

# **Department for Environment, Food and Rural Affairs**

## **Summary of responses to the Consultation on changes to the Animals Act 1971 to clarify the application of strict liability to the keepers of animals, 27 March to the 19 June 2009.**

**September 2009.**

### **Introduction**

This consultation was to obtain views on a proposal to amend section 2 of the Animals Act 1971 to clarify the application of strict liability to the keepers of animals that cause harm or damage, by replacing the existing wording of section 2(2)(b) with a new formulation referring to the damage being caused by “unusual or conditional” characteristics of the animal. Unusual characteristics are defined as those that are not shared by the species generally, while conditional characteristics are defined as those that are shared generally by the species but only in particular circumstances. The new wording would require that for strict liability to apply in cases where an unusual characteristic was the cause of the damage, the keeper of the animal at the time the damage was caused must have known of that characteristic in the animal. Where the damage is due to a conditional characteristic of the animal, it limits the application of strict liability by providing a defence if the keeper of the animal when the incident took place can show that there was no particular reason to expect that the particular circumstances that provoked the conditional characteristic would arise at that time.

### **General Summary**

35 responses were received in total, from a variety of sources, including legal firms and insurance companies, national organisations, riding schools and equestrian businesses, representative bodies, educational establishments and individual members of the public. A list of all respondents (excluding private individuals) can be found at Annex A. Overall, a large majority of responses (27 or 77%) agreed that the Act needed clarification, but only 37% of respondents agreed with the Government’s proposed wording for the amendment. A further 40% of respondents agreed that the Act needed clarifying but did not agree with the Government’s proposed wording, with several offering alternative suggestions for amending the Act. A total of 6 respondents (17%) disagreed that the Act needed amending and preferred to see the Act remain as it was. 6% did not express a strong opinion either way.

### **The Way Forward**

The Government is now considering all available options in the light of the responses received. A more detailed summary of the consultation responses together with an indication of the Government’s proposed way forward will be published on this site as soon as possible.

## **Annex A**

### **Respondents**

Allianz Insurance  
Association of Areas of Outstanding Natural Beauty  
Association of British Insurers  
Association of British Riding Schools  
Association of Personal Injury Lawyers  
Berrymans Lace Mawer Solicitors  
British Driving Society  
British Equestrian Federation  
British Horseracing Authority (BHA)  
British Small Animals Veterinary Association (BSAVA)  
Brown Jacobson Solicitors  
Cilan Riding Centre  
Communication Workers Union  
Companion Animal Welfare Council  
Country Land and Business Association  
Countryside Alliance  
Dogs Trust  
Farmers Union of Wales  
Harper Adams University College  
Health and Safety Executive  
Kennedy's Solicitors  
Kennel Club  
Keogh's Solicitors  
Knight's Solicitors  
Llanthony Riding and Trekking Centre  
Martineau Solicitors  
National Farmers Union  
NFU Mutual Insurance  
Royal Society for the Prevention of Cruelty to Animals  
South Essex Insurance Brokers  
Tenant Farmers Association  
Thompsons Solicitors  
Trading Standards Institute  
World Horse Welfare