

THE ENFORCEMENT PROBLEM

The Case for
Stronger Enforcement
of Farmed Animal
Protection Laws in
the United Kingdom

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As a solicitor working in animal law for over a decade; a co-founder of the UK's first animal protection law firm Advocates for Animals | Solicitors; and a founder of animal law charity, The Animal Law Foundation; I have been exposed for a long time to what I now call "The Enforcement Problem".

This is when a law exists on paper, but is grossly underenforced in practice, rendering its value questionable at best and redundant at worst. The Enforcement Problem is stark in animal law.

This problem exists across all areas of animal law, from wildlife crime through to widespread illicit practices within the pet trade, such as puppy farming and the trade in exotic pets. It is also not unique to the United Kingdom, at animal law fora across the world this problem has been raised time and time again. The issue seems to be particularly heightened for farmed animals where whistleblower accounts and undercover investigations routinely reveal systemic husbandry breaches alongside, in some instances, deliberate and violent abuse.

What makes The Enforcement Problem for farmed animals particularly jarring in the UK is the proclamation that we are a nation of animal lovers and that we have some of the highest animal welfare standards on farms and slaughterhouses in the world. Yet, if these standards only exist on paper and are not upheld in practice, do they apply? And can a law even be called a law if it is not applied?

The Enforcement Problem for farmed animals has been known by those working in the field for some time; however, never before has data on the problem been gathered from such a wide range of sources, including Government figures, and compiled in a comprehensive report as has been done here.

This first-of-its-kind report reveals that what was only previously anecdotal can be confirmed by data; The Enforcement Problem for farmed animals is not only real, but an epidemic that must be stopped.

The British public wants animal welfare standards to be high and enforced, it is therefore of vital importance that the laws that the public, policy-makers and campaigners work so hard to pass through Parliament mean something in practice.

Edie Bowles

Executive Director of
The Animal Law Foundation



Having filmed inside over 800 facilities worldwide, Animal Equality's investigators are all too familiar with "The Enforcement Problem", witnessing its impacts first-hand.

UK policy-makers have taken steps to ban a number of particularly cruel agricultural practices, including the use of gestation crates for pigs, barren battery cages for hens, hot branding of cows and mulesing of sheep. Against this backdrop, it would be only too fair for consumers to assume that our agricultural standards surpass that of other countries.

But the true test comes when we determine how the legislation is applied. This report shows that, right now, the UK is failing that test.

This dossier comprises evidence of illegality, neglect and consistently poor standards across a whole host of UK farms and slaughterhouses, reflected by investigations from a range of animal protection organisations. The collective evidence shows pigs routinely having their tails cut off, chickens unable to withstand their own bodyweight, and hens crammed into increasingly overcrowded cages. The findings demonstrate clear illegality, yet oversight of these billion-pound industries is woefully inadequate and, while our legislation serves to give the UK bragging rights as world leaders, it is failing to serve the animals who need it most.

With an absence of official, frequent and unannounced inspections, a lack of transparent and verifiable data made publicly available, a failure to provide adequate deterrents, and insufficient action when laws are broken, taxpayer-funded regulatory bodies are leaving major corporations to cause harm with impunity. Something must be done.

This report pulls back the curtain on the system's greatest pain points, revealing a problem so mighty that its scale and enormity cannot be understated. Reading about 'non-compliance' may at times feel cold and distant, but its impacts are neither: they are felt strongly by farmed animals who face the greatest consequences.

The intention of this report is to understand the lay of the land and to prompt the beginning of the end for The Enforcement Problem. In failing to fix this disorderly system, we risk failing millions of animals.

I sincerely hope that this report will jumpstart action for animals; we simply need the political will to make it a reality.

Abigail Penny

Executive Director
of Animal Equality UK



1.

Introduction

Combining data and insights obtained from public bodies, including local authorities and central Government, veterinary experts, leading academics, and investigative animal protection agencies, this comprehensive report explores how the current legal enforcement system operates in relation to farmed animals. The enforcement actions we have covered in this report include inspections, official notices and prosecutions.

Through analysing the system we are given a glimpse into its many complexities and how the fragmented regulatory framework that is charged with overseeing and enforcing farmed animal welfare in many instances falls short of adequately doing so.

This report will oversee a range of data points, from welfare complaints and inspections, through to compliance and prosecution. It then takes the opportunity to provide real-world case studies to examine the impact that current monitoring and legal enforcement activities have on farmed animals on the ground.

This report will address some key topics to fully understand the crux of The Enforcement Problem. It will look at:

- What laws are currently in place for farmed animals
- Who is responsible for ensuring that animal protection laws are adhered to and how those responsible monitor compliance on the ground
- When breaches of farmed animal welfare law occur, what are the consequences for not complying, and what actions are taken to prevent further illegalities from taking place
- The impacts that farmed animals face when laws are not followed

Armed with this information, the UK must put a stop to the endemic of non-compliance.

2.

Overview of the Regulatory Framework for the Welfare of Farmed Animals

2.a. Introduction

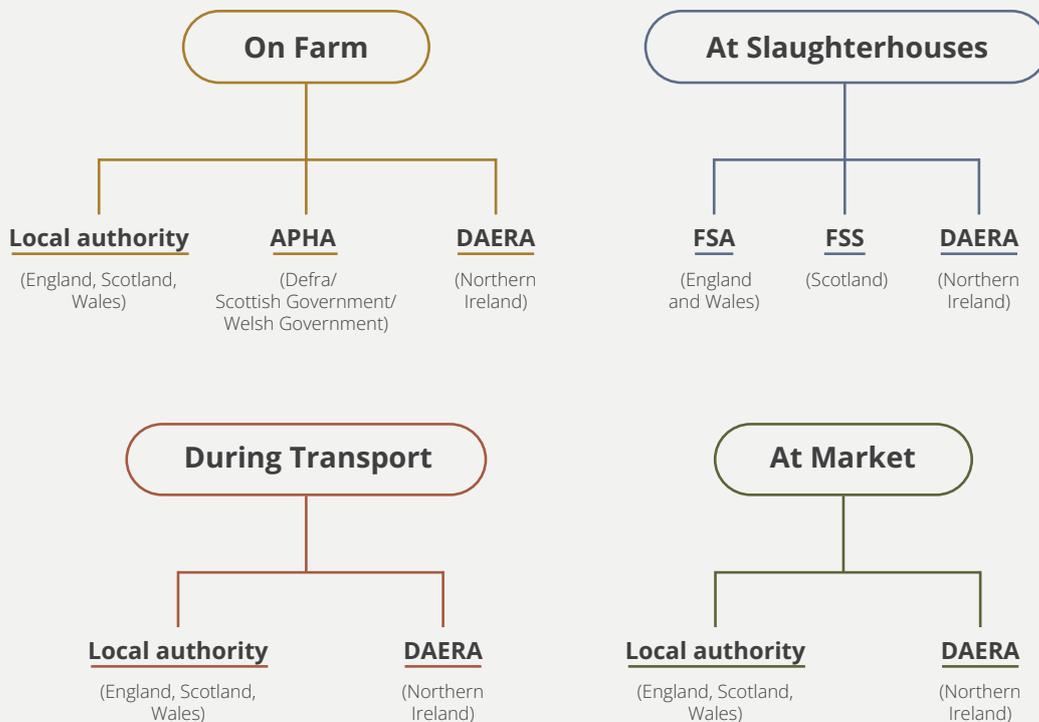
Before we assess the data and explore the experiences of animals in farms and slaughterhouses across the UK, it's important that we first consider who is responsible for ensuring that the laws in place are being properly followed.

The enforcement of welfare law for farmed animals is a fragmented framework that comprises several official bodies.

The central authority in charge of farm welfare enforcement and policy is the Department of Environment, Food and Rural Affairs (Defra). Through a series of outsourcing and Service Level Agreements, Defra has delegated the day-to-day regulation and enforcement to other bodies.

It is true that the regulatory framework can be complicated and difficult to understand. One concern is that the fragmented nature of regulation and enforcement has contributed towards a lack of continuity, enforcement and accountability.

Who is responsible for enforcement?



2.b. On farm

Key welfare laws: The most relevant welfare laws that must be followed on farm are the Animal Welfare Act 2006 in England and Wales, the Animal Health and Welfare (Scotland) Act 2006 in Scotland, the Welfare of Animals Act (Northern Ireland) 2011 in Northern Ireland and The Welfare of Farmed Animals Regulations, which exist in each of the devolved countries. These pieces of legislation provide minimum welfare standards that must be met for farmed animals and prohibit acts of cruelty, such as mutilations and causing unnecessary suffering. There is also a selection of guidance, recommendations and Codes of Practice for many farmed species. Whilst not legally binding, these documents provide insight into what practices should be put in place in order to comply with the legal obligations.

On-the-ground oversight: The biggest oversight role rests with the keepers (i.e the farms themselves), who are required to check the animals they keep at least once a day.

Regulatory oversight: Regulatory oversight is shared between several bodies, these being the English, Welsh, Scottish Governments and their executive agency, the Animal Plant and Health Agency (APHA), the Northern Irish Government and local authorities in England, Scotland and Wales. The roles and responsibilities are assigned by legislation and a variety of frameworks and agreements put in place. However, APHA, the Northern Irish Government and the local authorities are responsible for ensuring that welfare laws are followed on farms.

The relevant department of the English Government is Defra, the Scottish Government works through the Agriculture and Rural Economy Directorate, the relevant part of the Government in Northern Ireland is The Department of Agriculture, Environment and Rural Affairs (DAERA) and the Welsh Government has its own farmed animal team. These Government teams are the central authorities, meaning they take policy lead in this area. They retain operational control and are ultimately responsible to ensure the delivery of farming legislation and regulation.¹ However, in England, Scotland and Wales it's the executive agency, APHA, that performs monitoring and surveillance, along with the local authorities. In Northern Ireland these are left to DAERA.

Inspections: Inspections may happen following a complaint by a veterinary surgeon, a member of the public, a farm worker or whistleblower, the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the police or other official bodies that have visited the farm. An investigation may also be carried out following a suspected contravention of welfare legislation arising from an unfit animal being transported or presented at a market or abattoir.² There are no prescribed rules on how often official inspections should be carried out to assess animal welfare; instead, inspections tend to be risk-based depending on previous issues identified with the farm. It is self-explanatory that a risk-based inspection regime is highly unlikely to detect or provide an accurate picture of all the welfare issues that take place on farms. Further, it is not possible for the public to see behind the walls and barns where animals may be housed and are therefore unable to report to the relevant authority.

Initiating enforcement action: In England, Scotland and Wales, local authorities are ultimately responsible for initiating formal enforcement action. However, APHA may refer a matter to the Government (Defra) when it is deemed to be particularly serious, for example it is believed to be a matter of national interest. Defra used to conduct its own prosecutions, however, due to a scandal in 2012, where it refused to prosecute a serious case of animal abuse, these now go to the Crown Prosecution Service (CPS).³ Local authorities will most likely conduct their own prosecutions; however, sometimes a few authorities group up and share such resources, for example Somerset County Council subcontract this work to Devon County Council. In Northern Ireland DAERA will initiate formal enforcement action; however, any decision to prosecute will be made by the Public Prosecution Service.⁴

Enforcement actions available: Along with prosecutions, the other legislative enforcement actions available for on-farm breaches are improvement notices under the Animal Welfare Act in England and Wales and the Welfare of Animals Act (Northern Ireland) 2011, and care notices under the Animal Health and Welfare (Scotland) Act 2006 in Scotland. Improvement and care notices are essentially a notice served on a keeper of an animal for failing to meet the welfare needs of an animal under the law requiring that steps be taken to rectify the situation. Where an improvement or care notice is issued no proceedings can be brought for the offence of failing to meet the welfare needs of an animal if the notice is complied with.

There are other tools public bodies use to assist with compliance such as informal advice and warning letters. However, this report will look at the legislative enforcement tools available, due to the fact they are the formal legislative controls in place.

2.c. At slaughterhouses

Key welfare laws: The primary welfare legislation that is being enforced in slaughterhouses throughout the United Kingdom are the Welfare at Time of Killing (WATOK) Regulations, which implements the EU Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing. This legislation is summarised in section 5 (f) below.

Regulatory oversight: In England and Wales, Defra and the Welsh Government have a service level agreement in place with the Food Standards Agency (FSA) and in Scotland there is a service level agreement between the Scottish Government and Food Standards Scotland (FSS), both of which require that they carry out welfare checks in approved slaughterhouses for terrestrial animals.⁵ In Northern Ireland welfare checks are carried out by DAERA on behalf of the FSA.⁵ These inspections are aimed at ensuring compliance with welfare legislation within slaughterhouses; however, certain checks are also in place to detect any issues that may have originated on-farm or during transport.

Enforcement actions available: In England, Wales, Northern Ireland and Scotland the FSA and FSS will approve slaughterhouses and issue Certificates of Competence, which is a licence to individuals who carry out the slaughtering of animals. This licence can be suspended or revoked for animal welfare violations. Potential animal welfare prosecutions from breaches in slaughterhouses across the UK will be referred to the CPS in England, the Welsh Government in Wales, the Procurator Fiscal in Scotland and the Public Prosecution Service Northern Ireland.

2.d. During transport

Key welfare laws: Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations, which is retained in the UK and implemented through the Welfare of Animals (Transport) legislation⁶, provides minimum standards on the transport of all vertebrates.

Initiating enforcement action: Animal welfare transport rules are enforced by local authorities in England, Scotland and Wales⁷ and DAERA in Northern Ireland.⁸

Enforcement actions available: Along with prosecutions, legislative enforcement powers include issuing compliance notices, requiring a person to take any action necessary to ensure compliance with the Order/Regulations.

2.e. The RSPCA's role

Since 1824, The Royal Society for the Prevention of Cruelty to Animals (the RSPCA) has been a leading organisation in the prosecution and enforcement of animal welfare offences. Over the years it has established itself as the primary prosecuting body for animal welfare in England and Wales.

The RSPCA's role is not official, but rather it is exercising its right under section 6(1) of the Prosecution of Offences Act 1985. This is the right of all private individuals, organisations and bodies (including charities and NGOs) to institute and conduct private prosecutions.

By exercising this right, in 2019 the RSPCA secured 1,432 convictions relating to animal welfare offences, with a 93.7% success rate.⁹ However, these cases are mostly related to companion animals. This is significantly higher than what the CPS achieves for prosecutions generally, indicating that the charity chooses its cases carefully.

However, the RSPCA operates in a delicate and controversial political landscape. For some time there have been calls for the charity to step back from acting as a prosecutor of first resort. It is widely recognised that prosecutions should normally be brought by state prosecutors. Reasons for this include official bodies being seen as more impartial with state funding, but also that it is the state's responsibility to enforce the laws that it creates.

In its 2021 Trustees report¹⁰ it confirmed that it had "*successfully handed over the investigation and prosecution of all farmed animal welfare cases to the Animal and Plant Health Agency*", which would mean that farmed animal welfare cases will now be prosecuted by the CPS or the local authority. The concern is that the CPS is already overburdened. In terms of general crime, the BBC reported that in 2018 fewer than one in ten crimes led to anyone actually being charged.¹¹ Transferring the RSPCA's caseload into the hands of overwhelmed state prosecutors risks asking them to do the impossible with their strained resources. In 2016 an Environment, Food and Rural Affairs Select Committee found that the CPS was not "*suitably resourced and trained in the area of animal welfare*" to take over the RSPCA's workload.¹²

In response to a freedom of information request sent by Animal Equality, the CPS confirmed that in 2019 and 2020 there were no prosecutions conducted by the CPS for offences under The Welfare of Farmed Animals Regulations 2007 or The Welfare at the Time of Killing Regulations 2015.

3.

Enforcement Data



3.a. Introduction

As the previous section shows, there are a whole host of regulators in place to ensure that laws in place exist not only on paper but are followed in practice. Knowing who is meant to be responsible brings about the question: how do those responsible exercise their role in practice?

In this section, we consider what action is taken by those responsible for monitoring compliance of farmed animal welfare law across the UK. And, where breaches are found, what actions are taken to rectify the non-compliance and to deter future non-compliance. This section will explore what happens when legal breaches are identified, and what resources are made available to improve monitoring and compliance. We consider three key areas:

1. **Inspections:** how many are carried out each year, by how many inspectors, at what rate and what do they find?
2. **Compliance:** how do inspections impact legal compliance on farms and what factors have the potential to deter future breaches of the law?
3. **Repercussions:** how are inspection findings handled by the relevant authorities and what repercussions can farms expect when non-compliance is discovered?

A number of key takeaways came to light as we carried out our analysis. These include that, on average between 2018-2021:

- Fewer than 3% of UK farms were inspected (2.95%)
- Upon receiving a complaint, just half (50.45%) of farms were then inspected
- Of those inspections, approximately one-third (31.38%) identified non-compliance on the same site
- Just 0.33% of farms were prosecuted following initial complaints of non-compliance

Information gathering: To obtain this information we have relied on the right to freedom of information, which is the primary way of obtaining information held by public bodies. In England, Wales and Northern Ireland, the Freedom of Information Act 2000 and in Scotland the Freedom of Information Act (Scotland) 2002, creates a right to information held by the public body on request.

The aim was to request information from the public bodies responsible for monitoring and enforcing farmed animal welfare law on the following: a) how much non-compliance was detected, b) what, if any, action was taken, and c) how much resource is dedicated to animal welfare enforcement.

There were inevitably some limitations as to what information we could obtain, such as information not held by public bodies, crimes that were left undetected and behind closed doors, information that could be exempt from the freedom of information legislation and information that may have been wrongly recorded. There may also be duplication if multiple bodies were complained to, for example local authorities and Defra or two local authorities dealing with a cross-jurisdictional issue, for example a transport complaint; however, we expect this to be minimal.

Information under freedom of information legislation was gathered by two UK entities: law firm Advocates for Animals and charity Animal Ask. Advocates for Animals requested information on farmed animal welfare enforcement from 2020, whereas Animal Ask requested information on farmed animal health and welfare enforcement from 2018-2021. The following are the findings from those requests.

3.b. Inspections

Non-compliance on farms tends to be detected through inspections, complaints and undercover investigations. Information on complaints and undercover investigations is dealt with in the following sections.

Welfare inspections of farms are governed by the Animal Welfare Act 2006 in England and Wales, the Animal Health and Welfare (Scotland) Act 2006 in Scotland and the Welfare of Animals Act (Northern Ireland) 2011 in Northern Ireland.

Inspectors in England, Scotland and Wales can be appointed by the appropriate national or local authority. National authorities include the Secretary of State in England (Defra), the Welsh Parliament, and the Scottish Government. These bodies outsource their inspections to the Animal and Plant Health Agency (APHA). APHA provides some inspections for cross-compliance for financial subsidies, as well as at markets, ports, on the roadside, and at supervised loadings of export consignments. Meanwhile, welfare inspections at the time of killing are carried out through a service level agreement with the FSA in England and Wales and FSS in Scotland. The majority of inspections in England, Scotland and Wales are done through the environmental health or trading standards departments of local unitary authorities. In Northern Ireland the Department for DAERA is responsible for welfare inspections for farmed animals.

Welfare inspections of farms are risk-based, meaning that only farms with a perceived risk are inspected. This approach derives from retained EU legislation on official controls of those responsible for animals kept for human consumption.

The relevant law states that:¹³

'Article 9

1. Competent authorities shall perform official controls on all operators regularly, on a risk basis and with appropriate frequency, taking account of:

- a. identified risks associated with:*
- i. animals and goods;*
 - ii. the activities under the control of operators;*
 - iii. the location of the activities or operations of operators;*
 - iv. the use of products, processes, materials or substances that may influence food safety, integrity and wholesomeness, or feed safety, animal health or animal welfare, plant health or, in the case of GMOs and plant protection products, that may also have an adverse impact on the environment'*

Recital 53 of the same regulation states: *"the frequency of official controls should adequately address risks to human, animal and plant health, [and] animal welfare."*

In response to a freedom of information request sent by Animal Ask in early 2022, APHA confirmed that there were 267,906 registered animal farms in England, Scotland and Wales in 2021. DAERA was unable to provide the information for Northern Ireland. However, a census from 2021 reveals that there are 26,077 farms of which almost all are for farming animals (23,856).¹⁴ This being a total of roughly 291,762 farms in the whole of the United Kingdom (there are possibly other farmed animals not included in the data e.g. rabbits).

Animal Ask was able to gather comprehensive data in response to its request from 78 local authorities from across England, Scotland and Wales. These 78 local authorities covered a total of 142,354 farms. However, responses were also gathered from DAERA and APHA that would oversee the total 291,762 farms. The responses reveal that the following number of inspections took place between 2018-2021. The inspections are for both animal health and welfare.

Year	Country	Body	Number of inspections
2018	England	Local authority	4820
	Wales	Local authority	2472
	Scotland	Local authority	1175
	England, Scotland, Wales	APHA	2328
	Northern Ireland	DAERA	585

Year	Country	Body	Number of inspections
2019	England	Local authority	4348
	Wales	Local authority	2050
	Scotland	Local authority	1115
	England, Scotland, Wales	APHA	2108
	Northern Ireland	DAERA	513
2020	England	Local authority	2901
	Wales	Local authority	758
	Scotland	Local authority	426
	England, Scotland, Wales	APHA	1486
	Northern Ireland	DAERA	412
2021	England	Local authority	3465
	Wales	Local authority	802
	Scotland	Local authority	492
	England, Scotland, Wales	APHA	2301
	Northern Ireland	DAERA	408

ENFORCEMENT DATA

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Assuming the number of farms hasn't changed significantly since 2018, this means:

In 2018 the data includes a total of 11,380 inspections in the whole of the UK, which would amount to 3.9% of the total 291,762 farms being inspected. Out of the sample of 78 local authorities in England, Scotland and Wales there were 8467 inspections, this would amount to inspections on just 5.9% of the 142,354 farms those local authorities covered.

In 2019 the data includes a total of 10,134 inspections in the whole of the UK, which would amount to 3.4% of the total 291,762 farms being inspected. Out of the sample of 78 local authorities in England, Scotland and Wales there were 7513 inspections, this would amount to inspections on just 5.3% of the 142,354 farms those local authorities covered.

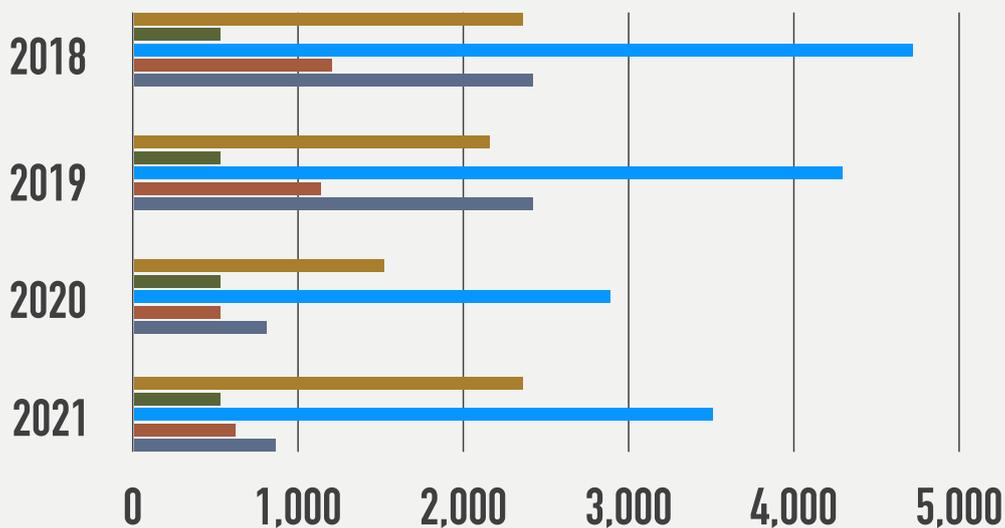
In 2020 the data includes a total of 5,983 inspections in the whole of the UK, which would amount to 2% of the total 291,762 farms being inspected. Out of the sample of 78 local authorities in England, Scotland and Wales there were 4085 inspections, this would amount to inspections on just 2.9% of the 142,354 farms those local authorities covered.

In 2021 the data includes a total of 7,468 inspections in the whole of the UK, which would amount to 2.5% of the total 291,762 farms being inspected. Out of the sample of 78 local authorities in England, Scotland and Wales there were inspections, this would amount to inspections on just 3.3 % of the 142,354 farms those local authorities covered.

Rate of Inspections

ENFORCEMENT DATA

ENFORCEMENT DATA



The total number of inspections has fallen by 35% since 2018

The number of inspections was already low in 2018 and appears to have decreased dramatically. The number of complaints and referrals did not decrease during this period (this will be covered below). The decrease in inspections may be due to the COVID-19 pandemic.

In response to Advocates for Animals' request for information on the number of inspectors employed to carry out welfare inspections, the following information was provided:

Body	Number of inspectors employed
Local authorities: England, Scotland, Wales	594.8
APHA	240 vets and 263 animal health officers / technical support, who may carry out animal welfare inspections as part of their duties. Additionally a further 29 vets, with responsibility for post mortem and pathology, may also become involved in farmed animal welfare inspections/ investigations
DAERA	293 (approximately)

Even with the top estimate of 1419.8 inspectors employed across the UK to conduct animal welfare inspections on farms, this would still mean a ratio of one inspector for every 205 farms.

The reality, however, is a much lower number of relevant inspectors, as this estimate includes part-time workers and those who may have some form of farm welfare as a smaller part of their job role.

“In my professional opinion, the current risk-based inspection regime in place is gravely failing animals.

By prioritising inspections on farms with a history of issues, oversight of all remaining farms is completely neglected. This approach is merely reactive and does not proactively stop abuse or illegality from taking place. Regulators have a duty of care to the animals dying for human consumption and I am deeply concerned that, currently, they are failing in this duty.

The current framework for industry oversight desperately needs to be restructured. It should be reliable, credible, verifiable and affordable: currently it is not. Appropriate penalties must also be put in place and used, as currently there seems to be a reluctance to progress to prosecution, even when clear illegality and wrong-doing has been found.”

Professor Stevan Harnad, Editor, Animal Sentience,
Professor of Psychology, Université du Québec à Montréal,
and Emeritus Professor of Cognitive Science, University of Southampton



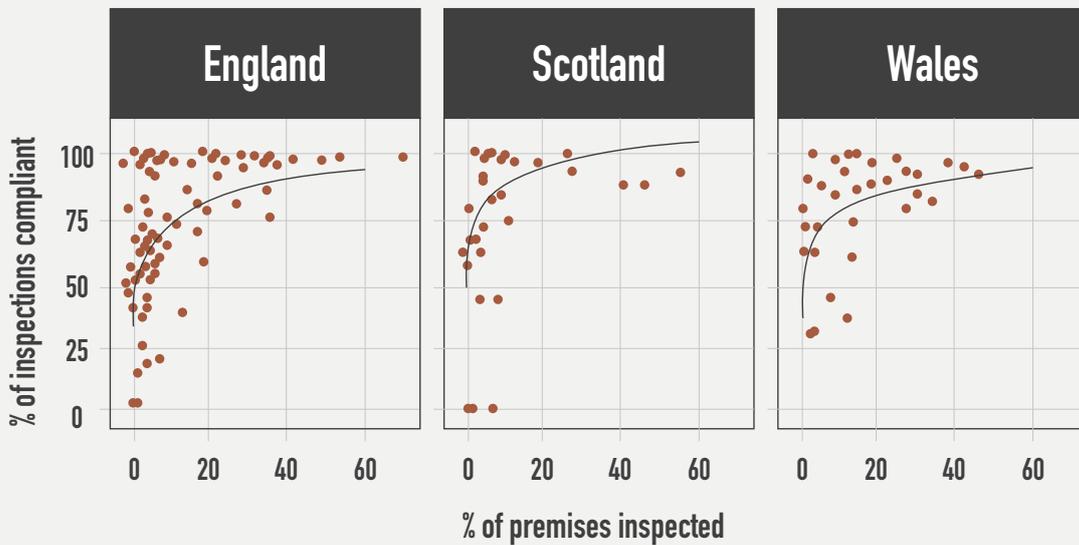
3.c. Inspections v Compliance

Alongside its freedom of information requests, Animal Ask conducted a literature review¹⁵ on the most important variables for improving compliance, given the observed motivations of non-compliance of animal protection law. There is general agreement from criminal and corporate compliance research that increasing the likelihood of being caught has the largest effect on crime rates.¹⁶ This is particularly relevant in the corporate case where regulatory policy, such as inspections, were most effective in ensuring compliance.¹⁷

Given the broad observation that compliance was most affected by the probability of detection, in this instance frequency of inspection, and the large disparities in the percentage of premises inspected per year between local authorities, we tested the statistical relationship between a number of variables and the rate of compliance in the region, including the percentage of premises inspected per year, budget, complaints, number of FTE enforcement officers and number qualified in animal health and welfare. The most significant positive correlation with the rate of compliance was the percentage of farms inspected in an area. This strongly suggests that increased inspections would result in decreased rates of legal breaches.

ENFORCEMENT DATA

ENFORCEMENT DATA



It is worth noting that the data from Animal Ask’s freedom of information request does not necessarily prove that there is a simple causal relationship. The key reason being that as farm inspections are generally risk-based, local authorities with a higher inspection rate will naturally encounter farms with progressively ‘lower risk’. This phenomenon would show the same pattern that has been observed here. However, given there is wider support from multiple other domains in the existing literature for the hypothesis that inspections should increase compliance, it is likely the correlation reflects a causal relationship between the frequency of inspections in a region and the rate of compliance.

3.d. Complaints v Enforcement Action

i. Local Authorities

Local authorities are the main enforcement bodies for farmed animal welfare in England, Scotland and Wales. In Northern Ireland, local authorities generally are not involved in farmed animal enforcement (it would largely fall on DAERA) with the exception of some district council involvement in Border Control Posts. There are 398 principal councils in the United Kingdom (including Northern Ireland).¹⁸

In England there are 333 principal local authorities, which are split into County, Unitary, Metropolitan, London Borough, Sui Generis authorities (i.e. City of London Corporation and Isles of Scilly) and District (also called borough and city) councils.¹⁹ In England, generally it would be County, Unitary, Sui Generis and Metropolitan, of which there are 120, which enforce animal welfare legislation - although most Metropolitan councils and the Unitary city councils often do not need to enforce this law, due to the lack of relevant premises in their area. In addition, some local authorities subcontract their animal welfare enforcement work to other local authorities, for example Somerset County Council subcontract this work to Devon County Council. With London, the local government structure is slightly different; City of London would be responsible for Greater London and the London Boroughs for those areas, although again there's unlikely to be that many relevant premises.¹⁹

In Scotland there are 32 Unitary authorities and in Wales there are 22 Unitary authorities, which enforce farmed animal welfare law. This brings the total number of local authorities who should in theory enforce farmed animal welfare law to 174.

Advocates for Animals requested information on how many animal welfare complaints were received by each authority in 2020 and what, if any, enforcement action was taken. Advocates for Animals specifically asked for formal legislative enforcement actions, these being actions that are provided for under animal welfare legislation, rather than informal action e.g. warning letters, advice notes which included:

- Prosecution proceedings commenced for offences under the Animal Welfare Act 2006 (England and Wales)
- Prosecution proceedings commenced for offences named in section 7 of the Welfare of Farmed Animals (England and Wales) Regulations 2007 (England and Wales)
- Prosecution proceedings commenced for offences named in the Welfare of Animals at Markets Order 1990 (England, Wales and Scotland)

- Prosecution proceedings commenced for offences under the Animal Health and Welfare (Scotland) Act 2006 (Scotland)
Prosecution proceedings commenced for offences under section 11 of the Welfare of Farmed Animals (Scotland) Regulations 2010 (Scotland)
- Improvement notices issued under section 10 of the Animal Welfare Act 2006 for failures to comply with section 9(1) of that Act (England and Wales)
- Care notices issued under section 25 of the Animal Health and Welfare (Scotland) Act 2006 for failures to comply with section 24 of that Act (Scotland)
- Compliance notices issued for failures to comply with the Welfare of Animals (Transport) Order (England, Wales and Scotland)

Advocates for Animals received substantive freedom of information responses from 159 local authorities across England, Wales, and Scotland.

The 159 responses from local authorities confirmed that they did enforce farmed animal welfare law in 2020. This figure is slightly skewed by the fact that some local authorities outsource their enforcement duties to other local authorities or offer other reasons as to why the figure is not quite accurate. For example, in England, Buckinghamshire and Surrey enforce farmed animal welfare law together, while Solihull Council said they did not have the right skills to enforce the law until they employed someone in January 2021. Worcestershire County Council said:

"Worcestershire County Council has had to drastically reduce its commitment across Trading Standards and Animal Health capacity over recent years. ...the Trading Standards and Animal Health team do receive referrals from APHA in relation to welfare matters and will investigate if they are linked to other offending where there is a duty (movement irregularities, identification issues or by-products matters,) or if the issues are very serious."

In Scotland, Renfrewshire said that it only enforced where there was 'a statutory duty to do so', for example *"welfare in transport, but not welfare where there is no statutory duty imposed on the local authority (e.g. animal health and welfare)"*, instead claiming the SSPCA and APHA were the relevant partners who *"may"* enforce animal health and welfare. Stirling Council also stated that *"there is not a statutory duty placed on Local Authorities to carry out on farm welfare checks but is often enforced by Stirling Council in the three LA areas [it covers]."*

UK enforcement action

In total 6466 complaints relating to farmed animal welfare were received by local authorities in the UK in 2020. 3650 related to farms, 208 were in relation to markets, 2570 related to transport and 38 at border control.

In 2020, local authorities received 6,466 complaints relating to farmed animal welfare.

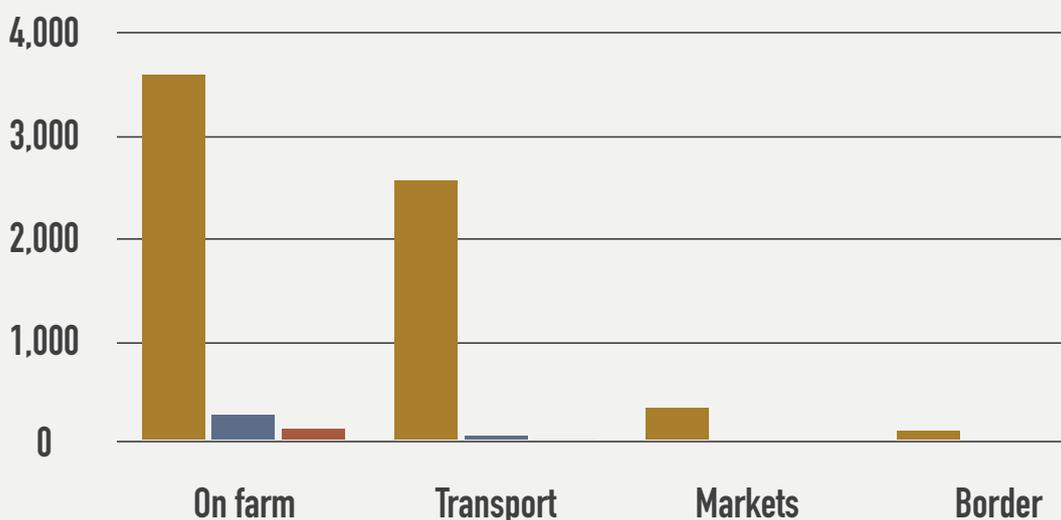
Despite these high numbers, only the following legislative enforcement actions were taken:

- 88 improvement notices were issued under section 10 of the Animal Welfare Act 2006 and 30 care notices were issued under section 25 of the Animal Health and Welfare (Scotland) Act 2006 for failing to meet the welfare needs of farmed animals
- 26 compliance notices were issued under the Welfare of Animals (Transport) (England and Wales) Order 2007 and Welfare of Animals (Transport) (Scotland) Regulations 2006
- 14 prosecutions were commenced under the Welfare of Farmed Animals Regulations
- Two prosecutions were commenced under the Welfare of Animals at Markets Order 1990
- 56 prosecutions were commenced under the Animal Welfare Act and the Animal Health and Welfare (Scotland) Act (it is possible that there is overlap between proceedings brought under Welfare of Farmed Animals Regulations, the Welfare of Animals at Markets Order 1990 and the Animal Welfare Act and the Animal Health and Welfare (Scotland) Act, as the latter two are foundational acts (which are often relevant with other welfare offences)).

ENFORCEMENT DATA

ENFORCEMENT DATA

UK Farmed Animal Welfare Enforcement (Local Authority Data)



- *Transport prosecutions unknown
- *Prosecutions for farms are likely less due to overlap between AWA and WOFAR cases
- *Border enforcement action unknown
- *AWA prosecutions could relate to farm, transport, market or border
- *AWA improvement notices could relate to farm, market or border

The above data is compromised by the fact that the year in question was during the COVID-19 pandemic. However, the results gathered by Advocates for Animals are supported by Animal Ask’s dataset, which gathered information from 129 local authorities across England, Scotland and Wales (with full responses from 78) on how many complaints local authorities received in 2018, 2019, 2020 and 2021. The notable difference is that Animal Ask’s data is in relation to animal health and welfare on farms, whereas Advocates for Animals’ data concerns the animal welfare of animals on farms, during transport, at markets and during border control.

ENFORCEMENT DATA

ENFORCEMENT DATA

Year	2018	2019	2020	2021
Number of complaints/ referrals	13031	11302	12254	12619
Number of farms inspected	8467	7513	4085	4759
% of inspections against a complaint	65.0%	66.5%	33.3%	37.7%
Number of inspections finding non-compliance	2736	2519	1211	1434
% of inspections finding non-compliance	32.3%	33.5%	29.6%	30.1%

The number of complaints for on-farm issues are higher as a result of including animal health complaints and referrals, as well as animal welfare complaints and referrals. However, the number of prosecutions brought were strikingly and worryingly similar, despite the inclusion of animal health. Animal Ask’s data also reveals that the prosecution rate remains low, even with official inspections confirming non-compliance, which is exacerbated by the fact that inspections do not always happen following an animal health or welfare complaint.

Year	2018	2019	2020	2021
Prosecutions	49	56	41	27
% of prosecutions to complaints	0.3%	0.5%	0.3%	0.2%
% of prosecutions against non-compliance revealed during an inspection	1.79%	2.2%	3.3%	1.8%

These figures show that not even 1% of complaints led to prosecutions and, even when follow-up inspections identify non-compliance, an average of 2.27% were prosecuted during 2017-2021.

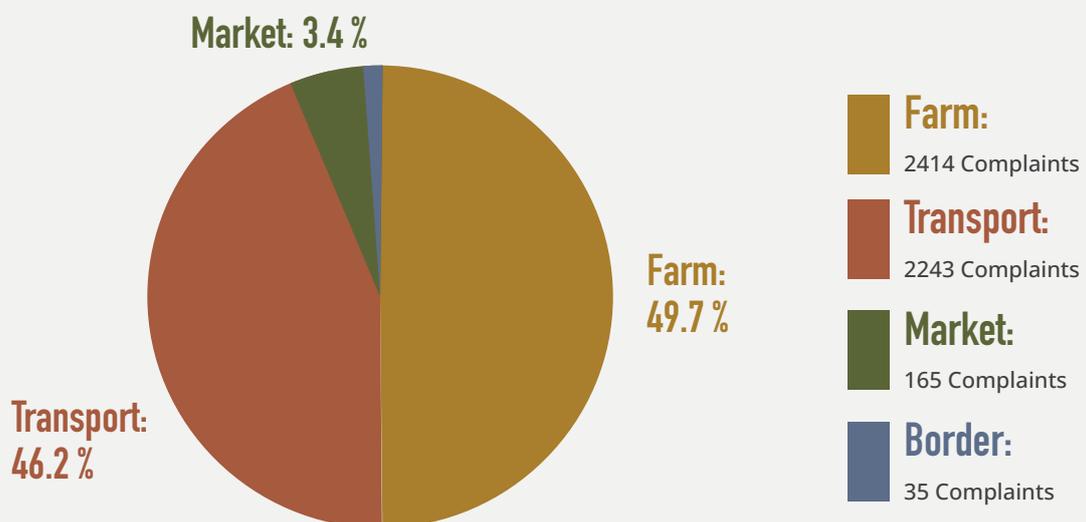
Fewer than 1% of complaints in 2018-2021 led to prosecutions.

The data did not include how many improvement and care notices were issued to farms under either the Animal Welfare Act in England and Wales or the Animal Health and Welfare Act in Scotland.

Breakdown by country

England

107 local authorities in England replied confirming they enforced farmed animal welfare law. From those 107 bodies there were a total of 4857 welfare complaints concerning farmed animals in 2020.



ENFORCEMENT DATA

ENFORCEMENT DATA

Of these complaints there were only 37 prosecutions under the Animal Welfare Act and 12 under the Welfare of Farmed Animals Regulations, two prosecutions under the Welfare of Animals at Markets Order, 40 improvement notices issued under the Animal Welfare Act and 20 compliance notices issued under the Welfare of Animals (Transport) (England) Order. Enforcement at the border is unknown.

Over 80% of local authorities did not bring any prosecutions or issue any improvement notices.

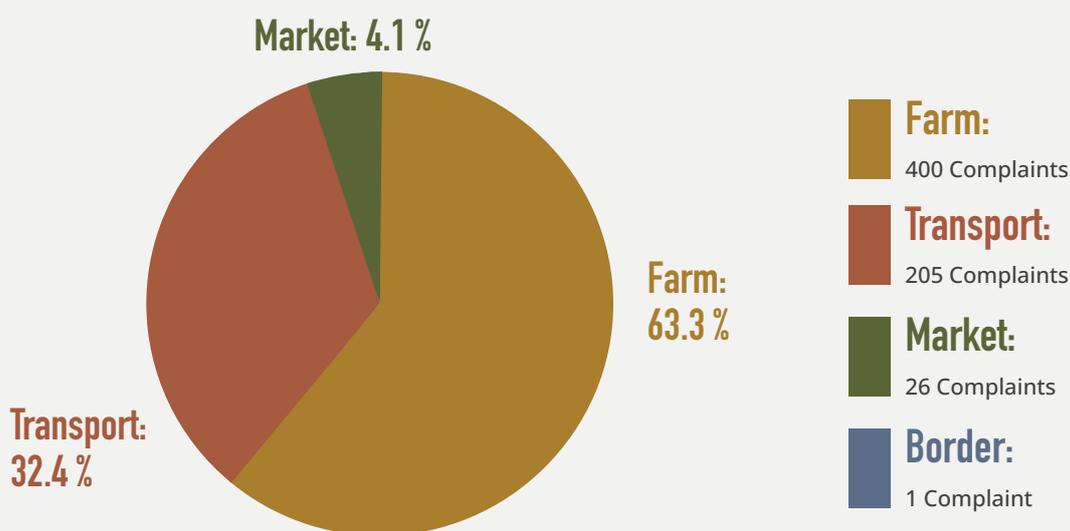
This percentage of prosecutions brought against complaints was 1% and the percentage of improvement/compliance notices issued was 1.2%.

Scotland

31 local authorities in Scotland replied confirming they enforced farmed animal welfare law. From those 31 bodies there were a total of 632 welfare complaints concerning farmed animals in 2020.

ENFORCEMENT DATA

ENFORCEMENT DATA



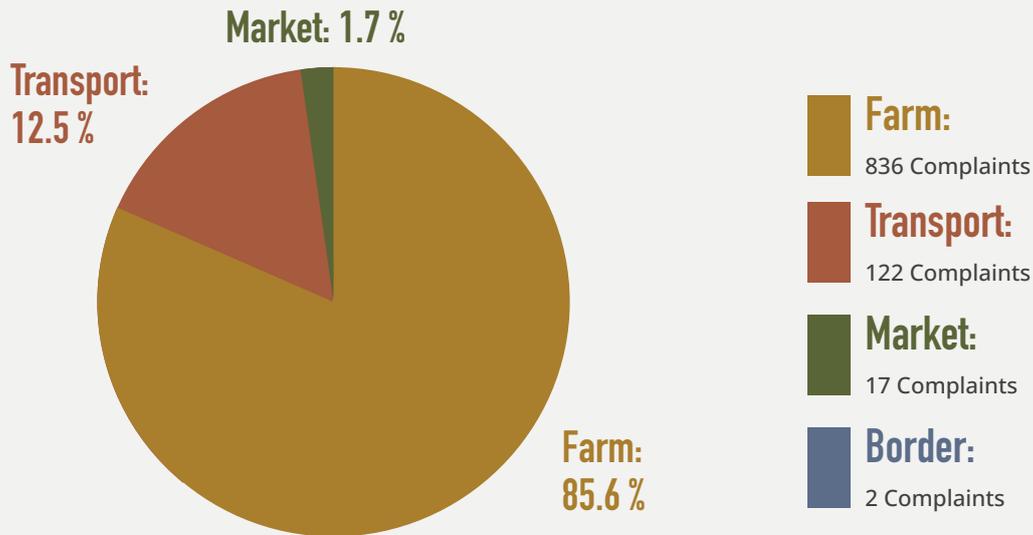
Of these complaints there were only six prosecutions brought under the Animal Health and Welfare Act. 30 care notices issued under that same Act and five compliance notices issued under the Welfare of Animals (Transport) (Scotland) Regulations. Enforcement at the border is unknown.

Around 87% of local authorities did not bring any prosecutions and around 90% did not issue any care notices under the Animal Health and Welfare (Scotland) Act 2006.

This percentage of prosecutions brought against complaints is less than 1% and the percentage of care/compliance notices issued is 5.5%.

Wales

21 local authorities in Wales replied confirming they enforced farmed animal welfare law. From those bodies there were a total of 977 welfare complaints concerning farmed animals in 2020.



Of these complaints there were only 13 prosecutions under the Animal Welfare Act and two under the Welfare of Farmed Animals Regulations, 48 improvement notices issued under the Animal Welfare Act and one compliance notice issued under the Welfare of Animals (Transport) (Wales) Order. Enforcement at the border is unknown.

Over 66% of local authorities did not bring any prosecutions or issue any improvement notices under the Animal Welfare Act.

This percentage of prosecutions brought against complaints was 1.5% and the percentage of improvement/compliance notices issued was 5%

Previous convictions

Local authorities were also asked how many individuals subject to a legislative enforcement action (i.e improvement/care/compliance notice or prosecution) had previously committed an animal welfare offence. The results showed that in England over a quarter of people subject to action had a previous conviction for an animal welfare offence:

Country	England	Wales	Scotland	Total
People subject to legislative enforcement action in 2020	111	64	41	216
Of those, people who have a previous conviction	28	11	1	40
Percentage of people with a previous conviction	25.2%	17.1%	2.5%	18.5%

ENFORCEMENT DATA

ENFORCEMENT DATA

In England, 25% of people facing legal action in 2020 had a previous conviction.

ii. Central Authorities

Whilst local authorities are the main enforcement bodies of farmed animal welfare law in England, Scotland and Wales, central authorities are the public bodies with the overall responsibility for farmed animal welfare law and policy throughout the UK.

Northern Ireland

DAERA is the main enforcement agency, rather than the local authorities. It is also the central regulator and enforces animal welfare in slaughterhouses.

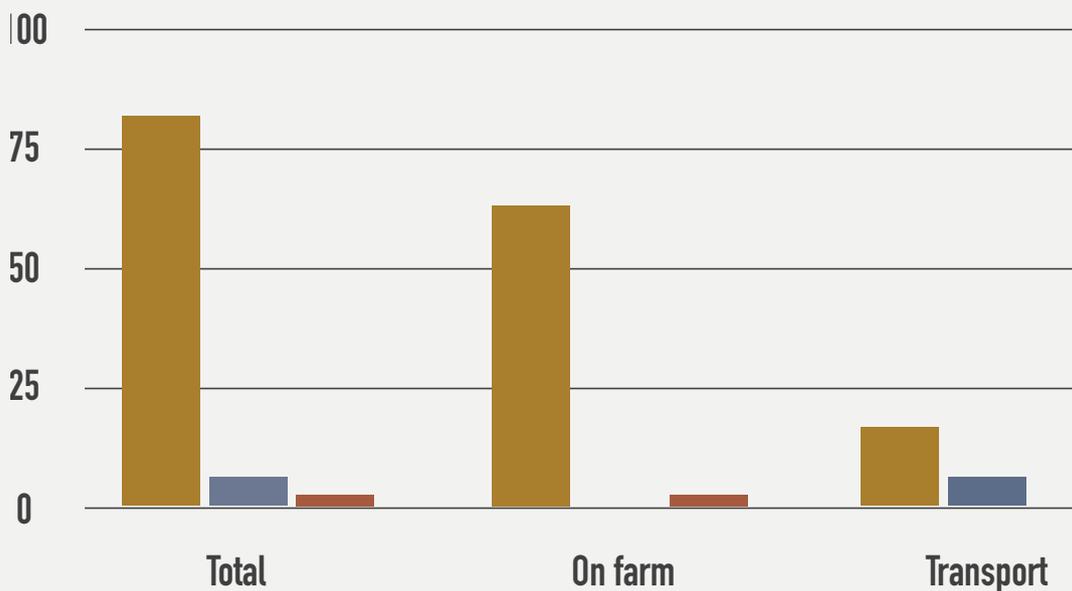
In 2020 data gathered by Advocates for Animals reveals there were a total of 82 complaints relating to farmed animal welfare. 63 related to on-farm concerns, 19 related to transport issues and there were zero for both market and slaughterhouses.

Of these 82 complaints there were only two prosecutions under the Welfare of Animals Act (Northern Ireland) 2011 and seven compliance notices issued under The Welfare of Animals (Transport) Regulations (Northern Ireland) 2006. DAERA did not provide any information on whether improvement notices were issued under the Welfare of Animals Act (Northern Ireland) 2011.

ENFORCEMENT DATA

ENFORCEMENT DATA

Northern Ireland Farmed Animal Welfare Enforcement (Local Authority Data)



This data was gathered during the COVID-19 pandemic. However, the results are again supported by Animal Ask's dataset in relation to animal health and welfare on farms:

Year	2018	2019	2020	2021
Number of complaints/ referrals	89	74	63	72

The number of prosecutions carried out is also similar, despite also including animal health:

Year	2018	2019	2020	2021
Prosecution	7	5	1	4
% of prosecutions to complaints	7.8%	6.7%	1.5%	5.5%

ENFORCEMENT DATA

ENFORCEMENT DATA

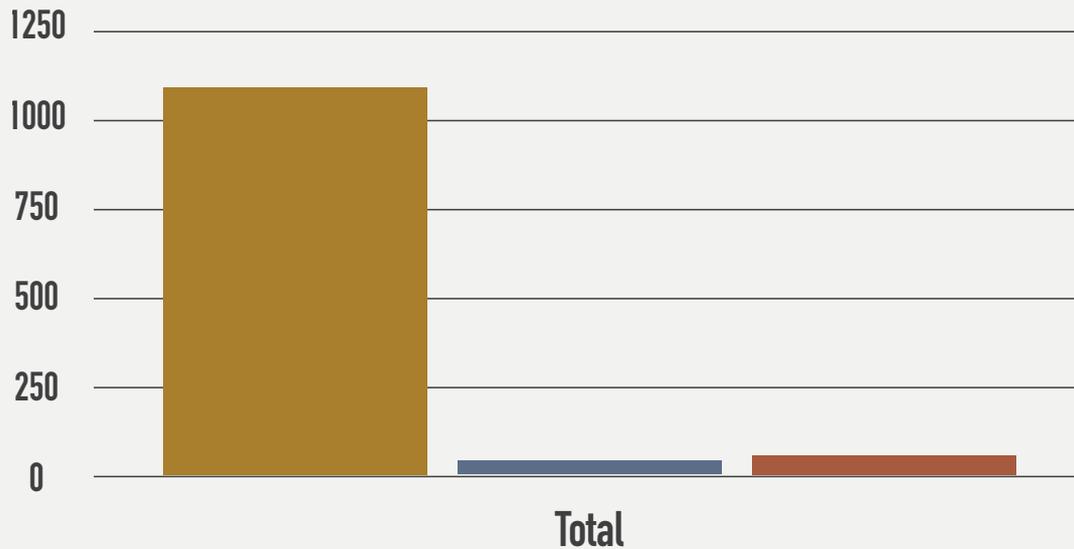
England, Scotland and Wales

In response to Advocates for Animals' request for enforcement information, Defra, the Welsh and Scottish Governments all referred to APHA as the relevant body in charge of enforcement for the central authority.

Advocates for Animals' data collection revealed that in 2020 APHA received a total of 1107 complaints for England, Scotland and Wales. 1074 related to farms, three related to markets and 30 related to transport.

In response to whether APHA commenced any prosecutions it replied: "*Animal Health and Welfare legislation is enforced by the local authorities*" and that "*56 statements were provided to various local authorities during 2020 (47 England, one Scotland, eight Wales).*" Statements are requested from local authorities when they are considering a prosecution. It also issued 35 improvement notices under either the Animal Welfare Act or the Animal Health and Welfare (Scotland) Act and six compliance notices were issued under either the Welfare of Animals (Transport) Order or the Welfare of Animals (Transport) (Scotland) Regulations.

UK Farmed Animal Welfare Enforcement (APHA, 2020)



ENFORCEMENT DATA

ENFORCEMENT DATA

Food Standards Agency (FSA)

The FSA is responsible for animal welfare in slaughterhouses in England and Wales.

Advocates for Animals' data reveals that the FSA received seven welfare complaints in England and Wales during 2020. It referred eight potential prosecutions to the Crown Prosecution Service.

Food Standards Scotland (FSS)

The role of the FSS is to ensure that animals are protected prior to and during slaughter. It approves slaughterhouses and issues licences to slaughterers and animal handlers to make sure they are trained and competent. It also enforces the legislation.²⁰

In response to a freedom of information request sent from Advocates for Animals for enforcement data from slaughterhouses, it stated that it did not hold the information. Advocates for Animals asked whether this meant *"Food Standards Scotland did not receive any welfare complaints at slaughterhouses through 2020, or whether another body holds this information."* The FSS responded that *"Food Standards Scotland have received no complaints."*



4.

Undercover Investigations

4.a. Introduction

In the last five years there have been at least 65 undercover investigations on UK farms and in slaughterhouses. Without exception, these investigations have shown at best substandard practices and at worst systemic illegality and deliberate cruelty.

Whilst data provided via freedom of information requests and other official sources reveals what life is like on a day of an official inspection, undercover investigations provide a snapshot of what life is really like for an animal on a farm or in a slaughterhouse.

When footage from these investigations has reached a wide audience, it has shocked the nation. In February 2022, BBC Panorama aired a programme centred around Animal Equality's undercover investigation on a Welsh dairy farm.²¹ The footage revealed a vast array of illegality and overwhelming animal suffering, including cows being kicked in the stomach, hit in the face and lifted from the ground by their hips. Following its release, Twitter users expressed outrage at the cruelty witnessed, including former Defra Minister Hon. Zac Goldsmith who tweeted his anger.

The cruelty towards farmed animals shown on BBC Panorama is by no means an isolated incident but what does make it stand out is that legal action is being considered at the time of writing this report. This is in stark contrast to the countless illegal acts against farmed animals that have been caught on camera that have resulted in no legal action being taken, as illustrated in the previous section. One possible explanation is the major media publicity this investigation received, and the subsequent pressure from the public.

This section will illustrate the disparity between the illegal and cruel treatment witnessed in undercover investigations and the subsequent action, or lack of action, taken.

4.b. Methodology

Information was gathered from eight animal advocacy groups that conduct undercover investigations in the UK. The information gathered was as follows:

From January 2016 to July 2021:

- (a) details on each investigation e.g.*
 - i. when*
 - ii. where*
 - iii. any findings of unlawful treatment of animals*
- (b) was it reported to a regulator and/or the (R)SPCA?*
- (c) what action did you ask to be carried out by the regulator?*
- (d) what action was taken by the regulator?*
- (e) what action was taken by a public or private prosecutor? and*
- (f) what was the outcome?*

(g) do you have any evidence that the farm company involved in the offence/ breach knew about the problem, or that they should have been aware of the problem? And do you have any indication of how long they have been aware of these recurring problems?

We received a full response with the above information from the following organisations:

- Animal Aid
- Animal Equality
- Animal Justice Project
- Compassion in World Farming
- Open Cages
- Viva!

These groups conduct investigations at premises for a variety of reasons, including:

- being alerted to malpractice through whistleblowing
- known links to suppliers of large manufacturers and retailers
- random selection
- advertised work opportunities

4.c. Findings

The following findings are based on the information made available to the animal organisations that conducted the investigation. Some information has been gathered by the animal organisations via correspondence with the relevant regulator and/or freedom of information requests. Other conclusions are reached by inference, for example where footage from the investigation was never requested by the regulator, suggesting no official investigation was ever conducted.



At least 65 undercover investigations have been carried out by these animal groups since 2016, 11 of which were in slaughterhouses.

The investigations cover a cross section of farms and slaughterhouses from across England, Scotland and Wales.

*Locations of undercover investigations.
 Ref: Google maps.*

The undercover investigations showed the treatment of the following animals:

PIGS



CHICKENS RAISED FOR MEAT



CATTLE RAISED FOR BEEF



TURKEYS



DUCKS



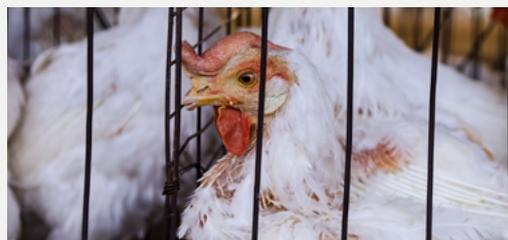
RABBITS



COWS RAISED FOR DAIRY



HENS RAISED FOR EGGS



SHEEP



TROUT



SALMON



UNDERCOVER INVESTIGATIONS

UNDERCOVER INVESTIGATIONS

4.d. Action taken

In all 65 undercover investigations, some degree of illegal treatment, prolonged suffering and/or a substandard practice harming animals was witnessed.

In 86.2% of cases the footage was passed onto either the local authority, the central authority or the RSPCA. To the best of the knowledge of the groups involved, revealed through freedom of information, correspondence or by the fact no full footage was ever requested from a group in question, of those that were reported to the relevant authority, over 69% of cases resulted in no legislative enforcement action being taken. This includes prosecutions, improvement/care/compliance notices under the relevant law and licence revocations.

Only six investigations resulted in a prosecution being commenced, two of which were brought by the RSPCA. Two investigations resulted in slaughter approvals being revoked. Three resulted in improvement notices being issued under the Animal Welfare Act. The enforcement action following eight investigations remains unknown and the findings from nine investigations were not reported.

Since 2016, at least 65 undercover investigations have been conducted. Illegal activity, prolonged suffering and/or substandard practices were found on every occasion. Over 69% of complaints submitted following covert investigations saw no legislative enforcement action taken.

4.e. Specific Illegal Conduct Witnessed

Using the data obtained from animal advocacy groups, we have provided a summary of some of the legal violations witnessed across UK farms. We have grouped together species to provide specific examples of the prevalence of non-compliance, the action taken by authorities (if any), and the impact on animals.

Dairy farms

The most common forms of welfare breaches detected on dairy farms were physical abuse of animals and untreated lameness. The types of abuse witnessed included cows being hit with sharp objects, calves being hit and thrown on the floor, lame cows forced to stand and walk, widespread punching and kicking and slamming gates in cows' faces. 66% of these investigations resulted in no action being taken despite being reported.

Only one prosecution was brought by the RSPCA, with none being taken by the regulator. At the time of writing there is another potential prosecution being brought by a local authority following Animal Equality's investigation that was covered on BBC Panorama in February 2022.

*BBC Panorama: The True Cost of Milk*²²

On 14th February 2022, BBC Panorama aired a 30-minute documentary on the dairy industry centred around Animal Equality's investigation at a farm in Carmarthenshire, South Wales, which at the time of filming held over 650 cows and their calves. The footage revealed workers punching and kicking cows in the face and stomach, as well as hitting them with sharp, metal shovels. It also showed cows unable to stand being hoisted by their hips with a lift and dragged against the concrete floor. In addition, many cows on the farm suffered from severe lameness. Despite a veterinarian recommending prompt euthanasia at a cost of just £30-40, on several occasions there were instances where cows were denied immediate relief. One cow was left overnight after her unborn calf had died inside of her, suffering a slow and agonising death. Whilst at the time of writing this farm is being investigated, the treatment witnessed was by no means isolated. A key difference is the fact this footage was aired on prime-time television.

"Broiler" chicken farms (i.e. farms raising chickens for their meat)

Most illegal conduct and/or prolonged suffering involving chickens bred for meat (also known as 'broilers') was as a result of their fast growth. Over the years chickens have been selectively bred to grow unnaturally fast so they can reach slaughter weight within four or six weeks. As a result of this growth rate, chickens face a range of health and welfare issues, including high mortality, legs breaking under their body weight, organ failure, footpad dermatitis, lameness, and hock burns due to inactivity and sitting in ammonia. They also live in increasingly overcrowded sheds as they grow larger and larger. Defra has acknowledged the welfare issues attached to fast-growing birds and has committed to incentivise farmers to move towards slower growing birds.²³

Due to these issues, at the time of writing, animal advocacy organisation The Humane League UK is challenging the lawfulness of these breeds under Paragraph 29, Schedule 1 of The Welfare of Farmed Animals (England) Regulations 2007, which states:

Animals may only be kept for farming purposes if it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without any detrimental effect on their health or welfare.

Regardless of the outcome of this challenge, keepers of broiler chickens are under a legal duty to check on them at least twice a day and consider during those checks whether *chickens are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe ascites or severe malformations), and are likely to suffer, must receive appropriate treatment or be culled immediately.*²⁴ These daily inspections become near

impossible as the chickens grow ever larger due to their selectively bred fast-growing genes; some sheds are packed with upwards of 30,000 birds, making it difficult to see each chicken or even walk through.

During every investigation on broiler farms, chickens with evident disorders and suffering were shown, including dying and dead birds left in the sheds, who should have been culled. It is clear the legal requirements are being flouted.

There were 12 undercover investigations conducted by animal advocacy groups in this area. 100% of the cases resulted in no enforcement action (66% of the farms were reported to the relevant authorities, the remaining 34% were never reported). A lack of enforcement following such blatant disregard for the law, resulting in extreme animal suffering, is particularly worrying when considering the official monitoring system that is in place to monitor chickens' welfare. The inadequate nature of the monitoring system means legal violations will rarely get detected, let alone actioned. You can find out more on the monitoring system in place in the 'meat' chicken case study below.

The footage from the investigations suggests that chickens who die on-farm will most likely have experienced a prolonged and painful death, with those responsible not being held accountable for the chicken they failed to adequately treat or cull. Instead the animal's death will be recorded as a 'mortality rate' on the food chain information that is sent with the live chickens to the slaughterhouse, with no information on whether they were culled or died slowly. Action is only considered against a farm if the cumulative mortality rate from a flock (this being chickens from the same house) is three standard deviations above the average, this being 7.37% and, additionally, the level of three or more other post-mortem welfare issues are revealed.²⁵ Information gathered by animal advocacy organisation, Open Cages, revealed that on average 64 million chickens die on-farm each year.²⁶ In addition, according to data collected from the FSA in 2021, around one million chickens are dead on arrival at slaughterhouses in England and Wales every year.²⁷

On average, 64 million chickens die on-farm annually

Fish farms

The welfare breaches detected during investigations involving fish farming include lice infestations, open wounds, infections, missing eyes, deformities and lesions. On one farm, fish had been caught in netting over ponds used to keep predators out and were left to die and rot. In another incident live fish were thrown and kicked on the floor. During fish cleaning operations, fish were pumped through pipes with insufficient water flow causing abrasions and wounds and some were filmed pressed up against the outlet grilles, gasping for breath. Complaints were made; however, no formal action was taken in relation to any of these incidents.

The biggest fish farming industry in the UK is salmon farming in Scotland, with roughly 300 fish farms²⁸ housing at least 35 million fish in 2016.²⁹ In May 2020, APHA, the body that inspects fish farms in Scotland informed fish farm investigator Don Staniford that it had only visited 35 salmon farms between 2013 to April 2020, with only one salmon farm visited in the years 2014 and 2015.³⁰

Pig farms

Along with deliberate physical abuse, the presence of severe injuries and failure to provide treatment in all 13 investigations conducted by animal organisations into UK pig farms, tail docking was present on 11 farms (85%).

Like any mutilation, tail docking causes extreme pain to pigs. Routine tail docking is illegal in the United Kingdom and can only be carried out as a last resort if suitable enrichment has already been provided. Despite this, the investigations suggest that tail docking is happening on most pig farms in the UK, often with no attempt, or an inadequate attempt, to provide enrichment. The failure to provide adequate enrichment is an offence under animal welfare legislation in itself.

In one investigation carried out by Viva!, tail docking was observed despite a lack of adequate enrichment first being provided. In this case only a few footballs, limp hanging chains and plastic containers were present.

The Code of Practice for Pigs³¹ has made it clear that such objects are not acceptable on their own, due to being of *limited interest to pigs and therefore should be used in conjunction with optimal or suboptimal materials*.

Chain, rubber, soft plastic pipes, ball, hard plastic, hard wood.	Object	Material of marginal interest.	Should be complemented by optimal or suboptimal materials.	Interest quickly lost. Suspending objects prevents soiling. Change regularly.
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Extract from the Code of Practice for the Welfare of Pigs.

"Beef" farms

Like dairy farms, the main form of illegal conduct witnessed on farms with cattle bred for beef was physical abuse.

In one investigation carried out by animal advocacy organisation, Animal Justice Project, cattle were beaten with pipes and fists, were kicked, and had their tails twisted to move them. In one incident a bucket was thrown at a bull causing him to fall onto the concrete floor. Gaping wounds, excessive overgrown hooves and swollen limbs were observed.

Lameness was commonplace. The Government's own guidance states the following when dealing with lame animals:³²

"You need to call a vet immediately if lame cows don't respond to any treatment you apply.

...

If a lame animal doesn't respond to the vet's treatment, you should have it culled rather than leave it to suffer. If you can't transport lame animals without causing them more pain, you should slaughter them on the farm."

No obvious medical treatment was given during the investigations. In over 60% of cases the enforcement action taken remains unknown.

Turkey, rabbit, 'laying hens' and duck farms

The findings from the animal advocacy groups included five investigations on turkey farms, witnessing a range of issues, including a lack of on-farm inspections, overcrowding, continuous artificial lighting, untreated infections, cannibalisation and neck dislocation without stunning. No formal action was brought following each of the investigations.

The two investigations on rabbit farms witnessed overcrowding, poor housing and signs of stress. No formal action was brought following each of the investigations.

Only one investigation was carried out on a duck farm with issues including lameness, rough handling, signs of stress and constant artificial lighting. No formal action was brought.

In all three investigations on egg farms poor conditions were observed, including filthy and overcrowded cages, feather loss, disease and illness, as well as dead hens. No formal action was brought following the investigations.

Slaughterhouses

Land animals slaughterhouses

The land animals witnessed in slaughterhouses included cattle, horses, sheep, poultry and pigs. Animals were subject to a whole host of non-compliance and extreme suffering, including:

- routine failures of equipment
- deliberate cruelty and abuse - including in the presence of a vet and an FSA inspector
- poultry being live plucked
- inadequate stunning
- unweaned calves being left overnight without being checked

- piglets being thrown into boiling water without being checked for vital signs, which resulted in one being thrown in when appearing to be alive

In the 11 investigations carried out, two resulted in improvement notices. There was potentially another improvement notice, although the FSA did not confirm the exact action, but instead wrote to the group stating: 'I thought it would be of interest to you to know that the FSA has taken action in response and substantive corrective actions have been undertaken.' There were also three prosecutions commenced (one of which also received one of the improvement notices). Enforcement action in these four cases also resulted in two revoked Certificates of Competence of slaughtermen licences. In over one-third of cases (36%), no formal action was taken, despite these cases showing non-compliant handling, and poultry being feather-plucked alive. The outcome of one case remains unknown.

In 2018, the Mandatory Use of Closed Circuit Television (CCTV) in Slaughterhouses (England) Regulations came into effect. The equivalent Scottish regulations came into effect in 2021. In late 2021, the Welsh Government announced that it would also be implementing rules to introduce mandatory CCTV in slaughterhouses. Whilst these regulations impose a duty to install and operate a CCTV system, the footage only needs to be kept for 90 days and is only made available to an official body if requested. This means that many of the legal breaches that occur in slaughterhouses remain undetected by officials.

Fish slaughterhouses

Under The Welfare of Animals at the Time of Killing Regulations (WATOK), which transposes the Council Regulation (EC) No 1099/2009 on the Protection of Animals at the Time of Killing (PATOK), fish must be spared any avoidable pain, distress or suffering during their killing.

In February 2021, Animal Equality released footage from an investigation into a salmon slaughterhouse in Scotland. The footage revealed significant numbers of salmon showing signs of consciousness at the time of killing. Some fish had their gills cut while still conscious, and many had to be manually clubbed to ensure adequate stunning – in one case as many as seven times. Other live fish were shown being violently thrown to the ground by workers and left to asphyxiate. It is unknown whether any formal action was taken against the slaughterhouse.

Prior to the investigation no routine welfare inspections were taking place at slaughterhouses, which is against several pieces of food safety law, including Regulation (EU) 2017/625, which requires compliance with animal welfare. Following Animal Equality's investigation, the Scottish Government did instruct the APHA to conduct inspections. However, APHA has since stated, following a freedom of information request response in August 2022, that the frequency of these inspections 'will be decided by the Scottish Government's Animal Welfare Policy Team on a risk based approach following inspections.'

Based on responses to freedom of information requests sent by The Humane League UK to the FSA, the Fish Health Inspectorate, the Environmental Health departments of local authorities and APHA, it appears that the position in England and Wales is that there is currently not an official inspection regime in place for farmed fish at the time of slaughter. There is also currently no requirement for CCTV in fish slaughterhouses. This, along with the lack of welfare-oriented inspections, means legal violations are highly unlikely to be detected.

4.f. Conclusion

The above data is by no means a full picture; however, the findings from these 65 investigations that took place across the UK is a strong indication of the enforcement of farmed animal welfare breaches.

In 100% of undercover investigations some form of illegal treatment, prolonged suffering and/or a substandard practice harming animals was witnessed. In 86% of cases the footage was passed onto the relevant authority, be that the local authority, Defra/APHA and/or the RSPCA. Of those that were reported to the relevant authority, over 69% resulted in no formal enforcement action being taken. This is more than just an oversight or the result of one complacent local authority, but rather it is a damning portrayal of the endemic of under-enforcement of farmed animal welfare laws.



5.

Case Studies

5.a. Introduction

The below information is an opportunity to hone in even further on specific examples of non-compliance, to provide a clearer picture of what this means for animals on the ground, the victims of The Enforcement Problem. The process of looking in more detail at specific examples of non-compliance shows that although some animal protection laws are in place, this alone isn't enough.

While animals should be protected by the legislation that exists for that very purpose, there is a plethora of evidence to show that this legislation is not being enforced in practice.

These case studies look at how a lack of enforcement is causing extreme animal suffering across the board. Investigations, scientific research and the latest data shows that the laws in place to protect animals are not being properly enforced.

While many of us view the UK as leaders in animal welfare, the current failure to properly oversee and enforce animal protection laws can no longer be ignored.

"It isn't enough to only create legislation to protect animals. We must work to enforce these vital animal protection laws, and monitor animal welfare with the greatest attention and care. Otherwise, animals will continue to suffer from some of the most extreme cruelty."

Jenny Canham, Campaigns and Public Affairs Specialist,
Animal Equality UK



5.b. Cows Farmed for Dairy

Key Non-Compliance Welfare Issue: Lame cows not receiving adequate treatment.

i. Introduction

Violence on dairy farms has been exposed time and again, and as recently as February 2022, when Animal Equality's investigation³³ into a Welsh facility was shown on BBC Panorama in the documentary, 'A Cow's Life: The True Cost of Milk?'

This case study will focus on the issue of lameness in dairy farming, which is widely regarded as one of the most prevalent and pressing welfare issues affecting cows on dairy farms today.

ii. The Issue of Lameness

Lameness is important to consider, as the number of cows who are lame gives a good indicator of the overall health of the herd. It is critical for a sufficient record of lameness to be kept in order to gather essential animal welfare data. For the animal involved, lameness also causes prolonged suffering throughout that cow's life.

Lameness is described as an animal having impaired walking ability, for example, as the result of a problem with their cloven hooves or legs. It is a key welfare concern because of the severe pain it causes cows and due to the large number of animals it affects, and is often caused by poor quality floors in housing, cows being forced to stand too long on hard surfaces, ineffective hoof trimming and infectious diseases or poor nutrition.³⁴ Research suggests that at any one time, approximately one quarter of cows on UK dairy farms are lame.³⁵

Lameness is a clear example of how a current lack of legal enforcement is causing preventable and prolonged animal suffering. Although there is specific legal guidance on how to treat cows within the dairy industry who are suffering from lameness, the lack of monitoring for lameness is evidently allowing it to continue.

“Lameness is one of the most important animal welfare problems for cows farmed for dairy. It's also a key economic problem for farmers, resulting in decreased mobility, feeding time, and milk yields.

Causes of lameness were described in a 1997 study as:

- ***69%: lesions caused by disruptions of the horn of the claws (e.g., ulcers, FB penetration, abscesses, haemorrhage, white line disease/separation, horn overgrowth-sole bruising, heel erosion)***
- ***36%: infectious disease (such as digital dermatitis and foot rot)***
- ***2%: upper leg problems***

Competence of the immune system is a factor. This (and other biological functions such as fertility) is under increasing strain due to selection for ever-increasing productivity. Hence, lameness has been rising.”

Veterinary Professor Andrew Knight MANZCVS,
DipECAWBM (AWSL), DipACAW, FRCVS, PFHEA



iii. Legislation

The Animal Welfare Act 2006, section 4 makes causing unnecessary suffering to an animal, or failing to prevent unnecessary suffering of an animal one is responsible for, illegal. Under section 9, a person who is responsible for an animal must ensure that the needs of the animal are met in accordance with good practice.

In addition, the Welfare of Farmed Animals Regulations (WOFAR) requires that sick and injured animals, which lame cows would constitute, must be cared for appropriately without delay and that veterinary advice should be obtained as soon as possible. There is also official guidance on how to look after cows farmed for dairy who are suffering from lameness. A breach of the official guidance indicates a breach of the welfare law.

Under the legislation or guidance, lame cows should receive appropriate treatment immediately. If lame cows do not respond to treatment, a veterinary surgeon should be called immediately. If a lame animal does not respond to the veterinary surgeon's treatment, they should be promptly euthanised rather than left to suffer. Despite this, it is evident from several undercover investigations conducted by Animal Equality and other animal protection organisations showing this is not happening in many facilities across the UK.

Further, it is recognised in the guidance that if a number of cows are severely lame, it is a sign of poor overall welfare standards within the herd, something undercover investigations reveal to be commonplace on farms in the UK.

iv. Monitoring Lameness

The UK Government's Guidance on Caring for Beef Cattle and Dairy Cows³⁶ makes it clear that keepers should be competent in dealing with lameness and have a written health and welfare plan, which includes dealing with lameness. It also requires that keepers should inspect their cows at least once a day and check for signs of lameness.

There are, however, no legal requirements to keep records on the number of lame cows and the severity of that lameness.³⁷

Chapter 2.3 of the FSA Manual for official controls, which covers animal welfare, requires that lameness must be inspected at the slaughterhouse. Where it exists, a score is given as follows:

Score 1	Visibly lame but can keep up with the group
Score 2	Unable to keep up with the group
Score 3	Requires assistance to rise; non-weight bearing on one or more legs
Score 4	Requires assistance to rise; non-weight bearing on one or more legs; reluctant to walk; halted movement; unable to climb steep ramps
Score 5	Unable to rise or remain standing; extreme discomfort or vocalisation with assisted movement

Extract from FSA Manual for official controls.

Animals with lameness scores 3, 4 and 5 should be killed immediately. As lame animals should not have been transported, and are most likely suffering in violation of the law, enforcement action may be taken by the FSA. The official manual states that the action the official veterinarian may take ranges ‘from immediate contact with the local authority for serious breaches (e.g. Score 3-5 and where it is apparent that the animal was loaded in the condition identified), or non-urgent APHA referral for less severe cases (e.g. Score 1-2).’

The routine monitoring of the lame cows that make it to the slaughterhouse does not provide for the many cows that would have suffered and died on farms as a result of lameness. This gap of on-farm monitoring is emphasised by the fact that lameness in the herd is not recorded in the Food Chain Information³⁸ that is sent with a group of animals to the slaughterhouse for official inspection by the FSA.

v. Evidence of Enforcement Issues

In all of the investigations mentioned above that focus on adult cows in the dairy industry, lameness was observed.

In February 2022, Animal Equality released undercover footage revealing deliberate violence and neglect on a farm in Carmarthenshire, south Wales, which holds over 650 cows and their calves. The farm, at the time of filming, was Red Tractor-certified.

The footage included workers kicking and punching cows in the face and stomach, and hitting them with metal shovels. The footage was broadcast to millions of people on BBC One’s Panorama.³⁹

Milk from the farm was, at the time of filming, supplied to Freshways, the UK’s largest independent dairy processor and wholesaler. Freshways distributes dairy products to established retailers and businesses including Costa Coffee, British Airways, Londis, Budgens and P&O Cruises.

In the investigation a significant number of cows were shown to be suffering from lameness, and struggling to walk and stand as a result. On one occasion a cow in the milk parlour was completely unable to stand.

Research shows that up to 30% of cows in the UK dairy industry are lame.⁴⁰ Gloucestershire-based farm vet, Roger Blowey, admitted to BBC Panorama that “it would be unusual to find a dairy herd without any lameness. The two factors that probably most affect lameness in cattle is first of all, calving, and secondly, the amount of standing.”

Did you know?

Up to 30% of cows in the UK dairy industry are lame

vi. How Lack of Enforcement is Causing Extreme Animal Suffering

Based on evidence from undercover investigations and peer reviewed data, it appears that lameness is common in the dairy industry.

The laws and guidance are clear and unambiguous; lameness must be detected and treated. This information applies to dairy farmers across the UK. Despite this, evidently there exists an endemic of non-compliance within the dairy industry on this issue.

A lack of record keeping and official oversight on farms appears to be part of the problem, resulting in severe lameness going undetected and unenforced. Lameness is known to cause cows extreme suffering.

CASE STUDIES

CASE STUDIES

5.c Pigs

Key Non-Compliance Welfare Issue: Routine tail docking

i. Introduction

Approximately ten million pigs are slaughtered in the UK every year,⁴¹ with the vast majority living on intensive factory farms. Pigs living on factory farms typically undergo mutilations, such as teeth clipping and tail docking and suffer from a magnitude of animal welfare issues, including confinement in farrowing crates, which are used to prevent a pregnant pig known as a ‘sow’ from turning around for up to a week before and usually four weeks after the birth of her piglets.

Tail docking is a common practice that causes extreme suffering to pigs. It is carried out by farmers as a measure to reduce the incidence of tail biting from other pigs, which can result from boredom, frustration, disease, inappropriate environments lacking in space and enrichment, and inadvertent genetic selection.

The law has determined that tail docking must only be conducted when other methods to prevent tail biting, such as enrichment, have been tried. Despite this, there appears to be routine tail docking on farms, with little to no legal enforcement action against those carrying it out.

ii. The Issue of Tail Docking

Tail docking is extremely painful for pigs. It is typically carried out without anaesthetic or analgesic when the piglet is 1-3 days old. Tail docking can also lead to neuromas, which are very painful and psychologically distressing.

Tail docking is thought by some to be necessary to prevent tail biting behaviours and subsequent infection, because a pig with a docked tail is less of a target to other pigs wanting to bite a tail. However, studies have shown that tail docking can cause acute trauma and pain,⁴² with the possibility of causing infections that can leave lasting discomfort for the animal.

This issue is exacerbated by the amount of pigs that are housed in factory farms with inadequate space and environmental enrichment. The number of industrial-sized pig farms is continuing to rise in the UK, with currently close to 2,000 across the country, with each often housing a minimum of 2,000 pigs.⁴³

Whilst there is an argument that tail docking is the lesser of two evils against tail biting, pigs often resort to tail biting despite the docking of tails and due to one of the factors listed above. As such, tail docking is only permitted as a last resort "*where measures to improve environmental conditions or management systems have first been taken to prevent tail-biting*".⁴⁴ Despite this, data collected from 2013-2017 shows 71% of pigs in the UK had their tails docked.⁴⁵ This data suggests that the current legal requirement that only permits tail docking as a last resort, is currently not being followed. The problem is worsened by inadequate record-keeping and a lack of inspections.

Did you know?

Approximately 71% of pigs were shown to have their tails docked routinely in UK farms, in data collected between 2013 and 2017.⁴⁶

“When carrying out tail docking in piglets, no matter what instrument is used (clippers, pliers or cautery) they scream; operators wear heavy duty ear defenders for this task. When placed back in the pen, they will let out a characteristic repeated croaky bark indicating shock and pain as they walk away. Following ‘litter clipping’, which can involve tail docking, teeth clipping, tattooing, iron and antibiotic injections, piglets will usually go straight to the back of the crate and sleep in a pile under the heat lamp or retreat to the safety of their mother if the pen allows.

Tail docking doesn’t prevent tail biting as such; it is multifactorial and largely to do with environment, health and genetics. Anecdotal evidence indicates that docked pigs are less likely to experience severe tail biting outbreaks, however, we still see a considerable level of very severe outbreaks in docked pigs resulting in high mortality from spinal damage and infection.”

Dr Alice Brough BVM&S MRCVS



iii. Legislation and Codes of Practice

Under section 5 of the Animal Welfare Act 2006, section 5 of the Welfare of Animals Act (Northern Ireland) 2011 and section 20 of the Animal Health and Welfare (Scotland) Act 2006, mutilations are not permitted against a protected animal, which a pig would constitute. A mutilation under welfare law is a procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment. Tail docking would fall within this definition. There is, however, an exemption from this prohibition in the event that regulations are made which permit a prohibited procedure, which has happened across the UK.⁴⁷

Tail docking is permitted under these regulations, but only where there is evidence that injuries to the tails of other pigs have occurred and where other measures to improve environmental conditions or management systems have been taken in order to prevent tail-biting. This confirms that tail docking should be carried out as a last resort, where other methods have already been tried. However investigations have shown that tail docking is performed on a routine basis in many facilities.

This notion is also confirmed by Defra’s Code of Practice for the Welfare of Pigs⁴⁸ which, although not legally binding, should still be followed to ensure compliance with the legal provisions. Section 124 of the Code clearly states: *“Routine tail docking is not permitted. Tail docking should only be used as a last resort, after improvements to the pigs’ environment and management have proved ineffectual in preventing tail biting.”*

Regarding record-keeping in relation to tail docking, the Code says, *"Owners/keepers should document evidence of tail biting and keep records of the measures instigated and their effectiveness on improving the pigs' welfare. Where records are not available and pigs are found to be tail docked, this may be considered in any decisions regarding the legality of the tail docking procedure being carried out by owners/keepers."* Despite this requirement for the keeper, there is no requirement to share this with a public body, other than when requested under rarely carried-out inspection.

iv. Evidence of Enforcement Issues

Across a two-month period in 2017, Animal Equality investigators made visits to four British pig farms, in Norfolk, Yorkshire, Devon and Lincolnshire.

At the time of filming, one farm sold pigs to a Norfolk slaughterhouse then supplying London's Smithfield Market, while another farm was a Morrisons supplier.

Filming showed that pigs on all four farms were tail docked.

v. Lack of Enforcement Causing Extreme Animal Suffering

Given the data collected, along with results from various investigations carried out by animal protection organisations, including Animal Equality, the evidence shows that there is currently frequent non-compliance with the law, and tail docking in pigs is happening on a routine basis as opposed to as a last resort.

We know that pigs experience pain through tail docking, which is typically carried out without anaesthesia or analgesia, and can lead to painful neuromas.

It is essential that action is taken to not only provide a clearer picture of the extent to which current welfare laws are being complied with or not, but also to bring the appropriate enforcement action where necessary.

5.d. Chickens

Key non-compliance welfare issue: inadequate monitoring leading to undetected welfare issues.

Terminology note:

"Throughout this case study, the term 'chickens' refers to chickens who are raised for their meat, as opposed to hens raised for their eggs."

i. Introduction

Meat from chickens is currently the most consumed meat by UK citizens, with approximately 20 million chickens slaughtered every week in the UK.⁴⁹

Due to the high number of chickens who are farmed for their meat, welfare problems in chickens are increasingly common. On industrial farms, around 25,000 chickens are typically housed together within a building, with some housing up to 50,000,⁵⁰ often leading to stress and the potential spread of disease between chickens.

In order to produce high meat yields, fast-growing chicken breeds are used in around 90% of cases,⁵¹ with the objective of the animal reaching slaughter weight within four to six weeks. This leads to various welfare problems, such as lameness and burns over their bodies, due to the length of time that they are left sitting in urine-soaked litter.

ii. The Issue with Detecting Welfare Issues of Farmed Chickens

The official inspection regime for chickens reared for their meat starts in the slaughterhouse, with what is called the 'trigger system'. This system involves an inspection by the FSA on every chicken, looking for various poor welfare indicators, such as footpad dermatitis (skin inflammation or lesions), ascites (excess fluid in the abdomen) and emaciation. If a specific threshold of welfare indicators are detected within any one group of chickens from a chicken shed, a trigger report will be generated and sent to the keeper and to APHA. APHA uses the trigger report information to identify farms at highest risk of non-compliance with animal welfare legislation, and targets inspections to those farms identified as being at highest risk.⁵² The threshold set to determine whether a trigger report is generated has been labelled as "exceptionally high"⁵³ by Defra. This means that welfare concerns are only ever flagged to the relevant authority in exceptional cases. In response to a freedom of information request sent by Animal Equality, Defra confirmed 'the original thresholds...were revised in August 2010 as the number of trigger reports generated was higher than had been predicted.'

Given that approximately one billion chickens are slaughtered for their meat every year in the UK,⁵⁴ this means that the suffering and illegal treatment of millions of animals is currently going unnoticed.

iii. Legislation

The Welfare of Farmed Animals (England) 2007 Regulations

The Welfare of Farmed Animals Regulations across the UK⁵⁵ sets out the relevant provisions regarding the inspection of chickens farmed for meat.

A keeper must ensure that all chickens kept on the holding are inspected at least twice a day and special attention must be paid to signs indicating poor health or welfare. Chickens that are seriously injured or show evident signs of health disorder (including those having difficulties in walking, severe

ascites or severe malformations), and are likely to suffer, must receive appropriate treatment or be culled immediately.

An official veterinarian in a slaughterhouse must evaluate the results of the post-mortem inspection to identify possible indications of poor welfare conditions in their holding or house of origin. If the mortality rate of the chickens or the results of the post-mortem welfare inspection are consistent with poor animal welfare conditions, the official veterinarian must communicate the data to the keeper of those chickens and to the Secretary of State without delay.

The official veterinarian requirements have been interpreted to create the "trigger system", which is explained in more detail below.

iv. The Trigger System

The Code of Practice provides details on the "trigger system":⁵⁶

46. All meat chickens undergo ante and postmortem assessment at the slaughterhouse. For conventionally reared meat chickens the results of these assessments are fed into the "trigger system" which was designed in collaboration with Defra, the meat chicken industry, independent poultry veterinary surgeons, welfare organisations and delivery bodies, and has been operating in slaughterhouses since 2010. The system monitors all batches of conventionally reared meat chickens and uses the results of post-mortem inspections carried out at the slaughterhouse to identify possible welfare problems on farm.

47. The post-mortem conditions currently monitored by the system are listed in Annex 3. The system involves two processes: Process 1 is designed to identify situations where levels of a condition are exceptionally high, and Process 2 is designed to identify situations where mortality levels are unusually high and, additionally, where the levels of a range of other conditions are above average. Different pre-defined thresholds, known as "trigger levels", exist for these two processes.

48. When these thresholds are exceeded, a trigger report is generated and sent to the owner/ keeper of the birds. The owner/keeper should consider how best to reduce these levels in future flocks and, where appropriate, seek advice from a veterinary surgeon or another specialist. APHA uses the trigger report information to identify farms at highest risk of non-compliance with animal welfare legislation, and targets inspections to those farms identified as being at highest risk.

For poor welfare:

A trigger report is generated if the level of a post-mortem condition is exceptionally high (defined as greater than 6 standard deviations above the average).

For high mortality:

A trigger report is generated if the Cumulative Daily Mortality Rate is unusually high (defined as greater than 3 standard deviations above the average = 7.37%) and, additionally, the level of three or more other post-mortem conditions is high (defined as above the average).

The conditions that are assessed are:

Ascites/Oedema - abnormal accumulation of fluid in the abdomen.
Cellulitis & Dermatitis - inflammation of the connective tissue between the skin and muscle caused by infection.

Dead on Arrival (DOA) - the animal is deceased upon arrival at the slaughterhouse.

Emaciation - birds of all sizes that have very poor muscle development and little or no fat deposits.

Joint lesions - inflammation of joint/s; shortening and thickening of long bones and lateral slipping of tendon/s; linear twisting of long bones.

Septicaemia/Respiratory - coli-septicaemia is the most common infectious disease of farmed birds. It is most commonly seen following upper respiratory disease (such as Infectious Bronchitis) or Mycoplasmosis.

Footpad dermatitis - also known as 'bumblefoot'. Long-standing erosions and other skin damage, such as cuts and abrasions.

Cumulative Daily Mortality - is the sum of daily mortality rates, which is the number of chickens who have died in a house on the same day including those who have been culled either because of disease or because of other reasons, divided by the number of chickens present in the house on that day, multiplied by 100.

The "trigger system" is the main form of inspection to detect welfare issues, and compliance with welfare law, for chickens farmed for meat.

A freedom of information request showed that *"The number of broiler condition trigger reports generated in each year (Jan-Dec) in England and Wales were:*

2019 - 3,766

2020 - 3,170"

In summary, the trigger system has been designed to implement the legally required monitoring of welfare issues attached to farmed chickens, but has set the threshold of generating a report to an unlawfully high level. The regulations refer to the obligation to report issues *"consistent with poor animal welfare conditions"*, not welfare conditions that are three or six standard deviations above average, which is referred to as an *"exceptionally high"*⁵⁷ threshold for welfare conditions and *"unusually high"*⁵⁸ for mortality.

The trigger reports are sent to APHA, yet in August 2022 APHA confirmed in a freedom of information response sent to Animal Equality that it does "not recommend prosecutions" to the local authorities and "does not have an enforcement function" itself, it is therefore unclear what happens to any issues detected during the trigger system checks. Whilst the FSA will refer enforcement issues to the local authorities, the FSA confirmed in a freedom of information response in July 2022, sent to Advocates for Animals, that the non-compliance they record and refer for enforcement relate to "Retained Regulation (EC) 1099/2009, Welfare of Animals at the Time of Killing (England) (2015), Welfare of Animals at the Time of Killing (Wales) (2014), or Welfare of Animals (Transport) Order 2006... Whereas the "trigger reports" would have been generated in accordance with the Welfare of Farmed Animals Regulations 2007". This means that the trigger system is the only official monitoring system that oversees issues relating to on-farm welfare law.

"The trigger system thresholds reveal a very low sensitivity to identifying on-farm breaches. The trigger threshold must be reviewed so that a more accurate number of reports are generated to reflect the true scale of the problems that chickens face in the UK.

And, if the Government was to commit to increased resourcing for more frequent and more rigorous inspections, I am optimistic that this pervasive non-compliance on chicken farms would be more easily identified and stopped. Without this injection of necessary resources, chickens will continue to struggle with ammonia-burns, broken legs, chronic hunger and breast muscle myopathies, while the farms responsible continue to get away scot-free."

Professor Claire Parkinson, Co-Director Centre for Human-Animal Studies, Edge Hill University



v. Evidence of Enforcement Issues

Between 2019 and 2020, Animal Equality investigated eighteen industrial chicken farms, finding systemic non-compliance with animal welfare legislation.

Animal cruelty was repeatedly found, including: chickens deprived of water as drinkers were raised to a height some were unable to reach, chickens with raw skin burns from urine-soaked floors, chickens suffering from leg injuries, extremely overcrowded sheds and individual cases of workers killing chicks in a way that is likely to cause the animal extreme, prolonged and unnecessary suffering.

Carcasses were left to rot for days amongst the living birds, with chicks struggling to breathe at just two days old, and many already dead.

Footage also showed evidence of workers deliberately kicking and stepping on birds, chickens' necks being broken leaving them to convulse on the floor for minutes in several cases.

The above issues and suffering would overwhelmingly go undetected by the trigger system, due to the high threshold and lack of routine official inspections.

vi. Lack of Enforcement Causing Extreme Animal Suffering

Given that chickens are currently the most farmed land animal, and the vast majority spend their lives on intensive farms, the current system in place for monitoring their welfare is inadequate.

Chickens commonly suffer from a multitude of illnesses and injuries on industrial farms, due to cramped conditions and because fast-growing breeds are used, which can lead to an array of serious health and welfare problems. The current trigger system that is in place to flag welfare issues and to decide if a farm should be inspected is set unlawfully high, meaning welfare issues are going unreported or underreported, which is resulting in the suffering of millions.

Stronger enforcement of animal welfare legislation must be made a priority in order to spare millions of animals from extreme suffering. In order to achieve this for chickens, the trigger system must be altered in a way that reduces the thresholds that generate a report to a more reasonable and lawful level and appropriate action taken when one is generated.

5.e. Fish

Key non-compliance welfare issue: Prolonged suffering due to failure to stun fish or adequately stun fish at the time of killing.

i. Introduction

The UK rears and slaughters up to 77 million fish each year,⁵⁹ with Atlantic salmon, trout and other aquatic animal species farmed in significant numbers. There is growing recognition within the global scientific community that fish, as well as cephalopods and decapods, are able to experience pleasure and pain, like cows, pigs, chickens and other farmed land animals. Despite this, fish are not provided the same protections as their on-land counterparts, for example they are not afforded detailed protections in the Welfare at Time of Killing (WATOK) regulations.

Even for the few legal protections that are in place, there is a lack of oversight from public regulatory bodies and demonstrably inadequate enforcement. Routine welfare inspections in fish slaughterhouses were only introduced into Scotland in February 2022,⁶⁰ following lobbying from Animal Equality and other animal advocacy organisations, and at the time of writing they are currently not a mandatory requirement across the rest of the UK.

As a result of this lack of oversight, it is inevitable that legal breaches involving fish are going undetected and unenforced.

ii. Extreme Suffering Due to Lack of Adequate Stunning

"In order to ensure improved welfare and reduce pain, suffering and anxiety at the time of slaughter it is important that animals are rendered unconscious rapidly and efficiently before they are killed. For most terrestrial animals this is a given, but that is certainly not the case for fish either in commercial fishing operations nor in aquaculture.

Best practice for fish is electrical or percussive stunning that renders the fish unconscious so that at the time of killing the fish can not feel pain and thus does not suffer. The mode of stunning must be sufficient to ensure there is no possibility that the fish will begin to recover before it is ultimately killed.

Far too often fish are simply not stunned at all and put directly on ice where they slowly suffocate. In fact, because fish are ectothermic, placing them on ice only slows their metabolism and prolongs the time it takes for them to die. It may be up to several hours. Even if the industry employs stunning methods, it is vital that staff are trained to recognise whether the process is effective. Partially stunned fish due to ineffective stunning will be aware right through the processing procedure and will undoubtedly suffer accordingly."

Professor Culum Brown, Director, HDR Biology
 Department Biological Sciences, Macquarie University, Australia



iii. Legislation

The Animal Welfare Act 2006⁶¹, Animal Health and Welfare (Scotland) Act 2006⁶² and the Welfare of Animals Act (Northern Ireland) 2011⁶³ do apply to farmed fish, affording them some general protection against "unnecessary suffering" and requiring farmers to ensure their "needs are met". However,

the Welfare of Farmed Animals Regulations in England⁶⁴, Scotland⁶⁵ and Wales⁶⁶ provide specific obligations for those farming animals on land, yet expressly excludes fish when defining "farmed animal".

Whilst fish are included within the general protections under laws relating to welfare at the time of killing, which means that they should be spared any avoidable pain, distress or suffering during their killing and related operations,⁶⁷ they are not included in the definition of "animal" for the purpose of the more detailed provisions. This means there are no specific requirements as to how they should be transported, handled, stunned or killed.

However, in 2014 the Farm Animal Welfare Committee (FAWC)⁶⁸ provided a comprehensive and science-based overview of the welfare of fish at the time of killing and stated that "*stunning of farmed fish is necessary to remove fear, pain and distress at the time of killing.*" This opinion and the availability of stunning methods suggests that stunning is required to meet general welfare requirements, in order to reduce the fear, pain and distress that fish are likely to endure at the time of slaughter.

In addition, there are requirements for welfare inspections from retained EU law, largely under food safety law. Retained Regulation (EU) 2017/625 requires that the UK Government puts official controls in place at premises with farmed animals to ensure compliance with welfare laws. Official controls must take place with "*appropriate frequency*".

Retained Commission Implementing Regulation (EU) 2019/627 also lays down the specific rules for the official controls at slaughterhouses; this includes ensuring compliance with welfare at the time of killing rules. Despite these rules and recommendations, freedom of Information requests conducted by The Humane League UK have confirmed that welfare checks at the time of killing are not taking place across the UK.⁶⁹ In February 2022, following lobbying from Animal Equality and other animal advocacy organisations, Scotland did commit to routine inspections; however, the frequency remains unknown.

Unlike for farmed land animals, routine ante and post mortem inspections, and CCTV in slaughterhouses, are not currently required for fish.

iv. Evidence of Enforcement Issues

In February 2021, Animal Equality released footage from a covert investigation at a slaughterhouse site in Scotland. The footage showed that, despite a Baader stun-kill device being in place in the facility, significant numbers of salmon were still showing explicit signs of consciousness at the time of killing, as verified by world-leading aquatic animal scientists and veterinarians.

Some fish had their gills cut while still conscious, and many had to be manually clubbed to ensure adequate stunning – in one case as many as seven times. Other live fish were shown being violently thrown to the ground by workers and left to asphyxiate.

“[Animal Equality’s] footage is alarming. A significant number of salmon are clearly conscious when their gills are cut, which could result in extreme pain for as long as seven minutes.”

Mark Borthwick, OOCOTP Doctoral Fellow: Salmon Farming



5.f. Slaughter

Key non-compliance welfare issue: General lack of enforcement of welfare at the time of killing requirements

i. Introduction

Animal welfare at the time of killing is of utmost importance, given that this is a time where animals are especially susceptible to feeling extreme pain, suffering and distress. Every year in the UK approximately 2.6 million cattle, 10 million pigs, 14.5 million sheep and lambs, 80 million farmed fish and 950 million birds are slaughtered for human consumption.⁷⁰ There are strict legal requirements governing how to conduct the killing under The Welfare at Time of Killing (England) Regulations 2015,⁷¹ The Welfare at Time of Killing (Scotland) Regulations 2012,⁷² The Welfare at Time of Killing (Wales) Regulations 2014⁷³ and The Welfare at Time of Killing (Northern Ireland) Regulations 2012.⁷⁴

Despite legal requirements in place to offer animals some protection during this time, investigations have shown illegal, extreme and prolonged suffering taking place at the time of killing.

We have provided an example of how fish are currently being treated at the time of slaughter in the fish case study, as revealed in the UK’s first investigation into the slaughter process of Scottish salmon, carried out by Animal Equality. This case study will focus on terrestrial animals at the time of killing, which reveals another example of extreme suffering due to a lack of adequate oversight and legal enforcement. The study illustrates the clear need for stronger monitoring and enforcement of animal protection laws, which should be working to protect animals at their most vulnerable time.

ii. Legislation

Animal Welfare Act 2006, Animal Health and Welfare (Scotland) Act and Welfare of Animals Act (Northern Ireland) 2011

Section 4 of the Animal Welfare Act 2006 and the Welfare of Animals Act (Northern Ireland) 2011 and section 19 of the Animal Health and Welfare (Scotland) Act make it an offence to cause a farmed animal unnecessary suffering across the UK.

Whether suffering has occurred is a question of fact. When determining whether something is unnecessary or not is more ambiguous.

Considerations by law include whether the suffering could reasonably have been avoided or reduced, whether the conduct which caused the suffering was in compliance with any relevant law or guidance, whether the suffering was proportionate to the purpose of the conduct concerned and whether the conduct concerned was in all the circumstances that of a reasonably competent person.

Section 4 and section 19 do not apply to the slaughter of an animal in an 'appropriate and humane manner.' This means that if something is deemed 'inhumane', section 4 and section 19 would apply.

Whether the slaughter of an animal is deemed 'humane' in law or not will depend on the facts of the case, but likely considerations will include whether the killing was done in accordance with best practice, whether veterinary guidance was followed and whether the relevant legal provisions or official guidance on how to kill a specific animal were followed.

The Welfare At the Time of Killing Regulations

Killing an animal is not an offence if done in a 'humane' manner. What constitutes humane for animals farmed for human consumption will also be determined by compliance with Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing (PATOK), which outlines the requirements for protecting the welfare of animals at the time of killing. PATOK is incorporated into UK law by The Welfare of Animals at the Time of Killing Regulations (WATOK).⁷⁵

The legislation applies to slaughterhouses, on-farm killing, knacker's yards and private individuals. The welfare requirements include the type of handling, stunning and killing methods, and what authorisations are required.

In broad terms, animals must be spared any avoidable pain, distress or suffering during their killing and related operations, which means handling with care, stunning and then using a legally-approved killing method. There are, however, exceptions from the requirements and these are in the case of emergency killings and depopulation. These are defined as follows:

- *'emergency killing' means the killing of animals who are injured or have a disease associated with severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering*
- *'depopulation' means the process of killing animals for public health, animal health, animal welfare or environmental reasons under the supervision of the competent authority*

However, in both scenarios these must only happen if strictly necessary and in accordance with the law.

iii. Evidence of Enforcement Issues

In September 2020 Animal Justice Project filmed inside a duck slaughterhouse. The footage gathered shows ducks being shackled in a rough manner causing distress and panic to the ducks. Birds were left hanging for over 10 minutes. Ducks were also filmed being grabbed and dragged by their necks.

In addition, the shackle line had two sharp bends and a drop, which can cause irregular movements that can increase the force the shackles exert on the legs of the animals, almost definitely causing avoidable pain and distress.

CCTV was operating in the slaughterhouse.

"Most suffering around the time of slaughter occurs as a result of failure to act strictly according to the law and codes of practice. The degree to which animals may suffer in the abattoir from the time of their arrival to the point of death is a product of their intensity and their duration. The procedure for bringing animals with minimal disruption and fear to the point of stunning is, in most circumstances, likely to be more important in the context of reducing distress, than the effectiveness of the stunning process itself.

The design of all features within large, automated abattoirs should be such as to minimise direct contact between animals and humans. Strange humans in strange circumstances frighten the animals. Humans working long hours in a stressful environment can become careless and short-tempered. Well-designed, automated stunning methods are likely to cause least severe distress when they are working properly. However, all automated procedures can go wrong, so need to be monitored continually by a trained, competent, compassionate individual who has the authority to stop the line at the first sign of trouble.

CCTV can provide evidence as to whether surveillance of the stunning process is satisfactory at all times, but it should not be seen as an alternative to the presence of the monitor on the spot, able to take immediate action and to make a permanent record of the problem, the impact of the problem on the animals, and the steps taken to resolve it.

Frequent inspection by trained, independent assessors is, of course, essential to ensure quality control. It is reasonable to expect that some visits be arranged in advance so that the abattoir staff can ensure that all records, CCTV footage etc. are available for inspection. However, I recommend that, in addition to these routine inspections, assessors should have the right to make unannounced visits to carry out spot checks on any, or all stages in the processes of handling, stunning and slaughter.”

Professor John Webster, MA,
Vet MB, PhD, DVM(Hon), FNS, MRCVS



iv. Lack of Enforcement Causing Extreme Suffering at Time of Killing

Monitoring welfare at the time of killing is paramount to ensure that the pain and suffering caused to animals farmed for human consumption in the UK is kept to an absolute minimum.

We are often told that animals farmed in the UK receive some of the best welfare protections in the world up to and during slaughter. Such statements become lip service to appease the British public if legal compliance is not monitored and adequately enforced.

Furthermore, legal breaches mean that the animals who are slaughtered experience even greater fear and pain during their final moments and a lack of legal enforcement means that this wrong is not put right.

6.

Conclusion

There are nearly 300,000 farms in the UK, but between 2018-2021 an average of only 2.95% were inspected by public bodies.

Over the past five years at least 65 covert investigations have been conducted. In every case some form of illegality was witnessed, including direct cruelty, untreated lameness, mutilations without anaesthetic, ammonia-caused body burns, prolonged suffering at slaughter and more. The low rate of official inspections means the scale of the problem is not fully understood and the illegality is going largely undetected and therefore unpunished. Even where illegality is filmed and reported to the relevant authority, our data shows that over 60% of cases led to no legislative enforcement action. In addition, on average only 0.33% of complaints from the public led directly to a prosecution between 2018-2021 in the UK.

With a whole host of actors responsible for legal oversight and enforcement – including around 174 local authorities – inconsistencies and confusion have arisen.

These findings are alarming and should be a red flag to any consumer or policy-maker. A better enforcement regime must be established as a matter of urgency.

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