



**THE BRITISH DRIVING SOCIETY LTD.**

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**British Driving Society response to  
consultation on Welfare in Animal Transport 2006**

The British Driving Society ( BDS) is the national organisation, established in 1957, to regulate all harness horse\* driving within the UK. The BDS is a non-profit making organisation, governed by a ruling Council elected by the Membership. It is not necessary to be a Member of the BDS in order to benefit from the BDS's Training, Examination and Assessment programme, although there is a discount on fees for BDS Members.

The BDS provides S/NVQ Levels 2, 3 and Higher training and assessment in all aspects of horse care and welfare, horse training and practical driving skills, including a professional teaching qualification and the Road Driving Assessment for privately-owned horse drawn vehicles on the public highway plus the Certificate of Competence for Commercial Operators of horse drawn vehicles on the public highway under the auspices of the Ministry of Transport. We have offered S/NVQ Levels 2 and 3 Certificate of Competence in Animal ( horse) Transport since 2000.

All BDS examinations are accredited by the Learning and Skills Council ( LCS) and United Kingdom Accreditation Service ( UKAS).

Although the DEFRA Consultation Paper and EU Regulation 1/2005 encompasses welfare of ALL animals during transport, our response concentrates solely on the transport of equines - horses, ponies, donkeys and mules - as, in common with most other national equestrian organisations, the BDS has no expertise in the transport of non-equine animals.

We understand that the requirements of the EU Regulation itself cannot be changed. However, we understand there is scope for UK derogations in certain areas, and where such scope exists we have urged DEFRA to apply to the EU for such derogations.

- ' Horse' should be taken to include horses, ponies, donkeys & mules throughout



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### Horse Transport within the UK

The British Driving Society welcomes the opportunity to respond to this extremely important consultation, which it is hoped will result in legislation to improve welfare in transport both in the UK and throughout Europe.

It is generally recognised that there is very little abuse or neglect with regard to horse transport within the UK. The overwhelming majority of horse transport within the UK is for the purpose of sport, competition, education, cultural events and recreation.

It is obviously in the best interests of sporting competitors to ensure their horses travel stress-free and with the maximum possible comfort, so they arrive in peak condition. Similarly, people transporting horses for training in equestrian disciplines or for cultural events and recreational purposes wish to ensure their horses travel in stress-free comfort.

**It is important to bear in mind that horses are the only large domestic animal which is routinely trained to travel by horsebox or trailer. Unlike cattle, sheep and pigs, most horses in the UK will regularly travel many times per year for sporting, educational, training, cultural or recreational purposes.**

We are not aware of any abuse or neglect of horses transported by professional horse transporters within the UK. Most professionals transport horses for racing, sport or competition, and it is not in their commercial or professional interests to cause stress or abuse during transport.

We are not aware of any significant abuse or neglect of horses transported by professional horse transporters for slaughter within the UK. The maximum distances it is possible to travel within the UK are not long enough to produce the serious welfare issues which exist in Europe. Nor does the UK have the extremes of heat and cold which can cause suffering and stress to horses in transit.

There is more of a welfare issue with horses ( usually ponies) travelling in groups for sale or slaughter within the UK, sometimes resulting in transport outside the UK, where these are transported by non-professional hauliers. Many are in poor condition prior to transport. Many are completely unhandled animals who are deeply distressed by being rounded up and loaded on a lorry. Many are



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distressed by being separated from their family groups for the first time in their lives. Most will end up being sold for slaughter, as there is no other viable market for them. Conditions of transport urgently need to be vastly improved for these vulnerable animals, although the underlying problem is the irresponsible breeding of surplus ponies, and the lack of emphasis on animal care, welfare and management at grass roots level, which denies them the happy life and future we and other horse societies would prefer them to enjoy.

We are not aware of any welfare issue with regard to horses transported by a non-commercial owner or user, even where the purpose of transport is for an economic purpose. Again, the overwhelming majority of horse owners and users will be transporting their horses for the purpose of sport, competition, cultural events, education or recreation, and it is not in their interests to cause abuse, neglect or stress during transport.

### **QUESTION 1 : is the guidance proposed on scope clear ?**

We welcome DEFRA's proposal to issue guidance, especially where this guidance includes generic examples ( ' for instances'), which we feel is the clearest way to illustrate the requirements of the legislation, and will help us advise people whether or not they need to take the Certificate of Competence.

Together with other stakeholders, we have identified the definition of ' an economic activity' as an area of potential confusion. However, the generic examples at 2.9, 2.10 and 2.11 go a very long way to clarify this, and we strongly recommend these are used as the principal standards for the purpose of clarification.

### **QUESTION 2 : any other exemptions to be highlighted in 2.11 ?**

We have no specific recommendations for other exemptions, although we recommend the Guidelines for Enforcement Officers take into account the fact that horses sometimes travel with a non-equine companion animal, and also that it is common for people to take their pet dog(s) with them in the horsebox. No welfare issue results from this practice, and it would create an extremely unfortunate opportunity for press ridicule if an Enforcement Officer took issue over this.



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**QUESTION 3: Proposals relating to self-declaration for Transporter Authorisations**

We would like Defra to clarify in all publicity that this means **ALL** people who travel horses in connection with an economic activity, as defined at 2.9, 2.10 and 2.11, and that it **DOES NOT** only relate to commercial livestock transporters.

We broadly agree with the proposals relating to self-declaration for commercial hauliers, who have a professional reputation to maintain and whose business would suffer if they fell short of the welfare standards.

However, there are a number of instances in Para 2.9 where horses may be transported by an owner or staff – eg : horses transported to be sold - rather than by a commercial transporter. Unlike commercial transporters, these horses are not protected by professional codes of conduct, nor can we be sure that any abuse, neglect or stress suffered during transport be highlighted by 'customer complaints'.

**QUESTION 4: proposals relating to vehicle approval, self declarations, GPS**

For non-commercial horse owners, making a qualifying journey within the UK, we submit that a Global Positioning System ( GPS) is an excessive requirement, and urge DEFRA to ask the EU for a derogation for horses transported within the UK.

We understand the reason for requiring GPS in the EU is because horse transporters often stray very considerably from their route plan, and that horses suffer excessive journey times resulting in stress. However, this relates mainly to horses travelling hundreds, or even thousands, of miles for sale or slaughter, often in conditions of extreme heat or cold.

Distances within the UK are simply not sufficient to provide the welfare risk envisaged by the EU. Again, we point out that the overwhelming majority of horse transport within the UK is for the purpose of sport, competition, education, cultural events or recreation. Relatively little is for sale, and even less is for slaughter.



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The UK does not suffer from the issue of horses being transported hundreds of miles out of the way of the original route plan in order to pick up or drop off other animals. Nor does the UK experience such extremes of heat or cold as Central Europe.

As we also recommend that people making qualifying journeys should take the Certificate of Competence in Animal Transport, we would expect them to be aware of emergency procedures and contingency plans for extreme weather conditions.

We agree with the proposals in 3.9 (d) regarding the holding of a Certificate of Competence.

**QUESTION 5 : Anything to add to the declarations ?**

Nothing to add at this stage.

**QUESTION 6: proposed method of handling Certificate of Competence requirements between 5 1 07 and 5 1 08**

We agree with the proposed method.

**QUESTION 7 : Navigation system**

Fitting satellite navigation equipment to the majority of horseboxes and trailers in the UK would be prohibitively expensive for the average horse owner or user, who may make only one or two qualifying journeys per year, and where no welfare issue would be usefully addressed by such a system.

We agree with the requirement that all people transporting horses carry a mobile telephone for use in emergencies, and we consider that this, coupled with the vigilance of UK enforcement officers will provide sufficient contingency for welfare checks.

Similarly, at 3.9 (e), for non-commercial people transporting horses on a qualifying journey within the UK, we have concerns about the accuracy of currently available satellite navigation systems. Directing a horsebox or trailer up a steep hillside, with no room to turn around is not conducive to animal welfare nor to road safety.



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We strongly recommend that satellite navigation systems do not become compulsory until the suppliers are able to ensure a far better degree of accuracy than at present. Even then, we submit there is a good case for a derogation for existing horseboxes and trailers, used for transporting horses within the UK only. We are content that new vehicles be required to be fitted with a satellite navigation system, but not until the EU can recommend a very accurate, standard system for usage.

### **QUESTION 8:      phased and prioritised approach to authorisations**

We agree with the approach so far as commercial transporters are concerned

We submit that if some 30,000 new authorisations are likely to have to be issued in a relatively short time, that Defra considers permitting Certificate and Vehicle issuing organisations to issue these also. The horse sector is the largest new large animal sector requiring authorisations, and if these new authorisations are to include thousands of non-commercial-yet-qualifying transporters, then these people will need Welfare in Animal Transport Certificates and Vehicle Authorisations also. **It would make sense to create a one-stop system, rather than require people to have to apply to more than one agency.**

This would keep costs and administration down, plus avoid widespread customer frustration ( which is mostly likely to be aimed at Defra, no matter how unjustly), and would also enable agencies to provide an integrated database to Defra. Enforcement officers would be able to access all information from a single source. It would be much more user-friendly, as well as spreading the administrative load during the initial phase.

### **QUESTION 9:      views on charging for these authorisations**

Whilst both the industry and any qualifying non-commercial operator would undoubtedly welcome a free authorisation service, it is difficult to see how this can be sustained for the 30,000 estimated authorisations. We would not oppose the charging structure proposed by DEFRA, but see our comments on VAT on page 23.



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**QUESTION 10 : Mode of transport specific authorisations**

Clearly, the mode of transport must be suitable to the animals carried. However, so long as the transport complies with space, ventilation, safety and cleanliness requirements, and that it can be demonstrated that the animals carried are not suffering discomfort or stress caused by the mode of transport, then we see no reason to be absolutely specific.

For example, horses occasionally travel with a non-equine companion; it would cause the horse more stress to be deprived of the companion than it would for the companion animals to travel in transport authorised solely for equines. It is highly unlikely that a companion goat or dog, for example, will suffer in any way by travelling in a horsebox.

**QUESTION 11: species-limited authorisations**

We support the proposal for species-limited authorisations to be available.

Transporters of other animals may lack the expertise to transport horses, and – apart from the occasional companion animal, mentioned in our response to questions 1 and 10, above – most horse owners will not be familiar with carrying non-equines. People who wish to occasionally transport a non-equine companion animal, would need an authorisation for the additional species they wish to carry.

**PLEASE CAN WE ENSURE THIS WILL NOT PREVENT PEOPLE TAKING THE PET DOG IN THE CAB OF THE HORSEBOX; MOST PEOPLE DO THIS !**

**QUESTION 12 : removing authorisation where offence relates to only one species**

In most cases, offences of abuse or neglect would not be species-specific. Failing to offer the essentials of food, water, rest, and a safe and suitable vehicle for transport, and/or driving without regard to minimising stress, would apply equally to all species, and we consider that any such offence should prohibit from carrying any species.

Abuses which would be species-specific are most likely to be failure to provide specialised ventilation or temperature control, species-specific feed, species-specific food and water receptacles, or specialised containers in which to travel –



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some zoo animals, for example. There may be instances where certain especially vulnerable animals – including horses – suffer stress from poor-quality driving skills. In such cases, we support the proposal that authorisation should be removed until the transporter has been retrained and independently assessed with regard to that particular species. In such cases, we strongly recommended that the assessment be demonstrated, rather than a theory-only assessment.

### **QUESTION 13: data keeping and release of information**

We agree with the proposal to make transporter authorisations available only by specific request, and limited to whether the named transporter is Defra-authorized and what their authorisation number is.

### **QUESTION 14: number of vehicles and containers affected by the requirement for inspection and approval**

We suggest, for the sake of clarity, it is emphasised in publicity and information leaflets that this applies to trailers as well as horseboxes, as we believe some people currently believe this only applies to horseboxes.

**We support the proposal in para 4.5 for a derogation for journeys of over 8 hours but not exceeding 12 hours in order to reach the place of final destination, providing such journeys take place wholly within the UK and are not for the purpose of sale or slaughter, as this will remove the burden from a large number of non-commercial horse owners, who may nevertheless make qualifying journeys.**

It is extremely difficult to estimate the number of vehicles transporting equines on qualifying journeys, especially where these include trailers. However, we would make a very rough guess as at least 4,000 based on British Driving Society Members, which would give an estimate of at least 20,000 in the UK for equine transport alone.

### **QUESTION 15: Proposals for vehicle inspection and approval carried out by any body demonstrating capability and competence with UKAS**

So long as authorised bodies can demonstrate experience, capability and competence, as well as provide UKAS-approved accreditation, we are content with this proposal.



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However, we strongly recommend that Defra avoid the feeding-frenzy resulting from the Horse Passport experience, which has resulted in so many organisations applying for Defra approval in order to, basically, 'make a fast buck', that the whole system is extremely unwieldy. The concept of offering unlimited choice has, in practice, led only to unlimited confusion and annoyance. We draw your attention to the fact that some Passport Issuing Organisations were taking up to 8 months to issue a simple identification document, mainly due to unfamiliarity with large-capacity administration, and that the deadline for application was put back so many times as a result that it became a joke within the horse world.

The only saving grace with Horse Passports has been that the identification details are generally filled in by a vet or similarly qualified professional. However, vehicle inspection is not merely a matter of rubber-stamping an identification document; it requires an experienced, competent and impartial Inspector.

If we are to have a system worthy of respect, then we feel it is essential to only authorise organisations which have a track record of the highest possible standards of experience, competence, capability ( including administrative capability) and impartiality.

### **QUESTION 16 : Statutory body powers to approve vehicles**

It would make sense for the State Veterinary Service to also have the power to approve vehicles, especially in remote areas, following suitable training and guidance.

### **QUESTION 17: principals for a vehicle approval scheme**

We are content with the principals outlined in para 4.14.

### **QUESTION 18 : requirements for a vehicle approval scheme**

New vehicles :	we agree with these proposals
Existing vehicles :	for long journeys, of over 12 hours, we agree with these proposals.
Records :	we agree with these proposals
Fees:	We urge DEFRA to look into the issue of VAT on these fees. Since vehicle inspection and approval will be mandatory for many people, and since many of these new applicants will



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not be able to reclaim VAT, we strongly urge DEFRA to set a standard fee, which, from our previous enquiries with Customs & Excise, will remove the requirement to charge VAT. This will remove a proportion of the burden of costs from people unable to reclaim VAT, and will also relieve Government from the accusation of a stealth-tax. ( see page 23, below).

Withdrawal : we agree with these proposals

**QUESTION 19: costs and benefits of a vehicle inspection and approval scheme**

We are content with the proposals for compliance and enforcement.

The impact of practicality, benefits and costs : we envisage a major administrative and practicality impact at the outset, because of the large number of people applying for inspection and approval prior to the enforcement date. However, this is a one-off impact until the majority of existing vehicles are approved. Afterwards, the impact will be lessened as only new and modified vehicles will need to be inspected, plus some inspections or re-inspections for vehicles which are deemed inadequate by enforcement officers.

If it become evident that many more vehicles need to be inspected than is presently anticipated, resulting inspection providers being overwhelmed, then we suggest people are advised to send in their application form prior to the implementation date, and that inspection providers return a card confirming the application form has been received, and that an inspection date is pending. This card, which should have a unique application number, and be recorded by the provider, could be used as proof of application, and provide a little leeway to complete an excessive number of inspections if this becomes necessary.

We are NOT suggesting that providers use application form receipt as an excuse for being tardy with carrying out inspections, nor to cover up administrative shortcomings.

**QUESTION 20: would you like to be kept informed about the vehicle approval scheme and the guidance in preparation.**

**YES.**



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**QUESTION 21 : rationale for granting derogations ( paras 5.3 and 5.5)**

We agree with and support all the derogations proposed in para 5.3 where these relate to horse transport within the UK.

With regard to temporary derogations ( para 5.5), we consider that the rationale in respect of insulated roofs, vehicle temperatures, and ventilation and temperature warning systems, is governed by normal temperature conditions within the UK. Since it is highly unlikely that the UK will experience the extremes of heat and cold common in central Europe before 2011, we do not foresee any welfare issues if these derogations remain in force until the 2011 review.

**QUESTION 22: proposed derogations ( para 5.4)**

We agree with and support all the derogations and rationale proposed in Para 5.4.

**QUESTION 23 : cost assessment and reductions if derogations are granted**

\*We agree that the cost implications of not taking advantage of these derogations is disproportionately expensive, and would add nothing to animal welfare for transport within the UK for journeys of 12 hours and under.

**QUESTION 24: inspection for all vehicles used to transport animals for over 8 hours**

So far as the horse sector is concerned, we repeat that the majority of horse journeys within the UK are for sporting, educational, cultural and recreational purposes, and that horses are the only large domestic animal routinely trained and familiarised with transport.

We are not aware of any welfare issue for horses transported for these purposes, as it is not in the transporters' interests to transport such horses in anything other than the best possible conditions.

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Commercial bodies transporting horses for sale or slaughter are in a somewhat different position, although we are not aware of any abuses or neglect on the part of commercial horse transporters within the UK, and believe that an industry which already has high standards should not be unnecessarily burdened with additional costs which achieve nothing in terms of improved animal welfare.

However, we recognise that there are issues relating to the transport of horses (mostly ponies) for sale or slaughter, where the transporter is not a commercial transporter. We believe the **PURPOSE** of transport should be taken into account, and vehicle approval required as appropriate.

Certainly, no horse should be transported in a vehicle which does not meet basic conditions of space, ventilation and safety.

We would recommend that enforcement officers have the power to require transporters to submit to independent vehicle inspection and assessment in any case where they have concerns about the welfare of the animals being transported, and that such assessment be used to support any subsequent prosecution.

### **QUESTION 25: derogation for vehicles used for journeys 8 – 12 hours within the UK**

We support the derogation for enclosed horseboxes use for horse transport between 8 and 12 hours within the UK, unless horses are travelling for sale or slaughter. Again, most horse transport within the UK will involve travelling for competition, exhibition, cultural events, educational or recreational purposes. We know of no welfare abuses within the UK, and recommend that the burden to the horse industry would be greatly reduced by derogation, without risking any welfare issues.

### **QUESTION 26: specific sector derogations.**

As horses are the only large domestic animal which is specifically trained to travel in a horsebox or trailer on a regular basis, and as horses in the UK normally travel for competition, exhibition, cultural, educational and recreational purposes, we support a horse-sector specific derogation for equidae transported within the UK, other than horses transported for sale or slaughter.



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### **QUESTION 27: derogations posing difficulties in enforcement terms**

We do not foresee the derogations we have recommended posing any significant difficulties in enforcement terms.

All horses in the UK are now required to have a Horse Passport. Many Passports are issued by breed societies, which means they are Registered Horses, which are able to travel over the 8 – 12 miles in any case. Such Passports will specify that the animal is a registered pedigree.

Passports issued by performance societies will either relate to sport-registered horses, in which case they will again be registered by the performance PIO as Registered Sport Horses. Although all Passports will not specify the Registered Sports Horse status ( since a horse may be registered with more than one discipline ), there are only a few sport/performance organisations in the UK which register non-pedigree horses for competition purposes, the principal organisations being: The British Driving Society, British Showjumping Association, British Equestrian Federation, British Horseracing Board and British Harness Racing Board. It should be fairly simple for enforcement officers to identify the appropriate Passports.

Where a Passport is issued by a non-performance, non pedigree PIO, where the horse is not Registered by a breed or sporting organisation, and where they are making a qualifying journey, then these are not Registered Horses and will not be able to take advantage of the Registered Horse Status. However, they will usually be accompanied either by a competition entry form, or by a letter from the appropriate event or venue the horse is travelling to, which will make the purpose of the journey clear to enforcement officers. Since all show organisers currently issue confirmation of entry, this will pose no additional burden. Organisers of recreational, cultural and educational events will normally write confirming details, so no additional burden will be posed.

People transporting a horse for sale or slaughter within the UK should carry an Animal Movement Certificate, setting out time loaded, destination, etc, which would make the purpose of the journey clear to the enforcement officer. There obviously should be higher standards required for this category, since this is the category of horse most likely to suffer abuse, neglect or stress in transit.



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**QUESTION 28; welfare benefits**

Many horses travel to major events, as well as for the purposes of specialised training, and to provide education in equine disciplines, which may be a considerable distance from their point of origin. Such horses are travelled with extreme care, in considerable stress-free comfort, and there are no welfare issues in such transport.

Curtailing the ability of people to transport horses for such purposes will mean that people will be deterred from breeding and keeping horses to a high standard of care and welfare preparatory to taking part in events. If people are deterred from taking part in various equine disciplines ( whether for sport or recreation) , then there will be little purpose in taking the horse to a specialised trainer. The overall quality of care and training in the UK is therefore likely to diminish.

Horses often travel to a one-day event, and home again the same day. Many horses infinitely prefer to return to their home stable, rather than spend the night in temporary stabling in an unfamiliar venue.

Furthermore, since most horses are trained to travel, and most who travel regularly look upon their horsebox as a virtual second home, they are actually eager to get back inside their familiar horsebox at the end of an event, where they know food, water and comfort is waiting for them.

Although the question is not asked in the consultation, please can guidelines for enforcement officers make it clear that any requirement to ' unload the animal immediately upon arrival at the final destination' applies to animals which have travelled for the purpose of sale or slaughter. It is not conducive to animal welfare for a horse to be unloaded in the pouring rain at a horse event, for example, because he has arrived a couple of hours early, in order to comply with the strict letter of the law. Most horses would infinitely prefer to remain warm and dry, munching hay in their horsebox.

**QUESTION 29; further vehicle derogations ( 5.8)**

We support the further vehicle derogations in Para 5.8 so far as horses making journeys not exceeding 12 hours within the UK for the purpose of attending competitions, cultural, educational and recreational events, but not for the purpose of sale or slaughter.



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### Page 25 – transport of young animals/unbroken horses

Please may we have a definition of the term 'unbroken' horses.

A young horse which has been handled by humans and which has been trained to accept being led by a halter, but which has not yet been trained to be ridden or driven in harness, is in a completely different situation from an unhandled 'feral or semi-feral'. Although a halter-trained horse will not have been 'broken' (we prefer the term 'trained'), it will be much more amenable to being handled, and there will be less stress associated with transport.

It is difficult to understand how a young, 'unbroken' horse will be able to travel to a specialised training establishment under the present wording of this regulation. It is equally difficult to understand how a young horse which has not yet be trained to ride or drive will be able to travel for the purposes of sale, even where this sale is ultimately to the benefit of the horse ( a young potential racehorse or showjumper, for example, which is familiar with being led by the halter, and has been familiarised with loading in a horsebox, but which has not been ridden because it is too young,)

Again, we recommend that the **PURPOSE** of the journey be taken into account. A young, halter-trained horse – which has, preferably, been familiarise with the horsebox - travelling for the purpose of further training or sale at a specialised market ( such as a bloodstock sale) is acceptable. However, an unhandled, feral or semi-feral horse being travelled for the purpose of sale to a general market or slaughter will suffer stress during transport. Specifying 'unhandled or not halter-trained', rather than 'unbroken' would allow handled, halter-trained horses to travel for the purpose of further training, which will ensure their ultimate future, and will provide some protection for unhandled ferals.

We strongly suggest there is either a derogation or guidelines for enforcement officers in respect of horse welfare charities which rescue feral and semi-feral horses. Obviously, there is a need to transport such horses from the mountains, moorlands, etc, where they are suffering starvation or abuse, yet they will not be handled or halter-trained. If they are not rescued, they will die or continue to suffer. Such horses will normally travel either with a vet in attendance, or with a highly-competent charity worker, with experience in minimising stress in unhandled horses. Otherwise it is difficult to see how welfare organisations can carry on their vital work of providing rescue for suffering horses and ponies. If this has been worded the way it is because there are no viable facilities for



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rescuing suffering horses in the rest of Europe, then perhaps we could recommend the EU addresses this issue.

It is absurd that, at present, feral or semi-feral ponies in the UK are being herded into horseboxes, in conditions of the utmost fear, stress, and often actual injury or abuse, in order to be slaughtered, yet the strict wording of the EU legislation prevents the same ponies from being rescued and often found good homes for the rest of their lives.

### **QUESTION 30: retention periods for ATC**

We agree that the current retention period of 6 months should remain unchanged.

### **Question 31: Animal Movement Licences to include journey duration**

We broadly support the proposal that AMLs should include journey duration.

### **QUESTION 32: Journeys logs for journeys outside UK - keeper checks on transporter documents at place of departure**

6.7 – whilst keeper checks may prevent problems where responsible keepers at the point of departure carry out such checks, we ask what safeguards there will be against a less-careful or less-scrupulous keeper either failing to check authorisations or approving invalid authorisations ?

How will keepers – especially where a keeper may not be a farmer or assembly centre operator, but is a horse owner sending horses out of the UK on a one-off journey - know what the authorisation documents are supposed to look like ?

What penalties will accrue to keepers who fail to carry out checks, or who ( perhaps inadvertently) approve documents which turn out to be invalid ?

6.8 – a period of 3 years seems excessive, since any welfare issues will be long-redundant, and it would be difficult to verify transport information for any useful purpose three years after the event. Returning a copy to the issuing office within a month of the journey would, surely, meet any requirements, if the issuing office is required to retain the copy for up to 3 years.



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**QUESTION 33: proposals re record retention and office checks**

The proposals appear useful, and would provide a safeguard where an offence, or multiple offences, are identified.

**QUESTION 34 : retention of current route plan procedure and the 10 day notification period**

We agree with these proposals

**QUESTION 35 : Certificates of Competence**

We support and are prepared to implement the S/NVQ levels 2 and 3 requirement for training and certification of competence for drivers and attendants.

**Standards for awarding bodies**

We support the requirement for awarding bodies to be a common standard, independent, impartial and accredited by UKAS, etc.

Para 7.11 – the BDS is prepared to offer NVQ Levels 2 and 3 for all journeys of between 8 and 12 hours and for over 12 hours with immediate effect.

Whilst we are prepared to offer a theory-only test, we have reservations, since it is all-too-easy for anyone to pass a theory-only test, yet have no practical competence whatsoever in preparing or transporting horses, with the result that the letter of the law is obeyed, yet the consequence is suffering and stress to the horses.

Horses – even more than other animals, by virtue of their considerable intelligence and vulnerability for abuse – require a better than average standard of expertise in preparing for transport, loading, managing welfare and minimising stress during transport, and unloading at the destination. We feel it is important for welfare reasons that applicants are capable of demonstrating a reasonable standard of competence.

We believe the EU has now recognised that the horse is in a special category, so far as intelligence, awareness, and the fear/flight factor genetically inherited in



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the species. We feel strongly that these factors should be recognised, in order to establish and maintain the highest possible standards of welfare in transport. 'Caring' is simply not enough, without any underlying, demonstrable knowledge.

The requirement to attend a training session, followed by a demonstration of competence and assessment for certification, will ensure that people transporting horses will have a good standard training in practical horse transport, plus an acceptable standard of knowledge in stress management during transport. This will also comply more closely with the EU requirements.

We consider that people preparing to enter employment within the horse industry would be extremely well-advised to take the NVQ, which provides a certificate of competence for life. This would enhance their desirability to an employer, since most horse owners transport their horses, and will also enhance their employment prospects within the EU. It will also relieve them and their employers of having to put them through a theory test every 5 years, which, frankly, they could simply learn word-for-word prior to taking the test.

If theory-only and NVQ demonstrated-ability tests are both to be available, we agree that the theory-only tests are valid for a period of 5 years maximum, in order to have the opportunity to maintain a check on the level of theoretical knowledge.

### **QUESTION 36 : consolidation and revocation**

we are content with these proposals

### **QUESTION 37 : retention of parts of WATOs not covered by EU regulations**

We are content with these proposals

### **QUESTION 38: ENFORCEMENT**

We are broadly content with the enforcement proposals. We emphasise that Enforcement Officers should receive training in the same levels of competence required by transporters and attendants.



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It is an anomaly that Enforcement Officers are presently less-competent to assess horses in transport on the roadside than the persons carrying out the transport. Raising the standard of competence of Enforcement Officers would

- a) make enforcement easier
- b) contribute to welfare in transport by helping Officers decide when it is appropriate for welfare to allow horses to continue to their destination
- c) improve relationships between Officers and people stopped on the roadside.

We especially agree with 9.7 – targeting ‘unbroken’ horses ( please see our comments in Question 29, above).

We also agree with the proportional light touch approach to non-compliances where welfare is not involved.

We welcome DEFRA’s recognition of the need for appropriate publicity.

### **QUESTION 39: offences, penalties, powers of entry, powers of inspectors, and appeals**

9.10 – we agree and support

9.11 – we agree and support

9.12 – we agree and support

9.14 - we agree

9.15 – we agree

### **QUESTION 40 – appeals mechanism for vehicle approval**

We believe there should be a contingency where no welfare issue is involved, since in the early stages there may be people who have simply failed to understand the new requirements. There should either be a period for the vehicle owner to put right the vehicle, or an appeals mechanism.

### **QUESTION 41 : structure of guidance**

We agree with the proposed structure of guidance in 10.2 and 10.3.



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As a key stakeholder, we would welcome horse-specific leaflets, which we can distribute at BDS events, publish in our Newsletter and make available on-line.

We have already suggested DEFRA provide a direct internet link with stakeholders and certificate providers, to enable people to access information on-line through a familiar website.

### **QUESTION 42: alternative or additional distribution routes**

The BDS is happy to make every possible effort to assist DEFRA with distributing information through our Newsletter, website, and information and leaflets at BDS events. We also suggest a joint press statement from DEFRA and key stakeholders, aimed at the both the equestrian and national press ( not all horse owners read the equestrian press).

An approach to various rural-interest TV and radio programmes would also help to disseminate information. ( BBC Radio 4 – the Archers, for example, the Farming Programme, etc). Perhaps a ' celebrity' member of the horse world might help to get the message over.

### **QUESTION 43: farmers and the over 8 hours leaflet**

No

### **QUESTION 44 : non-farmed sectors – getting message across**

See answers above

### **QUESTION 45 : type of guidance**

Guidance which is sector and species specific is the most useful. Too much general talk about ' animals' or ' species' is simply confusing. Horse owners want information specific to horses, not digressions relating to pigs and poultry. We do not feel it is too great a burden to expect people wanting to transport more than one species to read more than one leaflet.

Generic examples – ' for instances' – are also extremely useful in helping people to decide whether they require Certificates or not. The more species-specific



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these can be, the better people feel informed, and the better they believe Defra understand issues specific to particular species.

### **QUESTION 46 : additional publicity and support**

The proposals at 10.13 seem comprehensive. We refer you to our response to Question 42, above.

### **APPENDIX 6 – PARTIAL REGULATORY IMPACT ASSESSMENT**

#### **Page 56 – Consultation**

##### 4.1 – do nothing

is obviously not an option, either in terms of infraction proceedings nor of welfare issues.

##### 4.2 - Full application of Regulation

we support full application of Regulation, subject to full use of derogations

##### 4.3 - Full use of Derogations

full use of derogations will reduce the heavy cost burdens, and present a more pragmatic and sympathetic approach, which will make it easier to implement, and not have any impact on animal welfare.

4.4. - we support the derogation for road vehicles undertaking journeys within the UK for a maximum of 12 hours to reach their final destination.

#### **5. Costs and Benefits**

We support the all the objectives to protect animals during transport.

Horses do not normally travel for slaughter within the UK, but where they do, they should be transported with the highest possible standards of welfare and the least possible stress.

Horses travelling for sale should also have the highest possible standards of welfare and the least possible stress during transport.



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Horses travelling for competition, exhibition, cultural events, breeding, educational purposes, training, filming, recreational events, etc, will normally be transported with a high standard of welfare in any case. We are not aware of any significant welfare issues with such horse transport within the UK. We consider the new regulations provide sufficient safeguards for these categories. The training and competence of anyone engaged in horse transport is essential to good welfare standards. Training, rather than punishment for shortfalls, is the key to establishing the best possible welfare standards throughout the UK.

We strongly recommend that anyone convicted of a welfare in transport offence is required to receive training or re-training leading to the NVQ Level 2 or 3 Certificate either instead of or in addition to any fine or imprisonment. It is more appropriate to enhance the standard of competence and prevent abuses, than to impose penalties after animals have suffered.

5.17 – we would highlight low value ponies transported for sale or slaughter ( such sales usually result in slaughter) as amongst the animals which particularly require the full weight of legislation to protect them. Although very few people in the UK eat horse meat, we feel it would be pertinent to carry out a study on stress for such animals.

### **5.26 – derogations for journeys of up to 12 hours for horses travelling within the UK; satellite navigation; ventilation; vehicle temperatures; insulated roofs; and ramp angles**

we support the above derogations for journeys of up to 12 hours within the UK for horses travelling for reasons other than sale or slaughter.

We support the derogations to defer installation of GPS for journeys within the UK, and satellite navigation systems until a Europe-wide standard, improved quality system becomes available

We support the derogation to defer installation of ventilation and temperature control systems and insulated roofs for horses travelling within the UK, since there are no significant welfare benefits in the UK.

We support a derogation to defer ramp angles for vehicles built before the implementation date for horses travelling within the UK for purposes other than sale or slaughter, as there are no significant welfare benefits to be gained.



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### 5.29 and 5.30 – costs - VAT

**We urge DEFRA to ensure there is no additional cost burden from VAT on the NVQ Certificates. It appears from HM Customs & Excise website and our enquiries to them that vocational training and assessment is exempt from VAT, and we strongly urge DEFRA to obtain a written confirmation from Customs & Excise that training and examination fees for the S/NVQ Level 2 and 3 Certificates are exempt from VAT. This will relieve administrative and some financial burdens on the commercial sector, and will also greatly relieve the financial burden on the non-commercial transporter, who will not be able to reclaim VAT. It will also serve to keep costs down, and to make training and certification more attractive, thus providing a greater, and less unenthusiastic uptake. It will, furthermore, relieve Government from the accusation of 'another stealth-tax'.**

**Similarly, we urge Defra to set fixed fees for transporter authorisations and vehicle authorisations, as our enquiries to Customs & Excise indicate that a fixed fee for compulsory authorisations would remove the burden of VAT.**

### 5.32 – awarding bodies

With the experience of Horse Passports in mind, we strongly recommend that DEFRA avoid nominating a huge number of awarding bodies. Although the criteria will be more difficult to meet for Certificate awarding bodies than the criteria for Passport Issuing Organisations, we are extremely concerned that commercial organisations may apply for nomination because they can see the opportunity to 'make a fast buck' out of the scheme.

Awarding bodies should be able to demonstrate to DEFRA that they have a long-term commitment to welfare in animal transport, and that they are competent to offer impartial, non-discriminatory training and assessment of the highest possible standard at a reasonable cost. If we are going to address welfare issues at all, then it is only sensible to address them to the best possible standards; there is no point in risking lowering training and assessment standards in order to certificate a large number of people in a short amount of time. There is also the risk that organisations who apply for approval in order to make as much



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money as possible may apply lower standards in order to make themselves attractive to applicants, which would devalue the whole scheme.

We have already suggested a system for receiving applications pending test dates, and submit that the key equestrian stakeholders have the competence, expertise and resources to cope with the estimated numbers.

### **5.33 – numbers of people affected in the horse sector and fees**

**with an estimated figure of 69,000 people to train and certificate, the horse sector represents the largest sector of all – and with only about 15 months available before the implementation date of 2008, we consider it is absolutely vital for existing providers to commence training and certification as soon as possible.**

**the assessment fees given are within acceptable parameters, providing these fees are exempt from VAT.**

### **5.34 – ramp angles**

we support the premise that ramp angles on existing vehicles are not an issue for horse vehicles. Horses are generally familiar with existing ramp angles, and there is no significant welfare issue which would usefully be addressed by requiring the conversion of all existing horse vehicles.

### **5.35 – vehicle inspection and approval**

we recommend that vehicle inspection and approval be for vehicles transporting horses for up to 12 hours where the purpose of transport is not for sale or slaughter.

### **5.37**

We support all the derogations listed.

### **5.39**

we support the proposals for inspection and approval, and the fee of £150 per vehicle. Please can you clarify whether this fee would be zero rated or exempt from VAT.



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### **Summary of Cost data for equestrian sector**

We believe the cost data is reasonably accurate

We cannot identify any significant additional financial benefits or costs

We have no significant improved data

So far as we are aware, DEFRA's working assumptions are a reasonable reflection of the costs to the equine industry

The costs of inspecting and converting all existing horse transporters to meet the new ramp angle standards would be prohibitively expensive, and confer no significant welfare benefits to the horse industry.

### **6 – small firms impact test**

few farmers transport horses at all, let alone for distances of over 50 kms. Few people who transport horses are also farmers, but some small equestrian businesses may well transport horses for between 8 and 12 hours on a regular basis.

We consider that the requirement to obtain training and assessment for NVQ Level 2 and 3 Certification is sufficient to provide welfare safeguards in respect of small equestrian businesses.

We would support the requirements of small equestrian businesses in respect of derogations for horse transport within the UK for purposes not connected with sale or slaughter for journeys of between 8 and 12 hours.

Small equestrian businesses, often consisting of an owner and a couple of grooms, often need to offer transport facilities to competitions, events, training days, recreational events, etc, in order to attract and retain clients. It is not in the interests of such businesses to transport their client's horses in anything other than the most comfortable and stress-free conditions. Forcing people to use a commercial horse transporter for basic transport to events, etc, is simply going to prevent people participating in such events, and will not, therefore, provide any welfare benefits.



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Few small equestrian businesses transport horses outside the UK. It is pertinent to welfare and competition requirements for those who do to maintain the highest possible standards of welfare.

**So far as horse transport is concerned, the main welfare issue lies with ponies being exported from the UK for sale, without regard to the Minimum Values regulations, which normally results in slaughter for human consumption. Much of this transport is carried out by 'shady' operators, who manage to stay just on the right side of the letter of the law.**

**We have brought to DEFRA's attention a recent specific case of unhandled, feral pony foals being exported from the UK in a transit van for the purpose of slaughter. The actual stress and suffering in this case was considerable, and we expressed our concerns that these young animals were allowed to leave the UK in the first place, let alone in a vehicle which did not even remotely meet the most basic requirements for transporting any equine.**

**We strongly urge DEFRA and the EU to address this type of welfare issue most urgently, with improved dockside checks in the UK and robust enforcement of welfare requirements.**

**THIS DOCUMENT MAY BE MADE AVAILABLE AND/OR PUBLISHED IN TOTAL OR IN PART IN ANY MANNER DEFRA THINKS FIT.**

**FOR FURTHER INFORMATION, PLEASE CONTACT**

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20<sup>TH</sup> JUNE 2006