

THE ANIMAL WELFARE ACT (2006) AS IT APPLIES TO TRADITIONAL AND “EXOTIC” PETS: INTENTION AND PRACTICE

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The Animal Welfare Act (AWA) applies to all vertebrate animals in captivity and, in intent, provides a mechanism to protect animals against suffering caused by cruelty or neglect. A person responsible for an animal commits an offence if: “he knew, or ought **reasonably** to have known, that his act, or failure to act” would cause unnecessary suffering or be likely to do so, and/or “he does not take such steps as are **reasonable** in all the circumstances to ensure that the needs of an animal are met to the extent required by good practice”.

In determining if suffering is “unnecessary” the law considers if the suffering could “**reasonably** have been avoided or reduced” and “whether the conduct concerned was in all the circumstances that of a **reasonably** competent and humane person”.

Despite its intent, differences between pet species affect how well the AWA can protect each species, as illustrated here by comparing dogs and reptiles. For action to be taken, a case requires three conditions to be met: **(1) To be seen by somebody likely to report it:** Most pet dogs are regularly seen by the public, but most pet reptiles are out of public sight in bedrooms, living rooms or gardens. **(2) To be recognised to be suffering:** Most members of the public are far better at recognising illness, stress or malnutrition in dogs than in reptiles, and more likely to recognise or believe that a dog, than a reptile, is suffering as a result of those ailments. People have more empathy for dogs than for reptiles. **(3) To be cared about enough by the observer to be reported:** Most people care about dogs more than they do reptiles and perceive dogs to be more important – as having more moral worth – than reptiles (the ‘sociozoologic scale’). Unnecessary suffering in a dog is perceived to be a greater moral wrong than unnecessary suffering in a reptile. In addition, if suffering is caused by the owner’s neglect, a case is more likely to be reported if the owner is not just at fault, but *seen to be at fault*, for that suffering. Such fault is often far more apparent for a dog, than for a reptile, suffering from poor husbandry. For all these reasons, reptiles are much less likely to be reported under the AWA than are dogs.

Vets are often presented with reptiles having severe husbandry-related illnesses. Clearly, these animals’ owners have acted, or failed to act, so as to cause unnecessary suffering by failing to meet the animals’ needs. Vets recognise the illnesses and (presumably) the suffering, and (presumably) care about the animals. Yet they do not report these owners under the AWA, even when their pet requires euthanasia. The elephant in the consult room is, why not? I believe the main reason is that vets do not perceive the owners to be culpable, rather just ‘technically guilty’ of neglect. Reptiles are difficult to care for well, and most owners in such cases have committed unintentional, not willful, neglect; they have acted **reasonably** in trying to keep their pet well, but still failed in that aim. And if owners are acting **reasonably**, and with no intention to harm, then even though their pets suffer unnecessarily, they may well not be found guilty, or even be considered suitable for prosecution, under the AWA.

Thus, the AWA fails to adequately protect the welfare of pet reptiles.