

Reports and Comments

Different approaches to regulations: Moving to non-statutory guidance for farming animal welfare codes in England

In England, a set of statutory farm animal welfare codes detail the standards required for the care of pigs, cattle, rabbits, deer, poultry (laying hens, broiler [meat] chickens, ducks and turkeys), sheep and goats.

In June 2013, the UK Government published a consultation on the reform of these codes. Specifically, the consultation was to see whether there was support for a move from statutory codes to industry-led drafted, non-statutory guidance. The views of all those interested in farm animal welfare were sought and also whether this move would meet the needs of farmers and meet the Government's existing commitment to maintaining standards of animal welfare. The response from this initial consultation was varied and no clear consensus emerged so more time was allowed for further deliberation before a final decision was made. In an interim report on this process the Department for Environment, Food and Rural Affairs summed up the responses it had received thus: 'Whilst some industry groups were enthusiastic to develop a partnership approach to drafting guidance, others remain to be convinced that this was an appropriate way forward.'

In December 2015, the Department for Environment, Food and Rural Affairs published the final results of this process, the responses it received to the initial seven questions posed and set out the Government's response to these and its next course of action.

There was a clear lack of consensus. In response to the question as to whether there are alternative ways of ensuring animal keepers understand what is required of them, other than moving to industry-led drafted non-statutory guidance, only 45% of respondents gave general support to the non-statutory approach and 23% supported the retention of the existing framework of existing statutory powers — where codes are led by Government in partnership with industry. Another question, which asked whether it is appropriate for industry to lead the drafting, consultation and subsequent amendments, was supported by 50% of the respondents, 36% were against the proposal and were in support of a stronger role for Government. With respect to the role of the UK Farm Animal Welfare Council (FAWC) in the process and whether asking FAWC to review the content of industry-led drafted guidance documents was sufficient to assure the quality of the guidance, 57% felt that it was, although caveats relating to regular reviews of the codes were made and that input was also needed from a wider group of stakeholders, including NGOs and veterinary and enforcement bodies. The other questions related to cost, other impacts not considered and a post-implementation review.

Subsequent to these responses, Defra held an industry workshop in May 2014, to explain how partnership working could function in practice. After reassurance that a move to

non-statutory guidelines would still mean support from Defra, this Report states 'several livestock sectors are now keen to follow the meat chicken sector, which has piloted the guidance approach and (to) begin preparing guidance for their producers.' In response to concerns, the report also states that Defra does not believe that 'non-statutory guidance would have a reduced evidential weight and hinder prosecutions' and that a '...move to non-statutory guidance is likely to have a minimal impact on the way in which the guidance can be used in court proceedings and will be outweighed by the benefits to farmers of having more up to date guidance on good practice available'.

Defra also reassures those concerned about any impact on animal welfare that 'no statutory code will be revoked unless Defra is content that current standards are being maintained'. In the case of meat chickens, where pilot guidance has already been drafted, it reports 'FAWC is satisfied that animal welfare standards will not be lowered if the existing code is replaced with this guidance'.

Moving forward, the Government has agreed that in England the reform of existing farm animal welfare codes will begin on a case-by-case basis, starting with the meat chicken guidance, and that existing Code of Recommendations for the Welfare of Livestock: Meat Chickens and Breeding Chickens will be revoked and replaced with this new guidance. A timetable of reform for the other codes will now be agreed and work started. A post-implementation review of the impact of moving from statutory to non-statutory guidelines will also be conducted in due course.

Government Response on the Reform of Farm Animal Welfare Codes (December 2015). A4, 18 pages. Department for Environment, Food and Rural Affairs, UK. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486162/welfare-code-reform-consult-gov-resp-final.pdf.

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New Zealand Code of Welfare for horses and donkeys

The New Zealand Animal Welfare Advisory Committee has recently published a new Code of Welfare for Horses and Donkeys which lays out the minimum standards for animal care and management for these species and which gives further recommendations regarding best practice. As is the case in many countries, eg UK and Australia, the Code is separate to the main piece of underpinning animal welfare legislation, to avoid the statutory Act being over-long and unwieldy and allows for existing codes to be more easily updated as knowledge and practice change.

The recommendations within the Code set out standards of care and conduct, over and above the minimum required to meet the obligations in the Act and are included to encourage higher standards of animal welfare.