

## **RSPCA/WHW Training on the Animal Welfare Act**

### **Summary notes**

This training workshop focused on how the Animal Welfare Act 2006 (AWA) applies to equines, sharing insights on enforcement, legal thresholds, and the roles of different welfare agencies. Led by the RSPCA and World Horse Welfare the session combined explanation, examples and case studies.

#### **Scope and Definitions under the AWA**

The AWA is legislation protecting animal welfare in the UK and applies to all equines, including horses, ponies, donkeys, and hybrids. Responsibility for an animal extends beyond ownership to anyone “in charge” of it, even temporarily. This means grooms, loaners, and carers all hold legal responsibility, while owners retain ultimate accountability.

#### **Section 4: Unnecessary Suffering**

Section 4 of the Act makes it an offense to cause unnecessary suffering through either action or inaction. However, prosecution is challenging due to a high legal threshold. To secure a conviction, it must be proven that:

- The animal suffered,
- The suffering was unnecessary, and
- The responsible person knew or should reasonably have known their actions would cause suffering (*mens rea*).

A key barrier for the RSPCA is that suffering must be confirmed by a veterinary professional. This makes cases such as obesity difficult to prosecute unless there is related disease or injury also present (e.g., laminitis). Mental suffering would be harder to prove in court.

Because of this high bar, in many scenarios education and advisory/warning notices can be more effective to change behaviour over prosecution, especially where ignorance rather than deliberate harm is involved. The “public interest test” is also applied, meaning prosecution must be proportionate and justified.

#### **Section 9: Duty of Care (Welfare Offence)**

Section 9 represents a more proactive approach allowing intervention before suffering occurs if an animal’s welfare needs are not being met. These needs include:

- Suitable environment
- Proper diet
- Ability to exhibit normal behavior
- Appropriate companionship
- Protection from pain, injury, and disease

This section is commonly enforced through the use of warning notices, such as requiring hoof care or addressing hazardous environments.

## **Enforcement Powers and Limitations**

In England, the RSPCA has no statutory enforcement powers under the AWA and must rely on police or Appointed Inspectors (local authority, not RSPCA) for actions such as entering premises or seizing animals. Veterinary professionals play a critical role, as their opinion underpins decisions such as euthanasia. Police may act without a vet in emergencies, but this is less common.

## **Differences Across the UK**

Scotland and Wales have stronger enforcement frameworks. For example, the SSPCA has greater legal powers, including the ability to apply for warrants directly. In England, we currently predominantly on private prosecutions (mostly funded by the RSPCA).

## **Practical Challenges and Case Examples**

The workshop highlighted several real-world examples for discussion:

- **Delayed euthanasia:** Raises questions about unnecessary suffering.
- **Hidden neglect:** Thick coats or rugs can mask emaciation.
- **Ignorance vs. intent:** Many cases result in education rather than prosecution.

Case studies demonstrated that intervention often depends on context, owner intent, and centres on risk of harm to the horses in question.

## **Collaboration Between Organisations**

World Horse Welfare and the RSPCA often work together, with the former focusing on early intervention and education, and the latter more likely to pursue prosecution in serious cases. The nominated Equine Welfare Officers in member bodies can also play a key role by enforcing their member body's policies/codes of conduct that often exceed the legal minimum standards. The disciplinary process can play a key role in changing behaviours.

## **Key Takeaways**

- The AWA provides protection for equines but can be challenging to enforce.
- Section 4 (unnecessary suffering) sets a high bar, while Section 9 (duty of care) enables earlier, preventative action.
- Enforcement relies heavily on collaboration between welfare organisations, vets, police, and local authorities.
- Education, warning notices, and sector self-regulation via member bodies are often more practical than criminal prosecution.