

Shirley Hughes

From: Marie Lambden
Sent: 16 January 2015 13:57
To: Shirley Hughes
Subject: Strand Veterinary Practice
Attachments: PINK FORM JAN 2015.docx

From: Strand Veterinary Practice [<mailto:enquiries@strandvets.com>]
Sent: 15 January 2015 16:14
To: Marie Lambden
Subject: Animal Welfare Legislation

Dear Marie,

Please find outlined our thoughts regarding the upcoming review of Animal Welfare legislation on the Isle of Man:

Yes, legislation equivalent to the UK Animal Welfare Act (AWA) 2006 would be beneficial.

Reference to 'The Five Freedoms' as promoted by the RSPCA, or inclusion of those in the legislation could also be useful.

Of particular relevance from a veterinary perspective we feel that it is important to define suffering, and to make clear that suffering can be caused by failure to act or failure to provide appropriate medical care. Failing to provide medical care can cause unnecessary suffering and we would welcome having more powers to take steps to remove an animal from the care of a person or persons who refuse to provide appropriate treatment or palliative care.

The idea of a responsible person needs to be defined, as an animal may not always be in the care of the owner. For example, a dog may at times be under the care of kennel staff, or a dog-walker. An equine may be 'out on loan' and therefore the owner may not be the primary person responsible for looking after the animal.

Any person who has any responsibility for the care of a particular animal should have a legal responsibility towards protecting that animal's welfare.

The responsibilities of the owner/carer should be clearly defined, including provision of an appropriate environment, diet, freedom to express normal behaviour and to interact with other members of the animal's species (where species appropriate), and to protect from pain, suffering, injury, disease and distress. (Refer to the 'Prevention of Harm' section of The Animal Welfare Act).

Obviously the appropriate environment will vary from species to species, and for most of our commonly encountered species this should be fairly obvious; for example, the size of an owner's home and garden should be appropriate for the size and breed of dog - it would not be appropriate to keep a Bull Mastiff in a one bedroomed flat with no garden. Some species seem to be consistently overlooked. Rabbits, for example are often kept in small hutches that are totally inappropriate for their needs and by many this is considered to be

acceptable, whereas, in fact this represents a significant compromise to their welfare. I refer you to the Rabbit Welfare Association, specifically to their 'A Hutch is not enough' article:

<http://www.rabbitwelfare.co.uk/ahutchisnotenough.htm>

Exotic animals such as tortoises, reptiles and birds also have very specific needs which are not always properly researched by a prospective owner. Lack of knowledge should not be an excuse for compromising welfare.

We also feel that assessing who has the power to remove an animal from an owner's care and under what circumstances needs to be carefully considered.

For example, section 18 of the Animal Welfare Act states:

(5)

An inspector or a constable may take a protected animal into possession if a veterinary surgeon certifies—

(a)

that it is suffering, or

(b)

that it is likely to suffer if its circumstances do not change.

(6)

An inspector or a constable may act under subsection (5) without the certificate of a veterinary surgeon if it appears to him—

(a)

that the animal is suffering or that it is likely to do so if its circumstances do not change, and

(b)

that the need for action is such that it is not reasonably practicable to wait for a veterinary surgeon.

Provision should also be made to protect the welfare of wildlife. We appreciate that there is a separate act for wildlife (The Wildlife Act 1990), but there should at least be reference to wildlife in the new Welfare Act. For example, it should be an offence to cause suffering to wild animals or birds, including marine animals, and certain parties, e.g. the MSPCA, should be given the right to take action, including prosecution where appropriate, if a person is suspected of causing suffering to wildlife.

Yours sincerely

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