

When did the Animal Welfare Act come into effect?

From 6 April 2007 (and in Wales from 27 March 2007), animal welfare law was improved.

Not only is it against the law to be cruel to an animal, you must also ensure that all the welfare needs of your animals are met.

What does the Animal Welfare Act do?

It makes owners and keepers responsible for ensuring that the welfare needs of their animals are met.

These include the need:

1. For a suitable environment (place to live)
2. For a suitable diet
3. To exhibit normal behaviour patterns
4. To be housed with, or apart from, other animals (if applicable)
5. To be protected from pain, injury, suffering and disease

The law also increases to 16 the minimum age at which a person can buy an animal and prohibits giving animals as prizes to unaccompanied children under this age.

Anyone who is cruel to an animal, or does not provide for its welfare needs, may be banned from owning animals, fined up to £20,000 and/or sent to prison.

Animal Welfare Act 2006

How does the Act affect me?

- Are the laws different in England, Wales, Scotland and Northern Ireland?
- What does the 'duty of care' mean?
- I'm not really sure what this would mean in practice. Where can I find more information to help me properly care for my pet?
- Does this Act apply to all animals?
- How does the Act affect fishing?

- How does the Act affect farming?
- Does the Act apply to zoos?
- Why won't a child be allowed to buy a pet, or win one as a prize?
- What happens if someone breaks this law?
- How will the Act be enforced?
- Will the Act mean more red tape?
- What is secondary legislation and why is there lots of information about it on this site?

Are the laws different in England, Wales, Scotland and Northern Ireland?

Yes, although there are many similarities.

The Animal Welfare Act 2006 applies only to England and Wales. Secondary legislation and codes of practice made under the Act can be made separately for England and Wales, although there will be many elements of both that are very similar or the same.

More information about the secondary legislation and codes of practice that apply to animal welfare in England can be found here ([secondary legislation page](#)). More information about animal welfare in Wales can be found on DEFRA's web site.

The Scottish Parliament passed its own Animal Health and Welfare Act 2006, which applies to the whole of Scotland. More information can be found here at www.scotland.gov.uk.

The principal legislation relating to Northern Ireland is the Welfare of Animals Act (Northern Ireland) 1972, which can be found at www.statutelaw.gov.uk

What does the 'duty of care' mean?

"Duty of care" is a legal phrase which means that someone has an obligation to do something. Prior to the Animal Welfare Act 2006, people only had a duty to ensure that an animal didn't suffer unnecessarily. The new Act keeps this duty but also imposes a broader duty of care on anyone responsible for an animal to take reasonable steps to ensure that the animal's needs are met. This means

that a person has to look after the animal's welfare as well as ensure that it does not suffer. The Act says that an animal's welfare needs include:

- a suitable environment (how it is housed);
- a suitable diet (what it eats and drinks);
- the ability to exhibit normal behaviour patterns;
- Any need it has to be housed with, or apart from, other animals; and protection from pain, suffering, injury and disease.

I'm not really sure what this would mean in practice. Where can I find more information to help me properly care for my pet?

Your vet can give you advice about healthcare and your animal's needs. However, your first port of call for general information may be a specific club or society for your type of pet. There are also several charities and organisations who may be able to help you with specific questions.

[Battersea Dogs' Home](#)

[Blue Cross](#)

[British Horse Society](#)

[British Veterinary Association](#)

[Cats Protection](#)

[Dogs' Trust](#)

[International League for the Protection of Horses](#)

[The Kennel Club](#)

[PDSA](#)

[Pet Care Trust](#)

[RSPCA](#)

[Wood Green](#)

Please note that Defra is not responsible for the accuracy of advice given by external bodies.

Does this Act apply to all animals?

The Act defines "animal" as referring to any living vertebrate animal, although there is provision to extend this if future scientific evidence shows that other kinds

of animals are also capable of experiencing pain and suffering. Parts of the Act apply to any animal (for example, not using animals to fight), but other parts only to “protected animals” or to animals for which a person is “responsible”.

A “protected animal” is one that:

- is normally domesticated in the British Isles,
- either permanently or temporarily under a person’s control, or
- is not living in a wild state.

The duty of care (the need to provide for an animal’s welfare) applies to animals for which a person is responsible. A person is responsible for an animal if he or she is:

- the owner of the animal;
- in charge of the animal, for example an owner of boarding kennels;
- A parent or guardian of a person under 16 who is responsible for the animal.

A person can be responsible for an animal on a temporary basis; for example, looking after a friend’s cat whilst they are on holiday.

The Act doesn’t apply to animals used in licensed laboratory work. These animals are protected under a different law: the Animals (Scientific Procedures) Act 1986. More information is available from Defra.

How does the Act affect fishing?

Anything which occurs in the normal course of fishing (including commercial fishing and angling) is exempted from the Act. However, all fish for which a person is responsible (such as pet fish, ornamental fish and farmed fish) will be protected under the Act.

How does the Act affect farming?

Policy regarding the welfare of farmed animals has been agreed at European Union (EU) and international levels for many years now. As such, the legislation

in the UK governing farmed animal welfare is already very comprehensive, and the Act does not mean major changes for farmers.

Does the Act apply to zoos?

The Animal Welfare Act does apply to zoos. In addition, zoos are licensed by the Zoo Licensing Act and are expected to comply with the Secretary of State's Standards of Modern Zoo Practice, which covers zoo animals' welfare needs in detail. More information is available from Defra.

Why won't a child be allowed to buy a pet, or win one as a prize?

A child will still be able to 'own' a pet and a parent or responsible adult will still be able to buy a pet for a child under 16. However, the Act increases to 16 the minimum age at which a child may buy a pet on their own. A person under 16 will be able to buy an animal as long as they are accompanied by an adult. This prevents purchase on a whim without parental consent, and ensures that proper thought is given to the animal's care and welfare.

For these reasons, unaccompanied children under 16 cannot win an animal as a prize, except when accompanied by an adult. However, the person responsible for the animal will still need to ensure that their new pet is cared for properly.

What happens if someone breaks this law?

There are two different types of actions that can be taken under the Act:

- An improvement notice can be issued.
- A criminal prosecution can be brought.

Improvement notices

If a person does not look after their animal's welfare, an improvement notice can be issued. This will set out:

- how the person is failing to look after the animal's welfare;
- what steps need to be taken to improve it;
- a time limit within which to comply with the steps set out in the notice; and

it will explain what will happen if the notice is not complied with.

If a person complies with the improvement notice within the time limit set out, then they will not be able to be prosecuted for the actions which led to the notice being issued.

An improvement notice is **not** a criminal penalty, and a person who receives an improvement notice will **not** have a criminal record as a result. However, failure to put right the welfare problem which led to the giving of an improvement notice can lead to a criminal prosecution.

Criminal prosecution

There are a number of offences under the Act which can lead to a criminal prosecution. The main offences are:

- Causing an animal to suffer unnecessarily.
- Administering poison to an animal.
- Arranging or attempting to arrange an animal fight, including publicising, taking money for entry to, or betting on such a fight.
- Failing to ensure the welfare needs of an animal are met.
- Selling an animal to a person under 16 years old who is not accompanied by someone aged 16 or over.
- Allowing an unaccompanied person under 16 years old to enter a competition in which they could win an animal as a prize.
- Obstructing a local authority inspector or police constable from exercising their powers under the Act.

If you are found guilty of an offence under the Act, you can be fined, sent to prison, have your animals taken away from you, and/or disqualified from keeping animals in the future.

The Act increases the penalties available for the most serious offences. The maximum penalty is imprisonment for up to 51 weeks, or a fine of up to £20,000, or both.

How will the Act be enforced?

The Act gives some formal enforcement powers (such as the power of entry to certain kinds of premises, and the power to seize documents) to the police and 'inspectors'. 'Inspectors' are people appointed by local authorities or, in England, by the Secretary of State (in England) or the National Assembly for Wales (in Wales) with responsibility for animal welfare. In practice this can mean a local authority employee with responsibility for animal welfare, or an Animal Health (formerly State Veterinary Service) Officer.

However, the law (like most laws) is a 'common informer's Act'. This means that anyone is allowed to bring a prosecution for an offence. In practice, as now, the RSPCA intends to investigate many offences relating to animal cruelty or welfare of domestic animals, and in some cases farmed animals, and bring prosecutions where appropriate. However, the RSPCA does not have formal enforcement powers such as power of entry or the power to seize documents. For more information, please see the RSPCA website.

Defra, LACORS, Animal Health, the police, and the RSPCA are drawing up a 'Statement of Intent' which will set out the usual procedures for enforcement of the Act. When finalised, it will be available from this site.

In broad terms, Animal Health and local authorities will continue to take the lead on enforcement of farm animal welfare. The RSPCA will deal with most cases relating to companion and domestic animals. The police are likely to be involved only in cases involving very serious offences or issues of public order.

Will the Act mean more red tape?

The Government is committed to better regulation and this Act, and its secondary legislation has been put together with that in mind.

The Act updates, simplifies and consolidates existing law, so reducing red tape. It enables the Government to update existing licensing regimes relating to certain pet animals, many of which are outdated, burdensome and ill-focused.

The main new provision of the Act, the duty of care to look after an animal's welfare needs, should not make much difference to the way responsible pet owners care for their animals. The majority of animal owners already look after

the welfare of their animals and will not be affected by the change. What it does mean is that the minority who do not apply good standards can be dealt with more effectively through the use of improvement notices or criminal proceedings where appropriate.

What is secondary legislation and why is there lots of information about it on this site?

Some 'primary legislation', like the Animal Welfare Act 2006, enables the government to make 'secondary legislation'. Secondary legislation is a kind of law (often more detailed and specific than primary legislation) that can be made (subject to Parliamentary scrutiny) in a simplified, quicker process.

So, whilst the Act provides a general framework for the protection for animals, the government intends to make more specific laws for particular situations or kinds of animals where it is felt that this would be useful; such as what kind of procedures pet shops should follow to look after animals, or in what circumstances it is acceptable to dock a dog's tail.

The government also intends to introduce codes of practice to give more advice on how to care for certain kinds of animals such as cats, dogs, pet primates and game birds. Codes of practice are not legally binding in the same way as secondary legislation. They will offer guidance as to how to comply with the Animal Welfare Act. Breaching a code is not an offence in itself, but can be used as evidence in a court if a prosecution is brought.

Animal Welfare Act 2006

Secondary legislation and Codes of practice

What is 'secondary legislation' and why is there lots of information about it on this site?

An Act of Parliament, or 'primary legislation', like the Animal Welfare Act 2006, can enable the government to make 'secondary legislation'. Secondary legislation (sometimes known as regulations; subordinate or delegated legislation; or statutory instruments) is often more detailed and specific than

primary legislation and can usually be passed by Parliament in a simplified, quicker process.

So, whilst the Act provides a general framework for the protection for animals, the government intends to make more specific laws for particular situations or kinds of animals where it is felt that this would be useful; such as what kind of procedures pet shops should follow to look after animals, or in what circumstances it is acceptable to dock a dog's tail.

What is a code of practice?

The Animal Welfare Act 2006 allows the government to issue and from time to time revise codes of practice.

The main purpose of these codes is to give practical advice to owners and others responsible for animals on how they can ensure that their animals' welfare needs are met. Welfare codes for farmed animals have been in existence for some years and the Act will allow these to be issued for companion animals too.

Failure to comply with a code will not be an offence in itself. However, whether or not a person complied with a code could be used as evidence in court if a prosecution is taken.

The government has made a commitment to produce certain general codes that will provide guidance on the keeping of certain species, such as dogs, cats and primates. Codes will also be produced to give more detail to other secondary legislation such as the sale of pets and the welfare of racing greyhounds. Other codes will be issued as and when necessary bearing in mind that a good deal of guidance is already available to animal owners from specialist clubs and animal welfare bodies such as the RSPCA.

All codes of practice issued by government will be subject to public consultation and parliamentary approval.

Proposed timetable for Secondary Legislation and Codes:

The timetable for secondary legislation and codes is currently under review for the following activities:

Issue
Mutilations
Tail Docking of Dogs
Guidance on the legal status of wing and web tagging
Welfare of Farmed Animals
Racing Greyhounds
Pet Fairs
Primates as Pets
Circuses
Cat Code
Dog Code
Pet Shops
Game Birds

Animal (dog & cat) Boarding
Tethering of horses
Riding Schools
Livery Yards
Animal Sanctuaries
Performing Animals

Animal welfare: The Control of Dogs

3 June 2008 – News release: Getting tough on irresponsible dog owners. A leaflet on 'Control of dogs, the law and you' is available.

It is an offence to own or keep any of the types of dog listed below, unless it is on the Index of Exempted Dogs and is in compliance with the requirements. In any event it is an offence to breed from, sell or exchange (even as a gift) such a dog, irrespective of whether it has been placed on the Index of Exempted Dogs. Page 3 of Annex A provides further details about the Index.

Section 1 of the Dangerous Dogs Act 1991 prohibits four types of dog:

- [the Pit Bull Terrier](#)
- [the Japanese Tosa](#)
- [the Dogo Argentino](#)
- [the Fila Brasileiro](#)

- [The Dangerous Dogs \(Amendment\) Act 1997](#)



It is important to note that, in the UK, dangerous dogs are classified by “type”, not by breed label. This means that whether a dog is considered dangerous, and therefore prohibited, will depend on a judgment about its physical characteristics, and whether they match the description of a prohibited 'type'. This assessment of the physical characteristics is made by a court. A leaflet providing guidance on the physical characteristics that a court would consider in reaching its judgment can be found below.

The 1991 Act was amended by the Dangerous Dogs (Amendment) Act 1997. The 1997 Act removed the mandatory destruction order provisions of the 1991 Act by giving the courts discretion on sentencing, and re-opened the Index of Exempted Dogs for those prohibited dogs which the courts consider would not pose a risk to the public. Only courts can direct that a dog can be placed on the list of exempted dogs.

Section 3 of the 1991 Act created a new offence of being an owner of a dog of any type or breed which is dangerously out of control in a public place or a non-public place in which it is not permitted to be.

- Information on Wolf-dog hybrids can be found on the Wildlife and Countryside pages of the Defra website.

Prohibited Types of Dog

Leaflet: Types of dog prohibited in Great Britain - Contains guidance on the types of dogs prohibited in Great Britain. It also explains the impact of the legislation on dogs being brought into Great Britain.

The leaflet is aimed at both enforcement agencies and members of the public who would like to bring their dog into Great Britain via the Pet Travel Scheme (PETS) but are unsure whether their animal is banned from Great Britain.

Hard copies can be obtained from animal.welfareact@defra.gsi.gov.uk quoting product code PB8311.