



Environment, Housing and Infrastructure Scrutiny Panel

Animal Welfare and Control

(including the Draft Animal Welfare (Jersey)

Law 202-)

Witness: The Minister for the Environment

Thursday, 29th January 2026

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy A.F. Curtis of St. Clement

Connétable D. Johnson of St. Mary

Deputy D.J. Warr of St. Helier South

Witnesses:

Deputy S.G. Luce of Grouville and St. Martin, The Minister for the Environment

Connétable M.J. Jackson of St. Brelade, Assistant Minister for the Environment

Ms. S. Ramos, Chief Veterinary Officer, States Vet Office

Mr. W. Peggie, Group Director, Natural Environment

[10:00]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Welcome to this public hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 29th January 2026. This is a specific hearing around animal welfare and control that we are doing a review on as a panel. We have the Minister for the Environment with us today. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The

recording and transcript will be published afterwards on the States Assembly website. Please ensure all electronic devices are switched off to silence. I would like to begin with introductions. My name is Deputy Hilary Jeune and I am the chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy A.F. Curtis of St. Clement:

I am Deputy Alex Curtis, panel member.

Deputy D.J. Warr of St. Helier South:

I am Deputy David Warr, panel member.

Connétable D. Johnson of St. Mary:

Constable David Johnson, panel member.

The Minister for the Environment:

Deputy Steve Luce, I am Minister for the Environment.

Assistant Minister for the Environment:

Constable Mike Jackson, Assistant Minister for the Environment.

Chief Veterinary Officer, States Vet Office:

Susana Ramos, Chief Veterinary Officer.

Group Director, Natural Environment:

I am Willie Peggie, Director for Environment.

Deputy H.L. Jeune:

Thank you very much. We have a lot of questions to ask today and I know probably we will not get through them. But if you could try to keep your answers as short and as succinct as possible, then, hopefully, we can, otherwise I know we will be following up with some letters to get some more details. But, Minister, first of all, looking at the general framework and objectives, the panel understands that the Draft Animal Welfare Law has been brought to modernise Jersey's animal welfare legislation, strengthen its protections and shift our overall approach from reaction to prevention. Please, can you briefly set out what outcomes you expect this new framework to deliver for animal welfare standards in Jersey, both immediately and over the long term?

The Minister for the Environment:

Thank you, Chair. Yes, I am very happy to do just a general overview. As we know, we have been through the principles, this is a 2004 law that we are looking to update. Clearly, it has been over 20 years since we did that. But for me the most important thing is that we will be looking to take a much more proactive approach, rather than a reactive approach, using this law. It is important that we put ourselves on a par with the U.K. (United Kingdom), E.U. (European Union) wider communities. As I said, we want to be proactive. There are a number of things in here which I think are going to be really important. But for me one of the most important parts of this updating is the ability for officers to intervene. We have not had that previously but this allows us to be a lot more proactive to get involved in instances to avoid increased suffering and before that suffering becomes entrenched, if you like, and for me that is one of the most important parts. There are lots of other little bits and pieces, as you know, but I think the proactivity is the really important bit for me in this.

Deputy H.L. Jeune:

Minister, you mentioned about aligning with the U.K. and E.U. and international standards, could you outline a bit what kind of standards have shaped the law's design? Why is it important for Jersey to get ...

The Minister for the Environment:

I think we want to be seen obviously as a responsible jurisdiction and other animal welfare legislation in other parts puts a lot more responsibility on the community, if you like, to take more responsible action for protecting animals, both domestic animals and wild animals as well. There are lots of pieces of legislation in the U.K. and in the E.U. that we are going to need to come up to speed with. I know going off-piste a little bit, if you like, but the E.U.-U.K. reset, we know there are potentially several hundred pieces of legislation which may be coming down to us to see that we are compliant, that we reach the same standards. As I said, it is 22 years since this law has been looked at and it really is time for a bit of a catch up.

Deputy H.L. Jeune:

Thank you. One of the main structural changes in the draft law is the enhancibility for the Minister to make subordinate legislation. The accompanying report states that those powers fall broadly into 2 categories; protecting animal welfare and preventing or alleviating suffering. Could you expand a bit more on how the draft law broadly gives its effect to each of those?

The Minister for the Environment:

I am just trying to think about the 2 sections. For example, I know order-making powers is something we are going to come on to discuss, and I think there is a good discussion to be had there. But I think things like the cruelty to animals and some of these measures that we want to try to avoid, like shock collars and spiked collars and things like that, it is important that we can move quick in getting

back to order-making powers and the E.U.-U.K. reset. I think some of the detail in some of these laws we will need to comply with. It is going to be very minute, it is going to be very detailed. It is not going to be the sort of thing that we are going to want to come back to the Assembly with. Because we could, potentially, in the next couple of years be sitting at States debates on some quite really minutiae, if you like. Proportionate penalties and safeguards is something but I am just trying to think of the other bits of the order-making powers, so the vet will have to remind me.

Chief Veterinary Officer, States Vet Office:

A lot of it is about trying to prevent suffering, so mutilations, prevention of mutilations. I think people go outside Jersey and a lot of mutilations take place elsewhere and the animals too. That is some of the things we are looking at, which I am sure everyone will agree. Then look at things like puppy farms and what can we do welfare wise to prevent puppies from puppy farms arriving into Jersey, no ages for importing or that type of detail is some of the stuff that we are looking at.

The Minister for the Environment:

Harmful practices, licensing of animal businesses as well, something that we need to get into where businesses are running involving animals. I think it is important that they are properly licensed. Tagging and microchipping is another one that we have mentioned that would be subject to orders. Again, there is an example, we may have to use a particular type of chip to comply with the U.K. or what have you. Do we want to be coming back to the States Assembly to be discussing the detail of how that chip might work or what size it might be?

Chief Veterinary Officer, States Vet Office:

For example, the ordinary microchipping, we have to define the size and the hertz and all that type of detail. A lot of the orders go through very little detail and that is, I think, one of the advantages of being able to do orders, that you can go for a maximum of 5 animals, specific technology, you can be more specific because it is relatively easy to change that detail. If you do that then primarily the relationship becomes very, very complicated. I think we are suffering from that with the current law, the limitations of doing things relatively quickly.

Deputy H.L. Jeune:

I think we will go into more details on those later. But maybe turning a little bit about consultation and industry feedback, could you maybe list when you were looking at how to create this new law the list of the bodies and organisations that were consulted on the draft law?

The Minister for the Environment:

Before you do that, Susana, can I just say Susana is going to get the list up? I know there has been some criticism that we have not consulted enough, and certainly I have seen the list and Susana is

going to find it. I was certainly satisfied that we had spoken to enough people. I am sure when Susana tells you the number of meetings we have had, yes, I suppose we have held our hands up and say there might have been some smaller groups that we might have spoken to as well. But I am comfortable that we have consulted enough, but I am also minded of course that anything involving animals, pets, domestic or commercial animals, is always hugely sensitive and everybody has a view.

Chief Veterinary Officer, States Vet Office:

We have consulted over 90 different people, organisations. I assume you do not want me to list it.

Deputy H.L. Jeune:

No.

Chief Veterinary Officer, States Vet Office:

I can list some of the more general ones; R.J.A. and H.S. (Royal Jersey Agricultural and Horticultural Society), J.S.P.C.A. (Jersey Society for Prevention of Cruelty to Animals), the Comité.

The Minister for the Environment:

Private vets.

Chief Veterinary Officer, States Vet Office:

All the private vets in Jersey were consulted. Jersey Milk Marketing Board, Jersey Dairy, Kennel Club; I think that is probably some of the more relevant ones.

Deputy H.L. Jeune:

Yes, thank you. When you consulted, what are the main concerns that was drawn from that consultation, that, I suppose, are addressed in the draft law, which I think we have heard that a little bit from the Minister? But also are there any concerns being pulled up from the draft law now, as in when you presented the changes?

The Minister for the Environment:

I think I am correct in saying that some of the people we consulted did not respond.

Chief Veterinary Officer, States Vet Office:

A lot of them do not respond.

The Minister for the Environment:

Then of course consequently and much closer to the debate get involved and say: "We did not realise, we would like to raise issues, we are not happy about this."

Chief Veterinary Officer, States Vet Office:

A lot of people did not respond to us, they respond to Scrutiny, which is frustrating if you are trying to work with people to try to achieve something. I think the main concerns were on dog-worrying ... not dog-worrying, sorry, from straying and also some issues with the definition of ownership. Some people saying we are not going far enough in terms of including certain species of animals or that we should even do more and a lot more, and some people saying we are doing too much. It is always a bit of individuality, to be honest.

The Minister for the Environment:

Certainly since the debate Willie and I have met with R.J.A., the Farmers' Union, in a rural meeting where we have discussed their concerns around the owners' responsibility around straying and around the order-making powers. I think we are relatively comfortable with them around orders and straying but the ownership issue still needs to be addressed. They have their own particular definitions of owners and keepers. The vet and I, Susana, have spoken with Willie about how we might move that forward; we have got some ideas. But I think it is important that we certainly settle this so all parties are comfortable with the definitions that we have used.

Group Director, Natural Environment:

Yes. There is most definitely sound rationale as to the definitions or the reasons for why we are creating ownership legislatively as it is written, mostly because it fits with external legislation but also because it leads back to the owner as the ultimate responsible party. We had a very interesting conversation, which we think there is, potentially, a compromise, so the wording that will keep everyone content.

The Minister for the Environment:

I think the worry for the dairy industry, particularly where animals of all ages are owned by individuals away from the farm, whether that is children, whether that is companies, whether that is consortiums, we do have a line currently at the moment saying that the owner must be ultimately responsible. But I think they struggle with that, given that in many cases animals are purchased and then given and put on to farms and the whole of the management, the whole of the health and everything else is the responsibility of the farm rather than the owner. We do need to find a choice of words which both sides can be comfortable with.

Deputy H.L. Jeune:

I had that as the next set of questions; we can come back to some of the definitions. But specifically on this I think it is useful to know that you are looking at this, Minister, and seeing whether there are some tweaks that could be done. Is that what you are saying to the draft law and some amendments that could happen to ...

The Minister for the Environment:

Absolutely. The process we are going through at the moment is for me exactly the way it should work. We have done the principles. Everybody agrees we want to have better animal welfare law. We are getting into the detail, we have gone into the Second Reading and we have stood back. Scrutiny are getting heavily involved, which is great. Between us all, hopefully, with discussions with outside parties we come to a much more acceptable ... and come to a conclusion where all sides are comfortable, which is exactly how it should be.

Deputy D.J. Warr:

Can I just come back to the point about there are some criticisms? I notice a mention was made it was rushed through, there is a sense the legislation has been rushed through, that the consultation period was not long enough; it was only 3 weeks. The timing of the consultation was not great for some people. How would you respond to those criticisms?

The Minister for the Environment:

I cannot say how I could disagree with the rushed parts because, believe you me, we have been working on this for a great deal of time. In comparison to a country like England or Scotland or what have you, our team involved in trying to write new animal welfare legislation is very, very small. I cannot say for sure how long we have been working at this but certainly in the 2 years that I have been involved we have been working on this for the entire time. There has been a huge amount of work that has gone into it and Susana will say more. But as for the 3-week consultation, I am not going to comment on that. Maybe 3 weeks was not long enough but, as regards rushing, absolutely not. I have been pressurising officers for over 18 months now to get on, get on and get on. Because, unfortunately, my fears, if you like, have come to fruition a bit inasmuch as we are now facing a deadline. At the end of the session I really want to get this legislation through, if I possibly can. I know we have done the principles but this is really important work. But you can never underestimate the number of hurdles you have to jump through in those last few bits of the process and the time it sometimes takes to do that. But if 3 weeks was not long enough, I hold my hand up and apologise. But we certainly have not been rushing this because we have been doing it for a long time.

Chief Veterinary Officer, States Vet Office:

Well over 2 years and the start of the review started quite early, probably around 5 years ago, and we had to stop due to the size of the team and the E.U. exit. Then when the team got a better

number again we started again; it was one of the first things that we started, the review; everything we have done and tried to go quicker. Yes, it was 3 weeks but we have never refused to discuss, to receive any information from anyone else. There were people that came out after 3 weeks that we have accepted and considered their opinion.

[10:15]

I do not think that is fair, this certainly does not feel like a fair comment. We have been quite open about it and discussed with everybody that wanted to discuss with us what we intend to do, and we have been quite open about it.

Deputy D.J. Warr:

Okay, it is not coming from me, just reported, yes.

Chief Veterinary Officer, States Vet Office:

No, that is fine, I understand. But it was 3 weeks I think, confirming it was 3 weeks.

Deputy H.L. Jeune:

Thank you. With that reflection, just the Government in general or the Environment Department about these consultations, is there potentially another way to do it? Saying that maybe 3 weeks, even though it is much longer, it is the feeling of 3 weeks and maybe is the concern if it ...

The Minister for the Environment:

I think if we talk in generalisation and another piece of legislation, which I am working on at the moment, is the potential to phase out petrol and diesel vehicles in 2030. The team have been consulting extensively, everybody they think they could possibly talk to. They have been in supermarkets, they have been in town doing pop-ups, every opportunity to meet the public. Yet even after a long consultation, which has had thousands of responses, people are still coming up to me saying: "I did not know anything about this. Where did you advertise it? How can you possibly have got to this point without me knowing?" The point I am trying to make is I think it does not matter how hard you try, I think you are always going to come up against people who do not know. I met 2 people yesterday who I thought were quite engaged with politics, who were surprised to know that Senators are coming back in the next election. I thought to myself, I am not sure where you have been. People do not pick up on things for whatever reason. We have tried, we have done the best we can. We can always do better I suppose but it ...

Deputy H.L. Jeune:

Okay. I think the most important thing is that you are saying you are still listening and, therefore, we have still that opportunity to look at the focus.

Chief Veterinary Officer, States Vet Office:

This is the evidence of that, yes.

Deputy H.L. Jeune:

I think going into maybe some meanings; we have talked about that responsibility, the ownership bit, but it would be interesting to hear what the difference is between the current law, 2004 law, and the draft law on the determination of the meaning of an animal; has it changed?

Chief Veterinary Officer, States Vet Office:

The meaning of animal has changed very slightly. I will go and check my notes to make sure that I am not telling you the wrong thing because it is quite technical. It has been revised but it has not changed a lot. But as it is there, the idea is that then by order it would be you could then extend the meaning of “animal”. What I mean for that is that there is a lot of scientific research ongoing on animals like octopus and lobsters in tanks. We felt we were not ready to do that yet, but we know it is coming and it is probably coming quickly, with enough evidence to support that. So we would have the ability to do that when it is needed to be done. I really did not think it was proportional to do it at this stage yet.

Deputy H.L. Jeune:

How does it interlink with the definition of animal in the Wildlife Law 2021? Is there a different ...

Chief Veterinary Officer, States Vet Office:

Most of the principles of this law do not ... the current Animal Welfare Law and the draft law explored wild animals but the bit on suffering, so the Article on suffering includes wild animals, which is meaning to say that if someone deliberately hurts a wild animal or causes them pain and suffering, then the Article of suffering is applicable too. But some of the more detailed stuff, it cannot be applicable because it really is not applicable. Then the other thing that is important to say is that the way we think about it is that any wild animal that is brought into captivity stops being wild, therefore is cared by someone. It starts being an animal again, stops being wild. Therefore, the majority of the law will apply to an animal that has been wild and is temporarily or permanently under captivity, if you wish.

Deputy H.L. Jeune:

Thank you. Focusing on the veterinary inspector definition, could you confirm who the role of that veterinary inspector will apply to in practice?

Chief Veterinary Officer, States Vet Office:

Currently there are 3 veterinary inspectors. I am a veterinary inspector by default and there are 2 appointed veterinary inspectors, which are our deputies. Then you have the role of inspector that may not be veterinary that also is appointed. At the moment the only people that are, are the technical officers that work with us that have been trained and have a lot of experience. At the moment for inspector and veterinary inspectors, that is what happens at the moment. Of course the police have a lot of powers in their different pieces of legislation that are directly applicable to the Welfare Law. On the draft law they cannot in terms of inspectors in certain circumstances but they could do that anyway. According to current police legislation there is not a massive change on terms of inspectors. The Minister has the ability to then appoint a person as an inspector but obviously the person has to be competent and able to deliver. There has been a lot of discussions before of how far they can

The Minister for the Environment:

I think in some instances, especially with the straying, it is important to say that the powers would be delegated to, for example, Honorary Police Officers, as well as police officers, to instruct owners of animals that they should be doing something with animals that have strayed away from the fields or enclosures.

Chief Veterinary Officer, States Vet Office:

Yes, I think it is fair to say it is not necessarily delegated, this is shared. We still have the power to act as inspector, we are not delegating that to anyone else.

Deputy H.L. Jeune:

They do not have to be employed within the States Vet Office or could it be anybody who ...

Chief Veterinary Officer, States Vet Office:

To be appointed as inspector?

Deputy H.L. Jeune:

Yes.

Chief Veterinary Officer, States Vet Office:

It can be anybody that the Minister sees fit but they would have to comply with ...

Deputy H.L. Jeune:

Yes.

Chief Veterinary Officer, States Vet Office:

For a veterinary inspector it always has to be a registered vet obviously.

Assistant Minister for the Environment:

To be a fit and proper ...

Chief Veterinary Officer, States Vet Office:

Then for an inspector it would have to be someone that would be able to take the task on; it cannot be anyone.

Deputy H.L. Jeune:

Because in Article 21 that is saying about appointing the veterinary inspectors, it does not say about the criteria and qualifications but you are saying that there is. Is it in another place? Where does it sit with those requirements; it does not sit in primary legislation? Does it sit outside ...

Chief Veterinary Officer, States Vet Office:

No, I do not think it sits in any legislation but it is common knowledge. You cannot appoint someone that is unable to provide the services; I think that is logical. But we would be happy to have an internal document that would set the criteria if that is something that is important.

Deputy H.L. Jeune:

Thank you. Connétable, over to you.

The Connétable of St. Mary:

Right, moving on to part 4 of the principles, straying livestock, which is quite a small part but is generating quite a bit of concern. Continuing with the theme of overview, could you please set out why this new part was considered necessary and the issues it is intended to address?

The Minister for the Environment:

There has been a lot of discussion about the straying parts of this proposed legislation, Constable, quite rightly. People are, I think, concerned ... not rightly, but they are concerned that if the animal escapes from the field and the quality of the fencing is not up to scratch, that they might be committing an offence. I have tried very hard to say this absolutely is not the case. The offence will be committed if the animals that have strayed out of the field for whatever reason, if those animals are in the road and an inspector officer turns up and instructs the owner or keeper of those animals to do something, the offence is not taking that advice on board and acting. Refusing to act with animals that have escaped is the offence. I do not know if you want to go on about that a little bit

more, Susana. But it is important to stress we are not here trying to criminalise somebody whose fencing in a field might not be quite up to scratch; that is not the issue here at all. It is when the animals escape and we are trying to, for their own welfare, get them back into an enclosure, back into a field, into a shed, into a yard. If the owner fails to take action after he has been instructed to, that is the offence.

Chief Veterinary Officer, States Vet Office:

Yes. It is not about the action, the way I think about it is about the reaction. Our people deal with incidents, the offence may be committed if the owner or responsible person then does not secure the animals after they escaped or if it is a repeated offence on the same place, the same person. We had a lot of concerns brought to us before about pigs going on the main roads, cattle on the main roads. What we are trying to do is trying to avoid animals being injured. It is also part of the way to protect an animal. The owner or responsible person is responsible for their safekeeping, in a way, and they have to be kept in an environment that is suitable and away from stress and initial disease or injury; that is one way to try and prevent that. The idea again is trying to be preventative and not to be reactive and prevent. If the law is there that stipulates that to prevent incidents from happening in the future; that is the rationale behind it.

The Minister for the Environment:

Yes. The keepers should be immediately looking to take steps to get these animals back into somewhere where they are not a danger to either themselves or to the public.

Deputy D.J. Warr:

I just want to say one thing, traditionally apparently it has been a civil responsibility and this is taking it to a criminal responsibility. What is your commentary on that?

The Minister for the Environment:

We are passing a law here about animal welfare and we are doing our best to look after the welfare of animals. If the keeper is not taking the sensible necessary steps to secure the welfare of those animals by getting them off the road or getting them away from danger, I do not see any reason why it should not be upgraded a bit certainly. But I do not know if we are going to get to talk about fines and levels of fines. What we are trying to do with this law is to demonstrate that we are taking the subject seriously.

Group Director, Natural Environment:

Historically, the ability to remove straying animals from the road, for example, would have been the responsibility of the Constables under a separate piece of legislation, which was really destined for

the protection of public health. As the Minister says, it is much more about encompassing the animals' welfare into statute, as opposed to something which was difficult to police historically I think.

Assistant Minister for the Environment:

It is an interesting point because experience dictates that some incidents have occurred whereby a horse has sat on a car. I know there have been questions subsequent to that over who pays the insurance side of things. I think a bit of sharpening up in the light of this to put the onus on the owner being responsible for animals it has got to be the right way, at the same time as ensuring the safety of the animals of course.

The Connétable of St. Mary:

Yes. Before I hand over to colleagues on this, I do have a separate question on this later, but as we are dealing with this item can I just ask one particular question? As has been noted, we have had a significant amount of concern and misunderstanding that suggests that part 4 itself creates a new offence simply for livestock straying. You already mentioned it but, to be clear, for the public record, Minister, can you confirm that part 4 does not create an offence for livestock straying itself but only for failing to comply with the requirements to remove or secure the animals once notified?

The Minister for the Environment:

Absolutely. We are not creating an offence for the straying of livestock. The offence is when the livestock have strayed and the registered keeper does not take immediate action, especially under the direction of an inspector or officer, when they do not take action to try to secure those animals into a safe area, that is the offence.

The Connétable of St. Mary:

Minister, thanks.

Group Director, Natural Environment:

I would hope that the text of Article 15 would deal with that insofar as it stipulates that: "Commits an offence if livestock strays into a public place and that person fails to co-operate with an inspector to remove it." Then there is an: "Or fails to take all reasonable steps." I think the detail is in the "and" and the "or", as opposed to the straying itself.

The Connétable of St. Mary:

I accept that. It is public and a qualified statement, which is helpful.

The Minister for the Environment:

Yes. No, I appreciate that. No, I cannot reiterate it enough. We are not trying to create an offence for animals straying out of fields full stop.

The Connétable of St. Mary:

Sorry, Deputy Curtis, you have a question.

Deputy A.F. Curtis:

No, I just wanted to check. One person mentioned to me that it was interesting that if the target, the policy objective, is to protect animals who could be injured on roads, why does this stop at livestock and does not address cats on roads, for example, if the policy objective is that of safety of animals?

Chief Veterinary Officer, States Vet Office:

I think it is ...

The Minister for the Environment:

While the vet thinks of the official answer, let us talk about the distinction between cats and dogs and obviously, as we know, many cats get put out at night. The cats have very much more a mind of their own, they free-range, they tend to not constrain themselves to the garden of their owners. I take your view on board but at the same time this is one of the important things about microchipping, and we have had many debates in the Assembly over straying cats and the necessity for car owners to stop and report where they have had an accident with a cat, and obviously we want to do the best we can for cats. At the end of the day, unfortunately, controlling them in the middle of the night when they are out doing whatever they do is an issue. Of course they are not confined to areas of gardens generally, like animals, horses, pigs, cattle, even dogs. But cats have the ability to jump, escape, leave, do whatever and come back in the morning.

Deputy A.F. Curtis:

I believe there are jurisdictions that do restrict owners to make sure that cats do not roam free and I think it is ...

Chief Veterinary Officer, States Vet Office:

That would be interesting to enforce.

Deputy A.F. Curtis:

My question is, how have you come to the decision that this is the right level as to which animals that exist in Jersey in a semi-domesticated or farmed way apply to this, their welfare on roads and you have stopped at livestock basically?

The Minister for the Environment:

If you were going to compare cats you would have to say, okay, so the cat has for some reason left the property of the owner of the cat. It is walking around, is there a danger to the cat? Is there a danger to the public? Is it going to cause a road traffic accident? Is it affecting all sorts of other things? In most cases the cat is not; the cat is looking after itself and not getting in the way. But I do not know, I suspect we would get into great difficulty if we start to try to legislate for cats.

Chief Veterinary Officer, States Vet Office:

The majority of concerns that have been previously brought to us regarding straying animals was regarding livestock; that is the concerns that have been brought to us previously regarding mainly pigs, horses and cattle and sheep. That is in response a bit to what our reality is.

[10:30]

Assistant Minister for the Environment:

In reality, the legislation that we passed regarding cats recently covers it off the best way we can in terms of reporting. I do not think we can do much more.

The Minister for the Environment:

We also have the ability to identify pretty much every animal now. All livestock will be ear-tagged, all cats and dogs will be microchipped. While it may be a little bit complicated, we do have the ability to definitively work out who owns the said animal.

The Connétable of St. Mary:

I know we should not stray from our question plan but Deputy Curtis has raised an interesting point. Livestock has a definition here, it does not include something like poultry. There are hens, for instance, or other poultry wandering around; is that going to be addressed in some form?

The Minister for the Environment:

I would have thought poultry would have been included under a livestock definition. But it is certainly one of those types of animals which go from ...

The Connétable of St. Mary:

“Cattle, goats, horses, pigs, sheep and any other animal that the Minister may by order prescribe.”

The Minister for the Environment:

We know people who keep one or 2 chickens in their back garden and we know egg producers who have 8,000 to 10,000 hens on their property and any number in between the 2. It is one of those breeds that is domestic and commercial and combinations of.

The Connétable of St. Mary:

That raises a point, okay.

Deputy H.L. Jeune:

Yes, I think we can move on maybe but it is an interesting point, especially because it says by order could prescribe. Potentially, the Minister could expand that list.

The Connétable of St. Mary:

As regards consultation, can you indicate whether livestock keepers were consulted and which ones or which organisations?

The Minister for the Environment:

Certainly when it comes to livestock, the important breeds, the 2 breeds which are most prolific on the Island of course would be the cattle, and we have consulted with the R.J.A. and we certainly have consulted with many members of the equine community. We have consulted with vets. I think we have probably covered it, although, as we already discussed, there will be some that will say: "We did not know anything about it." I am satisfied that we consulted with the important bodies when it comes to horses and cattle.

Group Director, Natural Environment:

Indeed cats, not just ...

Chief Veterinary Officer, States Vet Office:

Yes, and indeed cats, yes; and dogs and other animals. I think it is important to say when we consulted, the consultation letter did say: "Disseminate as you see fit as well." There was opportunity for discussion and the intention was never to make it closed and to make it as open as possible.

The Connétable of St. Mary:

Deputy Warr raised a general point about consultation earlier and the concerns and complaints there was not ...

The Minister for the Environment:

Yes. I am not going to say that we could not have done this differently or maybe we could have done it better. But in many instances, like we would consult directly with the R.J.A. and we would

expect them to be communicating via their membership with all their members which would cover. But we have not consulted with each individual dairy farm but we would hope that the word gets out from the registration bodies to those animal keepers.

Group Director, Natural Environment:

We do get composite responses from some of those encompassing organisations, the J.F.U. (Jersey Farmers Union) in particular.

The Connétable of St. Mary:

Going to the securing of livestock, what will constitute all reasonable steps to secure livestock and how will keepers be informed that what is expected to avoid arbitrary or inconsistent application? Is there going to be guidance or ...

The Minister for the Environment:

I would hope there would be guidance, so the vet will tell us. But clearly we can have all sorts of different variations of fencing to keep cattle or horses in fields. But I do not know, what do we mean?

Chief Veterinary Officer, States Vet Office:

The idea behind this to avoid animals from straying, so it will be anything that can be done or should be done to avoid animals from escaping the field. There does not necessarily need to be fencing. In our days animals are kept within boundaries in many different ways, it would be whatever is proportional to that specific case. We could issue guidance but I think you get to the realms of being difficult because each case is a case, is it not? Each animal is an animal and then be kept in separate ways. Sometimes animals escape for a reason. Is it because they do not have sufficient or enough suitable food or water, as an example? Sometimes there is a connection with further ... okay, it requires more than a simple: "Yes, you have to put your fence up." I do not think it is as simple as that. I think each case should be seen as a case and what is appropriate for that particular animal? Those fields in the proximity with the road and with the risk of escaping.

Group Director, Natural Environment:

We would expect our veterinary inspectors or inspectors or staff and anyone acting on our behalf to be pragmatically minded and to take each situation on its own merits, or certainly one that has got a model of having dealt with it before.

The Minister for the Environment:

Clearly a herd of cows in a field may be properly fenced but if a tree falls on the fence or if the animals are worried or chased or for some reason get agitated, it is not impossible that fences get

pushed over, especially where animals congregate in a corner or against a particular area. There are a number of ways that animals can escape.

Chief Veterinary Officer, States Vet Office:

Yes. I think the other important thing is the idea is not to punish when there is an incident ... an accident or an incident necessarily. It is the repeated offence and the non-responding to what is required to be done.

The Connétable of St. Mary:

Yes. Before I go on to the next question, as you explained, allowing an animal to stray is not itself an offence, what about repeat offenders? Therefore, how is that going to be enforced?

Group Director, Natural Environment:

But who having taken all reasonable measures.

The Minister for the Environment:

Yes.

Chief Veterinary Officer, States Vet Office:

I think it is true that what we said before, the animals escape, the officer or the inspector asks the person responsible to move the animals away and secure them on an area away from the public road. If the person does not do it or next day they escape again and again and again, it is clearly a pattern of repetition; that that is what we are trying to also consider.

The Minister for the Environment:

Of course the subtle difference will be now if an owner is contacted and fails to immediately do something about it, he is committing an offence or they are committing an offence. I think that is an important distinction. The registered keeper or person responsible will not be able to pick the phone up and say: "Yes, okay, thank you very much. I am just going to finish my supper and then once I have had a wash and a bath I will come out and see where the animals are." They will have to act immediately and, hopefully, that will induce them to hopefully think about making sure that their fencing is in a situation where it is better.

Assistant Minister for the Environment:

I think just to expand on that a little bit, of course the consequence is not always practically achievable in that there is no requirement for livestock owners to register their interest, particularly with the police who have to deal with it. The police may get a call to say there is a horse on the road. Whose horse is it? It is only really by local knowledge we get to the point where we know

who the owner is and we can call them. Then you get to the point where the owner is called: "I am in Scotland" they will say, had this before and then ...

The Connétable of St. Mary:

Thank you. Leading in to my next question, which is under Article 16: "Police officers and inspectors are given powers to remove animals to a safe place." Were the States of Jersey Police and the Honorary consulted on this practice and implications of giving these powers to remove animals to a safe place? Was there much consultation with the police ...

The Minister for the Environment:

The vet will have to say. Certainly we consulted with the Chief of Police and I am not sure ...

Chief Veterinary Officer, States Vet Office:

We consulted with the States of Jersey Police and we consulted with the committee, and there were no direct concerns regarding that paragraph made to us by any of those.

The Connétable of St. Mary:

The safe place referred to, how is that ...

The Minister for the Environment:

I would imagine that the officer would turn up and in consultation with the keeper.

Chief Veterinary Officer, States Vet Office:

Take it from the middle of the road and put it wherever is the closest place ...

The Minister for the Environment:

We will have a discussion with them and say: "Where do you want to take these? You have got to remove these animals from the road, what and where is the best place for you to do them?" Between them they will come up with an answer. But clearly it needs to be off the road, into a field, into a yard, into an enclosure, into a shed but away from a place where the animals could put themselves in harm.

Group Director, Natural Environment:

It is fair to say there is a network of correspondence around these issues, and I am thinking of particularly staff in our own department, a woman who when asked: "Where would I put a straying horse or a straying couple of cows?"

Chief Veterinary Officer, States Vet Office:

There is always a solution.

Group Director, Natural Environment:

Close to the area where they had been found they would have an immediate solution and there would be a phone call made.

The Connétable of St. Mary:

Again, about the general point because this is obligation on the enforcement officers, are they going to be given special training or guidance?

Chief Veterinary Officer, States Vet Office:

It is not an obligation, it is if they may.

The Connétable of St. Mary:

Sorry?

Chief Veterinary Officer, States Vet Office:

The owner is the one that should take the animal off, that happens if the owner does not take it. That is the intention of the ...

Deputy H.L. Jeune:

It is they may remove.

The Connétable of St. Mary:

Is that the police?

Chief Veterinary Officer, States Vet Office:

They may remove and obviously if the owner is there, the owner will remove it for whatever safe place it is. If the owner refuses to move it, then the officer will have it, which is logical I have to admit.

The Connétable of St. Mary:

Yes, the police have the obligation to remove it if the owners are not co-operative, that is what I am getting at.

Chief Veterinary Officer, States Vet Office:

May, no; it may remove. If the police decides to leave it there to be injured, then we can have another discussion about that. But I think it is logical, the right thing to do I would say, but open to a discussion.

The Connétable of St. Mary:

Okay, I will leave that there for the moment, yes.

Group Director, Natural Environment:

The likelihood is if they do not know where themselves to take that beast, then they would be in contact with somebody who will, be that one of our officers or not and it will be moved.

Deputy H.L. Jeune:

There seems to be no, under the draft law, provisions for appeals or review mechanisms or anything related to this if their keeper is in disagreement with, essentially, the straying or the repeated straying. Is there a mechanism that would be in place, I suppose, before it ends up into the offences regime and then penalties? Is there a way that that dialogue could happen because it is not ...

The Minister for the Environment:

I am not sure but I imagine that the appeal process would have to come after the owner had been found guilty of not taking all reasonable steps to immediately secure the livestock and following a guilty decision the owner would then appeal. But one would ...

Chief Veterinary Officer, States Vet Office:

I do not know what else will there be to appeal, that we remove the animal to a ...

The Minister for the Environment:

I guess they would be found guilty of not acting immediately to secure the animals at some point after and they would appeal that decision if they were found guilty. But I mean in this instance surely what we are trying to do is to get the animals to a safe place as quickly as we can. If the owner is present and refuses to make immediate steps, it would then be for the police to ...

Chief Veterinary Officer, States Vet Office:

There is general appeal provisions on Article 28 post-conviction anyway. If that is what you are talking about they will fall in within that Article 28, powers of court on conviction.

The Connétable of St. Mary:

Yes, thank you. Sorry, jumping a few questions in view of the time, given the cross-referencing to raise aspects of the law, was any consideration given to drafting part 2 alongside provisions on

livestock worrying, as contained in the Dogs Law? Is it all livestock related, risks were regulated within a single coherent framework?

The Minister for the Environment:

Clearly, Constable, there has been a lot of discussion about the interaction between these 2 laws. But it has been quite clear to me that this is an Animal Welfare Law where we are passing legislation to look after the welfare of animals, whereas the Dogs Law very much is about protecting you, protecting members of the public from dangerous dogs and things like that. But I absolutely appreciate there is a grey area, if you like, if a dog is out of control in an enclosure. Let us think of one example about the cliff paths where there might be sheep grazing. Where does the offence of allowing your dog to worry animals here, and over here we have got the Animal Welfare Law where we may not be ... we are trying to look after the welfare of the sheep and if the dog is worrying them, then, yes, that is a welfare issue as well. But I am not sure that we can have legislation in both. I do not know is the answer, but I do not know if we can have the similar legislation in 2 very different laws. One obviously is the jurisdiction of the Constables, one is very much in our jurisdiction. But I would have hoped that regardless of whether we have got a law in the Dogs Law or a law in the Welfare Law that the offence would be captured in one those 2 to a sufficient degree that we could have a prosecution. I do not know, Mike, whether you want to comment on that.

Assistant Minister for the Environment:

Just in terms of the Dogs Law 1961, we did make some inquiries over the worrying of livestock element in Article 9. The numbers are just not there. The inquiries were to the Criminal Justice Unit and they reviewed all the worrying-livestock reported crimes over the last 5 years, and there were 17 in all. All had been attacks on chickens, bar 3, which were on sheep 2, and one was on a goat. The numbers are just not there. Maybe it is because people are not reporting it through, that could be the case.

The Minister for the Environment:

The other distinction I would draw, Constable, is the fact that under the Dogs Law, with Constables Law, and obviously inside the municipal system there are Honorary Police Officers who are there and an ability to go out and do something about it to enforce. Under the Animal Welfare Law, I do not have lots of officers in a position to go out and try and enforce dog worrying of sheep on cliffs, and that is also something that we need to take into account when we pass laws.

The Connétable of St. Mary:

Yes, picking up on that last point, for me, again, it is the Honorary Officers that go out to enforce, and maybe there is justification in police regulations on the various things and may need to reflect what is the Animal Welfare Law. What is your view on that?

Group Director, Natural Environment:

Interesting, and the conversation we had very recently with the Comité des Connétables was via their secretary, was around the strengthening of their own legislation to try and give better ability to prevent worrying.

[10:45]

I think that the feeling as they left that meeting was over the very positive thing to be able to do. But it was also felt that the potential was there for future strengthening legislation otherwise. This was a meeting, if you do not mind my referencing, that we had the other day.

Deputy D.J. Warr:

I just want to counter Constable Jackson's commentary here. We have got evidence in the Scrutiny submission which says a farmer says there were repeated dog attacks on his sheep, which were serious enough it could threaten the future of his business. Despite raising this multiple times with the States Vet, he was redirected elsewhere to the Comité des Connétables and the issue was not addressed in the draft law. How would you respond to that?

Assistant Minister for the Environment:

There are not many shepherds in the Island but one has been included in that correspondence. I think while one is fully supportive of the suggestions made and that he is not supported, the evidence is not there, and we need that to go to the Honorary Police of the Parish involved so that it can be taken forward. With sheep particularly, there are fencing issues to be discussed. How can we encourage dog owners to certainly have their dogs on leads in the vicinity of sheep? How do the dog owners know that there are sheep in a particular field? That is the concern at the moment. It might be due to signage. That is a discussion to be had with a particular farmer to see how we can preserve the integrity of his operation and make sure he is looked after and protected, and we are all for that.

Deputy H.L. Jeune:

Maybe there is an extra level because, of course, many times when we are thinking of our cultural land, it is on private property. There is that thinking that potentially you need to be in control of your dog and on the lead in someone else's property but there are some incidences where the livestock is on public land and it passes into the park's legislation which, of course, I know is not necessarily in this situation. We have been looking at that under dog control in this review, and of course there are areas where it says dogs are allowed to go and it does not restrict on the lead. We are trying to work out how when you suddenly have livestock in an area where at the moment the law says you

can go with a dog without any restrictions, where in these different laws does it make it obligatory for people to put their dog on lead because there is livestock on public land?

The Minister for the Environment:

You mentioned policing of parks, and I would imagine that would probably be the area where we would have specific legislation which involves dogs and leads and dogs having to be kept on leads.

Deputy H.L. Jeune:

It does not link with livestock.

The Minister for the Environment:

We do have some challenges on the north coast and some of our coastal paths where, as you say, Chair, it is absolutely not obvious as you enter a particular area that there might be sheep. These areas are ...

Chief Veterinary Officer, States Vet Office:

Vast

The Minister for the Environment:

A lot of vergées. You cannot see the whole area in one go like you would in a field, and I think it is important. The other thing I would say is that if we do find ourselves going down this road, it may be that we have to designate certain parts of north coast different from others because there is lots of the north coast where we do not have sheep. I know the areas involved at Le Mourier are quite big but in the big scheme of things, they are not a huge percentage.

Assistant Minister for the Environment:

Picking up on that, the parks we have at present are designated in different ways. In a part 1 park, a dog is kept on a lead and is kept within the confines. Then we have part 2, part 3, part 4. It may be we have got to review the designations of parks but, of course, with a sheep farmer perhaps moving the animals around into different areas may be something that has got to be looked at so that he understands what is required, and also the dog owners do. If you suddenly introduce sheep in a particular park which allows dogs to roam free, is that fair on the dog owner who will not necessarily know? I think there is perhaps some work to do in terms of communications to the public and I can refer to ...

Deputy H.L. Jeune:

Though many times that person is doing something that the Government has asked because it is public lands to do work. We have to be careful, I think.

Assistant Minister for the Environment:

Yes, we have to think through that.

Group Director, Natural Environment:

Interesting point made there because certainly the grazing on north coast land has come into being later than the advent of the existing Parks Law. Perhaps a modification of the law might be a powerful tool.

Deputy H.L. Jeune:

Or it sits within livestock worrying. It feels there needs to be a little bit in this space.

Group Director, Natural Environment:

Certainly crossover, yes.

The Connétable of St. Mary:

Sorry, can I just finish off before we move on? The Assistant Minister identified the point really; I would not say Scrutiny Panel is ahead of you. We looked at the regulation of parks policing laws and, as you say, amendment there is possible. As you say, Assistant Minister, the communication to the public is all important and signage, and that is something which probably needs to be developed maybe outside the law.

Chief Veterinary Officer, States Vet Office:

Education as well.

Deputy H.L. Jeune:

Of course, if you have signage but without legislation behind it, just because there is a sign there does not mean ... we have that the same with we do not have a trespassing law, but many people put up "private land." Just because there is a sign there does not mean there is law behind it to help the owner in that situation. It is the same with this, and that is what I think we are looking at.

The Minister for the Environment:

Yes, and I think that is a very fair comment. Just to use another analogy, certainly officers in my department are looking really closely at how we can protect our cliff paths. We are getting quite a bit of damage from mountain bikes in some areas. We are looking too where those areas involved public and private land to maybe look at designation of parks and to use the parks legislation to try to find a way to control that better.

Group Director, Natural Environment:

Yes. One of the challenges on the north coast particularly is that we have got a real patchwork of ownership, and it is very difficult to create contiguous behavioural patterns along all of that jigsaw, as it were.

Deputy H.L. Jeune:

Thank you. I think we need to move on to orders.

Deputy A.F. Curtis:

Okay, we are going to talk about orders and specially in the latter half of this section about some of the more substantial order-making powers. To start off, the chair has already asked a couple of questions about orders, but the panel have heard about significant concerns about the breadth and scope that Ministerial Orders form as part of the new draft legislation. You have outlined that there are legitimate reasons for orders in your view, but could you explain why everything that is covered by orders in here should be and whether there were discussions as to what the balance to order-making powers should be versus inclusion in primary legislation?

The Minister for the Environment:

Thank you for the question. It has certainly been a topic which has got us really thinking since the principles debate and just before it because order-making powers are something a lot of people have commented on. We have discussed already why I think it is important to be order-making powered, because we need to move quickly. There is such a multitude of different subjects which could get covered and we would find ourselves in the Assembly all the time. What I am trying to do in order to solve the problem looking forward is to come up with a set of words which would allow order-making powers to remain as they are proposed, but with a necessity to inform or maybe even stronger consult Scrutiny and/or any other body specified in the primary legislation so that the challenges that we might have with the order-making powers are brought down a couple of notches. We get the speed of being able to move with orders while we also have the need to inform Scrutiny Panel and/or others about those orders before they come into place.

Deputy A.F. Curtis:

I am trying to find every copy of where an order exists in here, and there are quite a lot. I am not sure if the new draft law includes any regulation-making powers. Everything that is subordinate seems to be an order-making power. To what extent were any powers under the law for subordinate legislation considered for regulation and why was everything moved to order-making?

The Minister for the Environment:

My initial answer before I hand over to the vet would be that we just wanted to be able to do as much as we could in so many different areas as quickly as possible, knowing that there is a lot more to do.

Chief Veterinary Officer, States Vet Office:

It becomes very complicated. We have to leave a lot of different ability to do things: regulations, orders, law. We were trying to make it simple. We were trying to make it constructive and be able to do it step by step to let things grow slowly and make sure that the legislation which we start with then we can slowly expand what seems to be required to be done. When we discussed, the idea was to have a law at the top which stipulated the basics and then have a bunch of orders underneath that would be very specific in tying more detail to each of the things that we were trying to regulate underneath the order. That is the intention behind it and the intention is to be able to be more detailed, easier to change if it is needed for one way or the other and to maintain it relevant and proportional. That is why we went for the model we looked at.

Deputy A.F. Curtis:

I will ask in just a minute about the future proposed orders because the report details 6 future proposed orders that are coming forward. I just want to get more into the point that you are saying that it is useful to have orders for speed and that you did not want complexity. Would you not consider that the powers to create subordinate legislation through regulations or orders exists because of, let us say, the weight of legislation you are trying to move? If you are trying to change the size of a tag for microchipping, that seems a fairly technical piece, or I know officers in regulation do not like, maybe, regulation powers for fees because it requires the States to debate every year a fee, but there are elements of this which are fairly substantive. Was no consider given to moving some of these, like setting up licensing schemes, to regulations?

Chief Veterinary Officer, States Vet Office:

We certainly considered it but, as I said before, this seemed to be the most logical way to do it and, again, the majority of the licensing we consider is already in place. The current law already gives us some powers to do some stuff by order. When we were drawing this, it seemed to be the most logical and pragmatic way to do it. Again, we are open to criticism. Regulations make it really complex and difficult to achieve and, as you say, a lot of it is very technical so we would have to do it in a bunch of different parts. The regulation gives you certain powers and then schedules could be done ... it would be much more complex, but I accept the criticism. This is what we thought was the model that made most sense.

The Minister for the Environment:

Are there particular areas on the list, Deputy, that you would consider more regulation rather than order bound?

Deputy A.F. Curtis:

I will get on to them. I will shuffle where I am going, which is I have got questions around, in particular, Article 18, which is a grant of licences. The law peppers in order-making powers throughout it under individual Articles but there is a separate Article for the creation of licensing schemes. What we are particularly interested in is understanding why such a broad-making legislation exists under orders for Article 18, in particular? I will shuffle where I am going on this one but that is a very key part of legislation.

The Minister for the Environment:

I am trying to think of an example but certainly we know in the last 10, particularly 5, years the amount of dogs on the Island has increased 20-plus per cent, and it has done for quite some time. Because of that we have a lot more dog businesses looking after dogs during the day, whether that is just taking dogs for a walk or taking responsibility for the dogs for the whole day. There is an example where we will need to maybe in the future pass rules and regulations about dog walkers: how many dogs may they walk at one point, where they are and how they are doing it. There are many instances with animal businesses because there are a number of different animal businesses on the Island. Any business that involves animals and takes money for that probably needs to be licensed in some way shape or form, and some of them we may not have thought of yet.

Deputy A.F. Curtis:

I guess the question is you have identified one, you are seeing a route, and you are seeing a policy that could well be debated. It does not sound like licensing dog walkers is a fast, quick-change thing you would want to do without consultation and that you need to execute quickly. It sounds methodical and you want it well drafted. Again, why does that need to be an order-making power not a regulation? You have got no way to have ...

The Minister for the Environment:

I suppose you could put the generalisation part of that in a regulation, but would you want to come back to the States Assembly to say: "We want to change the rules, though, because we would like dog walkers to be able to take 5 dogs instead 4 dogs"?

Deputy A.F. Curtis:

I would expect - just to understand how this works in practice - what we would see from other legislation is the legislation would create a licensing scheme. That licensing scheme would have order-making powers. I am trying to think of other legislation under your belt, Minister. I am thinking

rented dwelling licensing. The licensing is a regulation, I believe, however the order-making powers below that allow you to tailor that regulation to be future fit.

The Minister for the Environment:

Okay, so I hear what you are saying. You want the licensing of animal businesses to be a regulation and then it would allow for the licensing under orders.

Deputy A.F. Curtis:

What I want is understanding how you have ...

[11:00]

The Minister for the Environment:

It is a subtle difference but if you think that is important ...

Deputy A.F. Curtis:

Yes, it is trying to understand ...

The Minister for the Environment:

... I think we could go away and think about that.

Chief Veterinary Officer, States Vet Office:

We could go away but certainly that is not going to be done before March, I do not think, if that is what we are thinking. Again, the idea is ... yes, you are correct, the licensing of that business may not necessarily be quick but, for example, then if you were looking at other businesses that you potentially could ... if there is intelligence to believe that other businesses need to be licensed, for example the horses. We were looking at licensing establishments that rent or lease horses as a starting point but, for example, there is another business that potentially could look at licensing, for example, livery yards. The idea behind the order-making was that you would do it slowly, and slowly let the order embed, especially in this as it has not been very much regulated. Do it slowly and be able to grow it slowly. That is the logic behind it. Your argument is valid, but this is what we thought with the model made more sense.

Deputy H.L. Jeune:

I think maybe to highlight the point that Deputy Curtis was talking about, about the licensing under the rented dwelling, it is because it is related to businesses and this, of course, we are talking about businesses here when we are talking about that licensing. Where we are interested in understanding that is because other areas that we are seeing adding more licences to business, it has taken a

different way of doing that. It is starting with regulation and then the details can then be changed in the order depending on how the licence progresses, like you were saying the steps, and we are just trying to understand why this way was chosen, especially because it is impacting small businesses.

The Minister for the Environment:

Yes, and I always share your view, Chair, about one must always look for potentially what one might describe as the worst-case scenario when you give the Minister of the day power by order to do a whole range of things. You have to think about the worst option rather than the best option. You may well be right. I am not a law drafter. I do not know how simply we could add something into the proposals which would allow us to develop the orders later but put the principles there. The vet seems to think it might take some time. It depends how simple you want to make the regulation.

Deputy A.F. Curtis:

Could we tease out what scope of power this truly gives the Minister of the day? The future order-making powers include one for licensing livestock which currently is not a thing that has to happen. Livestock keepers, I think, of almost every type of animal must register in various forms, the holding, the number of animals, the movement, so there is a lot of data captured already. Would licensing provide the Minister the scheme to charge fees for a licence that does not exist under legislation now? Could the Minister, by order, create a licence for livestock and then dictate to industry or to individuals? As the chair said, it is businesses. It is not just the quantum of fee and all of this bypassing whether the Assembly think it is appropriate, not just to licence, but whether it is appropriate to levy fees. Is that within the scope at the moment?

Chief Veterinary Officer, States Vet Office:

In theory, yes, but again, we would not ... if you want someone to comply with the legislation, you would not necessarily logically put fees at the starting point because you want people to comply. It is, but that is not the intention. It is possible but that is certainly not the intention.

Deputy A.F. Curtis:

Could this extend to licensing poultry, somebody who holds geese, fowls, chickens? Could you create a licence scheme under this order for that?

Chief Veterinary Officer, States Vet Office:

In theory, yes, but that is not on the cards.

Deputy A.F. Curtis:

Owning cats. Could you licence cat ownership? What I am trying to understand is this is a very wide order-making power that says you can grant a licence for any licensing scheme you desire and I presume it applies to any animal defined under this law

Chief Veterinary Officer, States Vet Office:

It also usually relates to businesses. It is traditionally related to a business that you have the ability to licence. The intention is certainly not that.

Deputy A.F. Curtis:

A keeper of livestock under the future proposed Order 6 requires livestock keepers ... this will not apply to personal owners of animals for their own enjoyment.

The Minister for the Environment:

No, specifically licensing of animal businesses. The important word is business.

Deputy A.F. Curtis:

You could have 3 pigs, have them taken to the abattoir, have your own personal meat but you would not be subject to this legislation under your personal plans.

The Minister for the Environment:

You would not be classed as an animal business if you were taking your own animals to the abattoir for your own consumption.

Deputy A.F. Curtis:

The challenge that Scrutiny has with this future proposed order is ...

The Minister for the Environment:

I have to say, Deputy, I am not unsympathetic to your views. You have put them in such a way, and it does ... there have been some highlights.

Deputy A.F. Curtis:

We have no orders in front of us to know what this really looks like.

The Minister for the Environment:

Yes, okay.

Deputy A.F. Curtis:

I just want to leave with you that I think this has highlighted that there is an incredibly broad scope. My reading, and I think we would appreciate clarification perhaps in wording, is the power under part 5, Article 18 does not specify a licensing system shall be for a business. It says: "... for any activity that requires a licence."

The Minister for the Environment:

I thought there was ...

Chief Veterinary Officer, States Vet Office:

I need to look.

Deputy A.F. Curtis:

We would appreciate clarification on that in writing.

The Minister for the Environment:

It is remiss of me, I do not have the draft with me but I thought it was an Article to businesses.

Chief Veterinary Officer, States Vet Office:

I do, but I cannot find it.

Group Director, Natural Environment:

No, it is fine. I am looking for it myself.

The Minister for the Environment:

Can we search the word "businesses"?

Chief Veterinary Officer, States Vet Office:

Just give me a second.

Deputy D.J. Warr:

It is page 25.

Deputy A.F. Curtis:

If we can get that in writing? We have got a lot of questions to get through ...

Chief Veterinary Officer, States Vet Office:

Yes, that is fine.

Deputy A.F. Curtis:

... but I think this is an area we will certainly be asking some more written questions on. Turning back to the future proposed orders, is this the full extent of future proposed orders that you and your department know of that need happening now or are there other ones that exist beyond this list?

The Minister for the Environment:

I think we are going to get into the realms of known unknowns here. Certainly the ones that we have listed, animal businesses, harmful practices, best procedures, imports/exports and identification are the ones that immediately came to mind and would be the ones that we would look to move on first, but I do not think that is an exhaustive list by any stretch and it may be that there is a whole range of other things. I think the answer to your question is it is not defined just by those 5 that I have mentioned there. There will be others, I am sure, that we would want to do.

Chief Veterinary Officer, States Vet Office:

Those are certainly the ones that are priorities coming next, but sometimes we are forced to change.

Deputy A.F. Curtis:

Another element of licensing is we noticed that there was an element of licensing in primarily legislation in the 2004 law. It is all now subordinate legislation, including defining the process that any licence will have for appeal. How are you ensuring that appeals processes within subordinate legislation are consistent across perhaps multiple orders that are made?

The Minister for the Environment:

That is a good question.

Chief Veterinary Officer, States Vet Office:

You do it in a way ... if you are looking at all the orders, you will have a consistent appeal system. That will be the same or very similar in the orders you are creating, and you align the appeal with the primary legislation.

Deputy A.F. Curtis:

I have got some questions about different numbers for appeal times in primary legislation, but we will touch on appeals later. I think that is a lot on licensing and orders, but we will probably move on from there.

Deputy D.J. Warr:

Enforcement powers are going into here. The panel understands that the draft law confers wider powers than those available under the 2004 law, Minister. Could you provide an overview of these new powers and explain the rationale for why this widening is necessary?

The Minister for the Environment:

Thank you, Deputy. I think in very general terms the current law has been quite frustrating at times where officers have known that maybe, for example, dogs in flats or dogs on balconies in high-rise buildings or animals in fields without food and water, a number of examples where officers have felt they would have liked to have acted but did not have the *vires* to do so. Right at the outset I said one of the most important things for me in this is enhancing powers for welfare officers to intervene swiftly where animals are at risk. I am sure the vet is going to give us more examples, but this is really important. This is one of my personal bits of this legislation. I think the ability for officers to intervene at a much earlier stage is vital.

Chief Veterinary Officer, States Vet Office:

Our powers were really limited with the 2004 legislation, including very, very, very, very, very limited powers of entry and very limited powers of taking action before suffering has occurred. I think we all have to agree that actioning anything after an animal has been inflicted with suffering makes no sense. You want to be there before and be able to prevent suffering and be able to intervene only if there is a true belief that that suffering is happening or if there is evidence that the potential for suffering will happen. That is when we want to intervene, not at a later stage. If we have to seize an animal because it has suffered, it is already too late and it defeats the purpose of what we are trying to achieve. We had very limited powers of entry and quite limited powers of enforcement if the suffering has not yet occurred, which I think in the future that is not how we want to be and that is not very proactive.

Deputy D.J. Warr:

Okay. One of the criticisms has been overreach of the law: "It goes too far." You sound like you are countering that. You are saying: "The current law just does not go far enough."

Chief Veterinary Officer, States Vet Office:

Yes.

Deputy D.J. Warr:

The other issue is around clarity of where the division of power lies, which agencies are involved, crossover powers between Constables, between all different ... and who enforces the law.

The Minister for the Environment:

An animal welfare inspector would be the one who would have powers of entry but are those powers then conferred on to ...

Chief Veterinary Officer, States Vet Office:

No. You have inspectors and you have veterinary inspectors and then you have everyone else that can enforce, like police. I think it says that if it is a veterinary decision therefore it has to be a veterinary inspector to do so. The powers of entry of an inspector are under the law, and there are some powers then that can be done by other enforcement bodies, police. For example, one of the examples we were trying to achieve is the overheating dog in a car. The police would be able to crack the window and take the dog off. Then if the person wants to complain about the window, we can have that discussion later. That type of power would be applicable to the police but the one that is very specific for veterinary activities will not be. There is an Article, I cannot remember by heart, under the enforcement articles, I think ... it may not be under 22. I will come back to you in a second. Just let me ... or I can come back by writing, if you want. There is a sentence that clarifies that, but I cannot just find it.

Deputy D.J. Warr:

Okay. No problem. I will move on to a different question here. The panel received a written submission from the States of Jersey Police indicating that officers will require clear training and practical guidance to exercise the new powers safely, proportionately and consistently. Minister, are you aware of these concerns and what training or guidance is being developed to support officers ahead of implementation?

The Minister for the Environment:

Yes, I am aware of those concerns, but I would say that the concerns were not highlighted to me at any early stage. Have they come via the dog's law work that we were doing, Mike?

Assistant Minister for the Environment:

I think they have. Yes, indeed.

The Minister for the Environment:

We were talking about dangerous dogs and then, quite rightly, certain people were saying: "If we are responsible for turning up to an incident and trying to control or contain a dangerous dog, we need to be told how the best way to do that." I do not know if you ...

Assistant Minister for the Environment:

I think really following on from the dangerous dog's legislation, which we discussed earlier, and in discussion with the police, it was decided that they have this arrangement with a south coast

provider, if you like, of dog accommodation, if needed. That, of course, has not really been needed to date and it was felt that we would investigate the local provider, which is in the process of being done at the moment, certainly for dogs. When it comes to other animals, that will not be the case. What I have gleaned from the States of Jersey Police, they are very concerned about resource and having any resource to be able to deal with a particular situation. Once again, there is not evidence of cases having come to light. The one case where a dog was taken in and sent to the U.K. was, in fact, returned swiftly and went straight back to the owner without any charges whatsoever. That may lead to a need for training, and I would not disagree with that.

Deputy D.J. Warr:

Okay.

Chief Veterinary Officer, States Vet Office:

I think the other thing to add to what you say is that we have been out with police in situations and we will continue to go out with the police at their request. That door has never been closed, so if there is any requirement where they believe they need our expertise to do anything, we are 24/7. We have never refused to go with the police anywhere and we will never do.

Deputy D.J. Warr:

Okay.

Group Director, Natural Environment:

We are quite keen on sharing the training opportunities with external players outside of Government if we can.

Chief Veterinary Officer, States Vet Office:

If that is a requirement, but I have to say that that requirement has not been brought to me directly.

Deputy D.J. Warr:

I am going to skip through just a couple of questions here because of time. Within the same submission the States of Jersey Police have stated that they anticipate an unprecedented demand for front line resource - you talked about resources just now - in part to this law arriving alongside other law changes. What assurance have you been given that the police will be ready on enforcement day to implement the law?

[11:15]

Chief Veterinary Officer, States Vet Office:

I think we are getting a bit over the top here. The law says that police officers may act in some of these circumstances, and I can explain that in writing. Currently, the police already enforce some of the welfare legislation when it is more abrupt, when it is as serious as someone beating up a dog, that usually goes to the police. They have not expressed any concerns specifically about that. This law does not give any more requirements of the police than the current law does at the moment, not the way I see it.

Deputy D.J. Warr:

I think you have sort of drilled into the police enough for the moment. Okay. I think we will ...

Chief Veterinary Officer, States Vet Office:

I think this is probably trying to look at police resourcing and not necessarily this law.

Deputy D.J. Warr:

Yes. That is what I sense there. So, offences and penalties. Minister, please can you set out the full list of new offences under the Draft Animal Welfare Law? Well, some of them at least.

The Minister for the Environment:

I think that may have to be a response on paper, but obviously ...

Chief Veterinary Officer, States Vet Office:

I can tell you some of it. There will be an offence providing false information in connection with the licence. Offence of obstruction. There will be an offence to cause unnecessary suffering. There is an offence of carrying out a prohibited procedure, for example, a mutilation. An offence of carrying out a restricted procedure without a licence. Offence related to abandonment or neglect of animals. Offence related to transfer of animals by way of sale or price. There is the offence on the strain that I think we have probably discussed to exhaustion. Offence of obstruction. That is probably the majority of it, broadly speaking. I may have missed some, but I am happy to provide you with that in writing.

The Minister for the Environment:

I might add there has been quite some discussion about the level of fines as well, but I am sure you are going to come to that.

Deputy D.J. Warr:

This is my next question to you. Could you explain the rationale behind why the maximum penalties ...

The Minister for the Environment:

I think the whole idea behind updating this Animal Welfare Law is to show that we are a responsible jurisdiction. In many cases, we look around us to see that the level of fines that we have here currently could be higher. Certainly where animals are abused or many other things that come under the animal welfare legislation, I think it is appropriate that we have appropriate fines.

Deputy D.J. Warr:

So, you think 5 years in prison is reasonable?

The Minister for the Environment:

But the point I would make is, before we go on to discuss it further, that we are setting levels here, but in every instance, the fine imposed is not done by the department or officers in the department. We just present the case. We give the evidence. The case goes to court, and it is the judge, the jurors, whoever is sitting on that, who will decide the level of fine or the penalties, whatever. But I accept some of these penalties seem quite severe. But it is not for us to make that decision.

Assistant Minister for the Environment:

They are maximum fines.

Chief Veterinary Officer, States Vet Office:

They are maximum fines, and that is what I wanted to say. The maximum penalties have been raised. But I also would have to agree that public perception in the way we look at animals, and we look at neglect, and especially if it is those most drastic cases and people causing suffering, it probably is not ridiculous. But again, it is for the court to decide. It only stipulates maximum fines.

Deputy H.L. Jeune:

I was just reflecting the list of offences that you were talking about. Before you had said it has not changed much for the police interaction. But of course, there has been an expansion of what constitutes an offence that will be in this law. So, it was just a case of, I suppose, it is that training of the police in recognising that an offence has been committed under this particular law, so, therefore, to phone yourselves to come or for them to be able to take that forward. It was more of that, is to kind of recognise that there is that training needed to happen.

Chief Veterinary Officer, States Vet Office:

That is fine. We have discussed lots of situations with police, and we are trying to kind of establish a forum where police and other organisations sit together to look at animal welfare and animal-related stuff. That will probably be a good forum for us to discuss how we can go forward. If anything

needs to be required, we will be happy to, as I said before, either provide or join if it is necessary. That is an outcome.

Deputy H.L. Jeune:

You have to recognise that is suffering, because of course, it is all about prevention and being proactive, but you have to recognise those signs, and if you are not trained in that then it is difficult.

Chief Veterinary Officer, States Vet Office:

That is fine. We are happy to go forward with that.

Group Director, Natural Environment:

I think in part 2, in terms of offence against animals, there will be those that are immediately recognisable from a policing perspective, and also those which would be much more attuned to officers that we have being out and about in the public.

The Minister for the Environment:

I was about to say it is a 2-way street, and it may well be that Susana and her veterinary officers are going to the police and saying: "Here we are. This is what we found, and you need to be aware of it."

Chief Veterinary Officer, States Vet Office:

It happens both ways, and that happens now. But, yes, it happens both ways where there are cases we ask for police support and vice versa.

Deputy H.L. Jeune:

Can I ask, so maybe it is a little left field, but it is something that we have looked at as a States Assembly in the Violence Against Women and Girls Taskforce, focusing on animal issues with animal welfare issues usually linked with that, and how do you work with the police on that? How are those flags raised with that link?

The Minister for the Environment:

I think I said this in the Assembly. We have had some training. Officers certainly in the Veterinary Department have had training. I am aware some private practice vets have had training.

Chief Veterinary Officer, States Vet Office:

Yes. So, we did get the Links Group from the U.K. to come in, provide training for both ourselves, police, private vets and other people that are involved with animals. So, there is an established process how that works, that is interactive where the first person to identify, we have support from

a U.K. organisation in helping us, guiding us through for some of that process as well. So, that is there and we have tried it in real life to an extent. But, yes, there is support, and there has been training, and if there is ever the requirement for any future training, we can look at that in the future as well. But that has been done to an extent.

Deputy D.J. Warr:

Thank you. Next question. Article 32 provides that where an offence is committed in respect of more than one animal, the maximum penalty may be calculated as if separate offences are being committed for each animal. Can you confirm whether this means that in the case of a litter of puppies, each puppy would be treated as an individual animal for the purpose of calculating the penalty?

The Minister for the Environment:

Is the word “may” involved in that?

Chief Veterinary Officer, States Vet Office:

I need to doublecheck. Again, we do not calculate the penalty, so I do not think I can comment on the exact wording of what you are asking.

Group Director, Natural Environment:

The Minister is right, the maximum penalty may be imposed in respect of offence, may be determined ...

Chief Veterinary Officer, States Vet Office:

I think it is what we said before that this stipulates in the maximum. The court will decide based on the evidence that we give ourselves, or the people being accused of ...

Deputy D.J. Warr:

But the key word here is “may”.

Deputy A.F. Curtis:

So, the court may then choose to issue 100 offences if one has?

Chief Veterinary Officer, States Vet Office:

But that is the court’s choice.

Deputy A.F. Curtis:

It is the court’s choice, but you are providing them ultimately a scale on which they work.

Chief Veterinary Officer, States Vet Office:

Yes. But if you think about it, each animal is an animal.

Deputy A.F. Curtis:

I understand that, but it is ...

Deputy H.L. Jeune:

It is guided by the law.

Deputy A.F. Curtis:

It is guided by the law. So, if it is level 2, they will determine the severity against that. If it is level 3, they will determine on those. If it is 100 offences at level 3, then we must confirm perhaps that they are.

Chief Veterinary Officer, States Vet Office:

But I think it is not in proportion. If a person beats up one dog or beats up 10 dogs, it is not exactly the same thing. It should probably be dealt with differently. If that is the example we were looking at.

Deputy D.J. Warr:

So, going into forfeiture. The draft law allows the court to order the forfeiture of any vehicle used to commit an animal welfare offence. In a scenario where a driver runs over an animal, could the Minister clarify in what circumstances vehicle forfeiture would be sought?

The Minister for the Environment:

I am going to have to ask the vet about that one because that is not something I have looked at in detail.

Group Director, Natural Environment:

If there is a level of deliberacy that provide that there is evidence linked to the vehicle, for example, then it would be impounded initially and maybe sought thereafter.

Assistant Minister for the Environment:

I think that would have to be linked to the control of the animal by the owner as well. I think most of the instances of animals getting hurt, killed on roads, which we all regret, is because they have strayed onto the roads, and it could apply to cattle, horses as well. So, while there is onus on a driver to take responsibility, there are also situations where an animal will suddenly present itself

around the corner, and I think any magistrate would have to take a balanced view on who is responsible.

Deputy D.J. Warr:

The draft law allows the court, in offences under part 3, to order the forfeiture of any animal of the same kind as the one involved in the offence. Can the Minister explain why forfeiture is restricted to animals of the same species types? Was consideration given to forfeiture of animals of a different species or type, and if not, why not?

The Minister for the Environment:

I am not sure, to be honest. I can see where you are going from. It may well be that a farmer may have a number of different types and breeds of animals on his farm, and the law does stipulate that it might just be the cattle.

Chief Veterinary Officer, States Vet Office:

I think sometimes, in a practical term, if a farmer has a dog and cattle and there have been very serious issues with the cattle, we will probably look at the cattle first. Then I would potentially look at the rest, but the immediate thing that we would be looking at will be the species, or the similar species, where the offence has been committed. I think that is to limit the ability to forfeit everything that you wish to part. I think that it probably limits to that.

The Connétable of St. Mary:

On the same thing, I seem to recall that the court can disqualify any person from putting the animals all together. So, it seems logical for forfeiture to come into the same category in a way.

Chief Veterinary Officer, States Vet Office:

A lot of the times in the majority of the cases, at least in the U.K. that I have seen, the courts have a tendency to look at ... a person usually, if it was an offence connected to cattle, he is not necessarily going to bind the person for keeping a pet. It has happened, but it does not always happen in all circumstances.

The Minister for the Environment:

Having said that, of course, it might be entirely possible that if a keeper of cattle who does not look after them properly also has pigs and sheep, it may well be that you are not looking after those animals. Pets sometimes are looked at differently from commercial animals.

Group Director, Natural Environment:

I think the evidence would be sought for that. There would be potentially similar evidence in the herd, in the flock of sheep, or in the group of pigs as well. So, that would have to be taken into consideration as opposed to a blanket, one size fits all.

Deputy D.J. Warr:

I am not sure who to hand over to.

Deputy H.L. Jeune:

I think now we are looking to that public awareness and education piece of once the law is passed and municipal plans are in place to ensure that the public, including pet owners, animal businesses and the wider community, are aware of the new obligations and standards that will arise from this law once it comes into force.

The Minister for the Environment:

I do not know of the exact detail, but I would be fairly sure that once it does come in, or before it comes into force, that the department would be in contact with all the relevant people. That will not be a small task. Certainly when it comes to certain livestock, and the Deputy has mentioned chickens, and there is a classic example, there will be a number of chicken owners on the Island that we need to know about. One of the orders that we have passed recently is about chickens down to the numbers, even one or 2 chickens, now we need to know about that. I mean, there are proper animal welfare issues around our need to know that because of avian flu and the way it spreads more recently. But there will be an education piece here to do. All I can say is that we will endeavour to do it as best we can. There will be certain parts of this affecting certain animals, but generally this is about animal welfare. All those people that we have consulted with previous, and with the knowledge that we have gained through the process we are going through now, we will make sure ...

Chief Veterinary Officer, States Vet Office:

When we are working in partnership with other organisations, including voluntary sectors and specific organisations for specific species is going to be fundamental, nobody wants legislation that is not possible to enforce or not possible to comply with. Again, it is not a logical option to seize things, by the sake of seizing. It is a process, and we are more than open to discuss with anything and have whatever is required in terms of communications.

Deputy H.L. Jeune:

Minister, you mentioned about the order change from the Animal Health Order of 2017. This is, I suppose, a good example to bring up because a lot of this draft law that we are looking at in the animal welfare, a lot will come by orders. Then after that, of course, there is that concern about that

public knowledge, about public consultation. I suppose this order that came in recently about reducing registration of birds, the threshold from 30 to one, there has been quite a bit of concern about how that was handled, because it came in on 18th December, it was put into order, I think, on Christmas Day. There was then a delay. I think within the middle of January, there was then some traditional press to say for those bird owners to poultry owners to do the registration; that gave 2 weeks publication, I suppose, before the registration happened. I have come across a number of people, especially people who have just a few chickens, very much about they are really seen as pets or providing eggs for the family.

[11:30]

They are not a business in any way. They had no idea that this came into force in this registration. They were very concerned that it tips them in not knowing because of the lack of public awareness, the lead-in time, the timing of it all means that they have then got extremely worried that they will suddenly commit an offence that is up to 2 years potentially in prison, which, of course, I understand there are many processes to get to that point, but still, it does worry people. I was just wondering about how there could be lessons learnt from this specifically.

The Minister for the Environment:

Well, certainly, I hold my hand up entirely for that, Chair. I think it is fair to say that I did not think it was going to be the issue it clearly is. The reason for that was it was not that long ago, whether you had one, 20 ...

Deputy H.L. Jeune:

Well, 10 years ago is quite ...

The Minister for the Environment:

... 200, they all had to be registered, and at that time, when they all need to be registered, we decided that avian flu was not a challenge. We did not have the changes to temperature, which meant that some of these diseases that we get and challenges. So, we stood back from it a bit. We are in a different place now, and if we get an outbreak of avian flu we need to know about it. We need to know where all, for example, the poultry are on this Island. We thought it was just a normal sort of step back to where we had been previously. I put my hand up and say the timing was not great. The amount of time given was not great. It is certainly not our intention to criminalise people for owning 2 chickens as pets in their back garden who have not managed to get around to registering at the moment. We are fully aware that people have not maybe been informed as well as they might have been. But I thought, in my naivety, this was quite straightforward, and it turns out that it is not. But I hold my hand up and say that is my ...

Deputy A.F. Curtis:

Does this, at a wider level, highlight, to come back to order-making powers, the challenge, and I mean this in no disrespect, that those who work within the department within the Ministry may see things one way, but to your own words, naivety says we forget what happens on the ground? One could come up with a licensing scheme or an exemption scheme in this case, a threshold of 30 to one, that is completely normal in this kind of world that exists about regulation. But those who practice day in, day out, see this completely the other way, and too many orders, without the backstop of public awareness, education or consultation, just will never marry up with kind of bringing society on a journey or even understanding what they want.

The Minister for the Environment:

Yes. I cannot disagree with any of that. As I said, it is my fault, my responsibility. I signed the order, and I should have known better. You are quite right, Deputy, we forget at our peril what it is like to be on the other side of the fence. It is very easy for me to sit in my office and sign an order. I should have spent more time thinking about people who have small numbers of chickens, how we communicated with them, what their reaction had been, did we speak to enough of them? But, yes, I take that one on the ... yes, I accept responsibility for that entirely.

Chief Veterinary Officer, States Vet Office:

I think I have to share responsibility, and I think we have learned. I think we understand that we had more repercussions that we initially thought. Although we did work on press releases, and we did update websites, et cetera, the timing of the year was not great, and we could have done better in informing general public, not the normal chicken owners, but general public of the intention, and maybe we should have allowed for a longer period of registration. I think we can admit to that.

Deputy H.L. Jeune:

Maybe moving a little bit on, in a sense, but still in this area, we had from the States of Jersey Police ... their submission highlighted the need for that public guidance. We have talked a bit about the offences, and I know that we have talked about this before, about people being concerned and seeing and also phoning, and who do they phone as well. It is that when Islanders are identifying the appropriate agency to contact if they suspect that there is an offence done under the future animal welfare, will there be some kind of guidance of who to phone to ensure that the right person is contact?

Chief Veterinary Officer, States Vet Office:

Yes. We do get a large number of concerns, mainly for welfare. The assumption is the majority of people, even when it comes to us, it always comes to us, either via J.S.P.C.A. or other organisations

as well. But again, yes, that can be reiterated that depending on what the situation is, where your call should go. But again, it is about communication and that can be done.

Group Director, Natural Environment:

We see a lot of concerns on social media, fair enough, and the public then advising whoever the other member of the public was that perhaps they should phone States Vet in this instance, which is quite successful.

Deputy H.L. Jeune:

Article 35 talks about the codes of practice that will be published. Please could you confirm the timeline for the development and publication of these codes of practice?

Chief Veterinary Officer, States Vet Office:

So, the majority of the codes of practice exist, they just need to be revamped. Again, we have started the consultation with some of the organisations to seek some feedback on how they can be improved. They will be done swiftly when legislation comes to place. But the majority of them exist, it is just a question of refining some of what is already there.

Deputy H.L. Jeune:

Will these codes of practice include dog walking in public places?

Chief Veterinary Officer, States Vet Office:

I think the current codes of practice already mention dog walking.

The Connétable of St. Mary:

Professional dog walkers.

Chief Veterinary Officer, States Vet Office:

For professionals. I think there is a line that says that people should be in control of their dogs in one of the codes; I cannot mention which one. But we will be reviewing it. But again, we are a team of 6, so while we are trying to respond to what we are trying to do with this legislation, we cannot do everything at the same time, but they will certainly be reviewed.

The Connétable of St. Mary:

The codes of practice you have there are very good. In fact, I reckon you could convert them to a regulation, but they are not law, and that is one of the problems. I mean, I am concerned about the trend of issuing codes of practice without legislation to back it up, because they are only advisory, are they not?

Chief Veterinary Officer, States Vet Office:

We are trying to implement some of those codes into legislation. That is exactly what we are trying to do.

The Minister for the Environment:

Some of it was going to be order-making powers.

Chief Veterinary Officer, States Vet Office:

But apparently that is going to be difficult. So, I really do not know what you want me to do. The legislation does say that the codes can be used as part of a process. A lot of the order-making power that we are seeking are based on the current codes, are not new. So, that is what we are trying to do. Again, there are several things here. I know you are probably worried about dogs and people walking dogs, and we were looking at dog walkers as the one we could probably make much more of a difference. I cannot regulate every dog owner, and I am sure that some other people will say that would be totally unreasonable to regulate all the owners all the time. So, we have to find a balance here, and the way we have gone about this is what we think is going to give us a better result quicker. A lot of it has to do with education and other responsibility and people knowing where they can walk their dog, how they can walk the dog, should it be on the leash or not. There has to be some personal responsibility, especially for owners of small animals.

The Minister for the Environment:

Getting back to your question, Chair, you have got regulations, you have got orders, you have got codes of conduct, codes of practice, but there is another step. It is going to be incumbent upon officers to come up with some sort of brief layman's interpretation of what is going on here so people very quickly can get to the bit that is relevant to them. We will have to come up with some sort of narrative in a nice way, which explains to people what has happened and their new responsibilities and where they find them.

Deputy H.L. Jeune:

That is how we are seeing with this review, obviously, a number of elements around, especially related to dogs, it fits over a number of laws, and it is where to try and find that where it is all together. Because, of course, we have had submissions where there is the concern of dog fouling, and that has a big impact on S.S.I.s (Sites of Special Interest); other animals, so it affects other animals like livestock. I know it talks about that. It comes back to the Connétable's point about the code of practice being a wider thing for dog owners to understand their responsibility, maybe even beyond whether they are on the lead, where they can go, if they are controlled, but also the wider impact on other aspects of dog walking.

Chief Veterinary Officer, States Vet Office:

There have been several campaigns regarding dog fouling, including some from our department,, and it is probably something you have to do every so often. But it is also quite expensive, it is quite relevant.

The Minister for the Environment:

It will be 10, 12 years ago, we had a very successful campaign about picking up dog poo. But I have to say, since those days, I am not sure that ...

Chief Veterinary Officer, States Vet Office:

There is a current one, or very recent one done by either the ...

Group Director, Natural Environment:

It fits within the general respect in the countryside.

Assistant Minister for the Environment:

In those terms, it is fair to say that the Comité have been doing some work on D.N.A. (Deoxyribonucleic Acid) testing. It is not straightforward, but we are working on it and we have got some information that has come in, but the devil is in the detail and the practicalities, but we would be keen to get some system in place.

Deputy H.L. Jeune:

As we have talked about in this section of questioning, it is about the public education and awareness and how to ensure it gets to different places, knowing that we are in a society now that does not necessarily go to one particular media, but now there are many different areas of getting information, or not going to that information. So, there needs to be ways and that, we understand, is a challenge. Just my last question, you talked about that you already started approaching people for that revamping of the codes of practice, but will it be a wider consultation? I believe Article 35 says: "A person the Minister deems appropriate." So, will it be wider or will it be very targeted, focusing, asking people particularly?

Chief Veterinary Officer, States Vet Office:

I think it depends on the codes. If the codes are specific for livestock, therefore we will consult with livestock owners or keepers. If the ones pertaining to dog walkers or horses are the ones, we would consult with the appropriate organisations.

Group Director, Natural Environment:

But we have got a list of those consultees that we use, which I think was extensive.

Chief Veterinary Officer, States Vet Office:

We can do it slightly different and slightly more arranged. Yes, that is what we will consider.

The Connétable of St. Mary:

I do not think that is the code of conduct for dogs, in particular. I mean, we spoke about it as a panel, it would be helpful if some sort of code could be issued at the same time as the dog licence each year. I think they would have no excuse for not taking note. It would be a good way of getting to the public, surely.

The Minister for the Environment:

The chair mentioned the word “education”, but there is also a responsibility of dog owners to be responsible, look after their pets properly, clear up after their pets properly, and to understand the consequences of their pet mess in various fields affect cattle, parks affect children. There are quite serious diseases that people can get, so it is important issues.

Deputy H.L. Jeune:

We were talking in the Scrutiny Panel about whether there is that code of practice when you issue the licence every year for the dog licence, where people have to click that they have read and understood it, so there is that clear understanding. So that every year there is a moment where dog owners are able to view all the information that could potentially be there about how to be a good dog owner. I think that could be a really useful way of that continuous information and whether it changes, then that can be updated.

The Minister for the Environment:

Yes. As a dog owner, I have to say how impressed I am at how easy it is now to re-register your dog on an annual basis. But I cannot say that it was jumping out at me that I needed to re-read. I mean, I would like to think I am a responsible dog owner and maybe I did not need to re-read it. But you make life much easier to do the things to do here, re-register, a couple of clicks, all done. What you need to do is maybe devise a method whereby dog owners somehow have to read it. I do not know how you do that.

Deputy D.J. Warr:

Tick a box, I guess.

The Minister for the Environment:

Yes. Ticking a box to say ...

Deputy D.J. Warr:

"Yes, I have read it."

The Minister for the Environment:

Terms of conditions, how many times do we all tick it?

Chief Veterinary Officer, States Vet Office:

We do not even know what we sign up to most of the time.

Deputy D.J. Warr:

This is into offences against animals and protection of animal welfare. Just one commentary here is one major concern raised during consultation is that the draft law appears to remove explicit definition of cruelty that are present in the old 2004 law. The new draft completely removed the detailed description of cruelty contained in the existing law. The draft instead relies on the broad term "suffering", which they say is too general and does not go far enough. Just to hear your opinion on that or why that is the case.

The Minister for the Environment:

I think using the word "suffering" allows us to go much broader than cruelty.

[11:45]

Chief Veterinary Officer, States Vet Office:

The cruelty, I think some of the words mentioned in the 2004 law, and I am pretty sure it is not cruelty, was the one you cannot beat up an animal or impale it or whatever, which is really not the wording we probably should be looking at today. The suffering and potential suffering, it is a step before cruelty, and that is where we want to be. I do not think we have to go that far because I think we want to be before cruelty takes place and preventing suffering, and never get to cruelty.

Deputy D.J. Warr:

That is fair enough. Part 2 of the draft law sets out offences against animals. Please can you provide an overview of the changes made in relation to offences against animals from the 2004 law? Just a broad brush.

Chief Veterinary Officer, States Vet Office:

We have already mentioned some of the offences. I think we have gone through a list. It may be easier if I provided that in writing.

Deputy D.J. Warr:

Okay, we will skip on this one. In cases where an animal is found unattended, what evidence will inspectors be expected to gather to determine whether the person responsible had a reasonable excuse or failed to make adequate provision under Article 9.1(b)? How will the department ensure that this provision is enforceable in practice, particularly where the intent and duration of absence may be difficult to establish?

Chief Veterinary Officer, States Vet Office:

In answering your question, we would have to try to establish why was the animal alone for what length of time. We will have to gather as much evidence as you can possibly do in order to be able to assess if it is a problem, because it may not be a problem, and then take it forward. We would have to investigate it on a case-by-case basis and be flexible and proportional to what has been ... animal welfare is very difficult to regulate. A lot of it is very depending on the exact situation. What may look like an offence to you, it may not be an offence to me. There is a lot of that perspective and pragmatism, flexibility that has to happen. It is very case specific, I would have to say. So, it is very difficult to sometimes put it very stringent.

The Minister for the Environment:

Yes, always difficult. In many cases, an individual horse or cattle, if you like, stood in a very muddy field with no grass, food or water would appear to be a pretty serious case. It may well be that the animal has just been put there for 15 minutes while the owner is mucking out the stable or re-feeding or adding water.

Chief Veterinary Officer, States Vet Office:

Or it may be a horse that has a health problem that cannot be over-grazed. There is a lot of those situations. It has to be a lot of perspective and circumstantial, and our officers deal with that every day now. That does not change.

Deputy D.J. Warr:

Article 11. Duty to protect animal welfare makes it an offence for a person who fails to take reasonable steps to ensure that the needs of the animal are met to the extent required by good practice. Minister, please, can you define good practice?

The Minister for the Environment:

Well, certainly food and water. I think importantly now also the ability for the animal to exhibit natural behaviour. So, not restricting it in a very small pen. Ideally, and in many cases now with cattle, you do not want to segregate the animal to be an individual, it needs to be able to mix with others. I

think that is probably the normal pain, injury, suffering, which would be a prerequisite. But certainly the ability to be apart, if it needs to be apart; to be with others, if it needs to be with others, and that is not necessarily always the same case. But food, water and general ability to exhibit natural behaviour.

Chief Veterinary Officer, States Vet Office:

I think where this law goes a bit further than the one before as well is exactly on that, is looking at it in a holistic point of view. It is not just food and water. It never has been just food and water. I have to repeat that because it is quite close to heart. An animal needs a suitable environment. It needs to be able to express their natural behaviour. Other than suffering, disease, freedom of disease, food and water, it is a much more holistic approach and it looks more at whatever is surrounding it as well. Again, the potential for suffering, which is the step before. So, that is what we are looking for.

Deputy D.J. Warr:

Taking possession of animals in distress. The panel understands that the provisions on taking possession of animals in distress has been widened from the 2004 law. Please can you explain the rationale of that widening?

Chief Veterinary Officer, States Vet Office:

That is exactly it. At the moment in the 2004 law, we can only seize an animal with a warrant if we have a warrant, and we have very limited powers of entry. It kind of defeats the purpose. If you go in and an animal is suffering, you leave to get a warrant and then you come back, and either the evidence is disappeared or the animal is suffering for longer and more. It makes no sense. The idea is you are able to withdraw the animal, even if temporarily, from the environment it is, and then if there was an incident that was not as serious as we thought, the animal gets back. It is having that ability to stop the thing from happening or avoiding the negative effect to happen before it takes place. That is the rationale behind it. That is why the 2004 law has been very criticised. So, that is one of the things that is really important for us.

Deputy D.J. Warr:

That is fair enough. Article 13 then allows an inspector to take possession of an animal where they reasonably believe it is suffering or likely to suffer if circumstances do not change. Could the Minister explain how this broadened threshold compares to the existing provisions of the 2004 law and what safeguards ensure that this discretion is exercised proportionately and only when truly necessary?

The Minister for the Environment:

Well, the proportionate bit is the judgment of a qualified veterinary officer. Susana has just spoken about that. She has also just spoken about cruelty and suffering. The important thing here is that we are trying to prevent the cruelty, we are trying to prevent further suffering, and the ability to get in quick and identify those situations where suffering, we believe, is about to turn into cruelty. It may be through food, it may be through water.

Chief Veterinary Officer, States Vet Office:

Can I just also add that although it does say that the inspector can take steps, it does say the inspector, if he is not a veterinary surgeon, needs a veterinary surgeon confirmation before that is likely to occur. So, you have that assurance that someone that should understand what is going on will support the decision. I also want to say, it is in no one's interest to seize anything that does not need to be seized. It is not practical, it is difficult, it is complicated. It brings a whole range of problems. You do not do it unless you really have to do it.

Group Director, Natural Environment:

The philosophy is in common with the sort of modern legislation, which allows the identification of a likelihood of something happening in an environment that, in the officer's experience or currently understood, the situation would worsen. I can think of other pieces of legislation which allow that.

The Minister for the Environment:

An additional onus on the owner by this new legislation is an obvious need for veterinary care. If an officer goes in and a pet in a flat with no ventilation is lying there with an open wound, it is obvious that veterinary care was required in circumstances like that. It is much easier now, or will be hopefully, for officers to take action and move forward.

Chief Veterinary Officer, States Vet Office:

As any enforcement, it has to be proportional, pragmatic, and it follows a step. You do not go in, he sees a dog, you ask the person: "He needs veterinary care. Can you please get your vet?" Then you give him 12 hours, 10 hours, 24 hours, depends on how serious it is, and if he has not gotten a vet, you go back again, and you may see an improvement, and you say: "You need to see your vet in 24 hours." Then if he does not, then it is a proportional escalation process. Unless you have no other option, which may be the case.

Deputy D.J. Warr:

I am going to move on to this one. Article 13.2(b) permits a non-veterinary inspector to authorise the destruction of an animal without veterinary confirmation if they reasonably believe there is no alternative and waiting for a vet would cause undue suffering. What criteria or guidance will be

provided to inspectors to support such a serious decision and ensure consistency and accountability in the application?

Chief Veterinary Officer, States Vet Office:

The inspector may not be able to do it by himself, so he may have to seek someone else to do it. It is those streams where there is no other solution, a cow with an upper fracture that cannot move and you can see that the only kind thing to do is to humanely destroy an animal. It is those types of extreme circumstances, and we will certainly be training inspectors to do so.

Deputy D.J. Warr:

Improvement notices. The draft law introduces a new improvement notices provision. What is the intention behind introducing improvement notices and how are they expected to function as a preventative measure to address welfare concerns before suffering occurs?

The Minister for the Environment:

I think we have just given the answer to that in a way. You walk into a property and you can see that the light could be better, the ventilation could be better, it could be warmer, and you assume the owner is going to take action, you give them an improvement notice and you give them the chance to do it themselves.

Chief Veterinary Officer, States Vet Office:

It makes it more formal that he has to take action to rectify something that is not quite right. The light, ventilation, whatever you think, and it will help your enforcement escalation. It is very commonly used in other jurisdictions as well for welfare.

Deputy D.J. Warr:

Under Article 12, an inspector may issue an improvement notice where they reasonably believe a person is failing to meet welfare requirements. Please detail what evidence is likely to be used to determine whether a belief is reasonable or not.

Chief Veterinary Officer, States Vet Office:

I think it has to do with what we said before, with the inspectors experiencing training and abilities to identify a problem and working it from there.

The Minister for the Environment:

Taking it back to the animal's needs essentially again.

Chief Veterinary Officer, States Vet Office:

It goes back to your 5 freedoms again.

Deputy D.J. Warr:

How will compliance periods be calculated?

Chief Veterinary Officer, States Vet Office:

What do you mean, for improvement notice?

Deputy D.J. Warr:

Yes.

Chief Veterinary Officer, States Vet Office:

It has to do with the risk of the animal, as we discussed before. So, an improvement notice is not to be used if something needs urgent action. You do not need an improvement notice for that. You can escalate quicker because it is urgent. But for something more technically, like ventilation, lighting, or something of those sorts, the time of the improvement notice has to do with the calculated risk for the animal. If it sounds like a high-risk thing, you will have a shorter ... and you will have to take into account if the person will be able to comply or not within the timescale. So, it has to be proportional to both the risk and whatever the action the person has to comply.

Deputy D.J. Warr:

That is fair enough. Final question here in this section. Why was a review or appeals process for improvement notice not included within the draft law?

Chief Veterinary Officer, States Vet Office:

I need to check.

The Minister for the Environment:

On the subject of appeals, I think we are probably going to have to get back to you as a panel on that because we have had a few. There were some questions about appeal right at the beginning, and I think we need to investigate exactly where there was the ability to appeal and where there was not.

Deputy H.L. Jeune:

That would be really useful to understand about where. I know that you mentioned there were some issues in appeals, but whether that links to all the different elements that we have been talking about.

Deputy A.F. Curtis:

A question in the meantime, because my review could not find an explicit appeal route for improvement notices. Is it a policy aim of the law to allow an appeal against an improvement notice? I note it is not urgent, because you have got urgent powers. This is more about ...

Chief Veterinary Officer, States Vet Office:

Yes. Probably not, because the appeal comes for whenever the real formal enforcement is instigated. So, then if the person does not comply with the improvement notices and we take it any further, the appeal process is there. But you are saying that you are appealing because they ask you to take your dog to the vet. It has to be that proportional ...

Deputy A.F. Curtis:

Let us take Article 17, an improvement notice against straying livestock. It is the power of a veterinary inspector to issue an improvement notice under Article 12. If the person fails to comply with the improvement notice, they have committed an offence. They have to then commit an offence to appeal the improvement notice perhaps, after having committed an offence. If the person who disagrees that the steps requested for securing of livestock are disproportionate, say, they are happy with the level of fencing and the state that the investigator is not, where is their recourse until they have committed an offence, and the offence would be failing to comply with an improvement notice?

Chief Veterinary Officer, States Vet Office:

We did not consider the improvement notice. We can look into that in more detail.

The Minister for the Environment:

That is a fair comment. We are not going to try to argue against that. You are quite right. You are issued with a notice to do something. If you are not happy with it, before you commit the offence, it is right that you should have some sort of recourse somewhere. But we need to go back and look at that.

Chief Veterinary Officer, States Vet Office:

We can certainly look at that.

Deputy H.L. Jeune:

Thank you. Well, on that note, because we have hit the 2-hour mark, I think we would like to close this hearing. But I would like to really thank ...

The Minister for the Environment:

We would like to keep going.

Deputy H.L. Jeune:

We have more questions. But we have a few more to send to you, and there are a number of elements that we should follow up on. I think we have raised a few things that would be really useful to keep the dialogue open to understand what you are able to do and would like to do ahead of going into that Second Reading. The same with us understanding deadlines and all the different things about the process.

The Minister for the Environment:

We do not have a huge amount of time, Chair, but it is my intention to get to the Second Reading and find ourselves in a situation you and I have both an agreement on everything that we are putting forward. So, I realise that might be a lot of work, but I think it is incumbent upon us to try our best to do that.

Deputy H.L. Jeune:

Thank you very much, Minister. And thank you very much, Assistant Minister.

The Minister for the Environment:

Thank you.

[11:59]