

The Animal Welfare Act 2006 (1)

The Animal Welfare Act 2006 protects vertebrate animals (those with a backbone) that don't live in the wild, e.g. pets.

The offences in the Act are divided into two broad categories – the **promotion of animal welfare** and the **prevention of harm** to animals.

The promotion of animal welfare

The welfare offence/'duty of care'

Any person responsible for an animal must make sure the animal's needs are met (to the extent required by good practice). These needs include:

1. a suitable place to live
2. suitable food and water
3. to be able to behave normally
4. to be with other animals or alone – whatever suits that type of animal, and
5. to be protected from pain, suffering, injury and disease.

You may notice that these needs are very similar to the **five freedoms**, mentioned in other RSPCA education resources.

Only the courts are able to define what 'good practice' means in relation to looking after different animals, but because the Act is so new they haven't had much opportunity to do this yet.

The concept of **good practice** is not static – it may change with time. For example, it is currently common practice to keep rabbits in hutches on their own. The Act does not make this practice illegal. However, an increasing number of experts believe that rabbits are social animals that, in a natural state, live in groups, and that living alone does not fulfil their need to have the company of other animals.

Therefore, the courts may, in the future, decide on the basis of such advice that keeping a rabbit on its own is not good practice and is therefore a breach of the welfare offence.

Selling animals to persons under 16/offering animals as prizes

An animal cannot be sold or given to a person under 16.

The prevention of harm to animals

Unnecessary suffering

It is illegal to make an animal suffer unnecessarily or let someone else do so. For example, beating a dog.

Mutilation/docking of dogs' tails

It is illegal to mutilate an animal's body or cut off (dock) a dog's tail, unless it is necessary for the animal's medical treatment or it is specifically allowed (by regulations or by the vet).

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Administration of poisons

One example of an offence is leaving rat poison out, which may be eaten by another animal.

Fighting

It is illegal to make animals fight. It is also illegal to train an animal to fight, to receive money from someone who wants to watch your dog fight another animal, to bet on a fight or even go to a fight. Animals that are sometimes used for fighting are dogs, badgers and cockerels.

What happens if you break the law?

Some of the things that may happen if a court finds you guilty are:

- going to prison
- taking away an animal
- stopping someone from owning an animal
- fines of up to £20,000
- putting an animal to sleep.

How will the Animal Welfare Act develop in future?

Whilst the Animal Welfare Act provides general guidance for the protection of animals, the government intends to make more specific laws (secondary legislation) to cover particular situations or kinds of animals.

Some examples of issues that are expected to be covered in the next couple of years are:

- wild animals in circuses
- performing animals
- pet shops
- racing dogs.

REMEMBER! If you think someone has broken the law, you should tell an adult or telephone the RSPCA on 0300 1234 999. You won't have to give your name.