



**The Associate Parliamentary
Group for Animal Welfare
&
APPG for Agroecology**

An all party group for members of both houses at Westminster formed to promote and further the cause of animal welfare by all means available to the Parliaments at Westminster and in Europe

**MINUTES FOR 15th July 2014
REFORM OF THE FARM ANIMAL WELFARE CODES**

Baroness Miller, Duke of Montrose, Bill Wiggin MP, Neil Parish MP, Simon Hart MP
Apologies: The list of attendees was lost but did include approximately 35 members

Neil Parish MP chaired the meeting and welcomed all attendees.

Peter Stevenson (CIWF)

CIWF are concerned about Defra's proposal to replace the statutory codes with guidance produced in partnership with Defra. Our understanding is that the relevant livestock sector will take the lead in drafting guidance. This guidance will carry less weight than statutory codes with Courts. Whilst we understand that failure to comply with statutory codes is not an offence, when there is a prosecution under the Animal Welfare Act, failure to comply with a statutory code may be relied upon as tending to establish liability and compliance with a statutory code may be relied upon as tending to negative liability. Our concern is that industry led guidance will not carry the same weight in Court.

There is a fear that codes in certain areas could be diluted if they are replaced by guidance. An example is with pig welfare where the EU directive prevents routine tail docking. Under the Directive, farmers may only lawfully tail dock if they have first tried to prevent tail biting by changing inadequate environmental conditions. However, the National Pig Association stated on 1st July 2014 "that tail docking is not illegal" which is not an accurate statement about the legal position. Currently the Defra statutory code states that "routine tail docking is not permitted" and "should only be used as a last resort." Another example is broiler chicken welfare where when birds are ready for slaughter, catchers take them from the sheds often carrying 2-3 birds upside down in each hand. Carrying them by their legs can lead to pain, fear and dislocated hips. The current Defra code requires birds to be carried by both legs but the draft industry code requires only birds over 3kg to be carried by both legs. Most broilers weight less than 3kg so under the draft industry code most could be carried by one leg which is likely to cause pain and distress.

The statutory codes are crucial in areas where there is no species-specific legislation such as dairy cows, rabbits, turkeys and ducks. There are statutory codes for most species where there is no specific legislation. The Codes should put emphasis on the core duty that applies to all farmed

Marisa Heath, Secretariat

Tel: 07736 899 547 E-mail: admin@apgaw.org Website: www.apgaw.org

animals i.e.the duty for owners to “take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury” (Directive 98/58, Art 3).

An FVO report on the UK in 2013 stated that “the UK has not fully implemented all of the Council of Europe’s Recommendations for major farmed species in legislation or through administrative measures such as the UK Welfare Codes of Recommendations but instead relies on commercial quality assurance schemers to fill the legislative gaps.” Defra should be updating and strengthening the Codes to reflect the “all reasonable steps” duty and the CoE Recommendations.

Catherine McLaughlin (NFU)

Defra first consulted with the NFU on the proposed Codes in August 2013. At that point the NFU sent back a strong rebuttal with lots of rejections on various parts of the proposal. We did not agree with a lot of the things within it such as neutrality of the cost in updating the Codes for the industry. We did not believe that the Defra proposal represented a genuine effort to share responsibility. We felt the Codes should remain the responsibility of Government.

However, we were willing to work with Defra if it was a genuine partnership approach as there was no doubt that the Codes needed updating. Therefore, we were pleased to attend a meeting on 1st May hosted by Stewart Houston who talked about reform, what would happen, and the legal status. Following that the NFU was assured that this could be taken forward as a genuine way to share responsibility and to update the Codes.

Charles Sercombe (NFU)

I am a farmer who tries to make a difference and the main driver is to give my livestock the best lives possible. I have studied the background and looked at it with other colleagues and we are now minded to move forward with this to try to make chronically out of date regulations better. The only disagreement is how we do this and the extent we take it forward. I represent the industry and we are keen to visit these Codes to find out what needs to be done to meet expectations. We are adamant that we do not want to place additional requirements on the industry and we do not want to gold plate the Codes and regulations. We want to promote best practice in animal welfare as they will help our industry move forward with a modern and progressive industry. We listen to our customers and they offer us more challenges especially the supermarkets who want high standards. Everybody in this debate can benefit if we have a good dialogue and move forward.

Neil Parish MP – What happens if we have people out there who won’t follow the Codes?

Charles Sercombe - I would like to hold to account people who don’t follow the Codes as they give the industry a bad reputation. Using the Codes more effectively through industry would add the strength and encouragement to hold people to account.

Ian Woodhurst (World Animal Protection)

We responded to the consultation with the view that the Codes should not be weakened and should retain their legal force to make it clear they are part of a statutory requirement and we maintain that view. We agree they need to be updated and that this would be a welcome opportunity to improve their clarity so the codes can achieve what they are designed to do. Regrettably, the consultation did not include a cost benefit analysis nor an impact assessment which would have been helpful and we really should have these before any decision is taken to turn them into guidance and definitely before any re-writing of the codes. Without these there will be continuing confusion about what the actual problems are with the codes. There is also confusion about the legal status of the Codes and this also needs to be explained more clearly in any redrafting.

Additionally, we need to ensure people are implementing them and there needs to be consistency on welfare standards as those who not adhere to the Codes damage both the industry and consumer confidence in the livestock sector. We're not talking about gold-plating but regulation that is transparent in terms of accountability, traceability and ensuring consistent standards is good for the reputation of British produce, as demonstrated by the Horse Meat scandal. We would welcome a wider range of stakeholders that include animal welfare organisations, helping to draft the guidance. It shouldn't just be industry led. We would welcome the opportunity to work with industry and Defra, and it is clear there is a lot of common ground on this issue..

Neil Parish MP – Some quality assurance schemes will raise standards beyond the Codes, the problem is how then do we deal with those who do not go for those standards? I am not against rolling back red tape but we do need high standards for animal welfare here.

Peter Stevenson (CIWF) - We have these assurance schemes but not every farmer joins the Red Tractor or other schemes. For those we need the statutory codes. What is the problem that Defra is trying to address here? They have made it clear they will still be partners so it only saves them the process of laying the Codes before Parliament which is not a huge amount of work. The Codes need updating as they go back to last century but the current system where Government is the leader holding the balance between farmers and consumers seems to be proper. The current scheme works well.

Charles Sercombe - Farm Assurance schemes are visited and checked. The people not in the schemes are more likely to have compliance inspections under the new updated Codes as they will stand out. Ideally industry led guidance should make people aware they need to move above and beyond where they are. We can apply pressure from within the industry.

Bill Wiggin MP - How many prosecutions have happened under the Codes and how many under the Animal Welfare Act?

Peter Stevenson – No prosecution can be brought for just a breach of a Code. A prosecution under the Animal Welfare Act using a fact that someone has not observed the Code can be used or a farmer may say he can show he has used a statutory code in his defence.

Bill Wiggin MP - That applies to a Code whether it is statutory or not. If you are going to make laws then you have to have laws that are enforceable and real which are in the Animal Welfare Act. The Codes are not the key.

Ian Woodhurst – The idea of the Codes is to help those that use them interpret the law in a consistent way. They need to set out what you have to do to comply with legislation.

Bill Wiggin MP-The Codes have been superseded by the AWA in 2006 as they were done before that. They are no longer so necessary.

Fiona Wright – Who is enforcing the Act though?

Bill Wiggin MP - The RSPCA

Fiona Wright – So we are relying on a charity to enforce this law?

Neil Parish MP – The supermarket schemes and assurance schemes can make standards improve if they do the majority of inspecting. If the standards within the Codes are the same as these schemes more farmers may use them. The farmer pays for the inspection through the scheme and so it becomes self-regulating. If you can isolate the ones causing the trouble they are the ones to inspect.

Robert Eyres, Dairy farmer & Shropshire Cheese producer – We have a number of bodies inspecting including the Foods Standards Agency, Defra, Red Tractor, Trading Standards and the RSPCA. Vets work closely with the RSPCA. Without the Farm Assurance logo I cannot get a market as the supermarkets will not buy it and I cannot get accreditation without the Red Tractor logo. They come to the farm to inspect every 15 months and go through everything with us. The Farm Assurance Scheme contains about four times the amount of information than anything else.

Peter Stevenson (CIWF) - We are not suggesting a new stronger regime. We are merely saying the regime we have with statutory codes should stay in place. We feel the current arrangement is driven forward by Defra and being Government led ensures a more comfortable balance. The draft industry code on chickens being held by legs up to 3kg softens the current regulation so industry are already demonstrating weakening of certain provisions.

Bill Wiggin MP – We all agree we want higher standards and that the Codes are out of date. The statutory process is not be so flexible to amend and get updated. We all agree we need Codes so there is no question about the need. The Codes need to be as flexible and easy to amend as possible. We want a nimble useful system where we can always get it right.

Chris Laurence - Section 9 of the Animal Welfare Act states "where someone is responsible for an animal, he has a duty to take steps that are reasonable in all the circumstances to ensure its needs are met to the extent required by good practice." A person commits an offence if he does not take such steps. How do we ensure these Codes take into account all the circumstances rather than just the commercial circumstances? It comes down to how the Codes are written and if it is just industry it may not take into account all circumstances.

Neil Parish MP – The message to Government is that this must be a raising of animal welfare not a lowering.

NFU- There is an agreement that these new Codes will be written in Partnership with Defra. Defra have had their lawyers look at it and told us that they are comfortable that the legal status is fine. Defra will have an overview of the final Code. There will be transparency as the finished article goes out in draft form to consultation so everyone gets an opportunity to feed in.

Joshua Kaile (World Animal Protection) – Defra and industry are not currently discussing this issue with the welfare groups, and they should be particularly with the RSPCA as the lead on enforcement. Welfare groups need to be included.

Helena Cotton (BVA) – During the consultation response the BVA stated that we want experienced vets, farmers, welfare experts, industry bodies and consumer groups collectively looking at the draft codes.

Neil Parish MP – Yes that needs to happen. Marisa will write a joint letter from APPG Animal Welfare and Agroecology to Ministers stating that welfare groups should be included in the formation of the Codes especially the RSPCA who deal with prosecutions. Consultation certainly needs to incorporate the animal welfare groups.