



Report on the Welfare of Farmed Animals at Gatherings

June 2005

**Farm Animal Welfare Council
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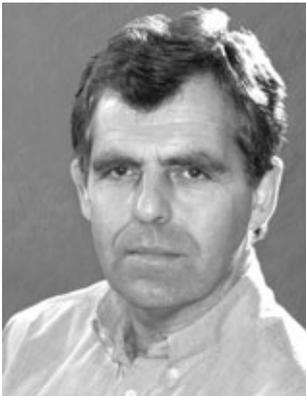
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CHAIRMAN'S FOREWORD



Since the Council's last Report on the Welfare of Livestock at Markets in 1986 much has changed in the structure of livestock farming, its marketing strategies and the design and operation of livestock markets. Animal welfare legislation covering markets has been in place for over a decade and EU legislation covering animal welfare during transport has recently been updated. Therefore, a review of the subject was both timely and necessary.

A study into the welfare of farmed animals at livestock markets was begun in 1999. This study was interrupted by the outbreak of Foot and Mouth Disease in 2001 but this event also prompted a rethink of the remit of the review. It was clear that all gatherings of farmed animals have common activities and each presents a similar challenge to animal welfare in terms of transport to the gathering site, unloading, mixing with unfamiliar animals and people and loading for onward consignment. This is not reflected in the current legislative framework. The study was extended to cover markets and sales, other gatherings of farmed animals, agricultural shows and exhibitions, and horse and pony sales and fairs.

This report seeks to identify the common welfare challenges present at all animal gatherings. It also summarises current legislation and identifies the lack of consistent protection for animals subject to various gatherings. A key recommendation of this report calls for a single piece of legislation to protect animal welfare at all gatherings and provide this consistency.

Specific recommendations are made to improve animal welfare standards at gatherings in terms of the knowledge and competency of people employed to look after animals, animal care and handling, facilities provided at the gathering site and levels of supervision and enforcement. Many of these recommendations are common to all gathering sites but some circumstances specific to a particular type of gathering have also been identified.

Some recommendations call for fundamental changes to the legislation covering animal welfare at gatherings. Others can be implemented through guidance in Codes of Practice or by changes to working practices. We have tried to make it clear whose responsibility it is to take the recommended action.

I would commend this thorough and balanced report to the Government and the industry and assure both of FAWC's continuing assistance with, and advice on, the issues raised. I look forward to the improvements in animal welfare that implementation will bring about.

A handwritten signature in black ink, appearing to read 'C. Wathes'.

Professor Christopher Wathes
Chairman of FAWC

PART I: INTRODUCTION

1. The Farm Animal Welfare Council (FAWC) was established in 1979. Its terms of reference are to keep under review the welfare of farm animals on agricultural land, at market, in transit and at the place of slaughter; and to advise Great Britain's Rural Affairs Ministers of any legislative or other changes that may be necessary. The Council has the freedom to consider any topic falling within this remit.

2. The aim of this report is to highlight the animal welfare issues and recommend a way forward in the numerous different situations at which animals are gathered. We focus on the establishment of an overarching legislative framework to protect the welfare of animals at all such gatherings.

3. For the purposes of this report, a 'gathering' is "any place at which animals are brought together from more than one location by one or more owners for subsequent onward movement". This will include livestock markets, collection centres, collecting centres, assembly centres, staging points and gatherings at other sites such as dealers' and hauliers' yards. It will also include animals gathered together for agricultural shows and exhibitions. The report will not directly compare one type of gathering with another or offer opinions on which may have more or less of an impact on the welfare of the animals.

4. Horses and ponies are considered in a separate section given their differences from 'traditional' farmed species. In addition, legislation relating to the welfare of horses at markets has historically been distinct from that of farmed species. It should be noted that only the welfare of horses and ponies on farm, during transport, at markets and at slaughter falls within FAWC's remit.

FAWC's method of approach

5. Animals are kept for various purposes and in return their needs should be provided for. Farm animals are recognised as sentient beings in the Treaty of Amsterdam. We have a moral obligation to each animal that we use. This obligation includes never causing unnecessary harm to animals and, when deciding on our actions, endeavouring to balance any other harm against the benefit to humans and/or other animals.

6. The achievement of high standards of animal welfare requires awareness of animal needs, and both caring and careful efforts on the part of everyone involved in the supervision of farmed animals. Those in charge of, or who have responsibility for, livestock must operate: responsible and responsive management; informed, skilled and conscientious stockmanship; considerate handling and transport; and humane slaughter. The 'five freedoms' provide general guidelines for those who use animals in order to avoid suffering and other harms:

Freedom from hunger and thirst, by ready access to fresh water and a diet to maintain full health and vigour;

Freedom from discomfort, by providing an appropriate environment including shelter and a comfortable resting area;

Freedom from pain, injury and disease, by prevention or rapid diagnosis and treatment;

Freedom to express normal behaviour, by providing sufficient space, proper facilities and company of the animal's own kind;

Freedom from fear and distress, by ensuring conditions and treatment which avoid mental suffering.

7. When assessing any welfare problem, it is necessary to consider both the extent of poor welfare and its duration. Welfare assessment concerns individual animals. However, where there are indications of poor welfare, we consider that the more animals that are affected, the more serious is the problem.

8. In order to offer useful advice about the welfare of farm animals, FAWC takes account of scientific knowledge and the practical experiences of those involved in the livestock industry. A broad-ranging approach, taking into account all relevant views and attempting to balance human benefit with a concern to ensure that the animal's interests remain to the fore, is used in the formulation of FAWC recommendations. Furthermore, FAWC considers that British welfare standards or equivalents should apply not only to farm animals that are produced within Great Britain, but also to those produced in any other country which are then used as a food or ingredient source for Great Britain.

9. Knowledge based on scientific studies of the welfare of animals is increasing rapidly. The term animal welfare is employed frequently in scientific and legal documents and in public statements. In our view, welfare encompasses the animal's health and general physical condition, its psychological state, its biological fitness and its ability to cope with the environment in which it finds itself.

Remit and methodology of this report

10. In 1999, FAWC announced a review of the welfare of farm livestock during the time they were held in markets. Initially, the review included cattle, sheep and pigs, but was subsequently extended to include horses and ponies. We have not reported on the very small number of gatherings of species such as deer, goats, rabbits, poultry and miscellaneous animals but believe that the broad principles set out in this report should apply.

11. The Council had not studied the welfare of animals at markets in detail since the mid-1980s and wished to re-assess the topic in the light of legislation introduced after the FAWC Report on the Welfare of Livestock at Markets (1986); in addition to developments in market design, animal handling systems and the impact of transport legislation introduced in 1997; and after the outbreak of Foot and Mouth Disease in 2001.

12. In light of disease outbreaks, and the animal movement restrictions that resulted from them, FAWC extended the scope of the review beyond the traditional livestock market. The Council recognised that changes of animal ownership or location may occur via markets or by other means such as electronic sales, video sales, at collection centres, collecting centres or assembly centres, and by farm to farm transfers, and included these systems in the review. The review was also extended to include shows and exhibitions.

13. The welfare of animals gathered at slaughterhouses will not be dealt with in this report. This has already been addressed in FAWC's Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals, published in 2003.

14. The welfare of horses gathered together primarily for the purposes of sport or entertainment, for example, gymkhanas and horse racing meetings, are also not dealt with in this report. Exclusion of these gatherings is as a consequence of their being outside FAWC's remit.

15. In compiling this report, the Council carried out an extensive consultative exercise and considered the available scientific evidence. Council members also visited a wide-range of market sites in Great Britain and Europe and attended a video sale. In addition, meetings were held with experts from industry and research bodies. Oral and written evidence was also taken from other interested parties. Those who gave evidence and information are listed in Appendix 3.

16. We thank all who participated in the above process. In particular, we wish to thank those operators who allowed us to visit their premises. We are also grateful to veterinarians, local enforcement officers, representatives from animal welfare bodies and others who gave us their time and for the open and frank discussions we were able to hold with them on our visits.

17. It should be noted that where we refer to 'Government' we are addressing ourselves to the Department for Environment, Food and Rural Affairs in England, the Scottish Executive Environment and Rural Affairs Department, the Welsh Assembly's Department for Environment, Planning and Countryside and other responsible Government Departments and Agencies in Great Britain.

Structure of this report

18. Consideration is first given to the welfare principles common to all animal gatherings and to the legislative framework surrounding them. In 'The Way Forward', broad recommendations are made that are applicable to all gatherings.

19. The report then deals with the specific issues related to four broad classifications of gathering:

- Livestock markets and sales;
- Other gatherings of farm animals;
- Agricultural shows and exhibitions; and
- Horse and pony sales and fairs.

PART II: THE WELFARE PRINCIPLES

20. We recognise that animals are moved and gathered together for a wide variety of reasons. Livestock producers, particularly with grazing or extensive systems, will in the normal course of the production process gather and handle animals for routine husbandry or health reasons. Many livestock will also change ownership and hence physical location at some time in their lives as part of the normal workings of the overall livestock production system.

21. This report focuses on the welfare issues connected with those gatherings where animals from different farms are brought together for the purposes of sale, transfer, onward movement, show or exhibition. These gatherings involve significant welfare challenges. The act of loading and unloading of animals as part of the transport process is itself a cause of stress. Gatherings impose additional welfare challenges such as unfamiliar surroundings, noise, contact with unfamiliar humans and animals, the droving and general handling required as part of the process, as well as disruption of their normal husbandry routines.

22. Animal gatherings differ from on-farm handling activities and direct farm to farm or farm to slaughter movements. Their primary function is to facilitate trade or exhibition and involves the mixing of livestock from different sources. There is rarely, if ever, any direct welfare benefit to the individual animal.

23. Extensive research has been carried out on the effects of transport on animal welfare but there is little published evidence on the specific effects of the livestock market system, or other gatherings, on how animals cope and recover from the experience. There can be limited comparison with transport research but specific market studies, though difficult, would provide better evidence. We welcome the fact that Defra is commissioning research on animal welfare at markets as this report goes to print.

24. The producers' decision to sell animals at a market; move slaughter animals via a market or a collection centre; buy breeding stock at the pedigree sales or take an animal to the local show stems from a complex mix of reasons ranging from economics, sectoral differences and logistics to personal preferences and desires.

25. Recognising animals as sentient beings, FAWC believes that when decisions are made to move them through gatherings there is a responsibility on all involved (producers, auctioneers, dealers, agents, buyers, etc.) to balance their own needs against the potential welfare risks to the animals and choose those options which minimise the likely stress and discomfort. For an animal destined for slaughter to attend another gathering, be it a collection point or auction market, represents an additional welfare challenge.

26. There is a clear onus on the producer or vendor to make sure the trading process has at the very least no serious negative effect on the welfare of the animals he/she either buys or sells. Equally there is a responsibility on those who operate the gathering to ensure the animals' well being.

27. For each of the sections that follow we have identified four broad elements that can influence animal welfare in the context of a gathering:

- People: the need for trained, competent and knowledgeable individuals;
- Animal handling and care; how we might be able to meet the Five Freedoms in the context of the animal gathering;
- Facilities: The way facilities are designed, constructed and maintained; and
- Enforcement, supervision and licensing: mechanisms that maintain acceptable standards and foster improved practices.

PART III: THE LEGAL FRAMEWORK

28. One of the principal reasons for FAWC to review the welfare of animals at gatherings was to see to what extent the legislation was adequately protecting the welfare of animals. What follows is a summary of the legal controls that cover animals when they are brought together that are either welfare specific, or have animal welfare components. A listing of the GB legal controls can be found in Appendix 1. This is correct at the time of going to print. Changes to the legislative framework are anticipated with the implementation of the new EU Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations (including assemblies of animals). Where this legislation is expected to affect animal gatherings it has been noted in this report.

29. All animals are covered by the Protection of Animals Act 1911 in England and Wales or, in Scotland, the Protection of Animals Act (Scotland) 1912. Broadly, it is an offence to cause any unnecessary suffering to any domestic or captive animal by anything that is done or omitted to be done or being cruel to animals. These Acts contain no enforcement powers.

Welfare controls at markets

30. The principal legislation covering animal welfare at markets is the Welfare of Animals at Markets Order 1990 (as amended) (WAMO). This Order was made under the Animal Health Act 1981 and gives enforcement powers to local authorities and the State Veterinary Service (SVS). WAMO defines a 'market' as "a market place or sale-yard or any other premises or place to which animals are brought from other places and exposed for sale, and includes any lairage adjoining a market and used in conjunction with it and any place adjoining a market used as a parking area by visitors to the market for parking vehicles".

31. Similar welfare specific legislation covers horses at markets. The Welfare of Horses at Markets (and Other Places of Sale) Order 1990 (WHMO). WHMO defines a 'market' as "a market place, sale-yard, fairground, highway, or any other premises or place to which horses are brought from other places and exposed for sale". The definition also includes any lairage adjoining a market and the parking areas used in connection with the market, sale or fair. This legislation is separate but mirrors that covering farmed animals at markets; i.e. the same premise operates under different legislation for sales of horses and farm animals.

32. Both WAMO and WHMO followed the FAWC Report on the Welfare of Livestock at Markets, published in 1986, and introduced significant improvements over earlier legislation. In particular, they outline responsibilities for welfare, recognise the necessity of fitness for sale, the prevention of injury or suffering, and establish conditions for the handling and care of animals.

33. WAMO and WHMO are supplemented by Codes of Practice that provide guidance to operators, staff and users of markets, horse sales and fairs. The Codes are not intended to be full explanations of the law and do not have legal standing, however, failure to follow the Codes can be cited in legal proceedings. There is no requirement within WAMO or WHMO for those operating or using the market to have, or to demonstrate, knowledge of the relevant Code of Practice.

34. There are a number of pieces of legislation that also affect the market that are in place for disease control purposes only. The Animal Gatherings (England) Order 2004 states that a 'gathering' includes those occasions at which livestock are brought together for sale, show, or exhibition; or for onward consignment within Great Britain. The Order sets out disease controls at markets, sales and shows and requires all gatherings to be licensed. There are no specific welfare considerations and species such as horses, poultry and rabbits are not included. Identical legislation exists in Wales. Disease control measures at markets in Scotland are exercised via the Disease Control (Interim Measures) (Scotland) Order 2002 (as amended) and Scotland has so far retained the Markets, Sales and Lairs Order 1925 (as amended). Neither requires licensing controls.

35. Cattle markets, shows, exhibitions, sales or fairs in England and Wales also need to be licensed for Brucellosis control purposes. Article 15 (1) of the Brucellosis (England) Order 2000 and in Wales the Brucellosis Order 1997 apply. The Brucellosis (Scotland) Regulations 2000 similarly require that 'No person shall use any premises in connection with the holding of a show, exhibition, market, sale or fair at which bovine animals are present, except under the authority of a Defra issued license'. Again, neither the legislation nor the license has welfare considerations.

Welfare controls at other gatherings:

36. Aside from livestock and horse markets, sales and fairs, animals are brought together on other sites for other purposes. The following represent sites and activities where animals are gathered for onward consignment. There may be significant handling events within a short period of time, exposure to novel situations, unfamiliar animals and people.

(i) Staging Points

37. When animals (other than registered horses) are being moved across EU Member States they must be rested when they have been transported for the maximum permitted travelling time stipulated under the Welfare of Animals (Transport) Order 1997 (WATO). In cases where a route plan is required under WATO, and the journey is incomplete, the rest must be taken at a Staging Point. These are referred to as Control Points in the new EU transport regulation.

38. The European Regulation (EC 1255/97) is implemented in the UK by the Welfare of Animals (Staging Points) Order 1998 (WASPO). WASPO is prescriptive and sets down detailed criteria for the construction and operation of facilities, including specific requirements for feed, water, bedding and animal handling. Staging Points are subject to regular veterinary inspection to ensure compliance with the Order. There are currently five approved Staging Points in GB, one of which is a market premises.

39. New EU Staging Points legislation places more emphasis on biosecurity. In addition, control is strengthened in English, Scottish and Welsh Statutory Instruments in preparation by the requirement for both the premises and the operator of the staging point to be approved. There are also improved enforcement provisions; both the SVS and the Local Authority can carry out inspections and issue improvement notices to protect the health and welfare of animals.

(ii) Assembly Centres

40. An Assembly Centre is defined as “holdings, collection centres and markets, to which bovine animals, swine, sheep or goats originating from different holdings are grouped together to form consignments of animals intended for intra-Community trade”. The legislation relating to assembly centres is set out in Directives 91/68/EEC and 64/432/EEC, as amended by 2003/50/EC. Exports to EU Member States may only take place either direct from their holding of origin or through an approved assembly centre. The premises cannot be used for any other purpose (e.g. as a domestic market) during an assembly, particularly for animals of lower health status. In GB there are currently 55 premises approved as Assembly Centres. Animals can be held at an Assembly Centre for no more than 72 hours.

41. Operators are required to comply with biosecurity requirements and keep records of all animals passing through and arrange, at their own expense, Official Veterinarian supervision. Entry to the Assembly Centre is limited to authorised personnel, e.g. owner, vet and haulier. Approval criteria are focused on animal health. There are no welfare provisions such as those required for Staging Points.

(iii) Collection Centres and Collecting Centres

42. Collection Centres were established to facilitate the collection and onward shipment of cattle for slaughter under the Over Thirty Months (OTM) scheme. Collection Centres, situated mainly at market sites are approved by the Rural Payments Agency (RPA). Although animals are within a market premises they are there solely to be transferred. Ownership, and therefore responsibility, for the animals’ welfare remains with the producers and transporters until they reach the appointed slaughterhouse and does not lie with the market operator or the RPA. Collection Centres will only continue in operation whilst the OTM scheme remains.

43. The Disease Control (England) Order 2003 and the (Wales) Order 2003 define a Collecting Centre as “a premises used for the immediate reception of animals intended to be moved elsewhere (but does not include a market or other place used for sale or trading of animals unless all the animals there are intended for immediate slaughter)”. Collecting Centres were introduced during the 2001 Foot and Mouth Disease outbreak to provide

premises where livestock intended for slaughter at pre-determined slaughterhouses could be gathered. Only a handful of Collecting Centres remain in operation in GB although the network could be reactivated in the face of a disease outbreak. Collecting Centres are licensed under animal gatherings legislation and have no specific animal welfare controls. Scotland's controls are those detailed in paragraph 34.

(iv) Gatherings on 'other sites'

44. In addition to staging points, assembly centres and collection/collecting centres, there are other situations where livestock are gathered and sorted, either for onward transport or direct to slaughter. These gatherings on 'other sites' might be organised by farmers, dealers, agents or hauliers on premises which could include farms and dealers' or hauliers' yards. Other premises or places cannot be ruled out. Where these gatherings take place on agricultural land, the Agriculture (Miscellaneous Provisions) Act 1968 and its associated Regulations and Codes apply.

45. The 1968 Act lays down provisions generally preventing unnecessary pain and distress to animals on 'agricultural land', i.e. "land used for agriculture (within the meaning of the Agriculture Act 1947, or the Agriculture (Scotland) Act 1948) which is used for the purposes of a trade or business". There is a burden on permanent or temporary livestock keepers to ensure the welfare of animals; that they are not caused any unnecessary suffering.

46. Legislation made under the Agriculture (Miscellaneous Provisions) Act 1968 includes The Welfare of Farmed Animals (England) Regulations 2000 (WOFAR) and the equivalent regulations in Scotland and Wales (supported by Codes of Recommendations), which contain the general conditions under which all farmed animals must be kept. These Regulations implement the latest farm animal welfare elements of European Directives. There is a lack of consistency between on-farm animal welfare legislation and that controlling premises involved with regular short term transfer and accommodation of animals, i.e. gatherings, when it comes to handling of animals and the provision of suitable facilities for unloading and loading, penning and isolation.

47. Both the 1968 Act and specific farm animal welfare regulations provide enforcement powers to officers of the State Veterinary Service, but limit the enforcement capability of Local Authority Officers to issues of feed provision and diet.

Welfare at shows and exhibitions

48. At a show or exhibition the activity in terms of animal welfare is very similar to a market or other gatherings site. Animals are brought onto premises, unloaded, penned, paraded, exposed to unfamiliar animals and people and loaded all within a relatively short space of time.

49. Animals will be generally protected by the relevant Protection of Animals Acts, as amended. The Animal Gatherings (England) Order 2004 and the (Wales) Order 2004 are applicable to animal shows and exhibitions, and therefore the site/activity is licensed. Like other gatherings in Scotland, there is no license requirement. None of the Orders contain

any welfare provisions. There is doubt as to whether showgrounds or other show venues can be considered as agricultural land, reducing further the amount of applicable legislation.

50. With no specific legislation covering this type of activity there are no associated formal Codes of Practice. However, the majority of organisers set conditions of entry to their event, which provide some guidance. Anyone intending to show livestock will receive the 'livestock schedule', which details the organiser's conditions. This typically includes the responsibilities of exhibitors and their stock attendants, health and safety regulations and some animal welfare provisions.

51. In terms of supervision and control, the SVS and the local authority have the same powers for animal welfare enforcement under the generic animal welfare legislation. Additionally, the majority of shows and exhibitions employ a 'show vet' who will be on site or on call for the duration of the event.

Transport regulations

52. Since all of the above activities involve a transport event, the transport laws will afford welfare controls. If the activity is part of the transport process there are rules governing the provision of food, water and rest and welfare at the point of unloading and loading. When European Transport Directive 1991/628/EEC (amended by 95/29/EEC) was implemented in GB through the Welfare of Animals (Transport) Order 1997 (WATO) it was recognised that many livestock journeys in GB would include the movement of animals through a market involving a change of vehicle and transporter. WATO, as a result, contains a number of special provisions in relation to journeys involving markets. EC Regulation 1/2005 relating to animal transport has now been adopted and must be implemented in Member States by 2007. A number of provisions and definitions contained in this piece of legislation will have a significant impact on all animal gatherings.

Summary

53. Given that the type of animal handling and other activities being carried out at all the gatherings described so far are broadly similar, e.g. unloading, handling and penning in a novel environment with unfamiliar people and animals, sometimes without feed and water, it is striking that the level of protection afforded to the animals at each of these sites is so variable. Differences between the gatherings include:

- Whether specific welfare controls exist in legislation or code of practice;
- The welfare responsibilities;
- Whether they are licensed or not;
- Whether they are approved or not; and
- The enforcement responsibilities.

THE WAY FORWARD

Legislation

54. FAWC are concerned that the varying levels of protection afforded by each piece of legislation are not necessarily in line with the level of risk to animal welfare presented by each type of gathering. It remains unclear to what extent the dealers' or haulier's yard, or other sites, are considered agricultural land. If they are not then the welfare of animals is only protected by the 1911 Act. This all indicates inconsistent protection for animals at gatherings.

55. FAWC believes that the actual function of the event or site (e.g. show, sale, assembly or collection) is irrelevant. What is important are the conditions and care afforded to the animals present. Any future legislation needs to consider the welfare of animals at all "gatherings" not just markets. Consolidating the requirements for animal welfare under one piece of legislation which embraces all animal gatherings would help to harmonise controls and regulate sites and occasions when any farm animals or horses are brought together.

Recommendation

56. FAWC recommends that the Government produce a single piece of legislation to protect the welfare of livestock and horses at all gatherings.

Codes of Practice

57. Codes of Practice are essential to give all those involved a clear interpretation of the law. We would see animal welfare gathering legislation being supported by specific codes covering either species or type of gathering.

Recommendation

58. FAWC recommends that the Government issue Codes of Practice to support the new legislation.

Consistency of enforcement

59. It is important that any future legislation provides the same powers of enforcement to both the Local Authority and the SVS and that those enforcement powers are also consistent with the proposed transport legislation, e.g. powers related to the detention and treatment of unfit animals and the ability to serve notices.

Recommendations

60. FAWC recommends that any new gatherings legislation provide equivalent enforcement powers to the Local Authority and the State Veterinary Service.

61. FAWC recommends that any new gatherings legislation provides powers consistent with animal transport law.

Definition of the gathering place

62. The current definition of a market under both WAMO and WHMO is a place where animals are brought together “and exposed for sale”. It is the exposure for sale which brings with it the requirement to comply with either of these pieces of legislation rather than the bringing together of the animals. Livestock or horses held on a market premises but not exposed for sale are not covered by all the provisions of the above Orders. The current definition of markets also includes lairages and car parking areas used in connection with the market and in the case of the horse legislation “highways and other premises or places”.

63. During our visits and consultation processes concerns were expressed about how the law could be enforced and implemented when animals were on a market site but not “exposed for sale” and what constituted the boundaries of the market or sale site? At horse markets, in particular, there are often animals on site that are not put forward for sale. Some market operators feel that these animals are outside their responsibility and are not inclined to take any steps to monitor their welfare or ensure their welfare needs are met.

64. FAWC would recommend that the overarching legislation proposed should adequately define an animal gathering. The boundaries of a gathering site should also be clearly defined in order to ensure that welfare of all animals is protected. Mirroring the framework of the disease control and animal gathering Orders, the scope of the definition should include species, activities and boundaries.

Recommendation

65. *FAWC recommends that Government must adequately define in the proposed legislation what constitutes an animal gathering and the scope of the definition should include species, activities and boundaries.*

Licensing

66. Systems of licensing inform enforcement bodies when and where events are taking place and require gathering sites to meet basic structural and operational conditions. This approach provides a mechanism to establish the required standards and ensure ongoing improvements through the use of rectification notices and revocation in the event of failure to meet licensing conditions. A major omission is that horses are currently exempt under the definition of gathering.

67. Whilst we understand that animal welfare legislation is created under a different enabling Act than that for disease control, FAWC supports the principle of licensing for animal welfare conditions. A combined inspection could be carried out at one visit. We believe this would not be an undue burden on any responsible business and that subsequent levels of inspection should be risk based.

Recommendations

68. *FAWC recommends that the licensing of all gatherings should be subject to welfare provisions and to inspections based on risk.*

69. *FAWC recommends that Government should examine those gatherings of animals outside the scope of this report with a view to assessing the need for licensing.*

Responsibilities for animal welfare

70. The activity of a gathering entails bringing animals to a specific site or area and whilst on that site there may or may not be a change of ownership. There is a wide variation in terms of where the boundaries of the gathering are set and who takes responsibility for the animals' welfare whilst they are there.

Defining who is responsible

71. With no single piece of legislation controlling animal welfare at gatherings, responsibilities are generally divided between the owner of the land or premises, the owners of the animals and the operator of the event.

72. Both WAMO and WHMO currently define the market authority as the 'local authority' or 'other person' "responsible for the upkeep of a market or for the provision of fixed facilities there" and the market operator as "the person for the time being responsible for managing the reception and sale and dispersal of animals in a market".

73. Although the law seems clear, there are concerns in the operation of some markets as to where the division of responsibility lies. The situation is further confused, as there are also responsibilities under the law imposed on owners of animals and the individuals visiting the market. Some animal owners feel that whilst the animals are in the market, their basic requirements will be provided by the auctioneers as their 'agents'. However, the market operator does not own the animals and may not feel that it is his/her duty to provide for the animals' basic needs.

74. At other defined gatherings, such as a staging point, the welfare obligations fall on those running the premises rather than those that own the animals. At livestock shows or exhibitions animals are usually attended at all times by their owner or handler and, in most cases, these individuals take responsibility for their own animals. However, there may be occasions when animals are unattended and there is a welfare problem that must be resolved. Confusion can arise regarding who should take action.

75. FAWC believes that once animals enter the gathering site their welfare must become the explicit responsibility of those operating the event, under the new EU transport regulation 1/2005 the 'keeper', irrespective of the animals' ownership. This responsibility should be used as a mechanism to set the required standard of care, determine who should take action to avoid distress or injury, ensure prompt, effective treatment where necessary and not to attribute blame. However, this should not detract from each individual's responsibility to care for animals in the gathering. It is important to note that all those attending shows and exhibitions have a responsibility to protect the welfare of the animals.

Recommendation

76. *FAWC recommends that it should be a legal requirement that whilst an animal is at a gathering, the welfare of that animal becomes the explicit responsibility of those operating the gathering (i.e. the 'keeper', even if only temporary), irrespective of the animal's ownership.*

Animal Welfare Officer

77. Operators of a gathering should have an effective mechanism to ensure that the welfare of all animals on the site is safeguarded. The existing markets Codes of Practice (for both horses and farmed livestock) already state that “a responsible and identifiable person should be appointed to oversee the welfare of all animals, particularly at the time of loading and unloading”. The Market Strategy Document issued by MAFF in 1998 recommended that markets should appoint an Animal Welfare Officer (AWO) to “deal with complaints and actively ensure that proper practices are followed”. The appointment of an AWO is currently a requirement of the main market assurance schemes.

78. The principle of requiring all gatherings to have a nominated AWO, with deputies where necessary, was also supported by those we consulted. FAWC would recommend that all gatherings should be legally required to have an identified person responsible for animal welfare whilst animals are on a gathering site.

79. In markets that currently have an AWO in place there is variation in who is appointed to the role and how they execute their responsibilities. On the majority of our visits to markets, although there was a named AWO, he/she was often not available to address immediate welfare issues because they were engaged in selling or could not be easily identified. FAWC considers the AWO should be required to carry out some core functions including:

- Supervise unloading and loading;
- Supervise and monitor the handling of animals;
- Act as a visible point of contact on animal welfare issues for enforcement officers, owners, staff or attendants of animals and the general public; and
- Record, report and follow through animal welfare incidents.

80. The core functions of the AWO, and his/her deputies, should be outlined in the appropriate Codes of Practice. It would be more important to require the AWO to be visually identifiable at a busy market or livestock show than a staging point. At large, permanent gathering sites the names of AWOs, and their deputies, should be clearly displayed. Enforcement bodies should be informed of the names of all AWOs, and their deputies, and be notified of any changes.

81. The AWO must have the necessary time to perform his/her duties. At a busy livestock market the AWO should be someone who is not involved in other activities, for example, selling (although this does not mean that they may not be an auctioneer). At a local show the show vet may be the person to take on this role, whereas at a staging point or gathering at a hauliers yard it may be the owner or senior stockman. Where animals are held on a gathering site outside normal working hours the same principle must apply.

82. FAWC considers that AWOs, and any support officers, should have the relevant training, knowledge and experience to be able to carry out this role and have sufficient power within the operation to be able to take any action necessary. It would be desirable that the AWO demonstrate his/her competence through a process of formal assessment.

Recommendations

83. *FAWC recommends that it should be a legal requirement that gatherings have a person formally designated with responsibility for animal welfare, such as an Animal Welfare Officer (AWO), whose specific duties and responsibilities should be described in the Codes of Practice.*

84. *FAWC recommends that the Code of Practice state that the appointed person with responsibility for animal welfare (e.g. AWO) must have the necessary time to perform his/her duties, should be supported by deputies where required, and must have demonstrated a minimum level of knowledge and competence, preferably through a process of formal assessment.*

The proposed Animal Welfare Bill

85. Looking to the future, Government is in the process of modernising the vast raft of existing legislation post 1911. The new Animal Welfare Bills (to be applied in England, Wales and Scotland) will be enabling legislation, imposing a “duty of care” on all owners or keepers of animals under all circumstances, thereby aiming to protect animals before suffering occurs rather than after the event.

86. The proposed Animal Welfare Bill, with its “duty of care” component will have some impact in the context of those attending gatherings. Whilst supporting the modernisation of animal welfare legislation we believe this must not detract from the gathering operator’s responsibilities for animal welfare.

Recommendation

87. *FAWC recommends that the Animal Welfare Bill must ensure that the ‘duty of care’ encompasses the responsibilities of owners, keepers and persons in charge of animals whilst attending animal gatherings, notwithstanding the ultimate responsibility of the operator of the gathering.*

PART IV: THE WELFARE OF ANIMALS AT LIVESTOCK MARKETS

Background

88. The previous report by FAWC on the Welfare of Livestock at Markets, reported there to be 490 livestock markets in Great Britain with just over 60% of these holding a sale at least once per week. At the time of writing there were 160 active livestock markets in Great Britain. Around 80% of these hold a sale at least once per week.

89. In terms of throughput, in 1984, 6.12 million cattle and calves, 16.27 million sheep and 2.48 million pigs were sold in markets in Great Britain. Of those animals destined for immediate slaughter, 60% of cattle, 70% of sheep and 10% of pigs were sold through markets.

90. In 2004, 2.11 million cattle and calves, 12.57 million sheep and 0.136 million pigs were sold in markets in Great Britain. Of those animals destined for immediate slaughter, 22% of cattle, 41% of sheep and less than 1% of pigs were sold through livestock markets. Although the number of slaughter animals sold through markets has declined significantly those markets that remain are handling similar or higher throughputs of animals compared to 20 years ago.

91. The majority of livestock markets are privately owned (approx 72%), either by the auctioneers themselves or by a company or partnership of farmers and auctioneers. Local authorities own around 28% and in these circumstances they retain responsibility for the design, layout, construction and maintenance, with firms of auctioneers appointed to run the sales. The trend is towards more sites being wholly controlled and operated by the auction business.

92. The livestock market, unlike some other animals gatherings, must be licensed (albeit for animal disease reasons) and operate to specific animal welfare legislation. The majority of livestock markets continue to be open to the public; thus a level of transparency is transmitted and this offers an additional level of animal welfare surveillance.

93. There are a number of welfare challenges that distinguish the livestock market from other forms of animal gathering. These include the large volumes of animals that might be presented on a single day; the handling and penning of these animals within a short turnaround time and the additional movement of animals to, around and from the sale ring.

PEOPLE

Market drovers

94. Animal handling represents a significant proportion of the market activity and, therefore, the style and quality of handling are major elements in determining animal welfare. In very general terms animal welfare is likely to be better where there are good drovers, even in poorly designed premises. Inadequately trained and careless drovers may compromise animal welfare regardless of the quality of the premises. Competent drovers are therefore an essential requirement in any market. In most premises there will be some drovers employed on a permanent basis and some who are casual employees. Drovers may also serve more than one market and this can create problems - for instance, what is expected of drovers in one market may not be the same as in another.

Training

95. There is a responsibility on market operators to ensure that all staff handling livestock are informed of the basic principles of the current legislation and are aware of best practice as outlined in the Codes of Practice. Staff should be kept updated of changes that may affect their particular day-to-day activities. Markets have been training personnel in these basics for some time.

96. Training in practical skills may also be needed to ensure competency in caring for and handling animals. The National Proficiency Test Council (NPTC) currently offers a level 2 NVQ aimed specifically at Market Drovers with a certificate on satisfactory assessment. Latest figures (2005) indicate that 661 individuals have achieved this qualification. We would encourage market operators to establish a system of ongoing monitoring of market staff. This should include regular retraining.

97. Article 9(2)(a) of the new Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations requires operators of assembly centres (effectively animal gatherings) to “entrust the handling of animals only to personnel who have followed training courses on the relevant technical rules set out in Annex 1”. Annex 1 contains detailed provisions for the handling and care of animals during transport and in assembly centres. This means that by January 2007 staff must by law be trained in line with the detailed technical rules set out in the legislation.

Recommendation

98. *FAWC recommends that, prior to the legal requirement for training under the new EC transport regulation 1/2005, market operators should ensure that all market staff are aware of the relevant legislation and Codes of Practice and have the appropriate ability, knowledge and competence to fulfil their role. Market operators should establish a system of ongoing monitoring and training for market staff.*

Drover identification

99. The difficulty in identifying market staff whilst handling animals, as distinct from other market users such as hauliers and farmers, was particularly evident in some markets we visited. In particular, this makes it hard to monitor drover activity or handle an emergency, such as an unfit animal or an escapee. It is important to be able to identify and call upon an appropriately experienced and responsible individual to deal with a situation in the interests of both human and animal welfare. FAWC believes that the Code of Practice should state that all drovers be clearly and individually identified.

Recommendation

100. FAWC recommends that the Code of Practice should state that drovers must be clearly and individually identified.

ANIMAL HANDLING

101. The handling of animals at a market is a formidable task. Hundreds, and on occasions several thousands, of animals need to be unloaded, identified, weighed, batched, penned, put through a sale ring, re-penned and loaded within a relatively short space of time. These elements put significant pressures on handling facilities and handlers alike, but good facilities and patient and caring handling will reduce the inevitable welfare challenge.

Use of sticks

102. In previous reports, FAWC has recommended that sticks should be used to the minimum possible extent, and their use prohibited for calves. Many of the submissions received claimed that there is still excessive force used in moving animals around the confines of the market, causing unnecessary injury, pain and distress. Concern was also expressed over animals being hit or poked with sticks around the head, eyes and other sensitive parts of the body.

103. Of major concern is the habitual use of sticks to continually tap animals when there is little effect and no need. FAWC believes that sticks should not be used on any class of livestock apart from adult cattle and adult pigs, and in this instance they should only be used as an extension of the arm to guide animals. Whilst we acknowledge the fact that it may be necessary to carry a stick for reasons of personal security, we condemn the level of habitual use witnessed in some operations. The stick should only be used on the hindquarters of the animal when it has refused to move forward, where there is room for it to do so, and then only to provide the minimum necessary stimulus to get it to move forward.

Recommendations

104. FAWC recommends that the legislation should state that sticks must only be used on the hindquarters of cattle (excluding young calves) and adult pigs, when the animal has refused to move forward and when there is room for it to do so.

105. FAWC recommends that the law should specifically prohibit the hitting, poking or prodding with a stick of any animal around the head, eyes or other sensitive part of the body.

Use of electric goads

106. WAMO currently permits electric goads to be used only on animals that are over six months of age, have space to move forward but have refused to do so. We believe that a well designed facility should ensure the free, uninterrupted flow of animals and the use of electrical goads should never be necessary. The use of electric goads should be avoided as far as possible and their use in markets restricted in line with the new EU transport regulation 1/2005.

Recommendation

107. FAWC recommends that legislation should provide that the use of electric goads should be avoided as far as possible.

Alternatives to sticks and goads

108. There are a number of benign handling aids and apparatus that can be used as alternatives to sticks and goads to guide and encourage animal movement, for example, pig boards, flags and rattles. In some of the markets visited it was noted that pig boards were available but not often used and there was little use made of other handling aids such as flags, plastic bags or rattles. The Code of Practice should recommend their use but with the proviso that they are solely used to guide animals.

Recommendation

109. FAWC recommends that the Code of Practice should encourage the use of alternative handling aids to sticks and goads.

Monitoring

110. Regular, objective monitoring of the use of handling aids in the market, particularly sticks and goads, can be used as an objective measure of animal welfare. Observing hitting and goading events over a number of animals to assess frequency in various areas of the premises, and for various handlers, can flag up welfare issues relating to both facilities and handlers.

Recommendation

111. Market operators should monitor the level of use of sticks within the market and, where they are beyond acceptable limits, should identify the cause of the problem and rectify it in order to reduce their use as far as possible.

Calf handling

112. There are practices which should be prohibited by law, such as dragging calves by neck strings, tail twisting and wheel barrowing (lifting the animal by its hind legs and driving it forward). To aid enforcement of the law, it is essential that the practices to be prohibited are clearly defined.

Recommendation

113. *FAWC recommends that the legislation should specifically prohibit certain methods of handling calves; including dragging by neck strings, tail twisting and “wheelbarrowing”.*

Consistency of legislation

114. The rules governing what is and is not permitted in terms of animal handling should be consistent in all areas of the livestock industry where animals are handled. The Welfare of Animals at Slaughter or Killing Regulations 1995 (WASK) require that “care is taken not to frighten, excite or mistreat any animal” whereas in WOFAR there is no general reference to how animals should be handled. The new EU transport regulation 1/2005 will impose handling and care requirements on assembly centres (animal gatherings) from January 2007. There needs to be consistency on animal handling practices across the legislation and Codes of Practice.

Recommendation

115. *FAWC recommends that Government review the animal welfare legislation and Codes with regard to animal handling practices. Amendments or additions to legislation and supporting Codes of Practice (and Recommendations) should be made, where possible, to ensure consistency.*

Handling for identification

116. Since the introduction of cattle passports in 1996, all cattle must be checked at the market to ensure the passport corresponds with the animal’s ear tags and dentition. At present, the majority of animals are handled through a crush and identified manually, which normally requires the head to be restrained. These identification procedures, legally required to meet traceability objectives, constitute additional stresses on the animals. In this instance it is the procedure itself that imposes the stressor rather than the handler.

117. Individual identification of sheep has become a requirement. Future use in Great Britain of methods of animal identification must take into account the welfare implications of animal handling and should aim to reduce the amount of restraint and handling required by employing electronic walk-through or distance readable systems.

Recommendation

118. *FAWC recommends that Government ensure that any future methods of animal identification introduced into GB must take account of the welfare implications of animal handling in gatherings.*

Separation of animals and people

119. The market is a public place where buying and selling are the primary functions but many people attend just to observe. There is clearly a balance to be achieved between the wishes of those attending a market and satisfying the animal welfare requirements and safety responsibilities of the operators. It is difficult to drive animals forward into an area where people are present. Current legislation already recognises this and prohibits anyone to “knowingly obstruct or wantonly annoy animals” that are being driven or led through any part of the market. Despite this, it is common for people to congregate in places where animals are being moved.

120. There are a number of areas in the market where it is not appropriate for persons other than market staff, enforcement agency personnel, animal owners or hauliers to be present. Once a vehicle arrives, the animals are unloaded into an area where they are checked, identified and penned. Separation of animals and unwanted people in these areas could be achieved by systems of pullout tapes or temporary barriers. As activity stops in any given area access can then be allowed to potential buyers. Such strategies have been successfully adopted at the major livestock shows. This approach makes it easier to identify those who are obstructing or those entering the parts of the premises where access should be clearly prohibited. It would also give operators and market authorities greater control in terms of animal welfare, particularly handling, and operator health and safety.

121. Some markets have installed overhead walkways. This is extremely effective, particularly in accommodating market personnel and visitors, and we would encourage their use.

Recommendation

122. FAWC recommends that the Code of Practice states that market operators should identify areas of key market activity and employ systems in those areas to separate animals and people as far as possible.

MINIMUM LEVELS OF CARE

123. Part II of this report has already identified some of the welfare challenges that animals might face during the marketing process and stated the general principle that these challenges must be minimised as far as possible. This section looks at the basic needs of animals (food, water, rest and bedding) and how they should be provided for, as well as identifying animals or situations that merit special consideration, such as the care of very young animals.

Water

124. To comply with the law water must be provided “to prevent thirst”. The practical difficulty is in identifying those animals which are either thirsty on arrival at the market, might suffer from thirst whilst at the market, or might suffer thirst as a result of subsequent transport. Without individual identification of all livestock species, comprehensive transport

and markets records, and proactive checking throughout the transport and market process, the task is impossible.

125. An animal's need for water is dependent on a number of factors such as the provision of water and food (and type of food) on the farm before the journey to market, the transport time to and from the market, the time spent at market and the ambient temperature. There are also wide variations across species and between different classes of animals within species.

126. Despite anecdotal evidence to suggest a general reluctance for livestock to drink from unfamiliar drinking facilities, there is also evidence to suggest that many will drink at the earliest opportunity to satisfy their thirst when it reaches a certain critical level. What little research work has been carried out in this area asked the basic question 'will animals drink in the market environment'? Based on the limited evidence the answer is "yes".

127. We recognise the practical significance of requiring water to be provided to animals in the market environment; particularly at the larger autumn sales that take place on temporary premises. However, in our view an attempt must be made to provide for this basic need; or the market must be seen as part of the "transport" process and, therefore, the time in transit to the market, the time spent at market and the time in transit away must comply with maximum journey limits.

128. It is sometimes impractical to provide animals with water in certain parts of a market site due to the high levels of activity (e.g. unloading, handling for identification, movement from pen to pen prior to and following sale, movement to and from sale rings, and loading). However, there are times, and therefore areas, where a given animal or group of animals are not involved in an activity. Upon arrival at the market or after sale, some animals may remain penned in the same location for several hours before they are involved in the processes associated with identification, sale or onward transportation. An 'activity' could therefore be defined as any movement prior to or following sale, including activities such as weighing, and identification checks. FAWC believes that while animals are not directly involved in these defined activities in the market they should be provided with water.

Recommendation

129. FAWC recommends that the legislation should state that, when not involved in a defined 'activity', all animals must be provided with water.

Food

130. WAMO states that animals must be fed before 21:00 on the day of the market, or immediately if arrival is after 21:00, and thereafter at least once every twelve hours. Otherwise there is no feeding requirement. It should be noted that the current legal provisions are a minimum standard and we would encourage feeding of the sufficient quality and quantity of feed to animals to prevent hunger or when it is known that they will be remaining overnight on the market premises. They should be fed as soon as is practical after the sale.

131. It is a matter for concern that the food, when provided, may not be appropriate for the species or of insufficient quantity or quality. Guidelines on suitability of feed should be provided within the Codes of Practice.

Recommendations

132. FAWC recommends that the legislation should state that animals in the market should be provided with food, where required, to prevent hunger.

Space to rest

133. As with the provision of water and food, the need to provide space to rest must be considered in conjunction with the length of the journey to the market, activity in the market and time on the outward journey. In order to ensure a minimum level of care FAWC believes animals that are ‘inactive’ should be provided with sufficient space to rest.

134. WAMO specifies that pigs and calves must be given sufficient space for them all to lie down within the pen at the same time. Some of those consulted believed that this requirement should be extended to other species, in particular sheep, where overstocking of pens was highlighted as a frequent problem; by contrast some felt it would be undesirable for sheep intended for slaughter to lie down on floors that were wet and soiled as the fleece might become contaminated. There may be short term benefits in tight stocking densities, for example, a reduced risk of fighting, mounting and coat or fleece contamination. However, FAWC believes that animals should not be held at high stocking densities for long periods of time and that, when not involved in a defined activity, all animals should be provided with sufficient space for all of them to lie down, get up and turn around without difficulty.

Recommendations

135. FAWC recommends that the legislation should state that, when not involved in a defined ‘activity’, all animals should be provided with sufficient space to lie down, get up and turn around without difficulty.

136. FAWC recommends that the Code of Practice should provide guidance on maximum stocking density in pens and lairages.

Bedding

137. The provision of bedding in the market serves a number of purposes. It provides insulation, animal comfort, prevents slipping and absorbs faeces and urine. There are three considerations: (i) which species and classes of animals need bedding under various conditions; (ii) how much should be provided; and (iii) who should be responsible for providing it.

138. Article 12 of WAMO requires bedding to be provided for pigs, calves, dairy cattle in milk or in calf, goats in milk or kid, and lambs or goat kids that are under 4 weeks unless at the foot of their dam. By being prescriptive in the law about what species and classes of

animal require bedding there is a danger that some animals may not be bedded when needed and conversely bedding may be required by law but be unnecessary. Government should review the species and classes of livestock and situations where bedding should be provided in markets.

139. FAWC would see merit in a change to the law to require all animals held in the market overnight to be provided with bedding and a general requirement to the effect that bedding should be provided where appropriate for the animals comfort. From our consultation, “an adequate supply of suitable bedding” was interpreted widely, suggesting that there needs to be more guidance and better enforcement. Guidance should be clearly given in the Codes of Practice.

140. In the course of our visits there were a wide variety of approaches on who was responsible for providing the bedding for animals and this lies at the centre of incidents of non-compliance. Although many markets did routinely provide the necessary bedding others left the responsibility to the farmer. We believe the market operator should be made responsible for the provision of bedding for animals at the market. Individual livestock sellers should not be expected to bring bedding to ensure their animals’ needs are adequately catered for. This approach should make enforcement more straightforward and is in line with our overarching principle that the market operator bears the ultimate responsibility for animal welfare on his premises. There are also biosecurity concerns about importing bedding from home farms.

Recommendations

141. FAWC recommends that Government review the species and classes of livestock, and situations, where bedding should be provided in markets and reflect their findings in the Code of Practice.

142. FAWC recommends that it should be a legal requirement that bedding must be provided for all animals that are held in the market overnight.

143. FAWC recommends that the legislation should state that the market operator has ultimate responsibility for the provision of bedding for animals in the market.

Unfit animals

144. WAMO currently states only that an animal must be fit to be “exposed for sale”. Although if an unfit animal is brought to the market premises but not presented for sale other legislative provisions, such as WATO or the Protection of Animals Act, in principle come into play. In our view those planning to take animals to the market need to take into account that the animals need to be fit to be transported to the market, able to cope with the challenges the market presents, and fit for any onward movement. Unfit animals should not be brought on to the market premises and the law should clearly reflect this. If an unfit animal is present in a market the operator must take appropriate action.

145. At present there is a different definition of 'unfit' in WAMO and WATO. Given that every animal requires transportation to and from any market, this situation is unsatisfactory and leads to confusion for market operators, farmers and enforcement bodies. The new EU transport regulation 1/2005 will bring this consistency. However, FAWC is concerned that the new definition of 'unfit' would include the term "slightly" sick or injured. Whilst we recognise that this may be relevant in the context of some transport operations, e.g. a short distance direct to slaughter, this concession is inappropriate when considering the livestock market.

146. Given the lack of standard information supplied, we would recommend that Government prepare and distribute guidance similar to that produced as part of the clean livestock policy, clearly distinguishing conditions that would deem an animal to be fit to be subjected to the markets process. This should contribute to a more uniform interpretation and approach by veterinarians and enforcement officers.

Recommendations

147. FAWC recommends that the legislation state that unfit animals must not be brought to a market premises but if one is present that the operator must take appropriate action.

148. FAWC recommends that all relevant legislation provide a consistent definition of unfitness.

149. FAWC recommends that the Government provide guidance on the definition of 'unfit'. This should be widely distributed to appropriate groups in order to promote consistent interpretation and enforcement.

Sick and injured animals

150. There will be occasions where animals become sick or are injured whilst at the market. The market operator must take responsibility to ensure that any sick or injured animal receives prompt examination and, where necessary, veterinary treatment. Contingency arrangements should be in place for emergency slaughter.

Recommendation

151. FAWC recommends that the legislation and Code of Practice state that it is the market operator's responsibility to deal appropriately with sick and injured animals.

Young animals

152. Despite legal restrictions on the sale of young calves at markets ("less than seven days old or with an unhealed navel"), those we consulted were concerned that calves less than seven days of age were being sold. Provided vendors are supplying the correct information about the animal's date of birth, the current system of individual identification and passports provides the means to enforce this legislation. Current transport legislation similarly prohibits the transportation of young animals unless they have a healed navel and are additionally considered to be fit to travel.

153. There continues to be a trade, albeit small, in very young lambs and goat kids at markets. Consultation responses supported the view that the market is not a suitable environment for very young animals, even at the foot of their dams. FAWC believes that these animals should be traded directly between farms.

154. Those we consulted suggested that there be a minimum age limit for other young animals in the same way that there is for calves. The new EU transport regulation (EC) No. 1/2005 sets out the young animals not considered fit for transport (and therefore not fit for animal gatherings). This includes new born mammals in which the navel has not completely healed; pigs of less than three weeks, lambs of less than a week and calves of less than ten days of age, unless transported less than 100km. Transport of calves for more than 8 hours requires them to be over two weeks old.

155. We would like to see Codes of Practice and industry assurance standards requiring lambs and goat kids (accompanied by their dams) to be a minimum of 2 weeks of age before they are presented at a market. We believe that orphan lambs and kids not on solid feed or that are incapable of feeding themselves should not be presented at market.

Recommendation

156. FAWC recommends that the legislation should state that any young animal attending a market, if not accompanied by its dam, must be capable of feeding itself.

Pregnant animals

157. The market legislation states that ‘No person shall permit an animal to be exposed for sale in a market if it is likely to give birth while it is there’. Transport legislation also states that animals likely to give birth must not be transported; existing guidance being that animals should not be transported in the final trimester of pregnancy. These animals should, therefore, not appear at markets. However, this is not always followed and there have been incidents of animals giving birth at the market. The new EU transport regulation 1/2005 deems a pregnant female animal unfit for transport if 90% of expected gestation period has already passed. FAWC believes that guidance should be provided to producers maintaining the line that animals should not be transported to a gathering in the final trimester of pregnancy and including the possibility that the extra stress of transport and the market itself may induce parturition or abortion.

Recommendation

158. FAWC recommends that the Code of Practice should clarify that an animal ‘likely to give birth’ is one in the third trimester of pregnancy.

Lactating animals

159. In our 1986 Report, we stated that “lactating animals (including milk sheep and goats) should not be allowed to become overstocked with milk”. The subsequent Report on the Welfare of Dairy Cattle (1997) reiterated this view and stated that dairy cattle should be milked routinely to avoid unnecessary pain and distress. Whilst we recognise that WAMO makes it an offence to “cause or permit any injury or unnecessary suffering to an animal in a market”, we consider that the law should be strengthened to specifically state that a lactating animal overstocked with milk falls within this definition.

160. We understand the desire for vendors to present dairy cattle at markets with udders that demonstrate their potential milking ability, but we consider it a detrimental and unnecessary practice for cows to wait long periods of time in markets (or elsewhere, e.g. shows or demonstrations) when they are in urgent need of milking to relieve intra-mammary pressure and to facilitate movement. This problem is exacerbated if animals are not then milked out but travel for some time to their final destination after leaving the market. All markets selling dairy cattle must have facilities for milking.

161. The new EU transport regulation 1/2005 requires that lactating females of bovine, ovine and caprine species not accompanied by their offspring are milked at intervals of not more than 12 hours. This will apply to animal gatherings.

Recommendations

162. FAWC recommends that the legislation state that no lactating animal be presented at a market with an overstocked udder.

163. FAWC recommends that the legislation state that markets selling dairy cattle must have facilities for milking.

Fractionious animals

164. Some animals may become distressed, difficult and dangerous to handle whilst on the market premises. In order to reduce the potential distress that these ‘fractionious’ animals may experience and to reduce the risk of injury to animals and handlers, we believe they should be penned where they are least likely to be disturbed, and should be sold from the pen and not the sale ring.

165. There is a primary obligation, however, on any vendor not to present at the market an animal that they know has been previously difficult to handle. Ultimately, we believe that the operator should be able to require the animal’s removal from the market.

Recommendation

166. FAWC recommends that the Code of Practice should state that fractionious animals that have become distressed should be sold from the pen and not from the sale ring.

Horned cattle

167. Where groups of horned and polled animals are being handled there is a greater risk of injury both to other cattle and handlers. This is particularly the case at loading and unloading points, along raceways, passageways, and in the pen. The presence of horns can also cause problems in the restraint of animals for identification. In addition, there is evidence to demonstrate that bruising is more prevalent where horned cattle are present and that, during handling procedures, horns can cause serious injuries to other animals and to handlers. Despite this, there were horned cattle presented for sale at several of the markets visited.

168. The FAWC report of 1986 recommended that all cattle presented for sale must be without horns (other than rudimentary or stub horns). Also, the FAWC Report on the Welfare of Farmed Animals at Slaughter or Killing (2003) recommended that, with the exception of distinctive breeds, horned animals must not be presented for slaughter. Given the problems associated with the handling of horned cattle that have been identified in previous reports and during the current consultation process, we recommend that horned cattle must not be presented for sale at markets.

Recommendation

169. FAWC recommends that horned cattle, or recently dehorned cattle with unhealed wounds, must not be presented at markets. An exemption may be made for specialist breeds where the retention of their horns is considered an integral part of their breed characteristics or specification.

FACILITIES

170. In recent years many markets have relocated to out-of-town sites and that has led to new premises being built. Most now offer much improved facilities, e.g. vehicle access and more penning space. The following paragraphs focus on the “hardware” of the market; and the design and operation of the key facilities that can contribute to better handling or a better environment.

Loading and unloading

171. Research has shown that loading and unloading are critical operations in terms of the potential challenge to an animal’s welfare. Physical exertion and stress levels are reduced when animals do not have to ascend or descend steep ramps. The standard of loading and unloading facilities at markets has improved in recent years. Most markets have facilities that allow both farm trailers and lorries to unload and load, at least the bottom decks, with a minimum of ramp incline. FAWC believes that it should now be made a legal requirement that all market premises provide an adequate number of permanent loading and unloading bays that allow animals to enter and leave all vehicles at the minimum possible incline.

172. In order to minimise the distance of movement within the market there should be separate loading and unloading bays for each species closest to the pens where the animals are to be held. These should be clearly marked and of sufficient number. We observed markets outside the UK where these design principles are met.

173. Irrespective of the design and number of loading and unloading points, there is a need to provide some degree of management control, particularly at unloading. At busy times it is common for those transporting animals to or from the market to opt for the first available loading or unloading point rather than one which would avoid unnecessary animal handling challenges. Simple direction from a member of the droving staff at the gate assigning vehicles to the most appropriate unloading point and giving priority to those with certain types of livestock, or where there may be an immediate welfare need would help.

Recommendations

174. FAWC recommends that all market premises are legally required to provide an adequate number of permanent loading and unloading bays which allow animals to enter and leave all vehicles at the minimum possible incline.

175. FAWC recommends that the Code of Practice states that market operators should ensure that the loading and unloading processes are managed, supervised and controlled to minimise the need for handling and optimise both the intake and removal of animals.

Gates, pens and alleyways

176. Livestock markets contain a large number of gates, thus making their positioning and opening angles fundamental in directing livestock. Added to this, the ability to easily open, shut and secure gates can reduce the risk of escape or the need to redirect animals moving in the wrong direction. It was apparent from observations and conversations with drovers on our visits that these basic design issues had not been resolved in even some of the newest markets.

177. From our visits we observed that wide alleys to handle groups of stock with one-way gates or those layouts where the alley became the pen by sequentially folding gates across them promoted ease of handling, facilitated the filling of pens, and provided a direct route for livestock. However, the efficient operation of these systems was often thwarted by the presence of people standing directly in the path of the animals.

Floor surfaces

178. The condition of floors within market premises is an area of major concern. From our visits, although some markets provided good floor surfaces and a regular maintenance programme existed, there were other sites where poor floor surfaces led to animals slipping and sometimes falling. Although the current legislation prohibits the driving of an animal over ground or floor, “the nature or condition of which is likely to cause the animal to slip or fall”, there is no specific requirement in the law for the operator to provide and maintain non-slip floors.

179. FAWC recognises that it may be difficult to completely determine whether it is the quality of the floor surfaces or the quality of the driving which is the major causal factor contributing to slips and falls by animals. Similar to the recommendation made in the Report on the Welfare of Farm Animals at Slaughter or Killing (2003) we would recommend a process of objectively monitoring slips and falls in the market. The outcome of this exercise should indicate where in the market there are problems. If the incidence is high in particular places this would indicate where action needs to be taken.

Recommendations

180. FAWC recommends that it should be a legal requirement that all markets have non-slip flooring in areas of animal movement.

181. FAWC recommends that market operators should objectively monitor the incidence of slips and falls of animals in the market on a regular basis. Where the incidence is above acceptable thresholds then action should be taken to improve the floor surface.

Crushes

182. In order to read tags and identify cattle, a crush is needed for restraint. We saw a range of crushes in operation, the majority of which were well designed and effectively operated. However, we would reiterate our comments from paragraphs 116-118 on handling for identification.

Weighbridges

183. Many animals are weighed using a weighbridge before entering the sale ring. Although the weighbridge floors are generally non-slip, due to the nature of the device, there is often some movement in the floor itself, a contrast of flooring type, a gap or a step to negotiate. Animals may be slow or reluctant to move onto the weighbridge because of these “obstructions”, thus increasing the handling time and, in some cases, the need to use a stick or goad. This is another occasion when objective monitoring of the level of stick or goad use is helpful in establishing whether if there is a design fault (see paragraph 110). If there is a high level of use, steps should be taken to modify the design and subsequent recording will indicate whether the problem has been resolved or not.

Sale rings

184. The use of a sale ring to display livestock to buyers distinguishes the livestock market from other animal gatherings and presents a number of potential stressors: additional handling is required; animals may be confronted by people on entry to the ring; there is increased activity and noise; and, where animals are sold individually, isolation stress may arise. Well designed and operated rings can produce a steady flow of stock with animals spending a relatively short time in the ring, thereby reducing the impact of the stressors identified.

185. Good design can be achieved in a number of ways. Wide entry and exit points that are clear of obstruction, in addition to gates that are designed for rapid entry and exit, will promote the smooth flow of stock. Flooring must provide a non-slip surface. Solid sides around the ring create a microenvironment for animals and this reduces the disturbance caused by the movement of people around the ring.

186. Those responsible for handling animals in the sale ring need to be sensitive to the fact that the ring environment is likely to be unfamiliar for the great majority of stock. Particular care therefore needs to be taken when handling individual animals that may react to being isolated. Those selling and displaying cattle need to balance the need to display the stock with the behavioural characteristics of the animal. Those animals that are clearly agitated need to be moved swiftly through the ring and whenever possible not sold singly.

187. In the 1986 FAWC Report on the Welfare of Livestock at Markets we recommended that “legislation be made allowing only the vendor or his representative and necessary market personnel entry into the sale ring”. This was only taken up in a Code of Practice. From our most recent visits, this recommendation has not been widely adopted since the number of people in the ring varied widely. This is likely to have been influenced by the size of ring, the type of stock being sold and the approach of the market operators.

Recommendations

188. FAWC recommends that the Code of Practice should state that access to and from the sale ring should be clear of obstructions.

189 FAWC recommends that the legislation specify that (other than for animals) entry to the sale ring should be restricted to the owner of the animal being sold (or his agent) and essential market staff.

Selling from the pen

190. Selling animals from the pen reduces the stressors associated with the sale ring. However, animals are subjected to physical handling in the pen as buyers make their assessment of the stock. There may also be additional stresses associated with the noise and activity as the crowd moves from pen to pen as selling progresses.

191. Selling from the ring will involve more movements than selling from the pen. Since we believe animal movements between areas of the market to be a significant challenge to animal welfare, we would advocate selling from the pen wherever practicably possible, especially for those animals for which movement is likely to be particularly stressful.

Recommendation

192. FAWC recommends that market operators review current selling practices and identify occasions when the challenge to animal welfare may be reduced by selling from the pen.

Isolation pens

193. If an animal arrives at the market and there is an indication or suspicion of disease, the animal becomes ill, or it is injured whilst on market premises it is in the interests of both animal welfare and disease control that it is penned separately.

194. There exists a legal requirement for markets to have an isolation pen. In the majority of the markets we visited these were in evidence; but they were sometimes being used to house equipment such as wheelbarrows, cleaning implements and animal fodder. In order to fulfil their purpose, isolation pens should be under cover, clearly identified, have solid-sides, separate drainage and facilitate easy inspection of the animals they house. They must also be ready for immediate use.

195. In some cases, the additional handling that is required to move an animal to an isolation pen may worsen its condition. To account for this, in addition to a specified isolation facility, we recommend that any pen in the market should be capable of temporary designation as an isolation pen.

Recommendations

196. FAWC recommends that the legislation requiring isolation pens to be in place and ready for use be enforced.

197. FAWC recommends that the Code of Practice should state that isolation pens are sufficient in number, are suitable for any of the species at that site, are not used for any other purpose, and are ready for immediate use.

198. FAWC recommends that the Code of Practice should state that any pen in the market should be capable of temporary designation as an isolation pen.

Ventilation

199. WAMO requires that animals are not “caused injury or unnecessary suffering by reason of inadequate ventilation being available”. FAWC believes the onus should be on providing adequate ventilation in the first instance. WASK specifies “adequate ventilation to ensure that temperature, relative air humidity and ammonia levels are not harmful to any animal, taking into account the extremes of temperature and humidity that may be expected”. The markets legislation should be brought in line with WASK with the appropriate guidance contained in the relevant Codes of Practice.

Recommendations

200. FAWC recommends that ventilation requirements in the gatherings legislation should be equivalent to the provisions of WASK so as to ensure adequate ventilation to prevent animal suffering.

201. FAWC recommends that the Government provide guidance in the Code of Practice describing ventilation parameters for each species.

Noise

202. During our visits we found some markets extremely noisy. This was largely due to slamming of gates and noise from the auctioneer's public address (PA) system being fed back to the main livestock holding areas. This loud, intermittent noise must be an additional disturbing stressor to some animals never before exposed to this type of environment. It can also make handling difficult. Operators should also be mindful of the health and safety noise limits for staff.

203. There is much that could be addressed in the design and operation of the market to reduce noise levels, e.g. training of market employees, measurement and monitoring of noise levels and physical solutions such as baffling of gates. In addition, we would recommend that any PA system should not attempt to relay the ring bidding outside the sale ring itself, and more use should be made of electronic signs to indicate current lot numbers and prices. The positioning of the PA system for routine announcements should avoid causing distress to livestock.

Recommendations

204. *FAWC recommends that the Code of Practice should state that public address systems be positioned to limit disturbance to livestock.*

205. *FAWC recommends that the Government provides guidance in the Code of Practice on reducing noise levels, in addition to monitoring and enforcement of these.*

Lighting

206. WAMO currently requires there to be adequate lighting to enable animals that are kept in the market to be inspected, fed and watered; although the Code of Practice does not expand on this. In terms of enforcement it would be useful for acceptable light levels to be specified.

207. Lighting has an influence on animal movement. It is important to have lighting in the market which encourages movement, especially at critical handling points such as raceways, crushes and weighbridges. Light provided should be diffuse, avoiding the creation of shadows and abrupt contrast between light and dark areas, and should not shine directly into the path of animals.

Recommendations

208. *FAWC recommends that the Government should provide guidance on what may be considered an adequate lighting level for animals to be inspected, fed and watered.*

209. *FAWC recommends that the Code of Practice should state that the market should be well lit in covered sections and main handling areas to facilitate animal movement.*

Lairages

210. There are a number of animal welfare benefits in having lairage available (e.g. prior to or post sale and before an onward journey). This allows animals the opportunity to feed, drink and rest in sufficient space. Moving animals into lairage accommodation after selling finishes may also increase the ease with which cleansing and disinfection of the main market areas is carried out.

211. Despite there being no requirement in the current legislation or Codes of Practice for lairage space, we saw a number of markets that had purpose built covered accommodation which was either integral to the site or at an adjoining premises. In most instances, animals had adequate bedding, food, water and space. FAWC would encourage the setting aside of specific pens or providing lairage accommodation to accommodate those animals who are likely to be held prior to or after sale.

Recommendation

212. FAWC recommends that, wherever possible, market operators make use of lairage accommodation, provided it is compliant with disease control rules.

Maintenance

213. In any future animal gatherings welfare legislation there must be a general provision to the effect that facilities must be constructed and maintained so as to prevent injury and unnecessary suffering to animals. This should be provided for in licensing conditions. It should be borne in mind that changes made in the interest of improved hygiene may not always be beneficial in terms of welfare. A floor that is easy to clean may be more susceptible to slips and falls on the part of the animals moving over it. In order to maintain premises at an acceptable level between licensing visits we would also recommend that market operators have in place a mechanism for ongoing maintenance.

Recommendations

214. FAWC recommends that the gatherings legislation should require that market facilities be constructed and maintained so as to prevent injury and unnecessary suffering to animals. This can be administered through the licensing system.

215. FAWC recommends that market operators should have in place a programme of ongoing maintenance of their premises that ensures the safety of animals.

Design and layout

216. FAWC's 1986 Markets Report recommended that whenever new markets are being built or existing ones improved, advice should be sought to ensure that the facilities take account of the welfare needs of the animals. We saw a number of markets which, in animal handling terms, were well laid out and contributed to the smooth and efficient operation of the market. However, this was not always the case. The more successful design ideas in terms of animal welfare had been the result of visits to other markets and there was willingness by some operators, owners and auctioneers to share ideas.

217. We recognise that in the building and redevelopment of any market premises a number of issues are considered, i.e. cost, space limitations, maximum livestock capacity and health and safety. In all designs FAWC believe that animal welfare must be a priority. The design and layout of premises should minimise the handling and movement of animals, promote the free, uninterrupted flow of livestock and obviate the need to use sticks and goads. Where practical, the separation of people and animals should also be maximised.

218. We have deliberately avoided describing how a facility should be built as the design of animal handling facilities is not a case of one solution fits all. We are concerned with the outcome rather than the route by which it is achieved. Animal centred evaluation of facilities (measures of slips and falls, stops and turns, level of goad or stick use) is a practical way to objectively determine if the design is good or not.

219. These techniques have been used in the research field and some useful guidelines on dimensions have emerged. We suggest that Government and industry, as a joint initiative, collate this information and make it widely available to owners and operators of livestock markets.

Recommendation

220. FAWC recommend that government and industry, as a joint initiative, collate the information that currently exists in relation to the design, dimensions and layout of facilities.

ENFORCEMENT AND SUPERVISION

221. The livestock market is subject to a considerable level of scrutiny. There is formal enforcement activity in terms of animal welfare and disease control; Government and Industry led initiatives to monitor and encourage good practice; and, with open access, informal scrutiny and monitoring by welfare organisations and members of the public.

Attendance by enforcement officers

222. At markets, WAMO is enforced by Local Authorities. Most of those attending markets on behalf of Local Authorities are likely to be Animal Welfare and Health Inspectors (AWHI) and the majority will have specific expertise in this area. There are systems of in-service training and mentoring.

223. Historically, Local Authorities have varied levels of attendance at markets. Some have a full attendance policy at all markets (i.e. attending for major parts of the market day) or undertook a risk assessment based on criteria such as throughput, type (store or slaughter) and the previous track record of premises. Attendance may also have taken into account the need to supervise early starts, late-away transport and over-nighting. There will be other Authorities, however, that due to resource limitations and other priorities, rarely attended any market.

224. The State Veterinary Service (SVS) is responsible for enforcing licence conditions. This includes arranging licence inspections, licensing of premises, amending, suspending and revoking licences. At present, there is one focus on licensing and another on welfare monitoring. The SVS aims to attend approximately 25% of markets, with 25% of those visits being attended by a veterinary officer (VO) and the remainder by an animal health officer (AHO). When present, the SVS monitor compliance with both the welfare legislation and the Codes.

225. Directly employed SVS officials will have a good understanding of the legislation. The use of contracted staff is less satisfactory unless individuals have undergone at least a basic level of training and are employed for sufficient length of time to become familiar with the duties required.

226. Across regions, the SVS have had differing approaches in terms of who attended the market, with a mix of Veterinary Officers, Local Veterinary Inspectors or Animal Health Officers. It was not uncommon for attendance to be for a short time, two to three hours during the market day. However, where the market was not attended by the SVS, systems were often in place to provide any necessary backup, for example, an agreement that the SVS would attend at the request of the Local Authority in the event of a welfare issue. The back up service available to support the Local Authority officials for welfare emergencies was patchy.

227. In 2002, Defra and the Local Authorities Coordinators of Regulatory Services (LACORS) established the Framework Agreement. This lays out levels of enforcement activity, including animal gatherings, based on a national risk based assessment. FAWC welcomes this initiative and sees it as a positive means of ensuring that enforcement officers are deployed effectively.

Consistency of enforcement

228. One of the outcomes of both our visits and the consultation exercises was the general concern about consistency of enforcement action both within a market policed by different enforcement bodies and between markets in different areas of the country. FAWC believe there should be consistent levels of enforcement in all markets; the same offence should result in the same enforcement action.

229. We trust that The Framework Agreement will go a long way to improve this situation in the short term. We may wish to revisit this to assess its effectiveness. We have also made a number of recommendations in this report, which if adopted should also help to ensure consistency, e.g. guidance related to unfitness.

230. Since issues such as unfitness and distress can be subject to veterinary interpretation there may be a need for guidance and training, within the context of Continuing Professional Development (CPD), to achieve a consistency of approach. Consistency of Local Authority Officers' training and knowledge may also be an issue.

Recording of animal welfare incidents

231. The Market Strategy (see paragraph 235) states that market operators should keep a record of incidents in the market. It was suggested that this "could be available to the SVS and/or Local Authorities to enable them to see what problems are occurring and demonstrate that any incidents are dealt with promptly, systematically and efficiently". FAWC were disappointed to note that there was little evidence that this initiative had been taken up. Where data were collected, it was only detected by Local Authority record reviews at which point it was often too late for action.

232. FAWC supports the recording of animal welfare incidents in markets and believes that the market operator must have in place a mechanism to ensure that welfare problems are identified, recorded and followed up by either the market's own field staff, the Local Authority and/or, where appropriate, the SVS. In addition to incidents where single or small numbers of animals are affected by an acute condition (e.g. a fractured bone), chronic conditions affecting a number of animals (e.g. orf, ringworm, sheep scab or lameness) should also be identified, recorded and followed up. Whether animals contract such conditions inside or outside the market is irrelevant.

Recommendations

233. *FAWC recommends that the Code of Practice should state that market operators should keep a record of animal welfare incidents that occur in the market. This should include what follow-up action was taken at the time.*

234. *FAWC recommends that the Code of Practice should state that, where welfare incidents are recorded that are outside the market's control (e.g. farmer or haulier related), procedures should be put in place regarding the co-operation of the Local Authority and the SVS on appropriate follow-up action.*

Markets Strategy

235. This initiative was introduced in 1998 as a means of reinforcing the market operators' primary welfare responsibility for animals whilst on the market site.

236. The strategy identified a number of areas for improvement in animal welfare within markets and put forward an 'action plan' for implementation. The action plan for market operators, Government Departments and Local Authorities included the establishment of the role of the AWO, the holding of formal market liaison meetings and the recording of animal welfare incidents.

237. An SVS markets inspection regime was established to check on the overall progress of the strategy, including compliance with market welfare legislation and codes of practice.

This was piloted at the end of 1998 and a report was produced using data collected from 204 markets. After some revision of the reporting protocol, the pilot was followed in 1999 with a full report covering assessments carried out in that year (although the change meant that a comparison could not be made with the 1998 data). Significantly, a markets strategy report has not been published since 1999.

238. The principle of the market strategy is good; it highlighted many of the key issues and identified mechanisms to address them. Anecdotal evidence suggests that there was some impact. We would encourage Government to review the content and operation of the markets strategy and recommend it be revived taking into account the broader “gathering” remit. The principle outcomes must be to provide a true picture of the performance of those operating gatherings and progress over time.

Recommendation

239. *FAWC recommends a revival of the Markets Strategy to encompass all gatherings. This should include a review of its operation to date.*

Formal liaison meetings

240. The Markets Strategy called for agriculture departments to ensure that annual market liaison meetings are held with the participation of market operators, Local Authorities and the SVS. Divisional Veterinary Managers were given the role of coordinating these meetings but there appear to have been very few in recent years.

241. The potential benefit of such meetings is that operators, enforcement bodies, user and animal welfare representatives have the opportunity to discuss animal welfare issues in a way that is just not practically feasible during a busy market day. In short, a chance to stand back and look at the bigger picture. FAWC views them as a valuable component of the markets strategy and we would support their revival.

Recommendation

242. *FAWC supports annual market liaison meetings and recommends their revival.*

Welfare organisations

243. Welfare organisations play an active role when attending markets, providing a targeted level of welfare protection. They are well placed to support the statutory bodies in welfare enforcement in the market place, give advice, take prosecutions and liaise with enforcement bodies over welfare incidents.

244. It is important to acknowledge that market operators are not obliged to give access to welfare organisations. However, the majority of operators choose to be open and progressive in their approach to livestock marketing by allowing welfare organisations and the public access to their premises.

Farm Assurance

245. For animals to retain their farm assured status, and if the standards permit the use of the live market mechanism, then markets must comply with the relevant standard. A number of markets therefore perform an important role in some farm assurance schemes' chain of supply.

246. The Assured British Meat (ABM) auction market standards, focused on food safety, traceability and animal welfare, were developed throughout 1999 and early 2000. Although the scheme was launched in May 2000, inspections against the market standards were halted in February 2001 due to the outbreak of Foot and Mouth Disease. At this time approximately 13 auction markets operating in England and Wales had been inspected with a view to certification under the ABM standards and 10 more had applied. ABM have conducted a full review of the standards taking into consideration changes to legislation and licensing criteria applicable to auction markets. This review is complete and the scheme is being re-launched as this report goes to print.

247. All markets in Scotland belong to a distinct, but comparable, quality assurance scheme, Quality Meat Scotland. Both this and the English and Welsh scheme already described are accredited by UKAS to a specific set of standards. These have proved to be significant drivers for skills training in livestock markets and are welcomed by FAWC.

PART V: THE WELFARE OF ANIMALS AT OTHER GATHERINGS

Background

248. A detailed description of the formally recognised and controlled types of ‘other gathering’ considered in this section of the report has been given in Part III. In addition to these formally controlled locations where animals are brought together and moved on there may also be gathering activity carried out by livestock dealers and hauliers on farms or other premises. The new EU transport regulation 1/2005 defines these as assembly centres.

249. An EU definition of dealer is “any person who buys and sells animals commercially either directly or indirectly, who has a regular turnover of these animals and who within 30 days of purchasing the animals resells or relocates them from the first premises to other premises not within his ownership”. A current domestic definition of “dealer in bovine animals” means any person whose trade or business regularly includes the selling of bovine animals purchased by him for the purpose of resale within 28 days.

250. We consider a “dealer” to be someone whose primary activity is the buying and selling of livestock and who at some point in the transfer process actually owns and is physically the keeper of the animals. The activity of a dealer is distinctly different from a farmer whose primary activity is the keeping and husbandry of animals. It is also distinct from the livestock “agent” whose activity is the sale and transfer of animals that he/she never physically keeps or owns.

251. Dealers’ or hauliers premises are not classed as gatherings within current legislation and, in terms of legal controls, are considered little different from farms. As such, they would be required to keep records of any movement on and off the holding, of total flock/herd numbers and comply with biosecurity guidance and movement rules, in line with that required of the farming community.

252. The 2001 FMD outbreak highlighted the disease control issues that could be associated with dealer activity. The subsequent introduction of standstill periods slowed the turn around of animals. From the animal welfare viewpoint the dealers’ yard presents similar challenges to the staging post, assembly centre, market or other gatherings.

253. There is a threshold of activity where, because of the number of animals handled, the number of consignments per year, and the number of sources, the basic farm animal legislation does not adequately address the welfare issues. Provided all movement activity is being accurately reported the Local Authority and SVS will have access to data that could be used to identify the premises that will need to come within the scope of any new animal welfare at gatherings legislation.

Recommendation

254. *FAWC recommends that Government explore, on the basis of movement data thresholds and other definitions, those premises that will come within the scope of the new animal welfare at gatherings legislation.*

THE WELFARE ISSUES

255. Part III explains in some detail the existing legal framework and the reasons why FAWC is recommending a single piece of welfare legislation that covers all gathering sites; the licensing of these sites and the designation of someone who is specifically responsible for animal welfare.

256. There is a need for consistency. If dealers' and hauliers' yards fall into the definition of a gathering then a framework of welfare requirements, such as those detailed in this report for markets, should be applied. This must include a consistent approach to the skills and competences of staff; the required standards for handling and care of animals; the standards of facilities required in the premises; and risk based levels of supervision and enforcement.

Recommendation

257. *FAWC recommends that, under the proposed legislation, all defined gatherings should be subject to a consistent framework of welfare requirements.*

People

258. Given that animals at gatherings are effectively in "transit", staff employed on these premises will need skills that are relevant to the care of high volumes of animals held for short periods of time. These will include feeding and watering animals appropriate to the circumstances; identifying and determining unfitness in animals, particularly as it relates to onward transport and the impact of mixing in terms of risk of injury and stress.

259. Staff at these gathering sites need to have the appropriate ability, knowledge and professional competence backed up by specific training and/or practical experience. The new EU transport regulation 1/2005 will mirror this requirement.

Enforcement and supervision

260. Under the proposed gatherings legislation, and licensing arrangements, we envisage that dealers' and hauliers' yards will be subject to proportionate, risk based levels of supervision and control in the same way as the livestock market.

261. We suggest that industry, through the farm assurance mechanism, recognises the need to provide greater assurance in this area and would encourage the development and application of farm assurance standards to other gathering sites

Recommendation

262. *FAWC recommends that farm assurance schemes develop to encompass all gathering sites, not just markets, with standards appropriate to the activity.*

PART VI: THE WELFARE OF ANIMALS AT SHOWS AND EXHIBITIONS

Background

263. There are approximately 450 shows operating in GB. The number of animals involved can range from under one hundred to several thousand. Animal shows and exhibitions represent another situation in which animals are gathered together and where their welfare must be effectively protected. Here, animal shows and exhibitions are defined as events ranging from large, permanently sited, 3-5 day agricultural shows down to one-day local shows. Also covered are technical and demonstration events such as the national sheep, dairy and beef events.

264. Animals exposed to these types of events tend to have enhanced value and may, as a result, receive more care and attention. Animals are typically accompanied to the event by their owner or a dedicated handler; they are likely to be accustomed to being handled, and in many cases halter led. These are some of the reasons why this type of gathering, and the animal welfare issues it raises, are broadly distinct from those discussed so far. Here, the major points for consideration are the large numbers of people present at these gatherings and the risks in terms of interference and ill informed contact and disturbance that animals may suffer as a result. There are also issues surrounding the showing and parading of animals, the presence of dogs and the temporary nature of the facilities.

265. Part III of this report discusses in detail the legal framework surrounding the welfare of animals when they are gathered together. The basic requirements under our proposed animal welfare gatherings legislation still apply for these events and in our view are not disproportionate. In summary FAWC recommends:

- One single piece of legislation to cover the welfare of all animals at “gathering” sites which would encompass shows and exhibitions (paragraph 56);
- The development of species and site specific codes of practice to support this legislation (paragraph 58);
- The licensing of gathering sites, including shows and exhibitions, to include a welfare provision that is subject to a welfare inspection (paragraph 68);
- Definition of gathering site, to include shows and exhibitions, in legislation and include defining the site boundary (paragraph 65);
- A legal requirement that when animals are present on a show or exhibition site, their welfare becomes the explicit responsibility of those operating the show or exhibition, irrespective of the animal's ownership (paragraph 76);
- A legal requirement that sales and exhibitions have a person formally designated with responsibility for animal welfare (paragraph 83).

266. A framework of welfare requirements consistent for all gatherings should be proportionally applied to shows and exhibitions. This must include a consistent approach to the skills and competencies of staff; the required standards for handling and care of animals; the standards of facilities required on the premises; and risk based levels of supervision and enforcement (ref. recommendation at paragraph 257).

PEOPLE

Operators and staff

267. Each show or exhibition should appoint a person (or persons, dependent on the scale of the show) to be responsible for animal welfare, i.e. an Animal Welfare Officer (AWO). To aid compliance with the law and Codes of Practice at animal shows and exhibitions operators/organisers and show staff in livestock areas must have a knowledge and understanding of the relevant legislation and Codes.

Recommendation

268. *FAWC recommends that it should be a legal requirement for the operators of shows and exhibitions and show staff in livestock areas to have knowledge of the relevant legislation and Codes.*

Owners

269. Animals will usually be handled and cared for by their owners or appointed stock keepers. Since the farm legislation requires that those that keep animals must have the necessary knowledge and skills, that basic level of knowledge and skill should be sufficient to ensure the animals basic care in the show/exhibition environment.

270. However, we believe that those operating the show or exhibition should ensure that exhibitors are aware of any specific requirements that will apply to the gathering, for example on handling. This could be achieved through distribution of the relevant code or guidance with show schedules or on confirmation of entry.

Recommendation

271. *FAWC recommends that show or exhibition organisers must ensure that exhibitors are aware of any specific welfare requirements applying to the gathering.*

Interaction between animals and the public

272. Animal shows and exhibitions are a key way through which the general public can be exposed to, and therefore learn about, farm animals and their care. It is a strength of such events that the public can gain close contact with animals. However, this also carries a challenge to the welfare of animals if this contact is inappropriate. Show and exhibition organisers should make the public aware of their responsibility to respect the welfare of animals at such events. This could be achieved through the use of prominently displayed notice boards or information in show programmes detailing what interaction is inappropriate, for example, feeding animals, disturbing animals by prodding or poking them, and taking dogs into animal areas.

Recommendation

273. FAWC recommends that operators of exhibitions and shows must make the public aware of their appropriate interaction with animals.

ANIMAL HANDLING AND CARE

Water, food and space

274. FAWC is content that, since animals at shows and exhibitions represent the ‘top end’ of the livestock market, the care afforded to these animals is generally of a good standard. However, there are occasions where animals may become thirsty, e.g. if they are left unattended in high ambient temperatures or if the supply is fouled or knocked over. Owners, and ultimately show operators, should ensure that, in order to prevent thirst, animals have access to water. For tethered animals access may not be constant but should be frequent. Similarly, in order to prevent hunger they should be provided with food, at a minimum in line with the markets legislation.

Recommendations

275. *FAWC recommends that the legislation should state that all animals at shows and exhibitions must be provided with access to water.*

276. *FAWC recommends that the legislation should state that, to prevent hunger, animals at a show or exhibition should be provided with food, at a minimum in line with the markets legislation.*

Animal handling

277. The principles discussed so far in this report with relation to animal handling are also applicable at shows and exhibitions. In addition, the Government’s Code of Recommendations for the Welfare of Livestock (Cattle) states that tethered cattle should be untied and exercised at least once per day. This should be included in the Code of Practice applicable to shows and exhibitions.

Recommendation

278. *FAWC recommends that the Code of Practice should state that at shows and exhibitions tethered animals must be untied and allowed to exercise at least once daily.*

Showing animals

279. There are some current showing practices that are of concern. In our Report on the Welfare of Dairy Cattle, 1997, we noted that presentation of a cow with a full udder makes the animal more attractive to judges. Cows with overstocked udders suffer unnecessary pain and unnecessary distress, which is against the law (ref. paragraph 159). The new EU transport regulation 1/2005 will require lactating animals, without offspring present, to be milked out every 12 hours.

280. There may be occasions when animals become distressed at a show or exhibition and taking them into the show ring or grand parade would be inappropriate. In this circumstance exhibitors should be allowed to decline to show or parade their animal on the basis of animal welfare.

Recommendation

281. *FAWC recommends that exhibitors be permitted to decline to show or parade animals on the basis of animal welfare, particularly where they are fractious or distressed.*

FACILITIES

Shade, shelter and ventilation

282. It is recognised that not all shows and exhibitions will have permanent or even semi-permanent buildings that can provide shade and shelter. Where animals are penned in the open, every effort should be made to prevent suffering as a result of a lack of shade and shelter. If necessary, owners should be permitted, or advised, to take their animals home.

283. Where there are permanent buildings, providing adequate ventilation can be challenging, particularly given potential seasonal weather extremes, and that buildings may contain large numbers of both animals and people but may not have been specifically designed for that purpose. When designing ventilation solutions, operators should take into consideration all possible exacerbating factors. Contingency plans should also be put in place for ventilation system failure. Again, this should include allowing exhibitors to take their animals home.

Recommendations

284. *FAWC recommends that it should be a legal requirement that animals at shows and exhibitions do not suffer as a result of a lack of shade, shelter or ventilation.*

285. *FAWC recommends that the Codes of Practice should highlight problems associated with shade, shelter and ventilation that may arise at shows and exhibitions and provide guidance on how problems may be prevented or addressed.*

Noise

286. Shows and exhibitions, particularly the large agricultural shows, have a number of varied activities, e.g. motorbikes, tractors, animals. As far as possible, livestock and other exhibitions, particularly if they are noisy, should not be mixed

287. Noise, particularly intermittent noise, can be stressful to animals. When considering how to lay out their show or exhibition site, operators should try as far as possible to house animals away from, or baffle, potential sources of loud and intermittent noise, for example, PA outputs or a bandstand.

Recommendation

288. *FAWC recommends that the Code of Practice should state that, when designing their site layout, show and exhibition operators consider housing animals where they will be least disturbed by noise.*

PART VII: THE WELFARE OF HORSES AND PONIES AT MARKETS, SALES AND OTHER GATHERINGS

Background

289. FAWC's remit covers the welfare of horses (for the purpose of this report "horse" refers to all equines) during transport, at slaughter and at markets, saleyards and fairs. This section deals with the welfare of horses that are presented at a market, saleyard or fair as defined in the current legislation (see paragraph 31). For the purpose of this report the term 'sale' will encompass all these premises.

290. The welfare of horses and ponies that are brought together for other reasons are outside the remit of FAWC, thus the welfare of horses and ponies at livestock shows has not been considered. However, FAWC believes that the broad principles already discussed in relation to the welfare of livestock at shows and exhibitions (Part VI) should also be applied to horses when they attend these events.

291. The majority of horses that are presented at a sale will be sold for sport, breeding or recreational purposes with a small proportion of animals traded for slaughter. The animals range from expensive racehorses sold at purpose built sale yards to wild ponies sold at conventional livestock markets and other sites.

WELFARE PRINCIPLES

292. Although some horses may be well handled and able to cope with novel situations, for many a sale will represent a new experience and, therefore, a potentially stressful event, e.g. unhandled wild foals. Horses will be faced with a number of welfare challenges such as loading, unloading, mixing with or proximity to unfamiliar horses, exposure to people and the sale ring. Horses' reactions to new environments might include escape behaviour such as jumping or bolting and aggressive behaviours such as rearing, biting and kicking. This combination of unpredictability, agility, natural flightiness and size means there is potentially a high risk of injury. There is an onus on the owner to take into consideration whether the horse is able to cope with the stressors these gatherings present. There is a responsibility on those that operate these events to provide conditions that limit the welfare challenge to the animal.

LEGAL FRAMEWORK AND WAY FORWARD

293. Part III of this report discusses in detail the legal framework surrounding the welfare of animals, including horses, when they are gathered together. In summary FAWC recommends:

- One single piece of legislation to cover the welfare of all animals at "gathering" sites which would encompass horses (paragraph 56);

- The development of species and site specific codes of practice to support this legislation (paragraph 58);
- The licensing of gathering sites, including horse sales, to include a welfare provision that is subject to a welfare inspection (paragraph 68);
- Definition of gathering site to include all horse markets, sales and fairs covered by current legislation and include defining the site boundary (paragraph 65);
- A legal requirement that when horses are present on a particular site for a sale, their welfare becomes the explicit responsibility of those operating the sale, irrespective of the animal's ownership (paragraph 76);
- A legal requirement that horse markets, sales and fairs have a person formally designated with responsibility for animal welfare (paragraph 83).

294. A framework of welfare requirements consistent for all gatherings should be proportionally applied to horse markets, sales and fairs. This must include a consistent approach to the skills and competencies of staff; the required standards for handling and care of horses; the standards of facilities required on the premises; and risk based levels of supervision and enforcement (ref. recommendation at paragraph 257).

295. FAWC recognises the challenges encompassing the traditional horse fair within the proposed legal framework. The principle issue at stake here is that there may be no person formally operating the sale/event. Licensing would require on a site by site basis some agreement as to who the operator is and where responsibility lies. In the case of a fair this might be the landowner, nominated representatives of those attending the fair, the District or County authorities or a combination of these.

PEOPLE

Employed staff: knowledge, training, monitoring and identification

296. Horses require competent and skilled handling particularly as they are likely to be extremely sensitive in a strange environment such as a sale. All staff employed by the operator must have sufficient knowledge of and competency with horses if they are expected to handle them on the day of a sale. This is most relevant to those that operate both livestock and horse sales with the same body of staff.

297. We believe that the operator of the sale should be legally responsible to ensure staff that are directly concerned with the handling and care of horses have access to the Code of Practice and are made aware of its contents.

298. There are training bodies and organisations that already provide training and qualifications in the handling of horses at livestock markets. We believe that it should be a legal provision that those persons employed by the operator of the horse sale should have all necessary knowledge and skills. We would further encourage the industry to develop systems of on-going monitoring and training of staff to ensure acceptable standards are maintained and that staff are kept up to date with any change to legislation, government codes or industry best practice.

299. Horse sales are popular with the public and can attract large crowds and it is important that employed sale staff are clearly identified. We would encourage the use of distinctive coats, jackets, sweatshirts, etc.

300. During our consultation, concern was expressed that there were often insufficient competent staff available at horse sales, particularly at the end of the day. Some new owners may have limited assistance, skills or experience in loading strange and/or unbroken horses and skilled handlers can play an important role in ensuring horses are loaded with the minimum of distress and without injury.

Recommendations

301. FAWC recommends that it should be a legal requirement for staff at horse gatherings to have appropriate knowledge and competence to carry out their duties.

302. FAWC recommends that horse sale operators must ensure that employed staff have access to and knowledge of the relevant Code of Practice.

303. FAWC recommends that the industry develop systems for on-going training and monitoring for those employed to handle horses at gatherings.

304. FAWC recommends that the Code of Practice should state that all employed staff at horse sales must be clearly identified.

305. FAWC recommends that horse sale operators ensure that sufficient numbers of trained equine handlers are available at all times horses are on the premises.

Attendants and the general public

306. During the consultation process it was apparent that owners or attendants accompanying their horses to sales may have been unaware of the Code of Practice and their specific responsibilities under it.

307. Whilst we understand that many who attend these events may only do so occasionally they need to be made more aware of the existence of the Code and its contents. This is particularly important in the context of horses as it is often the owner or attendant that handles the horse rather than a member of the sale staff. We think this can be achieved by operators having copies of the codes available, the use of posters and notices and the publication of information in sale catalogues and sale literature.

308. In 2002 Defra helped produce the Equine Industry Welfare Guidelines Compendium for Horses, Ponies and Donkeys. This publication was aimed at the wider horse owning population but contained only minimum reference to the welfare of horses in the context of markets, sales and fairs. We believe this to be a missed opportunity and any future publication should expand on an individual's obligations whilst attending these events.

Recommendations

309. FAWC recommends that operators increase the awareness and understanding of those attending any horse market, sale or fair by having copies of the Code of Practice available, the use of posters and notices and the publication of information in any catalogue or sale literature.

310. FAWC recommends that any future edition/reprint of the Welfare Guidelines Compendium for Horses, Ponies and Donkeys should include the legal welfare requirements relating to horses at markets, sales and fairs.

Separation of animals and people

311. Sales of horses draw large numbers of people, many of whom are not engaged in buying or selling, but who still want to get close to the animals being sold. The ability of the horse to cope in such circumstances will depend very much on individual temperament; in some cases the fact that a pony will stand quietly throughout the whole process will possibly increase its sale value. However, in the interests of animal welfare (and public safety), sale sites must have provisions for the effective separation of animals and people and means of controlling access to animals.

312. We would like to encourage the use of designated horse walks through the sale areas and systems for limiting the access to penning areas and exercise or tryout areas. We think the former can be achieved by pull out tapes and stewarding by sales staff and the latter perhaps by the use of a system where potential buyers pay a deposit for their buyer number, refundable on purchase.

313. Sale rings were seen as a particular problem with access to and from the ring often crowded with people. Once the sale commences routes from pens and boxes to the ring should be clear of anyone other than attendants or sales staff. People present in the sale ring should be limited to the vendor and the person handling the horse.

Recommendations

314. FAWC recommends that the Code of Practice should state that horse sale operators should identify key areas where there is horse movement and activity and employ systems in those areas to separate animals and people as far as possible.

315. FAWC recommends that the Code of Practice should state that access to and from the sale ring should be clear of people and that entry to the sale ring should be restricted to the vendor and the handler.

HANDLING OF HORSES

316. In general terms, the legislation is satisfactory as it stands with regard to acceptable and prohibited handling practices. The consultation highlighted a need for better compliance, better enforcement and a greater level of responsibility and control by the site operator.

317. Horses are often handled throughout the sale process by their owners or agents rather than employed staff. Whilst in most cases the owner is best placed to accompany the animal and handle it through the sale, there are instances where they may not. The animal may be more difficult to control than it would be in more familiar circumstances and unless handlers can remain calm and in control the animal could be further unsettled. Likewise, handlers are not always aware that when attending a market sale or fair there are explicit rules about how horses may be treated.

318. Operators should have the option of using their own staff or allowing owners to handle their own animals. In either case the law must be complied with and operators must make clear what handling practices will not be tolerated. This should be communicated through conditions of sale documentation and on notices displayed throughout the sale site. Furthermore, operators need to be prepared to intervene or offer assistance where there is a risk that any animals' welfare is compromised since they have ultimate responsibility for animal welfare.

Recommendation

319. FAWC recommends that it should be a legal requirement that sales operators are ultimately responsible for the manner in which all horses are handled whilst on the sales site. Operators should make non-employed handlers aware, through all appropriate means, which handling practices are not acceptable.

Use of stick when riding

320. Current legislation prohibits the use of sticks in the context of controlling and handling a horse. However, there is nothing explicit in the law about the use of sticks when mounted and the Code of Practice goes no further than stating that horses should be ridden by experienced people. There was concern expressed about the way that some horses are ridden at sales and that experience does not necessarily equate to sympathetic riding. Equestrian sports recognise “acts of abuse” when riding which include excessive use of the whip or spur, the use of the bit as a form of punishment and riding at excessive speed. FAWC supports the view that there needs to be specific prohibitions within the law with regard to riding of horses at sales.

Recommendation

321. FAWC recommends that the legislation makes it an offence to commit an “act of abuse” whilst riding a horse on a gathering site. The activities which constitute an act of abuse must be defined, clear and consistent with other relevant legislation.

CARE OF HORSES

Water

322. The current Code of Practice states that horses ought to be offered water "within periods no longer than 8 hours". Particularly at sales of riding and recreation horses, owners normally provide water within the pens, usually in a bucket, although this is not universally the case and those who responded to the consultation exercise were concerned about water not always being available. The provision of water to lactating mares and mares with foals at foot, to drift ponies at sales and more generally to animals at fairs were areas of particular concern.

323. When horses are not involved in the 'activity' of the sale, water should be made available to them. As previously discussed for livestock (see paragraph 128), 'activity' is defined as any movement from unloading to pen, pen to sale ring or pen to pen (prior to or following sale). Also included are activities necessary to the proper running of the sale such as identification checks. The onus to see that water is provided must rest with the operator of the sale rather than the individual owners of the animals.

324. It is recognised that providing water to wild ponies may present a risk of animals being injured if they compete to access the water source. However, this is a problem that can be overcome using innovative design or management e.g. moving ponies into larger pens with access to water once the sale is over.

Recommendation

325. *FAWC recommends that the legislation should state that where horses are not involved in defined activity at the sale site they should be provided with water.*

Food

326. In practice, most owners provide their horses with food whilst at the sale, although this is probably more to do with keeping the horse content than because of hunger. Feeding horses at markets and sales creates some problems as those in the same pen or penned alongside may become competitive, creating the risk of injury. If food is offered, horses must be able to feed without risk to themselves or others. In practice this will usually require individual feeding within solid sided loose boxes or stalls or, where horses are in a group, sufficient space to avoid competition and risk of injury.

327. Feeding wild ponies/horses presents additional challenges due to the possibility that such animals will be unfamiliar with feeding devices such as racks or nets. WHMO specifies food to be "provided in hay-nets, racks or troughs". In order to address the problems already discussed, this should be extended to allow food to be placed on the floor since this may be a safer option in some circumstances.

328. FAWC believes that the decision to feed horses and ponies during the sale, beyond the legal requirements, should be left to the owner. However, as already outlined, if feed is provided, it must be in a way that does not promote aggression. In order that the lines of responsibility are clear and enforceable, where horses and ponies are held overnight, the site operator must take responsibility for the provision of feed.

Recommendation

329. FAWC recommends that the legislation require that horses be fed to prevent hunger. Feed must be provided in a way that limits the risk of injury from competition. Feed must be provided in suitable containers or receptacles or, where this could lead to injury, provided on the floor.

Bedding

330. WHMO specifies that the "market operator or other person for the time being in charge of any horse must ensure that an adequate supply of suitable bedding is provided for any foal at all times and for any other horse which is kept from one day to the next". During the consultation exercise, concern was expressed that often no bedding was provided for mares with foals at foot or for animals held for long periods of time in the market. The current legislation is unclear and confusing as to who is responsible for providing bedding to animals and is likely to exacerbate this problem. By giving the sale operator the ultimate responsibility for the provision of bedding compliance and enforcement would be improved.

Recommendation

331. FAWC recommends that legislation state that the operator of a horse sale is responsible for seeing that bedding is provided for foals at all times and for any horse kept overnight.

FACILITIES

332. There is a wide variation in the standard and design of facilities for horses at sale venues. At the best thoroughbred and performance horse sales there is individual stabling, well laid out handling and exercise areas, horse walks and specifically designed sale rings. Additionally, passageways and sale rings allow both handler and horse to walk comfortably together since they are designed on the basis that horses are normally individually led. There are also facilities specifically designed and used for the sale of wild or drift ponies. Here the layout is geared to the holding and driving of animals in small groups.

333. Welfare problems most frequently arise when a mismatch exists between the type of animal being sold and the primary business of the facility. Where horses are accommodated in facilities primarily designed for cattle, numerous problems can arise. The spacing of rails in pens can result in trapped legs; floor surfaces are not always suitable for horses and can cause them to slip and fall; horses may have to walk over cattle weighbridges in order to gain entry to the sale ring and differences in design of horse boxes and trailers compared to conventional livestock transporters can create problems at unloading and loading points.

With the exception of wild horses and unhandled young stock the vast majority of horses are also more familiar with being individually led and stabled, albeit within sight and sound of other horses.

334. Many of the welfare problems highlighted through the consultation process stem from facilities not being designed with the horse in mind from the outset. FAWC believe that sales of horses should only take place in facilities specifically designed or suitably and specially adapted for their needs. For sales of halter broken and riding horses this should include the provision of stalls, loose boxes or solid sided pens; non-slip flooring specifically suited to horses and specifically designed unloading and loading points. This could be achieved through either the licensing process already outlined or through setting down a schedule of minimum requirements in law. We recognise the impact such a recommendation may have on those conventional livestock markets that currently hold occasional horse sales. However, we are supported in our view by many of those we consulted and the operators of those sale venues who have facilities adapted or designed for horse use.

Recommendations

335. *FAWC recommends that it should be a legal requirement that horses can only be sold from specifically designed or suitably and specifically adapted facilities.*

336. *FAWC recommends that standards of facilities are approved by means of a licensing process as laid down in legislation.*

Separation between horses

337. Horses will frequently fight with other, unfamiliar horses and even with those they know if they are too closely confined. This presents a risk of injury in itself; however this may be exacerbated if the subordinate animal cannot get away. The current legislation recognises this and WHMO is prescriptive in terms of the penning and separation of horses. To effectively achieve what the law requires and prevent horses biting and kicking each other requires either physical or spacial separation. Broken horses will be at less risk from injury if held in a loose box. Wild ponies are best held in solid sided pens (at least to shoulder height) in small groups with room to get out of each other's way. In practice the vast majority of sales hold animals in open sided pens and unless they are content to be tied individually the law cannot effectively be enforced. This strengthens the recommendation for specifically designed facilities.

338. Even with suitably designed facilities there must be some flexibility in practice. Familiar animals need not be separated if this is likely to cause distress. Where, in principle, it might be sensible to pen certain horses together, sales operators must always be ready to separate them again when necessary.

339. Regardless of the penning or stabling arrangements, horses must always be kept within sight and sound of other horses.

340. Penning of horses individually or in small groups means that the premises may fill its available space and therefore reach its stocking limit quickly. It is recognised that horse sale operators may be reluctant to turn away animals presented on sale day, however, this should not lead the number of animals presented to exceed the capacity of the accommodation available. Penning should be arranged on the basis of the number of animals pre-booked with some contingency arrangements.

341. There was concern expressed during consultations that mares with foal at foot were being brought to sales and the couple subsequently being sold separately or separated at the sale. Weaning is a considerable welfare challenge when carried out in the normal course of events and the practice should be avoided at horse gatherings.

Recommendations

342. *FAWC recommends that it is a legal requirement that horses are held singly to prevent injury, unless separation would cause distress.*

343. *FAWC recommends that it is a legal requirement that where horses are held in groups they should be provided with sufficient space to avoid injury from one another.*

344. *FAWC recommends that the Code of Practice should state that whilst at the gathering horses should be kept within sight and sound of other horses.*

345. *FAWC recommends that the Codes of Practice should state that penning should be arranged on the basis of the number of animals pre-booked with some contingency arrangements within maximum capacity defined by licence.*

346. *FAWC recommends that the Code of Practice should state that weaning should not be carried out at the gathering.*

Unfit horses

347. Horses are presented for sale in varying degrees of health and condition. Those sales we visited did employ the services of private veterinarians and we were reassured to see some animals turned away from the sale. However, there were indications that poorer quality animals may be brought to the site but left on vehicles and sold privately. Our proposals for changes in legislation will go some way to addressing the latter problem. However, there is a significant level of both advisory and enforcement activity that needs to be undertaken. There needs to be consistent definitions of unfitness and this information needs to be widely distributed.

348. There are issues of "fitness" in terms of a horse's temperament. There may be horses that become distressed and are not able to cope with the market environment. If horses become fractious or distressed once at the sale the operator must ensure that they are accommodated in facilities away from crowds and the main activity of the sale, but still within sight and sound of other horses. Sale venues must provide at least one or two purpose built loose boxes for such eventualities in the same way that isolation facilities are required to hold horses that are injured or suspected of carrying disease.

Recommendations

349. FAWC recommends that the legislation state that unfit horses are not brought to a horse sale premise.

350. FAWC recommends that the Government provide guidance on the definition of 'unfit'. This should be widely distributed to appropriate groups in order to promote consistent interpretation and enforcement in horse sales.

351. FAWC recommends that the Code of Practice should state that horses that become fractious or distressed should be accommodated away from crowds and areas of sale activity and are not presented in the sale ring.

Wild and unbroken horses

352. WHMO does not make a clear distinction between 'wild', 'broken' or 'unbroken' horses. In order to aid compliance and enforcement on issues such as how horses should be cared for, for example when being handled and penned, there is a need for a consistent definition of these terms. The recent EU transport regulation defines 'unbroken equidae' as horses "that cannot be tied or led by a halter without causing avoidable pain or suffering".

Recommendation

353. FAWC recommends that a definition of 'unbroken' horses is contained within the legislation. This definition should be consistent with other relevant legislation.

Young animals

354. Currently, foals under 4 months of age, unless at the foot of their dams, are not considered fit to be exposed for sale. Given their susceptibility to disease and that they are likely to find such events particularly distressing, FAWC believe that very young foals, even if they are with their dam, should not be presented at sales notwithstanding whether they are to be sold or not. New passport requirements will help with age verification. A foal of any age that is weakly or immature must be considered unfit and should be dealt with appropriately.

Recommendation

355. FAWC recommends that Government consult on a minimum age for the presence of a foal at foot at a sale site. The current guidance, that foals under 4 months of age are considered unfit to be exposed for sale without their dam, should be maintained.

ENFORCEMENT AND SUPERVISION

356. The responsibility for the enforcement of WHMO is with the Local Authorities and the State Veterinary Service. The level and effectiveness of enforcement is significantly influenced by the operation. There is likely to be a very limited attendance of Local Authority or SVS

at the specialist high quality horse sales. The operators will invariably have their own vets in attendance and the risk of contravention of the law or welfare abuse would be seen as low.

357. Where horses are sold at conventional livestock markets or fairs the level of enforcement may reflect the priorities of the responsible Local Authority. In addition, the SVS or Local Authorities do not need to be informed under any legislation that a sale is to take place. Many also operate on Saturdays, bank or public holidays, seasonally or infrequently. Although the markets that we visited were regularly attended by the Local Authority we were made aware that there needs to be a better process of informing the enforcement agencies that a sale is to take place. This could be achieved by requiring licensing/registration of all sites as is currently required for farm livestock and notification to the Local Authority as to when sales are to take place.

358. There was concern raised through the consultation about how rigorous enforcement of the existing legislation was. Intimidation issues aside, there was a concern that those involved did not have sufficient knowledge of horses to be effective. Both the Local Authority and the SVS need to ensure that where they have horse sales in their area the staff have the relevant knowledge and skills.

359. A most disturbing factor, which seems to be unique to horse markets, sales and fairs, was the potential for intimidation of officials. In some cases it was deemed unsafe to send an individual to supervise premises and there were reports of threatening and violent behaviour. This level of intimidation prevents effective enforcement action and increases the risk that welfare abuses will perpetuate. It is apparent that those individuals concerned are flouting the law in other respects and we would encourage a planned, targeted, joint approach to include police presence and any other relevant agency.

Recommendations

360. *FAWC recommends that where horses are sold/gathered the enforcement authorities must be notified in advance of sale dates.*

361. *FAWC recommends that enforcement officials should have specialist knowledge of horses.*

362. *FAWC recommends that the Local Authority employ a joined up enforcement approach in conjunction with the SVS, Police and, where necessary, other enforcement agencies.*

Recording of animal welfare incidents

363. During the consultation process, concern was expressed that no formal procedure existed for following up incidents where animals had been turned away from a sale on the grounds of animal welfare. Historically, voluntary welfare groups have taken up such cases. FAWC believe operators should, with the co-operation of the relevant interested parties, develop formal mechanisms to ensure cases are followed up by the most appropriate authority.

364. FAWC believes that it is good practice for any animal welfare incidents to be recorded and in addition the subsequent action that was taken and by whom.

Recommendation

365. *FAWC recommends that the Code of Practice should state that market operators should keep a record of animal welfare incidents that occur in the market and that procedures should be in place, with the cooperation of the appropriate authorities, for follow-up action.*

SUMMARY OF RECOMMENDATIONS

PART III: THE LEGAL FRAMEWORK

THE WAY FORWARD

Legislation

56. *FAWC recommends that the Government produce a single piece of legislation to protect the welfare of livestock and horses at all gatherings.*

Codes of Practice

58. *FAWC recommends that the Government issue Codes of Practice to support the new legislation.*

Consistency of enforcement

60. *FAWC recommends that any new gatherings legislation provide equivalent enforcement powers to the Local Authority and State Veterinary Service.*

61. *FAWC recommends that any new gatherings legislation provides powers consistent with animal transport law.*

Definition of a gathering

65. *FAWC recommends that Government must adequately define in the proposed legislation what constitutes an animal gathering and the scope of the definition should include species, activities and boundaries.*

Licensing

68. *FAWC recommends that the licensing of all gatherings should be subject to welfare provisions and to inspections based on risk.*

69. *FAWC recommends that Government should examine those gatherings of animals outside the scope of this report with a view to assessing the need for licensing.*

Defining who is responsible

76. *FAWC recommends that it should be a legal requirement that whilst an animal is at a gathering, the welfare of that animal becomes the explicit responsibility of those operating the gathering (i.e. the 'keeper', even if only temporary), irrespective of the animal's ownership.*

Animal Welfare Officer

83. *FAWC recommends that it should be a legal requirement that gatherings have a person formally designated with responsibility for animal welfare, such as an Animal Welfare Officer (AWO), whose duties and responsibilities should be described in the Codes of Practice.*

84. *FAWC recommends that the Code of Practice state that the appointed person with responsibility for animals welfare (e.g. AWO) must have the necessary time to perform his/her duties, should be supported by deputies where required, and must have demonstrated a minimum level of knowledge and competence, preferably through a process of formal assessment.*

The proposed Animal Welfare Bill

87. *FAWC recommends that the Animal Welfare Bill must ensure that the 'duty of care' encompasses the responsibilities of owners, keepers and persons in charge of animals whilst attending animal gatherings, notwithstanding the ultimate responsibility of the operator of the gathering.*

PART IV: THE WELFARE OF ANIMALS AT LIVESTOCK MARKETS

PEOPLE

Training

98. *FAWC recommends that, prior to the legal requirement for training under the new EU transport regulation 1/2005, market operators should ensure that all market staff are aware of the relevant legislation and Codes of Practice and have the appropriate ability, knowledge and competency to fulfil their role. Market operators should establish a system of ongoing monitoring and training for market staff.*

Drover identification

100. *FAWC recommends that the Code of Practice should state that persons carrying out duties as drovers should be clearly and individually identified.*

ANIMAL HANDLING

Use of sticks

104. FAWC recommends that the legislation should state that sticks must only be used on the hindquarters of cattle (excluding young calves) and adult pigs, when the animal has refused to move forward and when there is room for it to do so.

105. FAWC recommends that the law should specifically prohibit the hitting, poking or prodding with a stick of any animal around the head, eyes or other sensitive part of the body.

Use of electric goads

107. FAWC recommends that legislation should provide that the use of electric goads should be avoided as far as possible.

Alternatives to sticks and goads

109. FAWC recommends that the Code of Practice should encourage the use of alternative handling aids to sticks and goads.

Monitoring

111. Market operators should monitor the level of use of sticks within the market and, where they are beyond acceptable limits, should identify the cause of the problem and rectify it in order to reduce their use as far as possible.

Calf handling

113. FAWC recommends that the legislation should specifically prohibit certain methods of handling calves; including dragging by neck strings, tail twisting and “wheelbarrowing”.

Consistency of legislation

115. FAWC recommends that Government review the animal welfare legislation and Codes with regard to animal handling practices. Amendments or additions to legislation and supporting Codes of Practice (and Recommendations) should be made, where possible, to ensure consistency.

Handling for identification

118. FAWC recommends that Government ensure that any future methods of animal identification introduced into GB take account of the welfare implications of animal handling in gatherings.

Separation of animals and people

122. FAWC recommends that the Code of Practice states that market operators should identify areas of key market activity and employ systems in those areas to separate animals and people as far as possible.

MINIMUM LEVELS OF CARE

Water

129. FAWC recommends that the legislation should state that, when not involved in a defined 'activity', all animals must be provided with water.

Food

132. FAWC recommends that the legislation should state that animals in the market should be provided with food, where required, to prevent hunger.

Space to rest

135. FAWC recommends that the legislation should state that, when not involved in a defined 'activity', all animals should be provided with sufficient space to lie down, get up and turn around without difficulty.

136. FAWC recommends that the Code of Practice should provide guidance on minimum stocking density in pens and lairages.

Bedding

141. FAWC recommends that Government review the species and classes of livestock, and situations, where bedding should be provided in markets and reflect their findings in the Codes of Practice.

142. FAWC recommends that it should be a legal requirement that bedding must be provided for all animals that are held in the market overnight.

143. FAWC recommends that the legislation should state that the market operator has ultimate responsibility for the provision of bedding for animals in the market.

Unfit animals

147. FAWC recommends that the legislation state that unfit animals must not be brought to a market premises but if one is present that the operator must take appropriate action.

148. FAWC recommends that all relevant legislation provide a consistent definition of unfitness.

149. FAWC recommends that the Government provide guidance on the definition of 'unfit'. This should be widely distributed to appropriate groups in order to promote consistent interpretation and enforcement.

Sick and injured animals

151. FAWC recommends that the legislation and Code of Practice state that it is the market operator's responsibility to deal appropriately with sick and injured animals.

Young animals

156. FAWC recommends that the legislation should state that any young animal attending a market, if not accompanied by its dam, must be capable of feeding itself.

Pregnant animals

158. FAWC recommends that the Code of Practice should clarify that an animal 'likely to give birth' is one in the third trimester of pregnancy.

Lactating animals

162. FAWC recommends that the legislation state that no lactating animal be presented at a market with an overstocked udder.

163. FAWC recommends that the legislation state that markets selling dairy cattle must have facilities for milking.

Fractious animals

166. FAWC recommends that the Code of Practice should state that fractious animals that have become distressed should be sold from the pen and not from the sale ring.

Horned cattle

169. FAWC recommends that horned cattle, or recently dehorned cattle with unhealed wounds, must not be presented at markets. An exemption may be made for defined specialist breeds where the retention of their horns is considered an integral part of their breed characteristics or specification.

FACILITIES

Loading and unloading

174. FAWC recommends that all market premises are legally required to provide an adequate number of permanent loading and unloading bays that allow animals to enter and leave all vehicles at the minimum possible incline.

175. FAWC recommends that the Code of Practice states that market operators should ensure that the loading and unloading processes are managed, supervised and controlled to minimise the need for handling and optimise both the intake and removal of animals.

Floor surfaces

180. FAWC recommends that it should be a legal requirement that all markets have non-slip flooring in areas of animal movement.

181. FAWC recommends that market operators should objectively monitor the incidence of slips and falls of animals in the market on a regular basis. Where the incidence is above acceptable thresholds then action should be taken to improve the floor surface.

Sale rings

188. FAWC recommends that the Code of Practice should state that access to and from the sale ring should be clear of obstructions.

189. FAWC recommends that the legislation specify that (other than animals) entry to the sale ring should be restricted to the owner of the animal being sold (or his agent) and essential market staff.

Selling from the pen

192. FAWC recommends that market operators review current selling practices and identify occasions when the challenges to animal welfare may be reduced by selling from the pen.

Isolation pens

196. FAWC recommends that the legislation requiring isolation pens to be in place and ready for use be enforced.

197. FAWC recommends that the Code of Practice should state that isolation pens are sufficient in number, are suitable for any of the species sold at that site, are not used for any other purpose, and are ready for immediate use.

198. FAWC recommends that the Code of Practice should state that any pen in the market should be capable of temporary designation as an isolation pen.

Ventilation

200. FAWC recommends that ventilation requirements in the gatherings legislation should be equivalent to the provisions of WASK, so as to ensure adequate ventilation to prevent animal suffering.

201. FAWC recommends that the Government provide guidance in the Code of Practice describing ventilation parameters for each species.

Noise

204. *FAWC recommends that the Code of Practice should state that public address systems be positioned to limit disturbance to livestock.*

205. *FAWC recommends that the Government provides guidance in the Code of Practice on reducing noise levels, in addition to monitoring and enforcement of these.*

Lighting

208. *FAWC recommends that the Government should provide guidance on what may be considered an adequate lighting level for animals to be inspected, fed and watered.*

209. *FAWC recommends that the Code of Practice should state that the market should be well lit in covered sections and main handling areas to facilitate animal movement.*

Lairages

212. *FAWC recommends that, wherever possible, market operators make use of lairage accommodation, provided it is compliant with disease control rules.*

Maintenance

214. *FAWC recommends that the gathering legislation should require that market facilities be constructed and maintained so as to prevent injury and unnecessary suffering to animals. This could be administered through the licensing system.*

215. *FAWC recommends that market operators should have in place a programme of ongoing maintenance of their premises that ensures the safety of animals.*

Design and layout

220. *FAWC recommend that government and industry, as a joint initiative, collate the information that currently exists in relation to the design, dimensions and layout of facilities.*

ENFORCEMENT AND SUPERVISION

Recording of animal welfare incidents

233. *FAWC recommends that the Code of Practice should state that market operators should keep a record of animal welfare incidents that occur in the market. This should include what follow-up action was taken at the time.*

234. *FAWC recommends that the Code of Practice should state that, where welfare incidents are recorded that are outside the market's control (e.g. farmer or haulier related), procedures should be put in place regarding the co-operation of the Local Authority and SVS on appropriate follow-up action.*

Markets Strategy

239. *FAWC recommends a revival of the Markets Strategy to encompass all gatherings. This should include a review of its operation to date.*

Formal liaison meetings

242. *FAWC supports annual market liaison meetings and recommends their revival.*

PART V: THE WELFARE OF ANIMALS AT OTHER GATHERINGS

Background

254. *FAWC recommends that Government explore, on the basis of movement data thresholds and other definitions, those premises that will come within the scope of new animal welfare at gatherings legislation.*

WELFARE ISSUES

257. *FAWC recommends that, under the proposed legislation, all defined gatherings should be subject to a consistent framework of welfare requirements.*

Enforcement and Supervision

262. *FAWC recommends that farm assurance schemes develop to encompass all gathering sites, not just markets, with standards appropriate to the activity.*

PART VI: THE WELFARE OF ANIMALS AT SHOWS AND EXHIBITIONS

Background

265. *In summary FAWC recommends:*

- *One single piece of legislation to cover the welfare of all animals at “gathering” sites which would encompass shows and exhibitions (paragraph 56);*
- *The development of species and site specific codes of practice to support this legislation (paragraph 58);*
- *The licensing of gathering sites, including shows and exhibitions, to include a welfare provision that is subject to a welfare inspection (paragraph 68);*
- *Definition of gathering site, to include shows and exhibitions, in legislation and include defining the site boundary (paragraph 65);*
- *A legal requirement that when animals are present on a show or exhibition site, their welfare becomes the explicit responsibility of those operating the show or exhibition, irrespective of the animal's ownership (paragraph 76);*

- *A legal requirement that sales and exhibitions have a person formally designated with responsibility for animal welfare (paragraph 83).*

PEOPLE

268. FAWC recommends that it should be a legal requirement for the operators of shows and exhibitions and show staff in livestock areas to have knowledge of the relevant legislation and Codes.

271. FAWC recommends that show or exhibition organisers must ensure that exhibitors are aware of any specific welfare requirements applying to the gathering.

Interaction between animals and the public

273. FAWC recommends that operators of exhibitions and shows must make the public aware of their appropriate interaction with animals.

ANIMAL HANDLING AND CARE

Water, food and space

275. FAWC recommends that the legislation should state that all animals at shows and exhibitions must be provided with access to water.

276. FAWC recommends that the legislation should state that, to prevent hunger, animals at a show or exhibition should be provided with food, at a minimum in line with the markets legislation.

Animal handling

278. FAWC recommends that the Code of Practice should state that at shows and exhibitions tethered animals must be untied and allowed to exercise at least once daily.

Showing animals

281. FAWC recommends that exhibitors be permitted to decline to show or parade animals on the basis of animal welfare, particularly where they are fractious or distressed.

Shade, shelter and ventilation

284. *FAWC recommends that it should be a legal requirement that animals at shows and exhibitions do not suffer as a result of a lack of shade, shelter or ventilation.*

285. *FAWC recommends that the Codes of Practice should highlight problems associated with shade, shelter and ventilation that may arise at shows and exhibitions and provide guidance on how problems may be prevented or addressed.*

Noise

288. *FAWC recommends that the Code of Practice should state that, when designing their site layout, show and exhibition operators consider housing animals where they will be least disturbed by noise.*

PART VII: THE WELFARE OF HORSES AND PONIES AT MARKETS AND OTHER GATHERINGS

LEGAL FRAMEWORK AND WAY FORWARD

293. *In summary FAWC recommends:*

- *One single piece of legislation to cover the welfare of all animals at “gathering” sites which would encompass horses (paragraph 56);*
- *The development of species and site specific codes of practice to support this legislation (paragraph 58);*
- *The licensing of gathering sites, including horse sales, to include a welfare provision that is subject to a welfare inspection (paragraph 68);*
- *Definition of gathering site to include all horse markets, sales and fairs covered by current legislation and include defining the site boundary (paragraph 65);*
- *A legal requirement that when horses are present on a particular site for a sale, their welfare becomes the explicit responsibility of those operating the sale, irrespective of the animal's ownership (paragraph 76);*
- *A legal requirement that horse markets, sales and fairs have a person formally designated with responsibility for animal welfare (paragraph 83).*

PEOPLE

Employed Staff: Knowledge, training, monitoring and identification

301. *FAWC recommends that it should be a legal requirement for staff at horse gatherings to have appropriate knowledge and competence to carry out their duties.*

302. *FAWC recommends that horse sale operators must ensure that employed staff have access to and knowledge of the relevant Code of Practice.*

303. *FAWC recommends that the industry develop systems for on-going training and monitoring for those employed to handle horses at gatherings.*

304. *FAWC recommends that the Code of Practice should state that all employed staff at horse sales must be clearly identified.*

305. *FAWC recommends that horse sale operators ensure that sufficient numbers of trained horse handlers are available at all times horses are on the premises.*

Attendants and the general public

309. *FAWC recommends that operators increase the awareness and understanding of those attending any horse market, sale or fair by having copies of the Code of Practice available, the use of posters and notices and the publication of information in any catalogue or sale literature.*

310. *FAWC recommends that any future edition/reprint of the Welfare Guidelines Compendium for Horses, Ponies and Donkeys should include the legal welfare requirements relating to horses at markets, sales and fairs.*

Separation of animals and people

314. *FAWC recommends that the Code of Practice should state that horse sale operators should identify key areas where there is horse movement and activity and employ systems in those areas to separate animals and people as far as possible.*

315. *FAWC recommends that the Code of Practice should state that access to and from the sale ring should be clear of people and that entry to the sale ring should be restricted to the vendor and the handler.*

HANDLING OF HORSES

319. *FAWC recommends that it should be a legal requirement that sales operators are ultimately responsible for the manner in which all horses are handled whilst on the sales site. Operators should make non-employed handlers aware, through all appropriate means, which handling practices are not acceptable.*

Use of stick when riding

321. *FAWC recommends that the legislation makes it an offence to commit an “act of abuse” whilst riding a horse on a gathering site. The activities which constitute an act of abuse must be defined, clear and consistent with other relevant legislation.*

CARE OF HORSES

Water

325. *FAWC recommends that the legislation should state that where horses are not involved in defined activity at the sale site they should be provided with water.*

Food

329. *FAWC recommends that the legislation require that horses be fed to prevent hunger. Feed must be provided in a way that limits the risk of injury from competition. Feed must be provided in suitable containers or receptacles or, where this could lead to injury, provided on the floor.*

Bedding

331. *FAWC recommends that legislation state that the operator of a horse sale is responsible for seeing that bedding is provided for foals at all times and for any horse kept overnight.*

FACILITIES

335. *FAWC recommends that it should be a legal requirement that horses can only be sold from specifically designed or suitably and specifically adapted facilities.*

336. *FAWC recommends that standards of facilities are approved by means of a licensing process as laid down in legislation.*

Separation of horses

342. *FAWC recommends that it is a legal requirement that horses are held singly to prevent injury, unless separation would cause distress.*

343. *FAWC recommends that it is a legal requirement that where horses are held in groups they should be provided with sufficient space to avoid injury from one another.*

344. *FAWC recommends that the Code of Practice should state that whilst at the gathering horses should be kept within sight and sound of other horses.*

345. *FAWC recommends that the Codes of Practice should state that penning should be arranged on the basis of the number of animals pre-booked with some contingency arrangements within maximum capacity defined by licence.*

346. *FAWC recommends that the Code of Practice should state that weaning should not be carried out at the gathering.*

Unfit horses

349. *FAWC recommends that the legislation state that unfit horses are not brought to a sale premises.*

350. *FAWC recommends that the Government provide guidance on the definition of 'unfit'. This should be widely distributed to appropriate groups in order to promote consistent interpretation and enforcement in horse sales.*

351. *FAWC recommends that the Code of Practice should state that horses that become fractious or distressed should be accommodated away from crowds and areas of sale activity and are not presented in the sale ring.*

Wild and unbroken horses

353. *FAWC recommends that a definition of 'unbroken' horses is contained within the legislation. This definition should be consistent with other relevant legislation.*

Young animals

355. *FAWC recommends that Government consult on a minimum age for the presence of a foal at foot at a sale site. The current guidance, that foals under 4 months of age are considered unfit to be exposed for sale without their dam, should be maintained.*

ENFORCEMENT AND SUPERVISION

360. *FAWC recommends that where horses are sold/gathered the enforcement authorities must be notified in advance of sale dates.*

361. *FAWC recommends that enforcement officials should have specialist knowledge of horses.*

362. *FAWC recommends that the Local Authority employ a joined up enforcement approach in conjunction with the SVS, Police and, where necessary, other enforcement agencies.*

Recording of animal welfare incidents

365. *FAWC recommends that the Code of Practice should state that market operators should keep a record of animal welfare incidents that occur in the market and that procedures should be in place, with the cooperation of the appropriate authorities, for follow-up action.*

APPENDIX 1

THE LEGAL FRAMEWORK

	• Application		
	England	Wales	Scotland
Protection of Animals Act 1911 as amended	•	•	
Protection of Animals (Scotland) Act 1912 (as amended)			•
Markets Sales and Lairs Order 1925 (as amended)			•
Agricultural (Miscellaneous Provisions) Act 1968	•	•	•
Animal Health Act 1981 (as amended)	•	•	•
Welfare of Animals at Markets Order 1990 (as amended)	•	•	•
Welfare of Horses at Markets (and other places of Sale Order) 1990 (as amended)	•	•	•
Assembly Centres - Directives 91/68EEC: 64/432EEC (as amended)	•	•	•
Welfare of Animals (Transport) Order 1997 (as amended)	•	•	•
Brucellosis Order 1997		•	
Welfare of Animals (Staging Points) Order 1998	•	•	•
Welfare of Farmed Animals (England) Regulations 2000 as amended	•		
Brucellosis (England) Order 2000	•		
Brucellosis (Scotland) Regulations 2000			•
Animal Health Act 2002	•	•	•
Disease Control (Interim Measures) (Scotland) Order 2002 (as amended)			•
Disease Control (England) Order 2003	•		
Disease Control (Wales) Order 2003		•	
Welfare of Farmed Animals (Wales) Regulations 2003 (as amended)		•	
Welfare of Farmed Animals (Scotland) Regulations 2003 (as amended)			•
Animal Gatherings (Wales) Order 2004		•	
The Animal Gatherings (England) Order 2004	•		

APPENDIX 2

MEMBERSHIP OF THE FARM ANIMAL WELFARE COUNCIL

Professor C M Wathes
Mr R Anderson
Mr I D Baker
Dr R M Bennett
Mrs A R Berry
Mr J A C Don
Professor P R English
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Mr G Hogarth
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Mrs R Layton
Mr S Lister
Mr R L Maunder
Professor D B Morton
Mr A Nicholson
Miss M J Parker
Dr M J Potter
Reverend Professor M Reiss
Mrs B Smith
Mr S M Vaughan
Mrs M Ward

APPENDIX 3

THOSE WHO GAVE EVIDENCE AND ASSISTANCE

Animal Aid	Moredun Research Institute
Animal Air Transport Association	National Equine welfare Council
Association of British Riding Schools	National Farmers' Union
Biotechnology and Biological Sciences Research Council	National Farmers' Union Scotland
British Horse Society	National Proficiency Tests Council
British Veterinary Association	National Sheep Association
Compassion in World Farming	Royal Agricultural College
Cornwall County Council	Royal Bath and West of England Society
Crosskennan Lane Animal Sanctuary	Royal Society for the Prevention of Cruelty to Animals
Defra (MAFF)	Scottish Centre for Animal Welfare Sciences
Farm and Food Society	Scottish Society for the Prevention of Cruelty to Animals
Farmers' Union of Wales	Shetland Pony Stud-book Society
Farming and Livestock Concern UK	Society for the Welfare of Horses and Ponies
Home of Rest for Horses	South West Equine Protection
Humane Slaughter Association	Surrey County Agricultural Society
Institute of Auctioneers and Appraisers of Scotland	Tesco plc
Institute of Grassland and Environmental Research	The Co-operative Group
International League for the Protection of Horses	Thoroughbred Breeders Association
Livestock Auctioneers Association	University College Dublin
Local Authority Co-ordinating body on Trading Standards	Universities Federation for Animal Welfare
Meat and Livestock Commission	University of Bristol
Meat Hygiene Service	University of Edinburgh
Monmouthshire Show	University of Reading
	Vegetarian Economy and Green Agriculture
	Wiltshire County Council

FAWC would like to thank all the individuals who have given evidence and the market and show operators, staff, veterinarians and others who members of the working group met during their visits in Great Britain and Europe.

APPENDIX 4

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