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Report Stage: Friday 17 December 2021

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## Animal Welfare (Kept Animals) Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Animal Welfare (Kept Animals) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 10 to 13, NC4 to NC13 and NS1

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Daniel Zeichner  
Luke Pollard  
Olivia Blake  
Ruth Jones

NC1

To move the following Clause—

**“Compulsory microchipping of cats**

The Secretary of State must, within six months of the date of Royal Assent to this act, make regulations requiring that cats in England over a certain age be microchipped.”

**Member’s explanatory statement**

This new clause would require the Secretary of State to make regulations for the compulsory microchipping of cats within six months of the Act being passed.

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Daniel Zeichner  
Luke Pollard  
Olivia Blake  
Ruth Jones

NC2

To move the following Clause—

**“Regulation of the keeping of hunting dogs**

- (1) The Secretary of State must, within 12 months of the date of Royal Assent to this Act, make regulations providing for licensing of the keeping of one or more dogs used for the purposes of hunting.
- (2) It shall be an offence to keep a dog which is used for hunting without a licence.

- (3) For the purposes of this section, “hunting” includes, but is not limited to—
- (a) hunting any animal; and
  - (b) trail hunting or other hunt simulation.”

**Member’s explanatory statement**

This new clause would require the Secretary of State to make regulations for licensing of the keeping of one or more dogs used for the purposes of hunting.

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Sarah Champion  
Andrew Rosindell

NC3

To move the following Clause—

**“Zoos Expert Committee**

The Secretary of State must publish—

- (a) requests from the Secretary of State for advice from the Zoos Expert Committee,
- (b) advice received by the Secretary of State from the Zoos Expert Committee, and
- (c) responses from the Secretary of State to advice issued by the Zoos Expert Committee.”

**Member’s explanatory statement**

This new clause would require the advice given by the Zoos Expert Committee and the responses given by the Secretary of State to be published.

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Sir Roger Gale

NC4

★ To move the following Clause—

**“Transport of live animals**

- (1) Schedule [*transport of live animals*] Part 1 amends retained Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport so as to—
  - (a) amend chapter V of Annex I to decrease the maximum journey time to 8 hours;
  - (b) amend Chapter VI of Annex I so as to apply to all journeys;
  - (c) amend Chapter VI of Annex I to increase the lower and decrease the upper temperature requirements;
  - (d) increase space allowances for certain species listed in Chapter VII of Annex I;
  - (e) provide minimum standards for headroom height for certain species listed in Chapter VII Annex I.
- (2) Schedule [*transport of live animals*] Part 2 amends the Welfare of Animals (Transport) (England) Order 2006 so as to remove the derogations for

means of transport by road on journeys under 12 hours as listed under part 3 so as to improve the welfare standards.”

**Member’s explanatory statement**

Subsection (1) is intended to decrease the maximum journey time to 8 hours; apply to all journeys; increase the lower and decrease the upper temperature requirements; increase space allowances; and provide minimum standards for headroom height. Subsection (2) is intended to remove derogations that apply to journeys under 12 hours and improve welfare standards.

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Sir Roger Gale

NC5

★ To move the following Clause—

**“Minimum requirements for all farmed animals transported by sea**

From the date this provision comes into effect, no farmed animals may be transported by sea unless—

- (a) the wind intensity is Beaufort Force 5 or less; and;
- (b) the vessel used is certified in accordance with section [vessel certification].”

**Member’s explanatory statement**

This new clause ensures that the wind force is Beaufort Force 5 or below and that the vessel used is appropriate for the expected conditions of a journey.

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Sir Roger Gale

NC6

★ To move the following Clause—

**“Vessel certification**

- (1) The Secretary of State must by regulations introduce a certification system to ensure that only suitable vessels are used to transport farmed animals by sea.
- (2) When determining what is suitable under subsection (1) the Secretary of State must have regard to any aspect of the vessel that will cause an animal suffering above and beyond the normal suffering caused by being transported by sea. Such considerations will include—
  - (a) the weather conditions a vessel can comfortably transport animals in;
  - (b) the ventilation in the vessel;
  - (c) the internal infrastructure of the vessel; and
  - (d) the size of the vessel.
- (3) In subsection (2)(d) above the size of the vessel includes, but is not limited to, its tonnage, length, beam and draft.”

**Member’s explanatory statement**

This new clause places an obligation on the Secretary of State to implement a certification system that ensures only suitable vessels are used. The Secretary of State must ensure that the certification system is designed to reduce animal suffering when being transported by sea.

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Sir Roger Gale

NC7

★ To move the following Clause—

**“Offences**

- (1) A person who contravenes section [*minimum requirements for all farmed animals transported by sea*] commits an offence.
- (2) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 3 months, to a fine not exceeding level 5 on the standard scale or to both.
- (3) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to 6 months.”

**Member’s explanatory statement**

This new clause prescribes the penalties for offences under the Act.

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Sir Roger Gale

NC8

★ To move the following Clause—

**“Powers to make provision in connection with Council Regulation 1/2005**

- (1) The Secretary of State may by regulations make provision to ensure compliance under Article 5 (3) Council Regulation 1/2005.
- (2) The provision that may be made under subsection (1) includes (amongst other things) any provision that the Secretary of State considers appropriate for, or in connection with—
  - (a) weather conditions where animals cannot be transported; and
  - (b) requirements for suitable planning, execution and compliance of a journey.”

**Member’s explanatory statement**

This new clause recognises that there is already an obligation placed on those transporting animals to take into account the weather conditions and to conduct suitable planning under Council Regulation 1/2005. With that in mind it provides the Secretary of State with a power to implement a system to ensure compliance with those obligations.

Sir Roger Gale

NC9

★ To move the following Clause—

**“Power to make provision in connection with the enforcement of section [minimum requirements for all farmed animals transported by sea]**

- (1) The Secretary of State may by regulations make provision about the enforcement of section [minimum requirements for all farmed animals transported by sea].
- (2) The provision that may be made under subsection (1) includes (amongst other things) any provision that the Secretary of State considers appropriate for, or in connection with—
  - (a) preventing, detecting, investigating or punishing contraventions of section [minimum requirements for all farmed animals transported by sea], or
  - (b) other than in relation to Scotland, prosecuting offences under section [minimum requirements for all farmed animals transported by sea].
- (3) Regulations under subsection (1) may (amongst other things)—
  - (a) confer a function (including a function involving the exercise of a discretion) on a specified person;
  - (b) make provision about the keeping of records or the provision of information;
  - (c) confer a power of entry (whether or not on the authority of a warrant);
  - (d) confer a power of inspection, search, seizure or detention (whether or not on the authority of a warrant);
  - (e) authorise, or make provision for the authorisation of, the use of reasonable force in connection with a power mentioned in paragraph (c) or (d);
  - (f) confer a power to impose a civil sanction on a person who—
    - (i) contravenes section [minimum requirements for all farmed animals transported by sea] or a provision of the regulations, or
    - (ii) obstructs, or fails to assist in, the exercise of a function conferred by the regulations;
  - (g) make provision for the revocation of a person’s licence, authorisation or other approval required by or under any enactment for the transport of live animals, where the person—
    - (i) contravenes section [minimum requirements for all farmed animals transported by sea] or a provision of the regulations, or
    - (ii) obstructs, or fails to assist in, the exercise of a function conferred by the regulations;
  - (h) create a criminal offence in relation to—
    - (i) the contravention of a provision of the regulations, or
    - (ii) obstructing, or failing to assist in, the exercise of a function conferred by the regulations;

- (i) create a right of appeal;
  - (j) apply, or make provision corresponding to, any provision of, or which may be made under, the Animal Health Act 1981 relating to the execution or enforcement of that Act, with or without modifications;
  - (k) apply, or make provision corresponding to, any provision that may be made under section 12 of the Animal Welfare Act 2006 or section 26 of the Animal Health and Welfare (Scotland) Act 2006 relating to the enforcement of provision made under the section concerned, with or without modifications;
  - (l) amend or revoke any retained direct EU legislation.
- (4) For the purposes of this section, “civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings).
- (5) Regulations under subsection (1) may include provision for the imposition of a civil sanction whether or not—
  - (a) the conduct in respect of which the sanction is imposed constitutes an offence,
  - (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
  - (c) the Secretary of State may make provision for the imposition of sanctions under that Part.
- (6) Where regulations under subsection (1) contain provision creating a criminal offence, the provision must have the effect that—
  - (a) the offence is triable summarily only, and
  - (b) the offence is punishable only with a fine.
- (7) Regulations under subsection (1) may only confer a power of entry to a private dwelling without the consent of the occupier, or with the use of reasonable force, on—
  - (a) in England and Wales, the authority of a warrant issued by a justice of the peace, or
  - (b) in Scotland, the authority of a warrant issued by a sheriff or a justice of the peace.
- (8) In this section “specified” means specified or described in regulations made under subsection (1).”

**Member’s explanatory statement**

This new clause provides the Secretary of State with powers to create an enforcement framework for the provisions relating to transporting animals by sea.

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Sir Roger Gale

NC10

★ To move the following Clause—

**“Definitions**

“Transportation by sea” includes any exports by sea and any shipments within British waters.

“Farmed animal” means any animal commonly farmed in the United Kingdom.

“Council Regulation 1/2005” means Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) 1255/97.”

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Sir Roger Gale  
Henry Smith

NC11

★ To move the following Clause—

**“Following animal based scents**

(1) A person commits an offence if they intentionally or recklessly participate in laying or following an animal based scent for hunting activities.

(2) This section shall have the following definitions—

“participate” means anyone who pays to attend or facilitates a hunting activity;

“hunting activity” means the use of one or more dogs trained to follow an animal based scent unless it is an exempt activity under [*exempt activity*].

(3) A person guilty of an offence under this section is liable on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both.”

**Member’s explanatory statement**

This new clause ensures that dogs are not trained and used to follow animal based scents in hunting activities in an attempt to ensure live animals are also not pursued by the dogs. Subsection (3) prescribes the penalties for an offence under the Act.

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Sir Roger Gale  
Henry Smith

NC12

★ To move the following Clause—

**“Exempt activity**

- (1) The activity described in [*following animal based scents*] shall not include any dog trained to follow an animal based scent for the purpose of a legitimate medical or law enforcement activity.”

**Member’s explanatory statement**

This new clause ensures that dogs trained to pursue animal based scents for legitimate medical and law enforcement purposes are not caught by the offence.

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Sir Roger Gale  
Henry Smith

NC13

★ To move the following Clause—

**“Extent**

- (1) Section [*following animal based scents*] and section [*exempt activity*] extend to England only.”

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Daniel Zeichner  
Luke Pollard  
Olivia Blake  
Ruth Jones

1

Clause 1, page 1, line 7, leave out from “primate” to end of line 8 and insert “under this Chapter”

**Member’s explanatory statement**

This amendment would prohibit the keeping of primates as pets in England.

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Andrew Rosindell

4

Clause 17, page 10, line 23, leave out subsection (1) and insert—

- “(1) It is an offence to sell, keep for sale, offer or expose for sale, transport for sale, advertise for sale, or exchange for anything else, a primate.”

**Member's explanatory statement**

This amendment would strengthen existing licence conditions on sales to ensure an end to commercial use of primates.

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Andrew Rosindell

5

Clause 17, page 10, line 25, at end insert—

“(1A) It is an offence to 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).”

**Member's explanatory statement**

This amendment would allow gifting of primates to licensed keepers, for rehoming purposes and to group single primates as captive population reduces.

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Andrew Rosindell

6

Clause 18, page 11, line 7, at end insert—

“(2A) A person does not commit an offence under subsection (1) if the person is the named recipient of a written recommendation to breed the animal for an EAZA Ex situ Programme or European studbook.”

**Member's explanatory statement**

This amendment would strengthen existing licence conditions to ensure an end to breeding of domestically kept primates, except for licensees and keepers working within genuine zoo-led breeding programmes under the Zoo Licensing Act (1981) and the Animals (Scientific Procedures) Act 1986.

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Andrew Rosindell

7

Clause 26, page 16, line 8, at end insert—

- “(10) The Secretary of State may issue guidance to seizing authorities in respect of the exercise of their functions under this section.
- (11) The guidance in subsection (10) must ensure the welfare needs of seized dogs are met whilst seized and detained under this section and must be laid before Parliament within 30 days of the date on which the Secretary of State issued the guidance.
- (12) Seizing authorities must follow the guidance in the exercise of their functions under this section.”

**Member's explanatory statement**

This amendment would ensure Government oversight over the welfare of dogs seized under the provisions of this section and would require the Government to lay out guidance for the welfare needs of seized dogs before Parliament.

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Daniel Zeichner  
 Luke Pollard  
 Olivia Blake  
 Ruth Jones

2

Clause 37, page 23, line 26, at beginning insert "where keeping a dog on a lead of 1.8 metres or less would pose a risk of harm to the person in charge of the dog,"

**Member's explanatory statement**

This amendment would broaden the definition of "at large" dogs, by requiring non-exempt dogs in fields with relevant livestock present to be on a lead to be deemed under control unless keeping the dog on a lead poses a risk of harm to the person in charge of the dog.

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Daniel Zeichner  
 Luke Pollard  
 Olivia Blake  
 Ruth Jones  
 Andrew Rosindell

3

Clause 45, page 30, line 4, leave out "five" and insert "three"

**Member's explanatory statement**

This amendment would restrict the maximum number of dogs, cats and ferrets that may enter Great Britain in a non-commercial motor vehicle to three.

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Sir Roger Gale

10

★ Clause 53, page 37, line 27, at end insert—

"(g) section [*transport of live animals*] and Schedule [*transport of live animals*] come into force on 1 January 2026."

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Sir Roger Gale

12

★ Clause 53, page 37, line 27, at end insert—

“(g) section [*minimum requirements for all farmed animals transported by sea*], section [*vessel certification*], section [*offences*], section [*powers to make provision in connection with Council Regulation 1/2005*], section [*power to make provision in connection with the enforcement of section [minimum requirements for all farmed animals transported by sea]*], and section [*definitions*], come into force on 1 January 2026.”

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Sir Roger Gale

11

★ Clause 54, page 38, line 18, at end insert—

“(g) section [*transport of live animals*] and Schedule [*transport of live animals*] extend to England only.”

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Sir Roger Gale

13

★ Clause 54, page 38, line 18, at end insert—

“(g) section [*minimum requirements for all farmed animals transported by sea*] extends to England only.”

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Sir Roger Gale

NS1

★ To move the following Schedule—

“Transport of live animals

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## Part 1

### Amendments to Council Regulation (EC) No 1/2005

- 1 Retained Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport is amended as follows.

#### *Amendment to Article 2 (definitions)*

- 2 In Article 2 (m) for “8 hours” substitute “6 hours”.

*Amendment to Chapter V Annex I (watering and feeding interval, journey times and resting periods)*

- 3 In Chapter V Annex 1 point 1 is amended as follows—
  - (1) the heading in point 1 is amended as follows—

for “Domestic Equidae, domestic animals of bovine, ovine, caprine and porcine species” substitute “Equidae, animals of bovine, ovine, caprine, porcine, birds, rabbits and poultry species”;
  - (2) in point 1.1—

for “The requirements laid down in this Section apply to the movement of domestic Equidae, except registered Equidae, domestic animals of bovine, ovine, caprine and porcine species, except in the case of air transport” substitute “The requirements laid down in this Section apply to the movement of Equidae, except registered Equidae, animals of bovine, ovine, caprine, porcine, birds, rabbits and poultry species, except in the case of air transport”;
  - (3) omit the following—
    - (a) point 1.3;
    - (b) point 1.4;
    - (c) point 1.5;
    - (d) point 1.6;
    - (e) point 1.7;
    - (f) point 1.8;
    - (g) point 1.9.
- 4 In Chapter V Annex 1 point 2 omit the following from 2.1—

“save in the case of a journey lasting less than—

  - (a) 12 hours disregarding loading and unloading time; or
  - (b) 24 hours for chicks of all species, provided that it is completed within 72 hours after hatching.”.

*Amendment to Chapter VI Annex I (provisions for long journeys)*

- 5 In Chapter VI Annex 1 the heading is amended as follows—

for “additional provisions for long journeys of domestic equidae and domestic animals of bovine, ovine, caprine and porcine species” substitute “additional provisions for all journeys of equidae and animals of bovine, ovine, caprine, porcine, birds, rabbits and poultry species”.
- 6 In Chapter VI Annex 1 point 1 the heading is amended as follows—

omit “long” from “for all long journeys”.
- 7 In Chapter VI Annex 1 point 3.1 is amended as follows—
  - (1) after “maintaining a range of temperatures from 5°C to...” for “30°C” substitute “22°C”;
  - (2) omit “with a +/- 5°C tolerance, depending on the outside temperature.”.

*Amendment to Chapter VII Annex I (space allowances)*

- 8 In Chapter VII Annex I for “Space allowances for animals shall comply at least with the following figures:” substitute—

“1.1 All equidae and animals of bovine, ovine, caprine, porcine, rabbits and poultry species must be transported with enough space to ensure each individual animal has enough space to sit, lie, stand and turn around.”.

*Insert new Chapter VIII Annex I (headroom)*

- 9 Insert the following under the new Chapter VIII—

“1.1 All equidae and animals of bovine, ovine, caprine, porcine, rabbits and poultry species must be transported with enough headroom to stand in their natural position.

1.2 To ensure 1.1 is satisfied the transporter used must provide 14cm headroom above the head of highest animal in the transporter when stood upright.”.

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## Part 2

### **Amendments to the Welfare of Animals (Transport) (England) Order 2006**

- 10 The Welfare of Animals (Transport) (England) Order 2006 is amended as follows.

*Amendment to Part 3 (derogations for means of transport by road on journeys under 12 hours)*

- 11 Omit articles 12-19 under Part 3.”

**Member’s explanatory statement**

The changes implement a maximum journey time; include birds, rabbits and poultry within the general protections; improve temperature requirements; ensure each animal has enough space to sit, lie, stand and turn around; ensure each animal has enough headroom; and remove derogations to ensure all the welfare protections are applied.

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Sarah Champion  
Andrew Rosindell

8

Schedule 5, page 49, line 22, leave out from “to” to “education” and insert “a broad range of conservation activities (including species recovery work both in situ and ex situ,”

**Member’s explanatory statement**

This amendment aims to ensure that any conservation measures laid out in the new standards will include the conservation work, such as species recovery work, undertaken within zoos, as well as externally.

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Sarah Champion  
Andrew Rosindell

9

Schedule 5, page 49, line 26, at end insert—

- “(3) In drawing up standards of modern zoo practice, the Secretary of State must—
- (a) consult the Zoos Expert Committee (ZEC), and
  - (b) issue a public consultation seeking the views of zoos, aquariums, and other interested parties, and the Secretary of State must publish the responses to these consultations.
  - (c) the Secretary of State must lay a copy of the standards of modern zoo practice before Parliament.”

**Member’s explanatory statement**

This amendment seeks to ensure that the Secretary of State’s standards for modern zoo practise are subject to full consultation and scrutiny, both when published and if any further changes are made, by Parliament, zoos and aquariums, other interested parties, and the Zoos Expert Committee.

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## Order of the House

**[25 October 2021]**

That the following provisions shall apply to the Animal Welfare Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 18 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.
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