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FAWC Response to the Defra Consultation on the Replacement of the Welfare of Farmed Animals (England) Regulations 2000

FAWC appreciates that the aim of the new Welfare of Farmed Animals (England) Regulations 2007 is to preserve most of the current provisions of the 2000 Regulations but to allow for the powers and provisions available under the Animal Welfare Act 2006. The opportunity to remove unnecessary administrative burdens from the 2000 Regulations has also been taken.

This rationalisation in the light of the 2006 Animal Welfare Act is both sensible and necessary.

The main changes relate to the duty of care for owners and animal keepers, statutory welfare codes, powers of an authorised person, powers of entry and the offence of obstructing an inspector exercising power of entry. This is because these aspects are already covered by the Animal Welfare Act 2006.

It is difficult to check on all the changes that may have been made between the 2000 Regulations and the intended 2007 Regulations.

FAWC's main concern is to make sure that nothing of importance to farm animal welfare is lost. In this regard, there are two areas that we have identified.

The first area relates to the changed provision regarding immunity of animal keepers from prosecution when under an improvement notice. This change is written into the Animal Welfare Act and is now reflected by the proposed new 2007 Regulations. FAWC would suggest that the State Veterinary Service be asked to monitor this change to ensure that there are no detrimental consequences for animal welfare.

The second area relates to the loss of Regulation 10 of the 2000 Regulations, which requires livestock keepers (and those that work with farm animals) to have access to, have received guidance on and be familiar with the Welfare Codes. This loss is of serious concern to FAWC. Regulation 10 of the 2000 Regulations has been identified as an 'administrative burden' and so is not included in the 2007 Regulations on the assumption that the duty of care in the 2006 Animal Welfare Act makes the responsibility of animal keepers clear (so that there is no longer any need for the provision regarding the Welfare Codes).

This is a questionable assumption. It could be that without this explicit obligation, many livestock keepers and people employed on livestock farms may not have access to the Welfare Codes or be familiar with them or have received any guidance on them. If this was the case, FAWC recommendations and government advice concerning welfare requirements would be weakened and best practice regarding animal keeping would suffer - to the detriment of farm animal welfare. Of course, farm assurance schemes (which are the main routes by which the Welfare Codes are converted into standards) may still require knowledge of and access to the Codes as part of their standards but the incentive for them to do this will be weakened and not all livestock keepers belong to assurance schemes.

Presumably, the administrative burden that has been identified by Defra is one that falls on Defra to provide copies of the Welfare Codes to livestock keepers, and on livestock keepers to spend time on being familiar with the Codes and receiving guidance on them. The estimated cost of the administrative burden associated with the Welfare Codes is nearly £7.9 millions or approximately £98 per farm across 80,000 farm holdings with livestock. It may be more appropriate to explore how this administrative burden could be reduced, for example by a rewording of the requirements regarding the Welfare Codes, rather than an abandonment of the importance of the Codes in legislation. It is worth noting that our understanding is that the Animal Health and Welfare (Scotland) Act extends the use of Welfare Codes rather than diminishes their importance. The importance of the Welfare Codes needs to be made explicitly clear to animal keepers and others (e.g. farm assurance schemes and the Courts) whilst reducing the administrative burden to both Defra and farmers.

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Chairman, FAWC Ethics, Economics, Education and Regulation Standing Committee