

STATES OF JERSEY

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DRAFT ANIMAL WELFARE (JERSEY) LAW 200- (P.126/2003): AMENDMENTS

**Lodged au Greffe on 3rd February 2004
by the Deputy of St. Martin**

STATES GREFFE

DRAFT ANIMAL WELFARE (JERSEY) LAW 200- (P.126/2003): AMENDMENTS

PAGES 19-20, ARTICLE 14, PARAGRAPH (2) –

- (1) *In sub-paragraph (a) for the number ‘3’ substitute the number ‘5’.*
- (2) *For sub-paragraph (b) substitute the following sub-paragraph –*
“(b) the provision, for reward, of accommodation for other people’s dogs, cats, horses, rabbits, guinea pigs or birds at any premises;”.
- (3) *In sub-paragraph (d) delete the words “other than a private dwelling,” in each place where they appear.*
- (4) *After sub-paragraph (f) add the following paragraph –*
“(g) the keeping of livestock or poultry for the purpose of producing for sale, whether by the person commencing or carrying on the business or any other person, any product derived to any substantial extent, with or without process from such livestock or poultry;”.
- (5) *After sub- paragraph (g) add the following paragraph –*
“(h) the keeping or use of one or more dogs wholly or mainly for the purpose of protecting, for reward, another person’s premises or property;”.
- (6) *After sub-paragraph (h) add the following paragraph –*
“(i) the keeping of horses for the purpose of their being –
 - (i) let out on hire for riding or for driving with a carriage, cart, trap or other means of conveyance, or
 - (ii) used, in return for reward, for instruction in riding or in driving a carriage, cart, trap or other means of conveyance;”.

PAGE 23, ARTICLE 22 –

- (7) *After paragraph (1) insert the following paragraph –*
“(2) The Committee shall not authorize to be an inspector any person, or any officer or employee of a person, who requires or holds a licence under this Part.”
and renumber the remaining paragraphs accordingly.

PAGE 33, SCHEDULE 1 –

- (8) *In paragraph 1, after sub-paragraph (g) insert the following sub-paragraph –*
“(h) the docking of a dog’s tail during the first week of life;”
and renumber the remaining sub-paragraphs accordingly.
- (9) *In paragraph 2, at the end of sub-paragraph (e) add the words “following the first week of life”.*

DEPUTY OF ST. MARTIN

REPORT

The proposed Animal Welfare Law has been drafted following a comprehensive review of animal welfare issues including repealing four existing Animal and Bird Laws. It is claimed that the draft Law consolidates and revises the Laws promoting the welfare of animals, the prevention of unnecessary suffering by animals and also empowers the Economic Development Committee to require certain commercial establishments and animal sanctuaries to obtain a licence under the provisions contained in Part 3 of the draft Law.

There are occasions when there is a need to revise and modernise laws, which may be outdated or ineffective. However when a new law is drafted and submitted to the States Assembly for approval one would expect the Proposition's Report to be comprehensive and include justification for the licensing of certain categories of animals and exclusion of others. It should also include the cost of the proposed licences.

As the purpose of the Law is to promote the welfare of animals and the prevention of unnecessary suffering, one would expect that the interest of all animals would be safeguarded. If this is not the case, then the reasons for exclusion should be given.

Few people will argue against the spirit of the proposed Animal Welfare Law, however the discriminatory drafting of Part 3 has caused grave concern for many pet-owners, breeders and owners of commercial establishments.

In Jersey the boarding of cats and dogs, the grooming of animals and the breeding of cats and dogs for reward is very much a "cottage industry." The majority of proprietors run their establishments themselves and have a "hands-on approach". They could be likened to guesthouse proprietors who provide a low cost and personal service to meet a need, which although the premises might not be 5 stars are nevertheless much appreciated and valued by many pet-owners.

To carry on the analogy, the reason why there are now so few guest houses is because unnecessary bureaucracy has forced proprietors to spend considerable sums of money upgrading their establishments. For many proprietors it made no economic sense to do so, whereby a very valuable element of the Tourism Industry was lost.

The same can be said of the more personal services provided by smaller kennel, cattery and grooming establishments. The proprietors have considerable experience and knowledge in the field in which they work. Their facilities have provided a valuable service to pet-owners. It is obvious that the pet-owners are satisfied with the facilities and care provided; if this were not the case the establishments would not have survived as going concerns. The introduction of the Welfare Law and the Animal Code will force many if not most of the smaller concerns to close because of the increasing bureaucracy and economic implications. Unless there is a common sense approach to Article 16 many pet-owners will be left with very few options as to where to board, groom or buy their pets from. Many of the existing establishments will be forced to close down.

The proprietors also feel aggrieved because they are singled out for special treatment. The proposed Law is divisive and is creating anomalies because individuals who run businesses from home or proprietors who run businesses involving other animals such as livestock, poultry and horses will not require licences. The Law should be even-handed and everyone must be treated equally.

In Article 14(2)(a) it is proposed that keeping of 3 or more female animals for the purpose of breeding for sale will require a licence. There are no puppy farms in Jersey, one of the reasons for this is because generally, local pet-owners breed their animals for breed improvement and sell the remaining animals from the litter. As no reasons are given in the Proposition's Explanatory Note and Report one can only surmise as to how the number of 3 animals has been arrived at. It could be argued that in the interest of animal welfare everyone who keeps animals for the purpose of breeding for sale should be licensed. This is one occasion however where there should be a variation in the Law for the following reasons.

All the species of animals are grouped together in the same paragraph. This in itself creates problems because there are not only different breeding and gestation periods between the various species but there are also different breeding patterns. It is difficult to judge whether the Economic Development Committee has recognised this fact

but if the Committee is of the opinion that the accepted number should be 3 then that figure is too low.

In the U.K. a person is presumed to be carrying on a business of breeding dogs for sale where during any 12-month period 5 or more litters are born on his or her premises. The intention was to limit puppy farmers, unfortunately the U.K. Breeding and Sale of Dogs (Welfare) Act 1999 has failed to prevent this. In 2003, 21 Jersey Dog Breeders produced only 34 litters, which were registered with the Kennel Club of Jersey. In the majority of cases the breeding was carried out with the intention of improving the Breeder's own stock for showing purposes.

Pedigree cats are registered by Jersey Breeders with the Governing Council of the Cat Fancy in the U.K. It is impossible to know of the numbers bred in the Island, it can safely be assumed they are small in number and as with dog breeders, the cat breeders produce kittens mainly for show purposes with the remainder of the litter being sold as pets. This practice is to be encouraged because it enables local people to have access to good quality locally bred animals thereby reducing the need to purchase animals from puppy farms outside the Island.

Although it is not proposed to licence livery and riding schools etc., it is intended to licence horses for the purpose of breeding for sale. No reason is given why the keeping of only 3 or more mares requires a licence, because of the gestation period, a mare is only likely to foal once in a year. Some animal species can produce several offspring and on more than one occasion a year, for example rabbits and guinea pigs have a totally different breeding and gestation period. No register is kept on the Island for either of these species and it is difficult to know of the numbers involved. To overcome unnecessary bureaucracy I believe that the paragraph should be amended to require breeders to be licensed only if they keep 5 or more females for breeding.

Article 2(b): as previously mentioned, no reason is given for the exclusion of certain animals. In the interest of equality it seems anomalous to exclude certain animals, particularly horses. For the same reason it is immaterial where a person is running a business.

Article 2(d): if breeders who keep female animals for the purpose of breeding for sale or groom other people's animals for reward on private dwellings require licences, then it is reasonable for people who sell animals from private dwellings to be licensed.

Article 2(g) – new paragraph: again in the interests of equality it seems anomalous to exclude livestock or poultry.

Article 2(h) – new paragraph: again in the interests of equality it seems anomalous to exclude dogs engaged security work.

Article 2(1) – new paragraph: like the above two paragraphs, the previous draft Law included a requirement for the licensing of these activities. If the Law is to be even-handed then it is nonsense to exclude the licensing of establishments that keep horses for the purpose of hiring for riding, giving instruction or driving with a carriage etc.

Article 22: concern has been expressed about the independence of personnel engaged in administering the Law. Under no circumstances should it possible for anyone involved or employed by one business to be involved with investigating possible breaches of the law by another business.

Schedule 1, paragraph 2(e): the docking of dogs' tails.

The Animals (Anaesthetics) Jersey Law 1947 permits dogs under 6 months old to have their tails docked without an anaesthetic. Although no reason is given for the proposed change there are a number of other similar practices which are permitted without anaesthetic, provided they are performed within a short time of the animal's birth. As such there is no reason why it should not be possible to continue with the practice of docking tails, although it is proposed that the time be reduced to within the first week of life, which is compatible with the docking of lamb's tails.

Financial and manpower implications

In the report accompanying the draft Law the Economic Development Committee has stated that –

“There are no immediate financial or manpower implications arising from the adoption of the draft Law by the States. By phasing licensing of establishments over a maximum of 24 months, the required manpower can be met from the existing resources and any costs associated with the introduction of a licensing scheme will be recovered from license fees.”

When the draft Law was lodged I asked for it to be referred to the Finance and Economics Committee as I did not consider that the above statement was entirely accurate. There will be some additional resource implications because of the increase in the scope of licensing if these amendments are adopted but I do not believe these will be significant in the overall context of the potential implications of the Law. I await the comments of the Finance and Economics Committee with interest.