

together in formulating a national strategic plan for the future of UK non-human primate research.

The Use of Non-Human Primates in Research December 2006. A working report sponsored by The Academy of Medical Sciences, the Medical Research Council, The Royal Society and the Wellcome Trust. 147 pages A4. ISBN No. 1-903401-13-5. Copies are available from the Working Group Chair, Sir David Weatherall FRS FMedSci, The Academy of Medical Sciences, 10 Carlton House Terrace, London SW1Y 5AH. www.acmedsci.ac.uk.

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New Animal Welfare Legislation for England and Wales

The Animal Welfare Act 2006 came into effect in England and Wales on 6 April 2007. The Act is the result of 5 years of public consultation and debate about the nature of a new Act and intense examination of over 20 pieces of existing legislation.

Some of the preceding animal law was drafted in the 19th Century and this was thought to provide insufficient protection for animal welfare in today's society. The aim of the Animal Welfare Act 2006 was to simplify and modernise animal welfare legislation for farmed, companion and captive wild animals into a more coherent and functional piece of legislation. Some existing legislation will need to be repealed (such as the Abandonment of Animals Act 1960 and Protection of Animals [Amendment] Act 2000) and other Acts may be altered and brought into line with the 2006 Act (for example, the Welfare of Farmed Animals Act 2000).

It is hoped that the Animal Welfare Act 2006 will provide a flexible framework which, whilst laying out a set of core standards and principles, will also allow for further, supporting legislation to be introduced at a later date. Allowing secondary legislation and regulations to be developed over time will enable the Act to deal more comprehensively with specific areas and also to keep up-to-date with the continuing advances being made in animal welfare science and society's changing ethical considerations.

Additionally, it is intended that codes of practice, like those already in use in the farming industry, will be developed and implemented for non-farmed species, eg dogs, cats, horses and primates. It will not be a statutory requirement to adhere to codes of practice, but where an offence has occurred, failure to comply with the provisions of codes may be used to establish liability.

The Act itself is made up of 69 sections under headings such as: prevention of harm; promotion of welfare; licensing and registration; codes of practice; animals in distress; enforcement powers; prosecutions and post conviction powers.

Perhaps the most significant addition is the introduction of a 'duty of care' responsibility upon all owners and keepers

of vertebrate animals. It will now be necessary for individuals to understand basic husbandry requirements of the animals for which they are responsible and to take reasonable steps to ensure that their basic needs are met. Following on from this, failure to provide for the needs of an animal will now be considered an offence. The Act also gives police and local authorities greater powers and will allow enforcement agents to intervene much more quickly in situations where an animal's welfare is likely to be compromised; it will now not be necessary to wait for suffering to have actually occurred before action can be taken. Additionally, the Act has strengthened legislation relating to animal fighting and increased available penalties. For the most serious offences (cruelty and animal fighting) it will now be possible for courts to impose a prison sentence of up to 51 weeks and/or a maximum fine of £20,000 (as opposed to previous maximum sentences of 6 months imprisonment and £5,000 fines).

Further innovations include: increasing the minimum age at which a child may buy an animal from 12 to 16 years of age, and making it an offence for a pet to be given as a prize to a child younger than 16. Furthermore, under the new Act, all mutilations will be banned apart from those specifically exempted, such as neutering cats and dogs or ear tagging cattle.

The Animal Welfare Act 2006 represents the most major overhaul of animal welfare law in the United Kingdom in the past 100 years. There is now an emphasis not only on preventing unnecessary suffering through either cruelty or neglect, whether by a deliberate act or a failure to act, but also on promoting a higher standard of knowledge of animals and their care and welfare.

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New BVAWF Leaflet Helps Owners Understand Their Duty of Care

The British Veterinary Association Animal Welfare Foundation (BVAWF) has recently produced a helpful leaflet entitled '*What makes my pet happy?*' The publication is designed with the new Animal Welfare Act in mind to help inform pet owners of their legal responsibility to take reasonable steps to ensure that the needs of an animal for which they are responsible are met. All animal owners now have a 'duty of care' towards their pets.

The leaflet approaches the issues of an owners 'duty of care' and of meeting an animals' needs by asking owners to consider whether their pet is happy. After explaining what is meant by happy, and why it is even important, it then goes on to describe what issues an owner should be aware of. In the same way as the Animal Welfare Act, the leaflet uses the *Five Freedoms* as a basis for assessing an animal's needs. After describing what the *Five Freedoms* are, it goes on to build a case-study around them to show how an owner can judge whether their pet, in this case a female parrot, is happy. A question, answer, action format is used where the