

Farm Animal Welfare Committee - Opinion on the Welfare of Animals during Transport

Consultation document

**Consultation open – 4 December 2020
to 26 February 2021**

Part I – About this consultation

Topic of this consultation

This consultation is seeking views on the recommendations made by the Farm Animal Welfare Committee in their 'Opinion on the Welfare of Animals during Transport'.

Scope of this consultation

This consultation covers the recommendations made by the Farm Animal Welfare Committee in their 'Opinion on the Welfare of Animals during Transport' and the potential introduction of these recommendations in Scotland.

The consultation considers how these recommendations might be implemented in Scotland and the potential impact of implementation on stakeholders.

Geographical extent

Animal welfare is generally a devolved matter and this consultation applies to the recommendations made by the Farm Animal Welfare Committee in their 'Opinion on the Welfare of Animals during Transport' insofar as they extend to Scotland only. The appropriate administration should be approached for further information in other parts of the UK.

Audience

Anyone may reply to this consultation. The Scottish Government would particularly like to hear from: those with practical experience of transporting animals, animal welfare organisations, local authorities, veterinary professionals and academics.

Body responsible for this consultation

The Scottish Government's Animal Welfare Team is responsible for this consultation.

Duration

This consultation starts on -----4 December 2020
This consultation closes on -----26 February 2021
This constitutes a full consultation period of 12 weeks.

How to make an enquiry

If you have any queries about this consultation please contact the Scottish Government Animal Welfare Team by e-mail at FAWCtransportconsultation@gov.scot

Responding to this consultation paper

We are inviting responses to this consultation by **26 February 2021**.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). You can access and respond to this consultation online here: <https://consult.gov.scot/agriculture-and-rural-economy/farm-animal-welfare-committee-opinion-on-the-welfa/>

You can save and return to your response while the consultation is still open. **Please ensure that consultation responses are submitted before the closing date of 26 February 2021.**

If you are unable to respond using our consultation hub, please complete the Respondent Information Form and return with your comments to:

FAWC - Welfare of Animals during Transport Consultation
Scottish Government Animal Welfare Team
P Spur
Saughton House
Broomhouse Drive
EH11 3XD

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us decide on next steps. Responses will be

published where we have been given permission to do so. A consultation summary report will also be made publicly available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or by e-mail to:

FAWCtransportconsultation@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online at: <http://consult.gov.scot>. Each consultation sets out the issues under consideration, and provides a means for you to submit your views, either online, by email or by post.

Responses will be analysed and used to inform the decision making process, along with a range of other available information and evidence. We publish a report of this analysis for every consultation undertaken. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments.

Part II - Background information

Current Legislation

The current EU legislation on the welfare of animals during transport is Council Regulation (EC) No 1/2005, which applies to all vertebrate animals that are transported in connection with an economic activity. The requirements of this legislation will be retained in UK legislation and will continue to apply after EU exit and the end of the implementation period. Council Regulation (EC) No 1/2005 is administered and enforced in Scotland through the Welfare of Animals (Transport) (Scotland) Regulations 2006.

Call for Evidence and Systematic Review

As a first step in reviewing the current welfare in transport regulation, Defra and the Devolved Administrations launched a call for evidence in 2018 to seek views and gather further evidence on controlling live exports for slaughter and other improvements to animal welfare during transport.

The call for evidence sought factual information about the transport of live animals, views on how well current regulatory requirements protect animal welfare in transport and what reforms could be justified in terms of animal welfare.

In parallel to the call for evidence, a systematic review on the welfare of animals during transport was commissioned by Defra on behalf of Defra and the Devolved Administrations.

This research was conducted by Scotland's Rural University College (SRUC) and University of Edinburgh (UoE). Evidence and information from the call for evidence and the systematic review fed into FAWC's Opinion. The systematic review presented scientific literature which indicated which welfare improvements could be made for animals during transport.

Part III – Proposals for consultation

The FAWC Opinion was commissioned by Defra in 2018 with the support of the Scottish and Welsh Governments. Animal welfare policy is generally devolved but ideally we would wish to have consistent legislation as far as possible to aid understanding and enforcement as there are many routine movements of animals for various purposes to and from all parts of GB. The current EU legislation on the welfare of animals during transport is Council Regulation (EC) No 1/2005, which applies to all vertebrate animals that are transported in connection with an economic activity. The Scottish Government, although it wishes as a minimum to keep pace with future EU transport legislation, believes that there is an opportunity to strengthen the welfare of animals during transport regime to reflect the latest scientific and veterinary evidence.

Part IV – Consultation questions

All of the consultation questions are listed below and follow the structure of the FAWC Opinion and Scottish Government response (<https://www.gov.scot/publications/fawc-opinion-on-the-welfare-of-animals-during-transport-sg-response/>). When considering these, we ask that you take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. Any practical information on the possible implications of applying the FAWC recommendations or further relevant scientific evidence would be particularly welcome.

We ask that you use either the online Citizenspace facility or the consultation questionnaire provided to respond to this consultation as this will help with our analysis of responses. Please try to answer all the questions; however if you are unable to answer any particular question then please feel free to move on to the next. The questionnaire and on-line facility will also ask questions relating to your interest in this matter and where you currently reside; this will aid in the analysis of the responses to this consultation.

In order for us to deal with your response appropriately in terms of making responses publically available, **please ensure that you complete a Respondent Information Form**. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

Future research into the welfare of animals in transport

“FAWC recommends that industry and academic institutions should aim to provide the latest species specific and subgroup-specific (young, juvenile, adult or end of life, weight, shorn/ unshorn, breed) scientific research findings for all animals (livestock, equine and companion animals). Any new scientific findings should be used to inform areas of concern when transporting animals. There are a number of knowledge gaps that have been identified and that these knowledge gaps should be considered as research priorities, as these could have significant implications for the welfare of animals. More funding should be made available to academia to fund independent research (i.e. no conflict of interest) to fill these knowledge gaps and to adequately understand the welfare issues that animals may experience during transport.

FAWC recommends that data is collected from experiments before, during and for at least two weeks post transport to assess any long term implications to the health, morbidity and mortality of the animals after transport. This recommendation should apply to all animals (livestock, poultry, equine and companion).”

In response to these recommendations it is the view of the Scottish Government that evidence and research findings should be shared where possible to help build the knowledge base and to inform sound policy making and implementation decisions. We support the continued development of knowledge, understanding and the science base, noting that funding is subject to the consideration of other priorities, and we wish improved regulations to be based on the latest science and wider

evidence. In taking this forward we agree that FAWC's specific technical recommendations relating to data collection should be taken into account.

Q.1. Do you agree with the FAWC recommendations for future research and the Scottish Government's position and proposed course of action? Please provide any further relevant information.

Live animal exports

"FAWC recommends that animals are only transported if it is absolutely necessary and that the most welfare considerate route is chosen; which is a combination of journey quality, including the type of transport, duration and suitability. Therefore, animals should not be transported longer distances if suitable alternatives are available. Transporters intending to export animals to be slaughtered or further fattening in a different country should apply to APHA for consent to do so, indicating reasons why alternative arrangements have not been made.

FAWC recommends that there is a review of the availability of abattoirs related to the points of production and particularly mindful of end of life requirement. This will identify where abattoirs need to be sited in order to meet the needs of farmers and to minimise journey times and thereby meet the welfare needs of animals.

FAWC recommends further research into the feasibility of the economics, design and use of mobile slaughter facilities so as to reduce the need to transport animals over long distances particularly with regard to sea crossings."

In response to these recommendations it is the view of the Scottish Government that FAWC's recommendations provide a strong and credible foundation for considering future reforms. We much prefer to see long distance transport of meat rather than live animals, and we agree with FAWC that, other things being equal, animals should only be transported when necessary, journey times should be minimised, animals should be slaughtered at the nearest suitable abattoir where possible and the most welfare considerate route should be chosen.

We agree with the principle that prior permission should be obtained from the relevant UK authority for some journeys. We agree that permission should only be granted if the reasons for not undertaking a shorter alternative journey are justified, and that sufficient reassurance should be provided about how animals being transported are being sufficiently protected. However, future arrangements need to recognise the particular geographical constraints that apply in remote areas, for example the Scottish Islands where innovative solutions have been found to transport animals long distances where this is justified.

We take note of FAWC's recommendation on reviewing abattoir location and the proximity of abattoirs animal populations and in particular the impact this may have on end of life animals. This is something the meat industry should consider when reviewing location of their facilities. We will also consider how government policy and retailers might better enable regional supply chains and support essential infrastructure like abattoirs. We agree that further research regarding mobile slaughterhouses would be welcome, noting that government research funding is

subject to the consideration of other research priorities and that this research could also be funded by industry. The Scottish Government recently funded a study on the economics of mobile abattoirs. We also await results from the Sustainable Food Trust's feasibility study into mobile slaughterhouses.

Q.2. Do you agree that prior permission should be obtained from the relevant UK authority for some journeys exporting live animals and permission should only be granted if the reasons for not undertaking a shorter alternative journey are justified? Please provide any further relevant information.

Fitness for transport

“FAWC recommends that guidance such as the EU Animal Transport Guides should be applied and promoted by the industry and government. These best practice guides have been researched and designed to improve the welfare of animals during transport and have so far been provided for: cattle, sheep, pigs, poultry and horses. Other guides exist for: goats, dogs, cats and fish.

FAWC recommends that a more specific definition of fitness to transport should be created, and the industry/ levy boards could act to promote improved dialogue and understanding regarding criteria for fitness for transport and suitable transport conditions. Tools such as videos, posters, leaflets and written guides could all be used using the information based on best practice guides (as suggested in paragraph 86). More training should be provided to enable owners/ farmers/ transporters to identify animals that are not fit for transport. This recommendation should apply to all livestock, poultry and equine animals.

FAWC recommends that current penalties to deter people from transporting animals in breach of the Regulation should be reviewed. Understanding why people breach the regulation could influence future penalties such as fixed term notices or to resource additional support for transporters/ farmers to make informed decisions when transporting animals in the future. More research is warranted to understand the human behaviours of transporting animals.”

In response to these recommendations it is the view of the Scottish Government that owners, transporters and farmers should be supported to understand fully how to provide for high standards of welfare in transport and how to comply effectively with requirements.

We agree that well-developed and well-designed best practice guides can play an important role here, and we agree that they could be applied and promoted by the industry and government, including by levy boards.

We support the use of a wide variety of tools and channels to convey helpful information in timely and user-friendly ways, as part of raising awareness, supporting compliance, and improving dialogue and understanding. Industry training also plays an important role in ensuring those responsible for the welfare of animals in transport possess the necessary skills, knowledge and competences.

We agree that guidance and other supporting material should reflect the latest understanding and best practice, and should be sufficiently detailed. As recommended by FAWC we agree the current definition of fitness for transport could be reviewed with the aim of developing an improved and more specific version.

Effective enforcement and the timely application of suitable penalties plays an important role in preventing poor and harmful practice and in incentivising compliance. We note FAWC's recommendations here and will respond to them as part of responding to FAWC's later recommendations on enforcement (See Q.16).

Q.3. Do you agree with the Scottish Government's position on determining fitness for transport and proposed course of action? Please provide any further relevant information.

Transport of horses

"FAWC recommend that horses should not be classified as either registered or unregistered in any proposed Regulation. Instead, the terms registered or unregistered should be removed altogether from transport legislation and that all horses should be reclassified solely as "horse(s)". This would ensure that all horses are covered under the same Regulation and that the highest welfare standards are applied."

In response to this recommendation it is the view of the Scottish Government that, in principle, all horses should be afforded the same minimum level of protection regardless of the horse's classification and purpose of the journey. The reasons for classifying horses as registered or unregistered is related to registered horses voluntarily being subject to high animal health standards.

We note that the same incentives might not apply in relation to lower value registered horses and this is a risk to welfare that FAWC has highlighted. We recognise that statutory regulation should be applied in a proportionate and risk-based way, taking into account the owners and transporters involved, and their ability to provide for welfare needs during transport.

We agree that we should consider applying animal welfare in transport regulations to all horses alike, both registered and unregistered.

Q.4. Do you agree that there should be no distinction between registered and unregistered horses in future legislation on welfare during transport? Please provide any further relevant information.

Means of transport

"FAWC recommends that all vehicles that are used to physically transport livestock, poultry and horses (i.e. lorries, trailers, horse boxes) should be inspected by Vehicle Approval Bodies, regardless of journey length. It is anticipated that these requirements will be rolled over several years due to the number of vehicles that are used for transporting these animals. All vehicles that are used to transport animals will be issued with a certificate. Whereas, vehicles which transport other vehicles

containing animals i.e. trains or ships should follow similar guidance laid out by the International Air Transport Association (IATA) Live Animals Regulations.

FAWC recommends that accelerometers should be retro-fitted to all vehicles that are used to transport livestock, poultry and horses and acceleration, braking, cornering and uneven road surfaces should be recorded by these devices. The recordings of these devices, should be submitted to the LA or APHA on request; for example, if there are increased levels of lameness, bruising or dead on arrival animals noted at the slaughterhouse.”

In response to these recommendations it is the view of the Scottish Government that a proportionate and risk-based approach towards the application of statutory regulation should also apply in relation to vehicle approval, certification and inspection. Currently inspections are required for vehicles transporting livestock on long commercial journeys of over eight hours.

We agree that in relation to livestock, poultry and horses we could reconsider where the boundaries of statutory regulation of vehicles should lie, and what those specific risk-based and proportionate regulatory requirements should be. This could include considering to what extent different requirements should apply to commercial journeys and to other journeys.

We agree that a suitable transition period should apply to any changes. We agree that the quality of a journey can affect the welfare of animals during transport and that accelerometers can provide useful additional data and evidence relating to journey quality.

We consider that accelerometers could be treated as one aspect of vehicle specification, along with the possibility of extending the requirement for GPS tracking devices to be fitted (currently this only applies if the journey is over 12 hours in the UK or over 8 hours for an export journey). The case for fitting GPS devices and accelerometers (either to new vehicles or also retro-fitting to existing vehicles) should be covered by the consideration outlined above of what risk-based and proportionate statutory regulation should apply to vehicles transporting animals.

Q.5. Do you agree with the Scottish Government’s position on the means of transport and proposed course of action? Please provide any further relevant information.

Handling at markets

“FAWC recommends that further scientific work is needed to determine what improvements can be made regarding handling, including loading and unloading in markets.

FAWC recommends that markets should require an animal welfare licence in addition to the animal gatherings licence. The licence would serve to protect animals during their time in a market, including the time from which animals are unloaded until they are loaded onto the vehicle, and also during sales. If the market breaches any part of the licence, then this will be suspended or withdrawn. The animal welfare licence will cover the prevention of: poor handling, unfit animals being sold or

transported, and poor conditions required for retention of animals at the market for prolonged periods of time. The licence will require input from the LA animal health officer(s) to enforce these requirements.

FAWC recommends that further work should be carried out to identify the different times animals spend at markets, and to identify effective ways to monitor and record journey time through markets. FAWC has acknowledged that a rest period is only achieved when animals are able to show natural behaviours (including eating drinking and lying), which they may be unable to do in markets. Therefore, the amount of time animals spends in markets should be recorded, and a maximum time an animal spends at a market should be determined. These recommendations apply to all animals that go through markets.”

In response to these recommendations it is the view of the Scottish Government that the development of an improved evidence base, including relating to the latest science and best practice regarding loading, unloading and handling at markets should be supported. We also wish to consider how better to measure, monitor and record the total time spent at market, from initial unloading to final reloading.

Currently, the Welfare of Animals at Markets Order 1990 (as amended) sets down the animal welfare standards which apply to animals at markets, including in relation to handling at market, and the conditions and standards applying to animals during their stay at market. However, markets themselves are not currently subject to a specific animal welfare licensing regime. We agree that a review of existing requirements applying to animals at market should be considered, including the maximum time at market, and that this could specifically set out the case for a new animal welfare licensing regime to be introduced for markets.

Given that animal welfare in transport regulations set maximum journey times, with additional requirements for rest periods, we agree with FAWC that we should also consider setting a maximum time an animal can spend at market.

Q.6. Do you agree with the Scottish Government’s position on the maximum time an animal may spend at market and proposed course of action? Please provide any further relevant information.

Space allowances for animals transported

“FAWC recommended an allometric system to determine the stocking density of sheep, cattle and pigs. Stocking density for horses should be determined using kg/m² and not m²/ animal. This stocking densities should be applied in any proposed policy reform. Space allowances that have not been identified based on scientific literature require further research to determine appropriate stocking densities for all species intended for travel.

FAWC recommends that the following headroom height requirements are used in any proposed policy reforms:

Recommended headroom heights for different species (height ABOVE full standing head height). Species Recommendations Reference Dairy cattle 20 cm 38 Beef

cattle 30 cm 3 Sheep 22 cm 39 Pigs 9 cm 40 All other animals (excluding poultry) 20 cm above the head”

In response to these recommendations it is the view of the Scottish Government that the stocking density of animals in transport is a key aspect of their welfare, and this includes providing sufficient headroom. If animals are not provided with enough space and headroom there can be adverse animal welfare impacts, including distress and discomfort as well as injuries and bruising during transport.

We are keen that our requirements reflect the latest evidence and expert understanding and we agree that proposals for future regulatory reforms should include FAWC’s species-specific headroom allowances. We agree in principle that allometric systems could be used to calculate stocking density, which could include taking into account each animal’s weight individually. We consider that more work is needed to explore how this more precise approach could be applied in practice.

Q.7. Do you agree with the Scottish Government’s position on space allowances for animals in transport and proposed course of action? Please provide any further relevant information.

Transport practices

“FAWC recommends that the definition of commercial journeys that is in the 1/2005 Regulation should be removed and instead all animals should come under the same proposed regulatory reform. This would allow all animals (livestock, poultry, horses and companion) to be afforded the same level of protection regardless if they are being moved commercially or not. There are a lot of “non-commercial” movements that are not covered by the current 1/2005 Regulation and these animals may undergo welfare concerns during transport, but are not recognised in the current transport Regulations. This proposed recommendation does not require all people who transport their animals to obtain a CoC, instead the animals that are currently listed (i.e. livestock, poultry and horses) would still require CoC, but transportation of companion animals does not.”

In response to this recommendation it is the view of the Scottish Government that, in principle, all animals of the same species should be afforded the same level of minimum protection regardless of whether they are being moved for commercial purposes or for other purposes, and the considerations here are similar to those applying to FAWC’s recommendations on horse journeys.

We note that current domestic legislation does provide some animal welfare protections to animals being transported not in connection with an economic activity. At the same time we recognise that statutory regulation should be applied in a proportionate and risk-based way and it is not necessarily the case that the same statutory regulatory requirements should apply to everyone in every situation in order to achieve the same welfare outcomes and minimum protections. Non-statutory regulation or guidance may be suitable in some instances, and where statutory regulation applies, this should ideally be tailored in a risk-based way.

In summary we agree that all animals should be protected but we should review where the boundaries of statutory regulation lie, and that we should consider how to apply a risk based and proportionate approach in relation to authorisations, Certificates of Competence and other aspects of statutory regulation.

Q.8. Do you agree with the Scottish Government's position on transport practices and proposed course of action? Please provide any further relevant information.

Thermal conditions and ventilation

“FAWC recommends that more research and evidence is required to determine the acceptable temperature ranges for the different species and classes of livestock, horses and companion animals i.e. age, breed, sex, shorn/ unshorn that are transported. Until this time, FAWC have suggested temperature ranges for cattle, sheep, pigs and poultry. These temperature ranges should only be used as a guide and only when outside temperatures are exceeded i.e. outside 5°C to 30°C. Where temperature ranges are not defined, then the current 1/2005 Regulation should be applied to all other animals.

FAWC recommended that a maximum and minimum temperature should also be devised for all animals (farm, equine and companion animals) where they are not permitted to be transported outside of these extreme temperatures ranges. This should be a research priority due to the increased levels of extreme temperature ranges that are being experienced, and are likely to be experienced, in future. Vehicle design should also be considered when considering the thermal requirements of animals.”

In response to these recommendations it is the view of the Scottish Government that thermal conditions and ventilation are a key aspect of welfare in transport and extreme temperatures and poor ventilation can cause animal welfare issues to arise. In recent years we are aware of several cases that have occurred where animals have suffered distress in transit due to high temperatures.

We are keen that our requirements reflect the latest evidence and expert understanding. We agree in principle that FAWC's recommended temperature ranges should be used as a guide in the way proposed by FAWC, and that further research and evidence would help inform further refinement of these parameters.

We agree that future regulatory requirements could include setting a maximum and a minimum external temperature for permissible journeys, that any new limits should be based on science and evidence, and that any regulatory requirements relating to these limits should also consider the ability of the vehicle to manage the temperature experienced by animals being transported.

Q.9. Do you agree with the Scottish Government's position on thermal conditions and ventilation for animals in transport and proposed course of action? Please provide any further relevant information.

Long journeys

“FAWC recommends that, where robust scientific findings are available regarding species- specific or subgroup-specific (young, juvenile, adult or end of life) journey time requirements, then these should be adopted in the new regulation. Based on the scientific output from the systematic review, there are desirable maximum journey time limits for some species of animals which should be applied in policy reforms (Table 7). The desirable maximum journey time limits should not be exceeded and the times indicated in the table should be considered the absolute maximum.

FAWC recommend that if any journey goes beyond 21 hours for all animals (cattle, sheep, and other livestock and companion animals that are not mentioned in Table 7) then written consent is required and submitted to APHA for review. Reasons to why the journey needs to go beyond 21 hours should be fully justified and alternative options should be noted. If an extension of 21+ hours is granted, then a mid-journey rest stop will be required – see paragraph 97).

FAWC recommend that a maximum journey time of 9 hours for all un-weaned animals or animals that have been weaned within the last week (all livestock and horses, and companion animals) (except for newly weaned pigs).”

In response to these recommendations it is the view of the Scottish Government that setting clear maximum journey times for each species is a core protection in our welfare in transport regulatory system. Animals must be in a fit state at the end of their journeys, and FAWC’s principles reflect that all journeys can have adverse effects on the welfare of animals being transported. Minimising journeys themselves, and minimising journey length when journeys occur, are central to FAWC’s principles.

We agree that maximum journey times should reflect the latest scientific evidence and should take relevant factors into account, such as if the animal is unweaned, young, juvenile, adult, or end of life. We note that FAWC has proposed the same maximum journey times for some species irrespective of the purpose of the journey, e.g. for slaughter, for production or for breeding, and also irrespective of the type of journey, e.g. commercial or non-commercial.

We agree that the particular desirable maximum journey times proposed by FAWC in Table 7 should be considered for adoption, subject to full consideration of the evidence in the systematic review and other evidence that becomes available.

In relation to FAWC’s specific maximum journey time recommendations, we agree that the shortest journey time should be applied in all circumstances, in particular that specific additional written permission from the relevant devolved UK authority should be obtained for any journey exceeding 21 hours following an application explaining why such a journey is justified.

We agree the nine hour maximum journey time for all unweaned animals or recently weaned animals (except newly weaned pigs, where eight hours is recommended),

subject to considering other scientific evidence and particular geographical constraints within the UK.

In taking these recommendations forward we would wish to consider how maximum permitted times apply to journeys from remote areas and we would wish to consider the justifications which could apply to such journeys, including in terms of the potential welfare benefits of the journeys for those animals affected.

Q.10. Do you agree with the Scottish Government's position on maximum journey length and proposed course of action? Please provide any further relevant information.

Journey times and rest periods

"FAWC recommend that a mid-journey rest period for all animals where there is no determined desirable maximum journey or when the maximum desirable limit exceeds 21 hours (cattle/ sheep, companion animals, livestock, poultry and horses). Mid-journey rest periods should be more aligned to driver time and rest periods from the Regulation (EC) 561/2006, where a rest period of 45 mins every 4.5 hours is recommended (see Table 8). If the proposed journey exceeds 9 hours of driving, then a second driver is required. By aligning the driver's Regulation to the animal transport regulation, this should improve the quality of driving by allowing the driver to have suitable rest breaks to refresh. However, further research is required to ultimately decide what would constitute the optimum rest periods for both driver and animals."

In response to this recommendation it is the view of the Scottish Government that mid-journey breaks for animals during long journeys may be a key component of providing for high welfare during transport, and should be considered alongside maximum journey times. In principle we agree that, in line with better regulation principles, the maximum journey times and rest periods relating to drivers and to animals being transported should be as coherent, mutually consistent and aligned as possible. We wish to explore further how far and in what way these time periods could be aligned, and we agree that further evidence gathering and research could usefully inform these considerations.

Q.11 Do you agree with the Scottish Government's position on mid-journey breaks and proposed course of action? Please provide any further relevant information.

Licensing requirements for transporters

"FAWC recommends that the 65km barrier that is currently applied to the EU 1/2005 Regulation should be removed and instead anyone who owns or transports livestock, poultry or horses (regardless of distance/ duration) should have a transporter authorisation and CoC. To note, this proposed recommendation does not require all people who transport their animals to undergo a CoC, only the animals that are currently listed (i.e. livestock, poultry and horses) would still require CoC but transportation of companion animals will not."

In response to this recommendation it is the view of the Scottish Government that, in principle, animals should be provided with the same safeguards and protections during the shortest journeys as they are for other journeys. At the same time we consider that a proportionate and risk-based approach should be applied to the application of statutory regulation, and this includes considering carefully where the limits of statutory regulation lie.

We agree that there is merit in considering if all those who transport livestock, poultry or horses should require transporter authorisation and a Certificate of Competence, including if they only transport animals on short journeys. This should be considered alongside earlier proposals relating to the application of statutory regulation to non-commercial journeys as well as to commercial journeys.

Q.12 Do you agree with the recommendation that anyone who transports livestock, poultry or horses should require transporter authorisation and a Certificate of Competence, including if they only transport animals on short journeys? Please provide any further relevant information.

Transportation of animals by sea

“FAWC recommends policy reforms which prevent animals from being transported in severe weather and sea conditions where increased side-to-side or up-and-down motions may occur.

FAWC recommend that vehicles should be carried in locations on vessels designed to provide natural ventilation as far as possible rather than relying on mechanical systems. Where mechanical systems are needed these should be designed and operated to provide the recommended temperature range at all times.

FAWC recommends that no animals are transported over the sea during Beaufort Wind Force of 6 or above, as these conditions have been shown to cause motion sickness in the cattle and sheep. Contingency plans in the case of poor sea conditions, and provision of venues to accommodate animals, should be the responsibility of the owner/ transporter and should be inspected by APHA.

FAWC recommends that further funding should be made available for research in establishing maximum journey limits over the sea.

FAWC recommends that the concept of “neutral time” should be reviewed and that all movements over the sea should be considered as a category of journey time. Animals that are transported in livestock vessels and cassette systems are provided with water and food, and have appropriate arrangements for space, bedding, environmental control and attention but the motion of the sea is not prevented during these journeys, and they do continue ‘to travel’ during sea passage.

FAWC recommends that any proposed policy reform should ensure that anyone responsible (including Captain/Pilots) for transporting livestock and horses only should be required to receive suitable training as per the requirements of the proposed reformed regulation.”

In response to these recommendations it is the view of the Scottish Government that specific consideration should be given to the particular issues and challenges which apply to animals undergoing sea journeys. We agree that animals should not be transported by sea during severe weather or sea conditions. We should also however take into account the design of the vessel involved and recognise that transport in various weather conditions may benefit the welfare of animals that need to be moved from islands to better conditions as part of the normal seasonal pattern of livestock movements.

Given the changeable nature of sea and weather conditions, and other factors that may affect the availability of ferry services we agree that those wishing to move animals over the sea should have effective contingency plans for their animals in case of delays, and that these plans and the associated contingency venues and premises should be approved by the relevant devolved authority.

Where sea journeys take place we agree it is important that effective ventilation and temperature control are provided, and that natural ventilation should be provided as far as possible instead of mechanical ventilation. Where mechanical ventilation is provided this needs to ensure that the right temperature range is provided during all parts of the journey.

In most cases animals travelling by sea remain on their road transporters and this time currently counts toward total journey time. The Scottish Government will consider reviewing the concept of “neutral time” for animals transported unloaded in conditions equivalent to farm accommodation in livestock vessels or cassette systems, taking into account the practical experience gained in operating the cassette system in Scotland over many years and any relevant future research.

FAWC has recommended that more funding is provided for further research to enable maximum journey times at sea to be set. We would support further research here, subject to the consideration of other research priorities, and would also support other evidence gathering relating to how the welfare needs of animals on longer sea journeys can be addressed.

We agree with FAWC that suitable training should be required for anyone transporting livestock and horses, including captains and pilots, on the requirements of any new transport legislation.

Q.13 Do you agree with the Scottish Government’s position on transportation of animals by sea and proposed course of action? Please provide any further relevant information.

Transportation of animals by rail or air

“FAWC recommends that scientific literature should be reviewed to assess if there are any welfare issues associated with transporting animals by rail or air. If so, more research on the welfare of animals during rail and air transportation should be carried out.”

In response to this recommendation the Scottish Government notes the proposal for a review of the scientific literature on whether any particular welfare issues are associated with other forms of transport, such as rail and air and we note that the systematic review did look at what literature there was for different forms of transport such as air. This will be considered alongside other research priorities.

Q.14. Do you agree the Scottish Government should consider the proposed review on research into transportation by rail or air alongside other research priorities? Please provide any further relevant information.

Identifying welfare risks during transportation

“FAWC recommends that a circular approach to all journeys where feedback is provided on all long or exported journeys between the transporters and APHA. Currently, a lack of resources may mean that this is not routinely carried out. Complete feedback is required to identify reoccurring issues identified on journeys, and appropriate enforcement is applied if necessary.”

In response to this recommendation it is the view of the Scottish Government that feedback and constructive dialogue between transporters and APHA relating to issues arising on all long journeys is important. This enables issues to be identified including at an early stage, and informs the identification and development of mitigations, solutions and best practice. There are currently processes in place that address this recommendation for livestock and unregistered horses, and we agree that these should be extended to cover poultry and registered horses too.

We also agree with FAWC that feedback processes should help identify compliance issues and should help support effective enforcement activity, where this is needed. We agree that the associated resourcing required for these feedback and other processes should be considered, alongside other resource priorities.

Q.15 Do you agree with the Scottish Government’s position on the collection and use of feedback to identify welfare risks in transport and proposed course of action? Please provide any further relevant information.

Alignment of enforcement of welfare in transport

“FAWC recommends that the enforcement between LAs and APHA should be better aligned and with improved collaboration so that transport and animal welfare remain a priority. This will require stronger liaison with LAs on improving transporter performance or APHA should impose direct action during visits on farm during inspections.

FAWC recommends penalties to reduce non-compliance of a regulation should warrant further work. Finding the right penalty option (i.e. suspend or revoke vehicle approval and certificates of competence or fixed term notices) to determine which would benefit the welfare of the animals in the long term by reducing the numbers of non-compliance.

FAWC recommends that more education and training, including use of agreed guidance, is applied to all those involved with the transport process.”

In response to these recommendations it is the view of the Scottish Government that together with the provision of guidance to support compliance and promotion of best practice, effective enforcement is key to identifying and addressing concerns and plays an important role in incentivising compliance. Local authorities and other UK enforcement authorities (especially APHA) each have important roles and responsibilities, and it is vital that they work closely and collaboratively with each other.

This includes alignment and coherence of priorities, protocols and ways of working. We support FAWC’s recommendation that all parties involved in enforcement should operate in a well-aligned, collaborative and unified way. Existing information sharing and liaison arrangements exist, and we agree that these could usefully be reviewed to help identify improvements. This could include how enforcement performance is monitored and managed, and how the authorities are using the powers they hold.

We agree that effective enforcement involves being able to apply the right types of penalties, and that we could usefully review the current range of available penalties, including in what circumstances they can be applied and also their depth and scale.

Currently, a person failing to comply with the Welfare of Animals (Transport) (Scotland) Regulations 2006 may be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both. The Scottish Government will consider the introduction of fixed penalty notices for animal transport and other animal welfare offences now that the necessary powers have been provided by the recent Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

We agree with FAWC’s earlier recommendation that further research on attitudes towards compliance would help inform to what extent improved compliance is best addressed by providing more support and guidance. Further research proposals would be considered alongside other priorities. As before we agree that more education, training, guidance and other support to enable and promote improved compliance should be considered.

Q.16 Do you agree with the Scottish Government’s position on the enforcement of welfare of animals in transport and proposed course of action? Please provide any further relevant information.

Welfare at destination

“FAWC recommends that no animals shall be transported to a destination where the welfare conditions are lesser or contrary to UK legislation or codes of practice.”

In response to this recommendation it is the view of the Scottish Government that in order for export journeys not to be associated with worse animal welfare, we should

also take into account the welfare protections applying to animals after they have arrived at their destination.

We agree that consideration of future regulatory requirements should include what sort of approvals regime to apply to export journeys, including what sort of assurances to require about the post-export protections applying to animals after they have arrived abroad. In principle we agree with FAWC that no animal should be transported to a destination where the welfare conditions would be unacceptable in the UK. We wish to consider further how that might be applied in practice.

Q.17 Do you agree with the Scottish Government's position on post-export protection of animal welfare and proposed course of action? Please provide any further relevant information.



Respondent Information Form

Please Note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80004-385-5 (web only)

Published by The Scottish Government, December 2020

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS799106 (12/20)

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