

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

**Summary report**

**October 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

# Contents

<b>Introduction</b>	1
<b>Background</b>	2
<b>Summary of Responses</b>	3
<b>Responses to Individual Questions</b>	
<b>Question 1</b>	5
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.	
<b>Question 2</b>	7
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.	
<b>Question 3</b>	9
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.	
<b>Question 4</b>	12
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.	
<b>Question 5</b>	14
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.	
<b>Question 6</b>	16
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.	
<b>Question 7</b>	18
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.	
<b>Question 8</b>	20
Do you agree with the Scottish Government's position on transport practices and proposed course of action? Please provide any further relevant information.	
<b>Question 9</b>	22
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.	

<b>Question 10</b>	24
Do you agree with the Scottish Government’s position on maximum journey length and proposed course of action? Please provide any further relevant information.	
<b>Question 11</b>	27
Do you agree with the Scottish Government’s position on mid-journey breaks and proposed course of action? Please provide any further relevant information.	
<b>Question 12</b>	29
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.	
<b>Question 13</b>	31
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.	
<b>Question 14</b>	34
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.	
<b>Question 15</b>	36
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.	
<b>Question 16</b>	38
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.	
<b>Question 17</b>	40
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.	
<b>Next Steps</b>	42

## **Introduction**

This report provides a summary of responses to the Scottish Government's consultation on the Farm Animal Welfare Committee's – "Opinion on the Welfare of Animals during Transport". The consultation ran for 12 weeks from 4 December 2020 to 26 February 2021.

FAWC's "Opinion on the Welfare of Animals during Transport" can be accessed at <https://www.gov.scot/publications/fawc-opinion-on-the-welfare-of-animals-during-transport-sg-response/>

## **Background**

### **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 have been retained in UK legislation and continue to apply after EU exit. 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, the Scottish Government and Welsh Government 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, the Scottish Government and Welsh Government.

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.

### **Proposals Consulted Upon**

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.

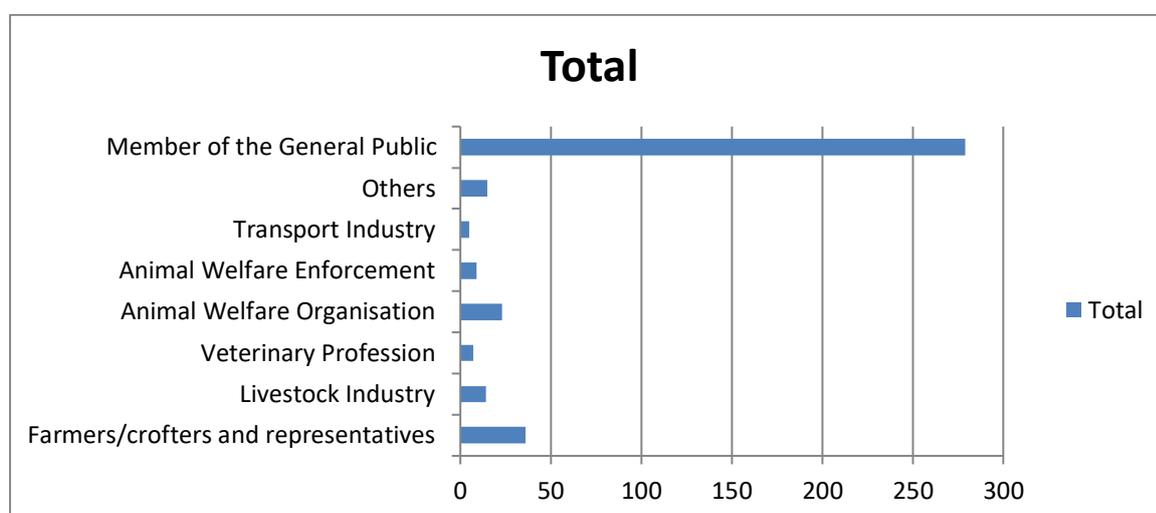
The Scottish Government, although it wishes as a minimum to keep pace with future EU transport legislation, believes that there is an opportunity to strengthen the welfare of animals during transport regime to reflect the latest scientific and veterinary evidence.

## Summary of Responses

A total of 388 responses were received and are broken down by grouping in Table 1. Of these:

- 36 (9.3%) were from farmers/crofters and their representative organisations;
- 14 (3.6%) were from the livestock industry (including abattoir representation, meat processers and auction marts)
- 7 (1.8%) were from the veterinary profession (2 from veterinary practices and 5 from veterinary associations)
- 23 (5.9%) were from animal welfare organisations
- 9 (2.3%) were from animal welfare enforcement and advisory bodies (8 of whom are Scottish local authorities)
- 5 (1.3%) were from transport industry organisations
- 15 (3.9%) were from other organisations identified as outwith the above groupings; and
- 279 (71.6%) were from members of the general public, although a small number of these self-identified as livestock producers or supporters of animal welfare organisations.

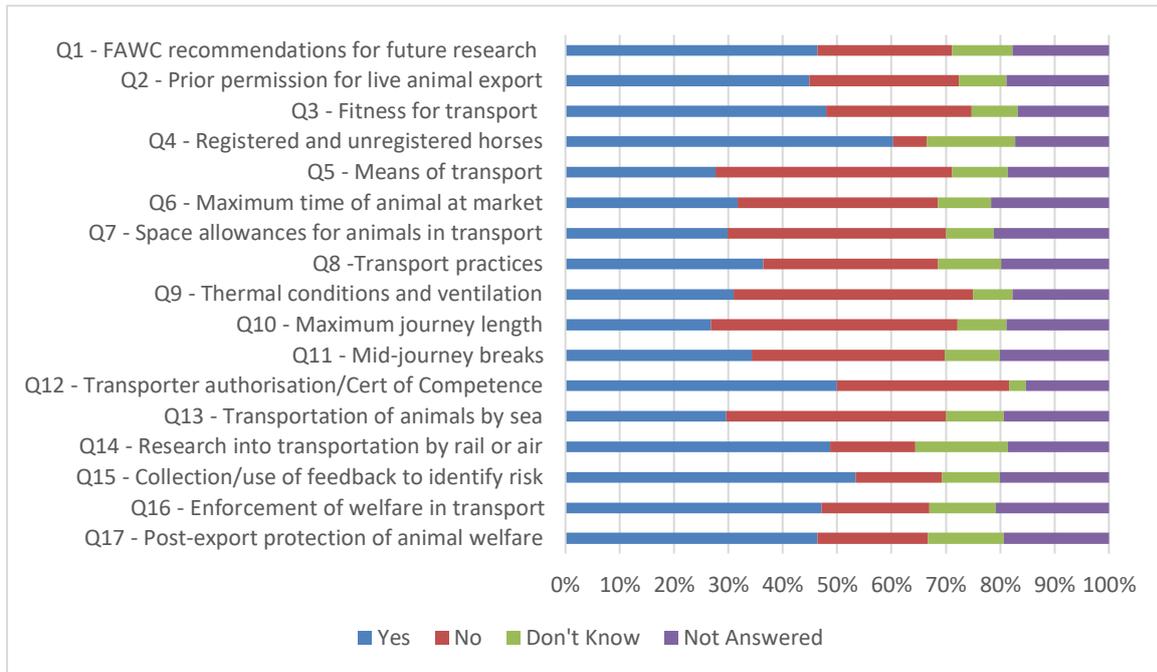
Within the responses from the general public there were approximately 50 responses largely identical to the responses of a number of the animal welfare organisations; and around 30 responses largely identical to the responses of organisations representing farmers/crofters.



**Table 1 – Breakdown of respondent groups**

The responses to the questions asked by the consultation identified no clear majorities, either in favour or opposed to, the Scottish Government's position on the FAWC recommendations and proposals to take those recommendations forward.

There are only 2 questions that elicited even a simple majority consensus. Those were in favour of treating all equines, registered and non-registered, equally in welfare in transport legislation and for collecting and using feedback to identify welfare risks in transport.



**Table 2 – Percentage responses to consultation proposals**

The individual responses to the questions asked by the consultation are considered in greater detail in this Report.

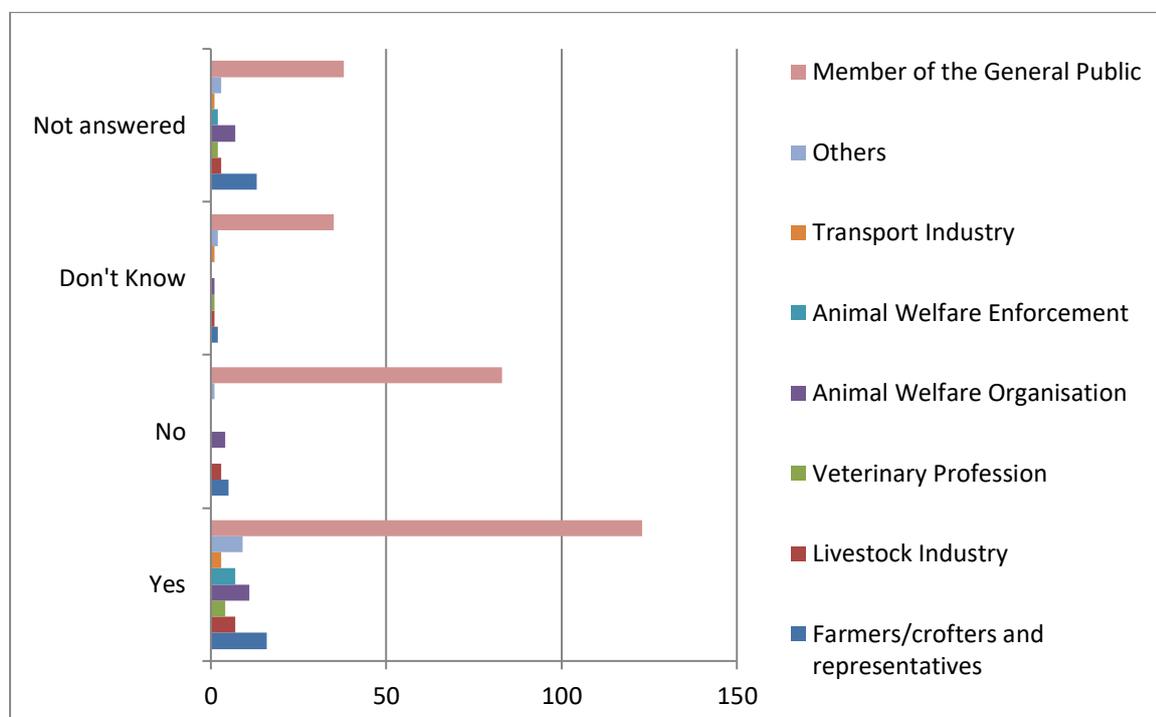
## Responses to Individual Questions

### Question 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.

The Scottish Government considers 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.



**Table 3 – Breakdown of respondent groups to question 1**

Of the 319 responses to this question, 56.4% were in favour of the Scottish Government’s position and proposed course of action. 30.1% were not in favour and 13.5% did not express a view.

Those replying in favour of the Scottish Government proposals portrayed general support for the use of research to *“improve our knowledge base” (Nourish Scotland)* and that existing knowledge gaps could be prioritised to improve animal welfare; and that legislative change *“should always be based on the latest science and industry based evidence” (unnamed organisation)*. There was also support for wider sharing of research output and *“the use of good science and evidence to drive policy” (NFU Scotland)*.

Quality Meat Scotland highlighted that an independent evidence base could assist policy interventions and that *“funding should be prioritised for this purpose”*. Other respondents, whilst noting the Scottish Government’s view that “funding is subject to the consideration of other priorities”, asked it to recognise the impact of *“current intensive food production systems have on the wellbeing of animals”* (Humane Society International UK) to demonstrate support for increasing, and sharing, knowledge.

QMS also suggested that research should be holistic and consider welfare of animals during transport, the welfare of the same animals if transport was restricted, and also on the economic and environmental impacts of restricted transport. It was also commented that research should *“take account of the economic importance of livestock production in remote and island communities”* (NFU Scotland) and on any impact change may have to those local economies.

Organisations from both animal welfare and farmers’ representative sector suggested that research *“should ideally be “species-specific and subgroup-specific”* (Animal Aid) and on how different species and classes of animals respond to transport conditions.

Enforcement bodies suggested that recommendations from research projects *“should be shared and discussed with industry and enforcers”* (Aberdeenshire Council) to consider feasibility and enforceability.

The Abattoir Sector Group agreed with FAWC’s recommendation around the *“availability of abattoirs around the points of production”* and suggested that should include a survey of the services required by farmers to inform the siting of abattoir services.

There was some discussion in responses on who should conduct research, with many favouring “independent research” with the inclusion of information from all sectors – with the animal welfare sector, and transport and livestock industries mentioned in particular.

Scotland’s Rural College noted that the welfare of animals in transport is not constrained to the UK and that *“mechanisms to allow UK scientists to participate in EU and other projects”* could be both beneficial and cost-effective.

One veterinary organisation questioned the *“definitive recommendations”* contained in the FAWC Opinion when *“FAWC acknowledge there is a lack of objective scientific evidence for reviewing animal welfare during transport”* (Northvet Veterinary Group Ltd).

## Question 2

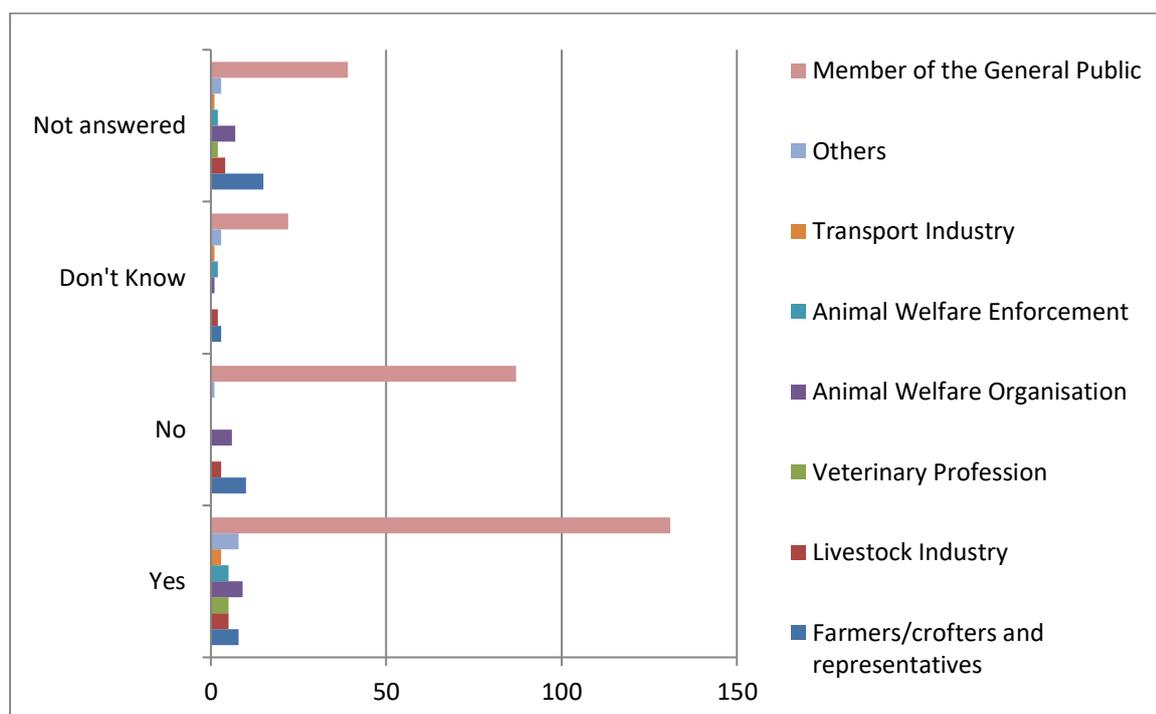
**Do you agree that prior permission should be obtained from the relevant UK authority for some journeys exporting live animals and permission should only be granted if the reasons for not undertaking a shorter alternative journey are justified? Please provide any further relevant information.**

The Scottish Government considers that FAWC’s recommendations provide a strong and credible foundation for considering future reforms. 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; and 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.

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. 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.



**Table 4 – Breakdown of respondent groups to question 2**

Of the 315 responses to this question, 55.2% considered that prior permission for some journeys exporting live animals should only be granted where these could be justified. 34.0% did not consider that appropriate and 10.8% did not express a view.

In addition to considering merit in obtaining prior permission for some export journeys a large number of respondents also *“urge for live export for fattening and slaughter to be phased out”* (Sustainable Food Trust). Other respondents noted that *“permission for such journeys should not become an ‘accepted’ journey going forward”* (unnamed organisation). Other respondents suggested that the Scottish Government *“needs to publish the standards and definitions of the conditions and situations that would not be accepted”* (Four Paws).

A number of respondents agreed with the Scottish Government’s view on animals being slaughtered at the nearest suitable abattoir where possible. However, a range of views were expressed from the current number of licensed Scottish slaughterhouses as *“an indication that there is sufficient facility in Scotland to slaughter animals”* (Trading Standards, Orkney Islands Council) to the distances involved in some journeys to slaughter owing to the location of slaughter facilities being *“determined by the main buyers”* (Scottish Animal Health & Welfare Panel).

Scotland’s Rural College supported the idea of *“local and mobile abattoirs to reduce journey times”*. On the other hand, the Scottish Animal Health & Welfare Panel commented that *“mobile abattoirs have been examined and rejected so many times during the last 30 years”* and Aberdeenshire Council considered them as *“suitable for some niche products but they are not economically viable at scale”*.

There were also differing views associated with the export of breeding animals. In responses from the equine sector some considered that journeys exporting live horses for competition, sale or breeding were not considered to need prior permission. However, other respondents considered that *“exporting animals ... for breeding should be exceptional and require prior permission”* (Nourish Scotland) although that comment might have been directed at livestock only in the context of the wider response. Compassion in World Farming agreed with a requirement for *“prior permission for essential exports, for example of breeding animals”* but that *“journeys for slaughter or ... fattening should never be regarded as essential”*.

Some respondents from the livestock industry and the farming sector considered that banning live exports would, given a *“significant decrease in the number of abattoirs in GB in the past number of years”* lead to *“increased pressure on the current operating meat processors”* (unnamed organisation).

### Question 3

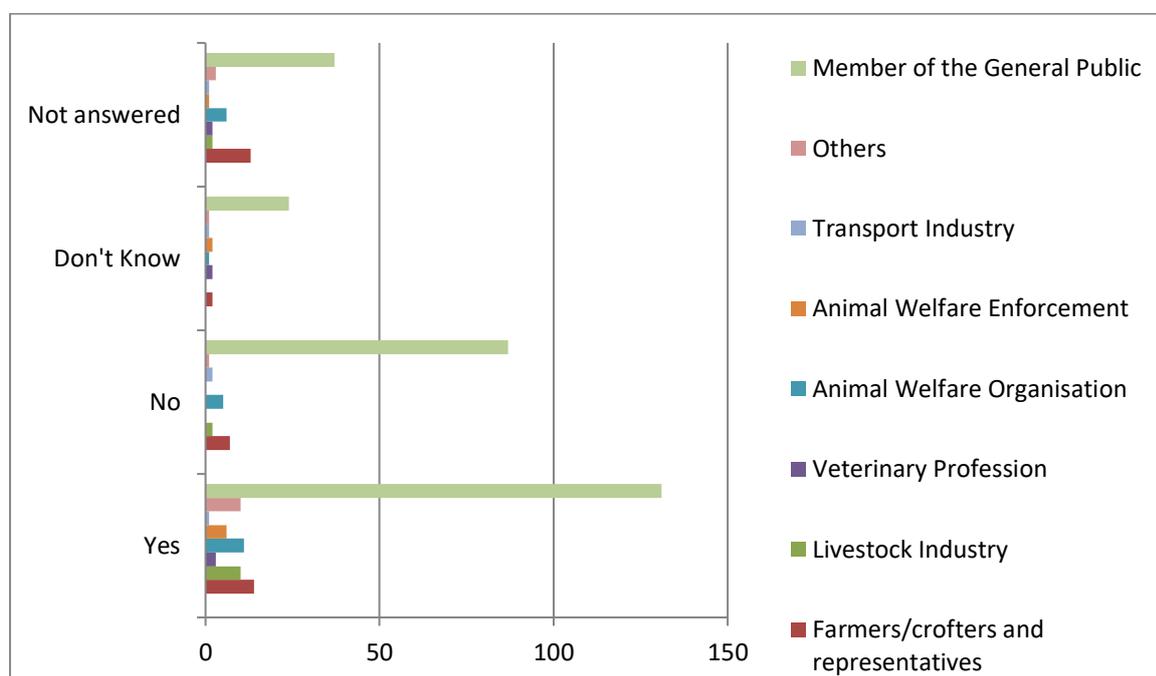
**Do you agree with the Scottish Government’s position on determining fitness for transport and proposed course of action? Please provide any further relevant information.**

The Scottish Government considers that owners, transporters and farmers should be supported to understand fully how to provide for, and comply effectively with high standards of welfare in transport. 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.

We agree that guidance and other supporting material should reflect the latest understanding and best practice, and should be sufficiently detailed. We also 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).



**Table 5 – Breakdown of respondent groups to question 3**

Of the 323 responses to this question, 57.6% were in favour of the Scottish Government’s position on determining fitness for transport and proposed course of action. 32.2% were not in favour and 10.2% did not express a view.

Most respondents agreed that the fitness of an animal to travel is of high importance, irrespective of whether they favoured the Scottish Government's proposed course of action or not. A number of respondents also suggested agreement with the FAWC Opinion that *"transporting animals unfit for travel is by far the most common form of non-compliance"* (unnamed organisation). The National Beef Association suggested that *"further scientific research is required in this area"*.

There was also a high level of agreement with the Scottish SPCA's comment that *"those involved in the care prior to travel and those involved in the transport of animals should be suitably trained and qualified in identifying the welfare of animals in their care"*. The Road Haulage Association Ltd noted the current existence of best practice guidance, and also certificates of competence required by a number of assurance schemes, which *"along with experience gained transporting livestock enables drivers to determine whether an animal is fit to travel"*.

Scotland's Rural College pointed out additional issues *"about responsibility (the haulier or the farmer) in making these decisions"* on fitness to travel and noted that *"in some cases haulier's may be acting in good faith"* if loading animals in poor light or other situations where welfare issues might not be clear.

A number of respondents agreed with FAWC that *"best practice guides such as the EU Animal Transport Guides should be applied and promoted by the industry and government"* (Animal Aid). OneKind considered that these might have *"not been well utilised in the UK"* and suggested their relaunch and promotion. Some other respondents noted that guidance is not available for all species and that this could be considered.

It was also commented by a number of respondents from enforcement agencies that *"farmers and hauliers are well aware of what is and is not fit for transport"* (Argyll & Bute Council) and of the need to consult a qualified veterinary surgeon if in doubt. However, it was also suggested that there may be benefit in providing *"a wider range of specific descriptions e.g. for lameness and ... to review the provision to allow the transport of an animal who is 'Slightly' injured"* (Scottish Animal Health & Welfare Panel). In addition, it was suggested that *"double checking that hauliers who are new to the job are properly trained"* (East Ayrshire Council) could be carried out.

A number of respondents from the Northern Isles, while mentioning that determining fitness to travel is *"always going to be somewhat subjective"* (MA & DS Goat), gave favourable mention to the current transport practices between the Isles and Aberdeen where local authority officers determine fitness to travel at both ports of embarkation and disembarkation. This whole process was suggested as retaining *"the welfare of animals as a core value of the local industry"* (Shetland Islands Council).

Members of the poultry industry highlighted their joint work with the airline industry to *"produce a global guide to best practice for air transporting of hatching eggs and day old birds"* (British Poultry Council). The Scottish Animal Welfare Commission suggested that assessment of poultry was problematic and suggested that *"further work or guidance may need to be developed"* for the poultry sector.

A proactive approach to underline the importance of welfare in transport was suggested and a specific section in required animal transport forms be inserted to aid consideration of welfare at point of loading. As stated by Nourish Scotland *“this is not about catching farmers out, but simply providing a prompt to remember the importance of doing this right”*.

A number of respondents from the farming sector suggested that *“guidance could be developed in partnership with industry, encouraging buy-in and support”* (NFU Scotland) from the sector with another unnamed sectoral organisation also suggesting the need for veterinary input. Compassion in World Farming commented that *“animal protection organisations with relevant experience”* should also be involved in drafting formal guidance.

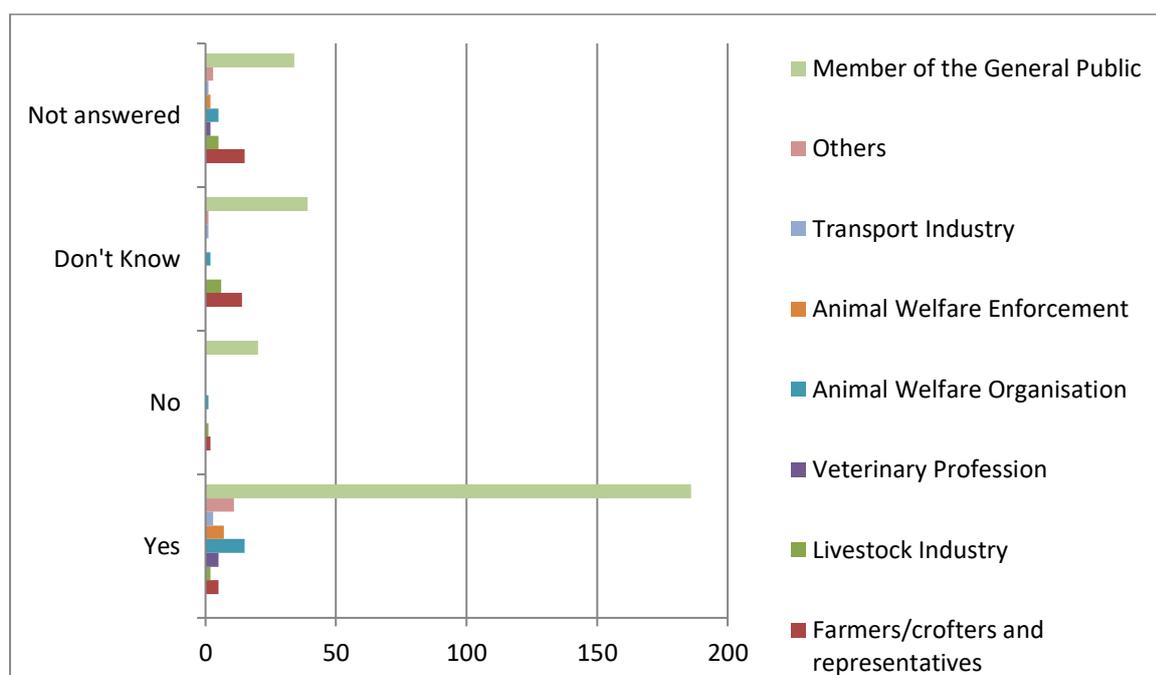
## Question 4

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.

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.



**Table 6 – Breakdown of respondent groups to question 4**

Of the 321 responses to this question, 72.9% were in favour of registered and unregistered horses receiving equal treatment in future welfare in transport legislation. 7.5% were not in favour and 19.6% did not express a view.

A high number of respondents replied in agreement with the view that “any animal being transported should be done so in the highest animal welfare standards regardless of species” and that such standards should apply “regardless of commercial value” (Scottish SPCA). Some also considered that unregistered horses are currently likely to “be subject to lower quality transportation” (Scottish Animal Health & Welfare Panel).

While a large majority accepted the Scottish Government's proposals with regard to horses, respondents provided additional comments on areas they felt merit further consideration:

- The possible exemption of *“certain owners and hauliers dependant on their ‘ability to provide for welfare needs’”* could undermine these standards and hinder enforcement. (*Humane Society International UK*);
- *“Relatively little quality work on travel to slaughter”* exists and that might be a useful avenue for information gathering (*Scotland’s Rural College*);
- A hidden, but less immediate, concern is the *“transportation of leisure horses from where they have been bred to their destination for sale”* (*Scottish Animal Welfare Commission*);
- *“A category of ‘high health’ equines”* could be created to allow them to be moved more easily if evidence of compliance with requirements could be shown (*unnamed organisation*);
- A question was posed on whether the use of the term *“horses”* in the question was intended to cover all equine species (*unnamed organisation*).

## Question 5

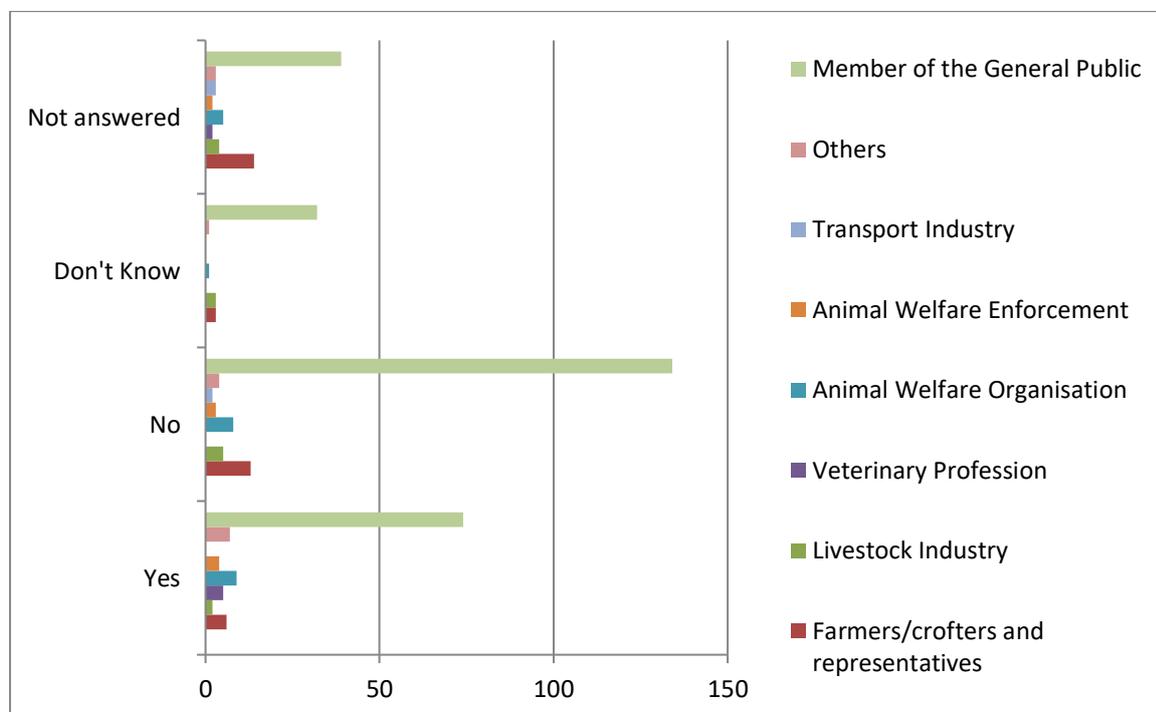
**Do you agree with the Scottish Government’s position on the means of transport and proposed course of action? Please provide any further relevant information.**

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. The case for fitting GPS devices and accelerometers (to new vehicles or existing vehicles) should be covered by a consideration of what risk-based and proportionate statutory regulation should apply to vehicles used.



**Table 7 – Breakdown of respondent groups to question 5**

Of the 316 responses to this question, 33.9% were in favour of the Scottish Government's position on the means of transport and proposed course of action. 53.5% were not in favour and 12.7% did not express a view.

There was support in comments offered for any future measures to cover non-commercial transport also as *"welfare issues can arise any movement"* (Dumfries & Galloway Council). However, some respondents commented that a blanket approach for all vehicles is appropriate, with consideration that *"towed livestock trailers"* could be excused (Argyll & Bute Council).

A reasonable number of respondents also suggested that there is *"clearly a difference between commercial and non-commercial transport"* (Orkney Branch of the Pony Club) suggesting that different requirements should be considered. Other respondents considered that regulating farm trailers and horse boxes may be *"extremely difficult, although this does not mean that it should not be attempted"* (Scotland's Rural College).

The Scottish Animal Welfare Commission commented on the existence of *"good evidence that driving style can have a significant impact"* but also stated that while mandatory use of monitoring devices could help to assess welfare and encourage better practice *"further validation studies of the impact of the use of these devices"* on animal welfare would be required. Other respondents also suggested *"further discussion and growth of the evidence base ... before further decisions are made"* (Quality Meat Scotland).

A number of other respondents agreed with the impact on welfare of driving style, further comments suggested that the condition of the roads, particularly in remote rural areas, and the behaviours of other road users which may have an adverse impact on smooth professional driving.

A number of those not in favour of the Scottish Government's position regarded the issue from opposed viewpoints. Some of the animal welfare organisations, and individuals supporting their views, responded registering support for FAWC's proposals and expressed disappointment with the Scottish Government's response. A number of these supported the *"use of real-time, continuous and recorder monitoring of the journey using a range of equipment"* (Compassion in World Farming).

On the other hand, some livestock and farming industry members, and some farmers pointed to the existing regulatory landscape, purpose built vehicles and industry assurance schemes as ensuring welfare in transport. A number of these suggested that, in their view, *"proportionate and risk based"* *"means that no changes are required to current arrangements"* (NFUS Orkney Branch).

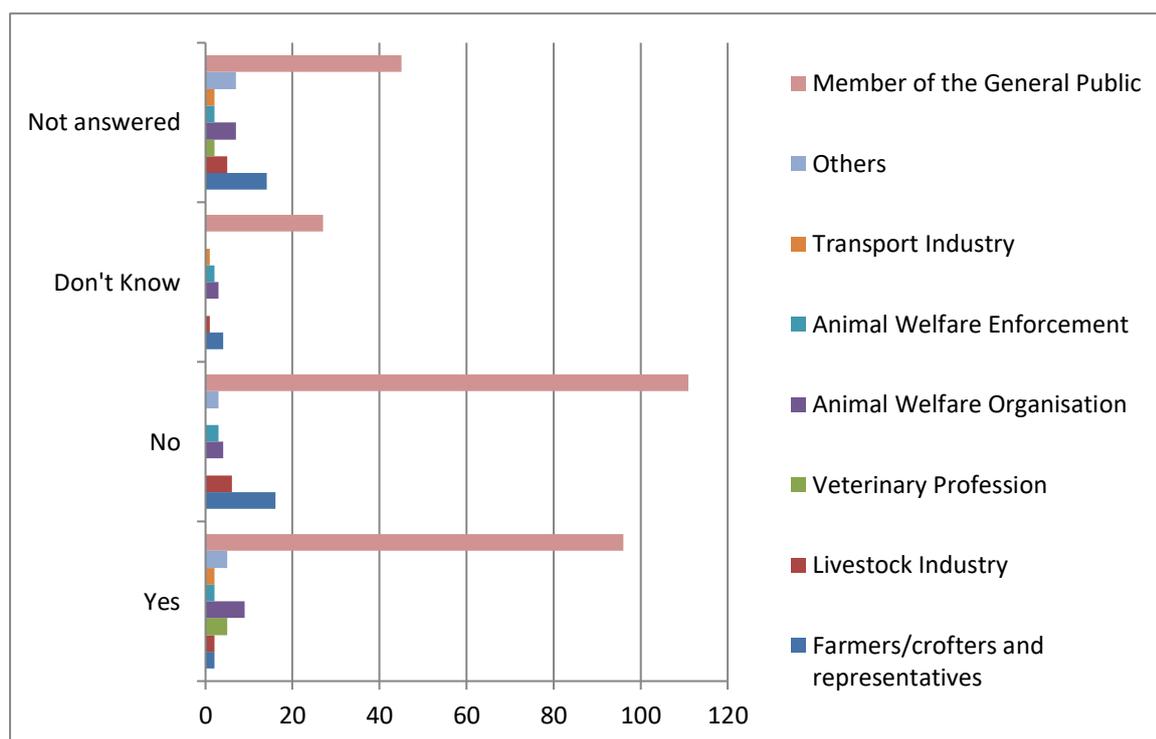
## Question 6

**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.**

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, but these 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 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.



**Table 8 – Breakdown of respondent groups to question 6**

Of the 304 responses to this question, 40.5 % were in favour of the Scottish Government’s position on the maximum time an animal may spend at market and proposed course of action. 47.0% were not in favour and 12.5% did not express a view.

Scotland's Rural College, and others, suggested proper exploration of whether time spent at market *"can constitute a rest period"* and felt that opportunities for suitable rest might be available dependent on the facilities at individual markets e.g. island markets acting as collection points for onward transport. Highland Council also proposed that research could *"be extended to look at livestock collection centres and gathering for sale of animals other than at a market"*.

Animal welfare organisations generally considered that *"times at market do not qualify as a rest period if eating/drinking/resting is not possible"*. Where those conditions did not apply it was suggested that time spent at market *"should be included in the journey time"* (Four Paws UK). The British Veterinary Association agreed that position while also commenting that *"in terms of biosecurity and disease control"* the risk of disease spread would be increased by the length of time at market.

The Scottish SPCA also considered that *"greater research regarding loading, unloading and handling at markets"* could help. That suggestion was supported by a number of respondents who considered these actions to be stressors for the animals which may suggest that markets might not be a place of rest.

A number of organisations and individuals agreed to animal welfare licensing for markets and that this could cover *"prevention of: poor handling, unfit animals being sold or transported, and poor conditions"* for a stay at market (Abattoir Sector Group).

Respondents from the farming, transport, livestock, and enforcement sectors provided information on the current requirements and official controls at markets with some of these respondents suggesting that a licensing scheme may be unnecessary. While unlicensed, markets are *"governed by the Welfare of Markets Order 1990"* and officials from local authorities and the Animal and Plant Health Agency (APHA) *"are regularly in attendance at markets"* (NFU Scotland). It was also commented that *"currently all markets are inspected annually by APHA vets and LA staff"* allowing *"improvements and issues to be addressed and rectified"* (Scottish Animal Health & Welfare Panel).

In addition, these respondents informed that Scottish markets operate under the 'Guidance on Best Practice for Livestock Markets in Scotland 2014' which was described as a *"61 point risk assessed control document and policy prepared in conjunction with Scottish Government, APHA and ... local authorities"* (Institute of Auctioneers and Appraisers in Scotland).

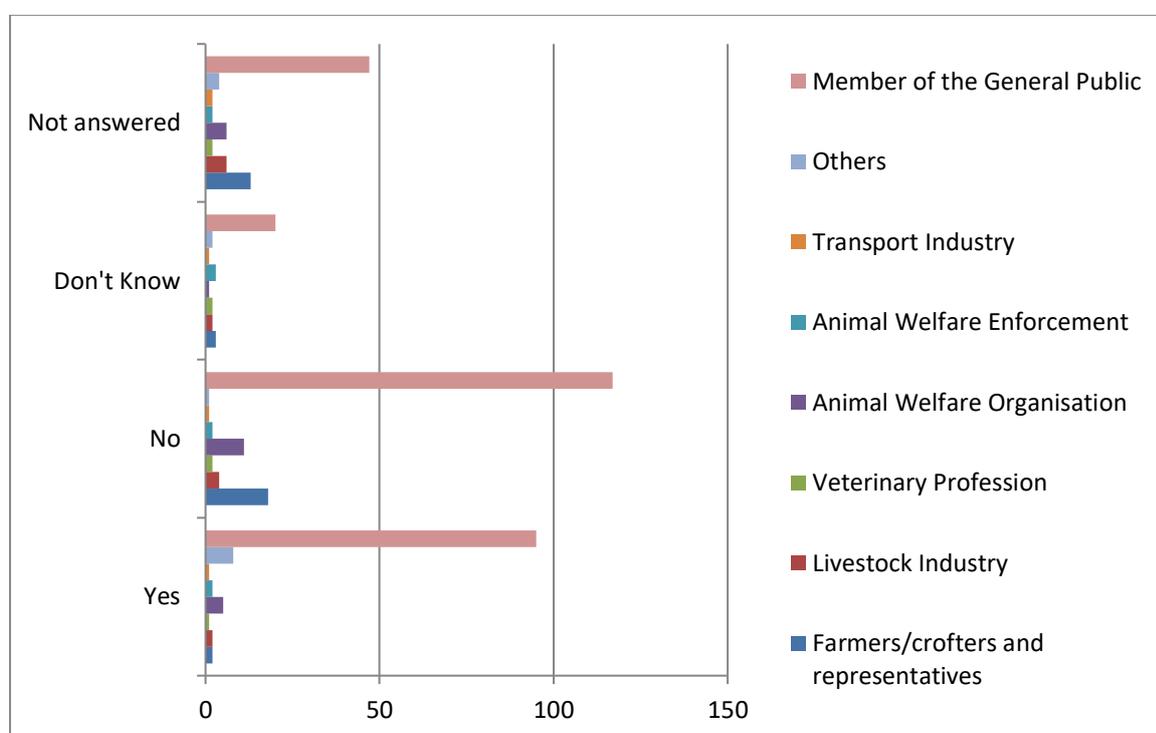
One respondent declined to comment on the proposal for maximum time at market as these had not been publicised. That respondent proposed that there could be a *"minimum time animals should spend at market"* (unnamed organisation) during which animals could be properly rested.

## Question 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.

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.



**Table 9 – Breakdown of respondent groups to question 7**

Of the 306 responses to this question, 37.9% were in favour of the Scottish Government’s position on space allowances for animals in transport and proposed course of action. 51.0% were not in favour and 11.1% did not express a view.

While many of the respondents agreed that stocking densities affect the welfare of transported animals there were a number who considered the *“rationale behind these (minimum) headroom heights is unclear”* (unnamed organisation). Others suggested that the use of the heights promoted by FAWC to deliver better welfare outcomes would *“not work consistently as it takes no account of different breeds within species”* (unnamed organisation) whereas others suggested that space allowances may need to be defined for different seasons and environmental

conditions *“to minimise heat stress ... when ambient temperature is expected to be high or journeys will be long”* (Scottish Animal Welfare Commission).

Other organisations agreed the principle of minimum heights, but suggested that *“as explained in the EFSA<sup>1</sup> scientific opinion (of 2011) it is recommended to determine the height of the deck or compartment as the space between the withers of the tallest animal per deck”* (OneKind).

The British Equine Veterinary Association and some unnamed equine organisations did not agree with the proposed headroom for equines, instead believing *“that the current requirement to set out clearance above the highest point of the withers (75cm) should be retained”*. Four Paws UK contended that the minimum height should be calculated from the highest point of the back of an animal and suggested minimum heights for a range of livestock species.

A number of respondents agreed the soundness of using allometric principles to define suitable space allowances citing that *“experienced stockmen and hauliers use this principle, without thinking about it”* at each loading (Blackhall Farms). However, many of these respondents contended that the *“practicalities of putting this into practice is very difficult”* (Robertsons, Orkney Ltd).

A number of organisations from the farming and transport industries suggested that *“increasing space allowances could lead to issues of vehicle stability and also lead to animals injuring themselves”* (P&A Kemp). Others from these sectors suggested that increased room could be detrimental to animal welfare by *“increasing the propensity of animals to jump on the backs of other animals in the group”* (unnamed farm business). In the words of one respondent *“Analysis of Livestock in Transit insurance claims at the NFU Mutual Kirkwall Agency over the past 20 years has found no instances where claims have resulted from animals having too little space, whereas there have been claims where the animals were loosely loaded”* (J&R Stanger).

Some respondents also considered that if there is a need to redesign or adapt vehicles there could be implications for their stability potentially leading to animal welfare issues. Others suggested that requiring newer, higher vehicles could also have unintended consequences around existing road infrastructure e.g. low bridges.

The Road Haulage Association provided calculations based on the FAWC recommendations suggesting a *“dramatically reduced”* level of associated stocking in transport. The Association has suggested this would have a *“huge impact on livestock haulage devastating effect on the livestock industry ... an impact on abattoir output and to the overall supply chain”*.

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<sup>1</sup> EFSA - European Food Safety Authority

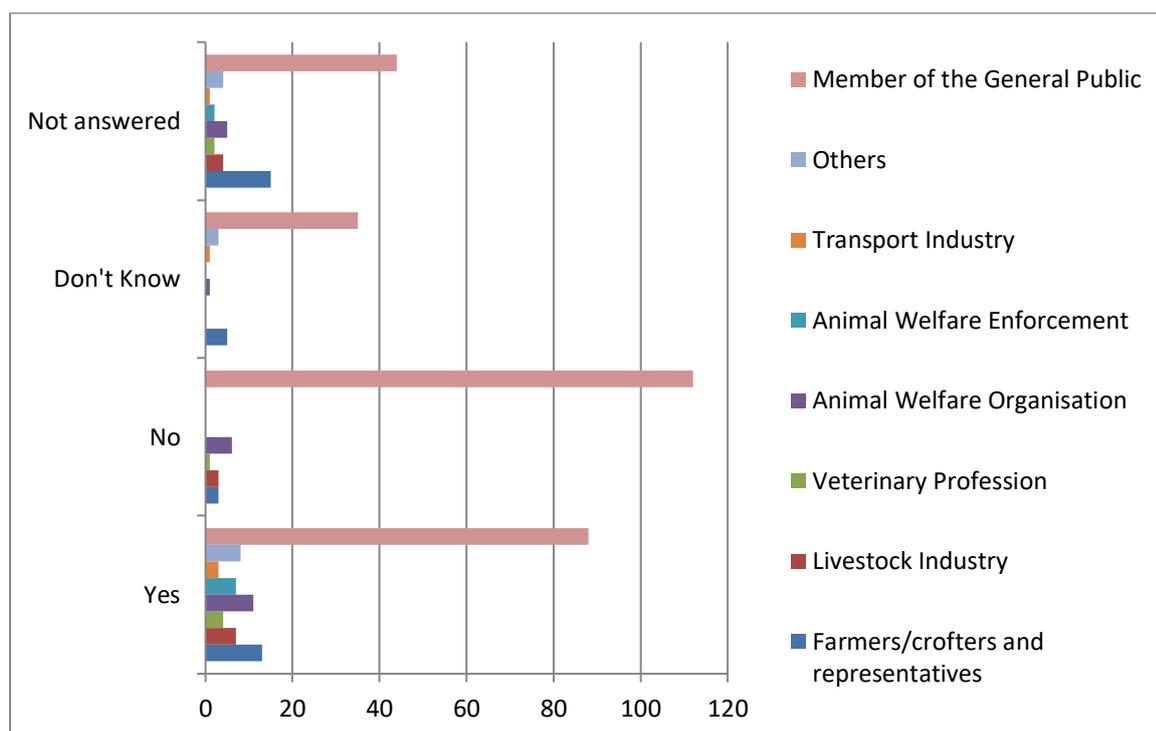
## Question 8

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

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.

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 we should review where the boundaries of statutory regulation lie, and consider how to apply a risk based and proportionate approach in relation to authorisations, Certificates of Competence and other aspects of statutory regulation.



**Table 10 – Breakdown of respondent groups to question 8**

Of the 311 responses to this question, 45.3% were in favour of the Scottish Government’s position on transport practices and proposed course of action. 40.2% were not in favour and 14.5% did not express a view.

A number of enforcement agencies noted that ‘proportionate and risk-based enforcement’ was already routine, but requests were made for the *“recommendations to be supported by statutory or advisory Guidance Documents issued by the Scottish Government”* (Argyll & Bute Council). However, other

comments stated a view that it was *“likely to be unrealistic and unenforceable”* (Ornamental Aquatic Trade Organisation) for all journeys to be regulated. Four Paws UK favoured regulation, but that *“we must assess whether special requirements need to be defined for transports”* for a smaller number of animals e.g. *“a horse “going on vacation””*.

Some equine organisations favoured the proposal of regulating commercial and non-commercial transport. An unnamed organisation suggested three types of journey (less than 65 km; between 65 km and 4 hours; and between 4 and 12 hours) and suggesting that Type 2 authorisation would be *“unduly onerous for amateur owners who may travel over 4 hours to attend competitions”* and that a derogation might apply.

There were a number of comments provided in relation to the movement of dogs and puppies, which was suggested by some as *“the area where stricter legislation could make a big difference”* (East Ayrshire Council). Scotland’s Rural College commented that the significant *“commercial transport of companion animals does not appear to be covered here”*. The *“huge market for pet carriage and dog walkers”* was suggested for further scrutiny by Aberdeenshire Council; and that view was supported by Dogs Trust in relation to *“shorter journeys associated with commercial activities in which dogs are not currently protected i.e. dog walking, doggy day care and home boarding”*.

Farmers and their representative shared a general view that the existing derogation for farmers moving their own livestock less than 65 km remains appropriate and that requiring *“authorisations and certificates of competence for such would be disproportionate”*.

Those organisations, and their individual supporters, who did not favour the Scottish Government’s position did so from opposing positions. Such respondents from the farming and livestock industry sectors considered, in general, that the *“present regulations are adequate and no change or enhancement is needed”* (unnamed organisation). Respondents from the welfare sector commented that any animal transported has the *“same capacities for suffering and experience”* (unnamed organisation) as commercially transported animals and that *“obtaining the required certification and authorisation is not too onerous”* (OneKind).

In addition, three unnamed welfare organisations not in agreement with the Scottish Government position also commented that *“protection also needs to apply to the transportation of animals used for scientific purposes including in laboratories”*. In that regard, an unnamed veterinary organisation commented that animals transported to the standards of existing guidelines for that sector should have *“welfare harms minimised”*.

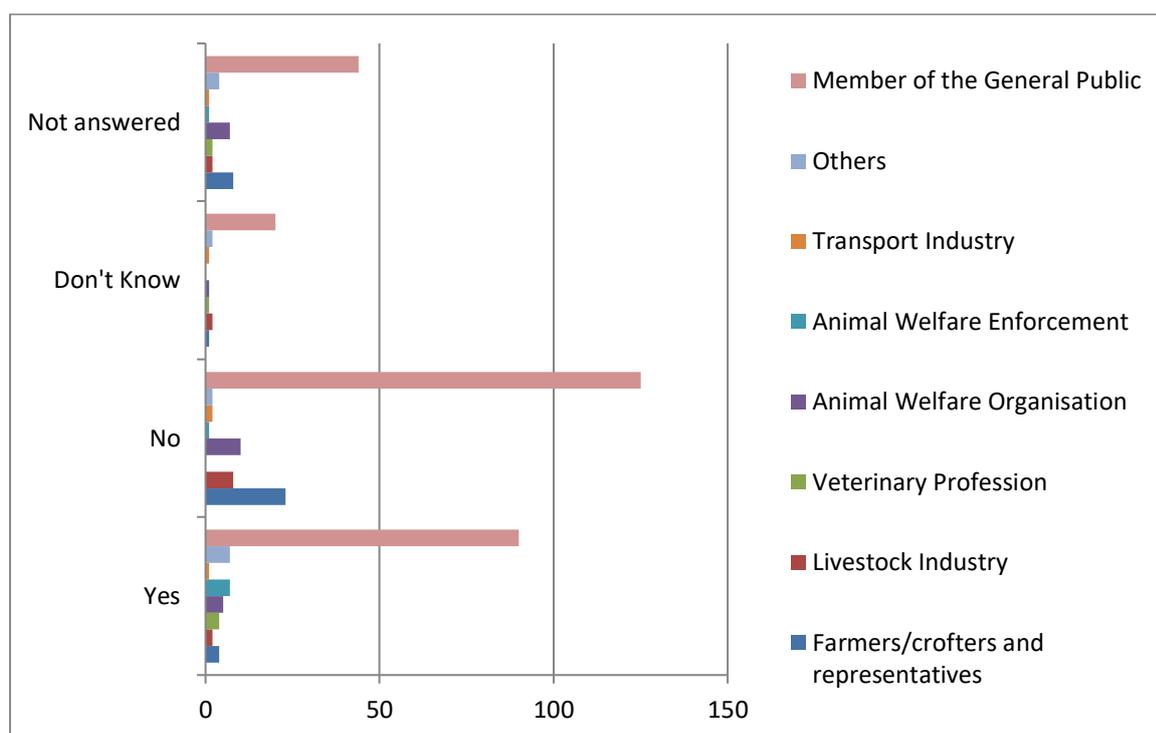
## Question 9

**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.**

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.

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.



**Table 11 – Breakdown of respondent groups to question 9**

Of the 319 responses to this question, 37.6% were in favour of the Scottish Government’s position on thermal conditions and ventilation for animals in transport and proposed course of action. 53.6% were not in favour and 8.8% did not express a view.

Many of those who supported the proposal agreed with the Scottish SPCA’s comment that *“minimum and maximum internal temperatures within the animal carrying compartment should be based on scientific evidence taking into account the species and age of the animals”*.

A number of recipients were critical of FAWC's recommendations on thermal comfort, and others suggested that these *"should be used as a guide in the way proposed by FAWC ... further research and evidence would help inform further refinement of these parameters"*. (OneKind). Scotland's Rural College, and others, commented that the *"lower temperature limit of 5 degrees C is not apparently based on scientific evidence, and an ambient outside temperature can be much colder than the temperature within a vehicle and as experienced by the animal"*.

A number of respondents, both organisations and individuals, commented that *"the lower limits of this temperature range should not be considered extreme in the context of Scotland"* (unnamed organisation) and that *"animals are used to living in their normal habitat in fields throughout winter"* (Road Haulage Association) at lower temperatures.

It was also suggested by a number of respondents that there might be welfare problems associated with a lack of transport during periods outwith temperature ranges. For example, *"flocks are taken indoors for parturition, where supervision can be given at lambing"* (unnamed organisation) and travel restriction might make it difficult for them to be moved back to pasture to avoid *"mis-mothering, physical injury and disease build up"*. Others commented that *"moving animals a short distance to accommodate extreme weather should not fall outwith the limits"* (Scottish Crofting Federation).

A number of respondents also questioned the use of external temperatures, citing the current regulations as based on prohibiting livestock journeys where the *"internal temperature is not maintained between 5 and 30 degrees C"* which *"we feel ... provides enough of a safeguard from extreme temperatures"* (Quality Meat Scotland).

There were additional suggestions made that any future temperature restrictions legislated upon should not necessarily reflect any science or evidence. An unnamed equine organisations suggested that any regulatory temperature range should have a *"tolerance threshold of +/- 5 degrees"*. An unnamed welfare organisation took an opposite approach suggesting a *"buffer" at the high and low ends of the scientifically demonstrated temperature ranges to ensure that animals are never subjected to temperatures beyond the acceptable extremes"*.

Humidity was mentioned by a small number of respondents as a factor in *"significant adverse effects on animal welfare"* and suggesting transport should not take place if *"the prognosed enthalpy value is above 60 kj/kg"* (Humane Society International UK).

## Question 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.**

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. We note that FAWC has proposed the same maximum journey times for some species irrespective of the purpose or type of journey. 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.
- the particular desirable maximum journey times proposed by FAWC, in their 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, 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.
- the nine hour maximum journey time for all unweaned 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 the 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.



**Table 12 – Breakdown of respondent groups to question 10**

Of the 315 responses to this question, 33.0% were in favour of the Scottish Government's position on maximum journey length and proposed course of action. 55.9% were not in favour and 11.1% did not express a view.

A number of respondents linked the journey times to the *"number, and distribution of slaughter facilities across Scotland"* and commenting that if Government wished to reduce transport times *"there must be significant support, investment and growth in slaughter facilities and further processing across Scotland"*. (NFU Scotland).

While some respondents agreed, in principle, the setting of species-specific, maximum journey times based on scientific evidence a number suggested that they were less supportive of FAWC's proposed limits and sought further clarification on how these had been determined.

Others in support of the proposal suggested that clarification would be required on the future definitions of travelling and rest time; with suggestions that sea journeys in *"proven cassette transport units must remain classed as neutral"* (Stromness Community Council). A small number of comments received to this question also considered that *"time ... at markets should not be counted"* (individual).

A number of respondents, and their representatives, from the remote rural sector and enforcement and livestock sectors welcomed the Scottish Government's commitment to consider how maximum permitted times apply to journeys from remote areas. A high number of organisation and individual responses from remote rural areas also suggested that *"The proposed 21/24 journey times for older cattle and sheep could be accepted if the current "neutral time" arrangement ... continues to be maintained"* (individual).

Comments were also received on the transport of weaned and recently unweaned animals with an individual respondent suggesting a statutory definition of weaning age for animal species *"would have to be included in any legislation"*. Other comments mentioned the farming practices in the Northern isles where calves born in the spring are usually weaned before they are 9 months old and transported to richer pastures on the mainland as an *"essential component of their welfare"* (Shetland Islands Council).

Another respondent gave information on transport practices in the Western Isles where *"many of the floats will carry mixed ages of cattle to make the transport as economic as possible ... This means that either all stock is limited to 9 hours or that the lorry has to unload somewhere"* (individual).

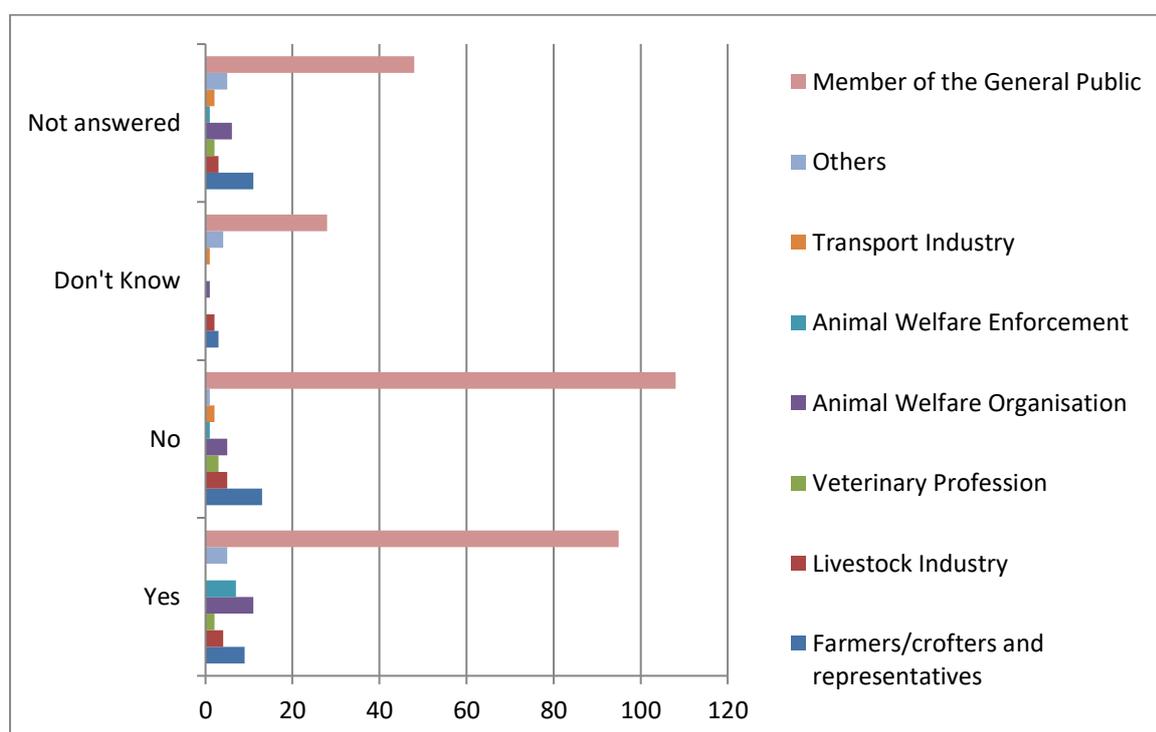
With regard to journeys greater than 21 hours, the British Veterinary Association suggested that the Animal Plant & Health Agency should *"be required to produce a report that would be shared with Scottish Ministers to ensure ministerial oversight and accountability"*.

A number of animal welfare organisations agreed the setting of maximum journey times and, in general terms, suggested that *"the proposed new maximums are still too long"* (unnamed organisations); and *"no journey for slaughter or fattening should exceed 8 hours for mammals ... or exceed 4 hours for poultry"* (Compassion in World Farming).

## Question 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.**

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.



**Table 13 – Breakdown of respondent groups to question 11**

Of the 310 responses to this question, 42.9% were in favour of the Scottish Government’s position on mid-journey breaks and proposed course of action. 44.5% were not in favour and 12.6% did not express a view.

Those supporting the Scottish Government’s position on further exploration also considered that *“alignment of drivers hours ... would benefit both the drivers and the stock”* (Argyll and Bute Council and other enforcement agencies); and that *“mid-journey breaks are a key component of providing high welfare during transport”* (Dogs Trust).

Whilst there was support for alignment, information was provided that *“many longer journeys involve two drivers”* so it might not always be practicable *“tying transport times explicitly to the rules”* applying to a single driver (Scottish Pig Producers).

A number of respondents considered that the need for a proper definition of *“rest periods is critical”* (Quality Meat Scotland) and that there could be merit in investigating whether *“time spent at auction market should be counted as neutral time and as a mid-journey rest period”* (Institute of Auctioneers and Appraisers in Scotland).

A small number of welfare organisations, and their supporters, agreed with FAWC that *“time spent on board should not be considered as rest”* (Humane Society International UK and OneKind).

While mid-journey rest breaks garnered support, a number of considerations were addressed by respondents. These included comments that *“mixing animals and increasing the risk of disease spread”* (NFUS Shetland) could occur; *“repeated loading and unloading”* could increase stress levels (OneKind); and the potential to *“increase biodiversity risk”* (British Veterinary Association).

A number of comments also considered the length of rest periods with the Scottish Animal Welfare Commission noting that *“unloading and loading are physical risk periods”* and *“should not happen if the rest period is not meaningful to the animal”*. Scotland’s Rural College also noted that 45 minute rests seem inadequate as there is *“evidence that animals need several hours to be able to eat and drink sufficiently”*.

A couple of unnamed organisations supporting further research suggested that *“equines be rested for a minimum of 9 hours off the vehicles”* in between two periods of 12 hours travel.

Some respondents, especially those from Orkney, considered that the *“rest periods referred to do not seem unreasonable”* for road transport. However, they considered there would be *“practical implications to animal transport”* if this was to refer to *“sea times”* (Orkney Branch of the Pony Club).

A high proportion of those who did not support the Scottish Government’s position used their responses to reiterate their opposition to live animal exports. In addition, a number of those from island communities also mentioned additional costs to small producers.

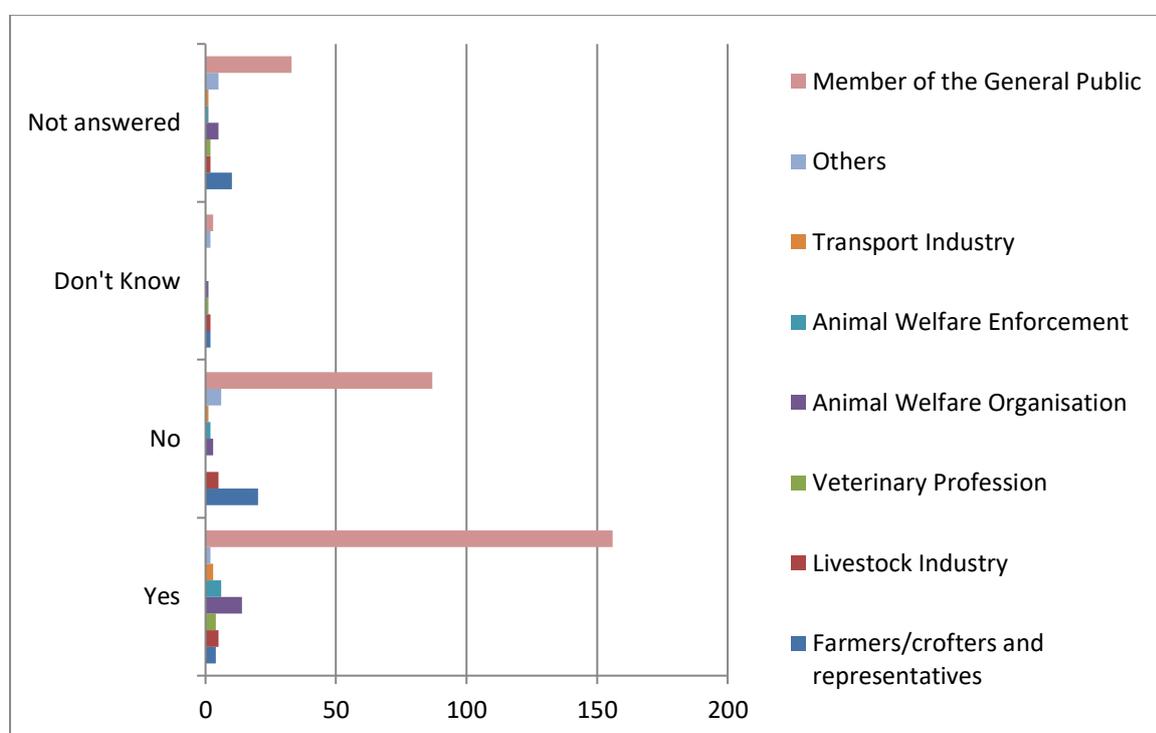
There were relatively few mentions of the effect of the proposals for breeding animals. Compassion in World Farming, and its individual supporters, considered that for the *“smaller number of longer trips for breeding animals, this is a practical proposal”*. This, however, appeared to be contingent on an 8 hour maximum journey for other purposes.

## Question 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.**

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.



**Table 14 – Breakdown of respondent groups to question 12**

Of the 329 responses to this question, 59.0% were in favour of requiring all transporters of livestock, poultry or horses to be authorised and in possession of a Certificate of Competence and transporter authorisation. 37.7% were not in favour and 3.3% did not express a view.

Those in favour of the proposal were relatively even split between a desire for all transporters to hold a Certificate of Competence only or both transporter authorisation and a Certificate of Competence.

Seven animal welfare organisations, and their supporters, considered that both transporter authorisation and a Certificate of Competence should be required for all journeys. They were joined in that consideration by a small number of respondents from the transport industry, livestock industry and farmers' representative sectors. It was also suggested that training should be *“mandatory and require refresher course every 1 to 2 years”* (unnamed welfare organisation).

A number of these respondents also noted that this *“needs to be risk-based and proportional”* (Scottish Animal Health and Welfare Panel); whereas another respondent disagreed with that approach which they felt *“could lead to the welfare of animals on short journeys being compromised”* (Humane Society International UK).

Three animal welfare organisations, and their supporters, and representatives from the enforcement, transport, veterinary, farming and transport sectors considered a Certificate of Competence to be sufficient for all journeys. Respondents from these sectors also noted that drivers already undergo regular training and that many are also linked to assurance schemes e.g. Quality Meat Scotland and Red Tractor Livestock Transport Standards. Some farmers' representatives advocated that *“support should be made available to increase the opportunities of training and to cover the costs”* (unnamed organisation).

A small number of respondents also suggested greater regulatory oversight of *“the commercial transport of companion animals”* (British Veterinary Association) and of *“the commercial transport of cats and dogs”* (unnamed organisation). A few organisations also questioned whether the intention was for Certificates of Competence to be required for owners using horse boxes; whereas a number of those involved in equestrianism considered such a requirement to not be *“risk proportionate ... for shorter journeys for horses for leisure or veterinary purposes”* (Orkney Branch of the Pony Club).

Respondents from the Western and Northern Isles commented that journeys of under 65 km were the most frequent type on the islands and considered that authorisation and certification for such journeys would have a *“disproportionate impact on crofters and small scale farmers”* (Scottish Islands Federation). It was also noted that *“they must continue to comply with the technical rules on fitness to travel, means of transport and transport practices”* (Comhairle nan Eilean Siar).

A number of organisations and individual respondents also considered that on-farm journeys, which may include movements to spring pastures, should be exempt from the proposed requirements.

## Question 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.**

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.

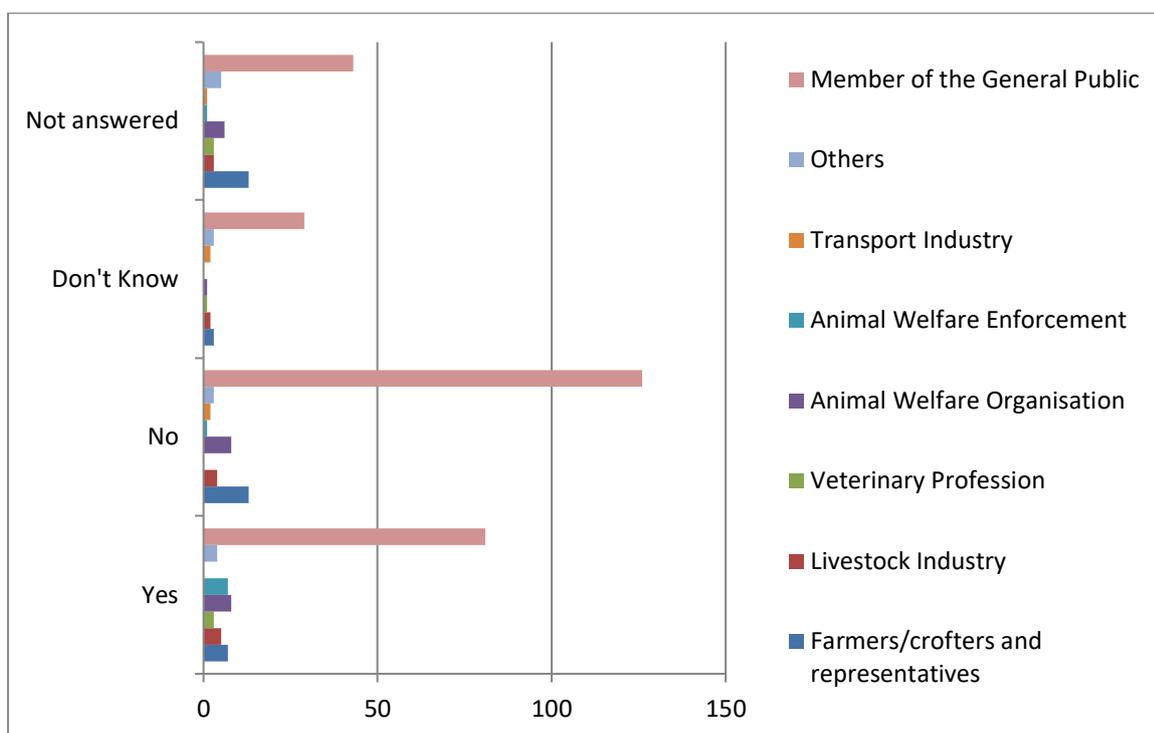
Given the changeable nature of sea and weather conditions, and other factors that may affect the availability of ferry services, we agree that those wishing to move animals over the sea should have effective contingency plans for their animals in case of delays, and that these plans and the associated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



**Table 15 – Breakdown of respondent groups to question 13**

Of the 313 responses to this question, 36.7% were in favour of the Scottish Government’s position on transportation of animals by sea and proposed course of action. 50.2% were not in favour and 13.1% did not express a view.

The small majority who were not in favour of the proposed course of action answered from a number of differing perspectives. Some one-third of both animal welfare organisations and their individual supporters provided a negative answer from the viewpoint of banning all sea transport on the basis of banning live exports and on reports of shipping accidents and incidents reported in the past. Additionally, the welfare organisations tended to agree with FAWC, particularly in terms of the wind strength.

A second strand of negative responses from individuals recognised the importance of sea transport of livestock to the island communities, and stressed the “*multitude of factors that can impact on the conditions that need to be taken into account*”. Many who commented in these terms also suggested that the discretion on when a ship sails should rest with its captain.

Responses suggested there to be 2 main types of sea transport experienced by livestock from the islands. In the Northern Isles the cassette system “*designed so animals are not on livestock lorries ... and animals have full access to feed and water to ensure maximum comfort*” (Quality Meat Scotland). Transports to and from the Western Isles involve the livestock remaining on the “*livestock vehicles ... designed for travel by road*” (Highland Council).

Many respondents agreed that animals should not be transported in rough sea conditions but “*strongly disagree with the measurement of Beaufort Wind Force 6 or above as a reasonable deciding factor*” (unnamed organisation). It was noted that wind speed of that scale was common in the Northern Isles, with the Institute of

Auctioneers and Appraisers in Scotland citing information for 2020 provided for them by Northlink Ferries which showed *“329 days when the wind speed exceeded force 6 on the scale in the geography covered ... also shows little correlation between wind speed and wave height which seems to have a much larger impact on vessel movement”*.

An unnamed organisation also supplied a comprehensive list of other environmental, geographical and technical factors which could affect vessel movement *“including but not limited to: Wind direction; Sustained wind speed vs wind gusts; Tidal flow; Direction of vessel travel with respect to direction of sea and swell; Exposure of route; Size of vessel; and any ride control or roll stabilisation devices on the vessel”*.

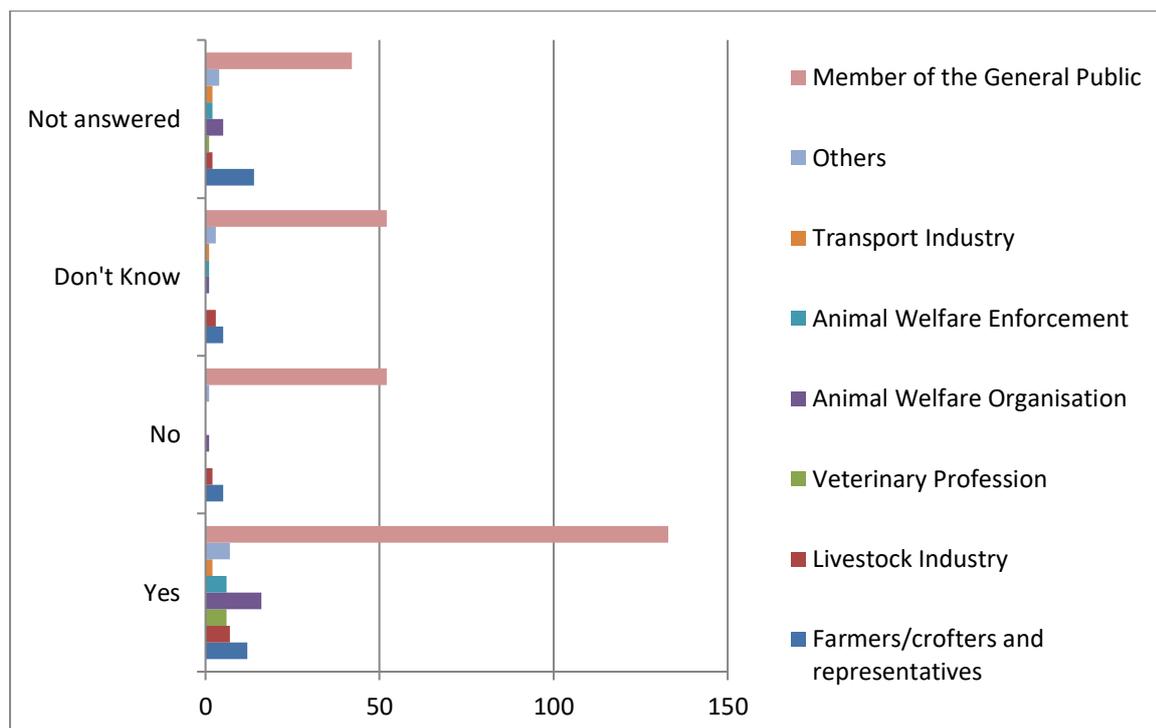
With regard to a proposed review of ‘neutral time’ respondents from the Northern Isles considered that *“removal of the 'neutral time' definition would make the movement of livestock to and from the islands virtually impossible”* (Orkney Auction Mart) and strongly rejected a need for review on the basis that the cassette system in use in the Northern Isles was *“specifically designed in collaboration with all parties interested in the welfare of animals on journeys between the Northern Isles and Aberdeen (in terms of stocking density, water and feed provision, inspection provision, temperature and humidity and cleansing and disinfection) to comply with all the relevant regulations and has been proven to provide an excellent system”* (NFUS Shetland).

A number of animal welfare organisations considered that the concept of ‘neutral time’ should not be supported as *“time spent on these ferries may not be equivalent to road or other transport, it is also not equivalent to farm accommodation ... and the welfare implications should be explored more”* (OneKind).

## Question 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.**

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.



**Table 16 – Breakdown of respondent groups to question 14**

Of the 316 responses to this question, 59.8% agreed that the Scottish Government should consider the proposed review on research into transportation by rail or air alongside other research priorities. 19.3% were not in favour and 20.9% did not express a view.

A number of respondents considered that the transport of animals by rail and air, apart from high value breeding stock, was not seen as a "research priority as it had limited application in Scotland" (Onekind) and that "transport by road and sea is more prevalent" (Humane Society International UK). Support was given by a number of respondents to research into existing transportation methods; partly due to the consideration that it was "unclear why the Scottish Government should devote scarce research funds" (Scottish Pig Producers) towards the subject of air and rail transport.

The majority of respondents identified as residing in the Western and Northern Isles considered that the issue of air and rail transport was not relevant to their location and would "not have any impact in those areas" (individual). A couple of

respondents from Orkney suggested that rail transport would not be applicable locally *“unless there is a tunnel constructed”* (individual) under the Pentland Firth.

Other respondents mentioned the movement of equines or poultry by air as species most likely to be transported by that method. A trio of welfare organisations, and around 40 individual supporters, voiced concerns that *“chicks, and especially one-day old chicks, are particularly vulnerable”* (Animal Aid) during transportation. One of these also *“disagree with the Scottish Government that air transport is an option to be considered”* (unnamed organisation) citing *“turbulence, air pressure and noise”* as detrimental to animal welfare.

A few respondents, including the Scottish Animal Welfare Commission, considered that there was little published research on the transportation of livestock species by rail or air that could be reviewed. Dogs Trust and World Horse Welfare provided links to research information on the transportation of their client animals. An unnamed organisation mentioned that while published research in the equine sector was *“limited”*, what existed supported *“air travel being regarded as rest”* and not counting towards journey time.

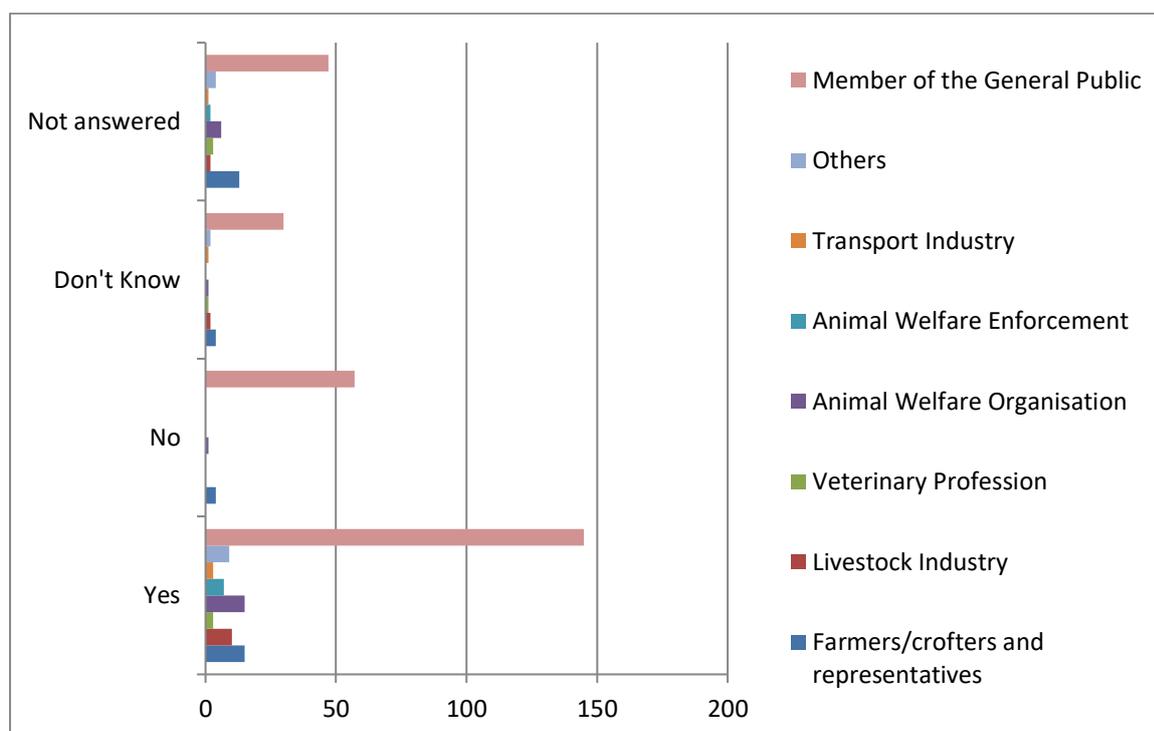
## Question 15

**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.**

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.



**Table 17 – Breakdown of respondent groups to question 15**

Of the 310 responses to this question, 66.8% were in favour of the Scottish Government’s position on the collection and use of feedback to identify welfare risks in transport and proposed course of action. 20.0% were not in favour and 13.2% did not express a view.

Of those who favoured the use of feedback, correspondents from all sectors mentioned the need for extra resources, for example that the *“likely impediment to this is the lack of resources to APHA to follow up on the issues”* (Scottish Animal Health & Welfare Panel)”

A number of respondents viewed the sharing of feedback as a *“new process that needs to be developed and implemented”* (unnamed organisation) and suggested that *“resourcing should be in place to ensure that it happened in an efficient and smooth fashion”* (British Poultry Council).

On the other hand, a small number of respondents supporting feedback mentioned that informal feedback arrangements were already in place. An unnamed transport organisation reported the holding of *“regular meetings with our key agricultural stakeholders”* and Orkney Islands Council noted that *“informally we already work very closely with APHA”*.

A number of correspondents mentioned that the use of feedback should be used, in addition to livestock transportation, for *“all equids (including registered)”* (unnamed organisation), for *“all species including exotic and companion animals”* (Scottish SPCA), and for *“companion animals and exotic animal movements for commercial and rehoming purposes”* (SRUC and SAWC). Another unnamed organisation expressed a desire for *“poultry”* and *“aquatic farmed animals, such as fish”* to be included in a review process.

Some respondents commented on the use of “enforcement” in the FAWC Opinion. Whilst they recognised and supported the need for such measures, greater support for *“constructive dialogue across industry and government .... to understand the practical operational issues”* was expressed by an unnamed organisation.

A number of respondents from the ‘farmers and representatives’ grouping in the Northern Isles were not in favour of the Scottish Government’s position on feedback. They doubted any gains from *“creating a huge volume of work in requiring that all long journeys be reported to APHA”* (Brian Moss and others) citing the withdrawal of APHA staff from the more remote areas as a reason the proposals might prove ineffective.

Animal Aid, and two other unnamed welfare organisations agreed with FAWC’s conclusion that lack of enforcement was a major concern that required “urgent attention” whilst supporting the use of feedback. However, 19 individual respondents supporting these organisations agreed these statements but did not favour the Scottish Government’s position on the use of feedback.

## Question 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.**

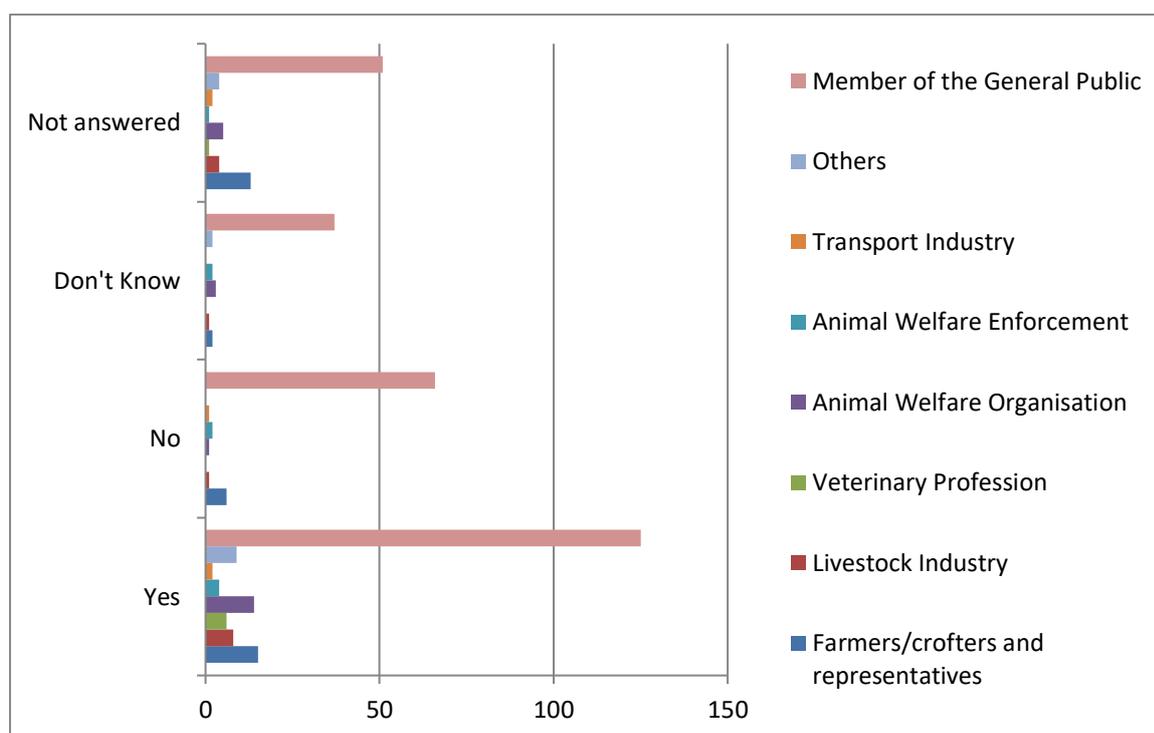
The Scottish Government feels that, together with the provision of guidance to support compliance and best practice, effective enforcement is key to identifying and addressing concerns and is important to incentivise compliance. Local authorities and other UK enforcement authorities (especially APHA) have important roles and responsibilities, and it is vital that they work closely and collaboratively together.

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.

Current non-compliance with welfare in transport legislation may be liable on summary conviction to imprisonment for a term not exceeding three months and/or a fine not exceeding level 5 on the standard scale. The Scottish Government will also consider the introduction of fixed penalty notices for animal transport offences.

We agree with FAWC’s earlier recommendation on further research on changing attitudes towards compliance through support and guidance. We also agree that additional support enabling and promoting improved compliance should be considered.



**Table 18 – Breakdown of respondent groups to question 16**

Of the 307 responses to this question, 59.6% were in favour of the Scottish Government's position on enforcement of welfare of animals in transport and proposed course of action. 25.1% were not in favour and 15.3% did not express a view.

There was strong support for FAWC's proposal for enforcement bodies to *"operate in a well aligned, collaborative and unified way"* (British Horse Racing Authority). Scottish Pig Producers suggested that *"FAWC provided no evidence that the Scottish system of liaison ... is not currently working"*; but that there should be periodical reviews as *"improvements can always be made"*. A number of local authorities commented that local authorities and APHA *"work together routinely ... with a Framework Document which embeds this partnership"* (Scottish Animal Health & Welfare Panel).

A number of organisations commented on the potential introduction of Fixed Penalty Notices for non-compliance with regulations. Four Paws considered these to be *"good and must also rise in case of repeated violations; for repeated violation or in case of major infringements transport permits must be withdrawn"* and Compassion in World Farming considered that *"those who persistently fail to comply should be banned from transporting animals"*.

A number of enforcement and industry organisations considered the current legislation *"sufficient, if efficiently applied"* (Shetland Islands Council) and Argyll & Bute informed the consultation that APHA's Welfare in Transport Team *"record misdemeanours and prosecutions and have the power to remove authorisations from drivers or whole companies"*.

A number of organisations considered that education and training *"should be the priority rather than 'enforcement'"* (unnamed organisation) and that these *"may be more effective with some classes of animal/owner"* (Scotland's Rural College). The Scottish SPCA and the Sustainable Food Trust provided similar comments suggesting it best to approach enforcement positively through help and support for persons to comply with the requirements.

With regard to the resources for any changes there were a number of comments that this should be *"budgeted from main government rather than local authorities"* (individual). The British Veterinary Association commented that *"any increase in regulatory activity must be costed, supported and resourced and should not lead to a reduction in other essential regulatory activity"*.

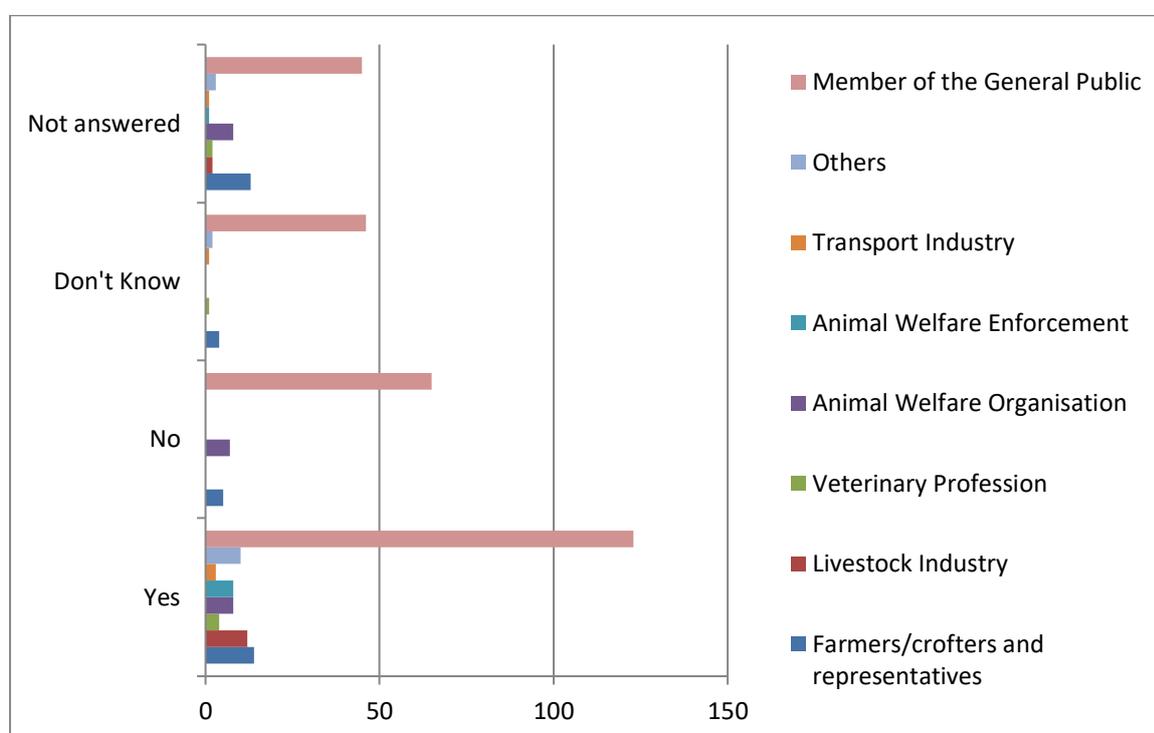
Other proposals from respondents included suggestions that Local Authority enforcement officers be granted *"powers to stop livestock vehicles"* (Dumfries & Galloway Council); and that the regulatory authority for ships, the Maritime and Coastguard Agency, who operate a *"comprehensive and effective inspection and certification regime"* (unnamed organisation) should be included in future discussions.

## Question 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.**

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.



**Table 19 – Breakdown of respondent groups to question 17**

Of the 313 responses to this question, 58.1% were in favour of the Scottish Government’s position on post-export protection of animal welfare and proposed course of action. 24.6% were not in favour and 17.3% did not express a view.

Respondents from the animal welfare sector and Scottish local authorities offered support, in principle, to welfare protections applying to exported animals whilst acknowledging that *“it may be very difficult to implement meaningfully”* (unnamed welfare organisation). That contention was widely shared by respondents.

Some of the animal welfare sector, and their supporters, used their responses in favour of this proposal to suggest that animal welfare standards in the UK were perceived as better than elsewhere and this would provide *“another reason to end live exports immediately”* (Catholic Action for Animals) or for suggestions that future

trade over long distances should only be for *“trading meat, carcasses and genetic material”* (Four Paws UK).

Interestingly, a number of organisations, and their supporters, saw the lack of *“jurisdiction over countries that are the recipients of live exports”* (Animal Aid) as a rationale to not favour the proposals on post-export protections. Other respondents considered that the proposals were insufficiently strong and based opposition on the grounds that *“it is not acceptable that the welfare of animals post-export should only be safeguarded “in principle”* (Humane Society International UK).

Alternatively, some industry respondents agreed to linking exports with welfare in the receiving countries but also commenting that *“we do not agree that live exports should be banned”* (National Sheep Association Scotland).

NFU Scotland also commented that their counterparts in England and Wales had carried out some work on an ‘Assurance Scheme’ for exported livestock that might prove useful in future.

Some equine organisations and their supporters, stated that they were *“unsure how this could be applied in practice ...outwith the Scottish Government’s jurisdiction”* and expressed a hope that there would be no impact on *“animals being sold within the UK and abroad for breeding purposes”* (Orkney Branch of the Pony Club).

Thirty-two respondents also proposed that there should be a similar ban on imports of livestock and livestock products from countries where animal welfare standards were lesser than in Scotland. Whilst this was chiefly commented on by the livestock and farming sectors, one animal welfare organisation also suggested that, in the context of importing slaughtered animals, animal products reared and slaughtered under lesser welfare regimes should be banned.

## **Next Steps**

The Scottish Ministers are grateful for all of the comments received via the consultation and will now carefully consider all of these comments, and other evidence, to determine the future course of animal welfare in transport in Scotland.



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