



Summary of responses to the consultation on the Animal Welfare Bill 2021

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Principles underpinning the consultation

The Programme for Government (Amendments for Year Three) sets out, under the theme of a “Sustainable Island”, the strategic objective of an inclusive and caring society. In support of this objective it specifies the outcome “Bring forward appropriate Animal Welfare Legislation alongside Brexit commitments”.

Further to this objective, and in light of the consideration of this matter given by the Tynwald Select Committee on Animal Welfare in May 2016 and the subsequent work of the Department’s Animal Welfare Forum in 2017, the Animal Welfare Bill 2021 was drafted.

This Bill seeks to improve legislative provision in respect of the welfare of companion animals (primarily dogs, cats and horses), ensuring that the ‘five freedoms’, which are the principals underpinning UK animal welfare legislation, are upheld in the Island.

The five freedoms are –

- Freedom from hunger and thirst;
- Freedom from discomfort;
- Freedom from pain, injury and disease;
- Freedom to express normal behaviour; and
- Freedom from fear and distress.

The Bill would uphold these freedoms by providing a mechanism for applying the relevant provisions of the UK’s animal welfare legislation to the Island, as per the Schedule of planned secondary legislation set out in the consultation.

Notably, the Bill would enable the application to the Island of statutory codes of practice, such as the UK’s [Code of Practice for the Welfare of Cats](#); [Code of Practice for the Welfare of Dogs](#); and [Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids](#).

Finally, the Bill would also, in light of concerns expressed to the Department with respect to reductions in the numbers of mountain hares on the Island, make provision for greater legal protections to be provided for mountain hares.

Timeframe for the consultation

A four week public consultation was undertaken from 8th March 2021 to 5th April 2021 with regard to the Animal Welfare Bill 2021 (the Bill). While this consultation period was shorter than a typical consultation it was considered appropriate given –

- the limited time available in the current Parliamentary session for consideration of the Bill, if it is introduced;
- the likely significant public support for the introduction of such a Bill; and
- if there are significant concerns with respect to the Bill, objections to the Bill would be quickly raised and identified given the Bill’s short length.

Direct Consultees

In addition to views being welcomed from the general public the following stakeholder groups were directly invited to contribute to the consultation –

- Tynwald Members;
- Registered political parties;
- Chief Officers of public bodies;
- Local authorities;
- Professional bodies;
- Animal Welfare charities;
- Wildlife charities;
- Veterinary surgeons; and
- Horse riding livery yards.

In addition, the consultation was publicised in a press release issued by the Department and via the Department's social media account.

Responses to the consultation

In total there were 1,109 responses to the consultation, 1,056 of which were submitted via the online consultation hub. Of these responses –

- 1,067 responses were from members of the public (including 6 phone calls);
- 18 responses were from third sector organisations;
- 6 responses were from a public body;
- 5 responses were from businesses or bodies representing businesses;
- 3 responses were from trade unions;
- 2 responses were from professional bodies;
- 1 response was from a sporting body; and
- 1 response was from a political party.

Of those responding –

- 295 gave permission to publish their response in full;
- 623 gave permission to publish anonymously;
- 153 asked for their responses to not be published; and
- 38 did not give any direction as to whether or not their responses may be published.

The responses the Department has explicit permission to publish will be made available as separate document available via the Consultation Hub.

Overview of responses to the consultation

Appendix 1 sets out an overview of the feedback provided by the consultation and the changes that were, and were not, made to the Bill as a consequence.

A detailed breakdown of the responses to each of the questions set out in the consultation, following the structure of the consultation as published, is set out in Appendix 2. Note that not every question was answered by each respondent and, due to rounding, not all percentages may add up to 100%.

Next steps

The Bill has been revised to take account of the consultation feedback as well as having its drafting improved to better implement the policy goals as set out above and in the consultation.

The revised Bill was subsequently introduced into the Branches for its first reading on the House of Keys on Tuesday 27th April 2021.

The Department will also give further consideration to the policy issues identified by this consultation.

Appendix 1 – You said, we did

Changes made to the Bill

In response to the feedback received the following changes were made to the Bill and the associated documents.

Provision	You said	We did
<p>Long title of the Bill</p>	<p>The Department received a number of comments suggesting the –</p> <ul style="list-style-type: none"> • the long title was not correctly drafted. • long title should be amended to provide for greater legal protections for animals in general, or specifically (e.g. reporting of road traffic collisions involving cats). 	<p>The long title of the Bill was reviewed and redrafted to reflect revised contents of the Bill, which is now more narrowly drafted to allow the application of UK animal welfare legislation to the Island, and the introduction of supporting secondary legislation.</p> <p>As new provisions extending the scope of the Bill were not included, the Bill's long title was not amended further.</p>
<p>Custodial sentences for breaches of regulations</p> <p>Clause 5 Implementation by regulations of legislation relating to the welfare of companion animals</p>	<p>The feedback provided indicated strong support for custodial sentences for breaches of animal welfare legislation.</p>	<p>In considering this feedback it was noted that penalties for the breaches of regulations would be a separate matter to the commission of offences under the applied UK legislation, which could provide for a higher level of custodial sentence.</p> <p>For example, the Animal Welfare (Sentencing) Bill 2019-21 will amend the Animal Welfare Act 2006 to allow for the imposition of custodial sentences of up to 5 years' imprisonment and/or an unlimited fine. Similar penalties for animal welfare offences could be applied to the Island by Order further to clause 4 of the Bill.</p> <p>However, it was also noted that custodial sentences of up to two years may be imposed for breaches of existing EU animal welfare provisions that are applied to the Island for the purposes of enabling trade.</p> <p>The Bill was therefore amended to allow regulations to be made that, in addition to allow for the impositions of fines for breaches of</p>

Provision	You said	We did
		regulations, may also provide for the imposition of a custodial sentence of up to 2 years in custody.
<p>Legal status of mountain hares</p> <p>Clause 6 Amendment of legislation for the protection of mountain hares</p>	<p>While there was strong support for providing greater legal protections to mountain hares, many responses suggested that mountain hares should be listed as a protected species under the Wildlife Act 1990 and expressed discomfort with the proposed approach of listing mountain hares as game.</p> <p>In addition, a number of respondents also expressed concern that the consultation implied the reductions in mountain hare numbers was due to hunting.</p>	<p>Clarification is provided here that the Department’s concerns on reduction in the number of mountain hares arose due to fewer sightings of such animals following changes in their environment. It is not consider that mountain hare numbers have been reduced due to the hunting of such animals as game in accordance with agreed good practice.</p> <p>The Department is considering the potential need for a survey of the Island’s mountain hare population, the outcome of which could then provide evidence for the mountain hare being listed as a protected species under Schedule 3 to the Wildlife Act 1990.</p> <p>Such a change in the legal status of mountain hares would only be introduced following engagement with key stakeholders and a public consultation process.</p>
<p>Amendments to Game legislation</p> <p>Clause 6 Amendment of legislation for the protection of mountain hares</p>	<p>A small number respondents, typically with interests with respect to hunting, expressed disquiet with the proposed approach to amend Game legislation generally.</p>	<p>Following the removal of the provisions relating to mountain hares, the proposed amendments to existing game legislation are no longer required and have been removed from the Bill.</p> <p>In making this change it has been noted that concerns were expressed as to changes in the legislation without stakeholder engagement before the consultation. In the future, any potential amendments to this legislation will only be drafted following after engagement with all of the key stakeholders.</p>

Changes not made to the Bill

Consideration was also given to the following suggestions, but it was not considered necessary to amend the Bill further in light of this feedback for the reasons stated.

Feedback	You said	We did
<p>Short title of the Bill</p>	<p>Noting the Bill’s application to mountain hares, and seeking its extension to animals other than companion animals, many respondents suggested the short title of the Bill should be revised.</p>	<p>Following the removal of the provisions relating to mountain hares, and noting the Bill is intended to allow for application of UK animal welfare legislation (principally the Animal Welfare Act 2006) it was considered the Bill’s short title correctly reflected its contents.</p> <p>No change was made to the Bill’s short title accordingly.</p>
<p>Commence bill upon royal assent</p> <p>Clause 2 Commencement</p>	<p>While broadly supportive of the Bill’s commencement provisions and number of respondents left comments suggesting the Bill should come into effect immediately upon royal assent. This would ensure action is taken as quickly as possible to introduce new animal welfare legislation on the Island.</p>	<p>No change was made to the Bill as the commencement provisions allow for an appointed day order to be made enabling the Bill to take effect immediately once Royal Assent has been granted.</p> <p>Such commencement provisions also enable the making of supplementary, savings, transitional and transitory provision to support the commencement of the Bill, if required.</p>
<p>Definition of “UK legislation”</p> <p>Clause 3 Interpretation</p>	<p>A large number of respondents suggested the Bill should apply to a wide range of animals, particularly feral animals and less common companion animals (e.g. pet pigs, tarantulas, etc.).</p>	<p>There already exists legislation, principally under the Wildlife Act 1990, to provide protections for wild animals.</p> <p>It should also be noted that the definition of “kept” animals set out in this Bill would also apply to any non-livestock animals in captivity, as well as a wide range of pets such as gerbils, hamsters and rabbits.</p> <p>Finally, in considering the need for additional legislation, regard should also be given to the existing Animal Health Act 1996, which already provides for the welfare of livestock animals.</p> <p>Given the existing legislation in this area it was not considered necessary to expand the scope of the Bill to encompass animals other than “companion animals”.</p> <p>No changes were made to the Bill accordingly.</p>

Feedback	You said	We did
<p>Definition of “companion animal”</p> <p>Clause 3</p> <p>Interpretation</p>	<p>Similar to the entry above, a large number of respondents suggested the Bill should apply to a wide range of animals, particularly feral animals and less common companion animals (e.g. pet pigs, tarantulas, etc).</p> <p>In addition, a number of respondents commented that the Bill should apply to animal shelters or sanctuaries.</p>	<p>While the consultation gave examples of companion animals being dogs, cats or horses, the definition of “companion animal” in the Bill encompasses all vertebrate animals (e.g. all mammals, birds, reptiles and a large number of fish).</p> <p>The definition of “companion animal” may also be extended, by order, to allow for the application of animal welfare legislation for invertebrates (e.g. snails, tarantulas), based upon similar provisions in the Animal Welfare Act 2006, of Parliament.</p> <p>Furthermore, give the definition of “keeping an animal” in clause 3(3)(b) of the Bill the Department is satisfied that the Bill would allow for the application of UK animal welfare legislation with respect to animal shelters.</p> <p>As noted above, there already exists a wide range of legislation to provide for the welfare of non-companion animals.</p> <p>There were no changes identified as being required accordingly.</p>
<p>Ability to apply UK legislation with appropriate modifications</p> <p>Clause 4</p> <p>Application of legislation relating to the welfare of companion animals</p>	<p>A small number of respondents suggested the Island should develop its own legislation rather than seek to apply UK legislation.</p> <p>In addition, suggestions were made that the Bill should provide for stronger sentencing powers than the UK</p>	<p>The Bill is an enabling piece of legislation and would not serve to prevent the Island from developing its own animal welfare legislation in the future.</p> <p>The Bill will allow the Island to modify the applied UK legislation to meet its own purposes, which could include specifying higher penalties for animal welfare offences than would be otherwise be the case under UK legislation.</p> <p>Such powers would also allow the UK legislation to be adapted to meet the Island’s needs, and correct any errors or oversights in the UK legislation at the same time.</p> <p>Consequently, there were no amendments identified as being necessary for this clause.</p>

Feedback	You said	We did
<p>Application of UK legislation following public consultation</p> <p>Clause 4 Application of legislation relating to the welfare of companion animals</p>	<p>A significant number of respondents were supportive of legislation being applied without consultation given the urgency of the situation, the consideration already given in the UK and via the Tynwald approval process.</p> <p>A smaller number of respondents suggested the consultation be limited to only certain matters, such as any planned additional legislation, or with specific persons such as experts in animal welfare matters.</p>	<p>In drafting the Bill the Department noted it would be seeking to give effect to UK primary legislation, via secondary legislation, that would potentially have relevance to all persons on the Island.</p> <p>It was therefore considered appropriate for such legislation to be subject to a public consultation process, in a manner similar to that required for primary legislation, to ensure the public are aware of the UK legislation the Department is intending to apply to the Island.</p> <p>Such a consultation process is an important part of the policy development process and the time taken to undertake such consultation should not unduly hinder the development of secondary legislation in a reasonable timeframe.</p> <p>The Bill was not amended as a consequence of this feedback.</p>
<p>Consultation requirement for making of regulations</p> <p>Clause 5 Implementation by regulation of legislation relating to the welfare of companion animals.</p>	<p>It was noted that a substantial number (91) of respondents were supportive of a full public consultation on such regulations;</p> <p>In addition, some respondents were concerned that organisations responding could be biased, lack specialist knowledge or were inappropriate for the purposes of the consultation.</p> <p>Finally, one respondent expressed concern that the term “relevant parties”, for the purposes of a consultation, was not defined</p>	<p>While the application of UK primary legislation to the Island is a matter for a full public consultation, it is anticipated the making of secondary legislation will be in response to the need for regulatory controls in specific areas that are not covered in UK primary legislation, e.g. the regulation of pet day-care centers.</p> <p>The Bill as drafted thus sets out a minimum statutory consultation requirement to consult with the relevant bodies. Such relevant bodies may include existing animal welfare charities, professional bodies and businesses. It may also include any stakeholder engagement group that the Department establishes for the purposes of developing such legislation.</p> <p>Such an approach follows that taken in similar enabling legislation, for example, section 1(4) of the Health and Safety at Work, etc. Act 1977 and ensures consultations that are appropriate in light of the intended legislation. Notably, such a consultation requirement has in the past given rise to the need for public consultations when the impact of the proposed legislation is relevant to the public as whole.</p>

Feedback	You said	We did
		<p>The consultation requirement for secondary legislation as set out in the Bill is therefore considered reasonable and proportionate given such regulations will be made in support of UK legislation that has been applied to the Island following a full public consultation.</p>
<p>Requirement to notify the police of road traffic collisions involving cats</p>	<p>A substantial number of comments were made by respondents, in answering multiple questions in the Bill, to put forward the case that there should be a legal obligation for the reporting of road traffic collisions (RTCs) involving cats.</p>	<p>The Department notes that the requirement to notify the police of a road traffic collision involving animals such as dogs, sheep and cattle, is set out in section 20 of the Road Traffic Act 1985. Consequently, such amendments road traffic legislation are outside of the remit of the Department.</p> <p>However, the Department will highlight these submissions to the Department of Infrastructure for consideration by that Department.</p>
<p>Legal status of wildcats</p>	<p>A small number of respondents queried the status of “wildcats” as vermin under the existing game legislation.</p> <p>It also highlighted that was lack of clarity as to whether the term “wildcats” was intended to apply to feral domestic cats (i.e. <i>Felis Catus</i>), or to animals such as the European Wildcat (i.e. <i>Felis silvestris</i>).</p>	<p>This feedback has been given the relevant officers in the Department to consider what policy changes may need to be made as a consequence.</p> <p>While no changes were made to the Bill, future legislation may be required to clarify the legal status of, and protections that may be applied to, “wildcats” on the Island.</p>
<p>Establishment of a register of persons convicted of serious animal offences</p>	<p>A number of respondents expressed support for the introduction of legal powers to establish a register of persons who have committed serious animal offences.</p> <p>Such a register, which has been recommended in the report by the Tynwald Select Committee and the Department’s Animal Welfare Forum, would help ensure animal welfare by preventing serious offenders from having access to animals.</p>	<p>The establishment of a register will require the drafting of Isle of Man specific legislation to enable its creation, which will take time to draft and consult upon with key stakeholders.</p> <p>In particular, such legislation will likely need to address questions relating to –</p> <ul style="list-style-type: none"> • data protection; • the application of the rehabilitation of offenders legislation; and • human rights, notably the right to private and family life. <p>Given the limited time available there was not sufficient time or resources available to make provision for such a register in this Bill.</p>

Feedback	You said	We did
Establishment of a Department advisory group on animal welfare issues	Noting the report by the Tynwald Select Committee and the Department’s Animal Welfare Forum, a number of respondents suggested the Bill should make statutory provision for an advisory group on animal welfare issues.	<p>It is noted there are already recommendations for the establishment of an advisory committee, to the Department, with respect to animal welfare issues.</p> <p>However, noting the example of the Climate Change Citizen’s forum and other consultative committees across Government, it would not seem necessary for primary legislation to establish such an advisory body.</p> <p>If this Bill is successful, and given previous recommendations in this area, it is likely such an advisory body will be established to aid and inform the Department’s detailed policy considerations, and the preparation of secondary legislation.</p>
Regulation of animal establishments <i>(e.g. shelters, sanctuaries, care facilities, livery yards)</i>	A number of respondents expressed concern as to whether or not the Bill would make provision for the regulation of a variety of animal establishments.	<p>The Schedule to the consultation set out a program of planned secondary legislation that would be made as a consequence of this Bill. This secondary legislation included provision for improving the regulation of establishments such animal day care centers and horse livery yards.</p> <p>The Bill does not require any changes to provide for regulatory powers.</p>
Regulation of animal charities	A small number of respondents suggested the Bill should make provision for the better regulation of the work of animal charities.	The regulation of charities would generally fall within existing charities legislation, e.g. the Charities Registration and Regulation Act 2019 . However, if the charity in question is keeping, or sheltering, companion animals then such operational activities may be subject to regulation as a consequence of this Bill.
Do not move the Bill	A few respondents suggested that the Bill was either not necessary or it was not appropriate for the Island.	It is intended to introduce the Bill for consideration by the House of Keys noting the strong public support for the Bill and the Department’s intended approach.

Appendix 2 – Detailed breakdown of responses that were submitted to the consultation questions

Contained below is a breakdown of the direct responses to each consultation question that were submitted. Due to rounding errors not all percentages will add up to 100%.

Furthermore, where breakdowns of additional comments are provided, feedback from an individual respondent may be counted as two separate comments if the feedback provided relates to two separate topics.

Long title

The long title of the Bill sets out its scope and purpose.

In brief, this scope and purpose is a Bill is intended to provide for the application of specified UK animal welfare legislation to the Island for the protection of companion animals; provide vires for the making of secondary legislation to support that applied legislation; and to provide greater legal protections for mountain hares.

Q6: Are you content with the proposed long title of the Bill?

Option	Total	Percent
Yes	952	86
No	56	5
I don't know	49	4
Not Answered	51	4

Additional comments

There were 75 additional comments made by respondents to this question.

Nine (9) of the respondents, who had indicated **Yes**, they were content, added comments. Notable comments were –

- Three (3) comments arguing for greater protection to be provided to mountain hares or wildlife in general;
- Two (2) comments highlighting the need for persons to be clearly responsible for enforcing the legislation;
- Three (3) comments emphasising the need for legislation to ensure welfare of animals.

Fifty two (52) of the respondents, who had indicated **No**, they were not content, added comments. Notably –

- Twenty-nine (29) comments in support of greater protections being provided for either mountain hares, or hares in general, than would be provided by this Bill;
- Twenty-two (22) comments suggesting the long title was not suitable or did not adequately describe the Bill, particularly with respect to –
 - ensuring welfare of all companion animals, not just cats, dogs and horses;
 - providing legal protections against puppy farming;
 - requiring reporting of accidents with cats;

- Seven (7) comments indicated respondents were not content with the drafting of the long title as it did not reflect the Bill's contents adequately;
- One (1) comment indicated that the Bill was not required.

Of those who had answered **I don't know** –

- Five (5) comments indicated the respondents were unclear as to the long title of the Bill;
- Three (3) comments indicated support for stronger enforcement and application of legislation to all animals, not just companion animals;
- One (1) comments argued for greater reporting requirements for road traffic collisions involving cats.

Two (2) of the respondents who **did not answer** this question did add comments to –

- Express support for reporting of accidents with cats;
- Request that legal protections under this Bill apply to prison dogs in a manner similar to police dogs.

Clause 1: Short Title

The short title is the Animal Welfare Bill 2021.

Q7: Are you content with the short title of the Bill?

Option	Total	Percent
Yes	978	89
No	33	3
I don't know	37	3
Not Answered	60	5

Additional comments

There were 51 additional comments made by respondents to this question.

Eleven (11) of the respondents, who had indicated **Yes** they were content, added comments. Notable responses were –

- Five (5) comments noted the question should have referred to the short title;
- Two (2) comments suggested alternative title such as the "Wild Animal Bill" or the "Protection of Cruelty to Animals Bill".

Thirty-one (31) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Seventeen (17) comments suggested the title of the Bill should better reflect its contents with respect to increased protections for hares or more generally reflect its intention to protect animals;
- Thirteen (13) comments supported the short title.
- Three (3) comments suggested the Bill was inadequate to respond the Island animal welfare needs;

- Two (2) comments suggested the Bill was not required.

Of the six (6) respondents who had answered **I don't know** –

- Four (4) comments highlighted the duplication of this question with the text of the previous question;
- Two (2) comments indicated the title should better reflect the contents of the Bill.

Three (3) respondents who **did not answer** this question did add comments to –

- Suggest the short title was misleading as it did not cover all animals;
- Express support for the short title;
- Suggest the Bill should provide greater powers for direct regulatory controls.

Clause 2: Commencement

This Clause provides for the Bill to come into commencement by Appointed Day Order made by the Department of Environment, Food and Agriculture.

Appointed Day Orders are required to be laid before Tynwald and may include may include consequential, incidental, supplementary, savings, transitional and transitory provisions.

Q8: Are you content with the commencement provisions of the Bill?

Option	Total	Percent
Yes	938	85
No	34	3
I don't know	82	7
Not Answered	54	5

Additional comments

There were 47 additional comments made by respondents to this question.

Six (6) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Five (5) comments supported for the Bill to come into operation as soon as possible;
- One (1) comment stated the language relating to the commencement of the Bill should be better explained.

Thirty-one (31) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Twenty-three (23) comments that suggested the Bill should come into effect as soon as possible, many after expressing concern for the length of time taken to develop this legislation and that Government may seek to delay commencement of this legislation once agreed by Tynwald;
- Eight (8) comments that suggested the Bill should make greater provision for the protection of hare;
- One (1) comment that suggested the Bill should not proceed.

Ten (10) of the respondents, who answered **I don't know**, added comments. Notably –

- Five (5) comments stated the language was too technical;
- Four (4) comments asked for the Bill to come into effect as soon as possible.

Clause 3: Interpretation

This clause sets out the meanings of key terms within the Bill.

Notably it lists the UK primary legislation that may be applied to the Island under the Bill.

These are –

- i. Animal Welfare Act 2006 (of Parliament);
- ii. Animal Health and Welfare (Scotland) Act 2006;
- iii. Welfare of Animals Act (Northern Ireland) 2011; and
- iv. Animal Welfare (Sentencing) Bill 2019-21 (of Parliament).

The Department may vary this list of legislation by an order approved by Tynwald. This is intended to allow for this list of legislation to be updated in the event such legislation is replaced or additional similar legislation is introduced.

Q9: Are you content with the list of UK legislation that may be applied to the Island, as set out in the definition of "UK legislation"?

Option	Total	Percent
Yes	966	88
No	36	3
I don't know	51	4
Not Answered	55	5

Additional comments

There were 50 additional comments made by respondents to this question.

Eleven (11) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Four (4) comments agreed the list of legislation made sense and was needed;
- Three (3) comments suggested, or noted, that the list of legislation that may be applied may be varied in the future by an order approved by Tynwald;
- Two comments gave qualified support as long as the applied legislation –
 - provided powers to remove animals from home; or
 - did not give any offenders potential "wriggle room";
- Two (2) comments suggested further information should be given on the UK legislation intended to be applied;
- One (1) comment suggested reference should be made to UK legislation on hares;

- One (1) comments sought confirmation that Scottish animal welfare legislation falls under the definition of UK legislation.

Thirty-four (34) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Fifteen (15) comments suggested the legislation able to be applied to the Island should be broader, particularly with respect to protections for hares, feral animals and animals in captivity;
- Nine (9) comments suggested the Island should make its own legislation rather than apply UK legislation;
- Five (5) comments suggested the UK legislation referenced was not appropriate for the Island’s needs;
- Two (2) comments suggested the legislation applied had insufficient penalties;
- One (1) comment suggested no change in legislation was required;
- One (1) comment suggested there was insufficient information on the legislation intended to be applied.

Five (5) of the respondents, who answered **I don’t know**, added comments. Notably –

- One (1) comment suggested this approach was too complicated;
- One (1) comment suggested this approach should be reviewed in two years;
- One (1) comment suggested it would be more appropriate to have our own welfare guidelines suitable for a small Island.

The Bill is intended to only allow for legislation relating to “companion animals” to be applied to the Island.

The Bill defines companion animals as being non-livestock animals that are kept other than in a wild state.

The associated definition of non-livestock animal is then defined to apply to all vertebrates, other than livestock as defined under the Animal Health Act 1996, and any invertebrate specified in an order made by the Department.

These definitions are intended to allow the Bill to apply what a considered to be pets (e.g. dogs and cats) as well as horses and other types of “companion animals”, and animals kept in shelters.

In the latter case, although such animal shelters may keep non-domesticated animals (i.e. “wild”), the fact that those are animals are being kept and are in not in their wild state will mean animal shelters may be subject to legislation further to this Bill.

Q10: Are you content with the definition of “companion animal” and associated definition of “non-livestock animal”?

Option	Total	Percent
Yes	968	87
No	47	4
I don't know	38	3
Not Answered	55	5

Additional comments

There were 65 additional comments made by respondents to this question.

Seven (7) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Five (5) comments highlighted the need for such legislation to apply to animal shelters;
- One (1) comment noted it would apply to animals other than cats, dogs or equines;
- One (1) comment asked for clarification over whether the definition of keeper would include someone who is responsible for an animal but is neglecting to provide food and shelter.

Forty-six (46) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Twenty-seven (27) comments suggested the terms should encompass all animals or a broader range of animals;
- Eight (8) comments raised concern the provision was open to interpretation or loopholes could be found in the definition, particularly with respect to livestock animals kept as pets;
- Four (4) comments emphasised the importance of this definition applying to animal shelters;
- Two (2) comments suggested the legislation was either a waste of time or other solutions could be applied;
- One (1) comment suggested the definition proposed would place an undue burden on animal shelters.

Two (2) respondents who **did not answer** this question did add comments to –

- Suggest that the legislation should apply to zoo animals and circus animals;
- Suggest that animal welfare legislation should require reporting of pet cats killed on the road.

Nine (9) respondents, who answered **I don't know**, added comments. Notably –

- Four (4) comments suggested the definition should apply to companion animals other than cats, dogs and equines, e.g. invertebrates and birds;
- Three (3) comments suggested the definition should be amended to include animal shelters;
- Two (2) comments suggested the definition should extend to include wild or feral animals as well;
- One (1) comment suggested the language was not clear enough to enable a response to the question.

Q11: Do you have any other comments on this clause?

Option	Total	Percent
No	911	82
Yes	109	10
Not answered	90	8

Additional comments

There were 109 additional comments made by respondents to this question.

Ninety-six (96) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Thirty-two (34) comments were supportive of the Bill applying to a wide range of animals, including small house pets, horses, livestock, zoo animals, invertebrates (e.g. tarantulas) and wild animals;
- Twenty (20) comments were supportive of the Bill being introduced;
- Twelve (12) comments were supportive of greater legislation being introduced to require reporting of road-traffic collisions will all types of companion animals, particularly cats;
- Eight (8) comments were of the view that greater protections should be provided to mountain hares;
- Six (6) comments sought assurances the legislation would apply to animal shelters and sanctuaries;
- Four (4) comments suggested there should be clarification as to the status of “wildcats” as vermin;
- Three (3) comments suggested the Bill should enforce microchipping requirement on companion animals;
- Three (2) comments suggested the Bill was unsuitable as it was either inadequate, meaningless or too broad.

Thirteen (13) of the respondents, who **did not answer** this question, did add comments. Notably –

- Four (4) comments supported the introduction of the Bill, particularly with respect to enabling enforcement of animal welfare law on the protection of service animals and code of practice on the keeping of dogs;
- Three (3) comments suggested greater legal protections should be provided for mountain hares;
- Two (2) comments suggested the legislation should make clear the application of animal welfare legislation to animal shelters and sanctuaries;
- One (1) comment suggested the Bill should provide a means of going further than the UK legislation;
- One (1) comment suggested the Bill should provide a means for protecting all animals;
- One (1) comment suggested better explanations should be given of the legal terms used in the Bill.

Clause 4: Application of legislation relating to the welfare of companion animals

The Bill enables the Department to apply, by order, the UK primary legislation as defined in clause 3 as well as any secondary legislation made under that primary legislation (e.g. Codes of Practice).

Q12: Are you content with the proposed ability to apply UK animal welfare legislation to the Isle of Man, subject to appropriate modifications?

Option	Total	Percent
Yes	988	90
No	26	2
I don't know	39	3
Not Answered	55	5

Additional comments

There were 33 additional comments made by respondents to this question.

Seven (7) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Four (4) comments suggested careful consideration should be given to how UK legislation is applied and modified for the Island, subject to Tynwald approval;
- Two (2) comments suggested the Bill should provide stronger enforcement and sentencing powers than the UK;
- One (1) comment supported the approach taken as legislation needed.

Twenty-three (23) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Nine (9) comments indicated the Island should develop its own legislation;
- Four (4) comments opposed this approach on the basis the UK legislation was either inadequate or unsuitable for application to the Island;
- Three (3) comments indicated the Bill should provide greater protections for mountain hares;
- Two (2) comments suggested the Bill should not proceed on the basis of concern of what would constitute “appropriate modifications” to the UK legislation;
- Two (2) comments said the Bill should provide broader enforcement powers;
- Two (2) comments said the Bill should apply to a wider range of animals;
- One (1) comments said the situation should remain as it is at present.

Three (3) respondents, who answered **I don't know**, added comments. Notably –

- One (1) comment asked for more information on what modifications may be applied to make legislation operable on the Island;
- One (1) comment said the Bill should apply to any animal;
- One (1) comment stated the Bill should provide mountain hares with protected status.

This Clause enables the Department of Environment, Food and Agriculture to –

- apply to the Island any provision of UK legislation (including primary, secondary and statutory codes of practice), which relates to the welfare of companion animals; and
- make modifications to the legislation being applied.

The application of UK legislation is subject to public consultation and approval by Tynwald.

Q13: Are you content with the proposed content of the legislation which may be applied?

Option	Total	Percent
Yes	990	90
No	27	2
I don't know	35	3
Not Answered	56	5

Additional comments

There were 42 additional comments made by respondents to this question.

Twelve (12) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Six (6) comments supported this approach, albeit noting the ability to amend or improve the UK legislation being applied was important, while also maintaining standards;
- Three (3) comments suggested that the UK legislation be applied to all animals;
- One (1) comment emphasised the need for protection for mountain hares;
- One (1) comment highlighted the need for legislation to provide for protection from diseases of companion animals;
- One (1) comment noted the importance of Tynwald approval being granted for the application of such legislation.

Twenty-three (23) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Seven (7) comments suggested the Island should introduce its own legislation, not apply UK legislation;
- Three (3) comments suggested the legislation should apply to all animals;
- Four (4) comments suggested legislation should be applied to protect mountain hares;
- Three (3) comments suggested the Bill is inadequate or is not required;
- Two (2) comments suggested the Bill should require the reporting of road traffic collisions involving cats;
- Two (2) comments suggested the Bill should only apply modifications after public consultation.
- Two (2) comments suggested the Bill should ensure there are no loopholes in the applied legislation and it should make provision for its enforcement;
- One (1) comment suggested the Bill was not appropriate to provide protections to hares.

Six (6) respondents, who answered **I don't know**, added comments. Notably –

- Two (2) comments supported the introduction of legislation to require reporting of road traffic collisions involving cats;
- One (1) comment suggested the Island should have its own legislation;
- One (1) comment expressed concern as to what evidence would support modifications to be made by DEFA when applying legislation;
- One (1) comment urged greater legal protection for wildcats;
- One (1) comment highlighted last sentence in this question does not make sense;
- One (1) comment expressed concern this would allow the UK Government to apply legislation to Tynwald.

One (1) respondent, who **did not answer** the question, added a comment to highlight that vets should not be allowed kill animals, without permission, without a court order.

Q14: Are you content that such legislation may only be applied after a full public consultation?

Option	Total	Percent
Yes	915	83
No	73	7
I don't know	68	6
Not Answered	52	5

Additional comments

There were 89 additional comments made by respondents to this question.

Thirteen (13) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Six (6) of the comments expressed concern that the consultation requirement should not unduly delay legislation
- Three (3) comments confirmed they supported the provisions in the Bill;
- Three (3) comments supported consultation and communication with all affected parties;
- One (1) comment asked that consultation be accessible and easy to find.

Sixty-eight (68) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Fifty-one (51) comments were supportive of legislation being applied without consultation given the urgency of the situation, the consideration already given in the UK and the Tynwald approval process;
- Five (5) comments suggested the consultation be limited to only certain matters, such as any planned additional legislation, or with specific persons such as experts in animal welfare matters;
- Three (3) comments urged for better animal welfare legislation to be developed;
- Two (2) comments suggested the Bill was inappropriate or inadequate;

- Two (2) comments suggested the Island should develop its own legislation;
- One (1) comment suggested the Bill has not been properly advertised to the public.

Eight (8) respondents, who answered **I don't know**, added comments. Notably –

- Two (2) comments expressed concern the consultation requirement should not unduly delay to the introduction of legislation;
- Two (2) comments suggested the legislation should apply to all animals;
- One (1) comment suggested a consultation is always required on an ethical basis;
- One (1) comment suggested a consultation is not always required given the Tynwald approval process;
- One (1) comment suggested all animal welfare legislation should be set out in primary legislation.

Clause 5: Implementation of legislation relating to the welfare of companion animals

The Bill also allows for the making of regulations to implement applied legislation, subject to consultation with affected organisations and approval by Tynwald.

Q15: Are you content for provision to be included in the Bill allowing for such regulations to be made?

Option	Total	Percent
Yes	999	90
No	13	1
I don't know	42	4
Not Answered	54	5

Additional comments

There were 22 additional comments made by respondents to this question.

Six (6) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- One (1) comment was content if the legislation was approved by Tynwald;
- One (1) comment was content on the proviso that police training and integration with existing organisations, for animal welfare matters, is provided as a consequence of the Bill;
- One (1) comment supported it, noting we should apply original Manx legislation rather than UK legislation;
- One (1) comment supported this approach as long as the welfare of animals was the primary focus;
- One (1) comment, while supportive, suggested an example should be provided using less jargon.

Ten (10) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Three (3) comments suggested such regulations should be subject to a full public consultation;
- Two (2) comments suggested the Bill was either inadequate or alternative legislative vires for making secondary legislation could be used;
- Two (2) comments suggested the Bill should apply to all animals;
- One (1) comments suggested using existing vires in statutory legislation;
- One (1) comment suggested public should be allowed to comment on legislation before it is introduced.

Five (5) respondents, who answered **I don't know**, added comments. Notably –

- One (1) comment urged a rapid response in key for such legislation;
- One (1) comment suggested the question was unclear or a "veiled" question;
- One (1) comment offered support to the Department in developing legislation.

The Bill intends to statutorily require the Department to consult with affected organisations when drafting regulations.

This is intended to ensure only relevant parties are contacted when drafting such legislation, rather than a more burdensome and time consuming public consultation.

This provision does not prevent a full public consultation being undertaken by the Department if it considered appropriate to do so.

Q16: Are you content that such regulations only require consultation with affected organisations rather than a full public consultation?

Option	Total	Percent
Yes	830	75
No	131	12
I don't know	93	8
Not Answered	53	5

Additional comments

There were 132 additional comments made by respondents to this question.

Nine (9) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Three (3) comments were content as long as organisation such as the MSPCA were consulted;
- Three (3) comments were supportive as long as legislation required;
- One (1) comment did support full public consultation.

One hundred and twelve (112) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Eighty-nine (89) comments were supportive of a full public consultation on such regulations;

- Nineteen (19) comments were concerned that organisations responding could be biased or lacked specialist knowledge or were inappropriate;
- Two (2) comments suggested the approach was a “veiled question” or inadequate.

Eleven (11) respondents, who answered **I don't know**, added comments. Notably –

- Three (3) comments said public consultation was important;
- Three (3) comments supported limited consultation with experts or animal welfare focused organisations;
- One (1) comment suggested public consultation is not required;
- One (1) comment expressed concern the term “relevant parties” was not defined;
- One (1) comment said the question was simply jargon.

Similar to existing criminal offence provisions in section 49 of the Animal Health Act 1996, the Bill allows for regulations to specify criminal offences relating to the welfare of companion animals that may be punished with a fine of up to £10,000 (i.e. level 5 on the standard scale).

Q17: Are you content that such regulations may specify criminal offences that may be punished with a fine of up to level 5 (£10,000) on the standard scale?

Option	Total	Percent
Yes	915	83
No	112	10
I don't know	28	2
Not Answered	53	5

Additional comments

There were 146 additional comments made by respondents to this question.

Twenty (20) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Eleven (11) comments supported fines and the option of a custodial sentence;
- Four (4) comments suggested provision should be made to provide for bans on owning animals;
- Three (3) comments supported the provision as it would help protect animals;
- One (1) comments suggested a community service sentencing option should be provided;

One hundred and twelve (112) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Sixty-one (61) comments were supportive of the possibility of custodial sentences being imposed for animal welfare offences arising following a breach of regulations;
- Fifty-one (51) comments were supportive of a higher fine being imposed, with many also supporting a minimum fine level;
- Eleven (11) comments were supportive of powers to ban animal ownership;
- Three (3) comments were supportive of alternatives options being available, such as education, rehabilitation and community service;

- One (1) comment stated the provision was inadequate.

Fourteen (14) respondents, who answered **I don't know**, added comments. Notably –

- Seven (7) comments suggested custodial sentences should be an option;
- Two (2) comments suggested the level of the maximum fine that may be imposed is too low;
- Two (2) comments suggested provision should be applied for bans on owning animals;
- Two (2) comment suggested the maximum fine was too high for minor offences;
- One (1) comment suggested there should be a specific offence for pet theft.

Clause 6: Amendment of legislation for the protection of mountain hares

Mountain Hares are legally considered as vermin, and thus may be hunted at any time.

It was considered by the Department that this legal status may have resulted in over-hunting of mountain hares that has contributed to a worrying decline in the number of such animals on the Island.

This clause amends the Game Act 1882 and the Game (Hares) Act 1971 to allow for mountain/blue hares to be categorised as game, the same category that applies to brown or common hares at present.

This legal change in categorisation, from “vermin” to “game”, will enable the Department to control hunting of mountain hares.

Such controls may be introduced through licencing controls on who may hunt, and the introduction of closed seasons to protect the mountain hares from hunting at vulnerable time, such as the mating season.

Q18: Do you agree that mountain/blue hares should have greater legal protections?

Option	Total	Percent
Yes	950	86
No	79	7
I don't know	28	3
Not Answered	51	5

Additional comments

There were 142 additional comments made by respondents to this question.

Fifty-four (54) of the respondents, who had indicated **Yes** they were content, added comments. Notably –

- Thirty-three (33) comments suggested mountain hares should be listed as a protected species;
- Eleven (11) comments suggested greater controls on hunting of mountain hares;
- Two (2) comments noted the importance of mountain hares to the Island’s ecosystem;
- One (1) comment stated disagreement with proposed changes to game legislation and noted a view that the reduction was not due to hunting of mountain hares;
- One (1) comment suggested greater protections should be provided for hedgehogs.

Seventy-five (75) of the respondents, who had indicated **No** they were not content, added comments. Notably –

- Sixty-two (62) comments were supportive of mountain hares being listed as protected or subject to a complete ban on hunting;
- Four (4) comments suggested there was insufficient evidence to justify any changes in legislation;
- One (1) comment support culling of mountain hares based on independent expert advice;
- One (1) comment was supportive in general.

Eight (8) respondents, who answered **I don't know**, added comments. Notably –

- Three (3) comments expressed a preference for mountain hares to be protected and banned from hunting;
- One (1) comment suggested mountain hares could be managed, if required, by a quote system;
- One (1) comment highlighted the decline in mountain hares was not due to hunting;
- One (1) comment suggested there is no need for change in legislation if mountain hares are considered pests.

Four (4) respondents, who **did not answer** the question, added a comments. Notably –

- Two (2) comments suggested mountain hares should be listed as a protected species;
- One (1) comment did not support the proposal;
- One (1) comment did not consider it appropriate to allow for culling of mountain hares.

Q19: Do you have any other comments on this clause?

Option	Total	Percent
No	803	72
Yes	217	20
Not answered	88	8

Additional comments

There were 217 additional comments made by respondents to this question.

Two hundred and five (205) of the respondents, who had indicated **Yes** they did have comments, supplied the following information –

- One hundred and twenty seven (127) comments indicated they would support mountain hares being listed as a protected species, frequently in the context of a broader ban on hunting;
- Twenty-five (25) comments indicated support for managing mountain hare populations, as required, by strong controls on hunting or culling;
- Seven (7) comments indicated support for the proposed approach;
- Seven (7) comments highlighted greater legal protections should be provided for wildcats, working animals or birds of prey;
- Five (5) comments highlighted concerns as to who would enforce such legislation, and how;

- Five (5) comments suggested further evidence is required to be gathered before a formal policy decision is made;
- One (1) comment suggested that hares should be listed as game and do not require protected species status.

Four (4) of the respondents, who had indicated **No** they did not have any comments, added comments. Notably –

- Two (2) comments suggested consideration should be given to better protecting domestic cats in the wild;
- One (1) comment suggested mountain hares should be listed as a protected species.

Eight (8) respondents, who **did not answer** the question, added a comments. Notably –

- Four (4) comments suggested legislation be amended to allow only for culling of mountain hares;
- Three (3) comments supported provisions providing for culling or limited hunting of mountain hares.

Conclusion

Q20: Do you have any other comments on the Bill as a whole?

There were 373 additional comments made by respondents to this question. Notably –

- Two hundred and thirty six (236) of the comments indicated support for the Bill;
- Seven (7) of the comments did not support the introduction of the Bill;
- Thirty one (31) comments indicated support for ensuring that drivers must notify the authorities if a cat is involved in a road traffic collision;
- Eighteen (18) comments suggested that more stringent penalties should be available for animal welfare offences;
- Other comments also cited concerns regarding a wide variety of areas, including: the regulation of animal establishments and charities, protection for service animals, microchipping, the protection of wild animals (including hares) and a hunting ban.