

**Animal Welfare Bill 2021 –
For Second Reading –
Motion lost**

The Speaker: Mr Boot to move Second Reading.

Mr Boot: Thank you, Mr Speaker, and thank you, Hon. Members.

1710 At the present time the Island has legislation to punish cruelty to any animal further to the
Cruelty to Animals Act 1997 and to provide for the welfare of livestock animals via the Animal
Health Act 1996. There is also some limited legislation to provide for the welfare of companion
animals in specific circumstances, such as the Breeding of Dogs and Cats Act 1981 and the Riding
Establishments (Inspection) Act 1968. However, there is no legislation to generally provide for the
1715 welfare of companion animals, a deficiency that was highlighted by a Petition of Doleance
presented by Roseleen Harrison to Tynwald in 2014.

This Petition of Doleance was considered by the Select Committee on Animal Welfare (Petition
for Redress) 2015-16. As recommended by that Select Committee Report, an Animal Welfare
Forum was constituted by the Department, and reported in detail in 2017 on the need for an
1720 Animal Welfare Bill. Such a Bill was planned to serve and update and replace the existing limited
animal welfare legislation for companion animals. In particular, the report highlighted a need for
legislation to provide for a duty of care for companion animals, the need for powers to issue codes
of practice on the care of companion animals and to provide for improved animal welfare controls
in establishments where persons care for such animals. In addition, it was identified in the report
1725 from the Animal Welfare Forum that such a Bill should also make provision for new regulatory
powers to regulate the sale and care of companion animals via secondary legislation.

Since that time, new animal welfare issues have come to the attention of the Department and
the public, such as the need to provide greater legal protections to service animals and the rise of
puppy farming. These animal welfare issues have led to further changes in the UK's legislation.
1730 The Animal Welfare Act 2006 of Parliament, via what was colloquially known as Finn's Law and
Lucy's Law respectively. Animal welfare legislation in the UK continues to develop with the latest
Bill, the Animal Welfare (Sentencing) Bill 2021, seeking increase to the maximum sentence in the
case of animal cruelty to five years in custody or an unlimited fine or both.

It is also quite likely that further changes in animal welfare legislation will be made in the UK
1735 in the future. For example, there may be a new Bill to provide greater legal protections for sentient
animals. Such UK animal welfare legislation, which is comprehensive and regularly updated, would
form a starting point for the Island's animal welfare legislation.

Unfortunately, the legislative challenges posed by Brexit have meant that my Department has
not been able to draft the detailed Animal Welfare Bill that was anticipated at that time. Instead,
1740 to enable progress to be made quickly in this area, I have directed the drafting of the Animal
Welfare Bill before the Court today. To do otherwise would likely result in a delay of around two
years, as a more detailed Animal Welfare Bill is drafted, consulted upon and considered by this
House and the other place.

This small Bill, consisting of only five clauses, is intended to serve as a means of enabling the
1745 application of the latest UK animal welfare legislation to the Island with appropriate modifications
and adaptations to meet the Island's needs. This approach is considered particularly beneficial in
light of the frequent modifications and improvements to the UK animal welfare legislation, and it
is considered likely we would wish to replicate on the Island.

This Bill also provides a means of making regulations to support the implementation of such
1750 UK legislation with regulatory controls that are appropriate to the Island's needs. Breaches of such
regulations in line with similar provisions in the Animal Health Act 1996 may be punished with a
fine of up to Level 5 on the standard scale, that is to say £10,000. In addition, noting feedback
from the public consultation on the Bill, the contravention of such regulations may also be subject
to custodial sentences of up to two years.

1755 While this Bill does not address all the concerns raised by the Select Committee and the
subsequent Animal Welfare Forum, it does provide a means by which much of these concerns can
be met via secondary legislation introduced in the next administration. For example, the Bill will
enable an order, subject to public consultation and Tynwald approval, to be made that would
1760 impose a general duty of care on all persons responsible for companion animals to ensure their
safety and well-being in a manner similar to that specified in section 9 of the Animal Welfare
Act 2006 of Parliament. It will also provide a means of applying to the Island existing UK codes of
practice on the care of companion animals such as cats, dogs and horses. Furthermore, noting the
strong support for Finn's Law and Lucy's Law, the Bill will enable the application of UK animal
welfare legislation to better protect service animals and regulate the sale of pets. It will also
1765 provide a means of better regulating providers of care facilities to welfare animals, including those
who do not fall within the existing regulatory controls.

To support the delivery of secondary legislation in this timeframe and noting the limited time
remaining within this parliamentary session, this Bill was put out to public consultation in April of
this year. I am pleased to report to Hon. Members that this consultation, even though it was
1770 undertaken for only four weeks, obtained significant feedback from the public, with
approximately 1,100 responses to the consultation being received by the Department.

The responses to the consultation indicated strong support for the Bill's key purpose as a
vehicle of applying UK animal welfare legislation, with over 93% of responses in favour of the
Department's approach. The detailed input from the consultation has resulted in amendments
1775 that improve the Bill's drafting and the level of sanctions that may be imposed for breaches of
regulations, as I noted earlier.

Finally, the consultation also highlighted that while strong support was given to the principle
of providing greater legal protection for mountain hares, further policy consideration was needed
to be given on how such protection can be applied and how existing game legislation may need
1780 to be updated to accommodate such changes. The draft Bill was accordingly amended to remove
these provisions for further consideration by the Department.

Hon. Members, this Bill is *not* intended to be a complete solution and further primary
legislation will be required to resolve all of the Island's deficiencies in animal welfare legislation
for companion animals, particularly with respect to a proposed register of persons who have
1785 committed animal welfare and cruelty to animal offences. However, the Bill does provide a means
of resolving a number of known and urgent animal welfare issues in line with many of the
recommendations of the Department's Animal Welfare Forum via the application of relevant UK
legislation.

1790 Mr Speaker, I beg to move that the Bill now be read for the second time.

The Speaker: Hon. Member for Garff, Mr Perkins.

Mr Perkins: Thank you, Mr Speaker. I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Hooper.

1795 **Mr Hooper:** Thank you very much, Mr Speaker.

I am glad that the Minister acknowledges that this Bill is not going to solve all of our problems
because in reality is not going to solve *any* of our problems. The Select Committee that reported
a number of years ago made very clear references to the sort of things that needed to be done,
1800 and the Department has spent the best part of five years not doing any of them – very successfully.

I am quite frustrated, actually, that the consultation responses have not been published yet.
There were 423 responses, according to the Department, to the question, 'Do you have any other
comments on this Bill?' 'Apart from the asinine questions we've already asked you, do you have
anything else to say?' I have no idea what any of those responses said, apart from the one that
1805 my party submitted, because obviously I read that first, but I have no idea what the rest of the

public feel about this Bill or the proposals in it, because the Department has not shared that information with us ahead of Second Reading. I do not see why not. I think it is perfectly possible to share a summary of those responses, to share some of the broad themes that have come out, rather than just the statistical information on the yes-and-no questions.

1810 A question I have for the Minister really is, looking through this Bill, it does one thing: it allows us to apply UK legislation to the Isle of Man, subject to modification. Interestingly enough, the EU Trade Act allows us to do exactly the same thing. In fact that Act makes very specific reference to the Department of Environment, Food and Agriculture having the power to apply directly to the Isle of Man UK or EU legislation as may be amended by the Department specifically in relation to
1815 animal welfare. So actually, this Bill does not seem to be giving the Department any more powers than it already has under the European Union and Trade Act that the Minister's own Department brought two years ago.

So what does this Bill do, Minister, that the European Union and Trade Act does not do? What powers does this Bill give the Department that the Department does not already have under the
1820 European Union and Trade Act? Section 20 of that Act is very specific. It talks about application to the Island of any UK or EU legislation that falls into those categories, not specifically in relation to Brexit, because that is dealt with in a previous clause. So we already have all these powers this Bill is asking for. The Department has the ability to apply UK legislation about animal welfare to the Isle of Man.

1825 Does the Minister not accept that he might have been better off spending his time drafting portions of a Bill that actually cannot be done that way, for example, the register of offenders that he mentioned in his remarks? Would he not have been better actually drafting *that* clause that cannot be lifted from the UK, because it does not exist in the UK, instead of drafting a Bill that does absolutely nothing new?

1830 I wonder if the Minister can explain, after five years of consideration, how we have ended up with a Bill that is so small I keep losing it in amongst my paperwork. What is the purpose of this Bill, Minister? What is it achieving that we do not already have on the statute books? What benefit is this going to be to the Isle of Man and why is it you are wasting time on this instead of things that actually matter, that could improve animal welfare on the Isle of Man, things the Select
1835 Committee reported on and recommended years ago that you have made absolutely no progress on in the last five years?

The Speaker: Hon. Member for Douglas Central, Mr Thomas.

1840 **Mr Thomas:** Thank you, Mr Speaker.

I was going to make a similar point, because that similar point also applies to some other aspects of regulation that are under active consideration in this place at the moment, but I will just add two additional questions that I hope a very clear answer can be provided to, based on what the Minister said in his opening remarks.

1845 The first one is does DEFA, the officers, the Minister, other political Members, support the application of the companion codes and other UK and EU legislation early in the next administration; and if not, what does he and his officers not support in terms of early introduction by secondary legislation?

The second question is, given a pledge has been made in respect of another piece of primary
1850 legislation, can the Minister advise where that next piece of primary legislation is currently scheduled in the Council of Ministers Government legislation forward planning, or has the slot been lost by this Bill and is there no appetite now for a further piece of primary legislation for a great number of years?

1855 **The Speaker:** Hon. Member for Middle, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

1860 I would like to ask the Minister moving the Bill why the consultation responses have not been published and is he aware that there is a degree of cynicism about the effect of people responding to public consultations? And I consistently have to encourage people, 'No, *please*, you must, it is very helpful for you to respond to a consultation on a wide range of issues', and people say, 'Well, actually, what difference is it going to make?' Now, when we see this Bill brought forward and the consultation responses have not been published, that is *not* helpful and that does not encourage people to respond to consultations, full stop.

1865 So I am really looking for an explanation and also a commitment that we will not proceed any further with this Bill until these consultation responses are published. That is the very least we could expect from the Minister, I would suggest.

Two Members: Hear, hear.

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The Speaker: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

1875 I was much amused by the Hon. Member for Ramsey's comments about not being able to find the Bill, and as he was saying that I was struggling through the desk trying to find my copy! So that was an apt description and reminds you very much of the Shakespearean phrase 'much ado about nothing', which I think this probably is.

1880 But in particular I rise to my feet, Mr Speaker, because I would like to ask the Minister to expand on his commentary about mountain hares, these beautiful animals which I have the privilege of seeing often around my farm. There is no comment on them. Could he take us through, much more specifically, the Department's position on protection of mountain hares?

Thank you, Mr Speaker.

The Speaker: Without setting too many hares running, Mrs Caine. (*Laughter*)

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Mrs Caine: Thank you, Mr Speaker.

I rise as well to mention mountain hares, as it happens, and the lack of published consultation responses, because it seems that this is a half-hearted attempt to come up with an Animal Welfare Bill. (**A Member:** Hear, hear.)

1890 In fact, are we just talking now about box ticking? Government had 'Animal Welfare Bill' on its list, so here we go, we are going to take out all controversial bits because they need more policy discussion, but we will get you an Animal Welfare Bill and there it is on your desk, if you can find it.

1895 I found it ... particularly the comments from Mr Hooper earlier: do we need it; do we need it now; and should the Department not just go and do a proper job on it (**Mr Robertshaw:** Hear, hear.) and include the other things? Who would not want Finn's law; who would not want protection for companion animals and puppy farms and everything else? No-brainers.

1900 So I am not against it, I just think, if that is possible for legislation now, why do we not go for a proper Bill that includes a register of offenders, includes protection for mountain hares to reflect what the public have said they want doing about mountain hares, and any other things that we are unaware of because we have not seen the consultation?

So I would really say to the Minister, why bring forward this version of the Bill at this time and would it not be better that the Department does a more thorough job on it and comes back with a more fit for purpose Bill later in the year? (**A Member:** Hear, hear.)

1905 Thank you, Mr Speaker.

The Speaker: Hon. Member for Douglas East, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

1910 Obviously the comments from other Hon. Members are without question to my mind around the consultation responses. We had the yes-noes, where it looked very favourable from the Department, but we did not have the context and the commentary around the things that were missing, and I think that that is essential when we are considering this piece of legislation.

1915 The other question, though, that I would have is the Minister talked about the extra time it would take if we did not support this Bill now, in terms of us getting a Bill with the detail which we recognise there has been a timeframe where that, you think, would possibly have been able to happen, but has not. I just wonder though, even within this, in order to apply the UK legislation there is still a consultation process and the detail and the capturing of which elements of it were actually going to apply anyway, and I wonder how far the Minister is along in that process and
1920 how long it would actually be, even if supporting this Bill in its current form, before we actually know what it is that will apply to the Island and whether that is, in fact, satisfactory?

Thank you, Mr Speaker.

The Speaker: Hon. Member for Onchan, Ms Edge.

1925

Ms Edge: Thank you, Mr Speaker.

Obviously I agree with the last few previous speakers with regard to the mountain hare. I am really pleased for the Hon. Member over there in Douglas East that he actually sees them from his property! I did actually have a look. I went up to the mountain to see and there are certainly not
1930 as many around as there used to be, I do not feel, and I feel they do need protection.

But can the Minister advise with regard to the consultation responses, there was a petition, I think, with over a thousand signatures on it. Will they be classed as individual submissions rather than a petition with a thousand? I know previously that has not been the case with some petitions.

The consultation only closed on 1st April and today we are only on the ... what date are we on
1935 today – the 27th. So has the Minister really taken into consideration before moving this Bill today the consultation responses? I do feel that I agree with the Hon. Member for Garff that he perhaps should take it away and come back at a later date.

Thank you, Mr Speaker.

1940 **The Speaker:** I call on the mover to reply, Mr Boot.

Mr Boot: Thank you, Mr Speaker.

I will start with Mr Hooper. He indicates that this does not solve any problems and does not move us any further forward. Well, that is patently not the case. At the moment we do not have
1945 *any* of these provisions in place. I know Members do not like adopting UK legislation, but sometimes there is a need to act in a way that is pragmatic. Obviously there has been a lot of concern around us not moving forward.

He refers to the European Union Acts. Well, we were advised at the time that they should be used for *trade* purposes, not other purposes, and that is exactly the way we have construed that.

1950 In terms of the delay in bringing a Bill forward and the fact that we are using UK legislation as a basis, they have over the years updated and brought their legislation up to date and continually update it, which gives us a good basis to take best practice from. So I do not see this as a waste of time.

1955 I would say that Brexit has intervened in a huge way in my Department. When we started this administration it was Brexit, Brexit, Brexit, and things have changed, but it has caused serious delays on animal welfare. Our chief vet and his department, or his area, have been used to much effect with regard to the EU legislation and the way it is going to affect our animal products ...
[Inaudible]

1960 Mr Thomas asked, do we support the companion codes? I think I can respond positively to that. A programme will include the application of such codes. There is still an appetite to adopt and look at primary legislation going forward, but obviously we are running out of time in this

administration and if we want to get something on the statute books we need to do it now. It is not a matter of taking it away and coming back. It will come back in the next administration.

1965 Mr Shimmins: consultation responses are being carefully considered. We are not hiding them; they will be published in full. But bearing in mind the timescale that we have, within the next few weeks, there are 1,100 responses to go through and they will be published. But I did in summary say that 93% of responses supported the approach that we are taking and what we are doing. It is pragmatic –

1970 **Mrs Barber:** Would the Member give way?

Mr Boot: Certainly.

Mrs Barber: Thank you.

1975 Can the Minister just clarify, if the consultation responses are going to be a couple of weeks, and we voted to have Second Reading now, one would assume with a view to having clauses in two weeks' time, will we have the responses before the deadline for submitting amendments to this Bill?

1980 **Mr Robertshaw:** Hear, hear.

The Speaker: Minister to continue.

Mr Boot: I will undertake to try and have them with you by then, but there is 1,100 of them –

1985 **Mr Robertshaw:** Not good enough!

Mr Boot: – and they need a review. But I understand where you are coming from and I will make my best commitment to do that. Yes, I am assured by our legislative department that we can meet that deadline. So there we are, a firm assurance there.

1990 Mr Robertshaw and mountain hares: well, when we publish the consultation responses you will see there was some difference of opinion. I think the overall view was that issues there should be addressed through the Wildlife Act and I do not disagree with the fact that they need some protection and this was –

1995 **Mr Robertshaw:** Well then do it!

Mr Boot: We cannot ... we have taken it out of this Act (**Mr Robertshaw:** Why?) so that this Act is no longer –

2000 **The Speaker:** Order!

Mr Boot: Thank you, we are not having a discussion. I am just saying what we have done here. We have taken it out and the Department will reconsider that and it will probably come back in the next administration as a reassessment of the Wildlife Act or an amendment to that. Obviously I cannot commit the next administration to a programme of legislation – that will be down to them – but it is something that does need addressing.

2010 Mrs Caine referred to the consultation responses again. I think I have addressed that issue. But she also said, 'Well, why don't we come back later in the year with a Manx-based Bill, primary legislation?' Well, at the end of the day, we have got months left in this administration and if a Bill is even prepared we have got to consult and do a lot of work. It will never ever get in this administration and we are going to set the whole process back by probably two or more years,

judging by what has happened and the resource implications of getting to where we are at the moment.

2015 Finally, Mrs Barber, I take your comments and the key provisions that are being addressed in this are the concerns that were raised through the Select Committee and the wildlife forum and through the consultation process. So I think what we are doing is addressing the key concerns and putting something in place where there is nothing at the moment, and that must be a step in the right direction.

2020 The next administration will have the opportunity of reviewing this and deciding whether they want to bring forward, if they have resource available, primary legislation that will override this in due course.

So with that, Mr Speaker, I beg to move.

2025 **The Speaker:** I put the question that the Animal Welfare Bill 2021 be read for a second time. Those in favour, please say aye; against, no.

A division was called for and electronic voting resulted as follows:

FOR

Mr Ashford
Mr Baker
Mr Boot
Mr Callister
Mr Harmer
Mr Perkins
Mr Quayle
Mr Skelly
Mr Speaker

AGAINST

Mrs Barber
Mrs Caine
Mrs Christian
Mrs Corlett
Ms Edge
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Quine
Mr Robertshaw
Mr Shimmins
Mr Thomas

The Speaker: Nine votes for, 12 against, the motion therefore fails to carry.