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15th January 2025

Ref: Draft Animal Welfare (Jersey) Law 202-)

Dear Jade,

In response to your email dated 22nd December 2025. Thank you for inviting the JSPCA Animal Shelter to comment on the Draft Animal Welfare (Jersey) Law 202-) amendments.

I have consulted with the wider team and shared the questions for their input. Below is our response to the questions. Thank you for the opportunity to input and extension this week, it has truly been helpful.

Animal Welfare & Control (including the Draft Animal Welfare (Jersey) Law 202-): JSPCA Comment

Further to the consultation period held in June/July 2025, the JSPCA wishes to provide additional comments and feedback on the draft Animal Welfare legislation. At the time of the consultation, it was understood that the primary legislation intended to replace the Animal Welfare (Jersey) Law 2004 was expected to be progressed for adoption in the first half of 2026, with secondary legislation introduced thereafter in the form of Orders. During the consultation, the proposed Orders were not outlined in detail and the focus was therefore primarily on the overarching framework of the primary legislation.

Since that time, a JSPCA Senior Veterinary Surgeon and Welfare Officer have participated in constructive discussions with the States Veterinary Department regarding considerations and specific requirements for future Orders. We are grateful for this engagement and welcome the opportunity to contribute in a practical and collaborative way.



The JSPCA welcomes the commitment to legislation that supports a higher standard of animal welfare in Jersey and is broadly supportive of the proposed changes. The foundations of the draft legislation are positive, and overall it is well received. We also acknowledge and appreciate the collaborative work undertaken to develop this draft, and we consider it an important step forward for animal welfare on the Island.

That said, it would be remiss not to note that gaps in existing legislation have, at times, limited the ability of agencies and charities to protect animal welfare effectively. In the absence of clarity and robust provisions, there remains a risk that animals may continue to “fall through the cracks”. Given the JSPCA’s role in animal welfare on the Island, we are frequently exposed to situations where ambiguity or legislative gaps have resulted in poor outcomes for animals. While we recognise the many strengths of the proposed reforms, we are keen to avoid any uncertainty that could hinder consistent enforcement or undermine the intended welfare improvements.

The recent implementation of the Dangerous Dogs legislation has further highlighted the importance of clear, enforceable drafting, and has prompted us to undertake a more detailed review of the draft Animal Welfare legislation. Our overarching concern is that certain provisions require greater clarity to ensure the legislation can be implemented and enforced consistently in practice.

We are encouraged by the intention to introduce future Orders, and we consider these Orders to be an essential component of a complete animal welfare framework. However, we would welcome clarity on why certain measures are proposed for Orders rather than being included within the primary legislation. Where measures cannot be included at this stage, we would also welcome assurance that the Orders will be brought forward as a matter of urgency, together with an indicative timeframe for their development and commencement. We also wish to express our serious concern that future Orders will not be subject to the established processes of consultation, consideration by the States Assembly, and review by Scrutiny panels.

On the basis of the above, we have set out below the key areas in which we consider the draft legislation may still expose animals to welfare risk:



A) Comments on the draft primary legislation

1) Ownership vs responsibility needs to be crystal clear

The draft law would benefit from clearer drafting on the distinction between legal ownership and day-to-day responsibility for an animal. In practice, animals are frequently under the control of third parties (for example dog walkers, trainers, temporary carers, or charity staff), and it is important that the legislation makes clear how responsibility is allocated when decisions taken by the person in charge conflict with the owner's instructions. By way of example, if a dog walker allows a dog off-lead when the owner has expressly advised against it and an incident occurs, it should be clear how responsibility would fall. Similarly, where a JSPCA staff member is handling or walking a disclaimed animal and an incident occurs, it would be helpful for the law to provide clarity on whether responsibility rests with the individual, the charity, or is determined by the circumstances (for example training, policies, and the information available at the time). Greater clarity in this area will support consistent enforcement and avoid uncertainty for owners, professionals and charities.

2) Abandonment requires a clear definition and a defined “time period”

We strongly feel that a clearer definition of abandonment is required. At present, a lack of statutory clarity can leave animals in a prolonged “in limbo” position, where ownership is uncertain and timely rehoming is harder to progress, despite the animal being effectively abandoned in practice. Introducing a clear definition of abandonment, alongside a defined period after which an animal is treated as abandoned if the owner has not collected the animal or made arrangements for collection, would provide certainty about where ownership lies. This would also help clarify the relationship between the ability of a rescue to rehome an animal and the continuing accountability of the original owner for any relevant offences.

3) Mental suffering should be explicit, not just implied

We welcome the inclusion of mental suffering within the concept of unnecessary suffering, and suggest this could be strengthened by making explicit that fear, anxiety and distress constitute “suffering” even where there is no visible physical injury. In many welfare situations, psychological harm may be the primary impact, and clear recognition within the drafting would



assist inspectors and courts to intervene earlier and apply the legislation consistently. We also consider it important that the law and guidance make clear that the presence of fear or anxiety alone should not be treated as an offence where a responsible person is taking reasonable, evidence based steps to meet the animal's needs and to minimise distress (for example through appropriate handling, management, enrichment and veterinary/behavioural support).

4) Codes of Practice: confirm alignment and currency

We strongly support the inclusion of Codes of Practice and recognise that Codes will be central to how the law is understood and applied by owners, professionals, inspectors and courts. For that reason, we would welcome assurance that Codes of Practice will be developed and published early, and that any existing Codes will be reviewed to ensure they are up to date and aligned with the new legislative framework. If Codes are outdated or not aligned, there is a risk they become a limiting factor in public understanding and consistent enforcement.

5) Fishing exemption and fish welfare

We note the provision that the law does not apply to anything that occurs in the normal course of fishing. While we recognise the practical rationale for an exemption, the JSPCA is concerned that this leaves an important welfare gap for fish. Even if full regulation is not intended within the primary legislation, it would be preferable to include reference to recognised best practice and/or ensure that Codes of Practice address fish welfare during fishing activities. Clear guidance would help promote humane handling and reduce avoidable suffering, while acknowledging the realities of fishing practice.



B) Comments intended for future/proposed Orders and Codes (secondary legislation)

1) Tail docking: remove the “working dog” exemption

The JSPCA would like to see the working dog exemption for tail docking removed. Tails are important for normal behaviour and communication, and exemptions undermine consistent welfare protections and higher welfare standards. If the draft framework is to retain any references to “working dogs” (whether in this context or elsewhere), it is essential that “working dog” is clearly and tightly defined - ideally based on the dog actually performing a genuine working function, rather than breed or intended purpose - to avoid broad interpretation, unintended loopholes and inconsistent application.

2) Compulsory microchipping

We recommend extending compulsory microchipping requirements to other domestic pets, such as rabbits and guinea pigs. These are commonly kept companion animals, and microchipping would support responsible ownership, improve reunification where animals are lost, and strengthen welfare enforcement.

3) Imports: restrict importation of cats and dogs under 6 months old

We note that the UK has introduced restrictions on the importation of cats and dogs under six months old, and we suggest consideration of a similar safeguard to apply to animals entering the jurisdiction from outside the UK. Introducing comparable restrictions would help reduce welfare risks associated with early transport and irresponsible breeding practices.

4) Aversive training devices

The draft law contains strong general provisions on unnecessary suffering and welfare needs, but it does not expressly address aversive training devices such as prong collars or electronic/shock collars. This creates uncertainty for owners, trainers and enforcement officers, and risks making enforcement overly reactive—requiring demonstrable harm before action can be taken—rather



than setting a clear preventative standard. It may also lead to inconsistent outcomes, as different dogs can show very different outward responses to the same aversive stimulus, even though the underlying conduct is the same. We would welcome the Minister giving active consideration to addressing these devices through an early Order that promotes reward-based training and makes clear that methods relying on pain, fear or intimidation are not compatible with good animal welfare. If this cannot be included within the initial primary legislation, we would welcome clarity on the rationale for that approach and assurance of the expected timeframe for introducing the relevant Order and/or Code.

5) Licensing/registration of higher-risk commercial activities (via Order)

We recommend consideration of licensing or registration (via Order) for higher-risk commercial activities such as dog training and behaviour services, boarding/day-care establishments, and breeding above an appropriate threshold. In particular, in the context of training and behaviour support, welfare risks may not be obvious to the average owner who is actively seeking what they believe is professional advice. A licensing framework would improve accountability, support consistent standards, and strengthen preventative welfare protections.

6) Breeding for extreme conformations and inherited suffering

We would welcome further clarity and action on breeding practices that are known to cause avoidable, inherited suffering. This includes breeding for extreme conformations and associated health and welfare issues, such as brachycephalic dogs and cats, and other breeds/types with conformational traits linked to chronic welfare compromise (for example sphynx cats where skin/temperature vulnerabilities may be relevant). This links directly to the duty to meet an animal's needs, including the need to exhibit normal behaviour patterns and to be protected from suffering, injury and disease.

7) Information-sharing on disqualification orders

From a practical rehoming perspective, we would welcome clarification on how disqualification orders will be communicated to relevant organisations, to help ensure rehoming decisions can be made safely and consistently. Clear information-sharing arrangements would support the preventative intent of disqualification orders and assist responsible rehoming.



C) The draft legislation still exposes animals to welfare risk in the following areas:

- Unclear distinction between ownership and responsibility, particularly where animals are in the care/control of third parties.
- Lack of a clear definition of abandonment and an associated time period for animals left at rescue centres, leaving animals “in limbo”.
- Lack of explicit clarity that fear, anxiety and distress constitute suffering in the absence of physical injury.
- Ambiguity in the definition of “working dog” where exemptions apply, risking loopholes and inconsistent application.
- Risk that Codes of Practice become outdated or misaligned, limiting understanding and consistent enforcement during transition.
- Potential welfare risk arising from the interface with the Dangerous Dogs Law, particularly the welfare implications of prolonged kennelling of seized dogs while processes are ongoing.
- Fish welfare not adequately addressed due to the fishing exemption, unless covered by best-practice guidance and/or Codes of Practice.
- Lack of clear controls on breeding for extreme conformations and inherited suffering (e.g., brachycephalic dogs/cats), despite the duty to meet welfare needs.
- Operational risk if disqualification orders are not communicated effectively to relevant organisations, increasing the chance animals could be rehomed to disqualified individuals.
- Potential welfare risk arising from the interface with the Dangerous Dogs Law, particularly the welfare implications of prolonged kennelling of seized dogs while processes are ongoing.



Thank you once again for the opportunity to input into this incredibly important piece of legislation.

On behalf of the JSPCA Animal Shelter we are happy for our responses to be shared with the Scrutiny Panel.

Warmest Wishes

Pam Aubert

Chief Executive Officer