

PE1736/B

Cat Protection's submission of 25 October 2019

Cats Protection is the UK leading cat welfare charity. The charity focuses on rehoming stray and abandoned cats, providing information and advice to cat owners and influencing decision makers who can help improve the welfare of cats across the UK. In Scotland, the charity has more than 40 volunteer-run branches and four adoption centres. In 2018, our Scottish branches and adoption centres rehomed 4000 cats and neutered more than 14,000 cats.

Road Traffic Act 1988

The purpose of introducing legislation to *'make the driver of a vehicle involved in an accident resulting in injury or death to a cat to stop and report the accident to the police'* is to ensure that cat owners can find out the fate of their pet cat if it is sadly a victim of a road traffic accident.

Currently the Highways Code rule 286 states that a driver must stop and report a collision that causes damage and refers specifically to damage of an animal (which could include a cat). Cats Protection would always encourage drivers who hit a cat to report it to the relevant authorities such as the local authority, police, vet and animal welfare charities.

However, cats are not one of the animals listed under the Road Traffic Act 1988 that have to be reported to the police if a driver hits them on the road. The law surrounding drivers having to notify the police when they knock down certain animals, including dogs, is complicated. It is commonly thought that road traffic accidents involving dogs have to be reported to the police so that dog owners can be notified that their dog has been involved in an accident. If that was the case, it would certainly seem wrong that there was no similar legal requirement to report accidents involving cats. However, the legal reasoning behind the requirement to report accidents involving dogs is two-fold and not based on notifying the owner.

First, accidents involving dogs are more likely in the eyes of the law to lead to damage either to property or people so drivers need to report the details to the police to establish liability. Secondly, there are laws requiring dogs to wear collars and be kept on a lead on the highway so drivers need to report accidents involving dogs in case an offence has been committed by the owner of the dog. There is no such argument for cats as they can roam freely. It is this right to roam which is the key reason underpinning how cat and dog road traffic accidents are treated differently in law.

The Road Traffic Act 1988 is also a reserved matter as was raised during a discussion of petition PE1736 on 19th September 2019. Therefore, rather than amends to the Road Traffic Act, Cats Protection has suggested actions (see below) which could be taken by the Scottish Parliament and Scottish Government to increase the number of cat owners informed if their cat is sadly a victim of a road traffic accident and we recognise that for owners getting some form of closure is important.

Scanning for a microchip

Cats Protection has volunteer branches around the UK (including in Scotland). Some of which, for example Giffnock branch, have worked successfully with their local councils to ensure cats that have been road traffic accident victims are scanned by those that are responsible for cleaning the roads.

Freedom of Information Request

In March 2017, Cats Protection carried out a freedom of information request regarding cats killed on the roads in Scotland. All local authorities in Scotland were contacted and 94% of them provided data on the issue.

The key findings were:

- Of the authorities who provided data, 72% said they scan cat road traffic accident (RTA) victims.
- Of those authorities that scan cat RTA victims, 87% tried to identify and contact the cat owner.
- The most common reason given for not scanning cat RTA victims was that the authority did not have a scanner.
- Of the authorities that did not scan cat RTA victims, 63% said they would consider scanning if a scanner was provided free of charge.

69% of local authorities recorded the number of cats killed on the roads in Scotland. In 2016 this number was 335. A year on year comparison was not possible as some councils did not record figures in 2015. Excluding those authorities that did not record statistics in 2015, 274 cases were recorded in 2016, which was an 11% increase on 2015.

Highways Scotland

On the 7 April 2017 question S5W-08738 was lodged with the Scottish parliament:
To ask the Scottish Government what steps it has taken to encourage (a) Transport Scotland and (b) local authorities to scan cats that have been killed in road traffic accidents for microchips.

The reply given was:

The trunk road operating companies are contractually required to examine all domestic animals found dead on the trunk road and motorway network for any identifying features, including scanning for microchips. The Police are then notified of any identifying features, together with a brief description of the animal. Where possible, the operating company will attempt to contact the owner of the animal, and will keep the carcass of any domestic animal for a period of two weeks, in case the owner wishes to claim their pet.

Tracing owners of deceased cats can be problematic as very few domestic cats are micro-chipped or have collars with the owner's details, making it virtually impossible to trace an owner. There is currently no legislation requiring domestic cats to have such identification, and this would be difficult to enforce. Dealing with deceased cats found on local roads is a matter for local authorities.

Recommendation: Cats Protection recommends that the Petition's Committee requests that the Scottish Government writes to all local authorities in Scotland

encouraging them to follow Transport Scotland's lead and scan all cats found dead on local roads.

Compulsory microchipping

Cats Protection noted that cat microchipping was mentioned during a discussion of petition PE1736 on 19th September 2019.

Cats Protection is calling for the compulsory microchipping of pet cats in Scotland. Currently microchipping is "the preferred method of identification" for cats in the Scottish Code of Practice for the Welfare of Cats, but the charity would like microchipping of pet cats to be made compulsory in Scotland and the rest of the UK. The charity has been campaigning on the issue for a long time and it featured in our 2016 Manifesto for Cats: Scotland which can be read in full here: <https://www.cats.org.uk/what-we-do/campaigning/manifesto/manifestoscotland>

In 2018 42% of cats in Scotland (290,000 cats) were not microchipped, worse than the UK average which was 32%*. Compulsory microchipping could help more owners find out if their cat had sadly been a victim of a road traffic accident and allow them to get closure, give cats the best chance of being reunited with their owners if they went missing and treated by a vet if found injured.

Having your cat microchipped is part of responsible cat ownership and it is the safest permanent method of identifying cats. Collars can come off and can cause injury. Microchipping is inexpensive for a pet owner and help with costs is available for those on low incomes from many animal welfare charities including Cats Protection.

Should a cat sadly be a victim of a road traffic accident, ensuring cats are microchipped can help worried owners get closure as they can at least find out the fate of their pet cats when local councils scan cats they find on the road. If a cat is found on the road by a local council and no microchipped it is extremely difficult for owners to ever find out what has happened to their pet cat.

Furthermore, cats roam and can end up lost, sometimes far from home. A microchip gives cats the best chance of being reunited with their owners. In 2018, only 88% of the stray cats taken in by Cats Protection's Glasgow Adoption Centre were not microchipped, making it very difficult for any potential owners to be found. This can mean that some cats get needlessly rehomed and worried owners never get their beloved cats back.

In addition, if a cat is found injured when away from their owner, potentially due to a road traffic accident, microchipping can ensure that a cat's owner can be quickly identified by a vet and the right treatment given promptly.

Compulsory microchipping is already in place for dogs and only 11% of dogs were not microchipped in 2018 in Scotland, compared to 43% of owned cats*. Legislation making it compulsory for pet cats to be microchipped is needed to close the gap between the percentage of cats and dogs which are microchipped.

Recommendation: Cats Protection recommends that the Petition's Committee writes to the Scottish Government to encourage them to consult on introducing compulsory microchipping of pet cats.