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CONFIDENTIAL

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FILE TITLE: <i>ANIMAL WELFARE</i>		SERIES <i>HOME AFFAIRS.</i>
PART BEGINS: <i>2 MAY 1997</i>		PART: <i>1</i>
PART ENDS: <i>24 FEBRUARY 1999</i>	CAB ONE:	

LABOUR ADMINISTRATION

Part closed.

PREM 49/855

CONFIDENTIAL

PART

CLOSED

closed 24 February 1999

Series : HOME AFFAIRS

File Title : Animal Welfare

Part : 1

Date	From	To	Subject	Class	Secret
01/09/1998	EA/APS	MAFF	Quarantine for pets - The Kennedy report	C	0
28/10/1998	MAFF	HA/PS	Badger capture announcement	C	0
11/11/1998	PUS/DfEE	LP	Wildlife Bill	C	0
20/11/1998	HO	HA/PS	Animal Rights Extremist: Barry Horne	R	0
24/11/1998	MAFF	PU	Progress on badger culling trial	U	0
30/11/1998	MAFF	MAFF	Religious Slaughter: Consultation on Changes to the Welfare of Anim	U	0
30/11/1998	MS/DETR	DPM	Protection of Animals (Amendment) Bill	U	0
02/12/1998	PUS/WO	MS/MAFF	Protection of Animals (Amendment) Bill	U	0
03/12/1998	LP	MS/MAFF	Private Members Bill: The Protection of Animals (Amendment) Bill	U	0
14/12/1998	HO		Barry Hone _ hunger Strike	C	0
21/12/1998	PUS/HO		Letter to the Royal Society: Use of animals in scientific procedures	R	0
07/01/1999	M/MAFF	LP	Private Members' Bills: Fur Farming	R	0
12/01/1999	LP	M/MAFF	Fur Farming	R	0
13/01/1999	Telegram/IN	FCO	UKREP tel no. 37: Office International Des Epizooties (OIE) Animal	U	0
13/01/1999	DTI		Letter to The Royal Society: Use of animals in biomedical research	C	0
21/01/1999	M/MAFF	LP	PMB: Fur farming	C	0
28/01/1999		M/MAFF	PMB : Fur Farming	C	0
31/01/1999	SS/SO	LP	Private Members' Bill: Fur Farming	U	0
02/02/1999	LP	MS/MAFF	Fur Farming	U	0
02/02/1999	MS/MAFF	LP	Gwyn Prosser MP: Ten Minute Rule Bill-Transport of live farm Animal	U	0
04/02/1999	WO	LP	PMB : Fur Farming	C	0
12/02/1999	DPM	LP	Gwyn Prosser MP: Ten Minute Rule Bill - Transport of Live Farm Ani	U	0
18/02/1999	MAFF	CWO	Scrutiny debate on EC document 6985/98 relating to the welfare of la	C	0
24/02/1999	PUS/HO	LP	Private member's ballot bills: James Clappison Breeding and sale of	U	0

Series : HOME AFFAIRS

File Title : Animal Welfare

Part : 1

Date	From	To	Subject	Class	Secret
	HA/PS	PU	Jack Straw Bilateral E Mail	U	0
21/10/1997			Animal Experiments	U	0
27/10/1997	HO	HA/PS	Animals in scientific procedures	U	0
27/10/1997	HO		Lord Williams on animal testing	U	0
29/10/1997	MS/MAFF	LP	Paul Flynn: 10 minute rule bill: Welfare of animals in quarantine	U	0
01/11/1997	SS/DoH	M/MAFF	Paul Flynn MP: 10 minute rule bill: Welfare of animals in quarantine	U	0
04/11/1997	PU	Cab Off	Animals	U	0
05/11/1997	SS/SO	M/MAFF	Paul Flynn MP: 10 minute rule bill: Welfare of animals in quarantine	U	0
05/11/1997	MAFF	HA/PS	Animal testing	U	0
10/11/1997	LPO	MAFF	10 minute rule bill: Welfare of animals in quarantine	U	0
13/11/1997		PM	From League against cruel sports: Michael Foster's Wild Mammals bi	U	0
20/11/1997	M/MAFF	DPM	Fur farming	U	0
20/11/1997	M/MAFF	LP	TMRB: Health and welfare of pigs	U	0
25/11/1997	LP	M/MAFF	TMRB: Health and welfare of pigs	U	0
27/11/1997	SS/SO	M/MAFF	Fur farming	U	0
28/11/1997	PA/PS	Ch.Staff	Foster Bill	U	0
28/11/1997	LP	PUS/HO	PMB - Hare coursing	U	0
03/12/1997	SS/NIO	DPM	Fur farming	U	0
04/12/1997	PboT	MS/MAFF	Fur farming	U	0
05/12/1997	WO	MS/MAFF	Fur farming	U	0
08/12/1997	CST	MS/MAFF	fur farming	U	0
05/01/1998	Cab Off	Cab Off	Animal Welfare	U	0
06/01/1998	Cab Off	Cab Off	Animal Welfare	U	0
07/01/1998	Cab Off	DETR	Animal Welfare	U	0
19/01/1998	M/MAFF	LP	PPB: Lord Beaumont of Whitley Welfare of pigs Bill	U	0
22/01/1998		PM	Letter from Mike Foster re Wild Mammals bill	U	0
22/01/1998		PM	Letter From Michael Foster MP	C	0
29/01/1998	HO	HA/PS	Mike Halls breeding and sale of dogs bill	U	0
29/01/1998	HO	HA/PS	Mike Hall's Breeding and Sale of Dogs Bill	C	0
30/01/1998	PA/PS	PM	Foster Bill: Tactics and Handling	R	0
04/02/1998	HO	PA/PS	Wild Mammals bill: Legal advice on how many amendments needed	U	0
04/02/1998	HO	PA/PS	Press statement	U	0
10/02/1998	HO	LP	Mike Hall's Breeding and Sale of Dogs Bill	U	0
17/02/1998	PA/PS	DETR	EU measures on Zoos	U	0
05/03/1998	PU	PM	Minute from Home Secretary -future of the bill	C	0
13/03/1998	MAFF	HA/PS	List of animal welfare issues which MAFF is taking/ has taken forwar	U	0
16/03/1998	MS/MAFF	LP	Back of the Chair Bill : Farming of Animals with Fur Bill	U	0
18/03/1998	PU	PM	Lord Hunt's Bill On Democratic Innovation	C	0
25/03/1998	LP	MAFF	Private members bill: farming of animals with fur (Prohibition)	U	0
27/03/1998	Cab Off		Note of PLP home affairs backbench committee meeting on Tuesday	U	0
27/03/1998	FCO	MAFF	back of the chair bill:farming of animals with fur(prohibition)bill	C	0
29/04/1998	M/MAFF	LP	TMRB : Protection of Animals (Amendment) Bill	U	0
30/04/1998	MS/DETR	LP	TMRB : Dog Registration	U	0
11/05/1998	SS/SO	M/MAFF	TMRB : Protection of Animals	U	0
12/05/1998	LP	M/MAFF	TMRB : Protection of Animals Bill	U	0
03/06/1998	HA/PS	FA/PS	Zoos	U	0
01/07/1998	Cab Off	PU	Badgers: Follow up to the Krebs Report	C	0
31/07/1998	LP	M/MAFF	Fur Farming	U	0
03/08/1998	MAFF	MAFF	Welfare of animals regulations 1995 - Muslim festival of Eid	C	0
10/08/1998	HO	MAFF	Religious Slaughter:Open-Air Slaughter:Possible Changes to the law	U	0
26/08/1998	HS	M/MAFF	Animal Experiments	C	0

George Howarth MP

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SECRETARY OF STATE

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The Rt Hon Margaret Beckett MP
President of the Council and Leader
of the House
Privy Council Office
68 Whitehall
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(P)

24 February 1999

Margaret Beckett

**PRIVATE MEMBER'S BALLOT BILLS: JAMES CLAPPISON BREEDING AND
SALE OF DOGS (WELFARE) BILL**

This letter explains that HS have previously given policy clearance for the handling of bills on this subject, and proposes that this Bill should not be blocked at Second Reading. Comments are required by 9 March, as agreement is needed by 11 March.

Tim Loughton, on behalf of James Clappison, introduced a Breeding and Sale of Dogs (Welfare) Bill on 13 January. The Bill is scheduled for Second Reading on Friday 12 March, when it is fifth in order.

The Bill itself has not been printed, although we have had sight of a draft of the Bill, dated 18 February.

As drafted, the Bill will change the provisions of the Breeding of Dogs Acts 1973 and 1991 by: -

- defining a commercial breeding establishment (which is required to be licensed) as premises at which more than four litters are bred in any period of twelve months and at least one dog of the progeny is sold;
- restricting the mating of bitches to those which are over one year old, do not give birth to more than six litters of puppies each, and over twelve months between births (except on the advice of a veterinary surgeon);
- strengthening conditions under which licences are granted, including accommodation standards and record keeping;
- making it mandatory for local authorities to include a vet in the inspection and reporting team and to inspect premises at least annually;

- increasing the maximum penalty for keeping a breeding establishment unlawfully from a level 4 (£2,500) fine up to one of three months' imprisonment and, or a level 4 fine;
- making it an offence for a person who operates a breeding establishment for dogs to sell a dog other than at a licensed breeding establishment, a licensed Scottish rearing establishment or a licensed pet shop; and
- outlawing the sale of a dog in a public place.

The purposes of the Bill are to deal with the larger scale unlicensed dog breeding business and to raise standards in the industry, without imposing licensing conditions on the hobby breeder.

We have two concerns with the Bill as currently drafted. First, it introduces a regime of dog registration for licensed breeding establishments that sell puppies to pet shops. Secondly, licensed breeders can only describe a dog as a pedigree if the animal is eligible to be registered with the Kennel Club. Officials have met the sponsors of the Bill who have been very responsive to the need to get the Bill in an order that might be acceptable to Government.

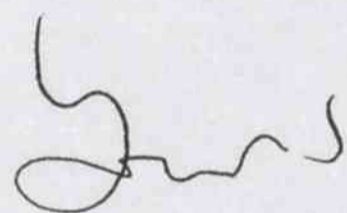
On **handling tactics**, we have policy clearance for the handling of bills on this subject. (The exchange of letters between my predecessor, Gareth Williams, and yours, of 27 and 30 January 1997, respectively, refer.)

James Clappison bases his Bill on the one introduced by Mike Hall during the last session. That Bill cleared Committee but was blocked at Report Stage. Subsequently, a working group, comprising interested parties, and chaired by Lady Wharton, has worked to resolve some concerns about Mike Hall's Bill.

This is an improved Bill, the aims of which are consistent with our document, *New Labour, New Life for Animals*. I recommend that we should not object to the Bill at Second Reading. Should the need arise, arrangements should be made for amendments to be tabled at Committee.

I attach a Regulatory Impact Appraisal and Compliance Cost Assessment.

I am sending copies of this letter to the Prime Minister, other members of LEG Committee, the Minister without Portfolio, First Parliamentary Counsel, Sir Richard Wilson and the Secretaries to LEG Committee.




GEORGE HOWARTH

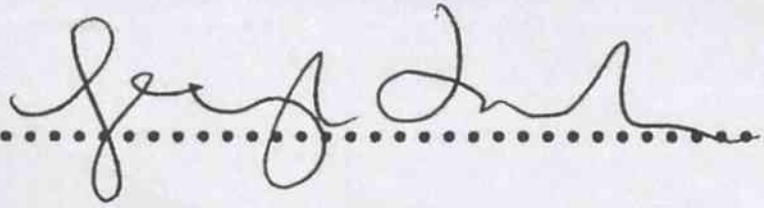
REGULATORY QUALITY CERTIFICATE

Title of regulation: THE BREEDING AND SALE OF DOGS (WELFARE) BILL

Declaration. I have read the Regulatory Appraisal, including the Compliance Cost Assessment, accompanying these regulations and

I am satisfied that the balance between cost and benefit has been appropriately struck.

I have applied the Implementing European Law Checklist.

Signed by the responsible Minister.....

Date.....23/2/99.....

Department HOME OFFICE

REGULATORY IMPACT APPRAISAL
FURTHER REGULATION OF THE BREEDING AND SALE OF DOGS

1. Title

The Breeding and Sale of Dogs (Welfare) Bill

2(I) The Issue and Objective

Issue: Individuals and organisations interested in animal welfare have been concerned for many years about conditions in which some puppies are bred for sale. The All Party Parliamentary Group for Animal Welfare, in 1996, concluded that a number of breeders are flouting the law in regard to operating sub-standard or illegal dog breeding businesses. Also, a number of local authorities have told the RSPCA and the Home Office that they have difficulty applying the law as it stands.

Objective: The Bill is intended to raise the standards of welfare in puppy breeding businesses and to reduce the opportunity of breeders to circumvent the present law (*the Breeding and Sale of Dogs Acts 1973 and 1991*). It is intended that small-scale breeders, such as hobby breeders, remain outside the licensing scheme.

Specifically, the Bill is intended to:

- define a commercial breeding establishment (which is required to be licensed) as premises at which more than four litters are bred in any period of twelve months and at least one dog of the progeny is sold
- restrict the mating of bitches to those which are over one year old, do not give birth to more than six litters of puppies each, and over twelve months between births, (except on the advice of a veterinary surgeon)
- strengthen conditions under which licences are granted, including accommodation standards and record keeping
- make it mandatory for local authorities to include a vet in the inspection and reporting team and to inspect at least annually
- increase the maximum penalty for keeping a breeding establishment unlawfully from a level 4 (£2,500) fine up to one of three months' imprisonment and, or a level 4 fine
- make it an offence for a person who operates a breeding establishment for dogs to sell a dog other than at a licensed breeding establishment, a licensed Scottish rearing establishment or a licensed pet shop
- outlaw the sale of a dog in a public place.

2(ii) Risk Assessment

Indiscriminate breeding of puppies in poor conditions can give rise to a number of welfare problems. Regimes are unacceptable in which dogs are kept in cramped or unsuitable conditions; bitches are bred too often; and resulting in puppies sold to the public with health problems. There are many evidenced examples of such puppies with poor health or which develop serious infirmities. The effect on owners can be severe. Consumer protection is limited when breeders flout licensing or given conditions and when sale through third parties prevents redress.

3(i) Options

Three options have been identified:

Option 1 - continue to rely on present controls;

Option 2 - exhort local authorities to enforce more rigorously the existing legislation (perhaps coupled with an information campaign by animal welfare bodies/Government to warn and educate the public);

Option 3 - further regulation.

3(ii) Issues of equity or fairness

It is not considered ethical, on grounds of animal welfare, to tolerate sub-standard dog breeding establishments. Neither is it fair to expose the public to the risk of purchasing unhealthy puppies or allow the general image of the industry to be tarnished by a number of unscrupulous breeders.

4 Quantifying and valuing the benefits

Option 1 brings no additional benefit and makes no impact on the problems of breeders.

At Option 2, local authorities were circulated in 1997, but to no identifiable or long-term effect. General explanation fails to address the fact that it is only some local authorities which reportedly have problems in enforcing existing legislation. Publicity campaigns can be expensive, are difficult to target and tend to wear off after a relatively short period of time. (It is not clear that enforcement problems present nation-wide, so campaigns, if they are considered helpful, would need to be more selective and mounted by local, rather central, government.)

Option 3 is more certain, for three reasons:-

- Compulsory inspection of premises (pre-licensing visits are presently optional) should result in a reduction in the number of sub-standard and unlicensed businesses.
- Secondly, a tighter definition of a commercial breeding establishment should assist local authority enforcement. Some breeders with a large number of bitches claim that only

two are kept for breeding, and the rest are kept as pets: this excludes them from the requirement to be licensed under existing legislation.

- Thirdly, stopping the selling of puppies to third parties and obliging the breeder to sell directly to the customer should reduce problems of over breeding and of sub-standard breeding. Consequently, the image of the business should improve.

5(i) Business sectors affected

The dog-breeding sector ranged from 'hobby breeders' to large-scale commercial breeders. Based on the numbers of breeders registering with the Kennel Club, the number of commercial enterprises is estimated as 3,600. It is in the interest of a breeder to register with the Kennel Club (registration increases the value of the puppies), but under the present law breeders who have two or less bitches from which they breed for sale do not require to be licensed.

Option 1 would have the perverse effect of counting against those businesses who are operating to high standards, because a business not maintaining high standards of animal welfare is able to undercut the *bona fide* trade on price, as well as tarnishing the general reputation of respectable breeders.

Option 2 would likely be partial in effect, as not all local authorities would react positively: nor would it remedy the situation of those businesses which continued to flout the law. Option 3 would have potential to affect all commercial breeders, though not so-called hobby breeders.

5(ii) Compliance costs for a "typical" business

The following costs are for Option 3. Options 1 and 2 impose no costs on business, though livelihoods of unregistered or unscrupulous breeders could arguably be affected adversely.

Businesses potentially could face the following recurring costs:

- a possible increase in annual fee for a licence from the local authority;
- less business: if fewer puppies are sold.

The Bill makes provision for the local authority to set the level of licence fee with a view to recovering the reasonable costs incurred in connection with administering and enforcing the law. This is already the case under current legislation. The increase (if there is one) in licence fees will vary between each local authority, and in some cases, between businesses of different sizes in a given authority. That would depend upon existing licence fees and levels of local authority enforcement. The average annual fee at present is in the order of £80. This could rise to £110 under the Bill.

Non-recurring costs: The Bill is expected to result in a non-recurring cost of £130 for the first local authority inspection and licence. This would be in the nature of a start-up cost and is comparable to the current initial licence fee of £95.

5(iii) Total compliance costs

Total recurring costs are estimated to be £143,000 on the basis of 1,300 breeding centres meeting the Bill's definition of a commercial breeder. These costs are in addition to the £288,000 recurring costs under current legislation.

6. Consultation with Small Business: 'The Litmus Test'

The proposals have been put to a sample of six small businesses engaging in breeding and selling puppies. Three did not object to the proposals or the financial implications. One was supportive of the aims of the Bill. Two others opposed the proposals on the grounds they were not more workable than the existing legislation that local authorities were failing to enforce. There is some force to this argument. Failure to enforce is not for want of legislative powers and the proposed Bill will be closing loopholes and raising the profile of breeding conditions.

The drafters of the Bill included national organisations which represent the breeding industry. The national dog press (which may be regarded as reaching, and to some extent representing the hobby breeder and some commercial breeders as well as the individual dog owner and fancier) is generally supportive of the aims of the draft Bill.

7. Other Costs

Restricting the way puppies are sold (ie directly from breeder to purchaser) and limiting the age and frequency which bitches may be mated and give birth may result in fewer puppies being bred and sold by some (mainly the unscrupulous) breeders. Estimates of this number are not possible. Any additional enforcement costs incurred by local authorities are designed to be recoverable from business.

8. Results of Consultations

A working party prepared the draft legislation. It comprised representatives from the Blue Cross, the British Dog Breeders' Council, the British Veterinary Association, the Chartered Institute of Environmental Health, Justice for Dogs, the National Canine Defence League, the National Dog Wardens' Association, Pet Care Trust, Prodogs, the RSPCA and the Kennel Club. They are known to have represented the views of their members and supporters during the consideration of the draft. The Government accepts that the process of drafting the Bill has been consultative in nature.

9. Summary and Recommendations

It is recommended that the legislative option be adopted. The benefits of this option, in terms of animal welfare and protecting the public from being sold unhealthy puppies, exceed the extra costs to business. The additional costs of the new regulations will be minimal. The Bill will enhance the standing of the industry as a whole. *Bona fide* breeders could also experience an increase in business, if unscrupulous dealers' prices rise to parity or such breeders are banned from trading. Exhorting local authorities to be more proactive has been tried before and, for the most part, has failed. Increasing their powers and their ability to recoup costs, and better defining a commercial breeding centre will helpfully extend the current regulatory regime.

10. Enforcement, Sanctions, Monitoring and Review

Local authorities are expected to enforce the Bill's requirement as part of their existing responsibility for licensing dog-breeding establishments. Any additional costs incurred by them are recoverable through licence fees. The proposed legislation provides for businesses which breach the law to be prosecuted, as now, at the discretion of local authorities. The penalties available to the court have been increased in the Bill, concomitant with the importance of animal welfare and the need to affect unscrupulous and/or unregistered businesses.



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Murdo Maclean Esq
Private Secretary to the Chief Whip
12 Downing Street
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SW1A 2AA

(P)
18 February 1999

Dear Murdo,

SCRUTINY DEBATE ON EC DOCUMENT 6985/98 RELATING TO THE WELFARE OF LAYING HENS

At its meeting on 20 January, the Commons European Scrutiny Committee recommended EU document 6985/98 (relating to the welfare of laying hens) for debate in European Standing Committee A.

The proposals, which were published in March last year, would replace and update existing EU standards for laying hens in battery cages (Directive 88/166/EEC). They would also set, for the first time, EU-wide minimum welfare standards for non-cage systems. They raise a number of issues both in relation to the detailed drafting of the text and, more widely, in relation to other areas such as the labelling of eggs and the economic implications of imposing higher EU welfare standards. In consequence, negotiations have progressed only slowly and, although the German Presidency is giving them priority, it is unlikely that they will be concluded until at least the June meeting of the Council of Agriculture Ministers.

The position the UK has taken in negotiations is to press the case for an EU-wide phase-out of the battery cage in the longer term, improved standards in the interim and the setting of robust and practical standards for non-cage systems. As reflected in responses to consultation exercises and Minister's correspondence, those NGOs and others with an interest fall into two broad groups, welfare organisations who wish to see an early phase out of the battery cage and the industry which would prefer to retain the status quo. Both have been anxious to press their case. In addition, and following a late amendment approved by 220 votes to 152, the European Parliament adopted on 28 January an Opinion calling for the draft measure to be amended to require member states to prohibit the use of battery cages by 1 January 2009.

We have, of course, been keeping both Scrutiny Committees up to date with developments and have supplied them with copies of the compromise texts produced by the Austrian and German Presidencies. It is possible that a further compromise text will emerge in the next few weeks but, in any case, we will produce a second Supplementary Explanatory Memorandum after the next working group in Brussels on 18 February. We are also conducting two consultation exercises (one on the draft Regulatory Impact Assessment on the Commission proposal and one on the latest compromise text) both of which are due to conclude on 4 March.

Taking all this and the pace of negotiations into account, we would suggest a debate in the second part of March. The morning of Wednesday 17 March would be convenient for the Parliamentary Secretary (Commons) Mr Morley.

The Parliamentary Secretary (Commons) proposes the following motion for the debate :

"That the Committee takes note of European Community Document No. 6985/98 on the protection of laying hens kept in various systems of rearing; and of the progress of negotiations; and supports the Government's intention to continue to work for the adoption of a Directive which sets a clear phase-out date for the battery cage, improved standards in the interim and robust and practical standards for the welfare of birds in non-cage systems."

The wording of the motion has been cleared with the Clerk to the Scrutiny Committee.

I am copying this letter to the Private Secretaries of Members of (E)DOP and LEG Committees, Sir Richard Wilson and to the secretaries of the (E)DOP and LEG Committees

Yours ever,

Mark

M STICKINGS
Parliamentary Clerk

FROM THE DEPUTY PRIME MINISTER

→ file
Top-RR
cc AL
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OUR REF: PT/PSO/2193/99

The Rt Hon Margaret Beckett MP
President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AJ

12 FEB 1999

Dear President,

**GWYN PROSSER MP: TEN MINUTE RULE BILL - TRANSPORT OF
LIVE FARM ANIMALS**

Nick Brown wrote to you on 2 February with some sensible suggestions for the handling of this Bill. I am content with them.

A copy of this letter goes to the Prime Minister, members of LEG and HS Committees, Sir Richard Wilson and First Parliamentary Counsel.

Yours sincerely,

John Prescott

PP JOHN PRESCOTT

[Approved by the Deputy
Prime Minister and signed
in his absence.]

JM 5/2

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From The Parliamentary Under-Secretary

4 February 1999

Dear Minister,

PRIVATE MEMBER'S BILL: FUR FARMING

Nick Brown has copied to me his letter of 21 January seeking support from LEG Committee to Maria Eagle's intended Bill to ban fur farming.

I agree it is important that we are able to deliver our pre-election commitment to ban fur farms, and the proposed Bill appears to closely follow our plans for such legislation. Therefore I fully endorse his recommendation that the Government offers its full support and that we should proceed to instruct Parliamentary Counsel.

I am copying this to the Prime Minister, Nick Brown, members of LEG Committee, Sir Richard Wilson and Parliamentary Counsel.

Sham Chacra
Dir. Secretary
Agreed By The Minister
And Signed In His Absence

The Rt Hon Margaret Beckett MP
President of the Council
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

RL 4/2



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

David
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From the Minister

The Rt Hon Margaret Beckett MP
President of the Council
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2 February 1999

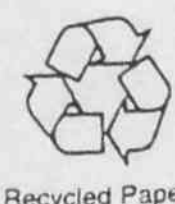
Dear President of the Council

GWYN PROSSER MP: TEN MINUTE RULE BILL - TRANSPORT OF LIVE FARM ANIMALS

Gwyn Prosser has given notice of a Ten Minute Rule motion on Tuesday 9 February requesting leave to bring in a Bill to end "the export of live farm animals and the transport of such animals over long distances". This letter explains why such a Bill is unacceptable and proposes that it should be blocked at Second Reading. Comments should be made by Friday 5 February, as agreement is required by Monday 8th at the latest.

The proposed Bill follows the approach of a number of animal welfare organisations in calling for an end to the live export of food animals. However, while the Government would strongly prefer to see meat exported rather than live animals, our very firm legal advice, now confirmed by a judgement of the European Court, has been that this is a legal trade and that restricting or banning it could not be defended in law. Our policy therefore is to ensure scrupulous application of the EU rules which have been adopted to protect the animals during transport, and to encourage other member states to do the same.

The EU rules aimed at protecting the welfare of animals in long-distance transport were implemented in GB by the incoming Government in July 1997, straight after assuming office. We are applying them scrupulously on our territory, including in relation to the transport of export consignments of livestock. But we recognise that the rules are effective only if the authorities in other member states actively check consignments, take the enforcement action they deem necessary, and report such action back to us. We are therefore constantly reminding other member states of their obligations.



In addition to the proposed measure being unlawful in terms of European Community law, it could not be read and given effect in a way which is compatible with the rights guaranteed by the European Convention on Human Rights, as (section 3) of the Human Rights Act 1998 requires. In particular the measure would breach Article 1 of the First Protocol to the Convention, which protects property rights.

Though any restriction of the kind proposed by Gwyn Prosser is legally out of the question, his motion does raise a matter of widespread public concern. In the circumstances I see no reason to oppose the motion and therefore recommend that Ministers be asked to abstain if there is a division on it, on the understanding that we should seek to block at Second Reading any Bill which might result.

A copy of this letter goes to the Prime Minister, members of LEG and HS Committees, Sir Richard Wilson and to First Parliamentary Counsel.

Yours sincerely

Katrina Williams

For **NICK BROWN**

*(Approved by the Minister
and signed in his absence)*



The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

Top:AL
cc: PJ

(P)

2 FEB 1999

Dear Nick,

FUR FARMING

Thank you for your letter of 21 January regarding Maria Eagle's Private Members Bill to ban fur farming.

You explained that the Bill would prohibit, within, Great Britain, the keeping of animals solely or primarily in order to exploit the commercial value of their fur. A date would be set in the Bill for the introduction of the ban, allowing a reasonable winding down period. In order to minimise the risk of a challenge under the European Commission on Human Rights, compensation would be offered in certain special circumstances; the forum for any disputes over compensation claims would be the Land Tribunal. The public expenditure implications of the compensation provision would be minimal, given that there were currently only 13 fur farms in Great Britain.

You also noted that the Bill was very similar to one which your department received policy clearance for last summer.

Donald Dewar and Alf Dubs commented. Alf said there were no fur farms in Northern Ireland but he was happy to support a Bill which would provide for a complete ban on fur farming. Separate legislation would of course be required in Northern Ireland.

Donald said he was happy to support the Bill and saw no difficulty over its introduction and passage before the Scottish Parliament came into being. There were no fur farms in Scotland at present so it was essential that the Bill covered Great Britain because if it was restricted to England and Wales it would open up the possibility of fur farmers in the south transferring their businesses into Scotland. He was also anxious to ensure that the Bill included a provision to prevent the establishment of new businesses during the wind-down period. The absence of such a provision could open up the possibility of additional compensation claims.

No other colleague has commented and I am content for you to proceed as you proposed. However, I note that Maria Eagle is intending to launch her Bill on 18 February and you would like to send her and the existing fur farmers copies of the

Bill. I am afraid that this will not be possible as Parliamentary Counsel will not have had sufficient opportunity to complete the Bill. Instructions should be sent to Parliamentary Counsel as a matter of urgency.

I am copying this letter to the Prime Minister, members of LEG Committee and to Sir Richard Wilson and Parliamentary Counsel.

Regards
Margaret

MARGARET BECKETT

The Rt Hon Nick Brown MP
Minister of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
London SW1P 3JR



THE SCOTTISH OFFICE
DOVER HOUSE
WHITEHALL
LONDON SW1A 2AU

Top: HA/PS
EPLU

The Rt Hon Mrs Margaret Beckett MP
President of the Council
Privy Council Office
58 Whitehall
London SW1A 2AT

31 January 1999

Dear Margaret,

(P)

PRIVATE MEMBERS' BILL: FUR FARMING

Nick Brown's letter of 21 January sought the support of colleagues for Maria Eagle's intended Private Members' Bill to ban fur farming.

I am happy to lend my support to this Great Britain Bill and I see no difficulty over its introduction and passage before the Scottish Parliament comes into being.

Whilst there are no fur farms in Scotland at present it is essential that the Bill is in Great Britain terms because if it was to be restricted to England and Wales it would open up the possibility of fur farmers in the south transferring their businesses into Scotland. One point that does concern me a little is that the Bill should include a provision to prevent the establishment of new businesses during the wind-down period. Unless we have such a provision preventing this it could open up the possibility of additional compensation claims.

I have copied this letter to the Prime Minister, members of LEG Committee, and to Sir Richard Wilson and Parliamentary Counsel.

Yours sincerely,
Donald

DONALD DEWAR

MBR05001

29/01/1999

TOTAL P.01

SKP 2/2/99

Top RR

cc AY
LPS

→ file



From the Minister

Department of Agriculture for Northern Ireland

The Rt Hon Nick Brown MP
Minister for Agriculture
Fisheries and Food
Nobel House, 17 Smith Square
LONDON SW1P 3JR

28 January 1999

DEAR MINISTER

In Mo Mowlam's absence, I have seen your letter of 21 January to the Rt Hon Mrs Margaret Beckett MP, seeking LEG Committee's support for a Private Member's Bill to ban fur farming.

While there are at present no fur farms in Northern Ireland, I am happy to support the Bill which would provide for a complete ban on fur farming.

Separate legislation will of course be required in Northern Ireland.

I am copying this to the Prime Minister, members of LEG Committee and to Sir Richard Wilson and Parliamentary Counsel.

Yours sincerely

Keith Monson

or LORD DUBS

Minister for Agriculture and the Environment
Approved by the Minister and signed in his absence

Dundonald House, Upper Newtownards Road, Belfast BT4 3SB
Telephone (01232) 524611 Fax (01232) 524813

Jim 28/1



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

AZ

C: RP
L PO

From the Minister

The Rt Hon Mrs Margaret Beckett MP
President of the Council
Privy Council Office
68 Whitehall
London
SW1A 2AT

21 January 1999

(P)

Dear Margaret,

PRIVATE MEMBER'S BILL: FUR FARMING

This letter seeks LEG Committee's support for a Private Member's Bill to ban fur farming. Responses are requested by 28 January 1999.

Thank you for your letter of 12 January in response to mine of 7 January.

I am now able to provide you with details of Maria Eagle's intended Bill, following a meeting between her and Elliot Morley on 20 January.

Her Bill would prohibit, within Great Britain, the keeping of animals solely or primarily in order to exploit the commercial value of their fur. A date would be set in the Bill for the introduction of the ban, allowing a reasonable winding-down period. In order to minimise the risk of a challenge under the European Commission of Human Rights, compensation would be offered in certain special circumstances; the forum for any disputes over compensation claims would be the Lands Tribunal. The public expenditure implications of the compensation provision would be minimal, given that there are currently only 13 fur farms in Great Britain.

This proposed Bill is along very similar lines to the Bill my Department had in mind when we sought policy clearance last year. John Prescott's letter of 30 July 1998, in response to Jack Cunningham's of 6 July 1998, confirmed that policy clearance had been granted.

/I recommend that ...



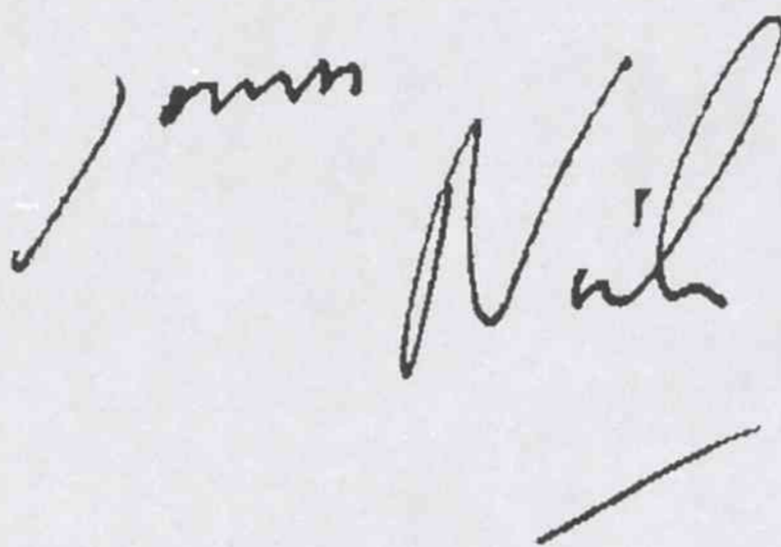
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I recommend that the Government offers its full support for this Bill and I seek LEG Committee's agreement that we can now send drafting instructions to Parliamentary Counsel.

Maria Eagle intends to launch her Bill on or around 18 February. At that point we would like to be able to send a copy of the Bill to each of the 13 existing fur farmers, along with a brief statement of Government support for the Bill.

- > I am copying this letter to the Prime Minister, members of LEG Committee, and to Sir Richard Wilson and Parliamentary Counsel.

A handwritten signature in black ink, appearing to read 'Nick Brown', with a horizontal line underneath.

NICK BROWN

Lord Sainsbury of Turville
Parliamentary Under Secretary of State for Science



Top: AL
cc: JYM
PJ

Sir Aaron Klug OM PRS
President
The Royal Society
6 Carlton House Terrace
LONDON
SW1Y 5AG

Department of
Trade and Industry
1 Victoria Street
London SW1H 0ET

Direct line: 0171-215 5624

Direct Fax: 0171-215 5410

Enquiries: 0171-215 5000

Email Address:
sainsbury.tlo@tlo.dti.gov.uk

13 January 1999

(P)

Dear Sir Aaron

Thank you for your letter of 9 December about the use of animals in biomedical research.

The Home Office is responsible for administration of the Animals (Scientific Procedures) Act 1986 and George Howarth's letter to you of 21 December has responded directly to the points you have raised.

I note your concerns and agree that any threat towards the lives of scientists involved in the use of animals in the scientific procedures is unacceptable. I hope that the open forum planned by the Home Office to discuss the use of animals will take forward the debate and make clear the Government's position.

I have also been approached by the pharmaceutical industries and other organisations who are concerned about the operation of the Act. I recognise that this is a complex and emotive issue and I am keen to ensure that the UK science base is not disadvantaged or young researchers discouraged from working in areas of research that require strict regulation. I hope to meet with George Howarth in the near future to discuss these issues further.

I am copying this reply to the Prime Minister, George Howarth, and Sir Robert May as you did.

Yours sincerely,

dti

Department of Trade and Industry

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FRAME AGRICULTURE/BSE AND CJD

COREPER (DEPUTIES), 13 JANUARY

SUBJECT: OFFICE INTERNATIONAL DES EPIZOOTIES (OIE) ANIMAL
HEALTH CODE

SUMMARY

1. Community comments on BSE-related amendments to the OIE Animal Health code agreed by Qualified Majority. Main UK concern met.

DETAIL

2. COREPER was asked to confirm the Community's coordinated comments on the draft amendments to the Office International des Epizooties (OIE) Animal Health Code which lays down guidelines for international trade in animals and animal products. The draft amendments concern guidelines for trade where scrapie, bluetongue or BSE may be present.

3. The Presidency (Gruenhagen) noted agreement on the substance of the comments on scrapie and bluetongue, but there were outstanding reserves on a Presidency re-draft of the comments on the BSE section which met the UK's main request for revised wording on the use of cattle bones.

4. The UK (Bostock) lifted its remaining reserves. Finland maintained its reserves, but hoped to lift them before the position was notified to OIE. Austria (Gebetsroithner) maintained all its reserves except that on Article 3.2.13.7 (imports from provisionally BSE free countries).

5. Spain (Navarro) maintained its reserves, and disputed that the Community position could be agreed by Qualified Majority because the Community competence for BSE had not been exercised. Spain took the view that unanimity was required.

6. The Commission (Ponzano) regretted that the Member States had chosen to amend the Commission's suggested Community position but noted that, on the basis of precedent, the Member States could agree the position by Qualified Majority regardless of the Commission's position.

7. Following Spanish insistence that unanimity was required, the Presidency suggested having no Community position on Articles 3.2.13.2, 3.2.13.5 and 3.2.13.16, on which Member States might submit their own comments and speak freely at the OIE General Session in May. France (Etienne), UK and the Netherlands (De Jong) disagreed: there was a Qualified Majority for the Community position, and the precedent was that that was sufficient. The Presidency concluded that the Community position as set out in the Presidency document was agreed by Qualified Majority, and that Spain could make a statement for the COREPER minutes if they wished.

8. The Commission could not accept the suggestion that the Presidency alone should send the Community comments to OIE. Rather than two separate letters from Presidency and Commission he suggested a joint letter signed by Presidency and Commission. No Member State disagreed, but the Presidency concluded that the Commission's signature should be subordinate to the Presidency's.

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The Rt Hon Margaret Beckett MP

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② file
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cc AL
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PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

12/1/99

Dear Nick,

FUR FARMING

Thank you for your letter of 7 January about the Bill which Maria Eagle is intending to introduce on fur farming. *We spoke.*

As you noted in your letter, the Bill is not on the handout list. LEG Committee will need details of her exact proposals before agreeing to support the Bill.

If the Committee decides to support the Bill, I would agree to Parliamentary Counsel providing drafting assistance, preferably before the Bill was printed. However, in order to have the Bill ready in time, instructions would need to be with Parliamentary Counsel as soon as possible.

I am copying this letter to the Prime Minister, members of LEG Committee, and to Sir Richard Wilson and Parliamentary Counsel.

Regards
Margaret
MARGARET BECKETT

Rt. Hon. Nick Brown MP
Ministry of Agriculture Fisheries and Food

131



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

From the Minister

RESTRICTED - POLICY

The Rt Hon Mrs Margaret Beckett MP
President of the Council
Privy Council Office
68 Whitehall
London
SW1A 2AT

(P)
Yes, and important
pointing to ...
...

AL
C: RR
PU

7 January 1999

Do we agree with this?

Angus
7/1/99

Dear Margaret,

PRIVATE MEMBERS' BILLS: FUR FARMING

You will recall that the Government has a pre-election commitment to ban the keeping of any animals with a view to their slaughter solely or primarily for the commercial value of their fur.

The Chairman of HS Committee, in his letter of 30 July 1998, gave policy approval for the introduction of a "fur farming" Bill in 1998-99. However, QFL decided that a "fur farming" Bill could not be included in the Government's legislative programme for 1998-99 and in your letter of 30 July 1998, fur farming was not included in the list of Government hand-out Bills.

Following the outcome of the ballot for Private Members' Bills, I have been informed that Maria Eagle MP, who came second in the ballot, wishes to present a Bill to ban fur farming. In accordance with your letter of 30 July 1998, she has been advised by my officials to contact the Chief Whip and they have informed the Chief Whip's office of this.

It is important that we are able to deliver our pre-election commitment and that this Private Members' Bill is prepared in a way which ensures that it has every chance of success. I am, therefore, writing to seek your agreement to approach Parliamentary Counsel so that we can assist Maria Eagle MP in the preparation of her Bill.

I am copying ...



PA 7/1

> I am copying this letter to the Prime Minister, members of LEG Committee and Sir Richard Wilson.

Yours sincerely
Nick

NICK BROWN

George Howarth MP

se-PO
Press



PARLIAMENTARY UNDER
SECRETARY OF STATE

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Tel: 0171 273 3495
Fax: 0171 273 2565

Sir Aaron Klug OM PRS
President
The Royal Society
6 Carlton House Terrace
LONDON
SW1Y 5AG

Top AL

Rh-

21 December 1998

Dear Sir Aaron,

Thank you for your identical letters of 9 December to both the Prime Minister and to me.

I agree that any threat of attack against scientists and others involved in the use of animals in scientific procedures is totally unacceptable. The use of terrorist or blackmail tactics is unnecessary and to be condemned in a democracy such as ours. As you will imagine, we have kept a particularly close eye on the actual and potential threat to relevant personnel in recent weeks.

The vast majority of campaigners on animal rights, and other issues, are peaceful, and certainly could not be called terrorists. When serious violence from any group endangers people's lives and their property, the police need to have effective powers to deal with it. Our proposals for new, permanent UK wide terrorist legislation (published in a consultation document on 17 December) proposes a new definition which would enable serious violence by animal rights activists to be treated as terrorism. This would bring into play such elements as longer maximum detention periods and an arrest power on suspicion of terrorism. We believe that making such powers proportionate to the threat posed would address any threats developing in the future.

The Home Office has issued consistent and comprehensive statements about the use of animals in scientific procedures during the last 18 months.

We are working to ensure that the highest possible standards of animal welfare are implemented and that animals are used in scientific procedures only where this is fully justified. We are promoting the 3Rs (reducing the number of animals used, refining procedures to minimise suffering, and replacing animal use wherever possible). As one indication of this, the budget made available to the Animal Procedures Committee (APC) to sponsor research on alternatives has been increased by 42% and funding has been secured to increase the complement of the Inspectorate from 18 to 21.

No more animals/...

No more animals will be used in this country for the testing of cosmetics ingredients or products. We have also announced a ban on the use of animals to test tobacco or alcohol products and on the use of Great Apes. The ascities method of monoclonal antibody production will be phased out in all but exceptional cases from January. Ethical Review Processes will be required in all establishments from April 1999. I have recently announced, too, that officials will liaise with the major grant-awarding bodies to ensure that concern for the 3Rs is mirrored in research applications which propose the use of protected animals.

A Royal Commission on laboratory animals has not been ruled out, but we would rather use the resources that are currently available to make immediate improvements to the operation of the Animals (Scientific Procedures) Act 1986 – for example, by implementing the policies outlined above.

The Government looks forward to the day when the use of animals in experiments might become unnecessary, but unfortunately this will not happen in the foreseeable future. The Government has not pledged, either before or after the election, to end such use. Procedures involving animals form an essential part of medical and pharmaceutical research and produce vital information and real therapeutic benefits.

I have felt for some time that scientists themselves need to make the argument publicly for the use of and benefits from animal experimentation and testing. I appreciate only too well the forces which have deterred them. You refer to these in your letter. It does seem to me timely, however, to ensure that all sides in the debate about animal use are heard.

As part of this, I want to hold an open forum early next year, in order to hear the dialogue at first hand. At present, this is seen as a "one-off" event. It will not devalue the function of the Animal Procedures Committee nor interfere with helpful initiatives such as the Boyd Group. Setting out the Government position will be a natural consequence of staging an open forum of this sort.

I copy this reply to the **Prime Minister**, Lord Sainsbury, and Sir Robert May, as you did.

Thank you again for writing.

Sincerely

George Howarth

GEORGE HOWARTH

George Howarth MP

C- NO 10



PARLIAMENTARY UNDER
SECRETARY OF STATE

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Tel: 0171 273 3495
Fax: 0171 273 2565

Top - AL
✓ PU
Press

Ms Liz Davies
Labour Party National Executive Committee
126B St Paul's Road
London
N1 2LR

14 December 1998

Dear Ms Davies,

Thank you for your letter of 2 December concerning the convicted terrorist Barry Hone and his hunger strike.

Since you do not quote me directly or name the source of your information, I am not clear how you arrived at the assertion that my reasoning is "perverse".

For the purpose of accuracy, I should point out that there is no manifest commitment to establish a Royal Commission. What Mr Horne and his supporters are quoting in justification of his action is a pre-election leaflet entitled 'New Life for Animals'. As you should be aware we have as a Government given the highest priority to fulfilling manifest commitments.

We have not ruled out a Royal Commission on this issue. Our decision as to whether or not we proceed towards establishing a Royal Commission, however, will not be influenced one way or the other by Mr Horne's hunger strike. Moreover, it was his choice to go on hunger strike.

Any negotiation or engagement with Mr Horne and those who support him on this matter would leave us vulnerable to blackmail on any issue by any group or individual. As a responsible Government we are not prepared to put ourselves in that position.

Our approach to the issue of animal experimentation has, since the election, been to use the available resources to work towards reducing the categories of experiments and to encourage the development of alternatives. I feel our record in this is one which we can be proud of. Below is a list of initiatives and achievements to date:

We have announced:

17/12

- no more animals will be used in this country for the testing of cosmetics ingredients or products, not only vanity products but also other products such as toothpastes and sun-creams);
- we will not allow the use of animals to test tobacco or alcohol products, or to test or develop weapons;
 - further funding has been secured to increase the complement of the Inspectorate from 18 to 21 (and seven new inspectors have been recruited to fill these and other vacancies);
 - through the European Commission we are putting pressure on the Organisation for Economic Co-operation and Development to delete the LD50 test from its list of regulatory safety tests;
 - ethical review processes will be required in all establishments from April 1999;
 - a ban on the use Great Apes (gorillas, chimpanzees, pygmy chimpanzees and orang-utans);
 - an increase to the number of animal welfare experts on the Animal Procedures Committee;
 - the use of ascitic animals in monoclonal antibody production will be phased out.

I hope that you will agree that those achievements amount to a good deal of progress over a relatively short period of time.

You will note that Mr Horne ended his protest at the weekend.

Sincerely
George Howarth

GEORGE HOWARTH

Liz Davies
Member, Labour Party National Executive Committee
126B St Paul's Road
London N1 2LR
Tel/fax: 0171 359 3043
Mobile: 0958 673840

2 December, 1998

George Howarth MP
House of Commons
London SW1A 0AA

Dear Mr Howarth,

I was disturbed by the position you appeared to take regarding the hunger strike by Barry Horne.

As you know, all Mr Horne is asking for is that the Labour Government fulfill its manifesto commitment by establishing a royal commission to examine animal testing.

It seemed on television that you were arguing that Labour would not now fulfill this commitment because of the tactics adopted by Mr Horne.

I must say I find this reasoning perverse. And should Mr Horne die, many people will ask why the Labour Government behaved with such stubborn insensitivity. After all, he is only asking us to do something to which we are committed in principle in any case.

I urge you to reconsider urgently your refusal to respond to Mr Horne's perfectly reasonable demand.

Yours sincerely,



Liz Davies

CC. Barry Horn



The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

03 DEC 1998

Dear Nici,

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C:RR/
VP

**PRIVATE MEMBERS BILL: THE PROTECTION OF ANIMALS
(AMENDMENT) BILL**

Thank you for your letter of 29 September to John Prescott seeking agreement to address certain problems relating to the care of animals through a handout Bill. I have also seen your letter of 25 November.

In your letter of 25 November, you explained that following discussions between Ministers, it had been agreed that the Bill should cover all commercial enterprises, providing there was a mechanism to prevent abuse of the power to seek an order from the court by animal rights groups, litigious neighbours and others. This would be done by limiting the availability of power to central and local Government bodies such as the Crown Prosecution Service. However, you also planned to provide for the availability of the power to be extended to other organisations approved by the Minister of Agriculture, Fisheries and Food or the Welsh Assembly. You also agreed that your department would be taking the lead on seeing the Bill through Parliament and it would also take responsibility for the measures thereafter, irrespective of the type of enterprise in question.

Derry Irvine, Jack Cunningham, Donald Dewar, Alf Dubs, Michael Meacher and George Howarth commented.

George had some concerns but these were addressed by your letters of 25 November and your letter of 1 December. He suggested that to prevent malicious prosecutions cases should be cleared by MAFF officials but in your letter of 1 December you said that that would not be possible. In his letter of 2 December, he said that he was content for you to proceed on the basis that you would consider what additional safeguards should be provided in the Bill.

Derry said he had an interest in the Bill because it was envisaged that the courts would be given new powers to make an order to provide for animals which were the subject of a prosecution. He asked that officials in his department be involved as the proposals were developed.

PA 31/2

Michael asked his officials to be consulted again once Counsel had drafted the Bill, particularly as the powers might be extended to other organisations approved by Ministry of Agriculture, Fisheries and Food (MAFF) or the Welsh Assembly as it might be difficult to draft workable criteria.

Jack said he had withheld support for a ten minute rule Bill on a similar subject because he was concerned that it would offend against the right to property enshrined in the European Convention on Human Rights. However, as this Bill would be limited to commercial animals, would include appropriate arrangements for compensation and you were considering the necessary limitations on the proposed powers, he was content for you to go ahead.

Donald said that the possible application of the proposals to Scotland should be considered by the Scottish Parliament and, therefore, he would not be seeking to include the equivalent amendment to the Protection of Animals (Scotland) Act 1912. Alf said that the Northern Ireland Assembly would need to consider whether there was a need to amend the Welfare of Animals Act (Northern Ireland) 1972.

No other colleague commented, and you may take it that you have agreement to proceed as you proposed. On that basis, I am content to confirm the Bill's place on the handout list.

I am copying this letter to the Prime Minister, members of HS and QFL and to Sir Richard Wilson.

Regards

Margaret

MARGARET BECKETT

Rt Hon Nick Brown MP
Minister for Agriculture, Fisheries and Food
Nobel House
17 Smith Street
London SW1P 3JR

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cc: RR
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0171-270 (Direct Line)
Fax: 0171-270 0568

Oddi wrth yr Is-Ysgrifennydd Seneddol

Jon Owen Jones MP

From The Parliamentary Under-Secretary

Our Ref: CT/98-15623

2 December 1998

Dear Nick,

(4)

I have seen copies of your letters to John Prescott about the Protection of Animals (Amendment) Bill.

I agree that this handout Bill should go forward provided that the safeguards that you mention are in place as well as the additional safeguards against an abuse of power which George Howarth has asked for.

I am copying this to the Prime Minister, members of HS and LEG Committees, Sir Richard Wilson and the First Parliamentary Council.

*Yours sincerely
Jon*

faxed => Rt Hon Nick Brown MP
Minister of Agriculture Fisheries and Food
Ministry of Agriculture Fisheries and Food
Nobel House
London SW1P 3JR

RR

**RELIGIOUS SLAUGHTER: CONSULTATION ON CHANGES TO THE
WELFARE OF ANIMALS (SLAUGHTER OR KILLING) REGULATIONS 1995**

From: **CHRIS RYDER**
30 November 1998
Animal Welfare Division
Room 12 Block D TolTJ
Tel: 3836 8024
Fax: 3836 8426

Email: no hard copy to follow

To: Mr C Porro PS/Mr Morley

cc: Miss K Williams PPS/Minister
Ms K Lepper PS/Mr Rooker
Mr A Lawrence PS/Permanent Secretary
Mr K Simpson
Mr T Greatrex
Mr R J D Carden
Mr J M Scudamore
Mr B H B Dickinson
Mr M Atkinson
Mr D M Taylor
Mr A Turnbull
Mr P Kent
Mr G Blakeway Inf

Mr C J Lawson
Mr R McIvor
Mr D McIntosh ADVFS
Mrs D Linskey
Mr E Varley
Mr A Dearman
Mr J Symington SOAEFD
Mr Gwyn Jones WOAD
Mr G McCracken DANI
Mr I Cheeseman Home Office
Ms K O'Donoghue Cabinet Office
Ms E Lloyd No 10 Policy Unit

(P)
W
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} Fax

1. Following Mr Morley's discussions with organisations representing the Jews (on 16 November) and the Muslims (on 17 November), this minute seeks the Parliamentary Secretary's decision on how now to proceed with our plans to develop dialogue with the Muslim community on animal welfare issues and adjust the provision of the Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK 1995).

2. The thrust of the amendment to WASK 1995 would of course be to require slaughter carried out without stunning for religious reasons to be carried out only in a licensed slaughterhouse. (As there is a degree of sensitivity about any aspect of the welfare at slaughter regulations, we have abandoned our earlier plan to wrap this change up in a wider package of non-contentious changes. We now believe that any attempt to create a wider package will only jeopardise the success and timing of the key change on open air slaughter.)

Timing

3. If we are to proceed to consultation about amending the Regulations, this needs to be decided urgently as the consultation process would need to be completed, and the new Regulations made, in time for the amendment to come into force in advance of the 1999 Festival of Eid (28 March 1999).

Summary of Jewish/Muslim views on the planned change in the law

4. As expected, the Jewish organisations were reassured that our proposals contain nothing that would affect their interests: they were grateful to have advance warning of what we have in mind, and fully supported it.

5. The atmospherics with the Muslims were very good with a notably warm welcome being given to Mr Morley's proposal to set up a standing Working Group in which the organisations could meet officials to discuss matters of concern (across the range of food safety and public/animal health issues). On religious slaughter in the open air:-

- the Muslim representatives were all of the view that it is not a religious requirement that Muslims should be able to slaughter animals in the open air. It was also a near unanimous view that religious slaughter should not take place in the open air and that it was detrimental to the image of the Muslim community. Some of those present had in fact been instrumental in dissuading commercial interests from providing open air slaughter facilities for Muslims at Eid last year. A general willingness was declared to devote further effort to educating people against open air slaughter next year, by laying stress on the hygiene dimension rather than religious conditions;

a few representatives, though, expressed concern at the potential consequences if the option of carrying out religious slaughter other than in a licensed slaughterhouse were entirely closed off. One or two spoke in defence of Muslims' right to slaughter animals in their own homes (in fact such religious slaughter is already technically illegal because although someone may slaughter an animal for his own consumption, he must stun it first although, the Regulations do not provide the powers of entry necessary to enforce them in domestic dwellings). However, the more common concern was that Muslims wishing to slaughter animals for Eid might be denied their wish if slaughterhouse facilities were not available to them and it was no longer permitted to do it elsewhere;

- some concern was also expressed over the requirement (actually a provision of existing law) that animals' throats can only be cut by a licensed slaughterman. The majority however rejected this view: it was suggested it should be sufficient for the (probably very few) people who wanted to kill an animal personally to be allowed to lay their hand on that of the slaughterman when he performed the cut;
- the representatives also expressed a wish to examine the EU Welfare at Slaughter Directive in case it could be argued that it did not rule out open air slaughter.

Discussion

6. The Muslims' reaction did not amount to unqualified support for legislation prohibiting religious slaughter outside slaughterhouses, and it is evident that one or two issues will be raised if we proceed to propose such legislation.

7. On the other hand, nothing said at the meeting suggested that what we are proposing infringes anybody's rights. Also it should be perfectly possible, by convening the Working Group in parallel with the consultation on proposed statutory changes, to develop strategies which meet the Muslims' declared concerns. We do not believe that there is a significant lack of slaughter capacity in Great Britain to meet demand at the time of Eid in the way that there is in France: so it should be possible for us to help assure the Muslims that sufficient facilities will be available in abattoirs. Also, it should be possible to assure them (though the Government prefers pre-stunning) that they will be able to find slaughterhouses where they will not be forced to accept stunning if that is their wish. We should also, without having to allow anyone other than a licensed slaughterman to make the cut, be able to facilitate (eg by allowing those who wish to do so to hold the slaughterman's hand) the wishes of the small minority who want to be personally involved in the slaughter of their animals.

8. It would not be fruitful to get into an argument with Muslim lawyers about whether the EU Directive truly bans open-air religious slaughter as stated by the Commission and other Member States. The wording of the Directive can, as we know, be interpreted either way. However, if Muslim representatives are persuaded that their concerns about Eid are met, it would not be in their interests to be seen to be arguing as a point of law that open-air religious slaughter should be allowed.

Possible alternative approach

9. The only possible alternative to proposing legislation now would be to rely on on-going discussion in the new Working Group, coupled with the efforts of the Muslim organisations themselves, to diminish the likelihood of open air slaughter during Eid in 1999 and subsequent years. An amendment to the law could be kept in reserve until it was readily acknowledged by the Muslim community at large that their concerns had all been met.

10. It might be tempting to believe that such a persuasive approach, harnessing the goodwill of the more responsible Muslim organisations, would suffice.

11. However, our experience of last year suggested that persuasion will not suffice as long as open air religious slaughter is permitted in GB law. Undoubtedly both the Ministry and the Muslim organisations successfully discouraged at least one proposed open air slaughter operation. But this approach did not deter a few determined (non-Muslim) commercial operators from trying to meet what they saw as a potentially lucrative demand. Our staff were ultimately powerless to stop them doing something

which was actually permitted by law. The perpetrators were deterred only by the presence of a potentially violent mob which included overtly racist elements. Legislation making open air religious slaughter plainly illegal would seem to offer the best prospect of preventing a recurrence of these dangerous events.

Conclusion

12. We propose firstly that we should write to the Muslim organisations as attached, convening the first meeting of the proposed working group at an early date in order (a) to address all the concerns which the Muslims addressed to Mr Morley about their needs at the time of the Festival of Eid, and (b) to map out the wider issues to be covered at future meetings of the working group. **The Parliamentary Secretary's agreement is sought to this approach.**

13. Further, **Mr Morley's guidance is sought** as to whether, immediately and in parallel with the convening of the Working Group, we should issue a consultation document proposing to amend the law as we have planned. If so, following discussion with MAFF's Open Government and Citizens Charter Unit, a short consultation period of 3 weeks is recommended. Although the subject matter is sensitive, relatively few organisations need to be consulted, and we have already held discussions with the religious organisations who are the key players. Others to be consulted will include the slaughter industry. If the amending regulations are to be enforced by 1 March (ie approximately one month before Eid), it is essential that the keyed instrument is ready by mid-January.

Chris Ryder

CHRIS RYDER

DRAFT LETTER TO MUSLIM ORGANISATIONS

The Parliamentary Secretary, Mr Elliot Morley, was grateful for your constructive input when you and other representatives of Muslim organisations met him on 17 November, and for your support for the idea of a Standing Working Party. I enclose a copy of the note of the meeting, as well as a copy of EU Directive 93/119 on the protection of animals at the time of slaughter or killing, as promised at the meeting.

I should now like to invite you to the first meeting of the Working Party, on XX December at XX a/pm at

The purpose of the meeting will be:-

- to consider the practical steps which need to be taken to help meet Muslim requirements during the Festival of Eid;
- to discuss any points you might wish to raise in relation to the Government's proposals to bring our statutory controls into line with EU requirements. (These proposals, as foreshadowed at Mr Morley's meeting, are about to be put out for public consultation, so we shall be pleased to discuss any aspects which would help you to frame your responses);
- to establish terms of reference for the working party, the frequency of meetings and the subjects to be addressed at subsequent meetings.

I suggest that each organisation should send a maximum of two representatives, but if this poses any problems for you please let me know. Please let my secretary, Mrs Sue Beardsmore (0181-330 8023) know who will be attending.

I look forward to meeting you again and to starting what I am sure will be a fruitful dialogue on matters of mutual concern.

C J RYDER

Head of Animal Welfare Division

MEETING WITH REPRESENTATIVES OF MUSLIM ORGANISATIONS: 17 NOVEMBER 1998

Present: *[Private Office to provide names and organisation, including apologies]*

Mr Morley (Parliamentary Secretary) welcomed the Muslim representatives and said that it was the Government's wish to have open and continuous dialogue with the Muslim community. He explained that, the Government recognised the right of Muslims to pursue their religion and did not propose to introduce changes which would remove the right of Muslims to slaughter animals in accordance with religious law.

Mr Morley explained that the purpose of the meeting was to consider issues relating to the slaughter of animals and, in particular, "open-air" slaughter. It was necessary for the Government to make arrangements to implement fully European Union Directive 93/119/EC, on the protection of animals at the time of slaughter or killing. It was clear that the opinion of the European Commission was that the Directive did not permit open-air religious slaughter. It was also clear that, although special arrangements for open-air slaughter had been made in France in recent years, other EU Member States had also implemented the Directive in accordance with the Commission's opinion. It was necessary, therefore, to change our regulations to remove the current provision permitting open-air religious slaughter under official supervision. In addition, there were serious concerns about the effectiveness of public health and hygiene controls if animals were slaughtered and dressed anywhere than in a slaughterhouse. These concerns had been increased by the need to control specified risk material (SRM).

In response, representatives of the Muslim Organisations welcomed the Government's initiative and looked forward to continuing dialogue on all matters falling within the responsibilities of the Department. They confirmed that many Muslims wished to slaughter an animal or have an animal slaughtered on their behalf during the festival of Al-Adhere and this resulted in increased demand on slaughterhouse capacity over the three

days of the festival. It was agreed that it was not a religious requirement that slaughter took place in the open-air and that such practice was clearly undesirable on grounds of hygiene. Muslim organisations also acknowledged the detrimental effect open-air slaughter could have on the public image of Islam in the UK.

Muslim Organisations accepted that it was preferable for slaughter to be carried out in licensed slaughterhouses, as long it was in accordance with religious law. However, some concern was expressed that individuals who wished to do so, should be allowed to be present when the animal was slaughtered. If it was not possible to make such arrangements, the option should remain for slaughter elsewhere under veterinary supervision or, in extremis, on domestic premises. In general, however, it was felt that there should be no need to slaughter animals anywhere than in slaughterhouses and, provided appropriate slaughterhouse capacity was available, a programme of public education within the Muslim communities, emphasising in particular the health issues, should succeed in minimising the incidence of home slaughter. The Department was requested to intervene with the industry and the enforcement authorities to ensure that arrangements were in place and facilities available for 1999.

Mr Morley acknowledged the concerns raised by the Muslim organisations. He explained that the Government was obliged to implement and enforce EU legislation and was taking steps to ensure that this was the case in all areas, including those where there had been under-implementation in the past. This was not a matter which was open to re-negotiation with the European Commission. He believed that, as there was no overriding requirement for open-air slaughter, the necessary arrangements should be put in place to bring our controls into line with those elsewhere in the EU. Mr Morley said that, although the operation of individual slaughterhouses was a commercial matter, the Department would if necessary discuss the issue with representatives of the industry. The enforcement of the religious elements of slaughter was a matter for the Muslim authorities to enforce and not the Department.

Mr Morley proposed that a standing Working Party should be established to continue the momentum established during the meeting. As a priority, the Working Party should consider the practical arrangements which might be made in slaughterhouses to meet Muslim requirements during the festival. It should then consider other aspects of slaughter, including the differing perceptions of stunning and slaughter practices which had been raised during the meeting, and build on discussions already taking place with organisations such as the Meat and Livestock Commission to consider establishing a guaranteed-halal standard for the UK. The Working Party would also provide a forum for discussions of other aspects of the Department's responsibilities. This suggestion was welcomed by the Muslim organisations and it was agreed that the first meeting of the Working Party would establish its terms of reference and frequency of meetings.

Ministry of Agriculture, Fisheries and Food
November 1998

FROM THE RT HON MICHAEL MEACHER MP
MINISTER FOR THE ENVIRONMENT

→ file



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL 0171 890 3014
FAX 0171 890 4499

OUR REF: IDC (98) 280

~~R2~~
~~S/P~~

30 NOV 1998

Dear John

Nick Brown's letter of 25 November to you as Chairman of HS Committee seeks urgent policy clearance for inclusion of the Protection of Animals (Amendment) Bill in the handout list for this session.

I am content to give my approval following the agreement reached between Elliot Morley and George Howarth. As I said in my previous letter to you of 15 October, I would expect my officials to be consulted again once Counsel has drafted the Bill, particularly now since Nick has raised the possibility of extending the powers to other organisations approved by MAFF or the Welsh Assembly. I believe that this could indeed prove controversial and that it might be difficult to draft workable criteria.

I am copying this to the Prime Minister, Jack Straw, members of HS and LEG Committees, Sir Richard Wilson and First Parliamentary Counsel.

Yours ever
Michael

MICHAEL MEACHER

The Rt Hon John Prescott MP

PA 1/12



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR
Tel: 0171 238 5393/5396 Fax: 0171 238 5867

From the Minister of State's Private Office

Ms L Lloyd
Policy Unit
10 Downing Street
London
SW1

(P)

24 November 1998

Dear Liz

As promised by my Minister, I am writing to update you on progress on the badger culling trial.

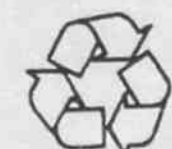
We have started surveying with landowners' consent on two triplets, one in Devon/Cornwall, the other in Gloucestershire/Hertfordshire. Surveying in the former was completed on 13 November, and from the start of last week MAFF staff have been placing traps in the proactive cull area around Putford in west Devon. We hope this week to "pre-bait" the traps (placing bait in traps which are locked open) to familiarise badgers with their presence in order to maximise trapping efficacy. After around eight days of pre-baiting we shall start trapping and culling badgers. If progress goes according to plan we expect to cull the first badgers on or about 1 December, and to continue trapping for the following two weeks.

This timetable could be upset by poor weather, or by a need to extend pre-baiting for a few more days, but the main risk is of disruption by animal rights activists. A major demonstration against a mink farm near Putford is planned for the weekend of 28-29 November. We are liaising closely with local police in order to protect MAFF staff and contain disruption. I will keep you in touch with progress.

I am copying this letter to Angus Lapsley.

Yours sincerely
Karen Lepper

KAREN LEPPER
Private Secretary



Recycled Paper

restricted

led by fox

~~10:30~~



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

20 November 1998

Mr Angus Lapsley
Number 10 Private Office
Downing Street

Dear Mr Lapsley

ANIMAL RIGHTS EXTREMIST: BARRY HORNE

You may or may not be aware that Mr Horne is on hunger strike in Full Sutton Prison, York, where he is serving 18 years for arson in relation to animal rights activities. This is his third hunger strike, the second one lasted for 42 days. Today is his 45th day and his condition is deteriorating. His weight has reduced from 84kg to 65kg. He is still taking fluids (though he is vomiting) and his mental state is described as "receptive". Although hunger strikers generally survive for 60-70 days; our latest advice is that Mr Horne may not survive until the end of next week.

Mr Horne has made 6 demands:

- "(i) an immediate and final end to the issuing of all new licences to vivisect;
- (ii) an immediate and final end to the renewing of all currently held licences to vivisect;
- (iii) an immediate and total ban on all vivisection carried out for non-medical purposes;
- (iv) a genuine and unconditional commitment to adopt and implement policies that will bring a final end to all vivisection, for whatever purpose, by a date to be no later than January 6th, 2002.
- (v) an immediate cessation of all animal testing and experimentation at Porton Down warfare research establishment, and a genuine commitment to make the cessation permanent;
- (vi) the immediate scrapping of the Animal Procedures Committee, the Government sponsored front for the vivisection industry."

The Government cannot meet **any** of these demands, should it even want to do so.

We did however, coincidentally, announce on Monday that an end to the testing of cosmetics ingredients had been secured. We also intend to announce some changes to the

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Animals Procedures Committee next Thursday. Neither announcement is in response to Mr Horne's demands.

Mr Horne's action has resulted in little media coverage as yet (a few column inches in the Independent earlier in the week and some local interest), though we expect more interest should he either be moved to hospital or actually die.

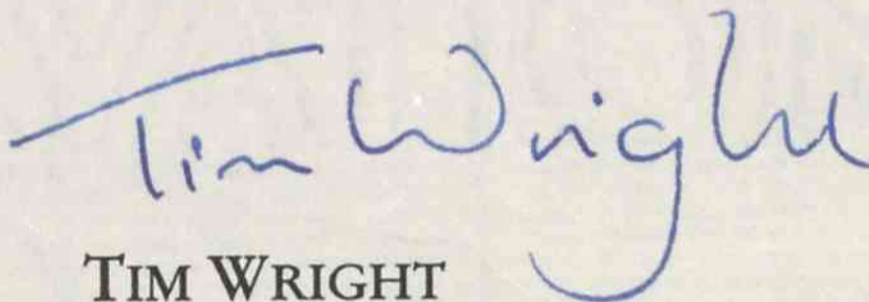
His constituency MP, Tony Clarke (Lab, Northampton South), has visited him at Full Sutton and is in contact with him. Officials from this Department met with Mr Horne's representatives yesterday (at which Mr Clarke was present). Mr Howarth has spoken to Mr Clarke on a number of occasions and also written to him twice (see attached).

Given today's revised estimate by the Prison Service doctors which suggests that Mr Horne will not survive the normal 60-70 days, I thought we should bring this incident to your attention.

You may also be interested to know that we understand that a demonstration is planned for Mr Blair's home address in County Durham for Sunday- though we have no details.

I attach lines to take, but if you want further information, please don't hesitate to contact us.

yours sincerely



TIM WRIGHT
Private Secretary to Mr Howarth
0171 273 2500

restricted

George Howarth MP



PARLIAMENTARY UNDER
SECRETARY OF STATE

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Tel: 0171 273 3495
Fax: 0171 273 2565

16 November 1998

Roger Gale MP
House of Commons
LONDON
SW1A 0AA
[BY FAX with hard copy to follow]

In November last year, Lord Williams announced that we would be exploring the possibility of extending the voluntary agreement to end the use of animals for finished cosmetic product testing. In particular, he stated his intention of looking at ingredients intended primarily for "vanity" products.

You will appreciate that the European Cosmetics Directive defines a cosmetic to be "any substance or preparation intended for placing in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view (exclusively or principally) to cleaning them, perfuming them or protecting them in order to keep them in good condition, change their appearance or correct body odours." This definition includes suncreams, toothpastes and other products which are considered, outside Europe, to be pharmaceuticals.

The European Cosmetics Directive does not use the term "vanity" products and we have been unable to formulate a sustainable definition. I am, however, pleased to be able to inform you that the three companies in the UK that have relevant authorities have volunteered to relinquish their licences to test cosmetics ingredients using animals. We have no intention of issuing new licences for such work.

I am pleased to tell you, therefore, that no more animals will be involved, in the UK, in the testing of vanity products or of any other type of cosmetic as defined by the European Cosmetics Directive.

This builds on our previous achievements:

- we are promoting the development and use of alternatives (which reduce the number of animals used, refine procedures to minimise suffering, and replace animal use) wherever possible - the budget made available to the Animal Procedures Committee to sponsor research on alternatives has been increased by 42% and scientists will now be required to demonstrate what consideration they have given to the use of alternatives;

- an end to the testing of finished cosmetic products on animals;

- a ban on the use of animals to test tobacco or alcohol products;

- further funding secured to increase the complement of the Inspectorate from 18 to 21, and seven new inspectors recruited to fill these and other vacancies;

through the European Commission, we are putting pressure on the Organisation for Economic Cooperation and Development to delete the LD50 test from its list of regulatory safety tests;

requiring ethical review processes in all establishments from April 1999;

a ban on the use Great Apes (gorillas, chimpanzees, pygmy chimpanzees and orang-utans);

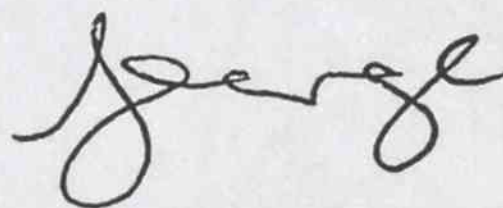
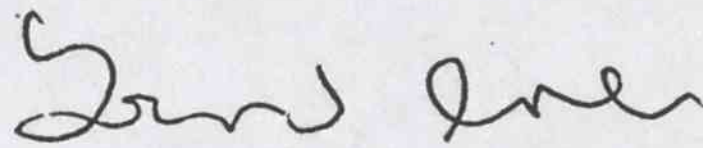
the phasing out of the use of ascitic animals in monoclonal antibody production; and

an increase to the number of animal welfare experts on the Animal Procedures Committee.

These demonstrate this Government's commitment to ensure that animals are used in scientific procedures only where this is fully justified and that the highest possible standards of animal welfare are implemented.

We have not ruled out a Royal Commission in the longer term. The Government believes, however, that it is best to use the available resources to make immediate improvements to the operation of the Animals (Scientific Procedures) Act 1986.

I am laying a copy of this letter in the libraries of the Houses of Commons and Lords.



GEORGE HOWARTH

George Howarth MP



PARLIAMENTARY UNDER
SECRETARY OF STATE

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Tel: 0171 273 3495
Fax: 0171 273 2565

18 November 1998

Tony Clarke
House of Commons
London
SW1A 0AA
[immediate]

Dear Tony,

Following our discussion last night and a number of faxes from T.Humphries/Alison Lawson, I am writing to confirm that I have asked officials from the Home Office to meet with a small number of representatives of Mr Horne. I think such a meeting would be useful to clarify the exact position with regard to scientific procedures involving animals in this country, to set out the Government's position and for Mr Horne's representatives to set out their position. I think it would be useful for there to be an "neutral" person present at the meeting. I think that, if you would be content and Mr Horne agreed, that either you or another mutually agreeable person could helpfully chair the meeting.

The only conditions to holding such a meeting would be that Mr Horne himself nominates his representatives and that none of them have criminal convictions for violent offences relating to animal welfare issues. The reason for the last condition, is that the Government cannot be seen to be talking to people others might describe as terrorists.

In light of Mr Horne's deteriorating condition, such a meeting obviously does need to be as soon as possible. I would be grateful if Mr Horne's representatives could contact Tim Wright on 0171 273 2500 to make the necessary arrangements for a meeting.

A copy of this also goes by fax to T.Humphries/Alison Lawson.

*Yours
George*

GEORGE HOWARTH

Barry Horne

Lines to take

Mr Horne's decision to go on hunger strike is his own. The Government has an ongoing programme of work relating to the use of animals in scientific procedures and this will not be altered (in timing or content) by protests of this sort. We cannot allow policy to be dictated by blackmail.

Of course, the Government looks forward to the day when the use of animals in experiments might become unnecessary, but unfortunately this will not happen in the foreseeable future.

We are working to ensure the highest possible standards of animal welfare are implemented and that animals are used in scientific procedures only where this is fully justified.

In the event of Mr Horne's death:

It is a matter of great regret that Mr Horne had been refusing food since 6th October despite constant medical attention and supervision, and advice to the possible consequences of his actions.

The circumstances of his death will be the subject of a full Coroner's Inquiry.

If asked re policy on force-feeding:

Every effort is made to dissuade an individual from refusing to take food or liquids and to explain the medical dangers. However, in certain circumstances force feeding and medical intervention could constitute an assault.

FROM ALAN MEALE MP
PARLIAMENTARY UNDER SECRETARY OF STATE

→ file
Top: RR
cc: PJ



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

The Rt Hon Margaret Beckett MP
Chairman of the Legislation Committee
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

TEL 0171 890 3016
FAX 0171 890 4499

11 NOV 1998

Dear Margaret

On 3 November David Lepper MP (Labour, Brighton and Hove) introduced a Bill entitled "Wildlife Bill". The long title of the Bill is "to provide for conservation purposes to be furthered by any person discharging a function under the Wildlife and Countryside Act 1981; to make new provision for the protection of certain species and sites; and for related purposes."

There is widespread support from a range of conservation organisations to improve the protection of species and sites. Indeed, Wildlife and Countryside Link, a consortium of 22 organisations, introduced its Wildlife Charter last year seeking a number of radical changes to the 1981 Act, and nearly 300 MPs have signed an Early Day Motion in support of this; I understand that David Lepper's Bill is likely to take forward proposals in the Charter, although the extent is not clear from the long title.

In the context of the Government's commitment to improve the protection of wildlife we are currently taking forward a number of reviews to consider what measures are necessary to strengthen wildlife legislation, and to protect habitats which are important for wildlife. We have asked the Joint Nature Conservancy Council to undertake a review of the rationale and effectiveness of listing species on all the Schedules to Part I of the 1981 Act. Furthermore, my Department is strongly committed to securing greater protection for SSSIs and on 10 September issued a consultation paper seeking views on proposals for wide ranging administrative and legislative improvements.

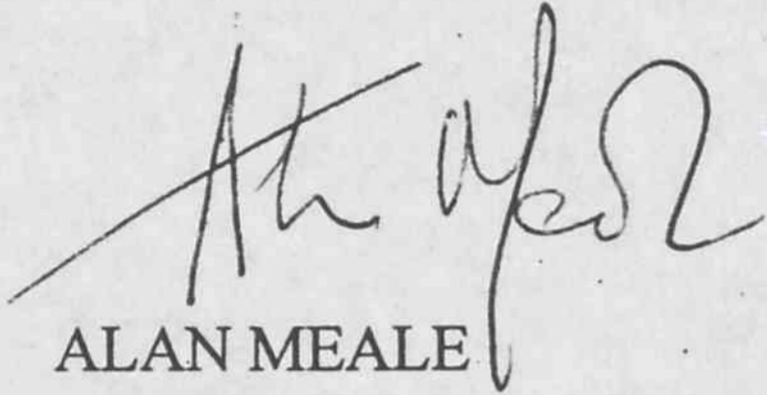
David Lepper's Bill may nevertheless be regarded as premature in that it apparently seeks to introduce provisions prior to proper consultation or consideration of the findings of ongoing reviews. A Private Members' Bill would interrupt this process without necessarily securing substantive improvements, and may make it more difficult to achieve support for the Government's more wide-ranging measures. It may also absorb valuable Parliamentary time, particularly in the Lords, since it is unlikely the provisions will be uncontroversial.

Given its timing, the Bill stands no chance of becoming law as there are no further opportunities this session for PMBs to make any progress. Nevertheless, given the uncertainty as to its content and the pressures on Parliamentary time, it may be necessary to take action to block the Bill at 2nd Reading.

However, since it seems likely that it will be reintroduced in the coming Session, I propose meeting David Lepper to discuss his proposals in more detail. It may be possible to narrow these down to proposals which the Government could readily support and which would not create too much of a burden, unexpectedly, on the Parliamentary timetable. I will write again, proposing a firm line, if the Bill is re-introduced.

/ I am copying this letter to the Prime Minister, members of the Legislation Committee, Sir Richard Wilson and First Parliamentary Counsel.

Yours sincerely



ALAN MEALE



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR
Tel: 0171 238 5393/5396 Fax: 0171 238 5867

(P)

cc RR
PU(U)
Q

From the Minister of State's Private Office

Angus Lapsley Esq
10 Downing Street
LONDON
SW1A 2AA

Handwritten notes:
Jeff Rooker
very keen on
announcing - so unless
we want some Pacher - netting
across how (system)
we let it proceed
28 October 1998
However it might be
useful to put PQ
in context of
AQ control. At
the moment it
looks like
we are doing
see me. (7/10)
MB,
YUK.
Do we have to announce this?
Angus.
28/10

Dear Angus

My Minister is planning to make the attached announcement on research into badger capture methods by means of an arranged PQ on Thursday 29 October.

The key aspect of his announcement is that this Department will not be funding research into the use of snares. We do, however, intend to carry out trials on leg cuffs to examine whether they may be a humane and efficient method of catching badgers.

I should be grateful to know whether the Prime Minister is content with the terms of my Minister's proposed announcement.

Yours sincerely
Karen Lepper

KAREN LEPPER
Private Secretary



ANNEX A

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
PARLIAMENTARY QUESTION

Question No :

Date :

(On Order Paper

)

To ask the Minister of Agriculture, Fisheries and Food what plans he has to carry out research into badger capture methods.

Mr Rooker

This point is determined to take action to control and reduce incidence of TB in cattle. We are however unable to proceed.....

I have decided not to finance research into the use of snares to catch badgers which was a recommendation of the Bourne Group. But I consider it would be prudent to examine whether leg cuffs might be a humane and efficient alternative to cage traps. As a first step, we plan to test a prototype leg cuff made from a band of braided 'kevlar' (a strong, supple material) under Home Office licence on two badgers under constant video surveillance in observation pens. If there is no evidence of harm to the badgers a field trial will follow; otherwise the research will be brought to an end.



QUEEN ANNE'S GATE LONDON SW1H 9AT

26 AUG 1998

The Rt Hon Nick Brown MP
Minister of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
LONDON
SW1P 3JR

Top AL

ccfj

(P)

Dear Nick,

I am sorry I was not able to respond to your letter of 3 August.

The Government's position, with which I agree, was announced on 17 August but I think it worth noting three points and bringing these to the attention of colleagues:

- the Animals (Scientific Procedures) Act 1986, administered by the Home Office, regulates the use of protected animals in experiments or other scientific procedures which may cause pain, suffering, distress or lasting harm. Whilst the wider experimental culling of badgers will fall outside this legislation, research into the efficacy of more humane snares will require authorities under the 1986 Act. Negotiation for Home Office licences is under way and appropriate authorities will be considered as soon as possible.
- the legislation protecting badgers is the responsibility of my Department and the granting of licences is the responsibility of yours. I am content with MAFF operating the necessary licences to cull;
- we are aware of the policing implications of the study which has been announced. It is possible that animal welfare extremists will resist culling in designated areas and that some farmers may try to eradicate badgers in others, where culling has not been advocated. This was raised with my officials earlier in the year and MAFF was advised to raise the matter directly with the relevant Chief Constables and with the national police wildlife officer. The local police services will be in the best position to assess the risks.

WA
27/8

I am copying this letter to the Prime Minister, John Prescott, Frank Dobson, Donald Dewar, Ron Davies, Mo Mowlam, Stephen Byers and Jack Cunningham and to Sir Richard Wilson and Sir Robert May.

Yours ever,

Jack

JACK STRAW



HOME OFFICE

Constitutional & Community Policy Directorate
Race Equality Unit
Room 1273, 50 Queen Anne's Gate, London, SW1H 9AT
Tel: 0171 273 4398 Fax: 0171 273 3771

Your reference:

Our reference:

Date: 10 August 1998

Mr A Dearman
Ministry of Agriculture, Fisheries and Food
Animal Welfare Division (Welfare at Slaughter)
Room D8, Government Buildings, Hook Rise South
Tolworth, Surbiton
Surrey KT6 7NF

1. cc Angus Lapsley / No 10.
Liz Lloyd
Andrew Campbell
ED Sec

Dear Alan

(P)

2. PD

3. KL/18/4

Top AL
cc PU

RELIGIOUS SLAUGHTER: OPEN-AIR SLAUGHTER - POSSIBLE CHANGES TO THE LAW

Thank you for sending us details of your proposed consultation on open-air slaughter. There are a number of issues which we would like to flag up before you proceed with the consultation.

Community relations

We note MAFF's proposals for extensively consulting Muslim and Jewish organisations. We would wish to be kept up to date with the programme of meetings. There is the potential here for seriously damaging community relations if this issue is not handled sensitively. For example, the timetable set out in your note suggests that amending the legislation is already a foregone conclusion. We assume that there will be some room for manoeuvre in the consultation process. Your proposed course of action risks undermining the consensual approach that worked when this issue came up earlier this year and risks forcing the Muslim community onto the defensive.

You may wish to add to your list of organisations to be consulted:

The Union of Liberal and Progressive Synagogues, 21 Maple Street, London W1P 6DS; and

The Reform Synagogues of Great Britain, the Manor House, 80 East End Road, Finchley, London N3 2SY.

Human Rights

My colleagues in our Human Rights Unit consider that there might be conflicts between your proposals and the European Convention on Human Rights. Article 9 of the Convention, on freedom of thought, conscience and religion might be relevant to your proposals. Article

9(1) gives a right to "manifest" one's religion. The outdoor slaughter of sheep by Muslims during Eid (which, incidentally, is in March 1999, not April) might come within this definition. If this is the case then the restrictions which MAFF seeks to impose would need to be justified under Article 9 (2). This allows limitations to be placed on the manifestations of religions provided they are prescribed by law, necessary in a democratic society, and are for one of the purposes listed in Article 9(2) - "public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others". Whether the proposed measures would meet these criteria is something you would presumably want to consult your lawyers on. The measures would be "prescribed by law", so the question would be whether they were "necessary in a democratic society". This is taken to mean that there is a pressing social need for the restrictions, and that the restrictions are proportionate to the aim being pursued (that the restrictions are kept to the minimum required to achieve the desired goal).

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Handling

Overall, we would recommend a cautious approach. As we have discussed before there are certain sensitivities surrounding perceptions of Islam in this country. The Home Secretary has asked officials to examine the recommendations of the Runnymede Trust's "Islamophobia" report which was published last year. The report reflects the Muslim view that the Muslim community is seen in a bad light by some sectors of society. Legislation on religious slaughter would undoubtedly lead to fears in the Muslim community that it was being unfairly singled out by Government as fundamentalist and barbaric. This could undo some of the work done by Ministers to promote good race relations.

Our view is that, given the sensitivities here, Mr Morley might wish to consider seeking agreement from his Ministerial colleagues before embarking on the consultation process. We shall shortly be alerting our Ministers to MAFF's proposals.

Yours sincerely

Ian Cheeseman

IAN CHEESEMAN

cc. Miss Sinclair, CCPD, Mr Gillespie, REU, Ms Morrish, LAB, Ms Crewe, REU, Mr Davis, REU, Mr Walsh, HRU, Mr Fraser, ABCU, Ms Hendry, Cabinet Office

RELIGIOUS SLAUGHTER: OPEN-AIR SLAUGHTER POSSIBLE CHANGES TO THE LAW

Ref: WAS 29

Alan Dearman
Animal Welfare Division B
3 August 1998
Totworth Block D 8
GTN: 3836 8100
FAX: 0181 330 8830

Handwritten notes: 'cc. 1. M3', 'I will raise with a...', 'turnover.', '2-jih.', 'Az', '10/10', 'Anders Campbell ED Sec.', 'Jan my out to note. 11 re to U staff no objection from En pt. of view.', '2. MD or tba', '3. K6/18/4', 'Q 4/8/98', 'Apr. - what happened? Jack Shaw with covered with 6m. 173.

(P)

- Mr I Cheeseman Home Office
Ms S Hendry Cabinet Office
Mr J Symington SOAEFD
Mr G Jones WOAD
Mr G McCracken DANI
cc
Mr C Ryder Mr A Turnbull
Mr P Kent Mrs D Linskey
Mr R McIvor Mr E Varley
Mr C Lawson Mr M Benneworth

1. You will recall that in April this year the Parliamentary Secretary (Mr Morley) considered amending the Welfare of Animals (Slaughter or Killing) Regulations 1995 to prevent outdoor slaughter of sheep during the Muslim festival of Eid. In the event, action by enforcement staff and the presence of protesters and the media meant that the planned open air slaughter without stunning of 600 sheep did not take place.

2. Now that the dust has settled, Mr Morley wishes to take forward a long standing obligation to discuss all aspects of religious slaughter with representatives of the Jewish and Muslim communities. In particular, we wish to seek the agreement of Muslim representatives to changing the law so as to prohibit outdoor slaughter without stunning.

3. Because of the sensitive nature of this issue and various Departmental responsibilities, I am writing to seek your agreement, in principle, to the programme of action set out in the remainder of this minute. I would add that recent discussions in the EU Standing Veterinary Committee confirmed that the UK is in a minority of one in interpreting Directive 93/119/EC as permitting slaughter without stunning for reasons of religion elsewhere than within slaughterhouses. The Commission have made a number of statements to the effect that the directive prohibits outdoor slaughter without stunning and we intend to use this as the basis for proposing change to the law.

4. The timing of this exercise is important. If we are to achieve a change in the law in good time before the festival of Eid next year, we must consult on proposals no later than mid-September. To achieve this we propose:

- to write to Jewish and Muslim organisations in August inviting them to meet Mr Morley to discuss religious slaughter

- to hold meetings with representatives of each community in August/early September at the latest
- issue proposals for a six to eight week consultation period in mid-September, and
- bring amending legislation into force by the New Year, in advance of Eid in April 1999.

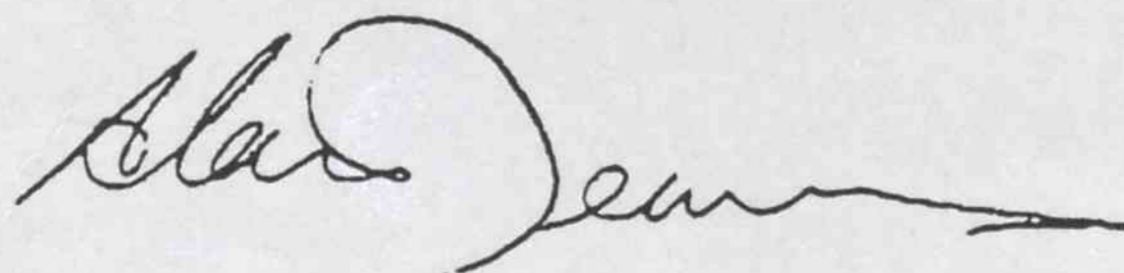
5. We have yet to decide whether the amending instrument should deal solely with the change affecting religious slaughter or whether it should include a basket of minor, non-controversial changes.

6. We anticipate a single meeting with Jewish organisations. This would largely comprise an exchange of views and explore issues such as post-cut stunning and the impact on the kosher market of requiring meat from unstunned animals to be labelled as such. We do not have plans to introduce such a requirement but it is an issue dear to the hearts of many animal welfare organisations. We will also advise the Jewish authorities of our proposal to prohibit open-air religious slaughter. Although this is not practised by the Jewish community, they are very sensitive to the fact that the protection offered by the law to kosher slaughter was moved from primary to secondary legislation in 1995 and it would be courteous to let them know of any changes in this area of the law before issuing proposals for consultation.

7. The scope and nature of discussions with the Muslim organisations will be wider. The meeting with Mr Morley will set out the Government's concerns regarding ~~organised~~ open-air slaughter during Eid and seek, as a priority, agreement in advance of public consultation to changing the law to require that animals slaughtered elsewhere than in a slaughterhouse must be stunned before slaughter. This would have the effect of requiring religious slaughter without stunning to take place within a slaughterhouse and prohibit outdoor slaughter of the kind proposed this year.

8. In addition, we wish to discuss the practice of purchasing animals for home slaughter, explore the scope for encouraging an increase in stunning during halal slaughter and labelling of meat from unstunned animals. We propose setting up a group at official level to consider these other issues in greater detail over time and in a non-confrontational atmosphere.

9. So that we can get this initiative rolling I would be grateful if you could let me have your comments on this programme and the proposed list of organisations by 10 August. Do you anticipate making submissions to your Ministers at any stage before submitting draft proposals for consultation? A draft submission setting out these proposals in greater detail will be circulated shortly.



Alan Dearman
MAFF

ORGANISATIONS TO BE INVITED TO MEET MR MORLEYJewish

The Office of the Chief Rabbi
The Board of Deputies of British Jews
The National Council of Shechita Boards

Muslim

Al-Khoie Foundation
Bradford Council of Mosques
Halal Food Authority
Imam and Mosque Council
Islamic Council of Europe and UK
Islamic Food and Nutrition Council
Islamic Foundation
Islamic Medical Association
Muslim College
Muslim Council of Britain
Muslim Doctors, Dentists and Veterinary Association
Union of Muslim Organisations



HOME OFFICE

Constitutional & Community Policy Directorate

Race Equality Unit

Room 1273, 50 Queen Anne's Gate, London, SW1H 9AT

Tel: 0171 273 4398 Fax: 0171 273 3771

Your reference:

Our reference:

Date: 10 August 1998

Mr A Dearman
Ministry of Agriculture, Fisheries and Food
Animal Welfare Division (Welfare at Slaughter)
Room D8, Government Buildings, Hook Rise South
Tolworth, Surbiton
Surrey KT6 7NF

1. cc Angus Lapsley / No 10.
Liz Lloyd
Andrew Campbell
ED Sec

2. PD

3. KL/18/4

Dear Alan

RELIGIOUS SLAUGHTER: OPEN-AIR SLAUGHTER - POSSIBLE CHANGES TO THE LAW

Thank you for sending us details of your proposed consultation on open-air slaughter. There are a number of issues which we would like to flag up before you proceed with the consultation.

Community relations

We note MAFF's proposals for extensively consulting Muslim and Jewish organisations. We would wish to be kept up to date with the programme of meetings. There is the potential here for seriously damaging community relations if this issue is not handled sensitively. For example, the timetable set out in your note suggests that amending the legislation is already a foregone conclusion. We assume that there will be some room for manoeuvre in the consultation process. Your proposed course of action risks undermining the consensual approach that worked when this issue came up earlier this year and risks forcing the Muslim community onto the defensive.

You may wish to add to your list of organisations to be consulted:

The Union of Liberal and Progressive Synagogues, 21 Maple Street, London W1P 6DS; and

The Reform Synagogues of Great Britain, the Manor House, 80 East End Road, Finchley, London N3 2SY.

Human Rights

My colleagues in our Human Rights Unit consider that there might be conflicts between your proposals and the European Convention on Human Rights. Article 9 of the Convention, on freedom of thought, conscience and religion might be relevant to your proposals. Article

9(1) gives a right to "manifest" one's religion. The outdoor slaughter of sheep by Muslims during Eid (which, incidentally, is in March 1999, not April) might come within this definition. If this is the case then the restrictions which MAFF seeks to impose would need to be justified under Article 9 (2). This allows limitations to be placed on the manifestations of religions provided they are prescribed by law, necessary in a democratic society, and are for one of the purposes listed in Article 9(2) - "public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others". Whether the proposed measures would meet these criteria is something you would presumably want to consult your lawyers on. The measures would be "prescribed by law", so the question would be whether they were "necessary in a democratic society". This is taken to mean that there is a pressing social need for the restrictions, and that the restrictions are proportionate to the aim being pursued (that the restrictions are kept to the minimum required to achieve the desired goal).

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cc. Miss Sinclair, CCPD, Mr Gillespie, REU, Ms Morrish, LAB, Ms Crewe, REU, Mr Davis, REU, Mr Walsh, HRU, Mr Fraser, ABCU, Ms Hendry, Cabinet Office



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

31 JUL 1998

AL
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PU

Dear Nick,

(P)

FUR FARMING

Thank you for your letter of 29 July to Derry Irvine. I am replying as the new Chair of QFL.

I am sure that you will understand that I cannot give my agreement to an announcement along the lines you proposed. You will be aware, from the consideration of the second Session programme, that there is bound to be strong competition for places in the 1999/2000 Session. Nor would it be prudent to give commitments now to legislation in 2000/2001 Session.

I am copying this letter to the Prime Minister, members of HS and QFL and to Sir Richard Wilson.

Regards
Margaret

MARGARET BECKETT

The Rt Hon Nick Brown MP
Minister of Agriculture, Fisheries and Food

Pa 3/7

ms

August 67 (F)

sent to 4/12
sent to 1/7
2
file Krebs 5

(I have belatedly written up this)

- ① What is the economic cost of cattle TB? Is it really more than £15m? The point is it's costly & spreading rapidly. If direct costs will rise a potential pithead to problems -
- ② How do you know what badgers to cull + John Elvidge
What % do you need to get in order to be effective. That is the question. We don't know hence trial. Barmy but true. controls repeated on milk see. of TB.
- ③ Can't you vaccinate the badgers? not for 10-15 years
- ④ Is this in the CSR? partially

FROM Dr Ruth Ingamells
 Economic and Domestic Affairs
 Secretariat
 Tel. 2700135
 130/ 70 Whitehall
 1 July 1998
 Brian Dickinson
 Alan Taylor
 Debbie Reynolds
 Richard Parsons
 Alison Jackson
 Ian Anderson
 Joanna Donaldson
 Liz Lloyd

3 areas will do diff things, in a few years we will know answers.

BADGERS: FOLLOW-UP TO THE KREBS REPORT

✓ notes.
Mynors.
9/7

You met Brian Dickinson, Alan Taylor, Debbie Reynolds, Richard Parsons, Alison Jackson, Ian Anderson, Joanna Donaldson, and Liz Lloyd, to discuss the follow-up to the Krebs report.

2 Brian Dickinson said that the incidence of Tuberculosis in cattle was increasing and the policies of recent years had failed to address the problem. Since the General Election, the culling of badgers had been suspended, while Ministers awaited the publication of the Krebs report. In the long term, Krebs had recommended that a vaccine for cattle be developed. However, a vaccine could take between 10 and 15 years to develop and its likely effectiveness remained uncertain. In the short term, Krebs had proposed trialing three strategies: a proactive approach to culling, a reactive approach to culling, a no culling policy. Following the publication of the report, an expert group had been set up to work up proposals for the trials. These had been presented to Ministers yesterday. Ministers had acknowledged that the issue would need careful handling: opposition was expected from both the farming community and wildlife lobby. Farmers felt the proposed trials would make the problem worse because effective action (ie culling) would be delayed until the trials were complete. The Wildlife groups were, of course, opposed in principle to culling. The expert group had recommended that snares should not be used and that the period when sows were lactating should be a closed season. This might help to address the concerns of some groups. However, the strength of the resistance and the likely success of activists in mobilising public support should not be underestimated: a concerted campaign by eco-warriors could seriously disrupt the trials and they would exploit the fact that the initiative was dependant on the co-operation of the landowners concerned. The total cost of implementing the Krebs recommendations was thought to be about £15 million. The trials proposed for next year would probably cost between about £5-6 million. It was not possible to firm up the financial proposals in advance of the outcome of CSR.

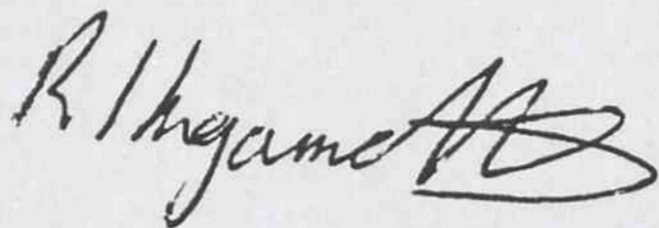
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In discussion the following main points were made:

- a) MAFF's proposed strategy would apply to England and Wales. The scale of the problem was much smaller in Scotland. The trials would take place in those areas, such as the south west and South Wales, where cattle were most at risk. Northern Ireland faced similar problems to England and Wales but the role of the badger had not yet been acknowledged.
- b) The problems in the UK and Ireland were more severe than in other EU countries. However, it was unlikely that concerns about TB in cattle would affect progress towards the lifting of the ban on British Beef.
- c) Case control evidence suggested that 40 % of TB deaths in cattle were due to badgers. Although Krebs had not been able to find an incontrovertible link between badgers and TB in cattle, the weight of evidence was convincing and further proof should be provided by the trials.
- d) The risk of animals transmitting the disease to humans was minimal. Pasteurisation and a meat inspection process prevented contaminated products reaching consumers. Those most at risk were likely to be those living on farms and drinking untreated milk. However, MAFF and DoH had commissioned further research in this area.
- e) At the moment, farmers who lost cattle received 75% of their value in compensation. They did not receive any compensation to cover their consequential losses, resulting from the restrictions placed on the movement of contaminated herds. Officials would recommend to ministers that the level of compensation be increased to 100% of the value of the cattle, but no additional help would be given to cover the consequential losses.
- f) The financial benefits of the proposals were difficult to quantify. In the long term, the cull of badgers should mean that the testing and slaughtering of cattle can be reduced.
- g) Given the sensitivity of the issue, much thought would need to be given to the development of an effective presentation strategy and to getting key groups such as the RSPCA on board. Wildlife groups would focus on the number of badgers likely to be culled, which might be as high as 25,000. It would be important to emphasise that: there was a potential risk, however small, to humans; cattle and badgers suffered as a result of the disease; alternative strategies, such as the one put forward by Stephen Harris, would not result in fewer badgers being culled. In terms of the farming community, increasing the level of compensation to cover the total value of the cattle should help to secure their co-operation in the trials and discourage them from conducting their own culls.
- h) The first phase of trials were scheduled to begin in August and the second phase in April. MAFF would, therefore, need to write round at Ministerial level seeking policy clearance early next week. Officials in the Welsh Office would, at an early

6/8/82

opportunity, also need to get a final response to Krebs' proposals from their Ministers. In seeking Ministerial agreement, it would be important to flag up potential problems and outline the various options in some detail.

A handwritten signature in black ink, appearing to read 'R. Ingamells', with a stylized flourish at the end.

RUTH INGAMELLS

1. ✓ AZ
2. file Krebs

FROM Dr Ruth Ingamells
Economic and Domestic Affairs
Secretariat
Tel. 2700135
130/ 70 Whitehall

John Elvidge

1 July 1998
Brian Dickinson
Alan Taylor
Debbie Reynolds
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Ian Anderson
Joanna Donaldson
Liz Lloyd

BADGERS: FOLLOW-UP TO THE KREBS REPORT

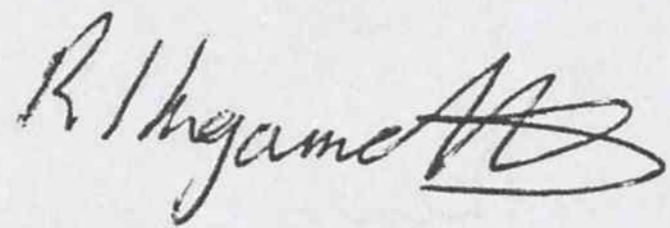
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RUTH INGAMELLS

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RESTRICTED

From: Angus Lapsley

Date: 3 June 1998

cc: Rob Read

Liz Lloyd

Brian Bender

John Holmes

Down with foreigners!
✓ No
(Cloos + Wright are right!

ZOOS

+ file ←
[Signature]
3/6

Just to wrap on this (which is not actually my subject, despite perceptions in Brussels!).

I spoke to David Wright this morning to confirm that he understood what the Prime Minister had meant in the bilateral with the Prime Minister. He said, rather bullishly, that he understood that the UK's position had not changed, although he had also clearly understood the Prime Minister to be personally against the proposed directive. He and Jim Cloos felt quite strongly that the directive was a classic example of bad European Government and he hoped that, for our sake, we would keep quiet about it until after Cardiff.

Chris Capella from UKREP had also spoken to him. Chris later phoned me to say that the Prime Minister's remarks were effectively all round the Cabinets and so we should be prepared for them getting back to DETR.

Andrew Cahn then phoned me this afternoon to give me a read out from today's meeting of the Commission. The directive had been the subject of long debate, which had reached a slightly uncertain conclusion. Kinnock and Bjerregard had spoken strongly in favour of the directive, whilst Leon Brittan had argued that it ought to be a test case for the Commission resisting erosion of its right of initiative and attempts by member states to have it both ways on subsidiarity and

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- 2 -

pet projects. Santer seems to have been cool, mentioning to Andrew in the margins that he knew the UK Cabinet was split on the proposal.

The conclusions seem to have been that if the Environment Council reached unanimity on the Presidency proposal, Brjerrgard would pretty much straight away (i.e possibly at the Council), present a slightly modified Commission proposal for adoption. What was less clear was the extent to which she had authority to agree to a proposal if unanimity could not be achieved. Andrew thought that if just one or two member states were opposed, Brjerregard would come under enough pressure to submit a proposal. However, the onus was clearly on us to get as much support as possible and there was still a possibility that the Commission might not submit a proposal if the majority in favour of the Presidency draft was not overwhelming.

Liz and Rob will no doubt be following this up.

Angus

RESTRICTED

Angus Lapsley

File (hunting)

To: Liz Lloyd
Cc: Jonathan Powell; Kate Garvey; Pat McFadden; Sally Morgan; Jeremy Heywood
Subject: JACK STRAW BILATERAL

I have spoken to Jack's office about the bilateral next Monday. I billed it as hunting, with possible extras if time permits.

1. On hunting, we should get the HO paper this evening. Ken said that it would probably include some passages written by HO special advisors, who are not keen on the local referenda route, on the basis that we will not be able to sell the pass to the PLP. Otherwise, HO official advice seems to be that it could be made to work.
2. Depending on where things have got to (perhaps Pat and Sally could advise), we could touch on the voting reform commission and the party's submission - Jack said that he wanted to see TB on this. Is the timing right?
3. I explained that there would not be time for a law and order round up, though we were hoping to move to a system of quarterly stocktakes. None the less, they will reflect on whether there is anything urgent to raise. A whinge about the CSR process might be on the cards (and in a sense, no harm in Jack getting it off his chest)

Angus



The Rt Hon Ann Taylor MP

PRIVY COUNCIL OFFICE
68 WHITEHALL LONDON SW1A 2AT

12 MAY 1998

Dear Jack,

**TEN MINUTE RULE BILL: PROTECTION OF ANIMALS (AMENDMENT)
BILL**

Thank you for your letter of 29 April about the handling of Nick Palmer's Private Member's Bill. The purpose of the Bill is to provide for the cost of keeping an animal pending a court case to be met; and connected purposes.

You explained that the Bill would provide for appropriate action to be taken in those cases where animals were suffering because their owners were unwilling or unable to care for them. Although you sympathised with the aims of the Bill, you were concerned that in its current format it might contravene the right to property enshrined in the European Convention on Human Rights.

No colleague has commented and you may therefore take it that you have agreement to proceed as you proposed. Arrangements will be made for the Bill to be blocked at Second Reading.

I am copying this letter to the Prime Minister, members of LEG Committee and to Sir Richard Wilson and Parliamentary Counsel.

Yours,

ANN TAYLOR

Rt Hon Dr Jack Cunningham MP
Minister of Agriculture, Fisheries and Food.



THE SCOTTISH OFFICE
DOVER HOUSE
WHITEHALL
LONDON SW1A 2AU

Top: AA/PS
cc: HA/PS
PU

The Rt Hon Dr J Cunningham MP
Minister of Agriculture, Fisheries and Food
Ministry of Agriculture, Fisheries and Food
Whitehall Place
LONDON
SW1A 2HH

→ file

11 May 1998

Dear Jack,

TEN MINUTE RULE BILL: PROTECTION OF ANIMALS

I have seen your letter of 29 April to Ann Taylor, regarding Dr Nick Palmer's bid for a Ten Minute Rule Bill to provide for the care of livestock which are suffering because of neglect by their owners.

I share your support of the aims of the proposed Bill. However, we must be sure that any measures put forward are appropriate and safe from challenge and, given the legal advice to the effect that Dr Palmer's Bill is defective in some respects, I agree that it should be blocked at Second Reading if so required. I also agree that discussions should be taken forward with Dr Palmer and the voluntary agencies with a view to identifying an alternative way forward. Clearly, this is a matter of equal relevance here and I should ask you to ensure that my officials are involved in this process.

I am copying this letter to the Prime Minister, Ann Taylor, Members of HS and LEG Committees, First Parliamentary Council and to Sir Robin Butler.

Yours sincerely,
Donald Dewar
DONALD DEWAR

FSC05605

TOTAL P.03

FROM ANGELA EAGLE MP
PARLIAMENTARY UNDER SECRETARY OF STATE



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL 0171 890 3016
FAX 0171 890 4499

The Rt Hon Ann Taylor MP
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

30 APR 1998

Dear Ann,

Mr Richard Allan MP (Lib Dem, Sheffield Hallam) has given notice that he will be introducing a ten minute rule Bill about dog registration on 5 May. The long title of the Bill is "to establish a scheme for the compulsory registration of dogs; and for connected purposes".

Responsibility for dog issues in England is split between three Departments. My Department deals with dog registration, the Home Office has responsibility for dangerous dogs, dog welfare issues, puppy farming and the licensing regimes for pet shops and boarding kennels. MAFF deals with rabies and quarantine requirement. The territorial departments have responsibility for dog issues in their own countries.

In Opposition we gave an undertaking in "In Trust for Tomorrow" to publish more detailed policy on urban environmental quality in the next two years. One of the issues mentioned specifically under this heading is the introduction of a national dog registration scheme.

There is support for the principle of registration from a range of organisations including animal welfare organisations, the veterinary profession and local government, but it is by no means clear that there is consensus on how it should be operated. A national compulsory scheme may not be the only option to address the perceived problems and there are a number of issues that require further consideration. Among these are the type of identification system, who should operate and enforce any scheme, financing and the relationship with other legislation such as that on dangerous dogs, rabies, stray dogs and puppy farming. My Department would therefore need to consult widely with other departments and interested parties and possibly undertake a public consultation exercise before considering the introduction of any legislative proposals for a scheme.

Mr Allan's Bill is premature in that it seeks to introduce arrangements prior to proper consultation. I recommend that we do not oppose the introduction of the Bill but that arrangements should be made for it to be blocked at second reading.

I am copying this letter to the Prime Minister, members of Legislation Committee, Sir Richard Wilson and First Parliamentary Counsel.

Kind regards

ANGELA EAGLE

Top AL on
cc: ~~PRC~~
PJ



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

TJA
JC CH
RR
AN

From the Minister

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
Whitehall
London
SW1A 2AS

(P)

29 April 1998

Dear Ann,

TEN MINUTE RULE BILL: PROTECTION OF ANIMALS (AMENDMENT) BILL

Dr Nick Palmer has given notice of a ten minute rule motion on 6 May requesting that leave be given to bring in a Bill to provide for the cost of keeping an animal pending a court case to be met; and for connected purposes.

The proposed Bill is seeking to address a problem that is of concern to us, namely the need to provide for appropriate action to be taken in those cases where animals are suffering because their owners are unwilling or unable (e.g. because of ill health or financial difficulties) to care for them. The present arrangements which are contained in the Protection of Animals Act 1911 provide powers to the police but do not, on many occasions prove satisfactory. It is often the case that the RSPCA (which is working with Dr Palmer on this Bill) find themselves as funders of last resort. In cases which involve animals on large livestock units or where there is a lengthy delay before legal proceedings can be completed and offer the RSPCA the opportunity of relief, this can prove very expensive.

I have sympathy with the aims of the proposed Bill, and indeed we have been bidding for a Bill with a similar aim. However, I do not consider that it would be appropriate to support Dr Palmer's Bill in its present form. Our lawyers advise that the draft we have been shown informally is defective in a number of respects and, in particular that it may offend against the

/right to property ...



Recycled Paper

right to property enshrined in the European Convention on Human Rights. It is, in any case, difficult to see how a Bill introduced at this time could complete all the necessary stages before the end of the current session. I propose therefore that we hold discussions with Dr Palmer and the RSPCA to find an alternative way forward.

In the meantime I see no reason to oppose the motion on 6 May but recommend we should seek to block at Second Reading any Bill that might result.

- > I am copying this letter to the Prime Minister, Members of HS and LEG Committees, Sir Richard Wilson, and to First Parliamentary Counsel.

As above.

Jack.

JACK CUNNINGHAM



Foreign &
Commonwealth
Office

London SW1A 2AH

From The Minister of State

27 March 1998

Elliot Morley Esq MP
Minister for Fisheries and the Countryside
Ministry of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
London SW1P 3JR

Top AL
EG. RR
PU

Lord Elliot,

(P)

**BACK OF THE CHAIR BILL: FARMING OF ANIMALS WITH FUR
(PROHIBITION) BILL**

Thank you for copying me your letter of 16 March to Ann Taylor.

I agree that, prior to receiving the advice of the Law Officers, we should not proceed with legislation in this area. I understand that the Law Officers are considering a range of legal issues raised by the proposals for legislation to end fur farming, including those relating to European Community Law and to the European Convention on Human Rights.

I am copying this letter to the Prime Minister, Members of the HS and LEG Committees, and to Sir Richard Wilson, the First Parliamentary Counsel and Sir Stephen Wall.

Derek Fatchett

NOTE OF PLP HOME AFFAIRS BACKBENCH COMMITTEE MEETING ON TUESDAY, 24TH MARCH 1998, 6.00 p.m. IN THE HOUSE OF COMMONS

The meeting was attended by more than 160 MPs.

Jack Straw opened the meeting by saying that Gareth Williams had done a huge amount on animal welfare in the Home Office since May. He added that he was aware of the strong feelings on fox hunting. The manifesto had committed the Government to a free vote on the issue and that that had been delivered by the Foster Bill. Frustration amongst colleagues had arisen because the Private Members Bill was bound to run into sand. He added that because the matter was to be decided by a free vote the Government had been neutral but it had done something which it had never done before i.e. making sure that the Bill was in proper order. The Government was keen to ensure that if the Bill was to get into law it should be good not bad law.

Mr Straw said that the big question was where do we go from here and added that he was keen to hear suggestions from colleagues. He said that amendments to the Crime and Disorder Bill would be out of order but added that there probably would be a Criminal Justice Bill sometime in this Parliament which would allow amendments on this issue. The problem in terms of government was if the Bill has large chunks dedicated to fox hunting, the whole Bill would run into trouble in the Lords. This would be very difficult to handle. He added that he was here to listen.

There were various points made by MPs present as below:

Nick Palmer MP said that MPs realised that this was not the most important issue for the government but that he and his colleagues did not like muddle. He added that we want the Government to say "yes we are neutral but will of course help to implement the will of the House of Commons".

Jacqui Smith MP agreed with what had been said. She added that whatever the detail of the manifesto commitment was, people believed that the Government would take action beyond a free vote. She had had a continuous barrage of comments from people who felt let down. She said that there was a very large majority of people in favour of banning fox hunting. The Government should also say that it will provide the means to allow this to become law and that the Government should make a clear statement soon.

Dennis Canavan MP said that this was not an issue between town and country. He added that he loved the countryside and it was the overwhelming view of all people that this cruel activity should be banned. He said the Abortion Bill in 1969 had been given extra time by the Government. He understood the argument about problems in the Lords but he said this would hasten the demise of the hereditary peerage.

Jean Corston MP said she recognised that the Government could not control its Parliamentary timetable as effectively in the Lords as it could in the Commons and added that she certainly didn't want an important measure like the Education Bill to fall because of the Bill on foxhunting. She said that the manifesto commitment was read as meaning that we were going to bring this issue to a conclusion. She said that she recognised that bills were stacking up to implement key pledges and accepted that this may have to wait until after the Bill to abolish the hereditary principle in the Lords had been completed.

Paul Marsden MP said that he represented a large rural constituency. He said he had talked to people in the countryside. There was a majority in favour of banning foxhunting. He added however that he did not wish to see the ban take place just before the next election.

Ivor Caplin MP said that this was now an issue of trust between the Labour Party and the electorate. We were committed to ending people's disillusionment with politics and the political process and yet we risked doing just that by dragging our feet on this issue. He added that he agreed that this issue may need to wait until the House of Lords was sorted out but added that there was no reason why the Government could not give a clear statement that it would ban hunting in a certain time frame.

Tony Wright MP said that although he was in favour of banning foxhunting he was more in favour of ridding the hereditary principles from the House of Lords. He felt that people in the countryside and elsewhere were evaluating the arguments on this issue very carefully. He said that as we now had an interlude we could take a proper look at the competing arguments that existed. That would give those in favour of a ban the opportunity to finally win that argument. He therefore suggested that the Home Affairs Select Committee could look at this issue or that an independent inquiry could be set up. This suggestion was not well received by his colleagues.

Bob Marshall-Andrews MP said that this was a crime and disorder issue. Feelings were running very high and if foxhunting was not banned people will take the law into their own hands. The House of Commons had spoken on this issue after all. Unless we passed this Bill there would be violence and that would lie at the feet of the Government.

Lawrie Quinn MP said that he had had 3,000 letters on this issue and 80 per cent were in favour of Foster's Bill. 59 per cent of letters from people from rural areas were in favour. Farmers complain about hunts in his constituency and he added that by doing nothing we would be breaking the confidence of our supporters. He argued that we were speaking for the silent majority.

Mike Foster MP said that the commitment was for a free vote but that we risked betraying the British people if we did not carry it through. He said there was a way out. We need a statement from the Government that before the General Election this issue will be settled. That should be a clear and firm commitment. He said that party members were writing to him with torn up membership cards and asked if we can't win on this issue what are we here for. Mike said he had felt that an amendment to a future criminal justice bill would be the way out but that Jack's interview in *The Times* appeared to contradict this solution.

Mr Straw then spoke and said he had received the basic view of colleagues that they wanted this sorted out before the end of Parliament. He reiterated the fact that the manifesto had been worded in the particular way because people knew that this would be a matter for the Private Member Bill system but he said he did understand the strength of feeling on this issue. He said that members from time to time did rip up membership cards but that this was not too serious.

In response to Bob Marshall-Andrews' comment about possible future violence he did warn colleagues that there were very dangerous people who attached themselves to this issue who were prepared to carry out acts of serious terrorism.

Mr Straw said that he would take the views of colleagues into account but stressed that any decision would have to be a collective one.

Sally Keeble MP mentioned timetabling issues.

Mr Straw said that an amendment probably would not be in order to the Crime and Disorder Bill but added that he thought it was highly probable that there would be some Bill by the end of this Parliament which would be wide enough in scope to allow an amendment on this issue.

Chris Mullin MP said that this issue was now about trust and winning the political middle ground. He felt that new members coming over to the Party were drying up because people were becoming cynical about the new Government. He said "let's get on with it".

Peter Pike MP said that people believed that the Labour Government must deliver on this issue and added that a clear statement was needed soon.

Peter Bradley MP said that we need to know with some certainty whether the Government will make a statement soon.

Kate Hoey MP said there was a need for a period of reflection, that everyone knew that it was difficult to get a controversial Bill through the House of Commons and the Lords. An independent inquiry which would bring together all sides was the most appropriate way forward. She said that there were people on the fringes of this issue on both sides who we should have nothing to do with. In Vauxhall she said this is not what people are concerned about.

Again, as with Tony Wright, colleagues were disapproving of this intervention.

Ann Mallalieu said this was an issue that was not going to go away. She said that if colleagues had been at the Countryside March they would have recognised the strength of feeling. She accepted that foxhunting was a minority concern but people who did it were decent people.

Again this was not greeted particularly well.

Linda Gilroy MP said that what had happened was a mockery of democracy. The Government must come out with a clear statement that we are going to put in place the building blocks which will allow this issue to be resolved.

Howard Stoate MP asked who was going to win this issue, "New Labour or Tory farts".

An unnamed MP (who I could not see) said this was a problem for the Business Managers. He accepted that this could not happen this year and that next year was a problem too. He accepted that there would be resistance from the House of Lords but if we plan it well the issue would be easier. He added that the Government must make a commitment to drive it through.

David Lock MP said people out there are very impassioned about this issue. He said that personally he did not feel too strongly it but that the Government had to act if only to give MPs a break from those who bombarded them with letters.

Another unnamed MP said that we had to take this issue out of general countryside issues. Therefore the Government had to give a clear statement soon about what it was prepared to do.

Maria Fyfe MP said this was now not just an issue about foxes but also about trust.

Clive Efford MP said that this issue had produced more letters to him than the closure of his local fire station. He said that during the election we had openly courted people on this issue.


Alan Johnson MP made three points. Firstly that it was impossible to come to an agreement about the exact meaning of the manifesto. Secondly that this was a matter of integrity particularly amongst young people and thirdly backbenchers want to be extremely helpful. He added that at the next election we have to have banned foxhunting.

Malcolm Savidge MP said this was now a constitutional issue because the Bill had such a huge mandate in the Commons but that it had been blocked by undemocratic means. It was vital that before the end of Parliament this issue had to have been dealt with.

David Winnick MP said that there was no need for an inquiry. The House of Commons had made up its mind decisively and that no legislation would be passed as a Private Members Bill. The Government must give it time during the lifetime of this Parliament.

Bill Rammell MP also spoke in support of what had been said.

Mr Straw thanked people for coming to the meeting and said he would return to speak further on this issue at a later date.



ED OWEN
Special Adviser

27th March 1998

cc Home Secretary
Mr Howarth
Lord Williams
Mr Warner
Liz Lloyd
Paddy Tipping
Jane Kennedy
Clive Soley
Matthew Seward
Julie Crowley
Rick Evans



The Rt Hon Ann Taylor MP

→ file

PRIVY COUNCIL OFFICE
68 WHITEHALL LONDON SW1A 2AT

Top-RR
cc Ay
✓

25 MAR 1998

Dear Elliot,

**PRIVATE MEMBER'S BILL: FARMING OF ANIMALS WITH FUR
(PROHIBITION)**

Thank you for your letter of 16 March about the handling of Norman Baker's Bill to prohibit the farming of animals for fur.

You explained that the Government remained committed to our pre-election pledge to end fur farming as soon as was practicable. Last year, we had reviewed the various options available to prohibit the keeping of mink and other species for fur and had consulted publicly on the way we proposed to proceed. Following consideration of the responses, Jack Cunningham had sought clearance for his proposals from HS Committee. However, advice was awaited from the Law Officers on a number of detailed legal points and, in the absence of policy approval, we could not support the Bill. You therefore recommended that it be blocked at Second Reading.

No colleague has commented, and you may therefore take it that you have approval to proceed as you propose. Arrangements will be made for the Bill to be blocked at Second Reading.

I am copying this letter to the Prime Minister, members of HS and LEG Committees, Sir Richard Wilson and to First Parliamentary Counsel.

Yours,

ANN TAYLOR

Elliot Morley Esq
Minister for Fisheries and the Countryside
Ministry of Agriculture, Fisheries and Food

RESTRICTED - POLICY

Note

Murdo + Nick to see what they can do to

It is worth a final further check with Whips to see if there isn't sleight of hand way or deal they can do. But bottom line, I think, is that ^{since} this is behind other PMBs which started in Commons, only way through is to reach agreement with opp^s to nod PRIME MINISTER through 2nd reading + do all discussion in CHee. That is exactly what Fowler is refusing to do.

From: Robert Hill
Date: 18 March 1998

re: ... with Norman Fowler, 19 HA when

cc: Rob Read
David Miliband
Jonathan Powell
Sally Morgan
Robin Young
Pat McFadden
Peter Mandelson

19/3
HANK
across

RKR
18/3

LORD HUNT'S BILL ON DEMOCRATIC INNOVATION

Attached is an exchange of correspondence between Hilary Armstrong and Norman Fowler. Hilary wrote to him (following a discouraging meeting on Monday) making some positive gestures on how we would handle implementation of the Hunt Bill if the Tories agreed not to block it.

Fowler has brushed the offer aside and is adamant on objecting to the Bill this Friday because there is not going to be time for a debate on the floor of the House. Although the Bill may come back on another Friday it is likely to suffer the same fate. Ironically there is a Labour sponsored adjournment debate on the Bill next Monday. However, we will have to accept that we are going to lose the Bill unless the Whips can conjure up a solution.

We will, of course, be able to include the provisions of the Bill in our own Local Government Bill in the next session, but we will have lost a year and lost momentum in the modernisation process.

RESTRICTED - POLICY

- 2 -

Although it is not likely to offer much hope, do you agree that we should ask
Nick Brown for an assessment of the options for rescuing the Bill in this session?

Robert

Yes

FROM HILARY ARMSTRONG MP
MINISTER FOR LOCAL GOVERNMENT AND HOUSING



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

The Rt Hon Sir Norman Fowler MP
House of Commons
London SW1A 0AA

TEL 0171 890 3000
FAX 0171 890 4489

17 MAR 1998

Dear Norman

LOCAL GOVERNMENT EXPERIMENTAL ARRANGEMENTS BILL

Following our meeting last night, I am writing to urge you to reconsider the Conservative Party's response to Lord Hunt's Bill on experimental arrangements in local authorities. I am doing so because I believe it is imperative that, on a cross-Party basis, we go the extra mile to ensure the passage of Lord Hunt's Bill.

The Government, as you will know, is committed to democratic renewal in local government, that is why we have published a consultation paper on "Local Democracy and Community Leadership" as part of our programme of Modernising Local Government. It is why we have been so keen to encourage councils to begin to plan for change under the arrangements included in Lord Hunt's Bill. We do so, not because we believe it would be good for our Party, but because we believe it would be healthy for democracy and better for local government. I am therefore setting out in this letter some proposals for how, on a cross-Party basis, we can ensure that the operation and effectiveness of Lord Hunt's Bill can be maximised.

You have argued that this Bill should be considered in Government time. I respect this point of view but disagree with it. The issue of experimental arrangements for democratic renewal in local government has always been a cross-Party issue, it should not now become a partisan one.

The July 1993 report of the Working Party on the Internal Management of Local Authorities in England entitled, "Community Leadership and Representation: Unlocking the Potential" made clear that "the Secretary of State for the Environment should take powers to allow, in consultation with local government, experimental changes to their internal management arrangements proposed by individual local authorities; legislation would allow approval of experiments subject to suitable safeguards."

Following the report of the Working Party, a Select Committee on Relations Between Central and Local Government was established which published its report "Rebuilding Trust" in July 1996. The all-Party Select Committee took the view that "local authorities need to be allowed to experiment on the lines of the Scandinavian free commune system. This would include the freedom to experiment with ideas such as elected mayors and local referenda and new approaches to the provision of services and other responsibilities."

In November 1996, the Conservative Government responded to the report and welcomed the Committee's examination of the subject identifying the report as an important contribution to the debate about the nature of local government in Britain. The Government's response at that time was as follows, "on freedom to experiment with internal structure and voting arrangements, the Government accepts the general principle of the Committee's recommendation that local authorities should be able to experiment with internal working arrangements."

It is in the light of the cross-Party nature of the development of the content of Lord Hunt's Bill that I am so disappointed at your opposition now to it. It is not unusual for legislation such as this, which has cross-Party support, to be introduced as a Private Member's Bill. For example, Robin Squire's Local Government Access to Information Act 1985 was introduced as a Private Member's Bill. No Government time was provided for this Bill but the Government did support it in exactly the same way as this Government is supporting Lord Hunt's Bill. You will recall the importance of this piece of local government legislation as you were a member of the Cabinet at that time.

To demonstrate the degree to which we wish to see this Bill obtain its second reading, go into Committee where more detailed discussions can take place, and emerge, and be supported by the House, I am today setting out a programme for cross-Party involvement, not simply in the development of the Bill but also in its implementation, should it proceed through Parliament.

I want firstly to have cross-Party consultation on the guidance produced on the Bill with all parties closely involved in its drafting to ensure the maximum degree of cross-Party support. Throughout the preparation of guidance, we wish to involve more than just academics and the Local Government Association, who have been involved in considering drafts so far. I now propose that the Select Committee on the Environment, Transport and the Regions should provide an input into the content of the guidance. This is the best and most appropriate way to involve MPs from all parties in its preparation. I am proposing this because I wish the guidance to reflect all-Party support for the legislation which is imperative if we are to renew our political culture in local government in this country.

Secondly, I propose to build in all-Party participation alongside the Audit Commission and the Local Government Association to consider submissions which local authorities make for their experimentation as set out in the Bill. The most appropriate mechanism for this is to ask the Select Committee to consider applications for inclusion under the provisions of the Bill prior to the final decision being made by the Secretary of State for the Environment, Transport and the Regions.

These proposals will, I believe, allow for cross-Party involvement, not simply in the development of the Bill nor in the preparation of guidance on the Bill, but in the very implementation of its contents should it become law.

If the Bill is not allowed a second reading because the Conservative Party object to it, then we will not be able to further the conclusions of a process which began in 1992 with Michael Heseltine's review of local government, undertaken to replace the poll tax and examine the internal, external and financial arrangements of local government. I believe it would be an opportunity missed if this Bill were to be killed at this late stage. It would also be a great disappointment to many local councils, including Conservative councils, keen to experiment with their internal democratic arrangements. This is why I have developed this unique package of cross-Party involvement in delivering the Bill. The Government have gone the extra mile to secure a second reading and Committee Stage for Lord Hunt's Bill, I would urge you most strongly to do the same.

I am copying this letter to the Chair of the Environment Select Committee and to Paul Burstow. I am, however, with these exceptions, treating this matter as private at this stage.

*Yours
Hilary*

HILARY ARMSTRONG

I am sure you appreciate the time constraints, so I would be most grateful for a response before the end of the day.



HOUSE OF COMMONS
LONDON SW1A 0AA

18^x March 1998

From: The Rt Hon Sir Norman Fowler MP

A handwritten signature in cursive script, appearing to read "Norman Fowler".

Thank you for your letter. You will remember that I wrote to John Prescott in December urging that this Bill should be Government legislation and not a Private Member's Bill introduced in the House of Lords. I enclose a copy of my letter for reference. In short my view is:

1. This Bill is of constitutional importance. It gives powers for the election of executive mayors and the appointment of executive committees. It places new restrictions on press reporting and public access to meetings.
2. These proposals come at a time when there is serious and growing concern that the concentration of power in a few hands in some Labour councils has led to abuse and the public interest being harmed.
3. This Bill is not as you suggest a non-controversial measure without opponents - there is opposition to it from both Conservative and Labour councils and inside Parliament.

It is against that background that I urged the Government to take charge of the Bill that they have drafted. The instructions that I have seen make it clear that over a dozen Government departments have been involved in the detailed preparatory work on this Bill. I very much regret that Mr



HOUSE OF COMMONS
LONDON SW1A 0AA

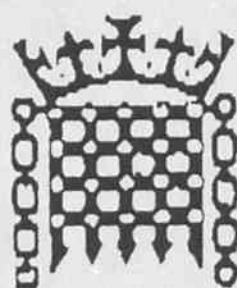
Prescott did not follow my advice which would have allowed a full consideration of the issues that the legislation raises.

You now advance a new proposition. You are proposing that in spite of the importance of this Bill it should go into Committee without a Second Reading debate in the House of Commons. I regret that the words you use in your letter do not address this argument. You suggest that the Bill will not be allowed a Second Reading because the Conservative Party object to it. Frankly those words are deliberately misleading.

You know - because I explained it to you at some length - that what we are demanding is a Second Reading debate on this Bill in the House of Commons. Such a debate is a fundamental part of Parliamentary democracy. It allows the principles of the legislation to be debated. It allows the widest possible number of Members to take part. Every important piece of legislation going through Parliament is subject to this process. That includes Private Members' Bills. You refer (again misleadingly) to Robin Squire's Local Government Access to Information Act of 1985. That Private Member's Bill had its Second Reading in the House of Commons on 1 February 1985 - after a five hour debate on the floor of the House.

Your proposition is something entirely new. You suggest that this Bill should proceed without such a debate and go straight into Committee. That would deprive the House of Commons of any opportunity of debating and voting on the general principles of this legislation. I find that proposal fundamentally objectionable. You cannot base a claim to be advancing democracy in local government with a measure that avoids the normal checks of Parliamentary democracy.

There is therefore no question of this Opposition simply nodding through without any debate the Second Reading of this Bill when it comes to the Commons on Friday. I cannot imagine that in similar circumstances any self-respecting opposition would do that. Our demand is quite clear. We want a full Second Reading debate in the



HOUSE OF COMMONS
LONDON SW1A 0AA

Commons on this Bill. Only your Government would find that a controversial suggestion.

If the Bill receives its Second Reading and proceeds through Committee then I think it would be for the House to consider your proposals for implementation.

I am copying this letter to Andrew Bennett MP.

A handwritten signature in black ink, appearing to read 'Hilary Armstrong', with a large, stylized flourish at the end.

Hilary Armstrong MP
Minister for Local Government and Housing
Department of the Environment, Transport
And the Regions
Eland House, Bressenden Place
London SW1E 5DU

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Murdo

Rob Read

From: Robert Hill
Sent: 19 March 1998 18:53
To: Sally Morgan; Rob Read
Cc: David Miliband; Jonathan Powell
Subject: RE: huntb bill

Thanks. Hilary was going to launch a full frontal assault on fowler and had alerted PA. Darren Murphy, Hilary's adviser, has arranged to pull back from that. Andy McSmith also has the story for Sunday and it will be harder to deflect him, but we will try or at least steer him to write it up as Hilary's offer to go the second mile rather than Fowler's refusal

Rob Read and I also bumped into Murdo Mclean - he has subsequently phoned me to say that he thinks that offering a 3 hour adjournment debate could be a way forward. it would avoid any charge of the government giving the bill time (which is a risk that a second reading committee apparently may lay us open to) . he has also offered to talk to Fowler as he has known him for 20 years. He will liaise with Nick and get back to me on Monday.

I will keep you posted and can you let me know any news that Nick gives to you.

-----Original Message-----

From: Sally Morgan
Sent: Thursday, March 19, 1998 4:01 PM
To: Robert Hill; Rob Read
Cc: David Miliband; Jonathan Powell
Subject: huntb bill

Nick Brown is trying to interest the Tories in the idea of a Second Reading Cttee - the only thing they could think of



Ann

Lib

*Top RR
cc PU
Q
AZ
AC*

Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR
0171 238 5421

(P)

From the Minister for Fisheries & the Countryside

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
Whitehall
London
SW1A 2AS

16th March 1998

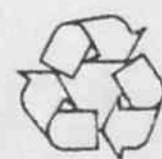
Dear Ann,

BACK OF THE CHAIR BILL: FARMING OF ANIMALS WITH FUR (PROHIBITION) BILL.

Norman Baker MP presented a Bill to prohibit the farming of animals for fur on Monday 16 March.

This comes at an awkward time. The Government's position on fur farming is that we remain committed to our pre-election pledge to end fur farming as soon as is practicable. Last year, we reviewed the various options available to prohibit the keeping of mink and other species for fur and a public consultation letter on the way we proposed to proceed was issued on 5 August 1997. Following consideration of the responses, Jack Cunningham wrote to the Chairman of HS Committee on 20 November 1997 seeking clearance for the introduction of primary legislation. There were a number of detailed legal issues still to be considered when Jack wrote and his request for clearance was, therefore, subject to the views of the Law Officers. The replies of the members of HS Committee said that they were content in principle for the introduction of legislation to ban fur farming but that the advice of the Law Officers would first need to be carefully considered.

Officials have written to the Law Officers for their further advice and a reply is due by 20 March. Their advice will then form the basis of a further round of correspondence to the members of HS Committee. At this stage, we cannot anticipate what the advice of the Law Officers will be.



Recycled Paper

In the absence of approval to legislate on this issue I therefore recommend that we should seek to block the Bill at Second Reading. I should therefore welcome your views and those of colleagues by 25 March.

I am copying this letter to the Prime Minister, Members of the HS and LEG Committees, Sir Richard Wilson and to First Parliamentary Counsel.

Regards,
Elliot

ELLIOT MORLEY

TOP-AL

C: fu
Prer
Sec.

Angus

1. cc/ h3
not much really.

2. jrh. Angus. 10/3.

You asked me yesterday for an informal list of animal welfare issues which MAFF is taking/has taken forward. This is attached and I hope will prove helpful. As you will know, the other main animal welfare areas across Whitehall are: zoos (DETR) and circuses/hunting/scientific procedures (Home Office).

One or two ideas have been floating around in recent months about cross-Whitehall co-ordination (and specifically, on one-stop-shop liaison points for NGOs) and also about the prospect of driving forward a host of AW measures at EU level. In the context of these suggestions, it may be helpful to know that very few NGOs actually cover the whole gamut of animal welfare issues (essentially only the RSPCA and IFAW). Compassion in World Farming for example, as you would expect, deal exclusively with MAFF and have no need to go elsewhere. At the European level, as you will doubtless recall from your time in UKRep, there is no such thing as an uncontroversial animal welfare proposal. Thus, scope for progress on that front is limited, and (as the list shows) dependent on being fairly tightly focused (we have only just wrung out of the Commission a proposal on laying hens - five years overdue). The succeeding Austrian Presidency will be undoubtedly be welfare-friendly - but there is no guarantee how firm they will be in the face of concerted opposition from the "anti" member states.

If you need anything further, or more formal, please let me know.

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iii

ANIMAL WELFARE: STATE OF PLAY (MAFF ISSUES)

1. Amsterdam Treaty Protocol on animal welfare, secured by UK, establishes that animals are sentient beings and obliges EU to take account of animal welfare when making/ applying policy. Provides a basis for us to work to push up farm animal welfare standards.

2. Livestock in transit
 - Have to accept live exports are legal, but are applying the welfare rules strictly and systematically. Are constantly reminding other Member States of their obligation to do likewise.

 - 7
0 • Met the overdue obligation to introduce the new EU rules only 5 weeks after the General Election.

 - New authorisation system for livestock transporters introduced from 1 October 1997 (this gives power to suspend/ban those who break the rules).

 - New requirements on the assessment/competence of haulage staff who transport livestock will enter force from 1 July 1998: comprehensive guidance published, March 1998.

 - Thoroughgoing review of effectiveness of new transit rules scheduled after July 1998 (ie after one year in operation).

3. Review of pre-export procedures for live animals

- New system being prepared for introduction later this year. (MAFF, rather than exporter, to nominate vet who does pre-export fitness checks; MAFF to pay the vet and recover the money from the exporter; more detailed instructions (which will be published) to the vets on how inspections are to be done).

4. Livestock vehicle standards

- Seeking to drive up standards. Not letting matters rest after unsatisfactory Council of Ministers agreement on additional standards for long distance transport in December 1997. Will now press for exacting type approval standards for the construction of livestock vehicles.

5. Livestock vessel standards

- European Commission is drafting a welcome new proposal. MAFF expert is playing a leading role in assisting the Commission to develop the technical detail of the proposals.

6. Livestock at market

- Publication of Strategy for ensuring the Welfare of Livestock at Market now imminent.
- National rules on welfare of livestock at market will be reviewed, alongside transit rules, later this year.

7. Welfare at slaughter

- Maintaining pressure on Commission to bring forward its proposals (now 3 years overdue) for updating EU rules. Ready to try and progress these under our Presidency if they are available.
- Have taken a public initiative (press release 9 March) to try and minimise numbers of British sheep likely to be slaughtered without stunning at open-air religious festival in France on 7 April (cannot ban exports, but have urged producers not to export for this purpose, and written to French Minister/ Commission pressing for enforcement of welfare rules).

8. Livestock on farm

- General EU Directive on the welfare of livestock on farm. Presidency re-launch of stalled negotiation has had an encouraging reception. Will try hard to achieve adoption by end-June. This would fill a major gap in EU legislation.
- Calves. New national regulations, to implement improved EU standards agreed in 1997, will be introduced imminently (public consultation is now complete).
- Laying hens. UK pressure on Commission has finally paid off. Commission's proposals for updated EU standards - 5 years overdue - will be presented to the 16/17 March Agriculture Council. Presidency will now set negotiations going (likely to be long). UK will be looking for substantially improved standards and a commitment to phase out the battery cage in the long term.

- Pigs. Initiative launched to reduce incidence of tail-docking of piglets. R&D being maintained on alternatives to the farrowing crate.
 - Fur animals. Currently considering, after public consultation, how best to fulfil commitment to end fur farming in UK as soon as practicable.
 - Review of welfare codes. In progress. Proposed revised code on welfare of sheep (the first to be reviewed) now approved by Ministers to be circulated for consultation.
9. Global standards of farm animal welfare. Are setting up EU discussions during Presidency on how best to pursue aim of global standards (needed to prevent higher EU standards being undermined by imports of products from third countries).
10. Quarantine premises. Have introduced a voluntary code of practice on welfare standards. Also, supporting a Ten Minute Rule Bill [Mr Flynn] which would enable Ministers to impose statutory controls on welfare in quarantine.
11. Phase-out of High Seas Tuna Drift Nets. Majority of member states in favour of a UK proposal - we are working hard to achieve a deal, which will protect small cetaceans (dolphins etc). Agreement on phase-out expected within UK Presidency (probably June).



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

17 February 1998

Dear Jeff

EU MEASURES ON ZOOS

The Prime Minister was grateful for the Deputy Prime Minister's 6 February letter on handling the zoos dossier during the UK Presidency.

The Prime Minister noted that a Directive on zoos would be very well received by the public and the animal welfare lobby; and would also provide a positive response to calls by the European Parliament, and Labour MEPs in particular.

The Prime Minister also noted that some of the doubts about the consistency of a measure in this area with subsidiarity, and indeed the legal powers of the EC to legislate at all in this field, can be addressed by re-casting it as a conservation measure.

On reflection, he is persuaded by the Deputy Prime Minister's arguments and content for the DPM to pursue the approach outlined in his letter.

I am copying this letter to Private Secretaries to member of (E)DOP, and to Jan Polley (Cabinet Office) and Sir Stephen Wall (UKRep).

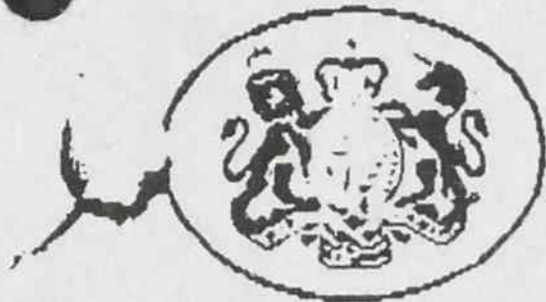
Yours

Rob

ROB READ

FAXED - To UKREP/Brussels
(Sir Stephen Wall)
18/2/98

Jeff Jacobs Esq
Department of the Environment, Transport and the Regions



PARLIAMENTARY UNDER
SECRETARY OF STATE

The Rt Hon Ann Taylor MP
Privy Council Office
68 Whitehall
LONDON
SW1A 2AT

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Top-RR
cc PY

→ AL

10 February 1998

(P)

Dear Ann,

You wrote to me on 30 January to agree the handling for Mike Hall's Breeding and Sale of Dogs Bill at Second Reading.

As you know, the Bill now awaits Committee Stage. We would wish to offer improvements to the Bill since we are sympathetic to its aims but concerned about some sections. I therefore formally seek leave to instruct Parliamentary Counsel over what remains a Private Member's Bill.

We may be some way away from finalising instructions because we have not had the benefit of a consultation process (Mike Hall used the offices of the RSPCA in the drafting of the Bill) and are dealing post haste with amendments to another Private Member's Bill now that it has been agreed that we should improve Mike Foster's draft.

*Yours sincerely,
HWT*

THE LORD WILLIAMS OF MOSTYN

Due to an oversight copies of this letter were not sent to the Prime Minister, members of LEC Committee, Nigel Griffiths, Sir Richard Wilson and First Parliamentary Counsel. Any responses by close of play on Tuesday 10 MARCH with apologies for the short timescale.

2695LW

AXEL DAVIES
APS/LORD WILLIAMS

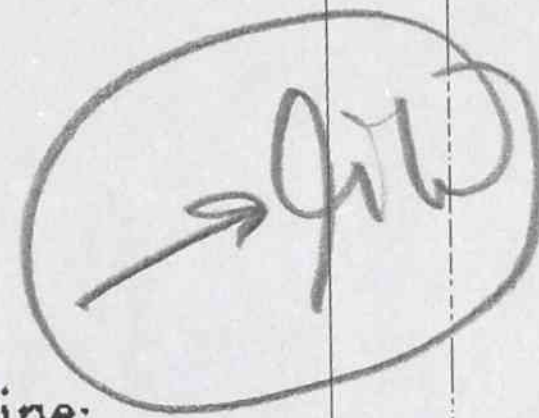


HOME OFFICE

Private Office

50 Queen Anne's Gate, London SW1H 9AT

Switchboard: 0171 273 4000 Fax: 0171 273 3965 Direct Line:



FAX

To: Rob Read

From: Ainish King-Fisher

Date: 4/2.

Time:

Fax N^o:

Number of pages (including this one)

Message

Subject:

Rob,

Copy of press statement
- let me know if you are happy for this to
be released.

Ainish

Rob
Placed to let
Ainish know you
were happy with this.
Jolea
4/2/98

IF ANY PART OF THIS FAX IS UNCLEAR
PLEASE TELEPHONE: 0171 273



GH said:

The Government is neutral on the issue of hunting with hounds.

Last November, the Commons overwhelmingly supported the Private Members Bill introduced by Mike Foster. The free vote of MPs fulfilled the Government's commitment on this issue.

In Standing Committee, I have given advice on the technical competence of the bill's clauses, when requested. However, it has become increasingly apparent during the course of these debates that flaws in the way the bill is drafted remain. No amendments were brought forward which addressed these concerns.

I have therefore agreed to provide more detailed drafting advice to ensure that the bill is technically sound. Initial advice will be provided in time for next week's sitting of the Standing Committee, and further advice as and when it is available.

This advice in no way affects the Government's position. The Government remains neutral on the policy but has a duty to ensure that unworkable law does not end up on the statute book.

From: THE PRIVATE SECRETARY

cc AK
✓ PM
PRESS
Q5



Rob Read Esq
10 Downing Street
Westminster
SW1A 2AA

→ Bill 3:

You will wish to
see. You are
offering draft
reply to earlier
letter in light
of PM's reaction &
current situation.

cc: AZ
LL
JH

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

(top page)

+ file (originals)

4 February 1998

Dear Rob,

AM 5/2

You asked for further advice as to how many amendments were needed to make this Bill technically acceptable.

Our current legal advice is as follows:

" Parliamentary Counsel would need to replace clauses 1 (offences) and 5 (definition of hunting) in their entirety. Amendments would also be needed to clause 6 (other definitions) and probably Schedules 1 and 2 (consequential amendments and repeals).

We would also need to delete or replace clause 3(2) which, in its present form, contravenes the European Convention on Human Rights. Policy is still being evolved on whether changes are needed to the powers of entry (clause 2) and forfeiture (clause 4) and to the technical provisions about Scotland and Northern Ireland."

I have attached a copy of the Bill which you may find useful. As you can see the Bill is only 7 clauses in its entirety, the above advice suggests that possibly half the Bill would need to be replaced.

If I can be of any further assistance, or if you wish to discuss this further, please do not hesitate to contact me.

Yours ever,

Ailish

AILISH KING-FISHER

Wild Mammals (Hunting with Dogs) Bill

ARRANGEMENT OF CLAUSES

Clause

1. Offences.
2. Powers of arrest, search and seizure.
3. Penalties.
4. Forfeiture and disqualification orders.
5. Meaning of "hunt".
6. Interpretation.
7. Citation, consequential amendments, repeals, commencement and extent.

SCHEDULES:

- Schedule 1—Consequential amendments
- Schedule 2—Repeals

A
B I L L

TO

Make provision for the protection of wild mammals from being A.D. 1997.
pursued, killed or injured by the use of dogs; and for connected
purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons in this present Parliament assembled, and by the
authority of the same, as follows:—

5 1.—(1) Any person who uses, causes or permits any dog to hunt any Offences.
wild mammal shall be guilty of an offence.

(2) Any person who in the course of hunting uses, causes or permits any
dog to enter any structure or place, whether subterranean or not, used or
likely to be used by any wild mammal for shelter or protection shall be
10 guilty of an offence.

(3) Any person who being an owner or occupier of land, causes or
permits any person to enter upon or use that land to hunt with a dog any
wild mammal shall be guilty of an offence.

15 (4) Any person who being the owner or keeper of a dog permits any
other person to use, cause or permit that dog to hunt any wild mammal
shall be guilty of an offence.

(5) Any person who owns, uses or controls a pack of dogs for the
purposes of hunting shall be guilty of an offence.

20 2.—(1) A constable may arrest without warrant any person whom he Powers of arrest,
has reasonable grounds for suspecting is about to commit, is committing, search and seizure.
or has committed an offence under this Act.

(2) If a constable suspects with reasonable cause that any person is
committing or has committed an offence under this Act the constable may
without warrant—

25 (a) stop and search that person if the constable suspects with
reasonable cause that evidence of the commission of the offence
is to be found on that person;

- (b) search or examine any vehicle, animal or article which that person may have with him if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that vehicle, animal or article;
- (c) seize and detain for the purpose of proceedings under this Act any vehicle, animal or article which may be evidence of the commission of the offence or may be liable to be forfeited under section 4. 5
- (3) For the purposes of exercising the powers conferred by subsections (1) and (2) a constable may enter any land including any building not being a dwelling house. 10
- Penalties.
- 3.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or both.
- (2) Where an offence under section 1 of this Act is committed in respect of more than one wild mammal the maximum fine which may be imposed under subsection (1) shall be determined as if the person convicted was convicted of a separate offence in respect of each wild mammal. 15
- (3) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of an offence and liable to be proceeded against and punished accordingly. 20
- (4) Where the affairs of a body corporate are managed by its members, subsection (3) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate. 25
- Forfeiture and disqualification orders.
- 4.—(1) The court by which a person is convicted of an offence under this Act may, in addition to any other penalty— 30
- (a) order the forfeiture of any vehicle, animal or article which was used in connection with the commission of the offence or which was capable of being so used and which was found in his possession; and
- (b) disqualify the offender, for such period as it thinks fit, from having custody of a dog and make such other orders with respect to the disposal of the dog as the court thinks fit under the circumstances. 35
- (2) Where the court makes an order under subsection (1)(b) above, it may— 40
- (a) appoint a person to undertake the disposal of the dog and require any person having custody of the dog to deliver it up for that purpose; and
- (b) order the offender to pay such sum as the court may determine to be reasonable expenses of disposing of the dog and of keeping it pending its disposal. 45
- (3) A person who—
- (a) has custody of a dog in contravention of an order under subsection (1)(b); or

(b) fails to comply with a requirement imposed on him under subsection (2);
shall be guilty of an offence.

5 (4) Where an order is made under subsection (1)(b) in relation to a dog owned by a person other than the offender the owner may appeal to the Crown Court or, in Scotland, the High Court of Justiciary, against the order.

10 (5) A person who is disqualified from having custody of a dog by virtue of an order made under subsection (1)(b) may, at any time after the end of the period of one year beginning with the date of the order, apply to the court which made the order (or, in England and Wales, any magistrates' court in the same petty sessional area) for a direction terminating the disqualification from such date as the court considers appropriate.

15 (6) On an application under subsection (5) the court may—

- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
- 20 (b) order the applicant to pay all or any part of the costs of the application;

and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.

25 5.—(1) In this Act "hunt" means intentionally to course, search for, chase, pursue, harry, bait, attack, injure, or kill any wild mammal (whether or not injury or death is caused by a dog) and "hunting" shall be construed accordingly. Meaning of "hunt".

(2) The definition in subsection (1) does not extend to—

- 30 (a) an owner or occupier of land using, causing or permitting any dog to hunt any wild rabbit or wild rodent on that land;
- (b) the defence of any person or captive or domestic animal under immediate attack by a wild mammal;
- 35 (c) the flushing out of a wild mammal from cover on or above ground to be immediately and lawfully shot for the purpose of the necessary management and control of the wild mammal or wild mammals of that species;
- (d) the use by a person of a single dog under his close control to track, locate or retrieve any wild mammal which is seriously disabled as a result of either—
 - 40 (i) any lawful activity, or
 - (ii) any unlawful activity to which he was not a party the burden of proof of which shall lie upon him, provided there is no reasonable alternative and he intends to relieve the suffering of the wild mammal; or
- 45 (e) a draghunt in the course of which a dog inadvertently chases, attacks, injures or kills a wild mammal provided that the draghunt is registered with a body whose objects and rules expressly forbid its members from using dogs for any purpose other than a draghunt.

Interpretation.

1 & 2 Geo 5 c. 27.

6. In this Act—

“captive animals” and “domestic animals” have the meaning given in the Protection of Animals Act 1911;

“draghunt” means a pursuit in which a person or persons together with a pack of dogs follows a man made or man laid scent and which does not involve the hunting of a wild mammal; 5

“occupier” includes any person who has control of land or is the agent of any such person;

“owner” means any person who has an interest in land including a licensee or the agent of any such person but does not include— 10

(a) a mortgagee not in possession; or

(b) in relation to land in Scotland, a creditor in a heritable security not in possession of the security subjects;

“pack of dogs” means two or more dogs hired owned or controlled for the purposes of a draghunt or for hunting wild mammals other than wild rabbits and wild rodents; and 15

“wild mammal” means any mammal which is living free or is feral or which has been released or escaped from captivity.

Citation,
consequential
amendments,
repeals,
commencement
and extent.

7.—(1) This Act may be cited as the Wild Mammals (Hunting with Dogs) Act 1998. 20

(2) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule being amendments consequential on the provisions of this Act and the enactments specified in Schedule 2 are repealed to the extent specified in the third column of that Schedule. 25

(3) This Act shall come into force with the expiration of the period of two months beginning with its passing.

(4) This Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 7.

CONSEQUENTIAL AMENDMENTS

Game Licences Act 1860 (c. 90)

5 1. In section 2 of the Game Licences Act 1860 (duties herein mentioned to be granted)—

(a) after the word “dog” there are inserted the words “(other than for taking or killing any hare or any deer)”, and

10 (b) for the words “any means whatever” in both places where they occur there are substituted the words “any lawful means whatever”.

2. In section 4 (licence to be taken out for taking or killing game in Great Britain—penalty for neglect) of that Act—

(a) for the words “any means whatever” there are substituted the words “any lawful means whatever”, and

15 (b) after the word “dog” there are inserted the words “(other than for taking, killing or pursuing any hare or any deer)”.

3. In section 5 (exceptions and exemptions) of that Act—

(a) in exception 5 for the words “taking and killing” there are substituted the words “lawful taking and killing”, and

20 (b) in exemption 3—

(i) for the words “taking or killing” there are substituted the words “lawful taking or killing”, and

(ii) after the words “his own dog” there are inserted the words “(other than for taking or killing any hare or any deer)”.

25 *Protection of Animals Act 1911 (c. 27)*

4. In section 1(3)(b) of the Protection of Animals Act 1911 (offences of cruelty) for the word “hunting” there are substituted the words “lawful hunting”.

Protection of Animals (Scotland) Act 1912 (c. 14)

30 5. In section 1(3)(b) of the Protection of Animals (Scotland) Act 1912 (offences of cruelty) for the word “hunting” there are substituted the words “lawful hunting”.

Welfare of Animals Act (Northern Ireland) 1972 (c. 7 (N.I.))

35 6. In section 15(c) of the Welfare of Animals Act (Northern Ireland) 1972 (protection of animals) for the word “hunting” there are substituted the words “lawful hunting”.

7. In section 15(d) of that Act for the word “hunting” there are substituted the words “lawful hunting”.

Section 7.

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal	
1 & 2 Will 4 c.32.	Game Act 1831	In section 35 the words from "any person" to "nor to" where they first occur.	5
23 & 24 Vict c.90.	Game Licences Act 1860	In section 5, exceptions 3 and 4.	
1 & 2 Geo 5 c.27.	Protection of Animals Act 1911	In section 1, in subsection (3), paragraph (b) the words "coursing or" and "coursed or" where they occur.	10
2 & 3 Geo 5 c.14.	Protection of Animals (Scotland) Act 1912	In section 1, in subsection (3), paragraph (b) the words "coursing or" and "coursed or" where they occur.	15
1972 c.7. (N.I.)	Welfare of Animals Act (Northern Ireland) 1972	In section 15, paragraph (c) the words "coursing or" and "coursed or" where they occur, and in paragraph (d) the word "coursing".	20
1992 c.51.	Protection of Badgers Act 1992	In section 8, subsections (4) to (9).	25

Wild Mammals (Hunting with Dogs)

A
BILL

To make provision for the protection of wild mammals from being pursued, killed or injured by the use of dogs; and for connected purposes.

*Presented by Mr Michael Foster
supported by
Mr Roger Gale, Mr Kevin McNamara,
Mr Simon Hughes, Angela Smith,
Sir Teddy Taylor, Mr Ivor Caplin,
Mrs Jackie Ballard, Ms Jackie Lawrence,
Mr Nigel Jones, Mrs Margaret Ewing
and Mr Ian Cawsey*

*Ordered, by The House of Commons,
to be Printed, 18th June 1997*

LONDON: THE STATIONERY OFFICE

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[Bill 7]

(330055)

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RESTRICTED

From: Rob Read
Date: 30 January 1998

PRIME MINISTER

cc: Alastair Campbell
Jonathan Powell
Pat McFadden
Angus Lapsley
Sally Morgan
Bruce Grocott MP
Bill Jeffrey

FOSTER BILL: TACTICS AND HANDLING

You recall that you decided earlier this year to let the Foster Bill take its course and not do a deal with Foster to prevent the Bill reaching the Lords. Since then, you saw the Home Office advice on the substance and impact of the Bill, which you said strengthened your view that Government should not take over the legislation.

Two further matters now urgently need to be considered:

- first, on the decision not to do a deal, Nick Brown would appear not be fully in line. The attached note from Liz (plus view from Sally) explains that Foster is continuing to get mixed messages. You will need to discuss with Nick Brown on Monday so we are all taking the same approach;
- second, if no deal is done, the Home Office have now provided advice on the desirability of amending the legislation so that, if it does succeed without Government support, it is in as acceptable a form as possible. This is attached. You need to decide urgently the way forward and we recommend,

Final deal to Nick

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- 2 -

as argued below, that you agree to Home Office advice that amendments need to be made before the Bill reaches the Lords.

The Home Office argue that the Bill has some serious technical defects and that the Government has a duty to ensure that if it reaches the statute book the Bill should be in a proper form. That has to be right. There may be arguments about whether all the amendments they suggest are absolutely necessary, but it is clear that at least some will be to avoid obvious absurdities – eg risk of making illegal use of dogs to hunt for escaped prisoners.

If we agree that amendments are needed there is the question of when they need to be made. Home Office argue that this should happen before the Bill reaches the Lords this session. There are complex technical arguments about the operation of the Parliament Act etc, and you can of course take a chance and leave it unamended, since there is no guarantee that the Bill will reach the statute book. But, the bottom line is that if the Bill is not amended before it reaches the Lords, there is a risk that it could then reach the statute book in an ill-drafted form. (We cannot guarantee the Lords would make the necessary amendments. Or if we seek to amend the Bill in the Commons on its return from the Lords it could mean killing the Bill this session because we run out of time for further Lords consideration. These arguments apply mutatis mutandis next session if it is revived under the Parliament Act.)

There is then a presentational argument about how the amendments are made. Murdo is concerned that if we offer the amendments ourselves it could be seen by supporters of the Bill as a delaying tactic since more precious time would be taken up in Commons with the increased chance of it running out of time for

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- 3 -

PMBs. Equally, I think there is a risk that Government amendments would be seen by opponents as tacit support for the legislation. The way forward would therefore seem to be to ensure that the minimum number of amendments are put down and they are done by Michael Foster, albeit acknowledging publicly that these were amendments on which he sought advice from Government, given that he and Government recognised the need for any statute to be in a proper final form. Parliamentary Counsel has said that it is perfectly reasonable for Government to seek to amend at Report Stage on a free vote measure since it can be respectably argued that it wanted to allow the House to consider the Bill freely in Committee.

Finally, in order to get everything in place for report stage which will take place on 6 March, a decision is needed early next week.

We would therefore recommend that:

- (i) we accept Jack Straw and Ann Taylor's advice to amend in the Commons;
- (ii) we ask Home Office to explore in detail and agree with us what amendments are strictly necessary, as opposed to desirable, to ensure the minimum have to be made;
- (iii) they enter urgent discussion with Michael Foster to ensure that the amendments are made by him at report stage, while making

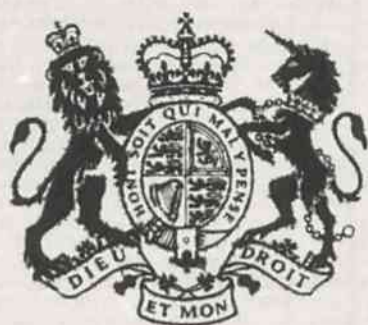
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absolutely clear that this is for responsible government reasons,
rather than any sign of support.

Are you content with this approach?

AM

Yes. We must
tell Mike R. to accept
of table amendments
that make the bill
sensible



Tony,

You need to speak to Nick on this.

The message from the Whips '15
dear — there could be a deal but
it's being blocked from here — if you
will get the blame.

I thought your position was dear —
you do not want this to be facilitated
by the govt. If a future private
members bill goes through, so be it.

Nick must not play games on this.

Sully

28/1.



Tony.

You need to speak to Nick on this.
The message from the Whips '15
dear — there could be a deal but
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I thought your position was dear —
you do not want this to be facilitated
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members bill goes through, so be it.

Nick must not play games on this.

Sully

28/1.

From: THE PRIVATE SECRETARY

FAXED 2.2.98



(P)

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

By fax to Muntz Addison, CO

cc: RR
PV
Press.

Angus Lapsley Esq
10 Downing Street
London

Does + whom you, or
should we let it pass?

29 January 1998

Dear Angus,

Angus
2/2.

Mike Hall's Breeding and Sale of Dogs Bill

Further to our recent telephone conversation I thought it might be helpful if I wrote to set our position in the light of further conversations with Home Office officials.

x.) You asked if a fuller regulatory appraisal would be completed. Having spoken to officials I am advised that a further appraisal will not be undertaken - officials would be unable to provide a fuller appraisal. I should point out that this appraisal was drawn from the 1996 Report of the All Party Parliamentary Group for Animal Welfare. I would be grateful if you could confirm if you remain content with the way forward proposed by Lord Williams.

The second issue you raised is that of the sale of puppies through pet shops. The Home Office is opposed to any restriction on the sale of puppies through pet shops. If LEG Committee agree the way forward suggested by Lord Williams then we would hope to table amendments at the Committee stage.

I have asked our Press Office to liaise with your Press Office over the media handling.

I hope this sets out the position but I would, of course, be happy to discuss further any of these issues.

Yours ever,

Ailish

AILISH KING-FISHER
Assistant Private Secretary

Michael Foster MP
Labour Member of Parliament for Worcester

DC
PL hold
until I get next
letter back
from Alastair.

~~Kate~~
Good!

MM

RR

Are you
replying?

- see latest
letter

~~AC~~
RR

CC RR
KG.
PJ

R

Tony Blair MP
House of Commons
London, SW1A 0AA

22nd January 98

~~Angus~~

~~Rob~~

He will be in Scotland

for L. P. Conf.

LG 16/2

LG 17/2

Dear Tony,

As I am sure you are aware my Wild Mammals (Hunting with Dogs) Bill is currently in Committee. The Bill is due to Report in early March, and this is the reason I write.

This will be the biggest hurdle to date. Therefore I would ask you to add in your diary the following date, Friday 6th March. This is the date we are currently planning for the Bill to Report to the House. We will need as many MP's in the House on this occasion to guarantee a majority. If you are available on this date could you please let me know as soon as possible. In particular, we need to ensure a quorum at 9:30am.

I believe this to be the best chance yet to bring a ban to hunting with dogs and therefore would really appreciate your support.

Many thanks, and kind regards.

Yours sincerely

Michael

Michael Foster MP

~~RR~~

You have
it + what
do you say?

LG 17/2

~~Kate~~

This is a round-robin,

but we should reply

to the 2nd, which

was passed I think

Reo



TOP AL
cc: PU

Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

From the Minister of State

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
Whitehall
London
SW1A 2AJ

(M)

19 January 1998

Dear Ann,

**PRIVATE PEERS BILL: LORD BEAUMONT OF WHITLEY
WELFARE OF PIGS (NO 2) BILL**

You will be aware that Lord Beaumont introduced a Private Peer's Bill on the Welfare of Pigs into the House of Lords on 17 December. I understand that Second Reading is due to take place later this month.

The Bill is identical to the one introduced into the House of Commons by Chris Mullin MP on 26 November, the Second Reading of which was originally due on 12 December but has now been timetabled for 6 March. The measures proposed have been prompted by Compassion in World Farming and reflect an understandable concern over the apparently widespread use of tail docking as a means of controlling or limiting the effects of aggressive tail biting in pigs.

As I explained in my letter of 20 November, I am not unsympathetic to the aims of the Bill but believe the problem it seeks to address is best tackled by other means. The Welfare of Livestock Regulations 1994 (SI 2126) already provide that tail docking should not be carried out routinely but only where there is evidence on the farm that injuries to other piglets have occurred or are likely to occur. There is a need to remind farmers of the legislation that already exists and to explore the use of other measures to control aggressive behaviour before resorting to tail docking. This is already in hand, as is research aimed at improving our understanding of the factors which influence aggressive behaviour in pigs.



Recycled Paper

I also explained that while I would not rule out the need for further legislation in due course, there is a much stronger case for awaiting the outcome of the initiatives outlined above and of the forthcoming review of the EU Directive on the welfare of pigs (91/630) which can also be expected to address the issue of tail docking.

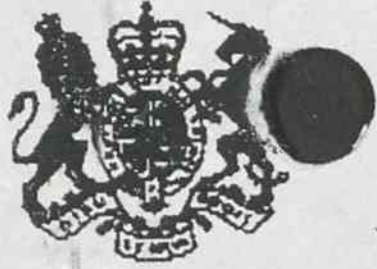
Your letter to me of 25 November confirmed Ministers' policy clearance to Chris Mullin's Bill being blocked at Second Reading. I recommend in relation to Lord Beaumont's Bill that we take any necessary action to block it as and when it reaches the House of Commons.

I should like comments by close Wednesday 21 January. A copy of this letter goes to the Prime Minister, Members of LEG and HS and to Sir Richard Wilson.

As ever,

Jack.

JACK CUNNINGHAM



CABINET OFFICE

CABINET SECRETARIAT

Economic and Domestic Affairs Secretariat

70 Whitehall • London SW1A 2AS
TELEPHONE: 0171-270 0242 • FAX: 0171-270 0057

CEP

DATE • 7 January 1998

OUR REFERENCE •

YOUR REFERENCE •

Ms N Goddard
APS/Angela Eagle
DETR
6/H9 Eland House

file.

Dear Nikki:

ANIMAL WELFARE

It might be helpful if I follow-up the word we had yesterday about the Ministerial Group on animal welfare. I am grateful to you for agreeing to ensure that, for the core departments, Mr Straw and Dr Cunningham (as well as Mr Prescott) are aware of the proposal. We also spoke about the need to bring the Treasury and the Northern Ireland Office into the picture.

We also spoke about the announcement of the group. Once the terms of the announcement are agreed among the 3 core departments, the simplest way of ensuring that all departments with an interest are aware of the proposal might be for your Minister to write round members of HS Committee, not forgetting the Prime Minister and Sir Richard Wilson.

Yours

Andrew

ANDREW CAMPBELL

bcc Angus Lapsley

From: Andrew Campbell
Date: 6 January, 1998

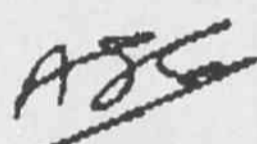
Mr Jeffrey

cc Mr Lapsley
Ms Lloyd

me

ANIMAL WELFARE

1. Thank you for your minute of yesterday.
2. The proposal for a Ministerial Group on Animal Welfare appears not to have risen higher than Mr Meacher in DETR. I have asked Angela Eagle's office to confirm with Mr Prescott's that the Deputy Prime Minister is content with the proposal and to ensure that Jack Straw and Jack Cunningham are properly in the picture.
3. I have also asked Angela Eagle's office to bring the NIO and the Treasury into the picture and to circulate any draft announcement agreed among DETR, MAFF and HO more widely before it is made. Her office had no difficulty with any of this.
4. If Angus or Liz do have any thoughts on the subject, which they would like me to feed in to DETR, I should be grateful if they would let me know by close on Thursday.


ANDREW CAMPBELL

lz / Angus. I agree we should see anything before they put it out, but it's fairly harmless. lz

Q: PU

I'm not quite of a good enough reason to stop this, although like Bill, I am instinctively cautious about letting this

FROM: BILL JEFFREY
DATE: 5 JANUARY 1998

ANDREW CAMPBELL

particular bunch of Ministers meet! I would have thought that it would be enough for CO to make it clear, in a letter, that decisions must be all-referenda to HS and the PM, as ever.

c Angus Lapsley
Liz Lloyd

ANIMAL WELFARE

The attached letter from Angela Eagle (which does not appear to have been copied to No 10) records that she, Elliot Morley and Lord Williams have recently agreed to set up what is described as a high level Ministerial group on animal welfare, covering the interests of their three Departments (DETR, MAFF and the Home Office) and the territories.

2. I assume that this proposal has the blessing of John Prescott, Jack Cunningham and Jack Straw, but you might check with DETR that this is so, encourage them to bring in the Northern Ireland Office and ensure that the Treasury are in the picture and have a chance to participate if they wish, and ask them to circulate any draft announcement agreed among the three main Departments more widely before it is made. I have a slight reservation about handling such a potentially tricky subject in this way, if only because of the read-across to fox-hunting. But unless Angus Lapsley or Liz Lloyd thinks otherwise, (and subject of course to satisfactory answers on the points mentioned above), I am inclined to let things take their course rather than suggesting anything more formal, or discouraging what seems in itself a sensible initiative.

BILL JEFFREY

FROM ANGELA EAGLE MP
PARLIAMENTARY UNDER SECRETARY OF STATE



DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL 0171 890 3016
FAX 0171 890 4499



29 DEC 1997

Dear Elliot,

Mr Jeffrey

Jack Cunningham wrote to the Deputy Prime Minister on 20 November seeking his approval to introduce legislation to end fur farming. My officials have already written to confirm that my Department was content that primary legislation for the ending of fur farming in the UK should be introduced. I believe that your proposal should find support from both the public and UK animal welfare bodies, who will be keen for us to introduce legislation to end fur farming in the UK. "Respect for Animals" have indeed pointed to a MORI poll undertaken in September 1996 which claimed that "76% of people in Britain believe that fur farming should be banned".

I also want to take this opportunity to review progress on establishing improved co-ordination of Government policies on animal welfare. At our meeting with Gareth Williams on 29 October, we decided that the right way forward would be to set up a high level Ministerial group on animal welfare, bringing in the needs of the three main Departments concerned, and others with an interest such as the two Territorial Departments. We thought this should be backed up by meetings of officials, and a forum where we could have direct discussion with the NGOs once or twice a year.

I gather there have been some delays at your end in producing a more detailed paper. However the animal welfare organisations, and the public in general do increasingly seek evidence of progress in meeting the full range of our pre-Election commitments in this field. We cannot deliver them all at once, and we need to get the inter-Departmental mechanisms established so that we can decide on priorities and co-ordinate presentation. The very fact that we have established an inter-Ministerial group on animal welfare issues would also be welcomed by the animal welfare bodies, particularly the commitment to a regular Government-NGO forum.

Given that we were generally in agreement about the need to set up these arrangements, I wonder whether we could proceed swiftly to a joint public announcement by the three main Departments concerned immediately after the Christmas recess? If there is agreement to this, perhaps our officials could be in touch to agree the details, and work up a formal statement.

I am copying this letter, together with the note of our meeting on 29 October, to Gareth Williams (Home Office), Wyn Griffiths (Welsh Office), Calum McDonald (Scottish Office) and Sir Robin Butler.

Kind Regards

Angela

ANGELA EAGLE

Elliot Morley Esq MP

From: Nicki Goddard
APS/Angela Eagle MP
6/H9 Eland House
GTN 3533 ext 4336

Date: 29 October 1997

MR HEPWORTH

ANIMAL WELFARE

You were present this afternoon when Angela Eagle met Elliot Morley and Lord Williams to discuss animal welfare. Mr Muchmore and Mr Turner (PS/Lord Williams) were also present. Ms Eagle had requested the meeting to discuss a means of instigating regular cross-departmental liaison meetings to pull general animal welfare issues together.

Mr Morley said that, following earlier meetings with Lord Williams, his officials were writing a discussion paper on this issue. He himself thought it was important for the Government to be sending out positive signals on their commitment to animal welfare.

The Minister suggested setting up an Inter-Departmental NGO Group to discuss Animal Welfare issues once MAFF's paper had been seen by those present today. DETR, MAFF and HO would be the core body with other departments such as MOD and the Territorials being invited on an ad-hoc basis.

It was suggested that existing secretariats within MAFF (Farm Animals) and DETR (Zoos Forum) may be able to contribute to the administrative costs of this group. Alternatively, Lord Williams thought the NGOs may be prepared to pay any costs if it was in their own interest to have this forum.

Lord Williams also raised the expected circus report from the All Party Animal Welfare Group where the main issue would be that caged animals were exempt from the Zoo Licensing Act. He thought a Private Members Bill could be introduced to look at this.

NICKI GODDARD

cc (*paper copy)
PS/Mr Meacher
PS/Mr Morley*
PS/Lord Williams*
Mrs McDonald
Mr Plowman
Mr Pritchard
Mr Bird
Mr Muchmore



RESTRICTED

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Dr Jack Cunningham MP
Minister of Agriculture, Fisheries and Food
Ministry of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
LONDON
SW1P 3JR

8 December 1997

Dear Minister

FUR FARMING

Thank you for sending me a copy of your letter of 20 November to John Prescott about proposed legislation to ban fur farming. I have also seen the response from Donald Dewar of 27 November.

2. Subject to the views of the Law Officers I am broadly content with your proposal. You will of course wish to determine the relative priority of this bid in relation to other MAFF bids.

Top RR
cc: PJ

→ Angus

(P)



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3. I understand that you hope to avoid any compensation claims from existing fur farmers by giving them sufficient lead time to adjust their farming practices. This is highly desirable. We must exercise caution when introducing policies that could have public expenditure costs beyond the two years for which we have established departmental ceilings. It may be prudent, therefore, to ascertain the precise position on compensation from the outset and then to make that position clear to the industry.
4. I am copying this letter to the Prime Minister, members of HS committee and to Sir Robin Butler.

Your sincerely

Peter Shepherd

PP ALISTAIR DARLING

*(approved by me Chief Secretary
and signed in his absence)*



SWYDDFA GYMREIG

Tŷ GWYDJR

WHITEHALL LLUNDAIN SW1A 2ER

Ffôn: 0171-270 3000 (Switsfwrdd)
0171-270 0538 (Llinell Union)
Ffacs: 0171-270 0561

Oddi wrth Ysgrifennydd Gwladol Cymru



→ *Aspin / file*

*Top RR
cc: P*

WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel: 0171-270 3000 (Switchboard)
0171-270 0538 (Direct Line)
Fax: 0171-270 0561

From The Secretary of State for Wales

The Rt Hon Ron Davies MP

Ref: CT97-15522

5 December 1997

Dear Jack,

Thank you for sending me a copy of your letter of 20 November to John Prescott, seeking agreement to introduce legislation prohibiting the keeping of animals solely for their fur or alternatively prohibiting the keeping of certain specified animals for their fur.

I am content to support the introduction of primary legislation subject to the further views of Law Officers.

I am copying this letter to the Prime Minister, members of HS Committee and Sir Robin Butler.

A eve,

Ron

The Rt Hon Dr J Cunningham MP
Ministry of Agriculture, Fisheries and Food,
Whitehall Place
London
SW1A 2HH

The Rt Hon Margaret Beckett MP
President of the Board of Trade

Top-AU
cc PU



The Rt Hon Dr Jack Cunningham MP
Minister for Agriculture, Fisheries
and Food
Nobel House
17 Smith Square
LONDON
SW1P 3JR

Secretary of State
**Department of
Trade and Industry**

1 Victoria Street
London SW1H 0ET

Direct line
0171-215 5430

DTI Enquiries
0171-215 5000

E Mail Address
TLO.Beckett@TLO.dti.gov.uk

4 December 1997

②

Dear Jack,

FUR FARMING

Thank you for copying to me your letter of 20 November to Mr Prescott. I am content with the approach you suggest.

I am copying this letter to the Prime Minister, members of the HS Committee and to Sir Robin Butler.

Reynolds
Margaret

~~TOPRA~~
~~CC:PU~~



Northern Ireland Office
Parliament Buildings
Belfast BT4 3SS

→ Aylm

The Rt Hon John Prescott MP
Deputy Prime Minister and Secretary of State
for the Environment, Transport and the Regions
Eland House
Bressenden Place
LONDON
SW1E 5DU

3 December 1997

(P)

Dear John,

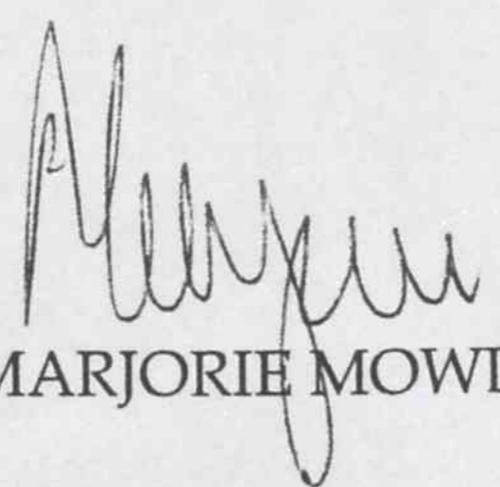
FUR FARMING

I have seen Jack Cunningham's letter of 20 November seeking colleagues' approval to introduce primary legislation prohibiting the keeping of animals solely for their fur.

While there are at present no fur farms in Northern Ireland I am happy to support the introduction of primary legislation to provide for a complete ban on fur farming.

Separate legislation will of course be required in Northern Ireland.

I am copying this to the Prime Minister, members of the HS Committee and Sir Robin Butler.


MARJORIE MOWLAM



The Rt Hon Ann Taylor MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

Top: HA/PS
cc PA/PS
PU

28 NOV 1997

Dear Gareth,

PRIVATE MEMBER'S BILL: HARE COURISING

Thank you for your letter of 15 October about the handling of Colin Pickthall's Private Member's Bill on hare coursing.

You explained that the Bill was likely to seek to make it an offence to use any place to course hares, and to provide for the confiscation of any animal or equipment used in connection with hare coursing. You noted that Mike Foster's Bill on hunting also sought to ban hare coursing.

The Government's stance was neither to support nor oppose a ban but to allow a free vote on the matter. You therefore proposed that the Government should be neutral towards Colin Pickthall's Bill, and that individual Ministers should have a free vote on the Bill at Second Reading.

No colleague commented and you may therefore take it that you have agreement to proceed as you propose.

I am copying this letter to the Prime Minister, members of HS and LEG Committees, Sir Robin Butler and First Parliamentary Counsel.

Yours,
ANN TAYLOR

The Lord Williams of Mostyn
Parliamentary Under-Secretary of State
Home Office

CONFIDENTIAL

~~Jonathan Powell~~

From: Rob Read
Date: 28 November 1997

cc: Alastair Campbell
Sally Morgan
Angus Lapsley
Liz Lloyd

FOSTER BILL

Discussion this morning with Murdo leads to the conclusion that a paper should go from Chief Whip to the Prime Minister setting out the possible progress of the Bill from second reading, and the Government's best options for handling. I will discuss preparation with him.

Murdo rightly sees the main short-term objective as ensuring that the Bill does not reach the Lords since that then jeopardises Government business. The paper from CW will need to identify the steps we might have to take and the public position we have to adopt, given that it cannot be guaranteed that the Bill's opponents will do this, either through guile or by being out-manoeuvred.

There is a wide range of possible trajectories for the Bill, but the worst case scenario Murdo posits is that Foster supporters talk out all the five subsequent PMB second readings leaving the following 7 PMB Fridays clear for the report and third reading. That makes it much less likely, although not impossible, for Foster opponents to talk out the Bill at report stage.

The tactics we adopt will ultimately depend on whether the PM is content to have legislation banning hunting in this Parliament, or would want this not to happen. So far, that is not clear. And this to me is key.

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CONFIDENTIAL

- 2 -

We need to be aware that - in the view of Parly Counsel - the criminal law clauses of the Crime and Disorder Bill are potentially amendable to accommodate a hunting ban. That Bill first comes to the Commons in around April of next year. And in the next session, a criminal justice bill, unless tied down only to youth justice provisions, is again likely to provide scope.

In the longer-term therefore, even if the Foster Bill is talked out, the issue will inevitably arise again and we need to have a compass to steer by.

Rcb



ST ANDREW'S HOUSE
EDINBURGH EH1 3DG

Top AL
C:Pu

The Rt Hon Dr Jack Cunningham MP
Minister of Agriculture, Fisheries and Food
Ministry of Agriculture, Fisheries and Food
Nobel House
17 Smith Square
LONDON
SW1P 3JR

27 November 1997

①

Dear Jack,

FUR FARMING

Thank you for copying to me your letter of 20 November to John Prescott about introducing legislation to end fur farming.

There are no fur farms in Scotland, and just one mink kept (for exhibition purposes only) for which a special licence is issued. My Department has been involved in the consultation exercise to which you refer in your letter and I can confirm my support for your proposal to introduce primary legislation to ban fur farming as soon as Parliamentary time permits.

I am copying this letter to the other recipients of yours.

Yours sincerely,
Donald
DONALD DEWAR



The Rt Hon Ann Taylor MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

Top - AL
cc RR
✓ PU

①

25 NOV 1997

Dear Jack,

TEN MINUTE RULE BILL: HEALTH AND WELFARE OF PIGS

Thank you for your letter of 20 November about the handling of Chris Mullin's Private Member's Bill about the health and welfare of pigs.

You explained that the Bill was likely to focus on concerns expressed by Compassion in World Farming (CIWF) over the apparently widespread use of tail docking as a means of controlling or limiting the affects of aggressive tail biting in pigs. While you were not unsympathetic to the aims of the Bill, you believed that the problem it sought to address was best tackled by other means. The Welfare of Livestock Regulations 1994 already provide that tail docking should not be carried out routinely, but only where there is evidence on the farm that injuries to other piglets have occurred or are likely to occur. Action to encourage compliance with the Regulations, and to consider other measures, was already in hand, as was research aimed at improving understanding of the factors which influence aggressive behaviour in pigs. The outcome of these initiatives and the forthcoming review of the EU Directive on the welfare of pigs should not be pre-empted.

You therefore proposed that Ministers be asked to abstain in the event of a division and that the Bill should be blocked at Second Reading.

No colleague commented on your proposal, and you may therefore take it that you have agreement to proceed as you propose. Arrangements will be made for the Bill to be blocked at Second Reading.

A copy of this letter goes to the Prime Minister, members of HS and LEG Committees and to Sir Robin Butler and First Parliamentary Counsel.

Yours,

ANN TAYLOR

The Rt Hon Dr Jack Cunningham MP
Minister of Agriculture, Fisheries and Food

Annex A*Wild Mammals (Hunting with Dogs)*

A

BILL

TO

Make provision for the protection of wild mammals from being pursued, killed or injured by the use of dogs; and for connected purposes. A.D. 1998

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Any person who uses, causes or permits any dog to hunt any wild mammal shall be guilty of an offence. Offences.

(2) Any person who in the course of hunting uses, causes or permits any dog to enter any structure or place, whether subterranean or not, used or likely to be used by any wild mammal for shelter or protection shall be guilty of an offence.

(3) Any person who being an owner or occupier of land, causes or permits any person to enter upon or use that land to hunt with a dog any wild mammal shall be guilty of an offence.

(4) Any person who being the owner or keeper of a dog permits any other person to use, cause or permit that dog to hunt any wild mammal shall be guilty of an offence.

(5) Any person who owns, uses or controls a pack of dogs for the purposes of hunting shall be guilty of an offence.

2.—(1) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting is about to commit, is committing, or has committed an offence under this Act. Powers of arrest, search and seizure.

Wild Mammals (Hunting with Dogs)

(2) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Act the constable may without warrant—

- (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
- (b) search or examine any vehicle, animal or article which that person may have with him if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that vehicle, animal or article;
- (c) seize and detain for the purpose of proceedings under this Act any vehicle, animal or article which may be evidence of the commission of the offence or may be liable to be forfeited under section 4.

(3) For the purposes of exercising the powers conferred by subsections (1) and (2) a constable may enter any land including any building not being a dwelling house.

3.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or both.

Penalties.

(2) Where an offence under section 1 of this Act is committed in respect of more than one wild mammal the maximum fine which may be imposed under subsection (1) shall be determined as if the person convicted was convicted of a separate offence in respect of each wild mammal.

(3) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of an offence and liable to be proceeded against and punished accordingly.

(4) Where the affairs of a body corporate are managed by its members, subsection (3) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Wild Mammals (Hunting with Dogs)

4.—(1) The court by which a person is convicted of an offence under this Act may, in addition to any other penalty—

Forfeiture and
disqualification
orders.

- (a) order the forfeiture of any vehicle, animal or article which was used in connection with the commission of the offence or which was capable of being so used and which was found in his possession; and
- (b) disqualify the offender, for such period as it thinks fit, from having custody of a dog and make such other orders with respect to the disposal of the dog as the court thinks fit under the circumstances.

(2) Where the court makes an order under subsection (1)(b) above, it may—

- (a) appoint a person to undertake the disposal of the dog and require any person having custody of the dog to deliver it up for that purpose; and
- (b) order the offender to pay such sum as the court may determine to be reasonable expenses of disposing of the dog and of keeping it pending its disposal.

(3) A person who—

- (a) has custody of a dog in contravention of an order under subsection (1)(b); or
- (b) fails to comply with a requirement imposed on him under subsection (2);

shall be guilty of an offence.

(4) Where an order is made under subsection (1)(b) in relation to a dog owned by a person other than the offender the owner may appeal to the Crown Court or, in Scotland, the High Court of Justiciary, against the order.

(5) A person who is disqualified from having custody of a dog by virtue of an order made under subsection (1)(b) may, at any time after the end of the period of one year beginning with the date of the order, apply to the court which made the order (or, in England and Wales, any Magistrates' court in the same petty sessional area) for a direction terminating the disqualification from such date as the court considers appropriate.

Wild Mammals (Hunting with Dogs)

- (6) On an application under subsection (5) the court may—
- (a) having regard to the applicant's character, his conduct since the disqualification was imposed and any other circumstances of the case, grant or refuse the application; and
 - (b) order the applicant to pay all or any part of the costs of the application;

and where an application in respect of an order is refused no further application in respect of that order shall be entertained if made before the end of the period of one year beginning with the date of the refusal.

5.—(1) In this Act "hunt" means intentionally to search for, chase, pursue, harry, bait, attack, injure, or kill any wild mammal (whether or not injury or death is caused by a dog) including coursing and "hunting" shall be construed accordingly.

Meaning of
"hunt".

- (2) The definition in subsection (1) does not extend to—
- (a) an owner or occupier of land using, causing or permitting any dog to hunt any wild rabbit or wild rodent on that land;
 - (b) the defence of any person or captive or domestic animal under immediate attack by a wild mammal;
 - (c) the flushing out of a wild mammal from cover on or above ground to be immediately and lawfully shot for the purpose of the necessary management and control of the wild mammal or wild mammals of that species;
 - (d) the use by a person of a single dog under his close control to track, locate or retrieve any wild mammal which is seriously disabled as a result of either:
 - (i) any lawful activity, or
 - (ii) any unlawful activity to which he was not a party the burden of proof of which shall lie upon him.

Wild Mammals (Hunting with Dogs)

provided there is no reasonable alternative and he intends to relieve the suffering of the wild mammal; or

- (e) a draghunt in the course of which a dog inadvertently chases, attacks, injures or kills a wild mammal provided that the draghunt is registered with a body whose objects and rules expressly forbid its members from using dogs for any purpose other than a draghunt.

6. In this Act —

Interpretation.

“captive animals” and “domestic animals” have the meaning given in the Protection of Animals Act 1911;

1 & 2 Geo 5 c.27.

“draghunt” means where a person or persons together with a pack of dogs follows a man made or man laid scent and which does not involve the pursuit of a wild mammal;

“occupier” includes any person who has control of land or is the agent of any such person;

“owner” means any person who has an interest in land including a licensee or the agent of any such person but does not include—

- (a) a mortgagee not in possession; or
- (b) in relation to land in Scotland, a creditor in a heritable security not in possession of the security subjects;

“pack of dogs” means two or more dogs owned hired or controlled for the purposes of a draghunt or for hunting wild mammals other than wild rabbits and wild rodents; and

“wild mammal” means any mammal which is living free or is feral or which has been released or escaped from captivity.

7.—(1) This Act may be cited as the Wild Mammals (Hunting with Dogs) Act 1998.

Citation,
consequential
amendments,
repeals,
commencement
and extent.

(2) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule being amendments consequential to the provisions of this Act and the enactments specified in Schedule 2 are repealed to the extent specified in the third column of that Schedule.

Wild Mammals (Hunting with Dogs)

(3) This Act shall come into force with the expiration of the period of two months beginning with its passing.

(4) This Act extends to Northern Ireland.

SCHEDULE 1

Section 7

CONSEQUENTIAL AMENDMENTS*Game Licences Act 1860*

1. In section 2 of the Game Licences Act 1860 (duties herein mentioned to be granted)—

(a) after the word "dog" there is inserted the words "(other than for the taking or killing of deer)", and

(b) for the words "any means whatever" in both places where they occur there is substituted the words "any lawful means whatever".

2. After that section there is inserted the following section—

"Meaning of
"game"
1&2 Will 4.c.32.

2A. In this Act, "game" has the meaning given in the Game Act 1831."

3. In section 4 (licence to be taken out for taking or killing game in Great Britain - penalty for neglect) of that Act for the words "any means whatever" there is substituted the words "any lawful means whatever".

4. In section 5 (exceptions and exemptions) of that Act —

(a) in exception 5 for the words "taking and killing" there is substituted "lawful taking and killing", and

(b) in exemption 3—

(i) for the words "taking or killing" there is substituted "lawful taking and killing", and

(ii) after the words "his own dog" there is inserted the words "(other than for the taking or killing of deer)".

Wild Mammals (Hunting with Dogs)

SCHEDULE 2

Section 7

REPEALS

Chapter	Short title	Extent of repeal
1 & 2 Will 4 c.32.	Game Act 1831	In section 2 the word "hares". Section 35.
11 & 12 Vict c.29.	Hares Act 1848	The whole Act.
11 & 12 Vict c.30.	Hares (Scotland) Act 1848	The whole Act.
23 & 24 Vict c.90.	Game Licences Act 1860	In section 2, the words "any dog". In section 4, the words "any dog". In section 5, exceptions 3 and 4.
1 & 2 Geo 5 c.27.	Protection of Animals Act 1911	In section 1, in subsection (3), paragraph (b).
2 & 3 Geo 5 c.14.	Protection of Animals (Scotland) 1912	In section 1, in subsection (3), paragraph (b).
1972 c.7. (N.I.)	Welfare of Animals Act (Northern Ireland) 1972	In section 15, paragraph (c) and in paragraph (d) the words "hunting" and "coursing".
1992 c.51.	Protection of Badgers Act 1992	In section 8, subsections (4) to (9).



Ministry of Agriculture, Fisheries and Food,
Whitehall Place, London SW1A 2HH

(P)

From the Minister

The Rt Hon John Prescott MP
Deputy Prime Minister and
Secretary of State for the
Environment, Transport and Regions
6th Floor
Eland House
Bressenden Place
London
SW1E 5DU

*Angus
I think its fine
we promised to do it
if they get advice is not
this is the only option we will
have to go with it.
They need to make an
annual payment to avoid
future compensation
claims.
L3 2/12*

*Top AL
C. Pu*

*How do we justify this? The logical
extension of this is an ECU or
export ban, which we presumably
cannot achieve.
Costs?*

20 November 1997

Dear Sir,

*Angus.
2/11.*

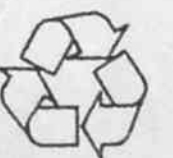
FUR FARMING

I am writing to you as Chairman of HS Committee to seek colleagues' approval to introduce legislation prohibiting the keeping of animals solely for their fur, or alternatively prohibiting the keeping of certain specified animals for their fur.

The Government has an outstanding pre-election pledge to end fur farming as soon as practicable. A consultation letter was issued on 5 August setting out the Government's proposals and it was hoped that it would be possible to use existing legislation to introduce the ban. However, following detailed consideration of the responses to the consultation exercise and further legal advice, I have concluded that the only way to proceed is to introduce new, primary legislation.

There are still a number of detailed legal issues to be considered and my officials have written to legal colleagues within Whitehall with a view to seeking urgent legal advice from the Law Officers. My request for colleagues' approval is, therefore, subject to the views of the Law Officers. Our current view is that we would justify the ban under EC law on grounds of public morality. The ban would either cover mink, which are currently farmed, and certain other specified animals (specified by the Bill or by subordinate legislation under it), or else

/cover all animals ...



Recycled Paper

cover all animals which are farmed solely (or possibly predominantly) for their fur, or which in the future might be farmed solely or predominantly for their fur. We would hope that it would not be necessary to compensate existing fur farmers, provided sufficient time is allocated for them to run down their businesses.

Until I am able to introduce legislation to ban fur farming, it is essential that the existing licensing controls on fur farms are maintained. The Mink Keeping Order 1992, made under the Destructive Imported Animals Act 1932, prohibits the keeping of mink except under a licence from MAFF. The 1992 Order expires on 1 January 1998 and unless a new Order is made, mink farming would be deregulated and the Ministry would not be able to enforce the stringent security measures to prevent farmed mink from escaping into the wild where they are a pest. The Mink Keeping Order 1997 was, therefore, laid on 19 November and comes into force on 1 January 1998. It is subject to affirmative resolution of both Houses and must be debated before the Christmas recess.

Depending on colleagues' views, I would like to be able to announce before the debate the Government's intention to introduce primary legislation to ban fur farming as soon as Parliamentary time permits. I would therefore be grateful for colleagues' views by 3 December.

- > I am copying this letter to the Prime Minister, members of HS Committee and to Sir Robin Butler.

*As ever,
Jack.*

JACK CUNNINGHAM



Ministry of Agriculture, Fisheries and Food,
Whitehall Place, London SW1A 2HH

~~Top RR~~
~~CCAL~~
~~PM~~

→ Roy/Gile

From the Minister

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
Whitehall
London
SW1A 2AJ

20 November 1997

Dear Ann,

MR CHRIS MULLIN MP: TEN MINUTE RULE BILL: HEALTH AND WELFARE OF PIGS

Chris Mullin has given notice of a ten minute rule motion on 26 November requesting that "leave be given to bring in a Bill to make provision with respect to the health and welfare of pigs".

We understand that this has been inspired by Compassion in World Farming (CIWF) and will almost certainly focus on CIWF's concern over the apparently widespread use of tail docking as a means of controlling or limiting the affects of aggressive tail biting in pigs.

I am not unsympathetic to the aims of the Bill, but I believe the problem it seeks to address is best tackled by other means. The Welfare of Livestock Regulations 1994 (SI 2126) already provide that tail docking should not be carried out routinely but only where there is evidence on the farm that injuries to other piglets have occurred or are likely to occur. Clearly, there is a need to remind farmers of the legislation that already exists, and to explore the use of other measures to control aggressive behaviour before resorting to tail docking. Plans for this are already in hand, as is research aimed at improving our understanding of the factors which influence aggressive behaviour in pigs.

While I would not rule out the need for further legislation in due course, there is a much stronger case for waiting the outcome of the initiatives outlined above and of the forthcoming review of the EU Directive on the welfare of pigs (91/630) which can also be expected to address the issue of tail docking.

/I see no ...



Recycled Paper

I see no reason, however, to oppose this motion and therefore recommend that Ministers be asked to abstain if there is a division on the motion, on the understanding that we should seek to block at Second Reading any Bill which might result.

> A copy of this letter goes to the Prime Minister, Members of HS and LEG Committees and to Sir Robin Butler.

*As per,
Jack.*

JACK CUNNINGHAM

The Rt Hon Tony Blair MP
House of Commons
London
SW1A 0AA

13th November 1997

Dear Mr Blair

There has been intense press speculation about whether the Government will, or will not, support Michael Foster's Wild Mammals (Hunting with Dogs) Bill. I am writing to explain why The Campaign for the Protection of Hunted Animals (CPHA) remains confident that the Bill stands every chance of becoming law.

The story that appeared in the press recently is no more than a repeat of the position the Government has adopted for several months. It is not a change in their attitude towards this Bill. A number of stories had appeared in the press last week which led to speculation in some papers that the government might be considering giving the Bill additional time. The 'Downing Street Spokesman' was simply responding to questions which arose as a result of that speculation.

The Bill is as alive as it was before the weekend. Mail from members of the public to MPs is overwhelmingly in support of the Bill. Opinion polls show consistently that all public opinion - rural and urban - is also overwhelmingly in support of the Bill. If the level of support for the Bill both among the public and among MPs, as reported by the *New Statesman*, is reflected in the Bill's second reading vote on 28th November, the Bill will have the clear support of the House of Commons.

The British public will be delighted that the House of commons has voted for the Bill but will find it difficult to accept that this highly popular measure may then fail because it is not given the time it needs to become law. The CPHA will continue to campaign in support of the Bill throughout its Parliamentary life. We accept that the Government has a busy schedule, but believe that when the Bill has completed its Committee Stage, the situation may have changed.

The British public will continue to show their support for the Bill and will look to their elected representatives to support it as much as they can. We remain optimistic that the Bill will become law.

Yours sincerely

David Coulthred

David Coulthred
On behalf of the Campaign for the Protection of Hunted Animals

Registered in England as a Company No. 2880406
Registered Office: 83/87 Union Street, London, SE1 1SG
VAT No. 220 4849 82

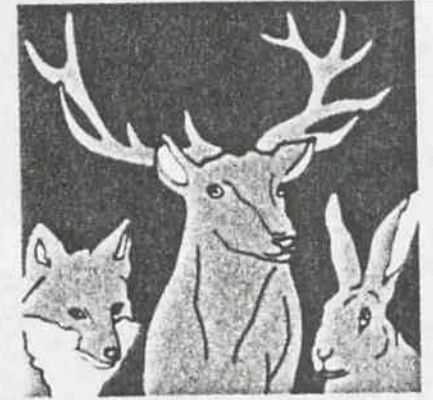

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RDS Read

✓cc: Angus
Liz Uyd
file

This is a round-robin
to MPs. I see no
need for reply.

1044 41
LEAGUE
AGAINST CRUEL SPORTS



WORKING FOR WILDLIFE

League Against
Cruel Sports Ltd

SPARLING HOUSE
83-87 UNION STREET
LONDON SE1 1SG

INTERNET:

<http://www.Lightman.co.uk/lacs/>

EMAIL:

League@compuserve.com

FAX: 0171-403 4532

TEL: 0171-403 6155



The Rt Hon Ann Taylor MP

PRIVY COUNCIL OFFICE

68 WHITEHALL LONDON SW1A 2AT

10 NOV 1997

See Jack,

(P)

TEN MINUTE RULE BILL: WELFARE OF ANIMALS IN QUARANTINE

Thank you for your letter of 29 October on the handling of Paul Flynn's Private Member's Bill which is due to receive its Second Reading on 28 November. The purpose of the Bill is to improve the welfare of animals in quarantine.

You explained that Ministers did not currently have the power under the Animal Health Act 1981 to lay down welfare standards for animals kept in quarantine. There was a voluntary Code of Practice on welfare standards, but you believed that this was not enough and that it was essential that animals kept in quarantine were treated properly and humanely. You were therefore proposing that the Government should support the Bill.

Donald Dewar, Frank Dobson and Marjorie Mowlam commented and were content. Marjorie noted that, if the Bill were passed, equivalent powers for laying down standards for animals kept in quarantine premises in Northern Ireland would need to be made, through a separate Order in Council. No other colleague commented and you may therefore take it that you have policy agreement to your proposal. As you know, we are due to discuss the Bill at LEG on 11 November, when a final decision on its handling will be taken.

I am sending a copy of this letter to the Prime Minister, to members of HS and LEG Committees and to Sir Robin Butler.

Yours,

ANN TAYLOR

The Rt Hon Dr Jack Cunningham MP
Minister for Agriculture, Fisheries and Food

TOP AL
✓ C: PU



THE SCOTTISH OFFICE
DOVER HOUSE
WHITEHALL
LONDON SW1A 2AU

The Rt Hon Dr J Cunningham MP
Minister of Agriculture, Fisheries and Food
Ministry of Agriculture, Fisheries and Food
Whitehall Place
LONDON
SW1A 2HH

(P)

5 November 1997

Dear Jack,

PAUL FLYNN MP: TEN MINUTE RULE BILL: WELFARE OF ANIMALS IN QUARANTINE

I have seen your letter of 29 October to Ann Taylor seeking policy agreement for this Bill.

It may be some time before we conclude our review of the quarantine regulations and I agree that in the interim we ought to provide a legal requirement for standard welfare conditions to be observed by kennel owners for the benefit of those pets still subject to 6 months' quarantine. This can be usefully achieved by an amendment to the 1981 Animal Health Act as proposed by Paul Flynn's Bill and I agree that it should be supported.

I am copying this letter to the Prime Minister, Members of LEG and HS Committees, First Parliamentary Council and to Sir Robin Butler.

*Yours sincerely,
James*

DONALD DEWAR



Ministry of Agriculture, Fisheries and Food

1. cc. *Liz*
810

Facsimile transmission

URGENT

2. *plh.*

Covering classification: _____

AZ.

From: Dr P L Grimley
Private Secretary to
The Lord Donoughue,
Minister for Farming and
the Food Industry

To: Angus Lapsley
Address: _____

Address: Room 217
Whitehall Place (West)
London SW1A 2HH

Fax no. _____

Tel: 0171 270 8674
GTN 270 8674
Fax 0171 270 8046

Repeat Name: _____
Address: _____

Fax no. _____

Date: 5 Nov.
Time: 14:10
Pages: 2 inc. this one

MESSAGE

Angus,

re. the Countess of Mar PQ this afternoon.

We now understand from Liz Lloyd that there is agreement to Lord Donoughue's referring to setting up an official group to monitor the PQ issue.

I attach the text of his reply.

Unless we hear from you to the contrary, he will respond as per this text.

If you have any difficulties, please contact Andrew Slade before 3pm.

regards

Pete

PQ 798
ORAL

The Countess of Mar: To ask Her Majesty's Government whether they will convene a high-level, interdepartmental committee with the remit to consider all the current evidence on the testing, licensing, use and disposal of organophosphorus chemicals and their effects on humans and the environment, and to make recommendations.

The Lord Donoughue

The existing advisory committees already provide a considerable level of scrutiny and advice to Ministers. There is close liaison and overlapping membership between the Advisory Committee on Pesticides, the Veterinary Products Committee, the Committee on the Safety of Medicines and other associated committees. The Government attaches the highest importance to ensuring that the current interchange of information and scientific expertise continues and is made available to all those with an interest. In addition to this, a group of officials from relevant departments will formally monitor and coordinate the information relating to organophosphorus chemicals and will report regularly to ministers.

cc: Angus

From: Liz Lloyd
Date: 4 November 1997

Bill Jeffrey

P

c.c.

Animals

Following our conversation today about convening a group at official level to ensure that the government's policies on animal welfare are properly developed and presented, I suggest that Angus writes out along the following lines:

- concern at the lack of co-ordination across government departments about issues related to animal welfare
- suggests that an ad-hoc meeting of officials convened by the Cabinet Office should take place to:-
 - a) Set out the key areas of concern - e.g. veal crates, farm animal welfare, European aspects of animal transportation, the use of animals in scientific experiments, the use of animals by the MOD
 - b) Set out what each government department intends to do in each area
 - c) Draw together a strategy which deals with the timing, presentational and handling issues



Richmond House 79 Whitehall London SW1A 2NS Telephone 0171 210 3000
From the Secretary of State for Health

AL
Top RR
C: AR
Fu
Press

✓
Jack Cunningham
Ministry of Agriculture Fisheries and Food
Whitehall Place
London SW1A 2HH

November 1997

(P)

PAUL FLYNN MP: TEN-MINUTE RULE BILL: WELFARE OF ANIMALS IN QUARANTINE

I have received a copy of your letter to the President of the Council dated 29 October, in which you seek agreement for this Bill to be given any necessary Government support at Second Reading.

We recognise the importance of doing all we can to secure the humane treatment of animals kept in quarantine so that consideration of the possible alternatives can proceed on rational and scientific grounds. Such a measure will underline the Government's commitment to continue to enforce existing quarantine arrangements whilst recognising the validity of the concerns for animal welfare often expressed by opponents of those arrangements.

Copies of this letter go to recipients of yours.

FRANK DOBSON



Ministry of Agriculture, Fisheries and Food,
Whitehall Place, London SW1A 2HH

TOTAL
C. AL
DU

From the Minister

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
Whitehall
London
SW1A 2AJ

(P)

29 October 1997

Dear Ann,

PAUL FLYNN MP: TEN-MINUTE RULE BILL: WELFARE OF ANIMALS IN QUARANTINE

My letter of 7 July sought agreement for this Bill to receive Government support at Second Reading. The need for the Bill stems from the fact that currently Ministers do not have the power under the Animal Health Act 1981 to lay down welfare standards for animals kept in quarantine premises under existing rabies controls. There is a Voluntary Code of Practice on Welfare Standards in Quarantine, which seems to be working well, but in my view this is not enough. It is essential that we be able to require that animals kept in quarantine are, and are seen to be, treated humanely

I am now able to circulate the text of the Bill and would be grateful for policy agreement from HS and LEG Committees for this Bill to be given any necessary Government support at Second Reading. I would be grateful for any comments by Tuesday, 4 November.

A copy of this letter goes to the Prime Minister, Members of LEG and HS Committees, First Parliamentary Counsel and to Sir Robin Butler.

As ever,
Jack
JACK CUNNINGHAM



Recycled Paper

Animal Health (Amendment)

A
BILL
TO

Improve the welfare of animals in quarantine;
and for connected purposes.

A.D. 1998

BE IT ENACTED by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:---

1. In Schedule 2 to the Animal Health Act 1981 (matters in
respect of which importation control orders may be made),
after paragraph 4 there shall be inserted the following
paragraph-

Welfare of
animals kept
in quarantine.

“4A. The premises at which animals and other things
are to be kept in quarantine in pursuance of the order and the
welfare of animals kept in such premises.”

2.--(1) This Act may be cited as the Animal Health
(Amendment) Act 1998.

Short title,
commencement
and extent.

(2) This Act shall come into force at the end of the period
of two months beginning with the date on which it is passed.

(3) This Act does not extend to Northern Ireland.

27-OCT-1997 20:49 FROM TELLEX MONITORS LONDON TO 01712732105 P.01

TELLEX MONITORS LTD - The Broadcast Reporting Service
NATIONAL OFFICE - 0171 490 8018 This Transcript From: LONDON OFFICE - 0171 490 8018

FAO: SAED KHAN
AT: HOME OFFICE

ACCT: 14849

Handwritten: 11 send to August 24 1997

PROG: THE WORLD AT ONE

DURATION: 00:09:00

Handwritten: by fax + @

DATE: 21/10/97 TIME: 13:00

JOB: A97-102282

STN: BBC RADIO 4

ORDER: TOP PRIORITY
RUSH BY FAX

Handwritten: 28/10

Handwritten: (R)

LORD WILLIAMS OF MOSTYN ON ANIMAL TESTING

FIRST DRAFT

NICK CLARKE:

Nearly 3,000 animals were used last year for the testing of cosmetics and the Labour Party, before being elected, expressed its outright opposition to such work. In documents published alongside its Manifesto the Party undertook not to issue licences to cosmetic companies for this work, to back a Europe-wide ban as well, yet this morning's Independent newspaper claimed that the Home Office was backtracking on those undertakings.

The report spoke of a 25% reduction in the funding for the research into alternative testing methods, a decision not to order a Royal Commission as promised, and an official acceptance that animal experiments generally were likely to continue.

This morning the Home Secretary, Jack Straw, denied that the Government was going back on a promise.

THE RT HON JACK STRAW:

It is not true that we have abandoned what we said at the election or anything like that. We're very concerned indeed to ensure that there are very effective regulations on animal testing and that products are only tested on animals where it's absolutely necessary for that to happen. We remain very strongly committed indeed to ensure proper regulation of animal testing and it's simply untrue to suggest that we've abandoned promises which we made before the election.

N.C:

However the Conservative MP Roger Gale, Chairman of the all party animal welfare group, said the Government had to clarify its position.

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ROGER GALE MP:

If we're going to find what are known as validated alternatives to the use of animals then we have to put serious money into research into those alternatives and that is what we believe that the Government was going to do and that is what needs clarification. If they are reneging on that then that is very bad news indeed. If they are not, if they are going to put more money in then let them say so very clearly and there will be a very big cheer going up.

N.C:

Roger Gale. The Home Office Minister responsible for animal welfare is Lord Williams of Mostyn and I asked him whether it was true that cuts had been made in funding.

LORD WILLIAMS OF MOSTYN:

There has been a cut but that was brought about by the previous Government and therefore we have no control at all over the funding for this current year. Funding for next year and the year after is still obviously under consideration and I'm reasonably optimistic that we will be able to restore the cut which was imposed by the previous Government.

N.C:

Right, so you want to put more money back into the business of looking for alternatives for you?

L.W:

If at all possible, of course.

N.C:

But you can't promise that?

L.W:

I can't promise it but I am reasonably optimistic bearing in mind the Home Secretary's general view about these matters.

N.C:

Well they are very clear and indeed so is your Government's view as expressed before

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the election very clear. First of all, let's talk about a Royal Commission. A Royal Commission is something which was spoken about before the election. Is it going to happen?

L.W:

The Independent article said that I'd ruled it out. I'm afraid that's inaccurate. What I've said was that at present we're not going to set up a Royal Commission. The 'at present' is the important point because there is a review of the Act going on at the moment. The interim report is going to be published today and the final report the earlier part of next year. When that's done we'll need to look at terms of reference, time scale and whether or not the priority is to have a Royal Commission immediately, which is very, very expensive, or to devote rather scarce resources to more immediate questions.

N.C:

Yes, so there's going to be no Royal Commission, is there, probably in the life time of this Parliament, by the sound of it?

L.W:

No that simply is not correct. I repeat what I've already said. At present there will be no Royal Commission. We will review that question, sensibly I think, when the final review of the Animal Procedures Committee is brought and published next year.

N.C:

Let those... of what you might call the details, let's look at the specifics which really matter to people which is that you Party said, when in opposition, something very, very simple, it said: "We will not licence the testing of cosmetics, tobacco or alcohol products on animals".

L.W:

Yes.

N.C:

Will you stop those licences now?

L.W:

Since May, when we came into Government, we have licenced no testing of cosmetics at all nor is there any tobacco product testing going on at the moment.

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N.C.:

But there is cosmetic testing going on and you can't stop it, are you saying?

L.W.:

There are four licences already in existence. The Independent is right in saying that the numbers are small but whatever the number is, it's too much in my opinion, and our present approach, which I hope will be a fruitful one, is that my officials have been discussing with the industry and with research houses whether or not we can't have a voluntary ban in this country on cosmetic testing.

N.C.:

But they tell us that there's no alternative as you know and you've already pointed out that there's a reduced amount of money for looking for alternatives and if I read what you put out in your leaflet I would have a very clear view in my mind that if Labour were elected there would be no testing of cosmetics on animals. I mean, you can read it any way you want but that's what it seems to say, it says: "We will not licence the testing..." and elsewhere in another Labour magazine: "We will support a Europe-wide ban on the use of animals in cosmetic testing." Why don't you get on with it?

L.W.:

I'm just explaining to you that we have. We will not test... licence the testing of cosmetics. We haven't since May. We do support the Europe-wide ban. We are in fact looking with our colleagues in Europe constantly to see what alternatives there are. We support the work of Ecfam* for instance which looks in particular at alternative methods of testing cosmetics which are going to be used by humans.

N.C.:

Well at the moment animals are still being tested and the number's actually increased I'm told in the years 1995-1996 so in that circumstance when can we hope to see a reduction bearing in mind what you've said so far?

L.W.:

We're bound by European directives. The original hope was that the relevant directive would ban the sale of cosmetics which had been tested on animals by January 1998.

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Job Number : A97-102282 - Page : 4

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Unfortunately there has been no European agreement on acceptable, validated, alternative testing.

N.C:

Right, but the simple fact is therefore that you cannot introduce a ban, you're saying on your own, you have to wait for Europe and these existing licences - how long do they have to run?

L.W:

They vary from 1998 to 2002...

N.C:

So it could be - sorry to interrupt - it could be that testing will continue until 2002 unless Europe steps in.

L.W:

The better way forward, I believe, is to work with the industry and to see whether we can't find a voluntary ban. That's what my officials have been working on in the past weeks.

N.C:

Well it may be a better way but my point is still correct is it, that unless something else happens, unless Europe intervenes, or suddenly a way found... is found of testing these cosmetics without using animals, it could continue until 2002?

L.W:

I think you're putting the alternatives far too simplistically. It's not a case of suddenly finding alternatives. Research on alternatives goes on all the time. We have to draw a balance I suppose between what is reasonable in the human interest and the due reverence which animals are entitled to and that's what we are doing but we believe the balance must be pointing quite clearly and firmly to the banning of cosmetic testing... on... cosmetic product testing on animals.

N.C:

I do quite understand but just be very simple about it, despite your... all the things you've just explained to me, the simple fact is that it's possible that testing - there may be

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Job Number : A97-102282 - Page : 5

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NATIONAL OFFICE - 0171 490 8018

This Transcript From: LONDON OFFICE - 0171 490 8018

nothing you can do about it - and testing may have to continue until the year 2002 when the last licence runs out.

L.W.:

That is possible but I think unlikely.

N.C.:

Lord Williams of Mostyn. The RSPCA has long been campaigning for alternative methods to animal testing of cosmetics and other things; it's asking the Government for more money to research into other ways of testing. I'm joined on the line now by Dr Maggie Jennings, Head of Research at the RSPCA.

Dr Jennings, I know you weren't able to hear, for various technical reasons all of that interview, but you may have heard the end of it and basically at the beginning of it what Lord Williams said was that there wasn't actually a reduction in funding except the one that had been introduced by the Tories and was hoping to find more money for looking into other ways of testing animals. Does that reassure you?

DR MAGGIE JENNINGS:

Yes, providing that the resources are considerably greater than they have been under the past Government. I mean, we do feel that the current figure is very, very small and we'd like to see a lot more commitment from the Labour Government to, not only funding development of alternatives, but facilitating their adoption.

N.C.:

Well I don't think a lot more money was mentioned, we're talking about tens of thousands of pounds rather than anything else.

M.J.:

Ah... well we would hope to at least double the figure that the Conservative Government allocated to this.

N.C.:

At the end there you probably heard him saying that the existing licences go on until 2002 and we may have to accept that the testing will go on until then. What do you think about that?

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27-OCT-1997 20:52 FROM TELLEX MONITORS LONDON TO 01712732105 P.07

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NATIONAL OFFICE - 0171 490 8018

This Transcript From: LONDON OFFICE - 0171 490 8018

M.J.:

Well clearly the RSPCA is very disappointed. I mean, we are opposed to the use of animals for testing cosmetics; we accept that there is a problem but we see no reason why cosmetic products could not immediately... why there couldn't immediately be a ban on testing cosmetic products. We really do not see why that could not not... (unclear - interruption).

N.C.:

But there are... there are existing licence. It was your impression was it that Labour would do something about those existing licences?

M.J.:

We thought that, as it says in the Labour Party pre-election Manifesto, that they were committed to seeing an end to the testing of cosmetics on animals and we were keen to see them do something really positive in that respect. Now we have been talking to Government officials and we do understand that they are lobbying in Europe for a ban on the testing of cosmetic products at least but we do think that the whole of issue of testing cosmetic ingredients should also be examined and that the UK Government will put pressure on for the acceptance of alternatives to ingredient testing.

N.C.:

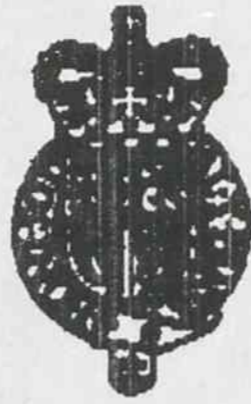
Dr Jennings, thank you for talking to us; Maggie Jennings of the RSPCA.

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18.47



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HOME SECRETARY'S OFFICE
50 Queen Anne's Gate, London, SW1H 9AT
Fax 0171-273-3965

URGENT FAX

From: KATHARINE BRAMWELL

To: ANTHONY LAPSLEY No 10

Recipient's Fax Number:

Date: 27/10/97

Number of pages (including this one): 3

Short Message

Bringing sent to you last week,
as requested + Guardian article!
Lord Williams also did an interview
with the Sun on Friday, but not
printed yet + a good interview on
World of one last Tues - I

Will send you a transcript (ordered).

**IF ANY PART OF THIS FAX IS UNCLEAR
PLEASE TELEPHONE: 0171 273 2836 / 2111 / 2207**

Katharine

ANIMALS IN SCIENTIFIC PROCEDURES

as per to you last week
[Signature]

BULL POINTS

General points

- * We will work to ensure that the highest standards of animal welfare are implemented and that animals are used in scientific procedures only where this is fully justified
- * We will promote the development and use of alternatives which reduce the number of animals used, refine procedures to minimise suffering and replace animal use - in particular, with respect to primates, LD50 testing and cosmetics testing
- * We will take forward welfare standards and will pursue relevant measures across Europe, rather than risk exporting animal experimentation to countries with less rigorous controls
- * We will strengthen the inspectorate and examine the basis of the fees levied
- * Measures we adopt must be sustainable and not unnecessarily disadvantage UK research, medicine or industry or compromise public safety

APC interim report

- * The interim report of the APC review of the operation of the 1986 Act has been received
- * The report will be published shortly [21 October] together with the Home Secretary's response
- * The Government has accepted all the recommendations in the interim report - improving training, making Departmental procedures more transparent, strengthening the inspectorate
- * The APC is to be congratulated on initiating a wide-ranging and thoughtful review
- * The Government is grateful to the many individuals and organisations who submitted so much useful material to the review

Labour Party (non-manifesto) pledges

- * No animal experiments to test tobacco or alcohol products are being carried out in the UK
- * The position on cosmetics testing (and, in particular, cosmetic product testing) is currently under review.
- * No work being carried out is connected with weapons development
- * A Royal Commission is not necessary at this stage

Barry Horne

- * A meeting took place on 10 October between officials and representatives of the Barry Horne support campaign - at their request
- * The meeting ranged widely over many aspects of policy and the Government's approach to animal scientific procedures
- * Barry Horne came off his hunger strike in Bristol prison on 26 September

Huntingdon Life Sciences

- * Notice of granting a new certificate was given on 29 September
- * The 16 Home Office conditions had demonstrably been met
- * This was part of the Home Office's prompt and strong action following the 26 March broadcast
- * The severity of the sentences meted out to the two ex-licence holders are a matter for the court

Money

- * The budget criticised this morning ^{ie 21 October} is the one set by the last Government. This is being re-examined and the scope for increasing the budget explored

THE GUARDIAN
23/10/97

Why animals still suffer



Gareth Williams

THE use of animals to test cosmetics products arouses public concern. We in the Government agree. It is simply unacceptable for animals to be used for experiments to test vanity or beauty products. That is why we are looking at ways to stop such testing. While it would be legally impossible to revoke any existing cosmetic testing licences, we are working with industry and others towards a voluntary ban on

testing such products on animals.

Banning the testing of cosmetics ingredients is difficult. We need to distinguish the ingredients used in beauty products from those used in pharmaceuticals and other substances which everyone would expect to be subject to adequate testing to ensure human, animal and environmental safety.

Before the election, we promised to give the issue of animal testing priority. Since May, we have granted no new licences for cosmetic testing and, furthermore, there is now no testing on animals of any tobacco or alcohol products, or for offensive weapons development in the UK.

We will continue to look for further improvements. But, of course, the more strides we make in the UK, the more likely animal

work will be exported to countries with less rigorous controls. That is why the Government will pursue this issue on the EU stage as well to ensure better standards.

There is also widespread concern about the use of animals in scientific experiments in general. Animals should only be used where it can be fully justified and with the highest standards of welfare. The UK may have the most rigorous controls on animal use in the world. But we are determined to improve them.

In Opposition, we accepted that animals had sometimes to be used for medical and other scientific purposes, including research to combat human disease and illness. But we argued first, that experiments on animals should only be carried out if they were fully justified. Second,

that when such tests were necessary the highest possible standards of welfare should be applied to the animals involved. And finally, we called for further research to provide alternatives to animal testing.

WE are doing just that. We are reducing the number of animals used in experiments, refining procedures to minimise suffering and replacing animal use wherever possible.

The Government has accepted all 13 recommendations of an independent review. The Animal Procedures Committee — which includes researchers, welfareists, academics and ethicists, and is chaired by a professor of law — proposed in its interim report an increase in the number of inspectors, more rigorous tests to ensure alternatives to animal testing are properly considered, and better training for managers and scientists in animal laboratories. All will be implemented. This review continues into next year and will provide the Government with independent advice on all aspects of animal experimentation. While we do not rule out a Royal Commission at some stage, we want to get on and make improvements now within the resources presently available.

We have already found extra money this year to strengthen existing inspection teams, and, despite the cuts made by the previous government, hope to increase the funding next year for research into alternatives to the use of animals in scientific procedures. Of course, finding and validating alternatives is a complex scientific undertaking which takes time. But we will ensure that scientists and regulators consider them and fully support the work of the European Centre for the Validation of Alternative Methods.

Lord Williams QC is a Home Office minister

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ANIMAL EXPERIMENTS

Accusations: Government has reduced funding on alternatives to animal experiments.

Government has gone back on pledges about animal experiments made before the election.

Facts: An article in the Independent on 21 October claimed that Government funding on research into alternatives to animal experiments has been reduced by £60,000. This reduction took place under the previous administration. The budgets for 1998/9 and 1999/2000 have not yet been finalised. The DTI (Nigel Griffiths MP) has also written to the European Commission requesting that more money be invested in the European Centre for the Validation of Alternative Methods (ECVAM).

The newspaper article also says that cosmetic testing using animals is to continue. The "New Life for Animals" leaflet published before the election said: "We will not license the testing of cosmetics, tobacco or alcohol products". No new applications to test cosmetic products or ingredients have been received since the election, but four existing licences remain. The legal basis for introducing outright bans is unsure, but there is little opposition in Government or industry to banning the testing of cosmetic products on animals. Banning the testing of cosmetic ingredients would be more difficult at this stage. No animals are being used to test tobacco or alcohol products. (Animals are used in studies of the medical effects of alcoholism. Tobacco is used as an irritant in some animal experiments).

The article also addressed the pre-election pledge to hold a Royal Commission. This has never been ruled out. The line taken has been that a Royal Commission is not necessary at this stage particularly as the Animal Procedures Committee (an advisory NDPB) is currently reviewing the Act.

Line to Take:

The reduction of £60,000 identified in the Independent article was instituted by the previous administration. The budgets for future years have not yet been finalised, but we expect to see an increase.

No licences to test cosmetics, alcohol or tobacco products have been issued by this Government. We remain committed to an eventual end to cosmetic testing, but we cannot and will not put consumer safety at risk. Animals are not being used in tests on alcohol or tobacco products.

We have never ruled out a Royal Commission. The Animal Procedures Committee is currently reviewing the Act. Its interim report was published on 21 October and I expect the review to be completed in 1998. We will reconsider the need for and remit of any Royal Commission at that time.

We have already strengthened the Animals (Scientific Procedures) Inspectorate and have secured funding for a further 2 or 3 new Inspectors from the next financial year.

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