

# ADVOCATES FOR ANIMALS | SOLICITORS

*Making full use of the law to help animals*

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31 October 2023

Dear Department for Environment Food & Rural Affairs

## **Attachments:**

- Letter from Defra dated 24 August 2018 enclosing the letter from the FBH dated 16 July 2018
- Email from Defra dated 18 January 2019
- Goldsmith to Amess letter dated 6 September 2019
- AfA to Defra letter dated 26 July 2021
- Defra letter to AfA dated 13 August 2021
- Defra letter dated 25 September 2023
- Defra letter dated 13 October 2023

1. We represent the Animal Protection Agency who is working in coalition with Born Free Foundation, Freedom for Animals, People for the Ethical Treatment of Animals and World Animal Protection – all of which are UK animal protection organisations.
2. Our clients continue to be concerned with the official guidance relating to the size of enclosures for snakes. They also have concerns about the outcome of a

post-implementation review (PIR) of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which looked into this matter and is due to be published shortly.

3. You may recall that we previously wrote to Defra on this matter on behalf of several clients, four of whom we represent on this occasion, on 26 July 2021. I have attached a copy of that letter along with your reply dated 13 August 2021.
4. It has now been over two years since this initial correspondence and our clients are concerned that the delays in amending the guidance continue to negatively impact a huge number of snakes in the UK.

#### *The issue with snake enclosure sizes*

5. As referenced in our previous letter, in 2015, Defra conducted a consultation into the (then) proposed statutory guidance for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the AAL Guidance).
6. The draft AAL Guidance, presented by Defra, stated a minimum standard for enclosures as 2/3rds of the length of the snake and a higher standard for enclosures as the full length of the snake.
7. However, on publication, Defra had removed the reference to the higher standard of the length of the snake and only included the lower standard of two-thirds snake length.
8. Following a significant number of complaints regarding the removal, Defra commissioned the Animal Welfare Committee (AWC) *to provide an opinion on two questions namely :- first, whether there is any evidence, based on animal welfare, for a minimum length size for vivariums housing snakes temporarily in pet selling establishments, and if so, for which species and time periods it applies. Secondly and on the same basis, whether there is any evidence relating to what the optimal length might be.*<sup>1</sup>
9. It is of utmost importance to snake welfare that they can stretch their whole body in all dimensions, this is overwhelmingly supported by scientific literature.<sup>2</sup> Any environment that prevents them being able to do this has been shown to cause stress, multiple morbidities, and mortality.
10. The relevant law is outlined in my letter dated 26 July 2021 and my clients' position remains that failing to provide a snake with an enclosure that provides them the ability to fully stretch in all dimensions could constitute a breach under the Animal Welfare Act 2006.
11. **In the event that the PIR does not lead to a change in the guidance to provide a suitable environment for snakes, my clients' will be considering their legal options.**

#### *Defra bias*

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<sup>1</sup> See Defra's letter to AfA dated 13 August 2021

<sup>2</sup> Examples of the scientific literature re included in Annex 1

12. From the very initial removal of the higher standard for snake enclosures and up to the current day, my clients have serious concerns with the bias that your department has shown in relation to this matter.
13. After the higher standard was removed, animal groups pushed for an explanation as to why this occurred. Defra's initial explanation was that it had received evidence contradicting the need for snakes to fully stretch. However, the only supporting evidence it could show as to why it reached this conclusion was one letter containing no evidence that was written by well-known snake hobbyists, sellers, and vets belonging to a single veterinary clinic.<sup>3</sup> Defra later explained in an email dated 18 January 2019 that it did not believe there was sufficient evidence justifying snake enclosures in which snakes can fully stretch, claiming the impact would be too great to industry.
14. Despite my clients' initial concerns relating to the composition of the AWC working group and the potential bias, the AWC did produce a report which found that snakes must be able to fully stretch for their welfare, and that Defra's previous position was wrong. Rather than adopt these findings, Defra has withheld publication of the AWC report while it conducted its own additional post implementation review of the AAL Guidance. When asked, Defra has not said whether it will adopt the AWC report's findings and recommendations in its PIR.<sup>4</sup>
15. In addition, it is our clients' understanding that Defra has asked for the Companion Animal Sector Council (CASC) to review the AWC report and for CASC to offer its own guidance.<sup>5</sup> The CASC was set up by a vet involved in the pet trade at the request of Defra. CASC is predominantly operated and governed by the pet industry.<sup>6</sup>
16. **In the event that the PIR reflects the CASC and pet industry position i.e. that snakes do not need enclosures where they can fully stretch, as opposed to the scientific evidence and the AWC report, which makes it clear that they do in fact need to stretch, my clients will be considering their legal options regarding the clear bias that is on display. Defra will be well aware that its conduct and decisions are reviewable in court.**
17. Defra increasingly appears to demonstrate a preference for evidence provided by the pet industry, while overlooking or dismissing evidence from independent bodies that counter industry interests. This bias has been shown throughout all the above conduct. In addition in a letter dated 6 September 2019 (see attached), Defra informed the late MP Sir David Amess, a passionate animal advocate, that its main advisors on the statutory guidance are the Ornamental Aquatic Trade Association (OATA), Reptile and Exotic Pet Trade Association (REPTA) (which are trade bodies), and the Canine and Feline Sector Group (CFSG) which is a non-specialist entity that also has significant trade involvement. These are all pet trade bodies. Further, Defra has recently stated that it

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<sup>3</sup> See the letter from Defra dated 24/8/2018 enclosing the letter from the FBH dated 16/07/2018

<sup>4</sup> See letter from Defra dated 13 October 2023

<sup>5</sup> <https://casc.org.uk/current-projects>

<sup>6</sup> <https://casc.org.uk/organisation/council-members>

intends to promote pet trade guidance,<sup>7</sup> which contains extremely poor standards for snakes.<sup>8</sup>

### **Next steps**

18. Our clients' primary concern is snake welfare, as such it would welcome any action from your department or open dialogue that led to a positive outcome in this regard.
19. However, in the event that this does not happen, my client has reached the unfortunate conclusion that the courts will need to be involved, to not only determine what is and is not the lawful treatment of snakes, but also whether the bias displayed by Defra upholds the legal principles of how the civil service and government should conduct themselves.

Please reply to this letter within 14 days.

Yours sincerely

**Edie Bowles**  
**Solicitor**

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<sup>7</sup> See letter from Defra dated 25 September 2023

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<https://www.thefbh.org/post/fbh-code-of-practice-for-recommended-minimum-enclosure-sizes-for-reptiles>

## Annex 1

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