

Animal Welfare (Service Animals) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food and Rural Affairs with the consent of Viscount Trenchard, the member in charge of the Bill, are published separately as HL Bill 159 – EN.

Animal Welfare (Service Animals) Bill

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TO

Amend the Animal Welfare Act 2006 in relation to service animals.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Harming a service animal

- (1) The Animal Welfare Act 2006 is amended as follows.
- (2) In section 4 (offence of causing unnecessary suffering to a protected animal), after subsection (3) insert—
- “(3A) In determining for the purposes of subsection (1) whether suffering is unnecessary in a case where it was caused by conduct for a purpose mentioned in subsection (3)(c)(ii), the fact that the conduct was for that purpose is to be disregarded if—
- 5
- (a) the animal was under the control of a relevant officer at the time of the conduct, 10
- (b) it was being used by that officer at that time, in the course of the officer’s duties, in a way that was reasonable in all the circumstances, and
- (c) that officer is not the defendant.
- (3B) In subsection (3A) “relevant officer” means— 15
- (a) a constable;
- (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
- (c) a prisoner custody officer within the meaning of Part 4 of the Criminal Justice Act 1991. 20
- (3C) The Secretary of State may by regulations amend subsection (3B).
Only a person in the public service of the Crown may be specified in subsection (3B) by virtue of regulations under this subsection.”

- (3) In section 61(2) (regulations subject to affirmative resolution procedure), after “section 1(3),” insert “4(3C),”.

2 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed. 5
- (3) This Act may be cited as the Animal Welfare (Service Animals) Act 2019.

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