

EXPLANATORY MEMORANDUM TO
THE MUTILATIONS (PERMITTED PROCEDURES) (ENGLAND) REGULATIONS

2007 No. 1100

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 These Regulations supplement section 5 of the Animal Welfare Act 2006, which makes it an offence to mutilate an animal subject to any exceptions to be set out in regulations. These Regulations contain those exceptions.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.2 Mutilations are referred to in the Animal Welfare Act 2006 as ‘prohibited procedures’. A prohibited procedure is defined in section 5(3) as one ‘which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment’.
 - 4.3 This Statutory Instrument sets out the exceptions to the prohibition on mutilations (as outlined by the Secretary of State in the House of Commons) “to permit procedures that are considered necessary for the overall welfare or good management of an animal...” (Hansard: vol. 441. Part No. 89 col. 165)
 - 4.4 The Act and these Regulations are intended to come into force together on 6 April 2007.

Specific undertakings as to these Regulations were undertaken in Parliament on 23 October 2006 (Hansard Volume No. 685, Part No. 196 col. 995).

Discussion on potential content on the Regulations were discussed during debates on the Animal Welfare Bill 2006. References to these debates are listed below.

(Hansard: Volume No. 441, Part No. 89, col. 165)
(Commons Standing Committee A, 17 Jan 2006, col. 52)
(Hansard: Volume No. 443, Part No. 124, col.1333)
(Hansard: Volume No. 680, Part No. 131, col. 980)
(Hansard: Volume No. 682, Part No. 152, col. GC146)
(Hansard: Volume No. 683, Part No. 161, col. GC18)
(Hansard: Volume No. 685, Part No. 196, col. 997)

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister for Local Environment, Marine and Animal Welfare (Ben Bradshaw) has made the following statement regarding Human Rights:

In my view the provisions of the Mutilations (Permitted Procedures) (England) Regulations are compatible with the Convention rights.

7. Policy background

7.1 The purpose of the Animal Welfare Act 2006 is to bring together and modernise welfare legislation relating to farmed and non-farmed animals, some of which dates from 1911. This includes the banning of the mutilation of animals where an activity is considered inherently detrimental to the animal's welfare.

7.2 There are some procedures which, though technically mutilations, are performed in the animals' long term welfare interest, or are accepted methods of animal management. Such mutilations are exempted from the ban and are subject to these Regulations.

7.3 The parent Act applies to all vertebrate animals other than man. These Regulations apply to 'protected animals' under the Act, which are those commonly domesticated in the British Islands, or under the control of man, or not living in a wild state. They largely affect animals that are farmed, but there are some other animals to which the Regulations apply.

7.4 Conservation breeding programmes refer to programmes that are undertaken in order to promote the continuation of a particular species of which there are small numbers in existence, especially those that are endangered. It is envisaged that these will almost always be undertaken by zoos.

7.5 Tattooing will include the slapmarking of pigs, as a slapmark is a kind of tattoo.

Public Consultation

7.6 These Regulations were consulted on widely. There were 50 responses in total to a joint consultation on both Regulations relating to the tail docking of dogs and to mutilations. Responses came from dog groups, veterinary surgeons and their representative bodies, welfare organisations, government departments, other interest groups and individual members of the public.

7.7 As a result of the consultation, some minor amendments were made to the Regulations.

Guidance

7.8 These Regulations largely replicate the status quo as to current law in a consolidated form. Where changes to existing law have been made, it has been

done with the previous support and knowledge of stakeholders. Therefore, no particular guidance has been planned.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

9. Contact

Graham Thurlow at Defra Tel: 0207 904 6457 or e-mail:
graham.thurlow@defra.gsi.gov.uk can answer any queries regarding the instrument.

Regulatory Impact Assessment

Draft Mutilations (Permitted Procedures) (England) Regulations 2007

A draft statutory instrument to support the effective implementation of the ban on mutilations contained in Section 5 of the Animal Welfare Act 2006.

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Purpose and intended effect

Objective

1. The Mutilations Regulations will create a list of exemptions from the ban on mutilations contained in section 5 of the Animal Welfare Act 2006, under the powers created in section 5(4). This section and the Regulations are largely a consolidation measure in relation to farm animals, and help to bring the protection of companion animals into line with that already afforded to farm animals.

Background

2. The Act was introduced into the House of Commons on 13 October 2005 and received its Second Reading on 10 January 2006. It was considered by Standing Committee between 17 – 26 January, and Report Stage took place on 14 March. It was then brought to the House of Lords on 15 March, received a Second Reading on 18 April, was considered in Grand Committee on 22 and 23 May and 15 June, had Report Stage on 23 October and received a Third Reading on 1 November. The House of Commons considered the Lords Amendments on 6 November and Royal Assent was granted on 8 November. A copy of the Act and its Explanatory Notes can be downloaded from the Parliament website at:
<http://www.publications.parliament.uk/pa/pabills.htm>
or both are available from the Stationery Office.
3. A copy of the Regulatory Impact Assessment which accompanied the Act can be downloaded from the Defra website at: <http://defraweb/animalh/welfare/bill/pdf/ria.pdf>
4. Section 5 of the Act defines “mutilations” (which it refers to as “prohibited procedures”) as procedures which involve interference with the sensitive tissues or bone structure of an animal, other than for the purpose of its therapeutic treatment.
5. The Animal Welfare Act 2006 seeks to promote the responsible ownership of animals, and to encourage those who have responsibility for animals to discharge those responsibilities with due care.
6. It is considered inconsistent with the aims and purposes of the Animal Welfare Act 2006 to permit owners to mutilate their animals, or to have them mutilated. The Act therefore contains a general prohibition on mutilations. Note that procedures performed for therapeutic purposes are outside the definition of a “prohibited procedure” as specified in the Act and therefore unaffected by the ban. Emergency procedures are also specifically exempted from the ban within the regulations.
7. The Government is aware, however, of certain procedures which fall within the definition of a “prohibited procedure” which may be justified on the basis that, notwithstanding the short term pain or suffering inflicted, an overall welfare benefit is obtained through performing them e.g. spaying, or there are good management reasons for performing them e.g. nose-ringing cattle. The purpose of the statutory instrument, therefore, is to create exemptions from the general ban on mutilations in section 5 of the Act, so as to allow such procedures to continue.

Docking of dogs’ tails

8. Section 5(6) of the Act explicitly excludes the docking of dogs’ tails from the scope of the mutilations ban. This is dealt with separately in section 6 and is therefore outside the scope of these Regulations.

Farming and Other Legislation

9. Many of the procedures which will fall within the definition of 'prohibited procedure' as specified in the Act are past or present farming practices, which are already regulated. The substantive content of many of them is not open to alteration, as it stems from EU Law. The Government could not consider deregulating these procedures without risking non-compliance with the UK's European obligations. However, section 5 of the Act, plus these Regulations, present an opportunity to consolidate the provisions affecting these procedures into one place. There will also be benefits that are almost impossible to cost, such as reduced costs through time familiarising with legislation, and increased certainty for farmers and other businesses.

10. The requirements that can be consolidated are currently contained in:

Docking and Nicking of Horses Act 1949 c.70;

Protection of Animals (Anaesthetics) Act 1954 c.46,

Protection of Animals (Anaesthetics) Act 1964 c.39,

Docking of Pigs (Use of Anaesthetics) Order 1974 SI No. 798;

The Removal of Antlers in Velvet (Anaesthetics) Order 1980 SI No. 685;

Protection of Animals (Anaesthetics) Act 1954 (Amendment) Order 1982, SI No. 1626,

Protection of Animals (Anaesthetics) Act 1954 (Amendment) (No.2) (England) Order 2003, SI No. 1328;

Welfare of Livestock (Prohibited Operations) Regulations 1982 SI No. 1884;

Welfare of Livestock (Prohibited Operations) (Amendment) Regulations 1987 SI No. 114;

The Welfare of Farmed Animals (England) Regulations 2000 (SI 2000/1870) [schedule 3D, paragraphs 8 and 9; and schedule 6, paragraphs 19-26].

The Welfare of Farmed Animals (England) (Amendment) Regulations 2002 SI No. 1646,

The Welfare of Farmed Animals (England) (Amendment) Regulations 2003 SI No. 299

The Veterinary Surgeons Act 1966

11. The Government also recognises that the question of whether a procedure should be exempt from the mutilations ban may be very closely linked to a requirement as to who performs it.

12. DEFRA is currently undertaking a separate, and much wider, review of the Veterinary Surgeons Act (VSA). In view of this, we have decided that it would be inappropriate to stipulate, in this statutory instrument, that certain procedures are exempted only if performed by veterinary surgeon, as it would pre-empt the wider consultations on the VSA that are taking place.

13. Very limited content of the draft SI therefore relates to who can perform the listed procedures.

Territorial Extent

14. The Animal Welfare Act 2006 applies to England and Wales only.

15. This SI will apply to England only. Section 5 of the Act empowers the Welsh Assembly to make its own SI to exempt procedures from the general prohibition.

16. Scotland has introduced its own Animal Health and Welfare (Scotland) Act 2006. Section 18 of the Scottish Act contains a ban on mutilations, similar to that in section 5 of the English/Welsh Act. The Scots will produce their own SI to exempt procedures from the ban in section 18.

Preferred Approach

17. The preferred approach to regulating mutilations of animals was to ban them in the Animal Welfare Act 2006 and permit certain procedures by Regulations, and has been taken by section 5 of the Act together with this draft SI. The advantages of this approach include:

- It expresses a general condemnation of procedures which cause unnecessary suffering, whilst permitting those procedures which are considered necessary to achieve an overall welfare benefit for the animal to continue.
- It would catch those cases which might not be contemplated in producing a positive list of procedures to ban.
- It would facilitate a consolidation of legislation which is currently very disparate.
- It would create certainty as to the operation of the cruelty or welfare offence in relation to any of the banned/exempted procedures.
- It would be a flexible solution that allowed further exemptions to be introduced simply and effectively if in future evidence supported such a move.

Costs and benefits

18. As part of the policy development process, officials have tried to obtain data from relevant interest groups that might help in analysing the costs and benefits that could arise from the proposed approach. In general, advice has been that there will be negligible costs. However, very little specific data has been forthcoming.
19. Additional information, on both costs and benefits of the proposal, were welcome during the public consultation process, but nothing detailed was received.

Benefits

Animal welfare benefits from mutilations ban

20. In the field of animal welfare, benefits are inevitably difficult to quantify, as there is no hard data which would allow a cost assessment to be developed, and welfare benefits are not usually capable of financial quantification. However, in general:

- the prohibition would prevent those procedures which cause unnecessary suffering to animals while having no overall benefit. The welfare benefits obtained would be the same here as those obtained by criminalising animal cruelty.

RSPCA 2004 cruelty statistics	Estimated percentage of those cases which could have been treated as 'mutilations' were the Act and these Regulations available	Estimated welfare benefit from section 5 and these Regulations
109,985 investigated cases 1665 of which resulted in cruelty convictions against 868 defendants	5% (based on RSPCA estimate of less than 10%)	More effective remedy available against 43 animal owners per year

- Section 5 does not require proof of suffering. This has benefits in enforcing the ban where suffering is difficult to establish, and pre-empts arguments about whether suffering is involved if anaesthetic is used.

Range of cost of prosecuting for causing 'unnecessary suffering'	Average amount per case spent on establishing 'unnecessary suffering'	Estimated number of cases to be prosecuted under section 5	Total cost saving to prosecutors from having section 5 available
£500 - £100,000 (RSPCA estimate. The upper range represents many animals in single case, or animals difficult to house, or complex legal arguments to be made)	£200 (average vet fees £200 per hour – BVA informal estimate)	83 (based on 1665 convictions for cruelty under 1911 Act, and assumption that 5% of these were for 'mutilating' an animal)	£16,600 (assuming 83 prosecutions per year, and saving of £200 per case)

- many outdated procedures which are considered unacceptable by the RCVS, for example, devoicing cockerels, would be banned. The RSPCA notes that the benefits of banning outdated practices will (i) mark out clear standards of acceptable behaviour; (ii) produce clarity; (iii) avoid the ethical debate and (iv) simplify enforcement.

Animal welfare benefits from producing Exemption SI

- permitting procedures which do result in an overall welfare benefit permits the continued reduction in animal suffering. In 2004, 24% of people who gave to charity donated to an animal charity¹, showing that people do value the objective of reduced animal suffering in accordance with the Animal Welfare Act 2006. Donations to some of the best-known animal charities in 2004 totalled roughly £167 million². Furthermore, thousands of people a year volunteer their time to work for animal charities. For the Cats Protection charity alone, volunteers give over six million hours a year to cat care. Given the objectives of these charities to reduce animal suffering, it might therefore be concluded that exempting procedures such as neutering and microchipping will not only reduce animal suffering, but that a high value is attached to this reduced suffering.

Legal and enforcement benefits

- legal certainty and clarity over the status of mutilations will not only improve welfare through facilitating increased compliance but will also bring benefits from easier enforcement.

Businesses, including Small Businesses

21. **Vets** would, in principle, lose the income from performing those procedures which are to be banned but which are not already banned by other legislation.
22. However, since 1987 the Royal College of Veterinary Surgeons has considered these procedures unacceptable. Their guidance has advised that veterinary surgeons should not undertake these procedures, other than for therapeutic purposes, and while their guidance is non-binding we understand these procedures to have largely died out. The British Veterinary Association anticipate that the cost implications for the veterinary profession of banning such procedures would be “minimal”.

Average annual turnover of veterinary surgeon	Estimated percentage of turnover generated by performing the procedures to be caught by the ban	Estimated annual turnover loss per vet	Maximum turnover loss across profession	Anticipated turnover loss across profession
£163,906 (2005 BVA/SPVS ANVAL report, includes all practice types)	Maximum 0.001% (BVA informal estimate)	£163.91	£1,721,055 Based on annual cost per practice x 10,500 estimated vets in general practice in England	£172, 105.50 Based on assumption that no more than 10% of the profession are willing to perform these procedures.

¹ http://www.bacs.co.uk/BPSL/presscentre/pressreleases/2005/pr_20050323.htm

² Accounts available via the Charity Commission. Charities included: RSPCA, Blue Cross, Dogs Trust, Battersea Dogs and Cats Home, Hearing Dogs for Deaf People, National Animal Welfare Trust, The British Horse Society.

			(RCVS Annual Report 2005)	
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23. Vets would also need to spend time familiarising themselves with the new legislation, to ensure they understand which procedures they are no longer permitted to perform for non-therapeutic reasons. If the time taken to familiarise themselves with the legislation would otherwise have been used as working time in their practice, then the value of the time lost can be calculated, as shown in the table below. However, this is not an absolute economic loss and may even be an overall benefit, as animal welfare is directly improved by vets complying with the Act and SI.

Estimated time to familiarise with legislation	Average value of vets' time	Number of vets in general practice in England	Anticipated value of time lost across profession
2.5 hours (BVA informal estimate)	£200 per hour (BVA informal estimate)	10,500 (RCVS Annual Report 2005)	£5,250,000

24. **Farmers** will benefit from a consolidation of the law on these procedures. The law will be found in one place, and the burden on them to consider separate pieces of legislation will be removed. (see 'Farming and Other Legislation' in paragraphs 9 -10). There should not be any additional cost implications from the SI itself, as the procedures are banned/exempted in accordance with current farming practices. No widely used farming procedure is banned, and no procedure that has died out is exempted. We have seen no evidence to indicate a need for a change in the status quo, other than the fact that disparate provisions could be made more accessible in a single instrument. Also, many of the existing provisions governing farming procedures stem from the implementation of EU obligations, and cannot therefore be altered by these Regulations. We welcomed views from farmers on the possible cost implications of these Regulations for them during consultation, but little detailed evidence was available.
25. There should be no cost implications for **other businesses**, including:
- Zoos, including waterfowl collections
 - Shooting clubs etc
 - Horse breed societies
 - Commons land societies and bodies
 - Commons land farmers / animal owners
- Where their practices include the performance of procedures within the definition of 'prohibited procedure', they have been consulted and have produced evidence which justifies the inclusion of those procedures on the SI permitted procedures list.
26. **Private individuals** should not be financially affected by the proposals. Where they would potentially incur costs through taking animals, injured by not having been subject to the procedure, to a vet, or through having those animals destroyed, that procedure has been included on the permitted procedures list.

Enforcers

27. Enforcers will also benefit from having all the provisions relating to these procedures in one place. Current guidance given to the SVS on the existing regulation of certain procedures will be utilised in developing guidance on this SI: it will be expanded to cover companion animals for those enforcers who are concerned with companion animals, and updated where necessary. Under this proposal, guidance on any procedure, conducted on any species, can be found in one place.
28. The **SVS**, who deal with farm animal welfare, should not incur increased costs under this SI as the proposals do not alter the position under current farming law. Inspections will be conducted

on the same basis as they are now. Additional training will be funded by DEFRA, if it proves necessary.

29. **Local authorities** should not incur increased costs either. Neither section 5 of the Animal Welfare Act 2006, nor this SI, require that local authorities conduct routine inspections on licensed premises to check for compliance. There are therefore no additional inspection costs. All local authority inspectors would be expected to do was act on a mutilation case which came to their attention during other inspections; for example, if an inspector visited a pet shop and found puppies for sale with cropped ears.

Cost of enforcing existing cruelty legislation where mutilations occur	Anticipated cost of section 5 of the Act/mutilations SI	Anticipated incidence	Anticipated additional enforcement cost for local authorities
£2,000 - £7,000 Prosecuting under 1911 Act (based on LACORS assessment: £2000 where plead guilty, £7000 where plead not guilty. About 1/3 plead not guilty)	£1,800 - £6,800 Assume average cost of case the same, though slightly reduced as not necessary to prove suffering	1 every 20 years (LACORS informal estimate, that one 1911 Act prosecution by local authorities every year. Assume 5% of prosecutions could be brought under Section 5)	£90 - £340 per year

NB these figures relate to cost of bringing prosecution under Protection of Animals Act 1911. Current Government data storage procedures mean there are no figures held for the costs of bringing prosecutions that involve WOFAR violations. They are assumed, however, to be similar to the costs of a cruelty prosecution.

30. Local authorities will not incur training costs as centralised training on the Act and the mutilations SI has been organised by DEFRA.
31. The **police** would not be expected to take an enforcement role in section 5 of the Act or this SI (except in exceptional cases; for example, if they were prosecuting a person for fighting dogs, they might also bring a charge under section 5 if the dogs had cropped ears). No enforcement costs are anticipated.
32. There maybe additional costs incurred by the **RSPCA** in their capacity as private enforcers. These should be transitory, as the prohibited procedures should die out. They have noted that they consider the benefits outweigh any possible costs, again illustrating a high monetary value associated with preventing animal suffering. Furthermore the RSCPA would also benefit from the clarification in law an easier enforcement. In particular, they told us that “It is unlikely that statutory prohibition of this type of mutilation will add significantly to the RSPCA’s workload or costs; it would, however, broaden options regarding the charging of offenders and would remove the need to prove suffering which may be of particular relevance if dealing with very young animals that are subject to mutilation.”

Cost of enforcing existing cruelty legislation where mutilations occur	Anticipated cost of section 5 of the Act/mutilations SI	Anticipated incidence	Anticipated additional enforcement cost for RSPCA
£500 - £100,000 (RSPCA figures where upper range represents	£200 - £99,500 Prosecuting (assuming costs	0 Additional prosecutions – these would be	£0 Prosecuting

many animals in single case, or animals difficult to house, which is unusual)	reduced by not having to prove suffering)	brought under cruelty section if not under mutilations section 403 Familiarising with legislation (323 inspectors + 80 solicitors)	
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Summary of Anticipated Costs/Benefits

33. Overall:

	BENEFIT	COSTS
	<p>Welfare</p> <p>Benefit of prosecuting under section 5 rather than cruelty offence: Potential savings of £16,600</p> <p>Benefit of <u>legal certainty around operation of welfare and cruelty offence</u> in relation to these procedures: -Potential cost saved £2,450,000 (see paragraph 25)</p> <p><u>Reduced animal suffering</u> through people working with animals complying with the Act</p>	<p><u>Vets loss of business</u> in relation to banned procedures £172,105.50</p> <p><u>Additional enforcement costs:</u> Local authorities £90-£340 RSPCA £0 SVS £0 Police £0</p> <p>Additional <u>time familiarising</u> self with new legislation Vets £5,250,000 Local authorities £0 SVS £0 RSPCA – views welcome Farmers – views welcome</p>
MAXIMUM TOTAL IMPACT	<p>£2,466,600</p> <p>+ suffering of unnecessarily mutilated animals avoided</p>	<p>Costs £172,445.50</p> <p>Value of time lost £5,250,000</p>

Small Firms Impact Test

34. We have consulted the RSPCA, who consider the general ban on mutilations in the Act “appropriate”. They do not consider any cost implications to be significant.

35. We have consulted the BVA, who represent veterinary surgeons and their practices. They have indicated that there will only be minimal cost implications for the veterinary profession from a ban on procedures currently considered unethical.

36. Although we have received little feedback from the farming community we have been careful to preserve the status quo with regard to current farming practices. We therefore do not anticipate any increased cost to farmers.

37. On the basis of this feedback, the Small Business Service (SBS) agree that the impact on small businesses should not be significant or complex. We welcomed views during the public consultation, and no party indicated significant or complex cost implications.

Competition assessment

38. We do not consider this measure likely to have any effect on competition.

39. Potentially, the following markets could be affected:

- farming
- livestock sales
- veterinary surgery
- anaesthetic production

40. There should be no competition impact on **farmers** or the **livestock market**; most of the farming practices banned by section 5 or exempted by this SI are already regulated by EU Law, and so the procedures are regulated equally across Europe. There will be no competitive disadvantage that stems from being subject to English animal welfare laws.

41. In theory there is a slight possibility that the Regulations could affect the **veterinary market** structure by altering the demand for certain veterinary services. However, this would constitute a very slight change to only one small element of the services veterinarians provide and is not considered significant. Similarly with the **anaesthetic market** there could be a very minimal change in the demand for anaesthetic. But, equally, this is not considered likely to be of a scale to distort or adversely affect the market or affect competition within those markets.

Legal Aid Impact Assessment

42. We do not anticipate that any additional prosecutions will be brought under section 5. We would estimate that perhaps 5% of cases which were previously prosecuted under the offence of causing unnecessary suffering will be brought under section 5 in future instead. However, this will not mean additional prosecutions, merely the same number of prosecutions using different charge.
43. We therefore do not expect any legal aid impact.
44. However, if 5% of the additional 100 cases that we expect under the Animal Welfare Act 2006 involve charges being brought under section 5, the legal aid impact of that section, together with this SI, would be:

Possible additional cases	Average cost of case in magistrates	Cost of appeals to Crown Court	Range of possible impact on legal aid*	Expected impact on legal aid
5 (based on assumption in RIA to the Animal Welfare Act 2006 there might be 100 additional prosecutions once the Act enters force, and 5% of these might be under section 5)	£503 guilty plea £899 - £1,864 defending	£778 against conviction £312 against sentence	Min £2,515 (based on all pleading guilty, no appeals) Max £8,467.50 (based on all defending, and all appealing convictions)	£4,804.85 (based on assumption: 50% will defend 6% will appeal ie same assumptions as in main RIA to Animal Welfare Act 2006)

* Assumptions made throughout:
section 5 cases involving multiple defendants will be unlikely

Consultation

45. A public consultation was held on the draft regulations. There were 50 responses in total to a joint consultation on both Regulations relating to the tail docking of dogs and to mutilations. Responses relating to these Regulations came from farming groups, including species or breed specific organisations, veterinary surgeons and their representative bodies, welfare organisations, zoos and aquaria, government departments, other interest groups and individual members of the public. Some issues were raised which were considered justified concerns and the draft regulations were consequently amended.
46. Other than minor wording changes, the two significant changes were as follows. First, representation was made from zoos and aquaria that techniques associated with reproduction control (namely spaying, castration, vasectomy, ovum transplantation, embryo transfer, subcutaneous contraceptive implants and laparoscopy) were sometimes used in conservation breeding programmes. We had no intention of banning them by the back door and so have now explicitly permitted them in the Regulations. Second, the section permitting beak trimming of poultry was amended as it was felt that the draft did not accurately reflect current legislation (derived from an EU Directive). It was therefore amended to reflect the status quo.

Enforcement, sanctions and monitoring

47. The proposal, both section 5 and the SI, will be **enforced** in accordance with the provisions of the Animal Welfare Act 2006. This means that 'inspectors' will be the SVS and local authorities, who will not have an obligation to conduct routine inspections to check compliance but who will report cases as they become aware of them. In addition, as the Animal Welfare Act 2006 is a 'common informers' Act, under which anyone can bring a case, the general public, the RSPCA, and other bodies will also have a role to play in enforcing the provisions.
48. **Sanctions** will also be in line with the provisions of the Animal Welfare Act 2006.
49. **Monitoring** of SVS reports, prosecution figures, and RSPCA reports, which Defra has access to, will be done in order to review the operation of the ban on mutilations. We would expect to see a number of prosecutions initially, followed by a drop in numbers, indicating that the message has filtered through effectively and that practices have changed accordingly.
50. There are also proposals for an enforcement database, to be held and managed by Defra, to support the implementation of the Animal Welfare Act 2006 as a whole. If this database is developed and set up the figures gathered on mutilations could be stored there, and the efficacy of this SI monitored more efficiently. (Details of the database proposal can be found in the RIA attached to the Act).

Declaration and publication

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed ...Ben Bradshaw.....

07 February 2007

Ben Bradshaw, Minister for Local Environment, Marine and Animal Welfare, DEFRA.

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