



# **CONSULTATION ON THE ANIMAL WELFARE BILL 2021**

**Department of Environment, Food and Agriculture**

*Rheynn Chymmhtaght, Bee as Eirinys*

**MARCH 2021**

## Statement by the Minister

Animals play a special and important role in many of our daily lives and should be afforded appropriate protections from harm and mistreatment.

Legislation exists in the Island to protect the welfare of livestock, to criminalise cruelty to animals and to ensure their protection during scientific procedures. However, there is little up to date legislative provision relating to the welfare of companion animals (e.g. dog, cats, horses, etc.). As the welfare of companion animals is an issue about which many of us care very deeply there has been significant public and political interest in improving the Island's legislation in this area.

The proposed Bill has been drafted to address this legislative deficit, having had regard to the recommendations made by the Tynwald Select Committee on Animal Welfare in May 2016 and the subsequent work of the Animal Welfare Forum.

The Bill will achieve this goal by enabling the application in the Island of key protections for companion animals, which are already provided in neighbouring jurisdictions, and the powers needed to enforce these protections. This will include, for example, the ability to apply legislation such as the Animal Welfare Act 2006, as most recently amended by the Animal Welfare (Service Animals) Act 2019, commonly referred to as "Finn's Law" which provides additional legal protection for Police and other services' dogs. Another recent amendment that is of high priority is "Lucy's Law", which directly addresses the unacceptable practice of "puppy farming", by preventing sales from people other than the breeder. The Bill will also allow for the application of future legislation that has been proposed in the Animal Welfare (Sentencing) Bill 2019-21, which is progressing through Parliament at the present time.

This approach has been taken as, noting the commitment in the Programme for Government for more responsive legislation and regulation, the Bill will allow for legislation to be applied that aligns with the latest UK standards while also meeting the specific needs of the Island.

The Bill is accordingly only the very first step to ensuring adequate legal protection for companion animals in the Island. The next step will be to begin applying and implementing relevant legislation. My Department is committed to undertaking this work in a timely and effective manner: A suggested programme of work for the next Tynwald is attached as Schedule to this consultation, in the event the Bill is approved by the Branches of Tynwald and receives Royal Assent.

Finally, noting concerns have been expressed over the dwindling numbers of Mountain Hares on the Island, the Bill also makes changes to existing legislation to provide greater legal protection for mountain hares. This is achieved by changing the legal categorisation of mountain hares from 'vermin', for which no legal protections from hunting apply, to 'game', the same category that is given to brown or common hares. This change in categorisation will allow for all hares to be protected by regulatory controls on hunting game provided by the Game Act 1882, such as the issuing of game licences before hares may be hunted, and the setting of closed seasons during which hares may not be hunted. By making this legislative change it is hoped that hunting of this animal will be reduced, mitigating against further reductions in the number of this species on the Island.

I recognise that the proposed Bill may not be as detailed and specific as may have been anticipated given the previous engagement that has been undertaken in this area. Unfortunately, the Department's legislative resources have been focussed on responding to the challenges of preparing the legislation necessary for the UK's exit from the European Union and responding to the challenges of the climate change emergency with the introduction of a Climate Change Bill.

However, if approved, this Bill will provide my Department with the powers to quickly apply tried and tested UK legislation to resolve a number of high priority animal welfare concerns.

We now seek your input into this important legislation.

**Hon Geoffrey Boot MHK**

Minister for Environment, Food and Agriculture

25 February 2021

## Improvements to Animal Welfare legislation

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 seeks to uphold these freedoms by providing a mechanism for applying the UK's animal welfare legislation to the Island. The Bill also enables the application of statutory codes of practice, for example, 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](#).

A suggested list and outline timetable for legislation that may be introduced as a consequence of the Bill is laid out in the Schedule.

The application of any such legislation would be subject to a full public consultation and the approval of Tynwald. These processes will ensure that all such legislation is scrutinised, and the public given an opportunity to raise concerns, before it is brought into effect in the Island.

The UK's animal welfare legislation upholds internationally recognised standards, is well tested and continues to be updated. It is seen as desirable to align, and maintain alignment, with the UK law in a way that is appropriate for the Island. Doing so will support existing arrangements for travelling with companion animals to and from GB. It also aids co-operation with animal welfare authorities in the UK for animal welfare cases involving more than one jurisdiction.

The Bill also enables the Department of Environment, Food and Agriculture to make regulations for the purpose of implementing the legislation applied under the Bill, following consultation with the affected bodies or persons. This will provide the Department with the powers necessary to enforce the applied legislation.

The Bill relates to companion animals, a term that is intended to apply to all vertebrate pets, service animals, support animals and animals kept for recreational purposes such as horses and ponies.

The Bill does not make provision for livestock, as legislation already exists for that purpose. The Bill also does not make provision for feral animals, or provide specific legislation for circus and zoo animals. We are aware that legislation will be needed in relation to these particular groups of animals and are committed to addressing this complex issue in due course.

## Increased legal protections for Mountain Hares

The Bill provides for a change in the legal classification of mountain hares, otherwise known as blue hares, on the Island. At present, Mountain Hares are legally classified as vermin, alongside wild cats and rats, and thus can be hunted at any time.

Noting the concern about reductions in the number of this species of hare on the Island, and associated reductions in the Island's biodiversity, it was considered necessary to provide for greater legal protections from hunting for this species.

The Bill amends the Game Act 1882 to provide that Mountain Hares are no longer considered as vermin, and are instead considered as game, for the purposes of that Act. This change in categorisation places Mountain Hares in the same legal category that already applies to brown (or common) hares.

Consequential amendments are made to the Game Act 1882, and the related Game (Hares) Act 1971, to support this change. Notably, the licensing powers set out in section 30 of the Game Act 1882 are updated to follow modern

practices and allow for licences to be issued to hunt hares where it is considered necessary for protecting trees from being damaged by hares. Complementing the last point, section 3 of the Forestry Act 1984 is also amended to allow for the hunting of hares to prevent damage to trees.

Once in effect, these legislative changes will allow the Department to grant licences for the killing of hares, where currently no licence obligation exists, as well as prescribe closed seasons during which hares cannot be hunted.

While these legislative changes are not considered a panacea to preventing further reductions in the number of mountain hares on the Island, they do provide for mitigation against further losses of this species due to hunting.

## Why are we consulting?

The Department wishes to obtain the opinions of interested parties and those who may be affected by the proposed legislation.

## Previous consultation and engagement

In 2014 a Petition for Redress was presented to Tynwald raising concerns as to the lack of animal welfare legislation in the Island. Subsequent to that petition a Select Committee was formed and made a report in 2016. Following a recommendation of that Select Committee the Animal Welfare Forum was established. It is after having regard to the recommendations of that forum that this Bill has been drafted.

## Consultation process

The consultation commences on 8<sup>th</sup> March 2021 and will run for a period of 4 weeks.

Responses to the consultation must be submitted by no later than **9.00am on Monday 5<sup>th</sup> April 2021**.

Responses to the consultation can either be –

- made via the questionnaire on the consultation hub at [www.consult.gov.im](http://www.consult.gov.im);
- submitted via email to [karl.cubbon@gov.im](mailto:karl.cubbon@gov.im); or
- posted to –

Animal Welfare Bill Consultation, DEFA Headquarters, Thie Slieau Whallian, Foxdale Road, St Johns, IM4 3AS

If you are responding by email or post then please include all of the following details:

- your name;
- the address at which we can reply to you (email or postal);
- if you are responding on behalf of an organisation, the name and type of the organisation (e.g. charity, local authority); and
- a statement on whether we may publish your response in full, anonymously or not at all.

If you have any queries that are not addressed by the information accompanying the consultation please contact –

Karl Cubbon, Legislation, Policy and Research Manager.

Telephone: (01624) 687143

Email: [karl.cubbon@gov.im](mailto:karl.cubbon@gov.im)

## Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all of our customers.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation please email [karl.cubbon@gov.im](mailto:karl.cubbon@gov.im) or telephone 01624 687143.

## **Storage of personal data**

The Department will ensure that data are only retained and used in accordance with GDPR rules.

For more information on GDPR, visit <https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isle-of-man/>

## **What happens next?**

We will review results from the consultation which will be used to inform the final version of the legislation.

We will liaise further with respondents as necessary.

A consultation summary will be produced and made available on the Consultation Hub.

## Schedule

### Draft programme of secondary legislation planned to be made using the vires of the Animal Welfare Bill 2021

Parliamentary session	Title	Description
2021/22	Animal Welfare (Duty of Care) Order	To apply provisions of the UK's Animal Welfare Act 2006 to set out the general duty of care that must be given to companion animals.
	Animal Welfare (Codes of Practice) Order	To apply, with modifications appropriate to the Island, the UK's animal welfare codes relating to – <ul style="list-style-type: none"> <li>• Cats;</li> <li>• Dogs; and</li> <li>• Horses, ponies, donkeys, and their hybrids.</li> </ul>
	Animal Welfare (Sale of Puppies and Kittens) Order	To apply provisions of the UK's Animal Welfare Act 2006 to regulate the private sale of puppies and kittens – commonly referred to as “Lucy's law”. Once in effect it will ensure puppies and kittens are only purchased directly from a registered breeder, or by adoption from a rescue centre. This change is intended to prevent sale of animals for unregulated animal breeders (e.g. “puppy farms”) where animals are raised in appalling conditions.
	Animal Welfare (Service Animals Offences) Order	To apply provisions of the UK's Animal Welfare Act 2006 to provide for greater legal protections for service animals – commonly referred to as “Finn's law”. Once in effect this legislation will ensure persons who injure service animals (e.g. police dogs and horses) will, upon conviction, face a higher criminal sanction than at present.
2022/23	Animal Welfare (Sale and Care of Companion Animals) Order / Regulations	This secondary legislation will apply UK animal welfare legislation, supported with regulations made for the Island's own purposes to – <ul style="list-style-type: none"> <li>• License the commercial sale of all animals sold in pet shops;</li> <li>• Update regulatory controls on the boarding of cats and dogs; and</li> <li>• Regulate providers of short-term care facilities for companion animals (e.g. “doggy day-care”) and animal sanctuaries to ensure they operate under suitable and proportionate standards as compared to animal boarding providers.</li> </ul>
2023/24	Animal Welfare (Licensing of Livery Yards and Horse Riding Establishments) Order / Regulations	This secondary legislation will apply UK animal welfare legislation, supported with regulations made for the Island's own purposes to – <ul style="list-style-type: none"> <li>• Ensure commercial horse livery yards comply with the latest animal welfare standards; and</li> <li>• Provide for regulatory controls on the operation of horse riding establishments.</li> </ul>

## Questions

No.	Title	Question	Additional information	Format of response
1	<b>Introductory questions</b>	What is your name?		Free text field
2		What is your email address?		Free text field
3		Are you responding on behalf of an organisation?		Tick boxes Yes / No
4		If you are completing the survey on behalf of an organisation, please provide the name and type of the organisation (e.g. charity, local authority etc.)		Free text fields: - Organisation name - Type of organisation
5		May we publish your response?	Please read our <a href="#">Privacy Policy</a> for more details and your rights.	Tick boxes - Yes, you may publish my response in full - Yes, you may publish my response anonymously - No, please do not publish my response
6	<b>Long title</b>	Are you content with the proposed long title of the Bill?	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.	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why
7	<b>Clause 1 – Short Title</b>	Are you content with the short title of the Bill?	The short title is the Animal Welfare Bill 2021	Tick boxes - Yes - No - I don't know

No.	Title	Question	Additional information	Format of response
				Free text field - If no, please explain why
8	<b>Clause 2 – Commencement</b>	Are you content with the commencement provisions of the Bill?	<p>This Clause provides for the Bill to come into commencement by Appointed Day Order made by the Department of Environment, Food and Agriculture.</p> <p>Appointed Day Orders are required to be laid before Tynwald and may include may include consequential, incidental, supplementary, savings, transitional and transitory provisions.</p>	<p>Tick boxes</p> <ul style="list-style-type: none"> <li>- Yes</li> <li>- No</li> <li>- I don't know</li> </ul> <p>Free text field - If no, please explain why</p>
9	<b>Clause 3 – Interpretation</b>	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"?	<p>This clause sets out the meanings of key terms within the Bill.</p> <p>Notably it lists the UK primary legislation that may be applied to the Island under the Bill.</p> <p>These are –</p> <ul style="list-style-type: none"> <li>i. Animal Welfare Act 2006 (of Parliament);</li> <li>ii. Animal Health and Welfare (Scotland) Act 2006;</li> <li>iii. Welfare of Animals Act (Northern Ireland) 2011; and</li> <li>iv. Animal Welfare (Sentencing) Bill 2019-21 (of Parliament).</li> </ul> <p>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.</p>	<p>Tick boxes</p> <ul style="list-style-type: none"> <li>- Yes</li> <li>- No</li> <li>- I don't know</li> </ul> <p>Free text field - If no, please explain why</p>
10		Are you content with the definition of "companion animal" and the associated definition of "non-livestock animal"?	<p>The Bill is intended to only allow for legislation relating to "companion animals" to be applied to the Island.</p> <p>The Bill defines companion animals as being non-livestock animals that are kept other than in a wild state.</p>	<p>Tick boxes</p> <ul style="list-style-type: none"> <li>- Yes</li> <li>- No</li> <li>- I don't know</li> </ul> <p>Free text field - If no, please explain why</p>

No.	Title	Question	Additional information	Format of response
			<p>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.</p> <p>These definitions are intended to allow the Bill to apply what is considered to be pets (e.g. dogs and cats) as well as horses and other types of “companion animals” as well as animals kept in shelters.</p> <p>In the latter case, although such animal shelters may keep non-domesticated animals (i.e. “wild”), the fact that those animals are being kept and are not in their wild state will mean animal shelters may be subject to legislation further to this Bill.</p>	
11		Do you have any other comments on this clause?		Tick boxes - No - Yes, with free text field for comments
12	<b>Clause 4 – Application of legislation relating to the welfare of companion animals</b>	Are you content with the proposed ability to apply UK animal welfare legislation to the Isle of Man, subject to appropriate modifications?	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).	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why
13		Are you content with the proposed content of the legislation which may be applied?	This Clause enables the Department of Environment, Food and Agriculture to – <ul style="list-style-type: none"> <li>• 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</li> <li>• make modifications to the legislation being applied.</li> </ul>	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why

No.	Title	Question	Additional information	Format of response
			The application or UK is subject to public consultation and approval by Tynwald.	
14		Are you content that such legislation may only be applied after a full public consultation?		Tick boxes - Yes - No - I don't know Free text field - If no, please explain why
15	<b>Clause 5 - Implementation of legislation relating to the welfare of companion animals</b>	Are you content for provision to be included in the Bill allowing for such regulations to be made?	The Bill also allows for the making of regulations to implement applied legislation, subject to consultation with affected organisations and approval by Tynwald.	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why
16		Are you content that such regulations only require consultation with affected organisations rather than a full public consultation?	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.	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why
17		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).	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?	Tick boxes - Yes - No - I don't know Free text field - If no, please explain why

No.	Title	Question	Additional information	Format of response
18	<b>Clause 6 – Amendment of legislation for the protection of mountain hares</b>	Do you agree that mountain/blue hares should have greater legal protections?	<p>Mountain Hares are legally considered as vermin, and thus may be hunted at any time.</p> <p>It is 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.</p> <p>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.</p> <p>This legal change in categorisation, from “vermin” to “game”, will enable the Department to control hunting of mountain hares.</p> <p>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.</p>	<p>Tick boxes</p> <ul style="list-style-type: none"> <li>- Yes</li> <li>- No</li> <li>- I don't know</li> </ul> <p>Free text field - If no, please explain why</p>
19		Do you have any other comments on this clause?		<p>Tick boxes</p> <ul style="list-style-type: none"> <li>- No</li> <li>- Yes, with free text field for comments</li> </ul>
20	<b>Conclusion</b>	Do you have any other comments on the Bill as a whole?	Thank you very much for your response to this consultation.	Free text field.