

PGRWB 02 Countryside Alliance Wales

Senedd Cymru | Welsh Parliament

[Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol](#) | [Culture, Communications, Welsh Language, Sport, and International Relations Committee](#)

[Bil Gwahardd Rasio Milgwn \(Cymru\)](#) | [Prohibition of Greyhound Racing \(Wales\) Bill](#)

Ymateb gan: Y Gynghair Cefn Gwlad Cymru | Response from: Countryside Alliance Wales

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

The stated policy intention is to prohibit greyhound racing in Wales which can only be achieved through primary legislation. We would note that the offences created by the Bill would not only prohibit the racing of greyhounds around a track but would also seem to restrict the way in which greyhounds can be trained in Wales to race elsewhere.

We do not believe that a ban is the best way to ensure the future of racing greyhounds and is based more on an ethical argument than evidence that properly regulated greyhound racing cannot be conducted in a way which minimises welfare concerns. Clearly, the risk of injury where animals are involved cannot be entirely excluded. This is also true for pet owners exercising dogs or working dogs in connection with farming, shooting or pest control. The arguments advance here in favour of banning instead of regulation would apply equally to horse racing, dog racing, catch and release angling etc.

We would also note that wider welfare concerns raised around greyhounds such as kennelling, breeding etc are already covered by extensive law as the documents accompanying the Bill acknowledge. This includes the five freedoms set out in the Animal Welfare Act 2006, which include an animal's "need to be able to exhibit normal behaviour patterns". As the Scottish Animal Welfare Commission's report on the welfare of greyhounds used for racing in Scotland points out: the pursuit phase of the race is associated with positive emotional states in dogs, and many dogs engage in chase and pursuit of moving objects suggesting it is a highly motivated behaviour for dogs. They also noted that the anticipation shown by greyhounds before a race suggests "that greyhounds do enjoy running and chasing 'prey' (the lure)". Simply to ban the activity in Wales not only prevents activities

where there are positive welfare benefits for greyhounds, recognising that risk of injury should always be minimised, but in doing so is actually detrimental to welfare. We do not ban sporting activities because a person risks injury, we ensure that the activity is undertaken to minimise risk of harm, recognising a balance is struck between risk and benefit to the individual.

Ironically, the ban will do little beyond increasing the distances greyhounds will have to travel to train and compete. The fundamental problem is that the policy objective is a ban based on ideological/questionable ethical arguments and not the welfare of greyhounds properly understood.

2. What are your views on the terms used in the Bill, whether defined or not? In particular, are they workable and will they deliver the stated policy intention?

If the purpose is to ban greyhound racing in Wales, then the Bill will achieve that. However, it will also make unlawful aspects of training greyhounds. It is stated that a ban will protect the welfare of racing greyhounds, but it goes without saying that if there are no racing greyhounds then there are no racing greyhounds to protect. Once again there is extensive welfare legislation covering all aspects of dog welfare that already apply at every stage of life and these apply to greyhounds used for racing as they do to any other domestic dog. It is surprising, given the extent of the claims of poor welfare made by those opposed to greyhound racing that they do not appear to have used any of the existing laws against those who fail to ensure the welfare of their dogs and that the Welsh Government has not brought in a statutory code which it can do under existing legislation. It is also worth noting that for those who do race greyhounds, it is in their interests to ensure dogs are as well cared for and as fit as possible.

3. What are your views on the provisions set out in sections 1 – 3 and Schedule 1 of the Bill -Prohibition of Greyhound Racing? In particular, are the provisions workable and will they deliver the stated policy intention?

There seems to be a lack of clarity regarding the scope of the offence and what it prohibits. The impact assessment etc all seem predicated on an understanding that the ban in fact only impacts the Valley stadium and those owners/trainers and businesses involved with it. This view seems supported by the fact that licensing of owners, keepers and trainers in Wales is still being considered. The Explanatory memorandum states:

8.11. The option of licensing current owners, keepers and trainers of greyhounds is not being disregarded as the prohibition does not apply to the owning, keeping or owning for the purposes of training racing greyhounds. It is being considered as part of the broader work on the national model for the licensing of animal

establishments. The Implementation Group may provide further advice on this matter. However, as this option does not align with the policy objective of the Bill, to prohibit greyhound racing in Wales, it falls outside the scope of this specific assessment.

This seems to be contradicted in the Explanatory Notes to the Bill which states:

Section 2 - Interpretation

8. The terms 'greyhound racing' and 'operator' are defined in section 2.

9. 'Greyhound racing' is defined as "setting greyhounds to run around a track in pursuit of a lure activated by mechanical means (and this includes timing or training a greyhound as it runs around a track)". As well as covering racing greyhounds against each other, this will include the following activities (provided they involve setting one or more greyhounds to run around a track after a mechanically activated lure):

a. "trials" (where a greyhound is timed for the purpose of determining its position, or race category, either in relation to a subsequent race, or for the purpose of selling it);

b. training a greyhound to run after a mechanically activated lure.

It would seem that the provisions go beyond the stated policy intention of achieving a ban on racing, as the offence is framed such that it would also prohibit much of the training of greyhounds in Wales where these dogs are to be raced outside Wales. We would suggest the Bill is amended accordingly and also that "around a track" is defined so that training a greyhound around a field at home falls outside the offence. At the moment it is not entirely clear whether it is training in a circular (as opposed to linear) way that is prohibited and how a track might be understood.

4. What are your views on the provisions set out in section 4 and Schedule 2 of the Bill - Enforcement? In particular, are the provisions workable and will they deliver the stated policy intention?

The enforcement provisions seem similar to other legislation regarding animals. The Alliance has no further comments. Enforcement is a prerequisite of enforcing a ban which is the stated policy intention.

5. What are your views on the provisions set out in sections 5- 6 of the Bill – General? In particular, are the provisions workable and will they deliver the stated policy intention?

These sections are not directly related to delivering the policy intention. We believe that it is vital to minimise the harm that this legislation will do and as such ministers only commence provisions at a time when there is least impact on greyhounds, and those whose livelihoods will be impacted.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

It rather depends whether this Bill is concerned with greyhound welfare or the product of an ideological position which, as noted above, would logically result in a ban on a significant number of other activities involving animals in Wales.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

As these are technical commencement arrangements we have no comments. However, given that this is purported to be about welfare, it would seem appropriate to allow Senedd members an opportunity to approve commencement so they can be assured that the welfare of greyhounds has indeed been taken into account during the transition period.

8. Are there any unintended consequences likely to arise from the Bill?

As noted above the offence as currently drafted would not simply close the Valley stadium but also make unlawful aspects of training greyhounds in Wales. This does not seem to have been fully understood or reflected in the assessment made of impact or cost of enforcement nor welfare consequences for greyhounds.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

As above, we do not think the scope of the offence and therefore the Bill's impacts and costs have been adequately reflected. We are also surprised that no attempt appears to have been made to obtain the relevant financial data from Valley, not least in respect of its contractual arrangements with Sports Information Services (SIS) despite both being represented on the Implementation Group. Welsh Government has failed to establish basic data of individuals affected or the current and future losses resulting from this proposal. We understand that SIS assess the loss at £15 million over the next five years. This failure to obtain the data necessary to conduct a robust impact assessment is extraordinary.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

The Bill is unprincipled, sets a dangerous precedent and seems more concerned with achieving a ban rather than improving welfare. It fails to balance the evidence which is strongly in favour of statutory regulation. We would refer to GBGB's submission about what has been done, is being done and can be done to ensure welfare of greyhounds when racing. We would therefore suggest that opting for a ban and failing to consider regulation makes the legislation disproportionate and that inadequate consideration has been given to a more measured and evidence-led solution where greyhound welfare is considered across a dog's lifetime.

Given that the Bill will effectively end a viable business and interferes with a contractual arrangement and future earnings without any compensation it would seem to infringe rights under the ECHR, in particular Article 1 (Protocol 1). The Bill amounts to a deprivation and not a control of property rights. It goes beyond what is necessary to achieve a legitimate objective (animal welfare) and is therefore a disproportionate interference. It is our understanding that legislation passed by the Senedd must be compatible with Convention rights. We would note that the prohibition on fur farming in 2000 paid compensation even though as a sovereign body the United Kingdom Parliament can in principle set aside ECHR/Human Rights Act requirements. Such is not the case for the devolved parliaments. Any interference with ECHR protected rights must be the minimum necessary to achieve a legitimate objective. Having reviewed the evidence and the options between status quo, statutory regulation and a ban, we do not believe a ban can be justified but there is a strong case for regulation.

We would also note that a public petition representing only about 1% of the Welsh population, even assuming all signatories were Welsh residents, coupled with a spurious ethical argument are not an adequate basis for legislation as proposed. We would urge the Welsh Government to reconsider this proposal starting from animal welfare, not ideology and party-political necessity.
