

# Farm Animal Welfare Council

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## REPORT ON THE WELFARE OF LIVESTOCK AT MARKETS

REFERENCE BOOK 265

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To:

The Rt Hon Michael Jopling MP  
Minister of Agriculture, Fisheries and Food

The Rt Hon Malcolm Rifkind MP  
Secretary of State for Scotland

The Rt Hon Nicholas Edwards MP  
Secretary of State for Wales

I have pleasure in submitting the Farm Animal Welfare Council's Report on the Welfare of Livestock at Markets.

When the Council was set up in 1979 its remit included the responsibility of keeping under review the welfare of farm animals at markets. The Council therefore decided in 1983 to undertake a review of this subject. It was agreed that it would cover all aspects of the welfare of farm animals (including poultry) during the time they were held in markets and that it would include such matters as accommodation, handling methods and facilities. The review also covered the unloading and loading of livestock in the market and was subsequently extended to include the welfare of horses at markets and sales.

Transportation to and from the market is being considered as part of a separate review which the Council is currently carrying out into the welfare of livestock (including poultry and horses) during the time they are in transit.

Our review was undertaken by a small Working Group of Council members. The findings and recommendations of that Group which have been endorsed by the full Council, form the basis of this report.

Although there are a considerable number of recommendations, this should not be interpreted as a general condemnation of all markets and their methods of operation. We consider that the majority of animals passing through markets are treated in a caring and humane way. It is true that many of the submissions and reports we received drew attention to specific incidents and problems where there was cause for concern for the welfare of the animals involved. But these incidents were often of an individual nature rather than the general rule. However, the report has identified those areas where there is a need for action to deal with more wide ranging concerns or where there is room for improvement. In particular, there is a need for the legislation to be tightened up in some respects and simplified in others; and for increased and better enforcement of it by local authorities.

I very much hope that the necessary work involved in consideration of our proposals and consultation on them will be undertaken at an early date in order that the required legislative and other changes can be implemented as soon as possible.

Professor Sir Richard Harrison  
Chairman — Farm Animal Welfare Council



# Part I — Introduction and background information

## Introduction

1. The remit of the Council is to keep under review the welfare of farm animals on agricultural land, at markets, in transit and at the place of slaughter and to advise Agriculture Ministers of any legislative or other changes which may be necessary. Since the Council was set up in 1979, it has considered and reported on a number of welfare matters including particularly the welfare of poultry and livestock at slaughter and revisions of the Welfare Codes. However, it has not previously considered the major area of marketing of livestock through markets in which welfare of the animal plays such an important part. Transportation to and from the market is being considered as part of a separate review which the Council is carrying out into all aspects of the welfare of livestock, including poultry and horses, during the time they are in transit.

2. The Council decided therefore in 1983 that a comprehensive review should be carried out into all aspects of the welfare of farm livestock (including poultry) during the time they are held in markets, covering such matters as accommodation, handling methods and facilities. The review included unloading and loading of livestock in the market and was subsequently extended to include the welfare of horses at livestock markets and sales; this aspect is dealt with in Part V of our report. Matters relating to the handling and transport of deer have not been considered in this report. The Council's report on the Welfare of Farmed Deer touched on a number of these issues and the Council will be considering transport of deer in their review of the transport of livestock.

3. The review was undertaken by a Working Group of six Council members (see Appendix A). The findings and recommendations contained in this report (which have been endorsed by the full Council) are therefore based substantially on the comprehensive investigation carried out by the Working Group.

4. The Group publicised its review by issuing a Press Notice which invited submissions from interested organisations and individuals. Some 16 organisations and nine members of the public responded and a further 37 organisations and seven members of the public submitted comments in response to

a second Press Notice announcing the inclusion of horses in the Working Group's remit (see Appendix B). During the course of the Council's review, the RSPCA published a major report on the Welfare of Livestock in Markets and the British Veterinary Association published *An Appraisal of Animal Welfare in Livestock Auction Markets*. The Working Group took these reports into account in addition to all the wide ranging views and recommendations made in the written submissions which they received.

5. In addition oral evidence on specific aspects of the review was taken from the Livestock Auctioneers' Market Committee for England and Wales, the National Farmers' Union, the National Association of British Market Authorities, the Association of District Councils, the Institute of Auctioneers and Appraisers in Scotland, the Scottish National Farmers' Union, and the Convention of Scottish Local Authorities. The Working Group made pre-arranged visits to ten markets and sales — six in England, two in Wales and two in Scotland but, in addition, individual members made unannounced visits to many other markets and sales in order to obtain a realistic view of marketing operations.

6. We have formed the impression that generally auctioneers and market operators are very much aware that it is in their own best interests to ensure that livestock are handled as humanely as possible and they are making genuine efforts to improve conditions and standards of welfare in markets. Many of the concerns that have been expressed in reports and submissions, although often valid, deal with individual incidents and cannot be said to be generalised problems. We consider that the majority of animals passing through markets are treated in a caring and humane way. There are of course some aspects which are a cause for concern. There is a need for the legislation to be tightened up in some respects and simplified in others; and for increased and better enforcement of it by local authorities. We commend the constructive attitude and positive and helpful leads given by the LAMC and IAAS. The report which follows therefore endeavours to identify the points of concern and to make specific recommendations which we hope will be constructive and lead to improvements.

## Historical background and traditions

7. The holding of livestock markets is a long and privileged tradition. As early as the ninth century there were laws for the peaceful and orderly conduct of markets which required that all transactions involving more than a certain sum of money should be carried out in the presence of trustworthy witnesses who would be able to give evidence in cases of dispute. As the volume of trading increased it became convenient and ultimately essential for trading to be carried out at an agreed time and place, hence the creation of markets, the rights for which were granted by Royal Charter and valued as a considerable privilege. Until the mid-nineteenth century, relatively small numbers of livestock were traded at markets, many thousands of cattle, sheep and horses being sold at fairs held on a bi-annual basis in the Spring and Autumn.

8. Auction marts were introduced in about 1836 and, following changes in tax laws on auctioned goods in 1845, became established on a regular basis

and began to flourish and to replace the fairs as the major selling points for livestock. The Local Government Act of 1858 and the Public Health Acts of 1875 and 1908 conferred powers on local authorities to establish and control their own markets.

9. Many producers feel that the live auction system enables them to get a fair deal since they can judge prices offered to them against prices for similar animals and can withdraw their stock from sale if they wish. The public nature of the live auction ring ensures that information on prices paid is available to other producers. The auction is also said to provide effective competition between buyers. There is also claimed to be a cash flow advantage in selling through an auction compared to deadweight as payment is normally made more promptly. In contrast, direct sales or deadweight sales are based on private agreements between buyer and seller.

10. The auction market is seen as an important social occasion and a meeting place for both business and pleasure. The economic and social life of many rural towns is still influenced to a considerable extent by the presence of their market.

## Numbers, throughputs and trends at markets

11. There are some 490 livestock markets in Great Britain and just over 300 of these hold a sale at least once a week. The decline in the number of markets in England and Wales has slowed considerably during the past two years. In 1984, eight markets were reported as closing, but four of these were seasonal markets. There is a considerable variation throughout the country in the frequency of markets; some hold two or three sales of different species in a week while others operate only with special seasonal sales, e.g. sheep sales. Poultry are sold at a few markets, usually in small numbers but with more at special Christmas sales.

12. The throughput figures\* for all classes of livestock sold in markets in Great Britain in 1984 were: cattle and calves — 6.12 million; sheep — 16.27 million; pigs — 2.48 million. On average 60 per cent of cattle, 70 per cent of sheep and 10 per cent of pigs destined for slaughter are sold through livestock markets. Some animals are sold through markets several times during their lives. Depending on the class and type of stock, animals may be sold singly or in groups or on the basis of their liveweight (£/kg). Generally cattle are sold singly or in groups in a ring while sheep may remain in their pens where they are sold in lots of varying numbers. Fat pigs are frequently sold in pens though many of the larger markets are putting fat pigs through sale rings. Small pigs are normally sold in litters and sows and boars singly.

13. About two thirds of livestock markets are liveweight certification centres for meat animals approved by the Meat and Livestock Commission. Clean cattle and sheep being sold for slaughter are graded and certified by the Meat and Livestock Commission according to conformation, finish, estimated

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\*source: Report of the Livestock Auctioneers' Market Committee for England and Wales and the Institute of Auctioneers' and Appraisers in Scotland. Figures are not available for horses, poultry, goats or rabbits.

lean/fat ratio etc. Under the European Community's beef and sheep variable premium schemes, farmers receive a deficiency payment for certified animals should the average market price fall below a guaranteed price. There is no equivalent price support system for pigs. Throughput figures have remained fairly constant over the past five years with no obvious trends or major changes. In 1984, 1.32 million cattle and 9.06 million sheep were certified.

## Siting of premises

14. Although there are some modern markets, the majority were built many years ago and were not designed for the large throughputs many of them handle today. Older markets are often situated in town centres where expansion is difficult, if not impossible, and the provision of adequate loading and unloading facilities and parking space pose considerable problems. The modernisation of markets and their facilities is a costly business, and may not prove economic where markets are used at infrequent intervals. Newer markets are generally sited outside town centres where access is improved and there is scope for future expansion. These modern markets usually provide more extensive covered accommodation for stock.

15. Owners and operators of markets are faced with considerable problems of overcrowding when there are unexpected peaks in the numbers of livestock presented for sale. Where advance information is received by auctioneers, arrangements may be made for temporary penning so that overcrowding can be avoided during seasonal peaks. The design of some markets can often lead to 'flow' problems between pens and sale rings resulting in stress for the animal and risk of injury to both livestock and drovers.

16. Grants from the European Community, aimed at encouraging increased capital investment in livestock markets so as to sustain and improve their efficiency, have been made available in recent years though limited funds and strict qualifying criteria mean that many markets cannot qualify. We understand that auctioneers in 23 English markets have applied for grant aid though only five have so far been successful: applications have been made in Scotland and Wales with one scheme being successful in each country.

## Management of markets

17. Some market premises are owned by local authorities who lease or rent them to one or more firms of auctioneers. In some cases, only the site is owned by the local authority. Other auction marts are privately owned, often by the auctioneers themselves or by a company or partnership of farmers and auctioneers. Whatever the circumstances of ownership, auctioneers are generally considered to have an obligation to ensure that, in addition to complying with the relevant market legislation, the facilities provided are of the highest possible standard; that animals are properly cared for while in their charge; and that sales are conducted with honesty and integrity. In addition to the permanent staff employed by the market operators, casual labour on a full or part-time basis is employed for droving, unloading and

other duties. In some markets it is often the practice for farmers' sons to be employed to carry out these tasks. In others, farmers themselves do the unloading and driving.

18. It has been said that the livestock auction market is the shop window of the livestock farming industry. Markets attract a great many customers and, because there is freedom of access, they are frequently visited by the public and by children. The welfare of animals and especially the way they are handled is clearly visible to anyone present in the market and is therefore subject to considerable critical appraisal. Members of the public can and do report to the local authority, RSPCA Inspectors, Ministry officials, police or market officials cases which they consider to constitute cruelty to animals.

## Codes of Practice

19. There are various Codes of Practice, dealing with welfare and related matters, which are directed at market authorities and owners or persons in charge of animals. A guide issued by the Agriculture Departments in 1965, contains standards for the protection of animals in markets and is intended to supplement the requirements of the Markets (Protection of Animals) Order 1964, as amended, 1965. The Agriculture Departments also issued in 1979 a *Code of Practice for the Guidance of Operators of Horse, Pony and Donkey Markets, Sales and Fairs*, which supplements the relevant legislation with guidance on premises, equipment and protection of animals. The Livestock Auctioneers' Market Committee for England and Wales have recently revised their Code of Practice which is issued to all their member firms of auctioneers. In addition to giving guidance on the conduct of sales, this Code sets out the criteria to be followed in respect of the provision of market facilities and the care and handling of animals. The LAMC issued a Trial Code of Practice for the Conduct of Calf Sales in England and Wales which was effective from 1 January 1985 and which has been extended for an indefinite period. In 1984, following discussions with the British Veterinary Association and the Livestock Auctioneers' Market Committee on the health and welfare aspects of calf marketing, the National Farmers' Union prepared a *Code of Conduct for the Marketing of Calves*. The Institute of Auctioneers and Appraisers have also prepared a Guide on Animal Welfare in Markets which has been distributed to their members in Scotland. There is a developing practice for markets to issue their own Codes of Practice which are generally based on the MAFF and LAMC/IAAS Codes but which are designed to advise on particular local circumstances.

## Part II — Existing legislation and enforcement

### Summary of relevant legislation

20. Like all domestic and captive animals, livestock in markets and in transit to or from markets are covered by the provisions of the Protection of Animals Act 1911 (1912 Scotland). They are further protected by the more detailed provisions of welfare orders made under powers which are now consolidated in Section 37 of the Animal Health Act 1981:-

‘The Ministers may make such orders as they think fit for the purpose of protecting animals from unnecessary suffering .... while exposed for sale .... or while awaiting removal after exposure for sale’.

The following sub-paragraphs summarise the main features of the relevant legislation covering cattle, sheep, pigs and goats and the arrangements for enforcing it (horses and poultry are covered by different arrangements which we shall deal with later in this report).

(a) **The Protection of Animals Act 1911 (1912 Scotland)**

This legislation creates (in Section 1) an offence of cruelty where an animal is caused unnecessary suffering. It is open to any individual to bring proceedings but in practice enforcement action is usually taken by the police, who have primary responsibility, local authority officers or the RSPCA. A policeman may have a diseased or severely injured animal slaughtered if a veterinary surgeon summoned by him has certified that it would be cruel to keep the animal alive; in practice, therefore, both a police constable and a veterinary surgeon (who may well be a member of the State Veterinary Service) must be involved before an animal may be destroyed on welfare grounds without the owner's consent.

(b) **Orders under the Animal Health Act 1981**

(i) **The Transit of Animals (Road and Rail) Order 1975 (as amended 1979)**

**The conveyance of livestock to and from market** does not fall within the scope of this review. Nevertheless, we consider it important to bear in mind the relevant statutory welfare

requirements, not least because they clearly have a bearing on the condition in which animals arrive at markets. The Order protects cattle, sheep, pigs and goats in transit—and thus those on their way to or from market. In general, it makes it an offence to cause an animal injury or unnecessary suffering whilst in transit. In particular the Order states a number of causes which may give rise to unnecessary suffering. It also lays down various requirements about the construction of livestock lorries, as well as making it an offence to carry an unfit animal if it is likely to be subjected to unnecessary suffering by reason of its unfitness. Moving within the scope of this report, the 1975 Order also protects cattle, sheep, pigs, goats and horses **during unloading and loading** — including of course at markets. The Order makes it an offence to cause injury or unnecessary suffering to animals by their coming into contact with any obstruction or by the excessive use of sticks or goads for driving the animals. It lists the various methods which may be used for unloading and loading animals from vehicles, and lays down specifications, gradients, etc. for ramps when this is the method used.

Enforcement of the Order is the responsibility of local authorities, who are required by the Animal Health Act 1981 to appoint inspectors (commonly known as 'Diseases of Animals Inspectors') for the purpose. In addition to their duty to enforce the law, these inspectors are empowered to detain animals which they consider to be unfit or likely to give birth in transit, pending examination by a veterinary inspector. A veterinary inspector, appointed by the Agriculture Ministers, may prohibit carriage or further carriage of an unfit animal, or make carriage subject to conditions, if he considers it would suffer unnecessarily. These latter powers are important, for example, when an unfit animal is found in a market.

(ii) **The Movement and Sale of Pigs Order 1975**

As its title suggests this Order controls the movement and sale of pigs and is intended as supporting legislation in the control of animal diseases. All markets at which pigs are sold and all farm sales of pigs have to be licensed by the local authority. With regard to a market, the licence must not be granted unless —

- (a) the market premises are paved with a surface impervious to water and are habitually kept clean and disinfected with an approved disinfectant;
- (b) the premises have adequate disinfection facilities to enable all vehicles used for carrying pigs to and from the market to be thoroughly cleaned and disinfected, or that such facilities exist near the premises to which vehicles can be directed for cleaning and disinfection. There is no requirement for markets to be licensed under the relevant welfare legislation.

(iii) **The Markets (Protection of Animals) Order 1964 (as amended 1965)**

**The Diseases of Animals (Local Authorities) (Miscellaneous Provisions) Order 1976**

This legislation covers cattle, sheep, pigs and goats. It imposes requirements on a number of people as follows:-

— **the market authority** (defined as ‘the local authority or person in control of the premises of the market or part of a market’) is made responsible for the provision of certain facilities — such as a supply of drinking water, drinking facilities, pens which are free from injurious projections, and covered accommodation for calves, dairy cows in milk, and pigs.

— **‘the owner of the animal for the time being, and every person in charge of it’** must ensure that an animal is watered as often as is necessary to prevent it suffering from thirst, and fed and watered if it is kept in the market overnight;

— **anyone** would be committing an offence in a market if he penned, tied or mixed animals in the market other than in accordance with the provisions of the Order which require the penning of the animals so as to prevent unnecessary suffering, and which deal with overcrowding, the separation of bulls and of horned and hornless cattle, and the keeping of calves, dairy cows in milk and pigs in the covered accommodation provided for them.

As regards enforcement:-

— **the local authority** at county council level is made responsible for execution and enforcement of the Order just as for the transit legislation described above;

— **veterinary inspectors appointed by the Agriculture Ministers** (i.e. officers of the SVS, and private veterinary surgeons appointed as Local Veterinary Inspectors) have powers to treat, or to have treated, animals which they consider to be suffering unnecessarily. The owner of the animal does nonetheless have the right to remove an animal at any time, provided of course that transportation of the animal does not contravene the relevant transit legislation.

21. To sum up, during the journey to and from market and its exposure for sale there, an animal is protected by various legislative provisions in addition to the general requirements of the 1911 and 1912 Acts. In transit, the legislation specifies the facilities to be provided and makes it an offence to cause unnecessary suffering, including the carriage of an animal when it is unfit. The markets legislation does not expressly reiterate the provisions of the 1911 and 1912 Acts by creating offences of causing unnecessary suffering, but it does place on market authorities, owners, and those in charge of animals, certain obligations regarding the penning, accommodation, feeding and watering of animals so as to protect them from unnecessary suffering. Local authorities are responsible for enforcing all these provisions. The Veterinary Inspectors appointed by the Agriculture Ministers have powers to prohibit the transportation of animals which they consider will suffer and to treat animals in markets to alleviate suffering.

## General points

22. We think it appropriate at this point to draw out for discussion some general points which have emerged from our review, and to make recommendations on them. In later sections of the report, we shall deal with points on particular species and aspects of certain activities in markets.

23. A great many of those who commented to us expressed concern over the presentation of unfit animals at market. We believe that the relevant legislative provisions and enforcement arrangements may not be widely understood. We therefore feel it right to open discussion by describing our understanding of them, particularly as they point the way to some of the key welfare issues. The legislation which protects the welfare of animals during transit to market is relevant here. As noted above (paragraph 20(b)) it is an offence if the owner of an animal or his agent, the consignor, or carrier, or other person in charge of an animal permits an unfit animal to be carried 'if, by reason of its unfitness, the animal is likely to be subjected to unnecessary suffering', (Transit of Animals (Road and Rail) Order 1975, Article 11). Enforcement action, involving the gathering of evidence, leading possibly to the issue of a caution or to prosecution, is the responsibility of the local authority. The nature of the offence often means that local authorities will need the professional opinion of a qualified veterinarian before taking action. We understand that it is the firm policy of the Agriculture Departments that their staff should co-operate fully with local authorities wherever they can both by reporting offences which they have witnessed, and by providing veterinary support in the form of opinions or formal statements.

24. Once in the market, there are a number of statutory provisions relevant to the presentation of an unfit animal:-

(i) A police constable may, if a veterinary surgeon certifies that an animal 'is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it would be cruel to keep it alive', have the animal slaughtered (Protection of Animals Act 1911, Section 11).

(ii) It is an offence to cause unnecessary suffering to an animal (Protection of Animals Act 1911, Section 1). This is **not** a provision specifically related to markets; it applies to all domestic and captive animals, anywhere. The 1911 Act does not designate any enforcement authority other than the police (see para 20(a)). The enforcement of the Act is not the formal responsibility of local authorities.

(iii) A veterinary inspector appointed by one of the Agriculture Ministers has powers in relation to an animal which in his opinion is being caused, or is likely to be caused, unnecessary suffering. He may treat the animal or cause it to be treated ('treatment' includes milking and the provision of food and water), or take or cause to be taken such other steps as he considers necessary to protect it from such suffering. He may also have it removed for these purposes 'to a suitable place in the vicinity and to keep it there for as long as he considers necessary'. (Markets (Protection of Animals) Order 1964, Article 3). This provision does not deny the right of the owner of the animal to remove it at any time; however see (iv) below.

(iv) The carriage of an unfit animal away from market is subject to the same provision (i.e. prohibition on carriage if unnecessary suffering is likely to be caused) as described in paragraph 20(b) above. Further, where a veterinary inspector is satisfied that an animal falls within this provision he may serve a notice prohibiting the carriage of the animal or permitting it subject to conditions. Where local authority inspectors or non-veterinary Ministry inspectors suspect that an animal falls within this provision, they have the power to detain it pending examination by a **veterinary** inspector. (Transit of Animals (Road and Rail) Order 1975, Article 12).

25. But how do these laws work in practice in relation to unfit animals? The transit legislation outlined in paragraph 20(b) is evidently designed to prevent animals from being brought to market if on the premises of origin they are unfit to such a degree that transportation would cause them unnecessary suffering. Welfare problems at markets could therefore arise if unfit animals have been brought there in contravention of the transit of animals legislation; or if animals have developed problems en route to or at markets. Animals may have conditions which would cause them suffering if transported, particularly over long distances after sale. Such problems may be spotted by the auctioneer or his staff, by hauliers, by members of the public, by RSPCA inspectors, by Ministry officials or by anyone else. In many cases problems may be resolved, for example by the auctioneer, without reference to Ministry or local authority officials. However, once a problem comes or is drawn to their attention, Ministry and local authority officials use their powers to remedy the welfare problem (see paragraph 26) and to take enforcement action on offences (see paragraph 27).

26. Obviously, the indicated remedy for a welfare problem depends on the circumstances of the case. In the rare and extreme cases where a veterinary inspector considers an animal must be immediately slaughtered, he calls a policeman and slaughter is carried out humanely on the spot, in accordance with the 1911 Act. If the veterinary inspector considers an animal is being caused unnecessary suffering, he may under Article 3 of the Markets (Protection of Animals) Order 1964 detain the animal and have it treated. He will then consider what ought to happen to the animal from the welfare point of view (Is it fit to travel? If so how far? Only to a knacker's yard or to the nearest slaughterhouse? And over what distance or time?) The veterinary inspector does **not** have the power to direct the animal to slaughter or to a particular place, and so he must advise and persuade the owner or the auctioneer to take that action which is in the best interest of the animal's welfare. In nearly every case, the veterinary inspector's advice will be followed. But if it is rejected, he may use his powers under transit legislation to serve a notice prohibiting carriage or imposing conditions, for example, as to maximum distance.

27. As regards enforcement action, where a veterinary inspector considers that an unfit animal in a market has been transported there in contravention of transit legislation, he reports it to the local authority for action and provides a statement. It is then for the authority to determine — as they would in relation to allegations from any other source — whether the evidence justifies the issuing of a caution or the investigation of a prosecution.

However we understand that where a veterinary inspector considers an animal has been caused unnecessary suffering in the market in contravention of the 1911 Act, enforcement action may be more difficult to instigate. For example, the police may be unavailable. Some local authorities may be prepared to take action as an extension of the welfare duties formally allocated to them by law. Others are, we understand, unwilling to take action under any Act which does not specifically charge them with the enforcement role.

28. We consider that the effectiveness of the legislation on the welfare of animals in markets would be enhanced in a vitally important area if local authorities were given clear enforcement responsibility in relation to the offence of causing an animal unnecessary suffering on market premises. In our analysis, it is simply not satisfactory to rely in this respect on the provisions of the Protection of Animals Act, 1911. **We therefore strongly recommend that an offence of causing unnecessary suffering be added to the Markets (Protection of Animals) Order 1964.**

29. We also considered the suggestion put to us that an offence of exposing an unfit animal for sale should be added to the 1964 Order. However, we concluded that this would add nothing to existing statutory protection, which makes it an offence to transport an unfit animal to market if this causes unnecessary suffering, and which provides powers to remedy welfare problems that do occur. The improvement we have recommended at paragraph 28 would in any case provide a readily enforceable means of pursuing cases where welfare problems of any kind arose in markets. The key to the matter is clearly close observation and effective enforcement of the law, rather than the creation of further new offences. We have noted the efforts made by the Livestock Auctioneers' Market Committee, through their Code of Practice, to improve welfare standards, and in particular to prevent the presentation of unfit animals; **we commend these and urge the Committee to maintain its efforts. We also recommend that local authorities should be reminded of the vital importance of their enforcement role.** We have noted in particular that welfare problems are most likely to come to light when animals are being unloaded and reloaded at markets when enforcement officers may not be present. **At paragraph 43(d) we have recommended that a local authority inspector should be present in the market during the periods of unloading and loading.**

30. It is obvious also that veterinary surgeons have an important role to play in relation to the welfare of livestock in markets. Officers of the State Veterinary Service complement the enforcement role of local authority inspectors by taking action to remedy welfare problems, and by giving professional advice to the local authority officers. **Clearly effective liaison between the SVS and local authorities at working level is essential. It appears to us that normally liaison is indeed good, but we would like to emphasise its vital importance. We recommend that the Agriculture Departments take steps to encourage stronger liaison between SVS field staff and the local authorities. We appreciate that coverage of every moment of every sale by SVS officers is a practical impossibility, but nonetheless we strongly recommend that a veterinary inspector should be deployed to attend some part of each market or sale. We were also impressed by the arrangement in one market where the operators had paid a private veterinary surgeon to attend**

at the beginning of the sale and advise on the rejection of animals which he considered to be unfit to be put through the ring. We would recommend to all market operators the appointment of a veterinary surgeon in this way.

31. We considered representations that the welfare of livestock would be enhanced if veterinary inspectors were given the power to require arbitrarily either that an animal in the market should not be exposed for sale on welfare grounds: or that it should be sent for slaughter. The idea would be to deter vendors from presenting animals whose fitness was in doubt. But on the other hand this would involve a radical change to the approach under existing legislation where the powers of a veterinary inspector enable him to deal with welfare problems by securing the co-operation of auctioneers, owners etc. The result is that for the most part there is an extremely co-operative relationship between veterinary inspectors and auctioneers, which works to secure the best possible consideration of and action on animal welfare matters. If the veterinary inspector had arbitrary powers, this co-operation would no longer be necessary, and would probably cease to exist. Owners of animals might be inclined to dispute arbitrarily-imposed decisions in circumstances where they readily give their consent under existing arrangements. The parties affected could well employ private veterinary surgeons to challenge the decisions made. We are not convinced, therefore, that it would be right to give veterinary inspectors such arbitrary powers. **However we would like to stress the importance of co-operation and discussion on welfare issues at local level between SVS staff and auctioneers. Indeed the principle of co-operation and discussion at local level is one which should involve not just SVS and local authority officials and auctioneers, but also farmers, buyers, hauliers and of course welfare organisations such as the RSPCA, whose inspectors do a great deal of commendable work in relation to animal welfare in markets.** We strongly commend the efforts which have been made by all sides in the setting up — on a pilot basis so far — of local welfare liaison committees, chaired by the DVO, and whose discussions on matters such as market welfare and casualty animals have been, we understand, most helpful.

32. If it is enforced diligently, as in the many markets we have visited, the relevant legislation is capable of giving proper protection to the welfare of livestock in markets. Elsewhere in this report we draw attention to one or two particular aspects in which we think enforcement effort could usefully be concentrated. But as we have noted above (paragraph 23), we do believe that there is a problem in that the legislation, and in particular the enforcement arrangements, are not widely understood. Someone in a crowded market wishing to draw official attention to a welfare problem is in our view unlikely to know who to turn to. Another aspect to this is that County Councils in discharging their obligation to appoint inspectors under the Animal Health Act are free to allocate these inspectors to whatever Council Department they wish. In many authorities the inspectors are in the Trading Standards Department. But there is also a wide range of other arrangements. In some authorities, the County Land Agents or even the County Architect's Department are involved. On occasion, the work is given to the local police force. We see nothing intrinsically wrong with these variations provided that inspectors know the law and enforce it properly. But it does make it difficult for any member of the public to know and have ready access to enforcement

officers. More generally, it is vitally important for any welfare problems to be reported in detail at the time to those in authority so that action can be taken. All too often it seems complaints are directed to Ministry headquarters or even Members of Parliament some time after the event, when the chances of effective investigation and action will have diminished.

33. We do commend the action taken by the LAMC in recommending to its members that someone from the auctioneer's staff should be appointed to be responsible for animal welfare in the market. **We recommend that the appointment of such a person by the market operator, and the display in the market of a poster prominently giving his name and explaining how he can be contacted should be made a legal requirement.** We have noted that a number of animal welfare officers have already been appointed and would urge that they be given clear guidelines on the action to be taken to resolve problems and that such action should be taken immediately. **We also recommend that the posters in the market should display similar information for the relevant local authority inspectors (including the location, Council Department and name and telephone number of the Chief Animal Health Inspector for the County) and the name and telephone number of the local DVO.** We further recommend also that the posters should indicate from where the local market code can be obtained. The posters should also include wording, devised by the Agriculture Departments, succinctly drawing attention to the relevant welfare legislation and obligations which it places on the various people involved in the market.

34. Finally, we have given some thought to the matter of identification of the relevant enforcement officers. Views among the officials we have spoken to and taken evidence from are divided. Some argue that a degree of anonymity is helpful to them in moving about the market watching for potential transgressors. It is said that the enforcing staff are known to each other, to auctioneers and other market personnel. But we have not found this to be the case universally. Nor does it reassure the public or provide focal points of contact if there are welfare problems which may need action or investigation. **We therefore strongly urge that both local authority inspectors and SVS personnel be readily identifiable by means of badges, or arm bands or perhaps distinctive clothing so that they can be contacted as necessary.**