

## **Petitions Committee**

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

#### **Response from Animal Aid**



January 30<sup>th</sup> 2013

#### **Consultation on the Formation of an Animal Offenders' Register**

The proposal is that a central Welsh database is established, which will record the details of anyone who has been convicted of animal cruelty. Those who profit from selling animals – breeders, traders and sellers – will be required to consult this list before they allow an animal to be sold. They will be held responsible should an animal be sold to someone with convictions for cruelty.

##### Benefits and Drawbacks

There are two clear benefits of such a scheme. One is that it could prevent those who have harmed animals from obtaining more. Currently, anyone over 16 can walk into a pet store, buy an animal, cause terrible and deliberate suffering to him or her, and then go back and buy another.

There is no duty on shopkeepers to conduct home checks to see whether a home is suitable, nor do they need to conduct a follow-up check to ensure that the new 'owner' has understood what that animal requires in order to be healthy and happy. The pet industry remains one area where animals can be freely traded without due care for their wellbeing.

The second benefit is more general: the creation of such a database sends a message across society that the lives of animals matter, and that it is a duty for all those who obtain an animal to treat him or her with due care. This would be a positive development, and is in keeping with the Welsh Assembly's drive towards the better care of domestic species, following on from its Codes of Practice for the Welfare of Cats, Dogs, Equines and Rabbits.

That someone could simply buy an animal from across the border remains a drawback, as does the prevalence of unregistered breeders and suppliers who will sell to anyone via local adverts.

While we would not necessarily see these as reasons not to pursue this objective, we would question whether – if legislation is to be enacted to better protect domestic species – a different route might achieve more. Other ideas that might be considered include a licensing scheme under which people have to microchip all cats and dogs; a duty on dealers and breeders to first conduct a home check; a fixed levy on those

profiting from the sale of animals to provide for the tens of thousands abandoned at sanctuaries (which are almost always charities, relying on donations); and a ban on the importation and sale of 'exotic' species.

If an Animal Offenders' Database were to be created, we would like to see it have a wider remit. Rather than simply relating to the sale of pets, we would like it to guide employers when employing staff who will work with animals, such as farmers, slaughterhouse workers and zoo keepers.

#### Legal and Practical Implications

A new Regulation could be made under s.12 of the Animal Welfare Act, following a public consultation on this issue.

In terms of how the database would work practically, no sensitive information need be revealed to the seller of animals. He or she should input only basic details (such as name, date of birth), which must be verified with a passport or other photographic documentation, and the database should confirm whether that person is eligible to buy an animal.

Would convictions become spent as under the Rehabilitation of Offenders Act 1974?

Would the prohibition apply to an address where an offender lives or just to the offender? If the latter, there would be nothing to stop someone from the same household from buying an animal, and that would remain a problem.

#### Administration and Funding

The register could be administered centrally, or through a trusted partner, such as the RSPCA. Since the information in it is sensitive, it should not be publicly available.

Practically, the RSPCA brings most prosecutions and so would be in a good position to keep the database current.

Details held should include name, address, date of birth, town of birth, the nature and date of the conviction, and the date it becomes spent.

Funding the register is not a simple matter. Ideally, the costs would be passed onto the industry but this may simply give greater advantage to the unregistered and unlicensed breeders/sellers, and these are unlikely to consult the Register in any case. Private sponsorship might support the creation of the Register, although its running costs may need to be provided by Government.

#### Policing and Penalties

If a Regulation was to be made under s.12 of the Animal Welfare Act, it could create an offence triable on indictment and punishable with up to 51 weeks imprisonment, or a level 5 fine on the standard scale. The police or the RSPCA could have responsibility for investigating non-compliance and bringing prosecutions, as under the Animal Welfare Act.