

**PE1736/D**

Petitioner submission of 20 February 2020

Firstly, thank you to the Committee for a fair and promising first reading of the petition; Vehicle collisions involving cats to be made a reportable offence. We are grateful it was received well, and the aims generally supported.

We also thank the Scottish Government, Cats Protection and Police Scotland's submissions. Again, we are very pleased there is generally support for this. It is clear the issue lies with exactly how this would be legislated in Scotland. As Cats Protection and Police Scotland agree, the issue centres around the Road Traffic Act 1988 both in terms of it being a reserved matter and due to the nature of the legislation itself. As both CP and PS note, which we agree with and have always stated ourselves, the animals on the Act have restrictions imposed on them and there is a degree of liability in terms of damage to persons, vehicles and property. Contrary to belief amongst cat owners, the Road Traffic Act does not so much protect the animals on it, it serves to place liability on dog owners as the animals on the Act should be restrained/tethered by law. Also, this Act requires persons to notify the police when involved in collisions with the included animals. Given cats have right of free roam, and the added pressure the reporting of incidents would have on police, it would not be feasible to tac cats on to this list of animals. We agree with Police Scotland when they state that these changes would incur significant increases to the work demands of the force.

Given the above, this is why we worked to find an alternative for cats taking into consideration their unique status as free roaming animals, as well as to discover if an avenue could be found which would not involve the police. What we also note is, the police are not veterinarians and could not provide the necessary help for cats when called to incidents. For us, and as it seems for PS and CP, the inclusion of cats on the Road Traffic Act is just not workable in any sense.

The submission from the Scottish Government notes that campaigners previously suggested that Sec 19 of the Animal Health and Welfare (Scotland) Act 2006 could be amended to require motorists to report incidents. It was ourselves, CatsMatter, who sent these proposals to the Government prior to creating this particular petition. I will send a second submission along with this one outlining exactly what we proposed to the Scottish Government. In terms of the Scottish Government response that amending the Animal Health and Welfare (Scotland) Act 2006 in this way would require a change to traffic Law, exactly how has never been explained to us but we note the Scottish Government say this is not an issue which has been previously discussed with DFT officials. It would be fantastic if the Scottish Government/Committee could approach the DFT regarding this issue for Scotland, and it is possible they may already have an idea of the nature of the legislation proposed. We are the campaign group behind the current Microchipping of cats (England) Call for evidence. We have met with and discussed the microchipping issue with DEFRA officials and, naturally, we discussed our primary focus area of reportable collisions involving cats at meetings. Our suggestions were due to be between DEFRA and the DFT so it is quite possible they are already aware of this at this stage. It would be fantastic if further official talks between governments could take place on this.

In terms of the microchipping of cats, we are thrilled the UK government took forward a Bill we were involved in called the "Cats Bill". We have been working with the DEFRA

team on the evidence and produced an extensive piece on the pros and cons, including official figures from vets and local councils who essentially foot the bill when cats go unclaimed either for injuries and/or disposal. Our primary focus is to ensure cats involved in road accidents are given the treatment they need. Although some vets will use emergency funds to treat cats brought in following a road accident, they are only obliged to administer basic pain relief. Should an owner not be locatable via a microchip, its potluck if the cat will be treated beyond pain relief. Sadly we hear quite often how no owner could be located so the cat has been euthanised, in some cases for injuries classed as minor. The list of benefits to microchipping are countless, and we would be happy to send our research over to you/the Scottish Government which we have submitted to DEFRA for their current call for evidence on cat microchipping. Given our heavy involvement in the English microchipping legislation, we would be more than happy to extend our efforts to other parts of the UK.

In terms of local authorities scanning, we have also done extensive work in this area in Scotland. We commend Cats Protection for the work they have done, and continue to do, and we have worked with some of the local CP branches to get certain local councils to adopt a scanning approach, not just in Scotland, but across the UK and Northern Ireland. Cats Protection have done fantastic in this field, as we know first-hand. However, we are pleased to be able to add to the statistics they have submitted to as recent as February 2019. We had been campaigning for around 3 years and began working with 15 Scottish councils who did not have any scanning procedure in place at all over this period. It was in February 2019 we were thrilled to announce that all councils in Scotland now had a scanning procedure set up. We worked with Christine Graham MSP from January 2018, and she was fantastic helping us raise the scanning profile and gave us that last push with the remaining reluctant councils. The issue with local councils is not perfect still and, as we say, cats still slip through the net. There are a few reasons for this, and we have also recently worked with DEFRA on this issue who are now using our 'best practice' guide as a blueprint for official government guidance which will be made public in due course. We created our guide, the best practice for the scanning and disposal of deceased cats by local authorities, due to our extensive work with councils and coming up against countless problems throughout. To this day we get approached by councils all over the UK with enquiries about how long they should store the bodies for, how do the microchip scanners work, how do they obtain the access codes to gain access to owners details, and so on. We became aware there is no government guidance for councils to follow whatsoever, so we decided to collate our knowledge from working with councils and the issues raised and created our guide. We are thrilled DEFRA have decided to take this forward. We would be more than happy to send a copy of our guide to the Scottish Government for consideration also.

Thank you again to the Committee, Scottish Government, Police Scotland and Cats Protection.

Should the committee require the data DEFRA have regarding the scanning guide and/or the microchipping of cat's legislation, please do let us know. As some of CatsMatter are Scottish residents, we are especially keen to see Scotland take a stand for cat's rights and their welfare and would be thrilled for the Scottish Government to take the steps that DEFRA have on the above issues. We are extremely keen to share our data, knowledge and experience on these issues for the benefit of Scotland

potentially introducing legislation for reportable road traffic incidents involving cats, compulsory microchipping of cats and local authority scanning improvement guidance.

### **Proposals for addressing cat welfare on Scotland's roads.**

We believe for any meaningful action to be taken, the changes must put the welfare of cats and their owners at the centre and avoid unnecessary burdensome bureaucracy or liabilities over the control of cats as well as limiting police intervention.

The most appropriate way for Scotland to implement such legislation, creating a law that fits the desired outcome perfectly where cats best be protected and catered for within the available legislative instruments complimenting current available legislation, is to implement an amendment to the Animal Health and Welfare (Scotland) Act 2006. We believe that section 19 of this Act would be best suited to include a provision that if a motorist is involved in an accident causing harm, damage, injury, or death to a cat, they should report the incident to the desired target. Section 19 (1) (b) states that a person commits an offence if the person knew, or ought reasonably to have known, the act would have caused the suffering or be likely to do so. We believe that, should a person hit a cat whilst driving, they are likely to understand the animal will be in pain as a result so ultimately, they will be failing to comply should they drive off without making attempts to seek help for the animal.

UK wide law acknowledges cats as sentient beings who do feel pain and have similar pain threshold to people. It should be born in mind that in the event of a collision with a cat, there should be no unnecessary suffering or harm inflicted by leaving it for dead. For a driver to hit a cat and leave the animal injured would constitute as unnecessary suffering. The Animal Health and Welfare (Scotland) Act 2006 Section 19 (4) (a) states an offence has been committed if persons fail to act causing the animal to suffer and whether suffering could reasonably have been avoided or reduced. Persons ought to have reasonably known that failure of his to act would have a likely effect of causing unnecessary suffering to the animal. We believe that, by a driver not stopping the vehicle to assist the animal, this constitutes as failing to act, causing further unnecessary pain and suffering. It would be taking in to account this provision that would determine an offence had been committed, and a penalty could be legally served. An offence would not necessarily be regarding the manor of driving but failing to inform of the collision and attempting to limit the animals suffering.

We understand our proposal could not be approved if there is an impression that this new law would cause an increased pressure on the police. The primary notifying body should be a veterinarian. The police not being the notifying body should be made clear so as not to cause confusion between persons. This would be an amendment to the Animal Health and Welfare (Scotland) Act 2006, and not road traffic legislation.

There are numerous places around the world which has adopted a similar approach which has been deemed a success. One in particular we would like to use as an example is the New York Agriculture and Markets Law, Article 22, section 601. This law states persons operating a motor vehicle which strikes and injures a cat shall stop and endeavour to locate the owner or a police or judicial officer in the vicinity. Violations are punishable in the form of a fine of not more than \$100 for a first offence, rising with further offences. Similar to this law, it would be logical to punish persons failing to stop with a fine. Drivers being punishable by fine would also be beneficial in

today's climate as an additional funding. This in its self could act as a deterrent for the morally bankrupt who do not respect animal welfare in Scotland.

In terms of cost, a driver would not be liable for any costs incurred. The cost would be held responsibility of the owner should treatment be needed. We have spoken to many cat owners over the course of our campaign and all of them agree they have no qualms in paying for treatment should the worst happen. The main hope for them is attempts are made to save their pet. It is current law that veterinary practices must administer general pain relief, again so as unnecessary suffering laws are abided by. Veterinary practices would be able to scan cats for microchips and, once an owner located, the cost of any further treatment would fall to that of the registered keeper.

We appreciate we are referring solely to animals still alive as a focus, but the same reporting methods should be for that of instantly deceased animals also simply for closure purposes for the owners and of course so as drivers could not find a loophole in that the cat was deceased so no legal responsibility was there for placed on them.

Currently there is little effort made directly for the safety of cats on Scotland's roads and we believe bringing in this new requirement for drivers would be effective in causing extra caution to driver's actions knowing the government take domestic pet deaths seriously.

The domesticated cat should be an animal which is given every opportunity for treatment.