

2018 No. 310

ANIMALS, ENGLAND

ANIMAL WELFARE

**The Codes of Practice for the Welfare of Cats, Dogs, and
Horses, Ponies, Donkeys and their Hybrids (Appointed Day and
Revocations) (England) Order 2018**

Made - - - -

1st March 2018

The Secretary of State makes this Order in exercise of the powers conferred by sections 15(5) and (7) and 17(1) and (2) of the Animal Welfare Act 2006 (“the Act”)(a).

In accordance with section 15(1) of the Act, the Secretary of State published draft codes of practice, consulted on the drafts such persons appearing to the Secretary of State to represent any interests concerned as the Secretary of State considered appropriate and considered any representations made by them.

In accordance with section 15(2) of the Act, the Secretary of State laid drafts of the codes of practice referred to in article 2 of this instrument before Parliament on 21st December 2017.

In accordance with section 15(4) of the Act, within a period of forty days(b) neither House resolved not to approve the drafts and the Secretary of State issued the codes in the form of the drafts.

Citation

1. This Order may be cited as the Codes of Practice for the Welfare of Cats, Dogs, and Horses, Ponies, Donkeys and their Hybrids (Appointed Day and Revocations) (England) Order 2018.

Appointed day

2. The day appointed for the coming into force of the following codes of practice is 6th April 2018—

- (a) the Code of Practice for the Welfare of Cats;
- (b) the Code of Practice for the Welfare of Dogs;
- (c) the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids.

(a) 2006 c. 45. For the purpose of issuing and revising codes of practice under section 14, the Secretary of State is the “appropriate national authority” in relation to England, as defined in section 62(1).

(b) The “40-day period” is defined in section 15(8) of the Animal Welfare Act 2006.

Revocations

3.—(1) The following codes of practice, which came into force on 6th April 2010, are revoked on 6th April 2018—

- (a) the Code of Practice for the Welfare of Cats;
- (b) the Code of Practice for the Welfare of Dogs;
- (c) the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids.

(2) In the Animal Welfare (Codes of Practice) (Appointed Day) (England) Order 2010^(a), omit Article 2(b) to (d).

Transitional provision

4.—(1) This article applies in relation to any proceedings arising from a complaint (whenever presented) alleging that a person has, before 6th April 2018, caused unnecessary suffering to an animal under section 4 of the Animal Welfare Act 2006.

(2) Where this article applies—

- (a) the Codes of Practice referred to in article 2 have no effect for the purposes of section 4 of the Animal Welfare Act 2006, and
- (b) the Codes of Practice referred to in article 3(1) continue to have effect for the purposes of that section.

1st March 2018

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 6th April 2018 as the day on which the new Code of Practice for the Welfare of Cats, the new Code of Practice for the Welfare of Dogs and the new Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids come into force in England.

Article 3 revokes the previous Codes of Practice and the associated provisions of the Animal Welfare (Codes of Practice) (Appointed Day) (England) Order 2010 (S.I. 2010/383).

Article 4 provides that the new Codes of Practice will not apply to proceedings relating to any alleged act causing unnecessary suffering to an animal committed before 6th April 2018. In such cases, the previous Codes of Practice will continue to apply. This is for the purposes of section 14(4) of the Animal Welfare Act 2006 (c. 45), which provides that failure to comply with a relevant provision of a code of practice may be relied upon as tending to establish liability, and compliance with a relevant provision of such a code of practice may be relied upon as tending to negative liability.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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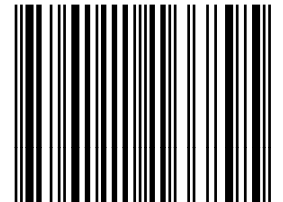
(a) S.I. 2010/383.

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