The Animal Health and Welfare (Scotland) Bill [SP Bill 47] was introduced in the Parliament on 5 October 2005. Stage 1 commenced on 23 November 2005 with the Environment and Rural Development Committee as the lead committee. The Stage 1 (general principles) debate took place on 23 February 2006 and the Bill was passed following the Stage 3 parliamentary debate on 31 May 2006.

Purpose and objectives of the Bill

The Bill is in two main parts. Part 1 of the Bill on animal health gives Ministers new powers to tackle outbreaks of highly infectious animal diseases. It also provides a statutory element to plans to control Transmissible Spongiform Encephalopathies (diseases like scrapie and BSE). Part 2 of the Bill on animal welfare consolidates and modernises existing laws on the subject, some of which date back to 1912. It also introduces new protections for animals, the main one being for animal keepers to ensure an animal's basic welfare needs are met.

Provisions of the Bill

Part 1 of the Bill enhances Scottish Ministers' powers to prevent the spread of infectious animal diseases. The 2001 Foot and Mouth disease outbreak was controlled by slaughtering infected animals, and animals thought to be at risk of the disease.

Ministers' powers to slaughter animals they suspect of being infected are subjective. The key provisions of Part 1 of the Bill give Ministers wider powers to slaughter animals in Scotland in the event of an outbreak of five types of disease, including Foot and Mouth disease. The new powers would allow Ministers to slaughter any animal they thought fit, rather than their current powers which are limited to animals they have reasonable grounds to suspect might be infected.
Part 1 of the Bill also gives Ministers’ an extended power to vaccinate animals against disease, and other powers to improve biosecurity and control the spread of disease.

The current law on animal welfare is contained in several statutes, principally the Protection of Animals Act 1912 (c.14). The Bill amends and extends the existing statutory framework. It will repeal 19 Acts entirely, and repeals the 1912 Act, apart from 4 sections. The Bill defines “animals” for its purposes as vertebrates (creatures with a backbone) i.e. mammals, birds, fish, amphibians and reptiles. The Bill also defines “protected animals” on which additional protections will be conferred.

The Bill makes it clear that only persons over 16 can be responsible for animals. The Bill will create an offence of causing an animal to suffer unnecessarily. The Bill will provide a new basis for regulating “mutilations” – procedures which involve interfering with the bones or sensitive tissue of an animal. The Bill will also create separate offences related to animal fights and abandoning animals.

A major change made by the Bill is that animal keepers would have to ensure the basic welfare needs of their animals are met. The Scottish Executive plan to make further improvements to animal welfare law in regulations once the Bill is enacted. The Bill contains enabling powers allowing Ministers to regulate, licence and make statutory codes to improve animal welfare. The Bill will prohibit the giving of an animal as a prize, and will make it illegal to sell an animal to a person under 16.

Parliamentary consideration

The Environment and Rural Development Committee’s main conclusion in its Stage 1 report was that the Executive should speed up its timetable for making animal welfare regulations. The Committee also sought clarification on a number of points of interpretation of the Bill. On Part 1 of the Bill, the Committee recommended that the need for Ministers to take scientific and veterinary advice before exercising the enhanced slaughter powers should be spelled out on the face of the Bill. On Part 2, the Committee questioned whether it was workable to have an exemption to a ban on tail docking for working dogs; it called for the recording of animal fights to be made an offence; suggested a system of care notices for enforcing the requirement of the Bill to ensure an animal’s welfare; and questioned how the Bill would apply to performing animals.

During Stage 2 the Executive brought forward an amendment to introduce care notices. If someone is found to not be ensuring the welfare of an animal, they could be served with a care notice, which would say exactly what they would have to do to meet its needs. It would be an offence not to comply with a care notice. The Bill was also amended to make it an offence to supply, publish, show or possess a recording of an animal fight. Having considered the Committee’s reservations on the feasibility of an exemption for working dogs, the Executive stated that that it would impose a complete ban on tail
docking of dogs once the Bill was enacted. It also said it would regulate the welfare of performing animals, including banning the use of wild animals in circuses.

The main amendment to the Bill made during Stage 3 requires Ministers to make a statement explaining why they think slaughter powers in Part 1 of the Bill need to be used, before they would be allowed to use them. There will be a public consultation on tail docking of dogs, and Ministers will consider evidence on the need to exempt working dogs before they introduce a ban, which will not be until March 2007 at the earliest.