

ANIMAL WELFARE (IMPORT OF DOGS, CATS AND FERRETS) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill introduced in the House of Commons on 6 December 2023 (HC Bill 23).

- These Explanatory Notes have been prepared by the Department for Environment, Food and Rural Affairs (“the Department”) with the consent of Selaine Saxby MP, the member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

Table of Contents

Subject	Page of these Notes
Overview of the Bill	2
Policy background.....	2
Legal background	3
Assimilated law on the non-commercial movement of pet animals.....	3
Legislation dealing with the commercial import of dogs, cats and ferrets.....	3
Assimilated law on the protection of animals during transport	4
Legislation dealing with animal welfare.....	4
Windsor Framework	4
Territorial extent and application	4
Commentary on provisions of Bill	5
Clause 1: Regulations about bringing dogs, cats and ferrets into the United Kingdom	5
Clause 2: Regulations under section 1: supplementary.	6
Clause 3: Meaning of “appropriate national authority” and related provision.....	6
Clause 4: Disapplication of non-commercial rules in certain cases.....	7
Clause 5: Corresponding application of commercial rules	7
Clause 7: Regulations	7
Clause 8: Extent, commencement and short title	8
Commencement	8
Parliamentary approval for financial costs or for charges imposed	8
Financial implications of the Bill	8
Compatibility with the European Convention on Human Rights	9
Statement under section 20 of the Environment Act 2021	9
Related documents	9
Annex A - Territorial extent and application in the United Kingdom	9
Subject matter and legislative competence of devolved legislatures.....	10

Overview of the Bill

1. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom from third countries on grounds of animal welfare.
2. The Bill introduces an enabling power to address the problem of low-welfare imports of dogs, cats and ferrets into the United Kingdom. The power must be used to prohibit the bringing into Great Britain of puppies and kittens under six months and dogs and cats that are mutilated or heavily pregnant.
3. The Bill also seeks to address the current issue of commercial imports being disguised as non-commercial movements by amending the rules that govern the non-commercial movement of dogs, cats and ferrets into Great Britain from third countries.

Policy background

4. The Bill aims to address growing concerns about the low welfare movement of dogs and cats into the United Kingdom, and to give effect to the Government's manifesto commitment to "crack down on the illegal smuggling of dogs and puppies". These measures were included in the Action Plan for Animal Welfare¹, published in May 2021.
5. Dogs, cats and ferrets can enter the United Kingdom in one of two ways: as non-commercial pet travel movements or commercial imports. More stringent requirements apply to commercial imports than to non-commercial movements. Evidence has shown that commercial movements are frequently being disguised as non-commercial movements to avoid these more stringent requirements.
6. In 2023, over 500 landings of dogs and cats were intercepted at the Port of Dover and found to be non-compliant with import requirements. Of these, 116 puppies and kittens were quarantined for being below the legally required minimum age for import. This data does not include animals detained at airports or found inland. We cannot know the true extent of puppy smuggling operations and so these figures likely only capture a small portion of the animals smuggled into the country.
7. There are concerns about an emerging market involving the importation of heavily pregnant dogs and cats, and those which have been mutilated (ear cropped dogs, tail docked dogs and declawed cats).
8. Defra have regularly been called upon to change the legislation and inhibit the trade for low welfare movements of dogs and cats, including by the Environment, Food and Rural Affairs Committee (EFRA) following its inquiry into puppy smuggling. This looked at the scale and

¹ [Action Plan for Animal Welfare \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

profitability of the illegal trade and the conditions in which dogs are being imported into the United Kingdom. The recommendations from that inquiry included increasing the age at which a puppy could enter Great Britain from 15 weeks to six months. There is strong public support for intervention in the sector and concerns on the practice of “puppy smuggling” and low-welfare imports have been raised by third sector organisations and animal welfare groups.

9. A consultation on *Commercial and Non-Commercial Movements of Pets into Great Britain* was launched in August 2021 to seek views on proposed changes to the rules governing the commercial importation and non-commercial movement of pets (dogs, cats and ferrets) into Great Britain. The Government response to the consultation and the summary of responses will be published in due course.

Legal background

Assimilated law on the non-commercial movement of pet animals

10. The non-commercial movement of dogs, cats and ferrets into Great Britain is regulated by assimilated direct legislation, primarily Regulation (EU) No 576/2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003, and Commission Implementing Regulation 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013. These are supplemented by domestic orders in Great Britain (the Non-Commercial Movement of Pet Animals Order 2011 and the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974).
11. This legislation sets out the health and documentary requirements for dogs, cats and ferrets to move non-commercially into Great Britain from a third country and provides for enforcement in cases of non-compliance. It restricts the number of dogs, cats and ferrets that may accompany a person during a single non-commercial movement into Great Britain and sets out the rules that apply when a pet dog, cat or ferret travels with a person authorised by the owner.
12. The European Union (Withdrawal) Act 2018 made provision to ensure that EU law would continue to apply in domestic law at the end of the post-Brexit transition period (the end of 2020). These EU laws that were preserved in the UK statute books are now known as assimilated law under the Retained EU Law (Revocation and Reform) Act 2023.

Legislation dealing with the commercial import of dogs, cats and ferrets

13. The commercial import of dogs, cats and ferrets into Great Britain is governed by the Trade in Animals and Related Products Regulations 2011 in England, the Trade in Animals and Related Products (Wales) Regulations 2011 in Wales, and the Trade in Animals and Related Products

(Scotland) Regulations 2012 in Scotland (collectively known as TARP). TARP does not apply to the non-commercial movement of dogs, cats and ferrets provided that the movement is of five or less animals accompanied by their owner or an authorised person.

14. TARP details the requirements with which commercial imports of dogs, cats and ferrets must comply, which are in addition to the requirements applicable to non-commercial movements.

Assimilated law on the protection of animals during transport

15. The welfare of animals in transport is principally governed by Council Regulation No 1/2005 on the protection of animals during transport and related operations. This is supplemented by domestic legislation in England, Wales, Scotland and Northern Ireland (the Welfare of Animals (Transport) (England) Order 2006, the Welfare of Animals (Transport) (Wales) Order 2007, the Welfare of Animals (Transport) (Scotland) Regulations 2006 and the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006). Council Regulation No 1/2005 is assimilated direct legislation in England, Wales and Scotland and the EU version of the Regulation is directly applicable in Northern Ireland.

Legislation dealing with animal welfare

16. Sections 5 and 6 of the Animal Welfare Act 2006, section 20 of the Animal Health and Welfare (Scotland) Act 2006 and sections 5 and 6 of the Welfare of Animals Act (Northern Ireland) 2011 prohibit the mutilation of any protected animal (which include the cropping of a dog's ears, the docking of a dog's tail or the declawing of a cat) subject to limited exemptions. The Acts do not prevent such mutilations being carried out overseas or animals with these mutilations from being imported into the United Kingdom.

Windsor Framework

17. EU regulations relevant to non-commercial movements and imports of dogs, cats and ferrets into Northern Ireland apply as result of the Windsor Framework. These include Regulation (EU) No 576/2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003, Regulation 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013, and Council Regulation No 1/2005 on the protection of animals during transport and related operations.

Territorial extent and application

18. Clause 8 sets out the territorial extent of the Bill, which describes the jurisdictions in which the Bill forms part of the law. The territorial extent and application of the Bill is England and Wales, Scotland, and Northern Ireland, except for Clauses 4, 5 and 6 which extend and apply only to England and Wales, and Scotland.
19. The Bill relates to animal welfare, which is a devolved matter in Scotland and Wales, including in relation to the regulation of movements of animals into Scotland or Wales for the purposes of protecting animal welfare. As regards Northern Ireland, animal welfare is generally a transferred matter, but the subject matter of this Bill means that the reserved matter in paragraph 20 of Schedule 3 to the Northern Ireland Act 1998 is engaged. The enabling powers in Clause 1 of the Bill will allow the Secretary of State, Scottish and Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (DAERA) to make regulations for England, Scotland, Wales and Northern Ireland respectively. Where DAERA makes regulations, consent of the Secretary of State may be necessary. In order to provide for effective collaboration, the Bill will also enable the Secretary of State to make regulations which extend and apply to Scotland, Wales and Northern Ireland where the Devolved Administrations give their consent. These measures will not apply to domestic movements, including those between Northern Ireland and Great Britain.
20. See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions.

Commentary on provisions of Bill

Clause 1: Regulations about bringing dogs, cats and ferrets into the United Kingdom

21. Subsection (1) enables the appropriate national authority (the Secretary of State, Scottish Ministers, Welsh Ministers or DAERA) to make regulations about bringing dogs, cats or ferrets into the United Kingdom, to promote their welfare.
22. Subsection (2) sets out matters which regulations made under subsection (1) may cover, including prohibiting or restricting the bringing into the United Kingdom of dogs, cats or ferrets, making exemptions to any prohibitions, the issue of permits and provision around enforcement.
23. Subsections (3) and (4) ensure that the first regulations made in each of England, Scotland and Wales under subsection (1) in relation to dogs or cats must prohibit the bringing into that part of the United Kingdom dogs or cats where they are below the age of 6 months, more than 42 days pregnant, or have been subject to non-exempted mutilations (cropped ears, docked tails or declawed). Subsection (9) sets out the definition of “mutilation”.

24. Subsection (5) states that any subsequent regulations lifting a prohibition imposed by subsections (3) or (4) cannot be introduced without the Secretary of State, the Scottish Ministers or the Welsh Ministers first carrying out a consultation.
25. Subsection (6) enables the appropriate national authority to make regulations about dogs, cats or ferrets that are brought into the United Kingdom and seized or detained for contravention of any legislation concerning the welfare or health of dogs, cats or ferrets being brought into the United Kingdom. Under subsection (7) this could include provision about meeting the costs of detaining a dog, cat or ferret or transferring ownership of any dog, cat or ferret.
26. Subsection (8) enables the appropriate national authority to make regulations imposing monetary penalties for contraventions of legislation concerning the welfare or health of dogs, cats or ferrets being brought into the United Kingdom.

Clause 2: Regulations under section 1: supplementary.

27. Subsection (1) contains a non-exhaustive list of provisions that may be included in the regulations, including the conferral of functions on specified persons, the conferral of powers of entry, inspection, search, seizure or detention, revocation of licences or other approvals and the creation of new criminal offences. Subsection (1)(h) provides that the regulations may include provision amending primary legislation, including provision made by Clauses 4 to 6.
28. Subsection (2) sets out limits on the powers of entry which may be conferred by the regulations. Subsections (3) and (4) limit the power to create new criminal offences by setting the maximum penalties that may be included in the regulations.

Clause 3: Meaning of “appropriate national authority” and related provision

29. Subsection (1) defines who the appropriate national authority is in respect of England, Scotland, Wales and Northern Ireland, i.e. the Secretary of State and, provided they have legislative competence, the Scottish Ministers, Welsh Ministers or DAERA.
30. Subsection (2) sets out circumstances in which DAERA must obtain consent from the Secretary of State to make regulations under Clause 1.
31. Subsection (3) allows the Secretary of State to make regulations under Clause 1 that could otherwise be made by the Scottish Ministers, the Welsh Ministers or DAERA, as appropriate, providing the relevant Devolved Administration gives their consent. Subsection (4) clarifies that DAERA’s consent would not be needed if the provision would require the Secretary of State’s consent under subsection (2).
32. The Bill creates powers that are exercisable concurrently by the Secretary of State and the Welsh Ministers. Restrictions in Schedule 7B to the Government of Wales Act 2006 prevent the Senedd from removing a Minister of the Crown function that is exercised concurrently or jointly with the Welsh Ministers without the consent of the UK Government. Subsections (5) to (8) disapply the relevant restrictions in respect of the concurrent powers in this Bill by adding the Animal Welfare (Import of Dogs, Cats and Ferrets) Act 2024 to the lists of enactments in

paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B. This will allow the Senedd to alter the concurrent arrangements relating to devolved matters without needing the UK Government's consent.

Clause 4: Disapplication of non-commercial rules in certain cases

33. This clause amends Regulation (EU) No 576/2013 to provide that the rules applicable to non-commercial movements of dogs, cats and ferrets into Great Britain do not apply in certain situations.
34. Subsections (2) and (3) make consequential amendments to Regulation (EU) No 576/2013 to support the amendments being made by subsections (4) and (5).
35. Subsection (4) inserts new paragraphs 1 and 1A into Article 5 of Regulation (EU) No 576/2013 which provide that a movement of dogs, cats or ferrets into Great Britain is not non-commercial where there are more than five such animals in total per motor vehicle or three in total per foot passenger.
36. Subsection (5) inserts a new Article 5A into Regulation (EU) No 576/2013 which provides that a movement of dogs, cats or ferrets into Great Britain is not non-commercial unless the animal is either accompanied by its owner or accompanied by a person authorised by the owner and the owner has entered or is expected to enter Great Britain within five days of the movement of the animal. In such circumstances, the authorised person must provide evidence of when the owner's movement has occurred or will occur.
37. Subsection (6) makes amendments to Regulation (EU) No 576/2013 to ensure that only an owner (and not an authorised person) can sign a declaration that a movement is non-commercial.

Clause 5: Corresponding application of commercial rules

38. Subsections (1), (2) and (3) make amendments consequential on the provision made in Clause 4 to secondary legislation in England, Scotland and Wales which applies to commercial imports of dogs, cats and ferrets.

Clause 6: Consequential provision

39. Subsection (1) makes amendments consequential on the provision made by Clause 4(6) to Commission Implementing Regulation No 577/2013.
40. Subsection (2) makes amendments to Regulation (EU) No 2017/625 which are clarificatory and consequential on the provision made by Clause 4.
41. Subsection (3) provides the Secretary of State with a regulation-making power to make provision consequential on any provisions in Clauses 4 or 5

Clause 7: Regulations

42. Subsection (1) provides that regulations made under the Bill may make different provision for different purposes, and consequential provision.

43. Subsections (2) to (9) set out the procedures for making regulations in the UK Parliament and in the devolved legislatures.

Clause 8: Extent, commencement and short title

44. Subsection (1) sets out the territorial extent of the Bill (see also Annex 1) and when each section of the Bill will come into force.
45. Subsection (2) sets out that the short title of the Bill will be the Animal Welfare (Import of Dogs, Cats and Ferrets) Act 2024.

Commencement

46. Clause 8 provides that Clauses 1, 2, 3, 7 and 8 will come into force on Royal Assent and Clauses 4, 5 and 6 will come into force 6 months after Royal Assent.

Parliamentary approval for financial costs or for charges imposed

47. The Bill will require a money resolution. A money resolution is required where a Bill authorises new charges on the public revenue – broadly speaking, new public expenditure. Regulations made under Clause 1(1) and (6) may give rise to new public expenditure (for instance, enforcement costs associated with new requirements or prohibitions imposed by the regulations). There are also likely to be enforcement costs associated with the amendments made by Clauses 4 and 5. The Bill will not require a ways and means resolution.

Financial implications of the Bill

48. Where possible, regulatory costs to delivery bodies (Local Authorities in particular) will be recovered via fees to end users. A New Burdens Assessment and further engagement with Local Authorities on financial impacts will be carried out as part of Secondary Legislation development.

Compatibility with the European Convention on Human Rights

49. The Government has examined the compatibility of the provisions of the Bill with the European Convention on Human Rights and considers that the provisions of the Bill are compatible with the Convention rights.

Statement under section 20 of the Environment Act 2021

50. The Government does not consider that the Bill contains provisions which, if enacted, would be environmental law, or would have the effect of reducing the level of environmental protection provided for by any existing environmental law.

Related documents

51. The following documents are relevant to the Bill and can be read at the stated locations:

- [Our Action Plan for Animal Welfare](#), May 2021.
- Defra consultation: [Commercial and non-commercial movements of pets into Great Britain](#), August 2021

Annex A - Territorial extent and application in the United Kingdom

The table below summarises the position regarding territorial extent and application in the United Kingdom.

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clauses 1, 2, 3, 7 and 8	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Clauses 4, 5 and 6	Yes	Yes	Yes	Yes	Yes	No	N/A

Subject matter and legislative competence of devolved legislatures

There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.

To the extent that the subject matter of the Bill falls within the legislative competence of the Scottish Parliament, Senedd Cymru and Northern Ireland Assembly, the legislative consent procedure would be appropriate.

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