

Part III—Comments and recommendations on specific aspects

SECTION 1

Unloading and loading

35. The handling of livestock in the unloading area, the unloading process and the design of the area of the market premises where this takes place are important factors in ensuring that animals which have already been subjected to the stress of transport are treated in a manner that will minimise any further upset in their passage through the market. The Transit of Animals (Road and Rail) Order 1975, as amended, which is enforced by local authorities, contains provisions designed to prevent unnecessary suffering and injury to animals during unloading and loading. MAFF and DAFS have also drawn up guidelines directed at market authorities and owners or persons in charge of animals. These guidelines recommend, inter alia, the provision of permanent or portable ramps on the market premises for unloading and loading all stock; that special care should be taken in unloading and loading young calves from vehicles which have no ramps; and that calves which have to be carried should not be lifted by the tail or neck. Finally, the LAMC in its Code of Practice for the Guidance of Livestock Auctioneers recommends that auctioneers should satisfy themselves that 'Unloading and loading areas are designed to prevent animals from suffering any injury or distress and that these areas are properly managed and supervised'. That Code also draws attention to the requirements of the 1975 Transit Order and reproduces as an Appendix the MAFF/DAFS guidelines referred to above.

36. The problems of unloading and loading were drawn to our attention in many of the submissions we received. In our view the aim should be to unload animals in a calm, unhurried manner without subjecting them to a difficult or dangerous exodus from the vehicle and providing them with a clear passage to the holding pen. We are not convinced that this is being achieved or even aimed at in many markets. The majority of injuries which occur to livestock on market premises seem to result from accidents during unloading and, to a lesser extent, loading. Problems arise in three major respects: the design of unloading and loading facilities at the market, the design of vehicles and the handling methods used by those responsible for

the unloading and loading process. Lorries arriving at the market at the last minute result in unloading being carried out hurriedly and with lack of care.

37. We found that the design of unloading facilities at a good number of markets is unsuitable and in some instances, insufficient to cope with the volume of livestock handled. Few markets have purpose-built unloading bays or ramps so animals have to be unloaded to ground level, sometimes down steep gradients. Animals may be reluctant to move which can lead to rough treatment. Although the 1975 Transit of Animals Order (see paragraph 20(b)) prescribes limits on vehicle ramp gradients (at paragraph 5 of Schedule 1) we are not satisfied that these, and many other related requirements are being adequately enforced. The provision of adjustable ramps at the market which can be raised or lowered to match the heights of the vehicle floors is rare in this country. But they would be of benefit.

38. On some premises, even where unloading bays and ramps are provided, little account seems to have been taken of the volume of trade expected to use the facility, with insufficient space for the manoeuvring and unloading of vehicles. As a result animals may be subjected to unnecessary stress. Conversely, we have seen markets where the facilities were well designed technically and adequate for the number of stock handled. In one instance, gently sloping ramps for unloading sheep, with a good non-slip, grooved surface were particularly effective. We have also seen in some markets ramps which have been specifically designed in width and height to ease the unloading of calves, which were being handled in considerable numbers. We would like to see the wider provision of such purpose-built facilities.

39. The Council is currently undertaking a major review of the welfare of livestock in transit which will include consideration of aspects of vehicle design. Nevertheless some particular areas of concern relevant to the markets review are worthy of mention in this Report. The design of vehicles can contribute much to the effectiveness of unloading and loading. Animals will often be unsteady on their feet at the end of a journey. The steepness of the lorry's tail-ramp, the provision of adequate side railings, the effectiveness of non-slip surfaces, and the use of straw or shavings are important factors. Particular problems arise if the vehicle has no ramp; if there is overcrowding in the unloading area which precludes the proper use of ramps; and if sheep, pigs or calves, in particular, are unloaded from side doors, there can be further stress and, on occasions, injury. The use of farm vehicles including vans and tractor mounted link boxes is common practice particularly with sheep, calves and pigs. Provided that the numbers transported are not excessive, that their penning is of sufficient size and is secure, and that they are handled with care, then such transport can be satisfactory. However, we have seen instances of sheep and calves being transported in unacceptable conditions. There has been overcrowding or insufficient headroom to stand which may lead to ventilation problems. Sheep and calves may at times be transported in the cramped conditions of the boots of cars. These practices are contrary to the 1975 Transit Order and could be prevented if the protection afforded by this legislation were properly enforced. The carriage of calves and unloading of calves is a particular cause for concern and was mentioned in several submissions we received. Instances reported to us were of calves being pulled from the side doors of lorries by the ears or tail then

dropped to the ground. This practice is to be deplored and is again contrary to the 1975 Transit Order. In the main, the calves we saw were being handled competently and compassionately. But the law and its enforcement is something which the Council's Transport Group will wish to examine in detail in the coming months.

40. The way in which animals are handled at unloading and loading is important. We appreciate that ideal situations and desirable practices may not always be feasible when working within the constraints of the market situation and possibly with fractious animals; we have nevertheless been aware of instances where the handling left much to be desired. We have commented on handling methods generally in Section 2 of this Report but some specific points relevant to unloading and loading should be mentioned here.

41. Over-zealous attempts to drive animals off lorries are all too common. The excessive use of sticks and goads (in contravention of the transit legislation), shouting and the resort on occasion to force serve only to frighten and confuse animals further. They frequently have to negotiate steep and perhaps slippery ramps. Their intended path after unloading may be blocked and there are often many people around. At the majority of markets, unloading and loading is not adequately supervised by the market operator and by the local authority official responsible for enforcement of the transit legislation. The vehicle driver is generally left to his own devices and very often, although there are notable exceptions, his aim is to unload his cargo as quickly as possible so that he can drive off to collect his next load.

42. We are also concerned about the unnecessary stress and suffering caused by driving sick or injured animals off vehicles. We discuss these issues in Part II of this Report but note here the need to ensure that sick or injured animals found at unloading must not be moved if further pain or suffering will result. Small animals may be carried to an isolation pen. A veterinary surgeon should be called promptly to look at the animal and provide advice. We accept that there will nevertheless be cases where injured or sick animals cannot be restrained from moving off the vehicle with the rest of their group. But in no circumstances should they be driven off.

43. Specific mention should also be made of loading. Because this takes place at or towards the end of the day's business, less notice tends to be taken. Many of the comments we have made in the preceding paragraphs are relevant to loading practices. Since lorries will by then have been cleaned and disinfected, ramps and floors will be wet and possibly slippery. Extra care is needed, and shavings or straw can be used effectively. We would again stress the need for proper supervision by the market operator and the enforcement officer of the local authority. We have formed the impression that because of the late hour of many loading operations, the responsible officers are rarely present and the scope for inhumane treatment of the animals is therefore greater.

Recommendations (Unloading and Loading)

- a) **Animals should be unloaded and loaded in a calm, unhurried manner.**
- b) **Producers and market operators should be encouraged to devise schemes to stagger the arrival of vehicles at markets in order that waiting times are minimised and also to help prevent ventilation problems.**

- c) Fixed ramps either level with or slightly lower than the tail board on a gradient must be incorporated in plans when new market premises are being constructed or existing premises are being significantly altered. In addition the unloading/loading area must be of sufficient size to accommodate the expected maximum volume of traffic through the market. Where there are unloading ramps they should be provided with adequate side protection to prevent animals falling off.
- d) Unloading and loading must be regularly supervised by the market operator, and a local authority inspector should be present in the market at both unloading and loading.
- e) Sick or injured animals must not be forced off vehicles and any so identified should be inspected by a veterinary surgeon and unloaded under his supervision.
- f) The provisions of the Transit of Animals (Road and Rail) Order 1975, as amended, should be better enforced to ensure that animals are not caused suffering by being transported in vehicles or under conditions which are unsuitable.

SECTION 2

Handling

44. Clearly, a major factor contributing to welfare in markets is the handling of livestock, involving both the manner and the frequency of handling. It is worth stating at the outset that, during our visits to markets — and including those which were unannounced — we saw no incidents of outright cruelty to stock. There were, however, cases where animals were being handled more harshly than seemed necessary. In the main, this seemed due to carelessness, lack of knowledge and experience, and perhaps an insensitivity to the fact that living creatures equally feel discomfort or pain. There is undoubtedly scope and need for improvement. Livestock have to be moved around markets. Rarely, movement is restricted to unloading directly into a pen, where the animal is sold and loaded directly from the pen. But normally, animals are driven through the market, usually through races, to and from the holding pens. Sheep and cattle subject to certification for Sheep Variable Premium and Beef Premium (see paragraph 123) also need to cross a weighbridge. Once penned, stock may be subject to further disturbance when more animals are added to their number and may well be pushed and jostled to 'make room'. Those stock which are not sold in the pen, (most cattle and some calves) have to be marshalled into the auction ring. Once sold, stock are moved back to the same or different pens. Further movement is often necessary as individual animals are gathered together by their purchaser to make up a load for transport. We have noted in some markets the use of 'buyers pens' which reduce the movement of animals prior to loading. We urge all market operators to use a system of 'buyers pens' bearing in mind the need to separate animals of different sizes (see paragraph 74).

45. Movements around the market and attention from unfamiliar handlers in a generally frightening environment will cause stress additional to that already experienced as a result of loading, transport and unloading. Animals may well become excited or confused. The market operator should be informed, ideally in advance by the owner, of any animal which is not of good temperament or has any behavioural characteristics or condition which may require additional precautions for its safe handling.

46. Movement of livestock within the market is undertaken by a variety of people. Unloading is generally carried out by hauliers, but farmers often unload consignments they themselves have brought in. Animals are moved within the market by drovers employed on a permanent or casual basis. The drovers have a considerable influence on the welfare of the animal and the smooth running of the market. They need to work quickly and methodically to ensure that stock are penned quickly and are where they are needed at the right time. They are required to handle a wide range of livestock of varying temperaments and to do so not only with care for their own safety and that of the general public in the market but also for the security and well being of the animals concerned.

47. We received many comments on the handling of stock. Some commented that drovers they had seen were incompetent and inexperienced in the handling of animals, particularly those employed on a 'casual' basis. There were criticisms of the general lack of supervision and allegations of unnecessary handling of stock by potential buyers and by members of the general public. Some thought that children in particular unnecessarily interfered with penned stock. There were concerns about the lifting and carrying of animals by unacceptable methods e.g. sheep by the fleece, pigs by the ears or both hind legs, calves by the tail, neck or ears. The handling of poultry by the legs or wings was also criticised. Many commented on the use on animals of sticks, hard rubber or plastic tubing, rods with spikes or nails; and the use of electric goads, particularly on more sensitive areas of the animal.

48. A number of suggestions were made for improvement ranging from training and identification of drovers; greater market supervision; the use only of 'Ministry approved' sticks or goads; guide boards for pigs; and an examination of the design of electric goads perhaps leading to maximum power output standards.

49. The need for care in the handling of livestock is recognised in both the MAFF/DAFS Code and in the voluntary codes issued by the LAMC and the IAAS and individual market codes. All these bodies rightly emphasise the need for a caring, humane attitude and recommend that stock must be handled with great care, that they be moved in a sensible fashion and that use of sticks and goads be reduced to a minimum. The various codes also take account of individual species' needs. They recommend that sheep should not be picked up by the fleece, and point out the sensitivity of pigs to unnecessary movement and the preference for pig boards and slap sticks for marshalling. Some codes also recommend that drovers employed by the auctioneer should be suitably identified.

50. We found that it is normal practice for drovers and others involved in handling livestock to carry sticks. At one market visited, five drovers were

standing in the sale ring, all were carrying sticks and all felt compelled to use them on the animals. As a result, some animals which had entered the ring in a generally calm state were prodded quite needlessly and left the ring in an agitated state. We also observed that in some markets potential purchasers stood in the races leading to sale rings and blocked entrances and exits to sale rings. They went into the ring while stock were being auctioned. We deplore these practices all of which lead to extra stress and which exacerbate the problems of handling of livestock. **We therefore recommend that (i) entry to auction rings should be restricted to the auctioneer, necessary market personnel and the vendor or his representative; (ii) entrances to, exits from and passages to sale rings should be kept clear for the passage of animals; and (iii) animals should not be subjected to unnecessary harassment especially when moving to and from the pens, during the auction and when in the auction ring.**

51. We have already mentioned the important role of drovers. Their task is not an easy one. It often involves unsocial hours, particularly during unloading, in conditions which are not necessarily conducive to the humane treatment of animals. We accept that there are difficulties in attracting the right kind of staff and that casual staff may have little or no interest in what they are doing. We also appreciate that problems can and do arise if animals are fractious and tempers become frayed, particularly where there are time pressures. Nevertheless we have been encouraged to observe the kindness and understanding of some drovers when handling the animals in their charge and their awareness of the need to minimise stress.

52. We have considered the recommendations made by the RSPCA in their Report on the Welfare of Livestock at Markets (1982-1983) with regard to the specialised training and authorisation of drovers. We agree that training is highly desirable and consider that those responsible for engaging drovers should bear this in mind. Where instruction is undertaken, local authorities/market operators should be encouraged to contact the Agriculture Departments for advice on suitable training. We feel that much could be achieved if casual staff and those with little experience of working with animals were to work initially with handlers who are experienced in stockmanship to further their understanding of animals' behaviour. A scheme to be highly recommended is that practised in one particular market where drovers are taken on as assistant stockmen for the first six months, and then classed as stockmen if they carry out all their duties satisfactorily.

53. We believe that it would be of assistance to drovers if they were provided with simple guidelines covering their daily tasks in the market. We have drafted a model as at Appendix C (Working Practices for Drovers). Advice on this basis could be produced in the form of a small booklet which is given to all drovers. We suggest that market operators might consider including it as an Appendix to their individual Codes of Practice so that all in the market are aware of the droving practices to be followed. We have drawn attention at paragraph 19 to the Codes of Practice issued by the LAMC, the IAAS and by individual market operators, all of which make recommendations on the handling of livestock. They are important. We have observed — and have been told by many with an interest in welfare — that this has already led to improvements. We do commend the auctioneers for

their efforts in this vital area. And we very much hope that they will continue to encourage and require the highest possible standards of handling.

54. We agree with commentators that the excessive use of sticks and goads is wholly undesirable. Indeed, the Council has already recommended their restricted use in its Report on the Slaughter of Red Meat Animals (paragraphs 34 and 66). The aim of the drover in the market is to move animals in the right direction with the minimum of delay. The strategy he needs to employ therefore must be persuasion rather than force. Though animals in an unfamiliar environment will be reluctant to move, in our view most animals can be persuaded without resort to the use of sticks and goads. In many cases the use of an electric goad is quite counter-productive, creating confusion and stress for the animals. We have seen some instances where the use of an electric goad became a more or less automatic act, whether or not animals were refusing to move. Where the use of sticks is considered to be essential, **we firmly recommend that they be used to the minimum possible extent by all those in the market, consistent with the recommendations we have made specifically for drovers.**

55. We understand that a committee of veterinary and welfare organisations are investigating the efficiency and humaneness of electrical devices, including electric goads, on domesticated animals. We view with much concern the trend of increased power output of goads, which may now be close to the point of causing unnecessary pain to the animal. We consider that there should be a limit to the energy output from these instruments. Ideally, we would like the maximum deliverable power of electric goads to be specified by law. The goad should deliver just sufficient power to give the animal a tickle so that it will move forward. We hope that information will emerge from the investigation which will enable maximum power limits to be set by regulation.

56. We have recommended in paragraph 28 that an offence of causing unnecessary suffering should be added to the Markets (Protection of Animals) Order 1964. **We further recommend that in order to afford animals maximum protection in markets that a provision similar to that in the 1975 Transit Order should be added to the Markets (Protection of Animals) Order 1964. Thus, provision should be made for animals in markets to be treated in a way which ensures that they are not caused injury or suffering — through being exposed to the weather; — through an inadequate supply of fresh air during confinement in covered accommodation; — through inadequate means of preventing animals from falling within or escaping from the market; — through the excessive use of any instrument or thing used for driving the animal; — or any other cause.**

57. A number of the submissions we received drew attention to the need for drovers to be identified. The RSPCA stated in their Report that the majority of the markets which they surveyed did not identify their drovers either by badge, uniform or arm band. During our visits to markets when observing the various operations we found it impossible to determine whether the persons handling the livestock were drovers employed by the auctioneer, lorry drivers or agents/representatives of the owner.

58. We know that drovers and casual employees of the auctioneer would in all likelihood be known to the regular users of the market. But this is not the case for casual visitors. This makes for difficulties when cases of bad handling are observed and need to be reported. **We therefore strongly recommend that all persons employed by the auctioneer or market operator for the handling of stock should be readily identifiable by wearing an armband, badge or uniform. Consideration should be given to making this a legal requirement.**

59. We have noticed that in various markets' Codes of Practice, disregard of the Code's provisions — and especially cases of mistreatment — is given as sufficient reason for dismissal of market personnel. We endorse this approach. Our recommendation at paragraph 28 that an offence of causing unnecessary suffering should be added to the markets legislation will act as a further deterrent to those who ill-treat animals, whether they are drovers or anyone else in the market.

60. We suspect that some people who witness offences in markets do not bother to report them. We also understand that offences may be reported to the Agriculture Departments' Headquarters Offices long after they have occurred. We urge anyone who believes he has witnessed a welfare offence to report the details at the time, or as soon as possible afterwards, to the relevant enforcement authority. Our recommendations in paragraph 33 that posters should be displayed in the market giving the names and telephone numbers of local authority inspectors and others should encourage prompt and correct action.

SECTION 3

Feeding and watering

61. Concern has been expressed that the food and water requirements of animals passing through markets are not being adequately met. This is not only a question of the adequacy of feeding and watering facilities on the premises, but also the periods of deprivation for animals which may have long journeys before and after the market.

62. The markets legislation (Articles 4 and 7 of The Markets (Protection of Animals) Order 1964) requires the provision of an 'adequate quantity of suitable water' for every animal 'as often as is necessary to prevent it suffering from thirst'. Market authorities are obliged to ensure that an adequate supply of wholesome water and adequate facilities in the form of troughs, buckets or drinking bowls are available in the market. Animals which are left in a market overnight after their exposure for sale (i.e. until at least 5 am on the following day) must be provided with an 'adequate quantity of suitable food and water' at least once between the start of their exposure for sale and 9 am on the following day/or the time of their removal, if that is earlier, and, if remaining in the market, at least once every 12 hours until removed. The feeding and watering of these animals is the

responsibility of the 'owner of the animal for the time being, and every person in charge of it'.

63. The transit legislation (Article 10 of the The Transit of Animals (Road and Rail) Order 1975) requires that animals in transit must be offered 'adequate and suitable food and wholesome water' at intervals not exceeding 12 hours during the journey. If however the journey is completed within 15 hours the requirement to feed is waived provided that the animal is fed immediately on arrival at its destination.

64. There is a provision (at Article 3 of the Markets (Protection of Animals) Order 1964) for a veterinary inspector who is of the opinion that an animal is being or is likely to be caused unnecessary suffering by reason of '..... lack of food and water

65. The LAMC Code (at paragraph 4 (c)) requires auctioneers to satisfy themselves that 'adequate facilities and procedures exist to enable and ensure that animals are provided with water and food as necessary; this particularly applies to animals which are in the market for long periods or overnight'. The IAAS Code refers to the need to water and feed stock which are staying overnight and the MAFF/DAFS guidelines recommend that (i) animals should be adequately fed and watered before exposure at markets and (ii) that they should be provided with suitable food and water where they stay in markets for long periods or cannot reach their destination within a reasonable time.

66. Particular areas of concern expressed to us were that water was not generally available in all pens but often restricted to those animals left overnight; that simply to offer water at a certain point rather than *ad lib* does not ensure that an animal drinks or is prevented from suffering thirst; that automatic water bowls should be in all pens; that a market official should be made responsible for ensuring that the animals are fed and watered; that it is particularly important for lactating cows to have adequate water; and that hay should be offered to horses in racks or nets (not on the floor), with other feedingstuffs and water in troughs or buckets. Problems associated with the feeding intervals set in the markets and transit legislation were also identified.

67. The Group has considered all these points. In the course of the many market visits by individual members there was little evidence to suggest that animals were being deprived of food and water to an extent which caused them real distress and suffering. Nevertheless there is scope for tightening up on some aspects of the legislation and its enforcement: and for re-stating points of good practice which should be adopted in all markets.

68. We are not convinced that automatic water bowls or any water facility should be provided in every pen. Permanent water containers of any type can create their own problems. With the constant flow of animals in and out of pens they may prove to be dangerous projections, they may be easily broken, become fouled and create unacceptable disease risks, and be difficult to maintain. Nevertheless, as the legislation requires, water and food must be given to stock housed on the premises overnight after sale, and there may be a need to feed stock which has arrived after a long journey without food. Lairing pens must therefore contain watering facilities, preferably automatic

water bowls, but there will be instances when these are not appropriate or essential. For example, where pens are used for more than one species, permanently fixed water bowls cannot be at an appropriate height for all. Other automatic drinkers, such as nipple drinkers, might be familiar to and appropriate for some species but not others. For pigs, some designs are susceptible to chewing and damage. Water troughs, provided they are regularly cleaned and refilled, may be more appropriate in many cases. It must not be assumed however that because water is available in a pen the facilities will be appropriate for and used by the animals held there. Individual watering of stock from buckets can be better in some instances and generally ensures that the animals do take water. We saw perfectly satisfactory watering of bulls and cows at pedigree cattle sales. Likewise most horses will more readily take water offered in buckets.

69. Although we do not consider there is a need to provide water for all stock held in markets during the day, there remains however the concern that water must be available to animals who are at risk of suffering from thirst. For example, it is especially important that adequate water is provided for lactating cows, and that during hot weather all livestock in the market are carefully watched and provided with additional water as necessary to prevent heat stress. In the Council's Report on the Slaughter of Red Meat Animals (paragraph 48), we commented on the use of water sprinkling devices in lairages particularly for cooling pigs. These appear to work well although care needs to be taken that the sprinklers are properly maintained and emit only a fine spray. Such sprinklers might also be used to good effect in a market if the need were to arise. It is particularly important to ensure that there is an adequate supply of buckets in every market. Our observations have revealed that this is not always the case.

70. We are not aware that the provision of 'suitable' food for animals held overnight in the market is a general problem. There have been adequate supplies of hay in markets where we know cattle are held overnight. It is obviously important to ensure that the feedingstuffs are of suitable quality and quantity and are actually fed to the animals.

71. In terms of responsibility, the current legislation (see paragraph 62 above) requires the owner and the person who has charge of each individual animal to feed and water it, whereas responsibility for the supply of water and water containers rests with the 'market authority'. Although we considered the possibility of giving the market operator responsibility for feeding and watering stock while they are on market premises, we concluded that this could give rise to problems. The market operator may not know the transport arrangements for the stock in question. They might be fed and watered just before commencement of a journey which may give rise to problems en route.

72. Enforcement, by the local authority, of the feeding and watering requirements can be difficult. Nevertheless we feel more spot checks outside normal daytime working hours should be made to ensure that animals being laired overnight are being properly fed and watered. The legislation only applies to animals left in a market the night after their exposure for sale (paragraph 62). We consider that provision should be made in the relevant legislation to cover those animals which arrive in the market **the night before their exposure for sale.**

73. The complex task of prescribing feeding and watering intervals is one which can be a problem as the Council has already stated in its report on the Slaughter of Red Meat Animals (paragraph 52). We consider that this topic needs investigating to see whether account can be taken in the legislation not only of the time spent on the market premises but also of periods without food prior to arrival at the market. We doubt that enforcement is adequate in relation to checking journey times, particularly in relation to the requirement for immediate feeding when the animal arrives at market premises after some 12 to 15 hours in transit without food.

Recommendations (Feeding and Watering)

- (i) **Better enforcement of all existing legislation relating to feeding and watering**
- (ii) **The quantity and quality of feedingstuffs available for stock in the market must be suitable.**
- (iii) **The 1964 Order to be amended to require that animals arriving in the market the night before exposure for sale should be fed and watered before 11 pm.**
- (iv) **The legislation relating to feeding and watering intervals to be further examined.**

SECTION 4

Market design and the provision and use of accommodation and facilities

Legislation

74. The Markets (Protection of Animals) Order 1964, as amended, requires animals to be contained and distributed within pens in order to avoid injury, overcrowding or unnecessary suffering, taking account of unfitness and to differences in age and size. The Order also requires that bulls over the age of 10 months and boars over the age of six months must be effectively separated from other animals or (in the case of a bull) secured by the head or neck. Horned cattle, other than those with stub horns, must be kept separate from those without horns unless both are secured by the head or neck. Provision is also made for an animal with unweaned young to be kept separate from all other animals.

75. On the provision of covered accommodation, the same legislation requires that calves, dairy cows in milk and pigs must be provided with covered accommodation which must be of adequate design, construction and extent having regard to the location of the market, the climatic conditions generally prevailing in the district in which the market is situated and the maximum number of such animals usually exposed for sale and awaiting removal at any one time.

Location and Design of Markets

76. The majority of markets were built many years ago and were not designed for the large throughputs many of them handle today. The design, lay-out, accommodation and facilities are all extremely important factors which affect the welfare, and in particular the handling of livestock. Good and efficient design encourages the flow of livestock through the market and reduces stress to the minimum. We appreciate that some problems, such as provision of additional penning and parking space, may be insurmountable because of the siting of markets. Nevertheless we believe that better use of existing accommodation and facilities and the improvement of specific areas would have a considerable influence on the well being of the animal. In addition, it should be borne in mind that methods of transport are changing. Vehicles are now much bigger than those in use when the majority of markets were designed and constructed.

77. The Meat and Livestock Commission operate an advisory service for livestock auction markets. They are able to provide advice on many aspects of market design, rebuilding and improvement, including grant aid and planning applications, surveying, layout and design, examination of specifications and tenders, supervision of building work and analysis of stock and traffic flows. We understand that the welfare of the livestock using the facility is one of the major factors which is considered at an early stage in design. We doubt that this service is widely known and we therefore urge all market operators and owners to seek the advice of the MLC when they are considering improvements or major redevelopment of facilities.

78. **We recommend that:**

- (i) where new markets are being built or existing markets are being improved, market operators should seek expert advice e.g. from the Consultancy Service operated by the MLC and should ensure that the location, design, accommodation and facilities take account of the welfare needs of the animal;**
- (ii) where practicable, new markets should be sited in locations which allow for future expansion;**
- (iii) market operators and authorities owning markets should be encouraged to improve the facilities provided and where available utilise Government and/or EC grants;**
- (iv) where grants are being made towards the cost of new or the improvement of existing markets/facilities, those responsible for authorising the grant should bear in mind any relevant welfare provisions and recommendations, e.g. in legislation and in Codes of Practice;**
- (v) the layout and operation of the market should be such that movement of animals is reduced to a minimum.**

Lairing

79. We have noted that under the Markets (Protection of Animals) Order 1964 the definition of 'lair' does not include a grass enclosure. In effect, this means that animals which are laired (sometimes overnight) in a field adjacent to market premises are not covered by the Order. Some market operators lair animals in fields or farm buildings which are off the market premises. Similarly, these animals do not come within the scope of the 1964 Order. As

indicated in the Council's Report on the Slaughter of Red Meat Animals, (paragraph 55) we understand that these animals do however have the protection of the provisions of the Agriculture (Miscellaneous Provisions) Act 1968 for which the primary enforcement authority is the SVS. **We recommend that those responsible for enforcement should be reminded of this and of the need to ensure that surveillance of animals being held before or after sale should not be restricted to those housed on market premises.**

Covered Accommodation

80. The need for sufficient properly ventilated (but draught-free) covered accommodation was another matter of concern to those who gave us submissions. The 1964 Order does provide for certain species (viz. calves, dairy cows in milk and pigs) to be held in covered accommodation. The MAFF/DAFS guidelines also recommend that the same species should be protected against the weather and draughts, if possible, by means of properly ventilated accommodation providing overhead and side protection against the weather. Similar recommendations are made in the LAMC Code which refers to the protection of calves from cold and draughts. The IAAS Code mentions accommodation for calves and young pigs.

81. We found that even where covered accommodation is provided it is often opensided. Accommodation for calves and pigs, in particular, was sometimes inadequate or draughty.

82. We recommend that lambs and kids under the age of four weeks should be included within the scope of Article 6 of the 1964 Order as amended. (See also paragraph 150(a)). We also recommend that where practicable animals which have been housed in covered accommodation on the farm of origin should be penned in covered accommodation in the market.

83. We recommend that where possible newly shorn sheep should be penned in sheltered areas of the market.

84. We strongly recommend that the requirements of Article 6 of the 1964 Order, as amended, on the provision of covered accommodation for calves, dairy cows in milk and pigs, should be strictly enforced.

85. It is equally important that all roofed accommodation should be adequately ventilated in order to prevent stress during hot and humid weather, particularly in respect of pigs. **We therefore recommend that adequate ventilation must be provided in covered sections.**

Penning and passageways/races

86. Animals spend many hours—and sometimes overnight—confined in a market. The construction of pens and the way in which animals are accommodated in them is therefore a major determinant of their well-being, as are the passageways/races along which they are moved.

87. As we have indicated in paragraph 74, the 1964 Order, as amended, requires that provision must be made for the penning of animals so as to avoid injury, overcrowding or any other cause of unnecessary suffering.

88. The Markets, Sales and Lairs Order, 1925, as amended 1926 and 1927, is designed to prevent the carry over of disease between successive livestock markets and stipulates minimum standards which are consistent with disease control. Its main provision is that a market held at intervals of 24 days or less must have an impervious surface so that it can be effectively cleaned and disinfected after use. All pens, hurdles and other fittings at the market must also be cleaned and disinfected after use.

89. In their code, the LAMC recommends that livestock should be properly penned both before and after sale, that overcrowding should not be tolerated and that pens and lairage facilities should be maintained in a clean and sanitary condition at all times. Comments received on penning and passageways drew attention to overstocking of pens, the need for them to be kept in a proper state of repair, the advantages of solid sided walls for pens and passageways and the use of non-return gates. Examples were quoted of animals falling or standing in water, illustrating the necessity for non-slip, well-drained surfaces throughout the market.

90. During our visits we noted that there is a tendency in some markets where large numbers of sheep are dealt with to pack them into pens very closely, even where there are other pens standing empty, because the vendors considered the sheep 'looked better'. But overcrowding creates the risk of trampling under foot and injury. We also noted some broken and cracked surfaces in walkways and pens. Badly laid concrete floors provided inadequate fall, resulting in pools of water. There were also instances of poor drainage, leaving some animals standing in water.

91. We have noted the importance of good concrete surfaces with an adequate but not too steep fall. **We recommend that all pens, auction rings and passageways must be provided with non-slip, well-drained flooring and suitable arrangements must be made to prevent animals slipping on market premises, particularly during wet weather. Drains should be of adequate size and manholes should be covered in non-slip material.**

92. We consider that market operators should have regard to the capacity of the accommodation available. It is undesirable to keep animals on lorries waiting to be unloaded. Staggered marketing is a solution to the problem and we have already recommended in paragraph 43(b) that the arrival of vehicles at markets should be staggered. **We therefore recommend that market operators should bear in mind the seasonal fluctuations in stock numbers so that the number of entries does not exceed the capacity of the market.**

93. **We further recommend that Article 5(2) of the 1964 Order relating to the distribution of animals in pens, taking account of the size and the species should be strictly enforced.**

94. We have noted during our visits that some markets use vertical rails for cattle pen divisions instead of horizontal rails. This type of fencing is more suitable since it reduces the risk of animals getting their legs caught between the rails. **We recommend that the use of vertical rails for cattle pens should be encouraged.**

95. We have observed the advantages of cladded pens and races which tend to reduce the risk of injury and aid the movement of animals. If drovers were trapped with fractious animals, however, they might have difficulty in escaping.

96. We noted that although the 1964 Order requires market authorities to ensure that pens are free from projections or sharp corners likely to cause animals suffering, there is no equivalent provision for passageways. The 1964 Order should also cover this to ensure, for instance, that latches and hinges on gateways are also included. **We therefore recommend that legislation shall require that the sides of passageways should not have dangerous projections.**

97. **We recommend that where animals are being certified for premium purposes, passages should be designed to lead into a crush and weighbridge so that animals can be examined and certified in appropriate order with the minimum of stress.**

Provision of Bedding in Pens

98. There are no legislative requirements on the provision of bedding in pens. The MAFF guidelines recommend that adequate bedding material should be made available for animals which require it. The submissions received drew attention to the need for bedding to be provided in particular for pigs.

99. Most markets provide bedding (e.g. straw, sawdust, wood shavings) for stock kept overnight, for calves and, in some instances, for pigs. We understand that those personnel who are responsible for cleaning the market do not favour straw because of the problems associated with removing it after use.

100. **We recommend that legislation should provide that calves, pigs and dairy cattle in milk or in calf should be bedded on suitable clean bedding material. We consider there is a need for bedding to be provided for all other species where appropriate.**

Separation and handling of bulls

101. The 1964 Order requires that bulls over the age of 10 months must be effectively separated from other animals or secured by the head or neck. This provision differs from that which applies to bulls in transit, which requires bulls to be penned separately **and** secured with an exception for those which have been reared together which may be carried in the same undivided vehicle **without** being secured.

102. We found that the requirement for bulls in markets to be effectively separated or secured by the head or neck is commonly contravened in the case of bull beef animals which are penned together. In reaching our recommendation, we also took account of the following points —

- (a) from the age of about 10 months, stud bulls can become dangerous;
- (b) since the legislation was formulated, changes have occurred in rearing methods and bulls are now less frequently handled;
- (c) the increase in bull beef production has led to an increase in the numbers of bulls presented in markets;
- (d) farmers are keeping bull beef to an older age.

103. Having considered the evidence we concluded that in general individual penning of bulls in markets should be obligatory and tethering optional. But we also considered that bulls reared together should be exempted from our proposed individual penning requirement when in markets, subject to their having been polled, dehorned or disbudded, and not yet showing any permanent incisor teeth.

104. These recommendations were submitted to Agriculture Ministers in March 1984 as part of a special review of the legislation relating to the tethering of bulls in transit and in markets on which the Group were asked to advise. It has subsequently been drawn to our attention that it is normal practice at pedigree bull sales for bulls to be tethered and not penned individually and that this practice creates no problems for animal welfare nor human safety, provided that the bulls are halter broken.

105. We have considered these representations very carefully and Group members have visited such sales. We have concluded that our earlier recommendations should be amended to provide a further exception to the general requirement for individual penning in respect of those bulls which are halter broken.

Recommendations

106. To sum up, we now recommend that current legislation be amended to provide that:

- (a) **all bulls over 10 months of age in markets must be penned individually—**
except that—
 - (i) **bulls which are halter broken may be tied by the neck or haltered; and**
 - (ii) **bulls which are not showing any permanent incisor teeth, have been reared together as a group and are polled, dehorned or disbudded may be penned together without being secured by the head or neck. Such animals should only be penned together if they originate from the same group.**
- (b) **pen sides and barriers and any passageways along which bulls may pass should stand at least 5'6" (168 cm) in height.**

107. We also considered the general handling and accommodation of bulls in markets. The points which have been included in our guidelines and recommendations on the general handling of bulls at markets which are set out at Appendix D have mainly been extracted from the latest guidelines (GS 36) prepared by the Health and Safety Executive on the safe custody and handling of bulls at agricultural shows, markets and similar premises off the farm. We must emphasise however that the points listed in Appendix D relate to animal welfare. The HSE guidance also deals with human safety which is of importance to those handling bulls at markets.

Separation of horned and polled cattle

108. We found that the law requiring the separation of horned and polled cattle (see paragraph 74) was frequently not observed by market operators, nor was it enforced by the local authority inspectors. Those responsible saw

no need for separation unless animals fight. In 60 per cent of the markets they surveyed, the RSPCA found no segregation of horned or polled cattle, before or after sale. Others supported this finding, and urged that the legislation should be strictly enforced.

109. Where polled and horned cattle have been reared together and are from the same social group, there may be reasons for proposing an exemption to existing legislation. However, there will always be a risk at markets that horned cattle will become fractious and injure others.

110. We have therefore concluded that, in the interests of animal welfare, all cattle should be without horns, but that an exemption from this requirement is needed to cover cattle sold as specialist breeds. We understand that similar requirements are in force in Northern Ireland under the Agriculture (Miscellaneous Provisions) Order 1965, as amended, which makes it an offence for a person to be in possession of or in charge of horned cattle (other than those with rudimentary or stub horns) unless they are on agricultural land or are being moved from agricultural land to other agricultural land in the same ownership. The Act also provides for Orders to be made exempting certain classes and descriptions of cattle from this requirement.

111. We therefore recommend that:

- (a) **the legislation should require that all cattle in a market must be without horns (other than rudimentary or stub horns which are incapable of causing damage to other cattle); and that provision should be made for an exemption from this requirement for cattle presented as specialist breeds;**
- (b) **provision should also be made in the legislation for a 3 year phasing-in period to allow farmers and producers sufficient time to comply with the requirement for disbudding.**
- (c) **during this phasing-in period, Article 5(4) of the 1964 Order, requiring the separation of horned cattle from those without horns, unless both are secured by the head or neck, should be strictly enforced.**

Boars

112. In the submissions we received, attention was drawn to the need to prevent boars fighting. We note that although the legislation requires that every boar over the age of six months must be effectively separated from other animals, it does not make special provision on the construction of pens. We consider that this is necessary and **recommend that particular attention must be paid to the height of the pens in which boars are held.**

Pregnant Cattle

113. Pregnant cattle need special care and should be stalled, penned or tied individually particularly when known to be near to calving.

114. Under Article 11(2) of the 1975 Transit Order, it is an offence to transport an animal which is likely to give birth in the course of a proposed journey except with the written authority of a veterinary inspector. **We recommend that there should be a comparable requirement in the 1964 Order.**

Suckler cows with calf at foot

115. Article 5(5) makes provision for an animal with unweaned young to be kept separate from all other animals. During our visits we have seen pens containing more than one cow with calf at foot. This did not give rise to any problems and we consider there should be provision in existing legislation for more than one cow with calf at foot to be penned together. **We recommend that Article 5(5) of the 1964 Order should be amended to provide an exception for those cows with calf at foot which have been reared together and are of mutually acceptable disposition to be penned together, provided the pens are not overstocked.**

Milking facilities

116. We noted that although there is provision in Article 3 of the 1964 Order for a veterinary inspector to 'treat' an animal if it is being caused unnecessary suffering by reason of, inter alia, overstocking of the udder and that 'treatment' includes milking, there is no requirement for milking facilities to be provided or used. The RSPCA drew attention to the lack of milking facilities at some markets and this point was also made in other submissions.

117. We agree that there are some markets where the throughput of dairy stock is insufficient to justify the provision of milking facilities. We recommend however that:

- (a) **where there is a significant throughput of dairy animals, hygienic and adequate provision must be made for milking cows in milk and arrangements must be made for the sterilisation of all milking equipment;**
- (b) **milking should only be carried out by skilled personnel;**
- (c) **overstocking of the udder should not be allowed;**
- (d) **lactating animals should be milked as soon as possible after sale and in any case before leaving market premises;**
- (e) **warm water should be provided for washing cows.**

Isolation facilities

118. The provision of isolation facilities for animals which are sick, injured or diseased is not required under the 1964 Order although there is provision in Article 3 for sick and injured animals to be removed to 'a suitable place in the vicinity for the purpose of treatment. . . .'. We know that some markets do provide such facilities but we believe it is essential for all markets to make arrangements for the isolation of animals when the need arises. **We recommend that legislation be adopted to provide emergency pens for isolating sick and injured animals. We further recommend that the law should require that these facilities be clearly identified and that the general public should be denied access.**

Auction sale rings

119. It was evident from the comments we received that many people believe that certain stock, for example, calves and pigs, ought to be sold in their pens, to cut out movements around the market. We have already recommended in paragraphs 150(d) and 154 that orphan lambs and goat kids under the age of four weeks should be sold in their pens. We accept however that it is

normal practice to sell store sheep in the auction ring because prospective purchasers want to see the sheep walking. Unfortunately, this leads to greater handling and **we recommend that legislation be made allowing only the vendor or his representative and necessary market personnel entry into the auction ring.** We consider that where calves are sold in the auction ring, the ring should be in close proximity to the pens in order to minimise movement. We have seen mobile pens used very effectively and commend this practice. Where permanent calf sale rings are used, there are advantages in having a raised floor level which makes inspection easier and so minimises handling.

120. We concluded that sale rings for adult cattle should be built to an adequate height. **We consider that the sale ring should where practicable, have sides whose overall height is 6'6" (2 m), preferably with an inwardly curving top.**

General requirements

Lighting

121. **We recommend that legislation should require market operators to ensure that adequate lighting is available in order that animals can be inspected, fed and watered after darkness has fallen.**

Fire prevention

122. **We recommend that market operators should ensure, seeking appropriate advice as needed, that fire fighting equipment is available at the market premises: that it is regularly inspected and maintained in good working order and that emergency water supplies are available for these purposes.**

SECTION 5

Ear punching

123. A practice which is frequently condemned and which is of considerable concern to the Group is the ear punching of cattle and sheep. This is done to distinguish those animals which are certified for any premium payable under the European Community's beef and sheep meat variable premium schemes and to prevent fraudulent presentation of animals for payment a second time. A high proportion of cattle and sheep being sold for slaughter are certified live and are therefore required to be ear punched.

124. The ear punching, which is carried out by personnel who are employed and supervised by the market operators under the control of officers of the Meat and Livestock Commission, is by means of a hand-held self-releasing punch. This produces a hole of about 12mm across and leaves an encircling tattoo which is marked by retractable tines on the specially designed instrument. Ear punching happens immediately after sale.

125. About 60 per cent of cattle and 70 per cent of sheep which qualify for these premium payments are certified liveweight in markets, with the remainder graded and certified on a deadweight basis. In 1984, 9 055 373 sheep and 1 319 484 cattle were certified liveweight.

126. Even when carefully and accurately carried out, ear punching must create stress for the animal. The standards of punching observed by the Group have been variable and many operators appear to have little concern for the animals they are handling. Indeed, the scope for care and accuracy is limited. Pens may be full of unsettled animals and it will be difficult to position the instrument accurately. Occasionally, the punch pierces a vein (particularly in the smaller sheeps' ears), and blood flows freely. Understandably, members of the public find this unpleasant and may question overall welfare standards.

127. We found that some of the punching instruments provided by the MLC were not in good working order or were blunt. This is quite unacceptable and there must be better checking of and maintenance of these punches by the MLC.

128. We examined the question of alternatives to ear punching at some length, considering advice on other forms of identification and the actual necessity for liveweight certification. It was clear that much effort had already been made, both by the Agriculture Departments and others, to find an acceptable alternative marking method. But none has so far satisfied the requirements that the mark must be incapable of removal or concealment: and, at the same time, be readily and humanely applied. Dyes, tattoos, branding, tagging and the marking methods used for zoo animals have all been looked at. We have also considered invisible markers which can be scanned by ultra-violet lamps. But none of these methods satisfied the schemes' criteria. Nor do we feel there are good prospects of devising acceptable methods even if further research were undertaken. We have also considered whether modifications to the present instruments, including a reduction in the size of the hole punched, would help. But we doubt that this would reduce blood loss and the permanency of the mark would be at risk.

129. We have therefore turned our attention to the more fundamental question of whether liveweight certification has to be a feature of the premium scheme. It is clear that those within the industry, to whom we have talked, would strongly oppose any move to 100 per cent deadweight certification. Their view is that liveweight certification provides the only assurance that producers get the full benefit of the premium since it is paid directly. In deadweight certification, payment goes to the slaughterer and there is concern that the price he pays the producer (which is usually agreed before the rate of premium is known) will not fully reflect the premium eventually paid. Advocates of liveweight certification also emphasise that the present system of reporting market prices (on which the calculation of the premium is based) is tied to liveweight sales obtained from an open marketing system.

130. We have not been fully convinced by these views, particularly since producers of some 40 per cent of cattle and 30 per cent of sheep are

evidently content with deadweight certification. The view that such a system is unworkable because slaughterers who receive the premium would not play fair with producers must be questionable. If that is a real problem, ways can surely be found for ensuring that premium payments are passed on to the producer, even where the animal had been sold through a liveweight market. We are not convinced that both deadweight and liveweight prices cannot be monitored.

131. The Group has concluded that on welfare grounds the practice of ear punching of sheep and cattle in markets is not acceptable. We appreciate that no adequate alternative system of marking, which would meet the requirement of the beef and sheep meat premium schemes, exists or seems likely to emerge. We are not convinced, however, that it is essential to provide for liveweight certification or that total deadweight certification would result in the problems foreseen by those who oppose it. **We recommend that Ministers should consider, as a matter of urgency, the feasibility of alternative methods of certification for payment of premiums.**

132. Agriculture Ministers decided in June 1985 to authorise, for a limited trial period, the liveweight certification of young bulls under the beef variable premium scheme. Hitherto, young bulls had been certified deadweight. The trial was carried out at three markets — Banbury and York in England and Paisley in Scotland and, at its conclusion, Ministers made more permanent arrangements in October 1985 for this facility to be granted widely at other certifying markets which could meet handling and safety criteria. We made our view known to the Agriculture Departments that we see any extension of ear punching as an entirely retrograde step. It must certainly add to the total of stress and discomfort of animals passing through markets.