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Animal Welfare (Kept Animals) Bill



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Summary

The [Animal Welfare \(Kept Animals\) Bill 2021-22](#) was introduced in the House of Commons on 8 June 2021 as a Bill to make provision about the welfare of certain kept animals that are in, imported into, or exported from Great Britain. [Second Reading took place on Monday 25 October 2021](#). [Committee stage](#) took place between 9 and 18 November 2021. The Bill was carried over to the 2022-23 parliamentary session and is [awaiting a date for Report stage](#).

The Bill aims to address commitments made in the [Conservative Party 2019 Manifesto](#) in a single legislative step. The five overarching animal welfare issues addressed by the Bill are:

- Keeping primates as pets
- Dogs attacking or worrying livestock
- Export of livestock
- Importation of dogs, cats and ferrets
- Zoos

The measures on primates aim to prevent these animals being kept as pets. Where primates are kept in captivity, the Bill would introduce new licensing requirements to ensure that their welfare needs are being met.

Under the Bill, police will have new powers to provide greater protection to livestock from dangerous and out of control dogs. Additional species, such as llamas, ostriches and game birds, will also be given protection.

The Bill includes proposals to ban the export of live animals for slaughter and fattening. However, the measures would not cover poultry.

Under the Bill, restrictions on the number of pets (dogs, cats and ferrets) imported on a non-commercial basis would be implemented. The Bill includes further restrictions on importing animals that are pregnant, under a certain age, or which have undergone mutilations such as cropped ears and tails.

The Bill would amend the Zoo Licensing Act with the aim of improving zoo regulations and trying to ensure that zoos are doing more to contribute to conservation.

The Bill also includes powers to amend, or revoke retained direct EU legislation related to animal welfare.

Animal welfare is a devolved matter. The measures in the Bill vary in their territorial extent within Great Britain, however none of the measures would apply to Northern Ireland.

During Committee stage there were a number of Government amendment and no successful opposition amendments. Government amendments included the addition of a new offence of taking a pet without lawful authority and extending the proposals on the keeping of primates to Wales.

1 Background

The Conservative Party's 2019 manifesto set out a series of commitments on animal welfare policy. The [Animal Welfare \(Kept Animals\) Bill](#) aims to address a number of these commitments in a single legislative step. Amongst the pledges in the manifesto the Government stated that:

- We will crack down on the illegal smuggling of dogs and puppies.
- We will end excessively long journeys for slaughter and fattening.
- We will ban keeping primates as pets.¹

The [Animal Welfare \(Kept Animals\) Bill](#) was introduced to Parliament on 8 June 2021 as “a Bill to make provision about the welfare of certain kept animals that are in, imported into, or exported from Great Britain.”²

The Government [press release](#) announcing the Bill on the day it was introduced stated that:

New powers to crack down on puppy smuggling and increased protections for farm animals will be brought in under new legislation set to be introduced by the Government in Parliament today (8 June).

The new Animal Welfare (Kept Animals) Bill will improve welfare standards through a wide range of measures for pets, farmed and kept wild animals, including through a ban on keeping primates as pets.

The UK has long history of leading the way on animal welfare and now that we have left the EU, the Government is committed to improving our already world-leading standards by delivering a series of ambitious reforms, outlined in the Action Plan for Animal Welfare.³

The Bill makes provisions for five distinct animal welfare issues and includes powers to amend or revoke retained direct EU legislation. The five animal welfare issues addressed by the Bill are:

- Keeping primates

¹ [The Conservative and Unionist Party Manifesto 2019](#)

² [Animal Welfare \(Kept Animals\) Bill](#)

³ Defra, [Government launches second Animal Welfare Bill to protect pets, livestock and wild animals](#), 8 June 2021

- Dogs attacking or worrying livestock
- Export of livestock
- Importation of dogs, cats and ferrets
- Zoos

Territorial extent and application in the United Kingdom

Animal welfare is a devolved matter, however, the [explanatory notes](#) published alongside the Bill set out the territorial extent and application of different parts of the Bill in the United Kingdom. This states that:

Part 1 and Schedules 1 to 4 (primates) apply to England-only. Part 2 of the Bill (dogs attacking or worrying livestock) extend and apply to England and Wales. Part 3 and Schedule 5 (other provisions about kept animals) and the general provisions in Part 4 all extend and apply to Great Britain, except for paragraph 16 of Schedule 5 which extends to England and Wales.⁴

Page 23 of the [explanatory notes](#) contains a table setting out in further detail which provisions fall within the competence of the devolved nations and whether a legislative consent motion would be sought.

⁴ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, page 23

2 Primates

2.1 Background

On 8 June 2021, with the announcement of the [Animal Welfare \(Kept Animals\) Bill](#), the Government outlined its intention to prohibit the keeping of primates in line with its manifesto commitment:

Primates are highly intelligent animals with complex needs and require specialist care. The Government will deliver on its manifesto commitment to introduce a ban on keeping them as pets, ensuring that all primates being kept privately in England are being kept at zoo-level standards and that those unable to meet the standards are phased out.⁵

Primates are a group of mammals that includes lemurs, lorises, tarsiers, monkeys, apes, and humans⁶. According to Defra's [Code of Practice for the Welfare of Privately Kept Non-Human Primates](#), "marmosets, capuchins, squirrel monkeys, macaques and lemurs make up the majority of primates kept in private collections"⁷ although other species are also kept.

Further details were provided in the '[Action Plan for Animal Welfare](#)' policy paper, published in May 2021, which stated that:

We will legislate to prohibit primates as pets and potentially other animals. Keepers that are able to provide welfare standards akin to those of licensed zoos will be able to keep their primates under a new licensing regime, subject to conditions and inspections. Ownership of these exotic animals with complex needs will be phased out for keepers unable to meet these standards. We are considering whether these restrictions should apply to other wild animals that are kept as pets.⁸

This followed a call for evidence from Defra on [the Welfare of Primates as Pets](#) which ran from October 2020 and a consultation on [primates as pets in England](#) launched in December 2020. The consultation sought views on whether the Government should bring forward legislation to tackle keeping

⁵ Defra, [New Animal Welfare Bill launched to protect pets, livestock and wild animals](#), 8 June 2021

⁶ Britannica, [Primate: mammal](#), 31 March 2021

⁷ Defra, [Code of Practice for the Welfare of Privately Kept Non-Human Primates](#), 9 April 2013

⁸ Defra, [Action Plan for Animal Welfare](#), 12 May 2021

primates as pets. Summarising the results of the call for evidence the Government stated that:

We received substantial evidence that some primates are being kept in domestic settings, akin to that of more traditional pets (such as cats or dogs), and that these conditions are often unsuited to the complex welfare needs of a primate and therefore detrimental to their health and wellbeing. We received evidence of primates kept in bird cages, fed inappropriate diets, and not provided with sufficient

heat and light. We also received information relating to the physical and psychological harm that being kept in these conditions can cause, for example, bone disease, malnourishment and self-injurious behaviour.

The majority of respondents to the Call for Evidence expressed support for reform, with the favoured option being restrictions on the private keeping of primates. Many respondents stated that existing legislation does not adequately protect the welfare of primates kept privately. There was also support for restrictions relating to sales and breeding.⁹

Based on the responses to the call for evidence, Defra stated in its consultation launch that it was “proposing the introduction of a new prohibition on keeping primates in England, backed by civil penalties, which will restrict breeding, acquiring, buying, gifting, selling, or otherwise transferring primates, apart from to persons licensed to keep primates to zoo standards.”¹⁰ Defra provided further context by stating that:

Such persons include, but are not limited to, zoo licence holders (a zoo licence is required if the premises are open to the public for seven days or more in a twelve-month period). Some primates may also be being kept in comparable conditions to those provided by zoo licence holders, but not in premises that are open to the public for this amount of time. We consider that the new prohibition should not apply to these individuals as long as they are indeed applying zoo-level standards. In order to establish and be reassured that this is so, we propose introducing a new ‘specialist private primate keeper’ licence, and suggest that the new prohibition would only not apply to primate keepers if they hold one of these new licences (or a zoo licence). The new licence would be introduced under new legislation and would only be available to primate keepers who provide for their primates’ standards of welfare equivalent to those required of zoo licence holders.¹¹

⁹ Defra, [Primates as pets in England: Consultation document](#), December 2020

¹⁰ Defra, [Primates as pets in England: Overview](#), December 2020

¹¹ Defra, [Primates as pets in England: Overview](#), December 2020

2.2

Existing legislation

The introductory section to Government's December 2020 consultation document on [primates as pets in England](#) provides an overview of existing legislation relating to primates. It lists the following Acts:

- [Animal Welfare Act 2006](#)
- [Zoo Licensing Act 1981](#)
- [Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)
- [Dangerous Wild Animals Act 1976](#)
- [Animals \(Scientific Procedures\) Act 1986](#)

The Animal Welfare Act 2006 (AWA) makes it an offence to cause any unnecessary suffering to a kept animal or to fail to provide for a kept animal's welfare needs. The maximum sentence under this Act was set at six months' imprisonment and/or an unlimited fine. However, in June 2021 the [Animal Welfare \(Sentencing\) Act 2021](#) came into force and increases the maximum sentence for certain animal cruelty offences in England and Wales to five years. Further information on these changes is available in the [Commons Library briefing on the Animal Welfare \(Sentencing\) Bill](#).

A statutory [Code of Practice for the Welfare of Privately Kept NonHuman Primates](#) (the Code) sets out how keepers of primates can meet the welfare needs of animals under their control in accordance with the requirements of Section 9 of the AWA.

The consultation document provides the following information on the remaining Acts listed above:

Many primates are kept by persons holding a zoo licence under the Zoo Licensing Act 1981 (the 1981 Zoo Act). The 1981 Zoo Act covers anyone keeping wild animals and exhibiting them to the public for seven days or more in a twelve-month period. Local Authorities are responsible for enforcing the zoo licensing scheme. Minimum welfare standards under the 1981 Zoo Act are provided under the Secretary of State's Standards of Modern Zoo Practice

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the 2018 LAIA Regulations) require a Local Authority licence to be obtained for anyone wishing to exhibit a primate or other animal in England outside of premises holding a zoo licence, as well as anyone in the business of selling pet animals, including primates. The 2018 LAIA Regulations also require any businesses based in England which place adverts for pet animals to include their LAIA licence number in the advert, including online adverts.

The Dangerous Wild Animals Act 1976 (the 1976 DWA Act) regulates the keeping of certain non-domestic species of animals that are considered dangerous to keep in Great Britain. The 1976 DWA Act is mainly concerned with protecting people from dangerous animals, although there are some animal welfare requirements. Some but not all species of primates are listed under the 1976 DWA Act, and the full list of species covered is set out in the Schedule to the 1976 DWA

Act. Owners of animals listed in the 1976 DWA Act must obtain a DWA licence from their Local Authority and must meet minimum safety and welfare standards.

The Animals (Scientific Procedures) Act 1986 regulates the use of animals in experimental or scientific purposes in the United Kingdom. Under the Act anyone using protected animals, including primates, for such purposes, and anyone keeping or breeding protected animals with a view to their use for such purposes, is required to hold a licence granted by the Home Secretary. These licences are referred to within this consultation as ‘animals (scientific procedures) licences’.¹²

2.3

The Bill

The Explanatory Notes accompanying the Animal Welfare (Kept Animals) Bill, set out the Government’s view on why a ban on keeping primates is necessary and what it hopes the Bill will achieve:

... the Bill will deliver new protections for kept wild animals. Wild animals often have highly complex and unique welfare needs, and it is essential that all kept wild animals are cared for in a way that meets these needs.¹³

Specifically, on primates the explanatory notes state that:

It is the government’s view that these highly intelligent creatures require special care and attention. The Bill will ensure that all primates are kept at ‘zoo-level’ standards and that cases of private owners unable to meet the standards are phased out over time.¹⁴

Unlicensed keeping of primates

Clause 1 of the Bill covers the prohibition on keeping primates without a licence. This provides that a person may not keep a primate anywhere in England unless authorised to do so under license. Anyone keeping a primate

¹² Defra, [Primates as pets in England: Consultation document](#), December 2020, p4-5

¹³ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, p4

¹⁴ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, p4

without a licence commits an offence and is liable to a fine. Subsection 3 sets out that this does not apply where licences are in force under the Zoo Licensing Act 1981 or under section 2C of the Animals (Scientific Procedures) Act 1986.

Primate licences

Clauses 2 and 3 set out the details and conditions of primate licences. Under clause 2 a licence would last for 6 years and stipulate the species and number of primates permitted to be kept by the licence holder. Clause 3 sets out that “the Secretary of State must, by regulations, set standards for the care and management of primates to be kept under licences.”¹⁵

Clause 4 provides details of the licence application process including the information required from applicants. People under the age of 18 would not be able to apply for a licence.

Clause 5 sets out how applications for licences will be determined. Licences would be issued by local authorities (as is currently the case under the Zoo Licensing Act 1981) and the process would include “the use of veterinary surgeons to determine an applicant’s ability to meet the licensing standards and therefore to hold a licence.”¹⁶

Further details on the conditions of the licence, varying, surrendering or renewing a licence and what should happen in the event of the death of a licence holder are set out in clauses 6 to 9.

Clauses 10 and 11 cover the conditions for inspecting licensed premises. Inspections would be carried out by the local authority and could occur at any ‘reasonable hour’. Clause 11 establishes that a local authority may charge a fee for issuing a licence and for carrying out an inspection.

Enforcement of licences

Clause 12 of the Bill establishes that ‘the holder of a primate licence who fails to comply with the general licence condition commits an offence’¹⁷ and is liable to a fine not exceeding level 4 on the standard scale.¹⁸ Sentencing Council guidelines for maximum Level 1 – 5 fines can be viewed [here](#).

Under Clause 13, local authorities have the option of issuing a rectification notice which must specify the necessary steps the licence holder must take and the timeframe in which to take them in order to satisfy the conditions of the licence. The timeframe to take the necessary steps must not exceed two years. Anyone failing to comply with a rectification notice commits an offence.

¹⁵ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, 4 p7

¹⁶ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, p8

¹⁷ [Animal Welfare \(Kept Animals\) Bill](#), Chapter 1, Clause 5, p3

¹⁸ [Animal Welfare \(Kept Animals\) Bill](#), Chapter 1, Clause 12, p6

Alternatively, local authorities may, under Clause 14, revoke a primate licence. A licence may be revoked if:

the licence-holder is convicted of an offence under—

- a) the Animal Welfare Act 2006, or
- b) section 1 or 17.¹⁹

A local authority may also revoke or vary a licence if the holder fails to:

- a) comply with the general licence condition,
- b) allow access for an inspection under this Part,
- c) pay a fee charged under this Part, or
- d) take the steps specified in a rectification notice.²⁰

Clause 15 covers directions that a local authority can give if it is satisfied that a primate is being kept without a licence. Clause 16 covers forfeiture of a licence and “enables a local authority to apply to the magistrates’ court for an order that a primate found to be kept unlawfully to be removed from its keeper and handed to another person, sold or otherwise disposed of or put down.”²¹ This can also be applied to the offspring of a pregnant primate. The clause also sets out that the primate owner can appeal to the Crown Court and that any order under this clause does not take effect until a period when the appeal is determined.

Selling and breeding primates

Clauses 17 and 18 establish offences involving the selling or breeding of primates. A person guilty of an offence under either of these sections is liable to a fine upon conviction. Clause 17 states that:

It is an offence to sell, give or otherwise transfer ownership of a primate to a person knowing, or having reasonable grounds to suspect, that the person will keep the primate in England in contravention of section 1(1).²²

Clause 18 states that:

A person commits an offence if the person -

- a) takes steps for the purpose of securing that a primate which is kept by that person without relevant authorisation breeds with another primate, or

¹⁹ [Animal Welfare \(Kept Animals\) Bill](#), Chapter 1, Clause 14, p7

²⁰ [Animal Welfare \(Kept Animals\) Bill](#), Chapter 1, Clause 14, p8

²¹ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, p11

²² [Animal Welfare \(Kept Animals\) Bill](#), Chapter 2, Clause 17, p10

- b) keeps two or more primates without relevant authorisation where -
 - i. the primates are not neutered, and
 - ii. the primates are kept in conditions or circumstances where they may breed.²³

Supplementary and General

The remaining clauses set out general details of the Bill such as powers of entry and oversight of local authorities. This includes Clause 20 which makes provision for the Secretary of State to issue guidance to local authorities which they must have regard to when carrying out their functions. Clause 21 “provides the Secretary of State with the power to require local authorities to provide information of the primates, fees and other information relevant to the discharge of their functions.”

Both [the Bill as introduced](#) and the [explanatory notes](#) accompanying the Bill contain further details on the general and supplementary aspects of the Bill.

2.4

Initial Reaction to the Bill

Monkey World, a primate rescue and rehabilitation centre, has campaigned for changes to existing legislation and consulted with Defra on the Bill. It welcomed the new measures and outlined why they were necessary. Monkey World Director, Dr Alison Cronin, stated that:

This government should be applauded for taking prompt and decisive action to protect primates that are kept as pets in Britain today. For over 30 years Monkey World has been campaigning for a change to the inadequate legislation governing the trade and keeping of primates as pets. The primate pet trade is out of control with monkeys kept in tiny bird cages, in solitary confinement, in sitting rooms around the country. Monkey World has been picking up the pieces by rescuing unwanted pets, assisting police with confiscations, and testifying in cruelty cases where pet monkeys have been abused or neglected in this selfish trade. We’re proud to have worked with this government to instigate a ban on keeping primates as pets and delighted to see them protected with the announcement of the Animal Welfare Bill.²⁴

²³ [Animal Welfare \(Kept Animals\) Bill](#), Chapter 2, Clause 18, p10

²⁴ Monkey World, [Monkey World’s Call For Welfare 4 Wildlife Answered As Government Introduces Bill To Protect Primates As Pets](#), 17 June 2021

3 Dogs attacking or worrying livestock

3.1 Background

On 8 June 2021 the Government published a [press release](#) which announced proposals for new measures to address the problem of livestock worrying. According to the press release:

Livestock worrying is when a dog attacks or chases livestock on agricultural land or is at large in a field with sheep, which can result in significant injury or suffering and in the worst cases, death of the animals involved. This also has devastating consequences for livestock keepers, causing personal distress as well as significant financial costs.²⁵

The National Sheep Association (NSA), a membership organisation representing UK sheep producers, undertakes research and runs campaigns to raise awareness of the problem of sheep worrying. [Annual surveys](#) have been conducted by the NSA since 2013. Results from [the latest survey](#), which received 616 responses, were published in April 2021 and the NSA highlighted the following key findings:

- On average, each respondent experienced seven cases of sheep worrying during the past year resulting in five sheep injured and two sheep killed per attack. Estimated financial losses through incidents of sheep worrying of up to £50,000 were recorded, with an average across all respondents of £1570. However, most respondents received no or very little compensation.
- Farmers reported feeling of anxiety, anger, upset, stress and frustration as a result of sheep worrying by dogs attacks with more than half recognising this was adversely affecting their mental health.
- 67% of respondents have witnessed an increase in attacks during the Covid-19 pandemic associated they believe with an increase in dog ownership and the general public spending more time walking in the countryside.

²⁵ Defra, [Crackdown on livestock worrying in England and Wales](#), 8 June 2021

- More than half of all respondents had experienced abuse or intimidation when personally asking dog owners to put their pet on a lead.
- The urgent need for a review of legislation surrounding the issue is highlighted in the survey. 80% of respondents agreed that the rest of the UK should follow the recent change in Scottish law that sees stricter enforcement including fines of up to £40,000 and/ or 12 months imprisonment acting a stronger deterrent to dog owners responsible for allowing attacks to happen.²⁶

Livestock worrying does not only occur with sheep and there have been several news reports of fatal attacks by dogs on cattle. In May 2021, an [article from BBC News](#) reported on a Highland cow that died, along with its unborn calf, after being chased over a 30ft embankment.²⁷ In a separate incident [reported in the Farmers Guardian](#) earlier in the year, a pregnant Highland cow died after being attacked by a rottweiler that had escaped from a back garden.²⁸

A 2018 [report from the Livestock Worrying Police Working Group](#) also noted that members of the British Horse Society had reported over 640 incidents of horse worrying between 2013 and 2017.²⁹ The report also notes that the dog owner was not present in 58% of all recorded livestock worrying cases.³⁰ However, information in this report was only collected from five forces (North Yorkshire, Devon and Cornwall, Hertfordshire, North Wales and Sussex Police) and the authors of the report highlight limitations with the data due to the lack of formal incident records:

Due to there being no requirements for the Police to formally record livestock attacks, all five forces were faced with challenges in conducting a large data trawl. After overcoming the initial challenge of locating related incidents amongst all recorded police data over a four year period, the analysts working on the project found large data gaps.

As a result of these highlighted data limitations, this data must be treated as known recorded police findings from the data available and not necessarily a true reflection of the extent of the issues.³¹

The Kennel Club's [livestock worrying campaign](#) highlights that the majority of livestock worrying incidents occur when a dog is unaccompanied, which is one of the findings in the [Livestock Worrying Police Working Group Final report](#). The Kennel Club also state that despite the number of dog walkers

²⁶ NSA, [Sheep worrying by dogs NSA Survey 2021](#), April 2021

²⁷ BBC News, [Pregnant Highland cow dies after dog attack near Bridport](#), 29 May 2021

²⁸ Farmers Guardian, [Highland cow mauled to death in Rottweiler attack](#), 11 Jan 2021

²⁹ North Yorkshire Police, [Livestock Worrying Police Working Group Final report](#), February 2018

³⁰ North Yorkshire Police, [Livestock Worrying Police Working Group Final report](#), February 2018

³¹ North Yorkshire Police, [Livestock Worrying Police Working Group Final report](#), February 2018

visiting the countryside being highest in the summer months (and thus coinciding with the highest levels of sheep grazing outside) there appears to be no associated rise in attacks.³² The Kennel Club states that:

Despite unaccompanied dogs being the largest cause of livestock worrying, there has been very little public information to tackle the impact of dogs escaping from home and/or being allowed to roam. This is also reflected in the recent NFU Mutual research, which reported that 52% are allowing their pets to go out in the garden unaccompanied when they're not at home, up from 43% last year.³³

The Kennel Club and National Farmers' Union (NFU) have worked together to provide advice on staying safe around farm animals and horses, which includes a video available to view on the Kennel Club's [website](#).

3.2 Existing legislation

The [Dogs \(Protection of Livestock\) Act 1953](#) (as amended) is the main piece of legislation covering livestock attacks by dogs. It was introduced as “an Act to provide for the punishment of persons whose dogs worry livestock on agricultural land; and for purposes connected with the matter aforesaid.”³⁴

[Section 1](#) of the act sets out the conditions under which the owner or person in charge of the dog at the time is guilty of an offence:

1. Subject to the provisions of this section, if a dog worries livestock on any agricultural land, the owner of the dog, and, if it is in the charge of a person other than its owner, that person also, shall be guilty of an offence under this Act.
2. For the purposes of this Act worrying livestock means—
 - a) attacking livestock, or
 - a) chasing livestock in such a way as may reasonably be expected to cause injury or suffering to the livestock or, in the case of females, abortion, or loss of or diminution in their produce, or
 - b) being at large (that is to say not on a lead or otherwise under close control) in a field or enclosure in which there are sheep]³⁵

³² The Kennel Club, [Livestock worrying](#)

³³ The Kennel Club, [Livestock worrying](#)

³⁴ [Dogs \(Protection of Livestock\) Act 1953](#)

³⁵ Dogs (Protection of Livestock) Act 1953, [Section 1](#)

[Section 3](#) of the Act sets out the definition of agricultural land and establishes which animals are classified as livestock or protected under this legislation:

“agricultural land” means land used as arable, meadow or grazing land, or for the purpose of poultry farming, pig farming, market gardens, allotments, nursery grounds or orchards; and

“livestock” means cattle, sheep, goats, swine, horses, or poultry, and for the purposes of this definition “cattle” means bulls, cows, oxen, heifers or calves, “horses” includes asses and mules, and “poultry” means domestic fowls, turkeys, geese or ducks.³⁶

Additional legislation

The [Dogs Act 1871](#) remains a relevant piece of legislation for livestock worrying despite its age. Under [Section 2](#) of this Act:

Any court of summary jurisdiction may take cognizance of a complaint that a dog is dangerous, and not kept under proper control, and if it appears to the court having cognizance of such complaint that such dog is dangerous, the court may make an order in a summary way directing the dog to be kept by the owner under proper control or destroyed.³⁷

The [Dangerous Dogs Act 1991](#) makes it an offence to own or breed from certain types of prohibited dogs. However, [Section 3](#) of the Act also makes it an offence to let a dog be dangerously out of control anywhere, including in both public and private places. Under this section, the offence becomes an aggravated offence if a person or assistance dog is injured whilst a dog is dangerously out of control.

The Sentencing Council guidelines for offences where an [owner or person in charge of a dog dangerously out of control in any place in England or Wales](#) consider culpability and harm when determining the offence category. Offences where another animal is injured while a dog is dangerously out of control are assessed as being of greater harm.

The 2018 [report from the Livestock Worrying Police Working Group](#) highlighted the potential confusion caused by having different powers under different pieces of legislation and recommend incorporating them all into the Dogs (Protection of Livestock) Act 1953:

The group recommends that disqualification orders, destruction orders and dog control orders are incorporated in to the act, as often prosecutors don't use these sanctions. The current 1953 Act has to borrow powers from the Dogs Act 1871 and this causes confusion to

³⁶ Dogs (Protection of Livestock) Act 1953, [Section 3](#)

³⁷ Dogs Act 1871, [Section 2](#)

prosecuting bodies. Also section 1 of the Dangerous Dogs act 1989 only refers to the Dogs Act 1871 and not the 1953 Act.³⁸

3.3

The Bill

Clauses 26 to 41, in Part 2 of the [Animal Welfare \(Kept Animals\) Bill](#) cover ‘dogs attacking or worrying livestock’. The Bill would repeal the Dogs (Protection of Livestock) Act 1953 and set out new, increased powers for the police and a broader scope of livestock species and locations covered under the legislation. A [Government press release](#) published on 8 June 2021 summarised the key changes proposed in the Bill:

Improved powers will enable the police to respond to livestock worrying incidents more effectively - making it easier for them to collect evidence and, in the most serious cases, seize and detain dogs to reduce the risk of further incidents. The measures include:

- Increasing the scope of livestock species and locations covered by the law, such as llamas, emus, enclosed deer, and donkeys. New locations will include roads and paths as long as the livestock have not strayed into a road.
- Increasing powers for the police to seize dogs after particularly serious incidents, if there is a reason to believe that dog might pose an ongoing risk to livestock. Currently, the police can only seize a dog for the purpose of identifying the owner, and it has to be returned to the owner once they have been identified.
- A new power to take samples from livestock and dogs suspected of an offence, which will help the police investigate these crimes. At present, most cases of livestock worrying don’t end up in prosecution due to a lack of evidence.
- Modifying powers of entry, meaning that police can enter a premises to identify and/or seize a dog or any items they believe to be evidence of an offence. Making dog control, disqualification and destruction orders available to the courts upon a conviction for the offence.³⁹

Clauses

Clause 26 of the Bill sets out when an owner, or person in charge of a dog, is and is not guilty of an offence where a dog attacks or worries livestock. This

³⁸ North Yorkshire Police, [Livestock Worrying Police Working Group Final report](#), February 2018

³⁹ Defra, [Crackdown on livestock worrying in England and Wales](#), 8 June 2021

extends the locations from where an offence can be committed beyond agricultural land to include roads and footpaths:

1. Subject to subsections (2) to (4), a person commits an offence if—
 - c) a dog attacks or worries livestock on any agricultural land or a road or path, and
 - d) the person owns, or is in charge of, the dog when it does so.
2. A person does not commit an offence under this section by reason of a dog attacking or worrying livestock if, when the dog attacks or worries the livestock—
 - a) the livestock are trespassing on agricultural land, and
 - b) the dog is owned by, or in the charge of, the occupier of that land, unless the person causes the dog to attack the livestock.⁴⁰

Clauses 27 to 29 set out the powers available to police prior to conviction. Clause 27 sets out the conditions under which the police have power to seize and detain a dog. This section applies if:

- a) a dog is found on any land,
- b) a constable has reasonable grounds to believe that the dog has attacked or worried livestock on agricultural land or a road or path, and
- c) no person is present who admits to being the owner of the dog or in charge of it.⁴¹

The remaining subsections of clause 27 set out that the owner has to claim their dog within seven days and is liable for the cost of the dogs' detention. Subsection (3) and (4) explain what can be done to a dog seized under subsection (2) if they are not claimed after seven days, which includes giving the dog to another owner or having a dog destroyed.

Clause 28 and 29 cover the collection of samples and impressions (paw prints) and the power to authorise entry and search where there are reasonable grounds for believing that an offence has been committed. Clause 28 enables officers to take samples or impressions from a dog or livestock where this might provide evidence of an offence being committed.

Clauses 30 to 36 set out orders available after conviction. This includes details of what measures a court can decide the offender or owner of the dog

⁴⁰ [Animal Welfare \(Kept Animals\) Bill](#), Clause 26, p13

⁴¹ [Animal Welfare \(Kept Animals\) Bill](#), Clause 27, p14

must take and the process for appeals. The following areas are covered under clause 30-36:

- Control order upon conviction under section 26
- Destruction order upon conviction under section 26
- Disqualification order upon conviction under section 26 or breach of control order
- Seizure and disposal of dogs in connection with disqualification order
- Termination of disqualification order
- Sections 31 and 33: supplementary
- Control, destruction and disqualification orders: appeals

The remaining clauses (37-41) cover the general application of the Bill including updated definitions of livestock worrying (clause 39), agricultural land and livestock (clause 40).

3.4 Initial Reaction to the Bill

Measures to tackle livestock worrying were largely welcomed across the agricultural sector. The National Farmers Union (NFU) Deputy President, Stuart Roberts stated that:

Dog attacks on livestock are horrific and can have a massive impact on farm businesses, both practically but also emotionally for a farming family. I'm pleased to see the government taking clear action to strengthen the law in this area to give police more powers and tackle a growing issue for farmers as dog ownership increases.

This is something the NFU and its members have been working on for many years and it has the support of the public too; nearly 20,000 people have voiced their support to changes to legislation.⁴²

The National Sheep Association (NSA) also welcomed the plans but felt that they could go further by significantly increasing the maximum fines that can be imposed for worrying and attacking livestock. NSA Chief Executive, Phil Stocker, highlighted the fact that the Scottish Parliament has increased fines for such offences:

This was an opportunity to create a major deterrent to this antisocial behaviour by substantially increasing the maximum applicable fine alongside more proactive measures to prevent attacks occurring. Defra and Ministers responsible for English legislation are missing a

⁴² NFU, [NFU welcomes new powers to tackle dog attacks on livestock](#), 9 June 2021

trick in not taking the opportunity to increase fines in line with what the Scottish Parliament has done.⁴³

He added that other proposed measures were welcomed but a lack of clarity in certain areas may potentially put dog owners and farmers in conflict:

There are significant and very welcome improvements contained in the Animal Welfare (Kept Animals) Bill to support the police and rural crime teams after an offence has occurred, but very little to reduce the number of incidents that are increasing year-on-year.⁴⁴

⁴³ NSA, [Plans to improve powers to deal with livestock worrying cases welcomed, but proposals would go further, says NSA](#), 10 June 2021

⁴⁴ NSA, [Plans to improve powers to deal with livestock worrying cases welcomed, but proposals could go further, says NSA](#), 10 June 2021

4 Live animal export

4.1 Background

Live animals are exported to EU countries from the UK for breeding, fattening, and slaughter. EU rules to protect the welfare of live animals during transport and related operations were agreed in 2004, and implemented in the UK in 2007, through the [Welfare of Animals \(Transport\) \(England\) Order 2006](#) in England. There was parallel legislation in [Scotland](#), [Wales](#) and [Northern Ireland](#).

There have been several ongoing campaigns seeking to either ban live animal transport for slaughter altogether, or to limit how far (and long) an animal can be transported on welfare grounds. The RSPCA has expressed longstanding concerns that animals transported to Europe for further fattening and slaughter suffer from stress, exhaustion, thirst and rough handling.⁴⁵

Owing to their close proximity to continental Europe, and the associated live export trade, both the [ports of Ramsgate and Dover](#) have been the subject of high-profile campaigns against live animal exports for slaughter.⁴⁶

Farming groups have opposed past moves to introduce further restrictions or a ban of live exports for several reasons. For example, the National Sheep Association's view was that "there was a 'good, acceptable trade' in exporting live breeding animals and nothing to demonstrate it should stop".⁴⁷

The UK vote to leave the EU prompted renewed calls for a ban. The Government's position before Brexit was that it was not possible to ban the trade of live animals within the EU, as set out in the following statement by the Minister of State for Environment, Food and Rural Affairs, David Heath, in 2012:

We would prefer animals to be slaughtered as close as practicable to their point of production; a trade in meat and meat products is preferable to the long distance transport of animals.

⁴⁵ RSPCA, [End live transport campaign, accessed](#) [21 November 2016]

⁴⁶ [HC Deb 13 December 2012 \[Animal Welfare \(Exports\)\]](#)

⁴⁷ Farmers Guardian, [Plans to ditch live exports set to hit farmers hard](#), 6 July 2017

However, the live export trade is a lawful trade when welfare in transit is complied with. We cannot ban it. This has been proved in the High Court and in the European Court of Justice.⁴⁸

The Conservative Party's 2017 election manifesto committed to continuing to take "action to improve animal welfare" and stated that "as we leave the European Union, we can take early steps to control the export of live farm animals for slaughter".⁴⁹ This was reiterated in the 2019 manifesto.⁵⁰

4.2 Call for evidence and consultation

The Department for Environment, Food and Rural Affairs (Defra) issued a six-week call for evidence on [controlling live exports for slaughter and to improve animal welfare during transport after the UK leaves the EU](#) on 10 April 2018. This was on behalf of the UK Government and Devolved Administrations.

The call for evidence would be followed by a review by the Defra advisory the [Farm Animal Welfare Committee \(FAWC\)](#). The Government also signalled its intention to follow this with a consultation on amending the regulations and on banning certain practices.⁵¹ This was confirmed in a written response in July 2019 which set out the Government's plans to publish the report and carry out a consultation:

Last year, we launched a Call for Evidence on controlling live exports for slaughter and improving the welfare of all animals during transport. We passed this evidence to the Farm Animal Welfare Committee (FAWC), who recently submitted their advice to Defra and the Devolved Administrations including in relation to live exports. We are considering FAWC's report and aim to publish it, along with a Government response, in due course. We expect to come forward with proposals for public consultation to improve animal welfare in transport.⁵²

A Government consultation on [Improvements to animal welfare in transport \(PDF, 573 KB\)](#), together with the FAWC's [Opinion on the Welfare of Animals during Transport \(PDF, 2.6 MB\)](#), was published on 3 December 2020.

The Farm Animal Welfare Committee opinion

The FAWC opinion covered a range of issues related to welfare during transport, including additional impacts that could affect livestock being

⁴⁸ [HC Deb 6 Dec 2012 c893W](#)

⁴⁹ [Forward Together: Our Plan for a Stronger Britain and a Prosperous Future](#), Conservative Party Manifesto 2017

⁵⁰ [The Conservative and Unionist Party Manifesto 2019](#) p54

⁵¹ Defra, [Call for evidence on controlling live exports for slaughter and to improve animal welfare during transport after the UK leaves the EU](#), 10 April 2018

⁵² [Livestock: Exports: Written question 273831 5 July 2019](#)

transported for export. They highlighted the longer distances and travel time that are often involved:

Poor weather may prevent animals' crossing over the sea and thereby extending the time animals are subject to a journey. One of the main issues identified by FAWC was that the number of animals that are transported to an abattoir for slaughter are either traveling vast distances to find a suitable abattoir i.e. cull sows traveling from NI to GB as there are no suitable abattoirs that are designed to slaughter these animals. Or an animal that is transported for slaughter that is passing several abattoirs in the UK to be slaughtered overseas.⁵³

The FAWC view was that that better alternatives “are available or could or should be available”. It was also of the view that the export of animals for breeding was justifiable. It concluded it was not when exporting animals for further fattening or slaughter “where such actions could be carried out within the host country”. It also recognised that due to limited facilities currently “overseas journeys may be the only solution”.⁵⁴

FAWC went on to make several recommendations on transport, highlighting a lack of abattoirs as one of the issues of concern. FAWC recommended that transport should only take place if absolutely necessary and with approval of the animal health regulator:

FAWC recommends that animals are only transported if it is absolutely necessary and that the most welfare considerate route is chosen; which is a combination of journey quality, including they type of transport, duration and suitability. Therefore, animals should not be transported longer distances if suitable alternatives are available. Transporters intending to export animals to be slaughtered or further fattening in a different country should apply to APHA [Animal and Plant Health Agency] for consent to do so, indicating reasons why alternative arrangements have not been made.⁵⁵

FAWC recommended that the availability of abattoirs be reviewed, including their location in relation to where animals are being reared and slaughtered:

FAWC recommends that there is a review of the availability of abattoirs related to the points of production and particularly mindful of end of life requirement. This will identify where abattoirs need to be sited in order to meet the needs of farmers and to minimise journey times and thereby meet the welfare needs of animals.⁵⁶

⁵³ FAWC, [Opinion on the Welfare of Animals during Transport](#) 3 December 2020

⁵⁴ FAWC, [Opinion on the Welfare of Animals during Transport](#) 3 December 2020

⁵⁵ FAWC, [Opinion on the Welfare of Animals during Transport](#) 3 December 2020

⁵⁶ FAWC, [Opinion on the Welfare of Animals during Transport](#) 3 December 2020

It also called for the options for mobile abattoirs to be explored:

FAWC recommends that further research into the feasibility of the economics, design and use of mobile slaughter facilities so as to reduce the need to transport animals over long distances particularly with regard to sea crossings.⁵⁷

The Government consultation on live exports and welfare

The [Government consultation](#), which closed in February 2021, set out a range of proposals regarding welfare during transport, including for slaughter, in addition to a ban on live animal exports. In the consultation, livestock was defined as cattle, sheep, pigs and goats. The proposals covered:⁵⁸

- **Live animal exports:** ending the export of livestock and horses for slaughter and fattening, for travelling from or through England and Wales.
- **Maximum journey times:** reducing all maximum journey times.
- **Temperature conditions and ventilation:** stricter requirements for all journeys during extreme temperatures.
- **Headroom height:** implementing new headroom height requirements for all livestock and horse journeys.
- **Sea transport:** prohibiting all journeys by sea during Beaufort Wind Force of six or above.
- **Short and long journeys:** all the new requirements should apply to both short and long journeys.

The Government said there would be “no exceptions to the proposals to end live animal exports for slaughter and fattening” but that it wanted to “gather views on potential exceptions to the other proposed changes to the regulations, provided there are sufficient welfare protections in place.”⁵⁹

An [impact assessment for the proposals](#) was published on 13 December 2020.⁶⁰ The Defra consultation covered England and Wales only. The [Scottish Government also launched its own consultation](#) at the same time, seeking views on the FAWC opinion.⁶¹

The Government announced in the [Queen’s speech](#) on 11 May 2021 that it would be increasing protection for farm animals by ending the export of live

⁵⁷ FAWC, [Opinion on the Welfare of Animals during Transport](#), 3 December 2020

⁵⁸ Defra, [Consultation on improvements to animal welfare in transport](#), December 2020

⁵⁹ Defra, [Consultation on improvements to animal welfare in transport](#), December 2020

⁶⁰ Defra, [Live Animal Exports - Impact Assessment](#), 3 August 2021

⁶¹ Scottish Government, [Farm Animal Welfare Committee’s opinion on the welfare of animals during transport: consultation](#), 4 December 2020

animals for fattening and slaughter. The proposal was included in the [announcement of the Kept Animals Bill](#) on 8 June 2021.

4.3 World Trade Organisation rules

Any changes to UK trade rules, including a ban on live exports, could have implications under World Trade Organization (WTO) rules. The RSPCA, which supports a ban, highlighted live animal exports as an area for potential change after the UK left the EU but concluded that as it involved a trade ban “it may need to be defended at the WTO”.⁶²

In general, countries are not allowed to ban exports to other countries, under Article XI of The General Agreement on Tariffs and Trade (GATT).⁶³ And under WTO agreements, countries cannot normally discriminate between their trading partners. This principle is known as [most-favoured-nation \(MFN\) treatment](#).

However, there are exceptions to this rule, including the following from GATT Article XX:

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

- (a) necessary to protect public morals;
- (b) necessary to protect human, animal or plant life or health;⁶⁴

The [WTO explains](#) that GATT Article XX on General Exceptions lays out a number of specific instances in which WTO members may be exempted from GATT rules. A precedent for this was set in the shrimp-turtle case in 1998 (see Box 1 for further details). It is possible that the proposed ban on live exports of animals for slaughter would be permitted under one of these exceptions.⁶⁵ It is also not clear whether another country would want to challenge the UK under such rules.

⁶² RSPCA [What are the WTO rules that affect animal welfare? Can you have trade bans?](#) March 2017

⁶³ GATT is the [General Agreement on Tariffs and Trade](#) established by the WTO

⁶⁴ WTO, [The General Agreement on Tariffs and Trade \(GATT 1947\)](#) [website visited 6 September 2021]

⁶⁵ For a detailed discussion of the applicability of these exceptions to animal welfare, see Chapter 3, section 2.E of Charlotte E. Blattner, [Protecting Animals Within and Across Borders: Extraterritorial Jurisdiction and the Challenges of Globalization](#) (2019), available via Google Books

Box 1: Shrimp-turtle case

In 1998, a case was brought to the WTO by India, Malaysia, Pakistan and Thailand against the US. This case, known as the [shrimp-turtle case](#), demonstrated that there is provision in WTO rules and instruments for welfare and species protection-based trade restrictions as long as they are non-discriminatory. The WTO found against the US, because their ban on shrimp importation discriminated between WTO members. However, the WTO made clear that “to protect sea turtles would be legitimate under GATT Article 20 (i.e. XX) which deals with various exceptions to the WTO’s trade rules, provided certain criteria such as non-discrimination were met.”

On WTO rules generally, [George Eustice referred to the issue](#) when he was Farming Minister as follows:

There have been disputes about the degree to which reliance can be placed on animal welfare standards in trade negotiations, but equally, there are legal precedents and case law to support the use of ethical bans on certain practices and the reflection of animal welfare in trade agreements. I do not believe that anything along the lines that we would propose will cause any difficulty whatever with WTO rules.⁶⁶

4.4

Northern Ireland

Live animal movements are a key issue for Northern Ireland since livestock is regularly moved across the border with Ireland in both directions. The Northern Ireland Affairs Select Committee took evidence on the issue in 2018. Its report on [Brexit and agriculture in Northern Ireland](#) noted that:

Livestock is moved across the border in large numbers. It is estimated that over 5,000 lambs are exported to the Republic of Ireland each week, with 1,000 cattle and 10,000 pigs moving in the other direction.⁶⁷

The Ulster Farmers Union (UFU) told the Committee that “the two industries, Northern Ireland and the Republic of Ireland agri-food, are highly integrated

⁶⁶ [HC Deb 20 Jan 2017 c94WH](#)

⁶⁷ Northern Ireland Committee, [5th Report of 2017-19, Brexit and Agriculture in Northern Ireland, HC 939](#), 22 October 2018

and they move both ways” and that “two-way movement is a historic thing and it is essential.”⁶⁸

The Agricultural and Horticultural Development Board (AHDB) highlighted to the Committee the importance of processing capacity in the Republic to the red meat sector:

In pigs, for instance, you will get live sows going across the border for slaughter and then back again. Northern Ireland lost a significant amount of its processing capacity for red meat after the BSE crisis, so the processing will take place in the south and then it will come back to the north.⁶⁹

The UFU told the Committee that cross-border movement was not only important for Northern Ireland’s trade with the Republic, but with other countries as well: calves from Northern Ireland destined for France are regularly transported through ports in the Republic.⁷⁰ The Committee recommended that:

Trade in live animals from Northern Ireland to the Republic of Ireland should be allowed to continue. The Government should clarify as a matter of urgency whether this is its intention and, in its response to its consultation on controlling live animal exports, set out specifically what exemptions it will apply—if any are needed—to ensure that this trade can continue unimpeded.⁷¹

Following Brexit, and under the Northern Ireland Protocol, movement of live animals across the border with Ireland continues as previously. Any [movement controls are applicable between Great Britain and Northern Ireland](#), under the implementation of the Northern Ireland Protocol.

4.5

The Bill

The [Government Press Release announcing the legislation](#) set out the reasons for the provisions on live exports as follows:

Live animals can endure excessively long journeys during export, causing distress and injury. EU rules prevented any changes to these journeys, but the UK Government is now free to pursue plans which would see a ban on the export of live animals for slaughter and

⁶⁸ Northern Ireland Committee, [5th Report of 2017-19, Brexit and Agriculture in Northern Ireland, HC 939](#), 22 October 2018

⁶⁹ Northern Ireland Committee, [5th Report of 2017-19, Brexit and Agriculture in Northern Ireland, HC 939](#), 22 October 2018

⁷⁰ Defra, [Government launches second Animal Welfare Bill to protect pets, livestock and wild animals](#), 8 June 2021

⁷¹ Northern Ireland Committee, [5th Report of 2017-19, Brexit and Agriculture in Northern Ireland, HC 939](#), 22 October 2018

fattening. We will become the first European country to end this practice.⁷²

Part 3 of the Bill includes two clauses on the export of livestock. Clause 42 covers the prohibition of export of livestock for slaughter and Clause 43 creates powers, through regulations, to make provisions for enforcement.

Clause 42 would create an offence of knowingly exporting livestock for slaughter or fattening and slaughter. It would also be an offence if a person could reasonably be expected to know this. The offence covers export from England, Scotland and Wales to anywhere other than the British Islands, i.e. the UK, Northern Ireland, Channel Islands and the Isle of Man. For the purposes of the Bill, 'export' is defined as sending, transporting or organising export for the above purposes.

The following livestock would be covered by the legislation:

- bulls, cows, heifers, calves, buffalo and bison
- horses, ponies, donkeys, asses, hinnies, mules and zebras
- sheep
- goats
- pigs and wild boar.

Live poultry exports would not fall under the legislation.

The maximum sentence for anyone guilty of an offence would be a 5-month sentence and a fine in England and Wales; or a 3-month sentence and a fine in Scotland. Clause 42 would come into force when regulated for by the appropriate national authority.

Clause 43 provides powers for the relevant national authorities to introduce enforcement provisions through regulations, following the affirmative procedure. This covers powers of entry and inspection together with powers to create civil sanctions and further criminal offences. This clause would come into force two months after Royal Assent.

The [Delegated Powers Memorandum](#) sets out as follows the justification for the regulation making powers in Clause 43:

The Department believes that this power is required to take account of the complex framework created by retained direct EU legislation and other animal welfare legislation, including the application of the Animal Health Act 1981 to enforce the retained direct EU legislation on animal welfare and transport in England, Scotland and Wales.

It also highlights the aim of working across the devolved administrations to ensure a consistent approach:

⁷² Defra, [Government launches second Animal Welfare Bill to protect pets, livestock and wild animals](#), 8 June 2021

The power will provide the appropriate national authorities with sufficient flexibility to ensure that simplified and consistent approach can be taken to the enforcement of clause 42(1) and other requirements relating to the animal welfare and transport now and in the future.⁷³

Impact Assessment

Defra published an [Impact Assessment on the live animal export provisions](#) in the Bill on 19 August 2021. This concluded that the main loss would be the inability to export sheep from the UK:

- There would be a lost profit for livestock exporters of £5.2m over 10 years.
- Sheep exports would be most impacted. 45,000 sheep are exported a year from the UK, which is just under 60% of all exports of livestock.
- The loss was a small proportion (0.02%) of all livestock slaughtered in the UK and 0.2% of the sheep output of the UK.⁷⁴

4.6

Initial Reaction to the Bill

Compassion in World Farming (CIWF) stated that they were “thrilled that the Bill will legislate to end all live exports from Great Britain of cattle (including calves), sheep and pigs for fattening and slaughter”⁷⁵ after years of campaigning to end this trade. Speaking on behalf of the organisation, senior policy manager, James West, stated that:

We warmly welcome the Government’s publication of the Kept Animals Bill, which will bring an end to the cruel trade in live exports from the whole of Great Britain, for slaughter and fattening. This is a historic moment, and one which will rightly delight our supporters, who have been campaigning for this for decades.

This cruel and outdated trade has been a stain on British farm animal welfare standards for far too long, so we are very pleased that a Bill to finally consign it to the history books has been introduced.

After seeing the detail of the Government Bill we are delighted that the new legislation includes a ban on slaughter and fattening exports from or through anywhere in Great Britain, including Scotland.⁷⁶

⁷³ Defra, [Delegated Powers Memorandum](#), 8 June 2021

⁷⁴ Defra, [Live Animal Exports - Impact Assessment](#), 18 August 2021

⁷⁵ CIWF, [An end to live exports on the horizon](#), 8 June 2021

⁷⁶ CIWF, [An end to live exports on the horizon](#), 8 June 2021

The NFU felt that banning the export of live animals for fattening and slaughter “raises questions about how the government will ensure trade deals also meet these standards.”⁷⁷ Deputy President, Stuart Roberts, stated that:

It’s clear that the government has ambitions to be a global leader in animal welfare, an objective we support, but I would urge them to carefully consider how requirements set at home will be balanced when striking new trade deals.

While the ban on live exports was expected, it is concerning that the government is pursuing trade negotiations with countries that export large numbers of animals for fattening and slaughter.

It’s imperative that if we set certain standards for British farmers we ensure we do not undercut them in trade deals by imports that do not meet those same expectations. If we are to be a global leader in this area, we must hold our trading partners to the same standard and not simply offshore our conscience.⁷⁸

Concerns about the UK’s abattoir capacity have also been raised by both the Chair of the Efra Committee and farming groups. NSA Chief Executive, Phil Stocker stated that:

The Bill’s aim of reducing travel time from the point of production to slaughter, needs to also address the availability, capacity and location of abattoirs and slaughter facilities, alongside a real shortage of staff and labour and how ministers will ensure future international trade deals also meet and uphold these standards.⁷⁹

EFRA Committee chair Philip Dunne, highlighted the need to ensure the UK has adequate abattoir capacity to ensure the new rules did not impact the farming industry:

As part of the new Animal Welfare action plan, the Government has announced that it will end transporting live animals for meat, which will improve the welfare of thousands of animals. We must now ensure that we have the abattoir capacity in the UK so animals can be slaughtered here and the ban does not hurt British farmers.⁸⁰

⁷⁷ NFU, [NFU welcomes new powers to tackle dog attacks on livestock](#), 9 June 2021

⁷⁸ NFU, [NFU welcomes new powers to tackle dog attacks on livestock](#), 9 June 2021

⁷⁹ NSA, [NSA raises concerns over availability and capacity of UK abattoirs](#), 16 June 2021

⁸⁰ Efra Committee, [Chair responds to Kept Animals Bill](#), 8 June 2021

5 Importation of dogs, cats and ferrets

5.1 Background

Since 2014, Dogs Trust has published reports on the state of puppy smuggling using cases studies and under cover reports. The most recent of these was published in [2020](#). During this time, Dogs Trust has also campaigned for changes to the law calling for stricter rules and tougher penalties for those involved in illegal practices. [Information on the organisation's website](#) provides an overview of the issue:

For more than six years, Dogs Trust has been calling on Government to end puppy smuggling, an illegal practice whereby puppies, generally under the legal minimum of 15 weeks of age, are brought into Great Britain for sale with either no or falsified paperwork and often without having received the necessary treatments, including rabies vaccination. These puppies are forced to travel for long journeys in squalid, cramped conditions with no toilet breaks, no food and insufficient water, so they can be sold to unsuspecting buyers.

Another disturbing and increasing trend is heavily pregnant dogs being transported illegally into the country in the late stages of pregnancy, causing significant suffering and health implications to both mum and puppies. Not only will importing one dog attract less suspicion at the border, but as responsible buyers will ask to see the puppies with their mother, this tactic allows criminals to give the impression of being legitimate breeders and avoid being reported to Trading Standards.⁸¹

In May 2021, as part of its [Action Plan for Animal Welfare](#), the Government announced its intention to implement measures to end the practice of illegal movement of pets and specifically puppy smuggling:

One of our key reforms here is to end the abhorrent, cruel practice of puppy smuggling and low-welfare pet imports. Now the transition period has finished, and we have left the EU, we have the opportunity to go further than ever. We have been working closely with our colleagues across the devolved administrations and non-governmental organisations (NGOs) to provide protection for those

⁸¹ Dogs Trust, [We've rescued 1,500th smuggled puppy through our Puppy Pilot scheme](#), 29 March 2021

animals brought in by these unscrupulous traders, and to prevent the trade as much as we can.⁸²

Puppy smuggling debate and inquiries

Puppy smuggling is an issue that has been raised in Parliament for a number of years. [Animal welfare in England: domestic pets](#), a 2016 report by the Environment, Food and Rural Affairs (EFRA) Committee, drew attention to the issue by calling for “increased working between government agencies and charities to understand how the puppy smuggling trade works and how to reduce it effectively.”⁸³

In November 2017, the subject of [puppy smuggling was debated in Westminster Hall](#) and in 2018 the Government ran [a consultation on banning the third party sale of puppies](#) which it said “would include third-party sales conducted here relating to animals which have been, or which are subsequently, imported, or puppies and kittens that are bred in other parts of the UK to be sold in England.”⁸⁴

An [EFRA Committee inquiry into puppy smuggling](#) was initiated in 2019, but it was concluded early due the 2019 General Election. In 2020, further to this inquiry, the EFRA Committee issued a [call for evidence on puppy smuggling](#). The Committee also stated that it may look at a broader range of topics including:

- the extent of the problem of puppy, kitten and other companion animal smuggling; and Government statistics on this issue (including their accuracy and timeliness);
- the latest on smuggling, including the impact of COVID-19 on supply and demand, and the effectiveness of enforcement;
- the impact of recent measures including Lucy’s Law and the “Petfished” campaign, and what other measures should be taken;
- the end of the Brexit transition period and the impact on pet travel requirements, plus the situation regarding the NI Protocol and also GB’s involvement in the EU’s PETS scheme;
- COVID-19 and the impact on the companion animal welfare sector including the finances and demand for services of the charitable sector, and Government support.⁸⁵

⁸² Defra, [Action Plan for Animal Welfare](#), 12 May 2021

⁸³ Efra Committee, [Animal welfare in England: domestic pets Third Report of Session 2016–17](#), 2 November 2016

⁸⁴ Defra, [A ban on commercial third-party sales of puppies and kittens in England](#), July 2018, p8

⁸⁵ Efra Committee, [Pet Smuggling: Call for Evidence](#), [website accessed 18 October 2021]

Further information on the EFRA Committee inquiry into pet smuggling can be viewed [here](#). Oral and written evidence received in November 2020 can be viewed online [here](#).

Ear cropping

In June 2021, a petition titled [Stop the rising number of ear-cropped dogs in the UK](#) was debated in Westminster Hall having received more than 100,000 signatures. The petition stated that:

The RSPCA states a 621% increase in reports of ear cropping from 2015 to 2020. We believe a rise in UK celebs sharing images of their cropped dogs on social media is helping to fuel this. While illegal to crop in the UK, it's not illegal to sell ear-cropped dogs, import them from abroad or take dogs abroad to be cropped. These loopholes act as a smokescreen for those illegally cropping in UK. We call on the Government to close these loopholes and end the trend in ear-cropped dogs for good.⁸⁶

An online blog article from the British Veterinary Association (BVA), a membership organisation for veterinary professionals, explains the practise of ear cropping:

Ear cropping is a surgical procedure where the floppy part of a dog's ear is cut off, often without anaesthesia or pain relief. In many cases, the ear stump is then attached to a hard surface in a process known as splinting, to 'shape' them upright whilst they are healing.

Ear cropping is carried out purely for cosmetic reasons, to make dogs look 'harder' or 'tougher'. I want to be clear that there is no benefit to the dogs involved. In fact, it severely compromises their welfare. The procedure itself is painful, as it cuts through cartilage, and it can take weeks to heal, with pain every time the bandages are changed. There's also a risk of the puppy catching an infection during the process.⁸⁷

Further information on the subject of ear cropping is available in the [Commons Library debate pack on the Government's animal welfare plans](#) which was published on 3 June 2021. The topic of puppy imports was also covered in this debate.

Government consultation

On 21 August 2021, Defra launched a new consultation on proposed restrictions to commercial and non-commercial movements of pets into Great

⁸⁶ [Petition 574305](#), Stop the rising number of ear-cropped dogs in the UK, 2021

⁸⁷ BVA, [Why an alarming new trend has vets saying, 'Cut the crop!'](#), 11 January 2021

Britain under the Animal Welfare (Kept Animals) Bill. The [consultation page](#) states that:

The key proposed measures include:

- Increasing the minimum age at which dogs can be brought into Great Britain (commercial and non-commercial dog movements).
- Prohibiting the commercial and non-commercial movement into Great Britain of dogs with cropped ears and docked tails.
- Prohibiting the commercial and non-commercial movement of heavily pregnant dams (female dogs) into Great Britain.⁸⁸

We are consulting on these proposed new restrictions, which have been developed utilising recommendations^[89] and evidence^[90] from the Environment, Food and Rural Affairs (EFRA) committee and third sector organisations, as well as public petitions^[91]^[92] and campaigns for change.

A [Defra press release](#) provided further context to the consultation and the proposed measures in the Bill:

These measures are aimed at safeguarding the welfare of the thousands of puppies and dogs that come into Great Britain from overseas each year.

In addition, the consultation asks the public and stakeholders for views on new penalties for breaching these rules, changes to the detention and rehoming process and whether the proposals should be extended to cover cats and ferrets.⁹³

Speaking at the launch of the consultation, Lord Goldsmith (Minister for Pacific and the Environment) set out how the proposed measures would help address puppy smuggling. He stated that:

Puppies that are imported too young face a significantly higher risk of developing illnesses or even death.

Raising the minimum age for bringing puppies into the UK will therefore ensure that they are not separated from their mothers too early and will allow them to develop further ahead of being taken on

⁸⁸ Defra, [Commercial and Non-Commercial Movements of Pets into Great Britain: Consultation overview](#), 21 Aug 2021

⁸⁹ EFRA 2019 recommendations letter - [Correspondence to Secretary of State from the Chair October 2019 about Puppy Smuggling \(PDF\)](#)

⁹⁰ EFRA 2020 written and oral evidence [about pet smuggling](#)

⁹¹ [Petition 574305](#), Stop the rising number of ear-cropped dogs in the UK

⁹² [Petition 326261](#), Ban the exploitative import of young puppies for sale in the UK

⁹³ Defra, [Plans outlined to tackle cruel puppy smuggling trade](#), 23 August 2021

potentially long and stressful journeys which can have a lasting impact on their temperament and behaviour.⁹⁴

5.2 Existing legislation

Movement of cats, dogs and ferrets

The proposed changes in the Bill apply to the non-commercial movement of dogs, cats and ferrets.

[Information on the commercial movement of pets](#) is provided by the Animal and Plant Health Agency (APHA) and available to read online. This sets out that:

The movement of cats, dogs and ferrets is governed by two regimes, the “Balai regime” (including the Trade in Animals and Related Products Regulations 2011, which implemented the ‘Balai’ directive (92/65/EC)) for what are termed ‘commercial movements’ and the Pet Travel Regulation (Retained EU Regulation 576/2013) for cats, dogs and ferrets that comply with pet requirements.⁹⁵

Government guidance on [bringing your pet dog, cat or ferret to Great Britain](#) sets out the requirements for non-commercial movement of animals.

Ear cropping

The Government’s response to a petition against ear-cropping ([petition 574305](#), discussed above) stated that:

The practice of mutilating dogs’ ears is abhorrent and has rightly been banned in the UK for 15 years.

Under section 5 of the Animal Welfare Act 2006 Act it is an offence to carry out certain surgical procedures, unless they are specifically exempted under The Mutilations (Permitted Procedures) (England) Regulations 2007 (the 2007 Regulations). The cropping of dogs’ ears is not exempted under the 2007 Regulations and consequently is prohibited in England. Similar legislation applies in Scotland and Wales.⁹⁶

In June 2021, the [Animal Welfare \(Sentencing\) Act 2021](#) came into force, increasing the maximum sentence for certain animal cruelty offences in England and Wales, to five years.

⁹⁴ Defra, [Plans outlined to tackle cruel puppy smuggling trade](#), 23 August 2021

⁹⁵ APHA, [Commercial Import of Dogs, Cats and Ferrets: Import Information Note \(IIN\) BL1V/5b](#), March 2021 p2

⁹⁶ [Petition 574305](#), Government Response, 9 March 2021

5.3

The Bill

The section of the Bill dealing with importation of dogs, cats, and ferrets has two main parts. The first part limits the number of these animals that can be moved on a non-commercial basis. The second sets restrictions on the condition of animals that can be brought into the country. The two clauses addressing these measures are described in more detail below.

Reduction in limit on non-commercial movement of dogs, cats and ferrets

Clause 45 of the Bill sets out a reduction in the number of pets allowed to enter the UK in a single motor vehicle on a non-commercial basis. This would amend Regulation (EU) No 576/2013 in retained direct EU law and associated UK regulations. Subsection (2) limits the number of dogs, cats and ferrets that may be moved into Great Britain in a motor vehicle to five animals. Subsection (3) lowers the limit from five to three when travelling by any way other than a motor vehicle (i.e. by air or as a foot passenger by train or ferry).⁹⁷

Powers relating to importation of certain dogs, cats and ferrets

Clause 46 (Subsection 2) of the Bill prohibits or restricts the import of certain animals that are either below a certain age, have been mutilated or are pregnant. Subsection (1) provides the relevant national authority with powers to make regulations on the import of dogs, cats or ferrets into Great Britain for promoting animal welfare.

Subsection (3) allows regulations to include provisions for enforcement and subsection (4) concerns the seizure, detention and transfer of ownership of unlawfully imported animals.

Subsection (5) contains details of the financial penalties for offences committed under this legislation. The remaining subsections (6-8) set out details of provisions that may be included in the regulations, a defines key terms such as “mutilated” and “unlawfully imported” for the purposes of this Bill.

Full details on the proposed conditions of the above clauses, can be viewed online in the [text of the Bill as introduced](#).

⁹⁷ [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021, page 27-28

5.4

Initial Reaction to the Bill

On the day that the Government announced the Bill, Chair of the EFRA Committee, Phillip Dunne, welcomed the news but called for further resources to enforce the new rules designed to tackle puppy smuggling.

Puppy smuggling is a cruel and abhorrent practice. The EFRA Committee has called on the Government to introduce tougher restrictions for years, and I welcome their commitment to bring smugglers to justice. But introducing new laws is not enough. The Government must also ensure that it gives Border Force the resources to enforce the new rules. Our ongoing inquiry will look at both if the new rules go far enough and whether they will be enforced.⁹⁸

The RSPCA welcomed a number of measures introduced in the Bill, including those aimed at tackling puppy smuggling. Speaking ahead of the bill's First Reading, RSPCA Chief Executive Chris Sherwood stated:

We are also thrilled to see measures to crack down on the import of puppies - this is a cruel trade where criminals get rich selling sick and dying puppies to unsuspecting families, a trade which has boomed during lockdown. Steps to end the import of dogs with cropped ears will also send a powerful message against the painful and unnecessary mutilation of dogs for fashion and a ban on keeping primates of pets will also mean these amazing animals will no longer be kept in homes where they simply cannot be cared for properly.

This is a really important time for animal welfare and, if we get it right, we can make real and lasting changes to the lives of animals here and abroad.⁹⁹

Further reaction from the RSPCA to other elements of the Bill can be found [here](#).

⁹⁸ Efra Committee, [Chair responds to Kept Animals Bill](#), 8 June 2021

⁹⁹ RSPCA, [RSPCA welcomes landmark bill which will end live exports after 50-year campaign and tackle cruel puppy imports](#), 7 June 2021

6 Zoos

The Government's [Action Plan for Animal Welfare](#) briefly mentioned zoos and stated that the Government planned "to improve current requirements applying to zoos including in relation to their conservation work"¹⁰⁰. The [announcement](#) from the Government on the introduction of the Bill set out the following proposal to amend the legislation covering zoo licencing:

The Zoo Licensing Act will be amended to improve zoo regulations and ensure that zoos are doing more to contribute to conservation.¹⁰¹

6.1 The Bill

Clause 47 of the Bill gives effect to changes to the [Zoo Licensing Act 1981](#) that are set out in Schedule 5 the Bill. The [Explanatory Notes](#) for the Bill summarise the changes which include:

- Removing the exemption under the definition of zoos that meant wild animals exhibited in a circus did not need to be licenced. This is in addition to provisions in the Wild Animals in Circuses Act 2019, and similar legislation in the devolved administrations. This would mean that no vertebrate animal not normally domesticated in Great Britain can be used in travelling circuses.
- Extending local authority enforcement powers to the Isles of Scilly Council
- Amending the 1981 Act to allow the Secretary of State to specify standards for conservation for zoos and removes existing standards.
- Allowing different conservation standards to be set for different types of zoos. It would also make it a licence condition for those standards to be met.
- Allowing those with "specialist expertise in certain species of animal that are kept in a zoo" to be added to the list of possible inspectors for zoos, and setting out that they can be used for periodical zoo inspections
- Amending provisions for appeals and the levels of fines for offences.¹⁰²

¹⁰⁰ Defra, [Action Plan for Animal Welfare](#), 12 May 2021 p17

¹⁰¹ Defra, [Government launches second Animal Welfare Bill to protect pets, livestock and wild animals](#), 8 June 2021

¹⁰² Defra, [Animal Welfare \(Kept Animals\) Bill Explanatory Notes](#), 8 June 2021

Clause 47 and Schedule 5 would come into force two months after the Bill is passed, although within that some sections would come into force when regulated for by national authorities.

7

Powers to amend or revoke retained direct EU legislation

Clause 44 of the Bill would create powers to amend, or revoke retained direct EU legislation by amending both [Section 12 of the Animal Welfare Act 2006](#), which applies in England and Wales, and [Section 26 of the Animal Health and Welfare \(Scotland\) Act 2006](#). The clause would add to the areas where powers can be used to make regulations to promote animal welfare, powers to “amend or revoke any retained direct EU legislation”.

Clause 44 uses powers set out in [section 8 of the European Union \(Withdrawal\) Act 2018](#). This sets out powers for the Government for [dealing with deficiencies arising from withdrawal](#) through regulations, with some constraints.

The [Delegates Powers Memorandum](#) for the Animal Welfare (Kept Animals) Bill includes details of the Government and devolved administration plans to replace retained EU Law on animal welfare with “new and improved domestic regimes”:

Some regulations relating to the welfare are set out in retained direct EU legislation which applies in Great Britain under regulations made under section 8 of the European Union (Withdrawal) Act 2018. The Department intends to work with the devolved administrations in Wales and Scotland to replace retained EU law relating to the welfare of animals with new and improved domestic regimes, using the regulation-making powers in section 12 of the 2006 Act (which are exercisable in relation to England and Wales) and section 26 of the Animal Health and Welfare (Scotland) Act 2006 (which are exercisable in relation to Scotland). These regulation-making powers confers powers for the purposes of protecting the welfare of animals for which a person is responsible.

This clause will enable the Department and Scottish and Welsh governments to make consequential changes to retained direct EU legislation when using powers under the above acts; it will not enable those national authorities to make change to any other enactments (e.g. primary legislation) which is not currently available to them. This will ensure that future regulations made under the 2006 Act and the Animal Health and Welfare (Scotland) Act 2006 can make appropriate changes to applicable retained direct EU

legislation or revoke provisions of retained direct EU legislation that are being superseded by new provisions in those regulations.¹⁰³

The Memorandum refers to plans to amend welfare of animals during transport, as set out in this Bill as one of the areas where these powers will be applicable.

¹⁰³ DEFRA, [Animal Welfare \(Kept Animals\) Bill Delegated Powers Memorandum](#), 8 June 2021

8 Second Reading

The then Secretary of State for Environment, Food and Rural Affairs, George Eustice, introduced the Bill for Second Reading on 25 October 2021. During his speech he summarised the provisions on a range of animal welfare issues covered by the Bill. On improving animal transport and banning the export of live animals, he set out measures to improve both:

The Government's view is that exporting animals for slaughter and fattening is unnecessary; indeed, such journeys are unnecessarily stressful for the animals concerned. Those animals could be slaughtered or fattened domestically, and that could be carried out by means of a shorter or less stressful journey.

The Government's recent consultation also covered a range of proposals to improve the domestic welfare in transport regime, and the Bill provides us with the power to introduce improvements by means of regulations at a later date.¹⁰⁴

He also set out measures to strengthen the rules on dogs, cats and ferrets imported for non-commercial reasons. The Secretary of State focused on the issue of puppy imports. He referred to a rise in the number of dogs intercepted, which rose from 390 in 2019 to almost 1,300 in 2020.¹⁰⁵ He highlighted growing evidence that commercial importers abuse pet travel rules. He summarised the provisions to address this:

The maximum number of pets will be reduced to five per motor vehicle on ferry and rail routes, and three per person where someone is arriving by air or as a foot passenger. That will deter traders from abusing the non-commercial pet travel rules to bring in puppies for onward sale.

We also have concerns that many of the puppies imported into Great Britain have been sourced from breeding facilities with low welfare standards, and that their welfare is being compromised during transport.¹⁰⁶

He also referred to the ongoing consultation on raising the minimum age of imported dogs, cats and ferrets; and banning the import of pregnant animals or those that have been mutilated (i.e. docked tails or ears).¹⁰⁷

¹⁰⁴ [HC Deb 25 October 2021 c64](#)

¹⁰⁵ [HC Deb 25 October 2021 c64](#)

¹⁰⁶ [HC Deb 25 October 2021 c64](#)

¹⁰⁷ [HC Deb 25 October 2021 c65](#)

The Bill would also ban the keeping of primates as domestic pets other than by a specialist licence holder. Licence holders would be the only ones who can “buy, sell, transfer or breed primates”.¹⁰⁸

On livestock worrying by dogs, the Secretary of State set out that in addition to increasing police powers, the legislation would be updated to:

Cover all places where livestock are kept or may be present, such as on roads while being moved from one field to another.

Updating the legislation will also ensure that it covers all the types of livestock now more commonly kept for production, or for other purposes, in England, including camelids, emus, ostriches and enclosed deer.¹⁰⁹

Lastly, the Secretary of State outlined the proposed update to the [Zoo Licensing Act 1981](#). This aims to ensure that “animal welfare and conservation standards in zoos are strengthened and can be updated and enforced more effectively”. In addition, zoo standards will be overhauled:

The Department for Environment, Food and Rural Affairs and the UK Zoos Expert Committee are currently overhauling the “Secretary of State’s Standards of Modern Zoo Practice”. The standards, which set out conditions that local authorities must have regard to when setting requirements of zoos, have previously been criticised for being vague and, in some places, unenforceable.¹¹⁰

Luke Pollard, then Labour’s Shadow Environment Secretary, welcomed the legislation and “the fact that many of the policies in Labour’s animal welfare manifesto have found themselves in the Bill”. He also stated that Labour would support the Bill.¹¹¹ He set out a number of areas where Labour would like to see changes to the Government proposals:

- Setting the maximum number of puppies and kittens allowed per vehicle to three rather than five.
- Legislating for a minimum age for import of six months in the Bill rather than through regulations.
- Increasing the minimum sentence for puppy smuggling, pointing out that “there is a longer sentence available for illegally importing cigarettes than for illegally importing puppies”.
- Introducing a requirement to scan diseased cats and dogs that are about to be put down for microchips.¹¹²
- A complete ban on keeping primates as pets. Luke Pollard set out Labour concerns about the proposed licencing scheme and whether:

¹⁰⁸ [HC Deb c65 25 October 2021](#)

¹⁰⁹ [HC Deb c66 25 October 2021](#)

¹¹⁰ [HC Deb c66 25 October 2021](#)

¹¹¹ [HC Deb c67 25 October 2021](#)

¹¹² [HC Deb c69 25 October 2021](#)

Local authorities, which already in many cases struggle to fulfil their animal welfare responsibilities, will have the powers and resources to go after illegally kept primates and check on those being held under the Government’s primate keeper licence.¹¹³

- On livestock worrying, he outlined concerns about loose language that could be open to interpretation,¹¹⁴ alongside the potential implications of the proposed legislation on other uses of the countryside:

it is important that we ensure the message is clear and precise [...] and, importantly, that it fits alongside a right to roam and further access to the countryside for many people. There are tensions here, and clarity of language would make an enormous difference on that.¹¹⁵

Luke Pollard said there would a be a number of additional issues Labour would like to see addressed in the Bill including strengthening the foxhunting ban.¹¹⁶

Neil Parish, the then Chair of the Environment, Food and Rural Affairs Select Committee welcomed the cross-party support for the Bill. He welcomed the legislation as part of ensuring that the private keeping of primates is phased out as quickly as possible.¹¹⁷ Like Labour, he called for the maximum number of dogs allowed to be imported by an individual in a vehicle to be three rather than five.¹¹⁸

During the debate, Members from across the House called for the Bill to be strengthened in a number of areas and for further measures to be added, including:

- A ban on primates being kept outside of zoos rather than a licencing scheme.¹¹⁹
- An outright ban on all exotic animals being kept as pets, as this would be “more effective and more manageable for local councils.”¹²⁰
- The definition of what is meant by zoo conservation to be clear and broad enough to encompass all the work they do.¹²¹ In addition, concerns were raised about the proposal that any new definition would be set out in regulations rather than in the Bill itself.¹²²
- The proposed Zoos Expert Committee should make its reports public.¹²³

¹¹³ [HC Deb c69 25 October 2021](#)

¹¹⁴ [HC Deb c70 25 October 2021](#)

¹¹⁵ [HC Deb c70 25 October 2021](#)

¹¹⁶ [HC Deb c70 25 October 2021](#)

¹¹⁷ [HC Deb c 71 25 October 2021](#)

¹¹⁸ [HC Deb c72 25 October 2021](#)

¹¹⁹ [HC Deb c89 25 October 2021](#)

¹²⁰ [HC Dev c73 25 October 2021](#)

¹²¹ [HC Deb c73 25 October 2021](#)

¹²² [HC Deb c95 25 October 2021](#)

¹²³ [HC Deb c75 25 October 2021](#)

- Whether the Bill could be amended to include measures to address the impacts of fireworks on pets and other animals.¹²⁴
- An increase in pre-import health checks, including increasing the post rabies vaccination wait to 12 weeks and introducing a rabies blood test before travel.¹²⁵
- Measures to address dog theft.¹²⁶
- Legislating to require animal sanctuaries, rescue and rehoming centres to be licensed.¹²⁷

There was also strong support across the House for bringing in the measures set out in the [Government's ongoing consultation on puppy smuggling](#), including restricting the imports of pregnant or mutilated dogs, and raising the minimum age of imports to six months.¹²⁸ There were also reference to including a ban on the imports of [brachycephalic](#) pets (flat faced breeds which can have associated breathing difficulties).¹²⁹

¹²⁴ [HC Deb c78 25 October 2021](#)

¹²⁵ [HC Deb c78 25 October 2021](#)

¹²⁶ [HC Deb c87 25 October 2021](#)

¹²⁷ [HC Deb c92 25 October 2021](#)

¹²⁸ [HC Deb c78 25 October 2021](#)

¹²⁹ [HC Deb c88 25 October 2021](#)

9 Committee Stage

Seven Committee Stage sittings took place between 9 and 18 November 2021. The first two sessions on 9 November 2021 were sessions during which following witnesses gave evidence to the Committee:

- David Bowles, Head of Public Affairs, Royal Society for the Prevention of Cruelty to Animals
- Paula Boyden, Veterinary Director, Dogs Trust
- Dr Alison Cronin MBE, Director, Monkey World
- Dr Simon Girling, Chair, Zoos Expert Committee
- Dr Jo Judge, Chief Executive, British and Irish Association of Zoos and Aquariums
- Minette Batters, President, National Farmers' Union
- Peter Stevenson, Chief Policy Adviser, Compassion in World Farming
- Rob Taylor, Livestock Priority Delivery Group, National Police Chiefs' Council
- Rob Quest, Chairman, Canine and Feline Sector Group
- Mike Webb, Head of Policy and Public Affairs, Battersea Dogs & Cats Home
- Justine Shotton, President, British Veterinary Association
- Mike Flynn, Chief Superintendent, Scottish Society for the Prevention of Cruelty to Animals
- Dr Hazel Wright, Senior Policy Officer, Farmers' Union of Wales.

In addition, the Committee received 18 pieces of written evidence.

The Committee also met for a line-by-line consideration of the Bill during the remaining four sessions, on 16 and 18 November 2021.

Written evidence, transcripts of evidence sessions and debates are all [available on the publications page of the Animal Welfare \(Kept Animals\) Bill on the Parliamentary website](#).

9.1 Government amendments to the Bill

Significant Government amendments and additional Government Clauses extended a number of provisions in the Bill to Wales, changed how regulating powers for national authorities were set out in the Bill and added provisions to make dog theft a specific offence.

Bill extended to Wales

The Bill was amended throughout to extend the clauses covering the keeping of primates to Wales. The provisions were set out by Minister of State at the Department for Environment, Food and Rural Affairs, Victoria Prentis, and agreed with minimal debate.¹³⁰

Prohibition of livestock exports

The Government made a number of amendments to Clause 40 to simplify the definitions of livestock, and to extend them to animals such as enclosed deer and enclosed boar.¹³¹ In addition, it extended the maximum prison sentence for an offence under this clause in Scotland from three months to six months, at the request of the Scottish Government.¹³²

Taking a pet without lawful authority

The Government added new clause 5 and new clause 6 to the Bill (now Clause 43 and 44 of the Bill as amended in Committee). Clause 43 makes taking a pet “without lawful authority or reasonable excuse” an offence. The penalty for any offence will be a fine or imprisonment, with a maximum sentence of five years. Clause 43 allows for regulation making powers to amend clause 43, including adding other animals to clause 43.

Making pet abduction an offence was one of the recommendations included in [the Pet Theft Taskforce report to Government](#), which was published in September 2021. On introducing the amendment, the then Minister Victoria Prentice, referred to the taskforce’s recommendation “which acknowledges that pets form bonds with their owners and that their welfare can be adversely affected when they are removed from their primary carer”.¹³³

Speaking for Labour, Daniel Zeichner was supportive of the amendment but was concerned that its introduction had been rushed without time for proper scrutiny.¹³⁴

The new clauses were agreed without division.

Conservation standards for zoos

Government amendments to Clause 47 and Schedule 5 of the Bill included changes to how standards zoos will be set, including increasing consultation and transparency, and amending the process for setting standards.¹³⁵

¹³⁰ [PBC c85 16 November 2021](#)

¹³¹ [PBC c136 16 November 2021](#)

¹³² [PBC c138 16 November 2021](#)

¹³³ [PBC c169 17 November 2021](#)

¹³⁴ [PBC c169 17 November 2021](#)

¹³⁵ [PBC c160 17 November 2021](#)

Procedure for making regulations

Government new clause 3 (now clause 52 of the Bill as amended in Committee) amended how the Bill was drafted by consolidating the parliamentary procedures for making regulations in part 4, rather than as originally drafted, where they were set out separately in each of parts 1, 2 and 3 of the Bill.

9.2

Opposition proposed amendments

This section summarised the main opposition amendments and proposed new clauses for the Bill, none of which were successful.

Keeping of Primates

Labour's preference would have been to remove the licencing provisions for primates in the Bill, and instead introduce a complete ban.¹³⁶ It tabled an amendment to do this which it was unsuccessful. It then proposed reducing the length of a licence for keeping primates from six years to two years. The Government did not support this, explaining that the existing proposals included at least two inspections during the six-year licence period.¹³⁷

Further amendments tabled by Labour would have required social grouping to be a welfare consideration for keeping primates and require the Secretary of State to introduce regulations requiring the microchipping of licenced primates.¹³⁸ In response, the Minister explained that microchipping had not been included as a requirement in the Bill to allow for any exceptions:

We intend to introduce microchipping for licensed primates, but not where that is harmful, which it may be in a few exceptional cases. Microchipping primates is a significant procedure. It can require anaesthetic and carries a degree of risk to more vulnerable primates. There will be cases where exemptions to microchipping are needed—for example, if a primate is elderly or in ill health.¹³⁹

Labour also proposed several amendments requiring specialist expertise for veterinarians carrying out premises inspections of licence holders.¹⁴⁰ There was some debate about whether specialist was the appropriate term. The Government did not support the amendments, which failed on division.¹⁴¹

¹³⁶ [PBC c79 16 November 2021](#)

¹³⁷ [PBC c93 16 November 2021](#)

¹³⁸ [PBC c96 16 November 2021](#)

¹³⁹ [PBC c98 16 November 2021](#)

¹⁴⁰ [PBC c100 16 November 2021](#)

¹⁴¹ [PBC c106 16 November 2021](#)

Livestock worrying

The Bill includes a provision in Clause 37 to exclude police dogs, guide dogs, trained sheep dogs, working gun dogs and packs of hounds from being covered by the definition of livestock worrying.

Worrying is defined as chasing the livestock, as defined the Bill, in a way that could cause harm. Or being at large (defined as not being on a lead of 1.8m or less, and unlikely to return on command) in an enclosure where there are livestock, defined for this clause as poultry, enclosed game or sheep.

Labour tabled an amendment to remove packs of hounds from the exemption list:

With trail hunting, which is clearly now the only form of acceptable hunting, there is absolutely no need for the trail to be taken close to livestock. If that is happening, we have to ask ourselves why. It should not be happening, so we do not think this exemption is necessary and we would like the phrase taken out.¹⁴²

The Minister explained that the wording for the exclusions had been carried over from the existing [Dogs \(Protection of Livestock\) Act 1953](#), and that the language may need amending:

I think we need to look again at the language. It might, for example, be simpler to make a general exemption for working dogs while they are being worked, which is the situation in the Scottish legislation that was passed relatively recently. I also believe that “assistance dogs” is the modern terminology for guide dogs, although I would need to look at that further.¹⁴³

The amendment was voted on but was not successful, with six votes for and nine against.

Labour also tabled an amendment that would have required all dogs that are not exempt to be kept on a lead at all times in any livestock enclosure, unless it is a risk to the person with the dog. This proposal was reflected in evidence received by the Committee in support of the measure:

Certainly, the majority of wildlife organisations feel that it is time to make a change here. The Royal Society for the Prevention of Cruelty to Animals, Dogs Trust, the Kennel Club, Blue Cross, the Canine and Feline Sector Group and many more have come out in support of a provision that would require dogs to be on leads when in a field that contains livestock.¹⁴⁴

¹⁴² [PBC c129 16 November 2021](#)

¹⁴³ [PBC c129 16 November 2021](#)

¹⁴⁴ [PBC c130 16 November 2021](#)

In response, the Minister referred to the Countryside Code, stating that “we will continue to work to raise public awareness. The countryside code is quite clear that owners should keep their dog under effective control”.¹⁴⁵ James Grundy called for the Minister to provide further reassurance:

By the time we take the Bill to the next stage, the Minister will have some reassurance for those of us who have firm concerns on this issue and believe that dogs should be on a lead around sheep, poultry and other animals that would be at risk if they were let off the leash.¹⁴⁶

The amendment was voted on but was not successful, with six votes for and nine against.

Importing pets

There were a number of Labour amendments proposed to what are now clause 45 and 46 of the Bill covering the importation of dogs, cats and ferrets. A number of Conservative MPs voted in support of three amendments in Committee, although they did not pass as the Chair, who has an obligation to vote against any changes to a Bill, had the deciding vote.

Labour proposed reducing the number of pets allowed to travel with an owner in a vehicle from five to three. Proposing the amendment, Oliva Blake referred to evidence from the Dogs Trust on the average number dogs per owner:

A survey of a quarter of a million dog owners by the Dogs Trust found that 97.7% of respondents have three dogs or fewer. Others have estimated that around three quarters of dog owners have only one dog; roughly a fifth—18.9%—have two; and only 4% have three, so our amendment to reduce the number from five to three should be considered. Only a tiny fraction of dog owners have more animals than that.¹⁴⁷

The Minister responded that the Government would be “willing to look at any further evidence that shows genuine pet owners would not be unduly impacted by a decrease to three pets per vehicle”.¹⁴⁸

The amendment was pushed to a division with a vote of eight for and eight against, with Conservative Members supporting the amendment. As a result, the Chair had the deciding vote, and because of the “obligation not to vote in favour of an amendment that changes the Bill”, the amendment did not pass.¹⁴⁹

¹⁴⁵ [PBC c131 16 November 2021](#)

¹⁴⁶ [PBC c134 16 November 2021](#)

¹⁴⁷ [PBC c141 16 November 2021](#)

¹⁴⁸ [PBC c142 16 November 2021](#)

¹⁴⁹ [PBC c143 16 November 2021](#)

Labour also proposed amending the regulation-making powers in Clause 46, which include powers to set a minimum age for imported dogs, cats or ferrets, to make the six months the minimum age. This was narrowly rejected, with the Chair having the deciding vote.¹⁵⁰ This is one of the proposals included in the [Government consultation on the commercial and non-commercial movement of dogs, cats and ferrets](#) which closed in October 2021. The Government has not yet published its response to the consultation.

A further amendment which was narrowly defeated and decided by the Chair's vote, was the proposal to amend the regulating powers in Clause 46 to set a maximum number of days pregnancy above which pets cannot be imported, and to set that to 42 days.¹⁵¹

Opposition proposed new clauses

In addition, Labour tabled a number of new clauses, which were not successful, covering a wide range of animal welfare issues, [as set out in the Bill proceedings](#). These included new clauses proposing:

- a prohibition on farrowing crates, failed on division (NC7)
- regulation of the keeping of hunting dogs, failed on division (NC10)
- a ban on the movement of pregnant dogs or cats, failed on division (NC14)
- a ban on the sales of dogs with cropped ears, withdrawn after debate (NC15)
- a ban on the use of snares where other animals could be harmed, failed on division (NC16)
- regulations of the online sale of animals, withdrawn after debate (NC17)
- a ban on the import of dogs and cats with fashion-based mutilations, failed on division (NC18)
- a review of the keeping of exotic animals, withdrawn after debate (NC19)
- a review of the [Dangerous Dogs Act 1991](#), failed on division (NC20)
- a requirement for the compulsory microchipping of cats, withdrawn after debate (NC21)
- a review of cat breeding licencing, withdrawn after debate (NC22)
- a local abattoir network, withdrawn after debate (NC23)
- a review and consultation on the rearing of non-native game birds, withdrawn after debate (NC27).¹⁵²

¹⁵⁰ [PBC c152 16 November 2021](#)

¹⁵¹ [PBC c153 16 November 2021](#)

¹⁵² Animal Welfare (Kept Animals) Bill, [Committee Stage Decisions \(PDF\)](#), 18 November 2021

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