

PE1561/H

Agriculture, Food and Rural Communities Directorate

Animal Health and Welfare Division

T: 0300-244 9242 F: 0300-244

E: beverley.williams@scotland.gsi.gov.uk

Ned Sharratt
Public Petitions Clerks
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

27 August 2015

Dear Mr Sharratt

Thank you for your letter of 22 June 2015 on behalf of the Public Petitions Committee of the Scottish Parliament to Iain Jeynes, Committee Liaison Officer for the Scottish Government. You ask for the Scottish Government's views on Petition PE1561 lodged by Ms Karen Gray on behalf of Rabbits Require Rights and calling on the Scottish Government to:

- Introduce a licensing regime for sellers of young rabbits similar to that for cats and dogs;
- Initiate a ban on pet shop sales via the implementation of Ordinances Protecting Rabbits as is operational in numerous states and cities in northern USA and Canada;
- Create minimum standards for rabbit related products, such as housing and feed; and
- Make one body responsible for overseeing and enforcing pet shop licensing regulations, e.g. the SSPCA.

I am replying as Animal Welfare team leader. I can confirm that the Welfare team is in touch with Rabbits Require Rights, amongst other animal welfare organisations, and that we acknowledge many of the issues that they raise regarding rabbits. As an overview, I would like to reassure you that the Scottish Government takes the welfare of all animals, including rabbits, very seriously. We are committed to policies that will improve the welfare of pet animals in Scotland, and are already conducting a long-term review of the pet welfare legislation in Scotland in order to identify potential gaps in protection. The welfare of pet rabbits will be considered as part of this wider review of pet welfare legislation.

It may be helpful if I begin by outlining current legislation relevant to Petition PE1561.

The welfare of all protected animals, including domestic rabbits, is provided for in Scotland by the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act"). This greatly increased the protection afforded to protected animals and the powers of enforcement

authorities to take action against offending individuals, and imposes a duty of care on all those responsible for protected animals. Section 19 of the 2006 Act makes it an offence for a person to cause an animal unnecessary suffering by an act or omission, or to fail to prevent unnecessary suffering. Section 24 makes it an offence for a person to fail to take such steps that are reasonable to ensure the welfare of an animal by providing for its needs to the extent required by good practice. I can confirm that these sections, along with the rest of the 2006 Act apply equally to all those responsible for protected animals on a permanent or temporary basis, including breeders and sellers in addition to owners.

In Scotland, as in the rest of the UK, any person selling animals as pets, including young rabbits, must be licensed under section 1(2) of the Pet Animals Act 1951. This is the case whether the sale is via a traditional pet shop, or from any other premises within the UK, including, for example, from a private dwelling via advertisement on the internet. Amongst other requirements, the Pet Animals Act states that animals for sale must be: kept in suitable accommodation; given suitable nourishment; and are not sold at too young an age.

The Scottish Government recognises that this legislation is somewhat dated. Paragraph 9(d) of Schedule 2 of the 2006 Act makes provision for the repeal of the Pet Animals Act 1951 in Scotland. To date, the only provision repealed was that making the sale of an animal to a person under the age of twelve an offence. Section 30 of the 2006 Act now governs the sale of animals to children in Scotland and raised the legal age at which an animal might be acquired to sixteen. However, the power remains to repeal other sections of the Pet Animals Act 1951 should the Scottish Ministers consider that such an action would improve the health and welfare of animals. This will be considered as part of the on-going review into pet welfare

In Scotland, young cats and dogs (less than 84 days old) have additional protection in the form of The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009. Anyone acquiring and keeping with a view to sale or selling more than 2 young cats or 2 young dogs, or one of each in any 12 month period who does not already have a licence under the Pet Animals Act or the Breeding of Dogs Act 1973 must be licensed under the Regulations. In considering applications, the need for suitable accommodation, nutrition, biosecurity and contingency planning must be looked at, and the conditions placed on licence holders include requirements to: keep cats and dogs less than 8 weeks old with their mother; arrange for veterinary examination within 24 hours of acquiring and provide any treatment required; quarantine animals acquired for at least 10 days; keep specified written records.

In providing a view on this petition I will address each point raised in turn.

Initiate a licensing regime for sellers of young rabbits similar to that for cats and dogs

By this I assume that the petitioner is referring to The Licensing of Animal Dealers (Young Cats and Young Dogs)(Scotland) Regulations 2009. The potential for expanding such an approach to other species, including rabbits will be looked at as part of the pet welfare review.

Initiate a ban on pet shop sales via the implementation of Ordinances Protecting Rabbits as is operational in numerous states and cities in northern USA and Canada

The petitioner suggests a ban in the sale of rabbits from pet shops or online until welfare issues relating to rabbit are under better control. We note that the Ordinances referred to as an example are not uniform in their terms or application. In a number of cases there is a ban

on the sale of young rabbit but the age restriction in these cases varies from 4 to 16 weeks, and in a number of cases there is an outright prohibition on the sale of pet rabbits of any age.

Given that there are welfare challenges relating to a wide range of pet animal species, the Scottish Government does not currently consider that an outright prohibition on the sale of rabbits is warranted. Indeed this would be difficult to achieve in terms of internet sales. However, as noted above, as part of the review of pet welfare legislation in Scotland we will look at whether restrictions on the sale of young rabbits might be introduced.

We note that the Ordinances referred to also prohibit, in a majority of US states, the offering of rabbits as prizes. You may like to be aware that in Scotland, Section 31 of the 2006 Act already prohibits the offering of animals as prizes in Scotland, except where offered in a family context.

The internet sale of animals is a separate, but related challenge that will also be looked at as part of the on-going pet welfare review. While policy relating to the internet itself is reserved to the UK Government, the Scottish Government, along with other UK administrations, has been working with the Pet Advertising Advisory Group (PAAG) to look at voluntary mechanisms for tackling illegal or inappropriate advertisement on the internet. PAAG has developed minimum standards for the advertisement of animals on the internet, has been successful in signing up a number of websites to these, and has introduced a moderating system that has successfully blocked a significant number of inappropriate advertisements.

Create minimum standards for rabbit related products, such as housing and feed

In terms of accommodation, Schedule 7 of the Welfare of Farmed Animals (Scotland) Regulations 2010 (SSI 2010/388) requires that hutches and cages used for farmed rabbits are of a minimum standard that permit their occupants to move around and to feed and drink without difficulty, to be able to lie on their sides and to be able to sit upright on all four feet without their ears touching the top of the hutch or cage. There are no legally defined standards for pet rabbits and there are presently a wide range of hutches and cages of all sizes available at pet shops. This is the case for all types of pet, and is something that may need to be looked at as part of the review of pet welfare.

Guidance is widely available on appropriate accommodation for pet rabbits that emphasises the requirement to be able to stretch, exercise, socialise and obtain privacy. The cages and hutches on sale are for a range of purposes, both outdoor and indoor and permanent and temporary accommodation. Outlets should inform customers of the advantages and disadvantages of each type of product and how they are intended to be used in order to help them make the appropriate purchase for their circumstances; the need for a run or other access to further space should always be emphasised. However, ultimately, it is the responsibility of a prospective keeper of any type of animal, including rabbits, to ensure that they are fully aware of the accommodation needs of the pet that they intend to take on. The design and manufacture of pet accommodation is market led and if consumers educate themselves and avoid buying inappropriate accommodation, it is possible that pet shops will stop stocking it without the need for further legislation.

Regarding manufactured foodstuffs, there is already a considerable amount of legislation in place. Food Standards Scotland, a non-ministerial office of the Scottish Administration formally assumed its responsibilities on 1 April 2015. These responsibilities include providing Scotland with regulation and independent advice on food safety and standards, food information, and nutrition – including pet food. There are a number of separate

legislative documents covering the manufacture and composition of pet food. The Animal Feed (Scotland) Regulation 2010 (SSI 2010/373/2010), as amended by the Feed (Hygiene and Enforcement) and Animal Feed (Scotland) Amendment Regulations 2013 (SSI 2013/340), provide for the enforcement of European Commission regulations on the marketing and use of pet and non-pet animals. We understand that the petitioner considers the major welfare issue related to the feeding of rabbits to be the proportion of manufactured feedstuffs given relative to what should be the staple of a rabbit's diet: hay. Again, guidance is widely available on an appropriate diet for rabbits; ultimately, it is the responsibility of any animal keeper to ensure that they understand and provide for the nutritional needs of those animals in their care – including pet rabbits.

The Scottish Government is aware that although good advice on the care of rabbits has in recent years become freely available from a number of sources, there continue to be welfare issues surrounding a lack of knowledge in some taking on the care of rabbits, particularly in terms of accommodation, nutrition and social groupings. Although we are clear that it is the responsibility of any pet keeper to make sure that they understand the needs of their pet and how to provide for them, we recognise that some prospective keepers may find the abundance of information bewildering, and that where conflicting advice is presented it can be difficult for some to assess the credibility of that advice. Again, this is an issue that is not restricted to rabbits. We will, therefore, look at how comprehensive and consistent best practice guidance for pet keepers might best be produced and disseminated in Scotland to help tackle this. In the meantime, we are aware that the Welsh Government have produced a Code of Practice for the Welfare of Rabbits¹ and that more recently the University of Bristol's School of Veterinary Sciences has developed a 10 point vision for future developments in collaboration with welfare organisations, breeders, the pet industry and the veterinary profession². Following on from these documents, we will consider whether there is a need to produce a further guidance document or Code under the 2006 Act relating to rabbits in Scotland.

Make one body responsible for overseeing and enforcing pet shop licensing regulations, e.g. the SSPCA

In general, the full range of animal health and welfare legislation in Scotland is enforced by Local Authorities, with other agencies having additional enforcement roles in specific circumstances and under specific legislative instruments. With regard to the Scottish SPCA, Scottish Ministers appoint individuals from Scotland's largest animal welfare charity as inspectors under Article 49(2)(b) of the 2006 Act, which gives them certain powers to enforce that Act. The SSPCA currently has no specific role in enforcing the Pet Animals Act; however, as the two pieces of legislation overlap in practice, the SSPCA will work with Local Authorities where any issue arises in relation to the sale of animals as pets.

Under the Pet Animals Act, Local Authorities are currently responsible for setting the conditions applying to individual pet shop licences in their area. While the objectives for those conditions are laid out in Article 1(3) of the Pet Animals Act, how these must be achieved is left to the discretion of the Local Authorities, who will be better appraised of the individual circumstances involved. To provide some guidance to Local Authorities, the Local Government Association published model standards for pet shop licence conditions in November 1998³ and a number of Scottish local authorities may still be using this. More recently, the 'Model Conditions for Pet Vending Licensing 2013'⁴ have been published by the

¹ <http://gov.wales/topics/environmentcountryside/ahw/animalwelfare/pets/codesofpractice/codeofpractocewelfarerrabbits/?lang=en>

² <http://www.bristol.ac.uk/news/2015/may/rabbit-welfare-vision.html>

³ http://www.local.gov.uk/publications/-/journal_content/56/10180/3378153/PUBLICATION

⁴ <http://www.cieh.org/policy/default.aspx?id=47608&LangType=2057&terms=pet%20vending>

Chartered Institute of Environmental Health and provide set requirements for the housing and treatment of pet shop animals. The bodies involved in the preparation of both of the Model Standards included the Chartered Institute of Environmental Health and The British Veterinary Association; and the industry body, the Pet Industry Federation, was involved in the preparation of the 2013 Model Conditions. Several animal welfare organisations were also involved in each of these model codes.

The Scottish Government places great value on the role of Scottish SPCA inspectors in helping to enforce the 2006 Act and fully endorses a co-operative approach to the enforcement of animal welfare rules. However, given their over-arching role in animal welfare enforcement, the Scottish Government considers that Local Authorities remain best placed to license premises in their own areas and should remain free to set specific conditions as required. However we also fully support the use of a national standard to ensure consistency of approach. COSLA or the Chartered Institute of Environmental Health would perhaps be better placed to comment on this further.

I hope that this information is useful, and if you require anything further, please let me know.

Yours Sincerely

Dr Beverley Williams
Animal Welfare Team Leader