boxes, paper bags or scrap paper (be aware of ink) can also be placed in enclosures.

Suitable bedding materials are wood chip (non-aspen), cellulose based chips or shredded filter paper.

Avoid dusty bedding materials such as sawdust, and any bedding which is made of aspen as these can result in breathing and other health problems.

Corn snakes

They should be housed on their own.

A 4ft vivarium is suitable to house a corn snake as it is just large enough for them to stretch out.

Corn snakes should be given feed appropriate to the size of their mouth.

Feeding your Corn snake outside the vivarium is recommended.

Aspen Shavings or newspaper can be used for bedding.

Clean water to be given daily.

Clean out vivarium daily. A thorough clean should be done every 3 weeks.

Corn snakes require a temperature gradient of 25°C to 30°C (77°F to 86°F) during the day, and 20°C to 25°C (68°F to 77°F) at night.

UV light should be provided during the day.

A simple 12 hour light cycle is ideal for Corn snakes.

No white lights during the night. Use a red heat lamp for night.