

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ANIMAL WELFARE (KEPT ANIMALS) BILL

Fifth Sitting

Thursday 18 November 2021

(Morning)

CONTENTS

CLAUSE 47 agreed to.
SCHEDULE 5 agreed to.
CLAUSE 48 agreed to, with an amendment.
CLAUSE 49 disagreed to.
CLAUSES 50 TO 53 agreed to, some with amendments.
New clauses considered.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 22 November 2021

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The Committee consisted of the following Members:

Chairs: † GERAIN T DAVIES, ESTHER McVEY

† Begum, Apsana (*Poplar and Limehouse*) (Lab)

† Blake, Olivia (*Sheffield, Hallam*) (Lab)

† Daly, James (*Bury North*) (Con)

Doogan, Dave (*Angus*) (SNP)

† Evans, Dr Luke (*Bosworth*) (Con)

† Glindon, Mary (*North Tyneside*) (Lab)

† Grundy, James (*Leigh*) (Con)

† Hudson, Dr Neil (*Penrith and The Border*) (Con)

† Johnson, Kim (*Liverpool, Riverside*) (Lab)

† Lake, Ben (*Ceredigion*) (PC)

† Mackrory, Cheryl yn (*Truro and Falmouth*) (Con)

† Moore, Robbie (*Keighley*) (Con)

† Nici, Lia (*Great Grimsby*) (Con)

† Prentis, Victoria (*Minister of State, Department for Environment, Food and Rural Affairs*)

† Saxby, Selaine (*North Devon*) (Con)

† Wheeler, Mrs Heather (*South Derbyshire*) (Con)

† Zeichner, Daniel (*Cambridge*) (Lab)

Sarah Thatcher, Abi Samuels, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Thursday 18 November 2021

(Morning)

[GERAINT DAVIES *in the Chair*]

Animal Welfare (Kept Animals) Bill

11.30 am

The Chair: We have had an emergency membership substitution this morning, allowable in narrow circumstances in accordance with the resolution of the Committee at selection, with Jane Stevenson being discharged and Lia Nici being appointed to the Committee.

I remind Members that they are expected to wear masks when they are not speaking. This is in line with current Government guidance and that of the House of Commons Commissions. Please also give each other and members of staff space when seated, and when entering and leaving the room. *Hansard* colleagues would be grateful if Members would email their speaking notes to hansardnotes@parliament.uk.

Clause 47

Zoos

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Amendment 84, in schedule 5, page 44, line 12, leave out from “to” to “education” and insert

“a broad range of conservation activities (including species recovery work both in situ and ex situ,”.

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.

Amendment 119, in schedule 5, page 44, line 14, leave out lines 15 and 16.

This amendment would remove a provision that would allow different standards to be applied to different descriptions of zoos.

Amendment 122, in schedule 5, page 44, line 15, at beginning insert—

“(1A) Standards relating to conservation may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”

This amendment would require standards relating to conservation to be laid before and approved by a resolution of each House of Parliament.

Amendment 83, in schedule 5, page 44, line 16, 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.

(4) The Secretary of State must lay a copy of the standards of modern zoo practice before Parliament.”

This amendment seeks to ensure that the Secretary of State’s standards for modern zoo practice 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.

Amendment 121, in schedule 5, page 44, line 16, at end insert—

“(3) The standards of modern zoo practice must define “conservation” for the purposes of the standards and, in drawing up that definition, the Secretary of State must consult the Zoos Expert Committee and publish its advice.”

Amendment 120, in schedule 5, page 45, line 15, leave out “a specialist” and insert “an expert”.

That schedule 5 be the Fifth schedule to the Bill.

The Minister of State, Department for Environment, Food and Rural Affairs (Victoria Prentis): It is a pleasure to be here again, Mr Davies. I am going to speak once on zoos, unless I need to answer anything specific: there is a lot to get through, and it is quite technical.

There are over 300 licensed zoos in England. A zoo is not just the classic setting that we might think of: it is an establishment where wild animals are kept for exhibition to the public for more than seven days a year. This can be a range of different settings, such as a traditional zoo, a park, a farm park, an aquarium, or a bird of prey centre. All zoos are subject to the Zoo Licensing Act 1981. Most of the licensing requirements are set out in the standards of modern zoo practice. As part of their licensing conditions, all zoos are required to carry out conservation, education and research. Some of our zoos do incredibly valuable work in those areas, but others, frankly, should do more. The changes set out in this Bill should help to deliver that.

The current conservation requirements in the Zoo Licensing Act were introduced in 2002, and have not been updated since. They have been criticised as being on the weak side. All other standards for the management of zoos and the animals within them are set via the standards created by section 9 of that Act. This Bill makes changes to move the conservation requirements out of the Act and into the zoo standards.

Turning now to the Zoos Expert Committee and amendments 83 and 121, I reassure the Committee that ZEC already plays a significant part in the drafting of the new zoo standards, and has been involved very much in the production of that new document. ZEC is an expert committee of the Department for Environment, Food and Rural Affairs and the Scottish, Northern Irish and Welsh Governments. DEFRA and ZEC are currently in the process of updating the full package of zoo standards, which will be put out to consultation by the end of this year. That process has involved the full spectrum of zoo industry specialists. We therefore do not feel that amendments 83 and 121 take us any further.

When it comes to defining conservation, as is done in amendments 84 and 121, we feel that conservation should take its normal meaning, which of course will include both in situ and ex situ breeding programmes involving endangered species. One of the reasons why we have not defined conservation is that its meaning has changed over time, and we want any new zoo standards drafted by the ZECs of the future, with input from the

zoo sector, to continue to reflect the latest best practice on consultation, so we are trying to future-proof this legislation.

We do not feel that the amendments dealing with ZEC transparency need to be in legislation. However, we have acknowledged the purpose behind some of these amendments, which is that the work of ZEC should be more transparent. In order to deal with that issue, we have recently provided ZEC with its own online presence on gov.uk, and that website is where we will put reports from ZEC and, where appropriate, responses from the Secretary of State. We believe that the process we have put in place—standards are drafted by the expert advisory committee, then put online to be transparent—means that the parliamentary scrutiny suggested would not add much in this area. We therefore do not believe that it is necessary.

The zoo standards are detailed technical standards that set out what is required of zoos. They are drafted by ZEC, which is made up of vets, inspectors, animal welfare experts and zoo operators, who all have detailed knowledge of the zoo sector. The same welfare standards will apply equally to all specimens of a species, regardless of the size of the zoo in which they are kept, so the provision for different standards for different types of zoos is aimed only at the new standards relating to conservation, education and research.

I understand the concerns—I will pre-empt them—about how the term “specialist” may have a separate meaning in the veterinary profession. I do not know whether my hon. Friend the Member for Penrith and The Border was going to mention that, but we have heard him mention it before. However, we are satisfied that the term “specialist” will be commonly understood to mean a person trained in a particular branch of a subject.

Dr Neil Hudson (Penrith and The Border) (Con)
rose—

The Chair: Dr Neil Hudson, specialist.

Dr Hudson: I am eternally grateful to my hon. Friend the Minister for giving way, and I welcome her comments. We could add to the Bill the term “competence” or “experience” in the relevant species, in accordance with the Royal College of Veterinary Surgeons’ guidance. For any vet who deals with animals, there are separate guidelines within the Royal College guidance that talk about what they should be dealing with as a veterinarian. If we added Royal College guidance, that would help.

Victoria Prentis: I thank my hon. Friend for his intervention. I know that he feels very strongly about this issue, but I reassure him that we have tried to use the normally understood meaning of the word “specialist”.

Schedule 5 makes various amendments to the Zoo Licensing Act 1981. Some of the amendments are technical in nature—for example, including the Council of the Isles of Scilly, which for some reason was not included before. I really have no idea why that was the case. Schedule 5 also removes circuses, because that reference is now obsolete following the passing of other legislation, and increases the available penalties. Importantly, schedule 5 amends the 1981 Act to ensure that each zoo will have a condition on its licence that it must meet the standards specified under section 9 of the Act. Currently, local authorities must only “have regard to” the standards

produced under section 9. We think this change will make the standards easier to follow and enforce. On that basis, I hope the hon. Member for Cambridge will not press his amendments to a Division.

Daniel Zeichner (Cambridge) (Lab): This is a short clause, but it is complicated, as the Minister said. I am grateful to her for her introduction, and she has clarified one or two points that I still want to pursue. I will start with amendments 121 and 122, which have been tabled in my name and that of my hon. Friends, but I also want to speak to amendments 83 and 84 and new clause 4, which were tabled by my hon. Friend the Member for Rotherham (Sarah Champion) and the hon. Member for Romford (Andrew Rosindell), both of whom spoke on these issues on Second Reading. I am sure the Minister was listening closely, as she always does, to the Second Reading debate, in which considerable concern and interest, and some unease, was expressed by Members of different parties about some of the proposals.

Despite the Minister’s reassurances, our amendments seek to ensure that there is greater oversight of the Government’s zoo advisory body, the Zoo Expert Committee, and the process for setting future conservation standards. Amendment 83 would make a full consultation with appropriate stakeholders on any future standards changes not just a matter of best practice, but a requirement. We will probably labour this point a bit: it is not that we do not trust the Government, but who knows what future Governments will do? We think that is an important point, as others have expressed, and it should not be left to discretion; it should absolutely be a requirement.

As the Minister has set out, the Government are making promises, and although we have no reason to disbelieve them, we want the legislation strengthened. There is no statutory requirement on future Ministers to consult on further updates. The role of the Zoos Expert Committee is a dilemma, frankly, because we have had cause for concern in other areas when reports from expert committees have not necessarily always been published. That is why people are pressing for a stronger system. We think it important not only that there is a consultation, but that everything is done transparently. The Bill does not currently provide for a statutory requirement on future Ministers to involve the Zoos Expert Committee as part of any review of the conservation standards, or to formally respond to that committee’s guidance.

Amendment 83 would ensure that any advice provided by the Zoos Expert Committee, and the response by Ministers, is transparent and open to the public. I have heard what has been said about a website, but I am afraid we have seen examples of that not working—they are almost always controversial cases, quite frankly, and those are the ones that people are interested in. If that transparency is good enough for the Animal Welfare (Sentience) Bill, which is coming our way soon, it is good enough for this Bill, so we think that the amendment makes a reasonable demand. Amendment 121 puts it slightly differently but also requires the Secretary of State to consult the Zoos Expert Committee and to publish its advice.

Amendment 84 deals with the vexed issue of conservation. The Minister is right that the understanding of the term “conservation” has changed. I am grateful

[Daniel Zeichner]

to both Chester Zoo and the British and Irish Association of Zoos and Aquariums for their advice. Both have expressed concern about the need for the Bill to provide a clear definition of “conservation”, because they fear that future definitions may not fully capture the breadth of the work done by zoos. I am told that zoos globally contribute more than \$350 million annually to species conservation programmes in the wild, making them the world’s third-largest funder of species conservation after the World Wide Fund for Nature and the Nature Conservancy.

I am also told that UK zoos contribute 10% of that global zoo total, so we are making a big contribution. Most of that funding comes from the large charitable zoos, which I am told receive no direct public subsidy, and generate the surpluses for conservation through visitor revenue. They support more than 800 projects in 105 countries, providing direct conservation action for 488 species of animals and plants. They believe it important that the Government’s definition of zoo conservation accurately reflects the wide range of work.

Amendment 84 would ensure that the Bill recognises “a broad range of conservation activities”

and that, alongside education and research, it explicitly includes “species recovery work”, both in situ and ex situ. Although in situ species reintroduction and overseas field projects, for example, are vital to zoo conservation efforts, they alone do not fully capture the extent of the work that takes place or the impact that zoos have. To put it simply, that excellent work cannot be achieved without a lot of back-up within the zoos themselves, including the world-class care by keepers, the feed, the bedding, the veterinary attention, the facilities, the scientific development and the carefully planned and co-ordinated breeding plans. I perhaps got slightly confused by “ex situ” and “in situ”, but basically, the ex situ work is an essential component of a holistic planned approach to species recovery.

Amendment 84 would ensure a broad understanding of zoo conservation, and that the standards accurately reflect the different ways in which zoos achieve conservation impacts, helping to ensure the continuation of the vital work that zoos undertake in support of international conservation efforts. Put together, the amendments would ensure parliamentary scrutiny of future changes to conservation standards. We think that is important because, despite the Government’s decision to take the standards out of primary legislation, those standards are to become a core part of the zoo licensing and conservation requirements, so we believe that there should be democratic oversight of them.

I listened closely to what the Minister said about amendment 119 and I was reassured by what she said. It is a technical point and it depends how the draft Bill is read. We are concerned that different standards of animal welfare might be applied to “different descriptions of zoo.” The Minister made it clear that is not what is meant.

11.45 am

However, on page 44, paragraph 9 of schedule 5 of the Bill—I am glad to see Members are following carefully—it is not entirely clear to me to what draft subclause 2 in paragraph 9(4), which is about different

standards, is intended to apply. It could be read as applying only to the standards set out in paragraph 9(3)(b), but I think the Minister confirmed that it applied to both paragraphs 9(3)(a) and 9(3)(b). In that case we are satisfied, which I will take as a victory.

Victoria Prentis: Oh good—please do.

Daniel Zeichner: No, please don’t, because obviously that would upset the Whip and then it would have to be changed.

Finally, we come to amendment 120, which I really hoped was going to be a final victory and was written with guidance from the British Veterinary Association. We have discussed the amendment and the hon. Member for Penrith and The Border put things very well, although I wait to see whether his helpful suggestion about amending it further will be well received or not. The issue is around “specialist” and “expert”. We cannot see why the Government cannot just change that word, so, Mr Davies, we will press this amendment to a vote.

Dr Hudson: Again, we are coming back to this issue of specialist competency and expertise. As a new Member of Parliament, I am new to the system but I wish to put on record the frustrations with how we are drafting law. Obviously, we cannot change hundreds of years of history relating to how we do it, but it is very frustrating to have amendments from both sides of the House—from Government and Opposition—when if there were consultation with members of the Bill Committee, in a similar way that Select Committee members agree the final wording of a report, I am sure we could nail all the different issues and agree a sensible form of wording. When amendments are tabled and there has not been any discussion about them, then those amendments may pass or fail depending on the wording. If an amendment is incorrectly worded, then we cannot support it. If we could get together, consult and agree on wording, then we would pass better law.

Daniel Zeichner: That is a very sensible suggestion. I fear we are not quite in that world yet, although it is miraculous how things, as they go through, can sometimes change. I reassure the hon. Gentleman that the message has been heard on this side, but we will still press the amendment to a vote. One never knows—we might even win. On that basis, I do not wish to pursue any of the other amendments.

Dr Luke Evans (Bosworth) (Con): It is a pleasure to speak under your chairmanship, Mr Davies. I declare an interest as I am a member of the zoos and aquariums all-party parliamentary group and I have Twycross zoo in my patch, in regard to which I have spent a lot of time and effort.

I was intrigued to hear my hon. Friend the Minister’s comments at the start. Would she be kind enough to expand a little further? As put across by the Opposition, there is some concern about the definition of conservation. I was pleased to hear that it will be kept broad, fluid and future proof, because I think that is important. I am

also pleased to hear that there is more transparency with regards to ZEC and that opening up. That will go a long way to alleviate concerns that may be there.

It is fair to say there is a rift within the zoo community and the wider conservation community about where things should and should not be kept, and how they should be looked after, so there is wide agreement that the welfare aspect of the Bill is important. The reason there is an interest in the definition of conservation is around the question of what is deemed to be conservation. Are zoos arks? Are they exhibits? Should they have no place at all? That is one of the threats that the zoo community may be feeling.

I have no truck with zoos with low standards. They should not exist and the Bill provides legislation to drive up those standards, which is well founded. However, if the definition of conservation is too narrow and not all encompassing, there is concern for purely monetary reasons because of positions with turnover and with money being given out just to specific areas. As Twycross zoo has recently got £19.9 million in the levelling-up fund for an education, science and conservation centre, the hope is that we will have a regional and national centre of excellence training the top-level conservationists of the future. That is obviously something very good for us locally, regionally, nationally and internationally, and it needs to be recognised for the work it will contribute to saving species in the future.

I was pleased to hear that the Minister can confirm that species recovery, both in situ and ex situ, can be included—I think it was hinted at. I was also pleased that the Minister will take away the fact that such consideration must be out there; getting that information out to the broader zoo and conservation community may help relieve a lot of the angst that is felt.

The Chair: The Minister is in listening mode and is going to respond now.

Victoria Prentis: I would like to thank my hon. Friend the Member for Bosworth—and for Twycross zoo, if I may put it that way—for his intervention. I am thrilled about the recent grant from the levelling-up fund. I know that Twycross is going to do important work to study the four great apes and over a hundred endangered species in this new, purpose-built unit. As I said earlier, it is important that both in situ and ex situ are covered by the new standards, and I reassure the Committee that we will work with zoos to ensure that the new conservation standards are appropriate and achievable. All zoos will be consulted on the new standards, including the new conservation standards, and we will assess their likely impact before deciding how long zoos will have to bring in those standards. The new standards will also seek to reflect the size of the zoo, because larger zoos are likely to be expected to do more in the conservation space. As my hon. Friend said, there will be no difference in welfare.

Question put and agreed to.

Clause 47 accordingly ordered to stand part of the Bill.

Amendment proposed: 120, in schedule 5, page 45, line 15, leave out “a specialist” and insert “an expert”.—(*Daniel Zeichner.*)

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 9]

AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glindon, Mary	Zeichner, Daniel

NOES

Daly, James	Nici, Lia
Evans, Dr Luke	Prentis, Victoria
Hudson, Dr Neil	Saxby, Selaine
Mackrory, Cherylyn	Wheeler, Mrs Heather
Moore, Robbie	

Question accordingly negated.

Schedule 5 agreed to.

Clause 48

MEANING OF “APPROPRIATE NATIONAL AUTHORITY” AND “ENACTMENT”

Victoria Prentis: I beg to move amendment 54, in clause 48, page 31, line 6, leave out from “authority” to end of line 15 and insert

“, in relation to a power to make provision, means—

- the Secretary of State;
- the Scottish Ministers, so far as the provision would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament;
- the Welsh Ministers, so far as the provision would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.

(2A) But the Secretary of State may make regulations under section 43 or 46 only with—

- the consent of the Scottish Ministers, if the regulations contain provision that could be made under that section by the Scottish Ministers;
- the consent of the Welsh Ministers, if the regulations contain provision that could be made under that section by the Welsh Ministers.”

This amendment amends the definition of “appropriate national authority” to provide that the devolved authorities’ powers are limited by reference to devolved legislative competence.

The Chair: With this it will be convenient to discuss the following:

Government amendments 57, 61, 63, 64, 69 and 70.

Government new clause 2—*Concurrent functions in Wales.*

Victoria Prentis: The amendments in this group are technical and concerned with the way in which Scottish and Welsh Ministers may make regulations under the Bill. Amendment 54 amends clause 48 to ensure that the powers to make regulations under part 4 are consistent with devolution arrangements. Amendment 57 amends clause 50 and provides Scottish and Welsh Ministers with powers to amend other legislation where there are consequential changes.

Amendment 61 amends clause 51 and removes a reference to clause 49. Amendments 63 and 64 also amend clause 51 to provide for the commencement of

[Victoria Prentis]

new clause 2, which will come into force two months following Royal Assent. Amendments 69 and 70 amend clause 52 to confirm that the territorial extent on the amendments to the Government of Wales Act 2006 is the same as for that Act.

Amendment 54 agreed to.

Clause 48, as amended, ordered to stand part of the Bill.

Clause 49

REGULATIONS UNDER PART 3

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: This clause is no longer necessary as it has been replaced by new clause 3, which brings all the regulation-making powers in the Bill into a single new clause. I ask the Committee to agree that clause 49 does not stand part of the Bill.

Clause 49 disagreed to.

Clause 50

POWER TO MAKE CONSEQUENTIAL PROVISION

Amendments made: 56, in clause 50, page 32, line 8, leave out “made by statutory instrument”.

This amendment (together with Amendment 58) removes provision about regulations under this clause with a view to provision about regulations being made by a new clause.

Amendment 57, in clause 50, page 32, line 9, at end insert—

“(1A) The Scottish Ministers may by regulations make provision that is consequential on any provision of Part 3 as it extends to Scotland.

(1B) The Welsh Ministers may by regulations make provision that is consequential on any provision of Part 1 or 3 as it applies in relation to Wales.

(1C) But—

(a) provision may be made under subsection (1A) only if it would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament;

(b) provision may be made under subsection (1B) only if it would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd.”

This amendment confers powers to make consequential provision on the Scottish Ministers and the Welsh Ministers.

Amendment 58, in clause 50, page 32, leave out lines 14 to 24.—(Victoria Prentis.)

This amendment removes provision about regulations under this clause with a view to provision about regulations being made by a new clause.

Victoria Prentis: Clause 50 provides a general power for the Secretary of State to make any necessary changes to legislation that are consequential on any provisions included in the Bill.

Question put and agreed to.

Clause 50, as amended, accordingly ordered to stand part of the Bill.

Clause 51

COMMENCEMENT

Amendments made: 59, in clause 51, page 32, line 29, at end insert—

“(A1) Part 1 comes into force—

(a) in relation to England, on such day as the Secretary of State may by regulations appoint;

(b) in relation to Wales, on such day as the Welsh Ministers may by regulations appoint.”

This amendment, which is consequential on the amendments of Part 1 that result in that Part applying to Wales, confers on the Welsh Ministers the power to commence Part 1 in relation to Wales.

Amendment 60, in clause 51, page 32, line 30, leave out “Parts 1 and 2 come” and insert “Part 2 comes”.

This amendment is consequential on Amendment 59.

Amendment 61, in clause 51, page 32, line 35, leave out “, 48 and 49” and insert “and 48”.—(Victoria Prentis.)

This amendment is consequential on Amendment 55.

Victoria Prentis: I beg to move amendment 62, in clause 51, page 32, line 36, at end insert—

“() section (Animal Welfare Act 2006: minor amendments) comes into force on such day as the appropriate national authority may by regulations appoint;”

This amendment provides for the new clause containing minor amendments of the Animal Welfare Act 2006 to be commenced by regulations.

The Chair: With this it will be convenient to discuss the following:

Government amendment 68.

Government new clause 1—*Animal Welfare Act 2006: minor amendments.*

Victoria Prentis: The amendments and the new clause ensure that the time limits for prosecuting offences set out in the Animal Welfare Act 2006 also apply to regulations that are made under the Act. Doubt was thrown on this position by a recent administrative court decision. It is important that we make the changes proposed, to enable prosecutors long enough to gather detailed evidence in animal welfare cases.

Amendment 62 agreed to.

12 noon

Victoria Prentis: I beg to move amendment 85, in clause 51, page 32, line 36, at end insert—

“() sections (Taking of dog without lawful authority etc) and (Power to extend section (Taking of dog without lawful authority etc)) come into force on such day as the Secretary of State may by regulations appoint;”

This amendment provides for NC5 and NC6 to be commenced by regulations.

The Chair: With this it will be convenient to discuss the following:

Government amendment 86.

Government new clause 5—*Taking of dog without lawful authority etc.*

Government new clause 6—*Power to extend section (Taking of dog without lawful authority etc).*

Victoria Prentis: The theft of a pet is devastating. We all know that pet sales increased during the pandemic, as we were all at home and felt that we would like to share our homes with various furry friends. As a consequence, the price of puppies and kittens rose, which is thought to have triggered a rise in the abhorrent crime of pet theft. In May this year, the Government launched the pet theft taskforce. It was asked to gather evidence and make representations, and I thank its members for their speedy work—they produced a report in September. I also thank my right hon. and learned Friend the Member for South Swindon (Robert Buckland) for chairing the taskforce and for his continued interest in this area.

In brief, the taskforce found that there is a growing feeling among the public that the current laws do not sufficiently recognise the difference between pets and inanimate objects. The taskforce therefore recommended the creation of a new offence of pet abduction, 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. To start with, the new offence will apply to dogs—that is a recommendation from the taskforce. The reason is that seven of 10 animal thefts are thefts of dogs, and most of the evidence on the effect on animals is concentrated on dogs at the moment. However—you have heard me talk about cattism before, Mr Davies—we need to continue to gather evidence on other species, so we are taking a power to extend the offence to other common pet species in the future. The new offence has penalties that mirror those in the Animal Welfare Act 2006, with a maximum penalty of five years in prison.

Daniel Zeichner: Well, here is a surprise: pet theft through the back door. We have been calling for it for ages, and we are absolutely supportive of it, but what a way to do it on such a significant issue. The amendment was tabled on Friday, after the evidence session, and there is no Library briefing. Of course, the amendment, as drafted, is not actually about pet theft; it is about dog theft. It may reasonably be asked why it does not apply to cats. I understand the additional power. The Minister denied cattism the other day, but I feel that the charge will continue to be levelled.

This is such last-minute stuff. I notice the Department managed to get its press briefing out, although it muddled pet theft and dog theft throughout. That is my gripe with the amendment: this is a really important issue that has been added to the Bill very late in the day, which means that we do not have the opportunity to scrutinise it in the way that we would have liked. We had relevant witnesses at the evidence session last week, and we did not ask them about it. I could not help noticing that, unusually, the Minister's speech was handwritten. Goodness me! This is so typical of the Government at the moment. What a mess.

There is a problem with this. If we do it in a rush, we will get it wrong. We have seen it before with dogs, so can we repeat the same mistake again? There are a number of unanswered questions, particularly on the concept of lawful control and complicated questions of ownership. One can immediately see that the connected person test could easily be problematic. There are many multi-person households in this country, and there are millions of people living together who are not in civil

partnerships. Many are reconstituted or blended families. Perhaps Government Members have not noticed what the modern world is like—or perhaps they have. In a domestic row, for example, one person goes off with the dog or cat—they consider it theirs—and the other gets the police involved for a claim of pet theft, which carries a five-year prison sentence. The connected person test really needs to be looked at properly, not just brought to a Bill Committee late in the day. I am sure that it will be subject to further scrutiny elsewhere, but this is no way to do it.

New clause 6 states that the Secretary of State may exercise the power under subsection (1) if there is evidence that

“removing an animal of that species from a person with whom it has formed a bond may adversely affect its wellbeing.”

How is that test to be assessed? Who is the judge? Does a snake get sad when it is parted from its keeper? I do not know, but we ought to find a way of finding out before we pass this legislation. Maybe this should have been done in the right sequence, starting with the Animal Welfare (Sentience) Bill. But, as ever with this Government, it is all about a rush to get a headline—it could have been drafted by the Prime Minister.

To be helpful, I direct the Minister's attention to the Police, Crime, Sentencing and Courts Bill, to which Labour tabled amendments last November to deal with pet theft. Again, amendments were tabled on Report, in July this year, and not just by the Labour Front Bench but by a cross-party group of esteemed parliamentarians, including many senior Government Members. The Government opposed all those amendments.

I find myself in some difficulty this morning, because although we absolutely want the legislation on the statute book, we do not want rushed legislation that leads to unintended consequences. I have some sympathy with the Minister, as I suspect that she is embarrassed about it, but that is the problem we have. We will not oppose the new clause, but we think that the provisions need to be looked at much more carefully. Otherwise, we will find ourselves in the same kind of situation as with the Dangerous Dogs Act 1991.

The Chair: Don't slip into prime ministerial sentience! I call Dr Neil Hudson.

Dr Hudson: Thank you, Mr Davies. I rise to welcome Government action on pet theft. In response to the hon. Member for Cambridge, I noted those amendments to the Police, Crime, Sentencing and Courts Bill a few months ago, and the reason why many of us on the Government side voted against them was not because we were against pet theft law being strengthened, but because we were given assurances by the then Justice Secretary, my right hon. and learned Friend the Member for South Swindon (Robert Buckland), who has been mentioned, that pet theft would be addressed in law. I am so pleased, as a veterinary surgeon and a parliamentarian, that we are now at the stage of recognising and passing pet theft into law.

I welcome that the Opposition will not oppose the new clause. I very much agree with the hon. Member for Cambridge that the new clause has been tabled at very short notice, and I feel that the Government can work with the Opposition, with Committee members, and

[Dr Hudson]

with Members on both sides of the House, to ensure that we get the legislation right. We have to get the wording right so that we can stamp out the abhorrent crime of pet theft.

I have called for some time for the legislation, once introduced, to be expanded to include other species. I welcome the Government's acknowledgment of those calls and their attempts to address them with new clause 6, but I share the hon. Gentleman's concerns. As it is worded, the new clause is incredibly complicated, incredibly confusing and subject to much misinterpretation. I urge the Government to look closely at the definitions in the new clause, which are not suitable.

The Government are moving forward on animal welfare. The Animal Welfare (Sentience) Bill has been introduced, and will recognise that animals are fully sentient beings—the theft of animals is distressing for both the animals and their owners. Cats are being stolen as we speak, and should be included. I am keen, though, for the provisions to be expanded beyond pets.

I welcome the fact that we are expanding the measures to other species, but they should not apply only to pets. Should we be talking about “companion animals”, rather than pets? What about farm animals? When a farmer in Cumbria has 20 sheep stolen—a not uncommon occurrence—it is incredibly distressing for that farmer. I urge the Government to look closely at expanding the measures to include all animals: farm animals, horses, ponies. What about the Vietnamese pot-bellied pig that someone keeps in the back of their garden? What about someone who keeps a sheep to help them keep the lawn down—is that a pet or a farm animal? This is where we will end up going due to the complexities of the Bill.

I fear that if the Government do not change new clause 6, we will have some form of George Orwellian “Animal Farm” interpretation of how important some animals are compared to others. I urge the Government to not let us go into that. These animals are being stolen now—farm animals, horses, cats, dogs—so we need to act now. I welcome what the Minister is doing, and what DEFRA is doing, and I encourage them to listen to voices on both sides of the House. I ask with good grace whether the Minister will meet me and Lord Goldsmith. Can we get round the table and see if we can improve these clauses, so that all animals are covered, and so that we can stamp out not just pet theft, but animal theft?

James Daly (Bury North) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I was a criminal defence solicitor for 16 years. The one thing that we will never get in legislation that will potentially go before the criminal court is 100% exact language. We are talking about legal interpretation. These are matters that will be decided on by those giving expert evidence and through the interpretation of the courts. That is how the system works—the separation of powers. I understand the point made by my hon. Friend the Member for Penrith and The Border about looking at the wider definition of theft, but all the matters that he mentioned are covered; they are acts of theft, which is on the statute book already.

I welcome new clause 6; I think it is a good clause. Criminal lawyers, together with those giving expert evidence and others involved in the court system, will be

able to understand it clearly. Even if we were to have a lengthy discussion, as the hon. Member for Cambridge said, regarding what “forming bonds” means—we could discuss that forever—it will be expert evidence in a court that will decide matters, not what parliamentarians debate. I welcome the clause and congratulate the Minister on it.

The Chair: I welcome Members making contributions, but could you use your leg muscles to indicate that you want to contribute—perhaps near the start of the debate, but you are free to stand whenever you like—so that I do not miss you out? I almost missed that last request to contribute.

Victoria Prentis: Well, we cannot seem to get it right, can we? We are either going to quickly or too slowly. [Interruption.] I am teasing. This is being done quickly; I am not apologising for that because I think the situation is one that we need to resolve quickly. The taskforce was a serious body that did important work, and it worked quickly—I refer Members to its work and recommendations. The Government then had to find the first appropriate piece of legislation for these recommendations to go in; the Animal Welfare (Kept Animals) Bill seemed too good an opportunity to pass up.

I have listened to and accept the comments about “connected persons”, “animals capable of forming bonds” and extending provisions beyond pets. My hon. Friend the Member for Penrith and The Border mentioned livestock; sheep rustling is already covered under the Theft Act 1968. I will take these points away and continue to do work to make sure that the drafting of this clause is, as my hon. Friend the Member for Bury North suggests, entirely suitable for the criminal courts.

I would be delighted to meet, as I am sure Lord Goldsmith would be, any Member of this House, or of the other place, to discuss the drafting of this clause. It is always important that we get the law right. It is important that we make sure the clause is as good as it can be; it is difficult when clauses are brought forward at a late stage of a Bill's proceedings. However, I am not apologising for that; it is right that we should do this. We should make a new offence of pet abduction and this is an appropriate place to do that.

12.15 pm

Dr Hudson: I welcome the Minister's comments. On the concept of forming a bond with an animal, I note the comments made about livestock rustling. The Bill covers livestock worrying, too. It can be incredibly distressing for a farmer when farm livestock are attacked by dogs. A person can have a bond with an individual animal or be devastated when 20 sheep are attacked by a dog. I take on board what my hon. Friend the Member for Bury North, who is from the legal profession, said about the legal definition of the word “bond”, but I think these debates in the courts of law will be incredibly fraught, so I urge the Government to move on that.

The Chair: May I politely say that that was more of a mini-speech than an intervention?

Victoria Prentis: I reassure Members that we will look carefully at the drafting of this clause, following the remarks we have heard today. I am confident that

this is an appropriate place to bring forward the offence of pet abduction, and I am pleased that we have been able to do so.

Amendment 85 agreed to.

Amendments made: 63, in clause 51, page 33, line 13, after “Part” insert

“(except section (Concurrent functions in Wales))”.

This amendment is consequential on Amendment 64.

Amendment 64, in clause 51, page 33, line 13, at end insert

“; section (Concurrent functions in Wales) comes into force at the end of the period of two months beginning with that day.”

This amendment provides for the commencement of new clause (Concurrent functions in Wales).

Amendment 65, in clause 51, page 33, line 16, leave out from first “Ministers” to “may” in line 17.

This amendment is consequential on Amendment 67.

Amendment 66, in clause 51, page 33, line 18, at end insert “in Scotland”.

This amendment is consequential on Amendment 67.

Amendment 67, in clause 51, page 33, line 18, at end insert—

“(6A) The Welsh Ministers may by regulations make transitional or saving provision in connection with the coming into force of any provision of Part 1 or 3 in relation to Wales.”—(*Victoria Prentis.*)

This amendment confers powers to make transitional or saving provision on the Welsh Ministers, in consequence of Part 1 applying to Wales (as well as Part 3).

Question proposed, That the clause, as amended, stand part of the Bill.

Victoria Prentis: The clause sets out when provisions in the Bill will commence, following Royal Assent.

Question put and agreed to.

Clause 51, as amended, ordered to stand part of the Bill.

Clause 52

EXTENT

Amendments made: 68, in clause 52, page 33, line 32, at end insert—

“(0) section (Animal Welfare Act 2006: minor amendments) extends to England and Wales only;”.

This amendment provides for the new clause containing minor amendments of the Animal Welfare Act 2006 to extend to (ie form part of the law of) England and Wales only.

Amendment 69, in clause 52, page 33, line 35, at beginning insert “Subject to subsection (5),”.

This amendment is consequential on Amendment 70.

Amendment 70, in clause 52, page 33, line 35, at end insert—

“(5) The amendments and repeals made by section (Concurrent functions in Wales) have the same extent as the enactments to which they relate.”—(*Victoria Prentis.*)

This amendment provides for the amendments and repeals of Schedule 7B to the Government of Wales Act 2006, made by a new clause, to have the same extent as that Schedule.

Question proposed, That the clause, as amended, stand part of the Bill.

Victoria Prentis: This clause sets out the territorial extent of provisions in the Bill.

Question put and agreed to.

Clause 52, as amended, ordered to stand part of the Bill.

Clause 53

SHORT TITLE

Question proposed, That the clause stand part of the Bill.

Victoria Prentis: This clause is a standard provision that simply provides for the short title of the Bill once it becomes an Act at Royal Assent. The short title of this Bill will be the Animal Welfare (Kept Animals) Act 2021.

Question put and agreed to.

Clause 53 ordered to stand part of the Bill.

New Clause 1

ANIMAL WELFARE ACT 2006: MINOR AMENDMENTS

“(1) The Animal Welfare Act 2006 is amended as follows.

(2) In section 31(1) (time limits for prosecutions) after “under” insert “or by virtue of”.

(3) In section 51 (inspectors)—

(a) in subsection (5) after “under” insert “or by virtue of”;

(b) after subsection (6) insert—

“(7) In this section, a reference to the purposes of this Act includes the purposes of provision made under the Act.”—(*Victoria Prentis.*)

This new clause amends the Animal Welfare Act 2006 so that section 31 (time limits for prosecutions) applies to offences under regulations under that Act (as well as to offences under that Act) and section 51 (inspectors) applies in relation to provisions of regulations under that Act (as well as in relation to provisions of that Act).

Brought up, read the First and Second time, and added to the Bill.

New Clause 2

CONCURRENT FUNCTIONS IN WALES

“(1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended as follows.

(2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities)—

(a) omit the “or” at the end of paragraph (vi);

(b) at the end of paragraph (vii) insert “; or the Animal Welfare (Kept Animals) Act 2021.”

(i) the Animal Welfare (Kept Animals) Act 2021.”

(3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—

(a) omit the “or” at the end of paragraph (vi);

(b) at the end of paragraph (vii) insert “; or the Animal Welfare (Kept Animals) Act 2021.”

(i) the Animal Welfare (Kept Animals) Act 2021.”—(*Victoria Prentis.*)

This new clause amends Schedule 7B to the Government of Wales Act 2006 so as to disapply certain restrictions in that Schedule in relation to functions conferred by or under the Bill.

Brought up, read the First and Second time, and added to the Bill.

New Clause 3**REGULATIONS**

“(1) This section applies to regulations under any provision of this Act except section 51.

(2) A power to make regulations includes power to make—

- (a) different provision for different purposes;
- (b) different provision for different areas;
- (c) consequential, incidental, supplementary, transitional, transitory or saving provision.

(3) Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.

(4) For regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments).

(5) The Secretary of State may not make a statutory instrument containing (whether alone or with other provision)—

- (a) regulations under section 3(1) or (3)(b),
- (b) regulations under section 22,
- (c) regulations under Part 2,
- (d) regulations under Part 3 other than regulations made by virtue of section 46(2A)(c) (power to prescribe fee for making application), or
- (e) regulations under section 50 that amend, repeal or revoke provision made by primary legislation or retained direct principal EU legislation,

unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(6) Any other statutory instrument made by the Secretary of State containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) The following regulations made by the Scottish Ministers are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010)—

- (a) regulations under Part 3 other than regulations made by virtue of section 46(2A)(c);
- (b) regulations under section 50 that amend, repeal or revoke provision made by primary legislation or retained direct principal EU legislation.

(8) Any other regulations made by the Scottish Ministers are subject to the negative procedure (see section 28 of that Act).

(9) The Welsh Ministers may not make a statutory instrument containing (whether alone or with other provision)—

- (a) regulations under section 3(1) or (3)(b),
- (b) regulations under section 22,
- (c) regulations under Part 3 other than regulations made by virtue of section 46(2A)(c), or
- (d) regulations under section 50 that amend, repeal or revoke provision made by primary legislation or retained direct principal EU legislation,

unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(10) Any other statutory instrument made by the Welsh Ministers containing regulations is subject to annulment in pursuance of a resolution of Senedd Cymru.

(11) In this section “primary legislation” has the meaning given by section 50.—(*Victoria Prentis.*)

This new clause makes provision about regulations under the Bill (except regulations under clause 51).

Brought up, read the First and Second time, and added to the Bill.

New Clause 5**TAKING OF DOG WITHOUT LAWFUL AUTHORITY ETC**

“(1) A person commits an offence if, without lawful authority or reasonable excuse, the person takes or detains a dog in England—

- (a) so as to remove it from the lawful control of any person, or
- (b) so as to keep it from the lawful control of a person who is entitled to have lawful control of it.

(2) No offence is committed if the person taking or detaining the dog is connected with any of the following—

- (a) any person entitled to have lawful control of it;
- (b) where it is removed from the lawful control of a person, that person.

(3) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(4) In this section—

“connected person”: a person is connected with another person if—

- (a) they are married to each other,
- (b) they are civil partners of each other,
- (c) one is the parent of the other, or
- (d) they are siblings (whether of the full blood or the half blood);

“detaining”: references to a person detaining a dog include the person—

- (a) inducing it to remain with the person or anyone else, or
- (b) causing it to be detained;

“maximum summary term for either-way offences”, with reference to imprisonment for an offence, means—

- (a) if the offence is committed before the time when paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, 6 months;
- (b) if the offence is committed after that time, 12 months;

“taking”: references to a person taking a dog include the person—

- (a) causing or inducing it to accompany the person or anyone else, or
- (b) causing it to be taken.”—(*Victoria Prentis.*)

This new clause, which will be added to Part 3, creates an offence, committed by taking or detaining a dog in certain circumstances. The offence applies in England.

Brought up, read the First and Second time, and added to the Bill.

New Clause 6**POWER TO EXTEND SECTION (TAKING OF DOG WITHOUT LAWFUL AUTHORITY ETC)**

“(1) The Secretary of State may by regulations amend section (*Taking of dog without lawful authority etc*) so that it applies not only to dogs but also to one or more other species of animal.

(2) The power under subsection (1) may be exercised in respect of a species only if the Secretary of State considers—

- (a) that animals of that species are commonly kept as pets, and

- (b) that there is evidence that—
- (i) animals of that species are capable of forming bonds with people who keep them, and
 - (ii) removing an animal of that species from a person with whom it has formed a bond may adversely affect its wellbeing.

(3) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.” —(*Victoria Prentis.*)

This new clause, which will be added to Part 3, confers a power to extend the new offence relating to the taking or detaining of a dog so as to apply in relation to other species.

Brought up, read the First and Second time, and added to the Bill.

New Clause 7

PROHIBITION OF SOW FARROWING STALLS

“In Schedule 8 of the Welfare of Farmed Animals (England) Regulations 2007 omit sub-paragraph 6(2).” —(*Daniel Zeichner.*)

This new clause would end the use of sow farrowing crates.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

We move on to what could be called the second half of the Committee—Labour’s animal welfare Bill. I suspect that there will be a division on new clause 7, which is about pigs. Schedule 8 of the Welfare of Farmed Animals (England) Regulations 2007 allows female pigs to be kept in small metal crates for the period beginning seven days before the predicted day of their farrowing and ending when the weaning of the pigs is complete—a process that lasts around four weeks. This clause would put an end to the use of those sow farrowing crates.

Compassion in World Farming tells us that every year, over 200,000 sows are subjected to this procedure, the purpose of which is to try to reduce the risk of the sow lying on and crushing her new-born piglets. We acknowledge that that is clearly a problem for farmers. However, as a result of their seeking to achieve that aim, sows are forced to spend weeks in stalls, unable to turn around. Alongside the crate in the pen is a creep area for the sow’s piglets. The piglets are able to reach the sow to suckle, but she is unable to clean and interact with them.

Farrowing crates are also a major concern because they prevent sows from building their nests. Even if nest-building material is provided—sadly, that does not always happen—sows do not have room to build them. Not allowing sows to behave naturally can make them frustrated and stressed, and the sow is more likely to savage the piglets in farrowing crate systems. I do not think there is much dispute anywhere about the desire to find a way forward on this issue.

Alternatives to farrowing crates, many of them designed by British farmers and engineers, are already commercially available in the UK. We should support British ingenuity and pig welfare by requiring the use of these higher-welfare systems. Labour has long been committed to ending the cage age and banning sow farrowing crates, and many others from across the political spectrum are committed to the cause—including, it would seem, the Prime Minister, who claimed in the Chamber that as a result of Brexit, we would be now able to introduce such a ban. The

issue was very close to the heart of Sir David Amess, who earlier this year brought forward a private Member’s Bill, the Pig Husbandry (Farrowing) Bill, that sought to ban the use of farrowing crates.

However, I am also mindful of the challenges facing pig producers, particularly at the moment. I have spoken about this frequently in recent months, and have urged the Government to give swifter assistance. As we speak, the culling of healthy pigs continues on farms, because despite the welcome announcements a few weeks ago, neither the temporary visa scheme nor the private storage scheme has yet come into effect. Sadly, it may be mid-December before the 800 skilled pork butchers arrive, and in reality, help may not come before the new year, so the situation remains very serious.

We will press the new clause to a vote, and are signalling our intention to bring in a ban when in government, but I reassure the industry that we will work closely with it to make sure that a ban is introduced in a way that does not damage the industry. We all want higher standards. This goes to the heart of the trade debate. There is no point imposing higher animal welfare standards here if the suffering, and the industry, is merely exported elsewhere. The Government have repeatedly told us that we should trust them on not allowing lower-standard food products to be imported. Frankly, we do not, but if we take them at their word, the amendment should not create a problem. I suspect many Government Back Benchers are not entirely persuaded either.

I note that the Government’s action plan for animal welfare says they

“are currently considering the case for introducing further reforms, on areas such as the use of farrowing crates for pigs”.

Here is their opportunity. It is time to move on and end the suffering caused by farrowing crates.

Victoria Prentis: The hon. Gentleman, with whom I remember discussing this issue at some length during the passage of the Agriculture Bill, will know that we are very much of one mind on this issue. My difficulty is that the new clause would cause an immediate ban.

The Government’s action plan on animal welfare said that we are considering the case for further reforms in this area. Our stated aim is for farrowing crates to no longer be necessary. We want any new system to protect the welfare of the sow, as well as her piglets, but an immediate ban on the use of farrowing crates for sows without full consideration of the implications for animal welfare and the pig sector would have a significant impact on the industry. We spoke to Dr Zoe Davies, chief executive of the National Pig Association, earlier this week. She said:

“To suggest an immediate ban”,

as the hon. Gentleman suggests,

“on the use of farrowing crates would be the final straw for the majority of indoor producers and would trigger a mass exodus from the pig sector, thus exporting production to countries with lower welfare standards. Far better to work with the sector on a longer term transition, which we have already begun.”

Some 60% of UK sows are kept indoors and use farrowing crates, so moving overnight entirely to free-farrowing systems would require a fundamental change for pig producers, and significant investment. I am keen to ensure we have a realistic phasing-out period that is

[Victoria Prentis]

sustainable for the industry, so that we can achieve the welfare goals shared by Members from across the House. I do not consider this Bill to be the appropriate delivery mechanism, so I cannot support the new clause, and I ask that it be withdrawn.

Daniel Zeichner: The Minister is absolutely right: we sat here two years ago and had exactly the same conversation. The question is: when? That is the problem. I do not disagree with Zoe. I will speak to her about this in a few days' time. I have made it absolutely clear that we would not make this change without working with the industry to ensure that the dangers the Minister mentioned, of which we are all aware, do not come to pass. This animal welfare Bill is an opportunity to take a stand. That is why we will put the new clause to a vote.

Question put, That the clause be read a second time

The Committee divided: Ayes 5, Noes 10.

Division No. 10]

AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	
Glendon, Mary	Zeichner, Daniel

NOES

Daly, James	Moore, Robbie
Evans, Dr Luke	Nici, Lia
Grundy, James	Prentis, Victoria
Hudson, Dr Neil	Saxby, Selaine
Mackrory, Cherylyn	Wheeler, Mrs Heather

Question accordingly negated.

New Clause 8

Review of compensation for livestock owners in cases of livestock worrying

“(1) The Secretary of State must carry out a review of the appropriate measures to compensate livestock owners for cases of livestock worrying.

(2) In conducting the review the Secretary of State must—

- (a) consider the appropriate measures for compensating livestock owners who have been the victims of livestock worrying;
- (b) consult the public and such persons as the Secretary of State considers appropriate on livestock worrying;
- (c) bring forward legislation based on the findings of the review within 12 months of the date of Royal Assent to this Act.”—(Daniel Zeichner.)

This new clause would require the Secretary of State to carry out a review of appropriate measures to compensate livestock owners who have been victims of livestock worrying.

Brought up, and read the First time.

12.30 pm

Daniel Zeichner: I beg to move, That the clause be read a Second time.

This new clause returns us to part 2 of the Bill, on dogs attacking and worrying livestock. As I said on Tuesday, we want to address the issue of compensation for farmers who are victims of livestock worrying. As we noted then, livestock worrying has a significant financial impact: in 2020, the total costs were around £1.3 million, while data from NFU Mutual indicates that in the first quarter of this year, the cost of dog

attacks on livestock rose by more than 50%. That insurer said that its total claims for January to March of this year were estimated at £686,000—up from £453,000 for the same period last year.

As we discussed on Tuesday, contributing factors may well be increased dog ownership and, since the first coronavirus lockdown, more people accessing the countryside with a lack of understanding of how to behave there. That is why organisations including the Royal Society for the Prevention of Cruelty to Animals, the National Farmers Union and the Countryside Alliance supported the requirement for dogs to be on leads when around livestock. We have had that debate, and the Committee chose not to go down that route, but that does not mean that we cannot use our deliberations as an opportunity to look at whether there are ways to offer support to livestock owners. I listened closely to the moving words from the hon. Member for Penrith and The Border.

The new clause would require the Secretary of State to carry out a review of the appropriate measures to compensate livestock owners for cases of livestock worrying. It would also require the Secretary of State to bring forward legislation based on the findings of the review within 12 months of the date of the Bill receiving Royal Assent.

This is not a simple issue, but given that there are rights of way, and that we all want more people to enjoy access to the countryside, it is reasonable, when those various rights collide, to at least consider the consequences for those who live in the countryside and whose living is made by raising livestock. Is there a public responsibility to help in those situations? The need to find the right balance calls for a proper review.

Victoria Prentis: We absolutely understand how distressing and financially damaging livestock worrying can be for farmers. The legislation makes reforms to provide police with more powers to tackle dog attacks on livestock, so that we can identify and, we hope, prevent repeat offences. That should, in turn, lead to fewer instances of livestock worrying, but we will monitor that closely.

However, we appreciate the importance of not leaving farmers out of pocket when they fall victim to livestock worrying attacks. We agree that suitable and effective compensation mechanisms are key. There are various ways that farmers can recoup their losses, including through out-of-court settlements, civil compensation claims and insurance claims. Insurance is often claimed via the NFU, which is, as we know, the UK's leading rural insurer. The NFU estimates that the cost of dog attacks on farm animals was around £1.3 million in 2020, and the average value of an NFU claim in this area was £1,329. Most livestock worrying incidents are resolved in out-of-court settlements through the community resolution process. That is the police's preferred route; it allows the victim to be compensated swiftly without escalation, and relies on an agreement between the victim and the suspect.

We are happy to consider how well existing mechanisms—other than insurance via the NFU and other providers—work. We will work closely with the industry and the police to ensure that that happens. By modernising the legislation and improving the enforcement

mechanisms, we aim to reduce livestock attacks in the future. We hope that, through improved awareness, with dogs being kept away from livestock and on leads where appropriate, there will be less need for compensation. I therefore ask that the new clause be withdrawn.

Daniel Zeichner: In the light of the Minister's response, for which I am grateful, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 10

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.”—(*Daniel Zeichner.*)

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.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 11—*Hunting dog welfare: review and consultation*—

“(1) The Secretary of State must carry out a review of the welfare conditions of dogs used for hunting.

(2) In conducting the review the Secretary of State must—

- (a) consider the welfare conditions of dogs used for hunting;
- (b) consult the public and such persons as the Secretary of State considers appropriate on the welfare of dogs used for hunting.

(3) The Secretary of State must lay before Parliament a report on the findings of the review, which must set out recommendations for action.”

This new clause would require the Secretary of State to conduct a review into the welfare conditions of dogs used for hunting.

New clause 12—*Ban on the use of a dog below ground in the course of stalking or flushing out*—

“The use of a dog below ground in the course of stalking or flushing out is prohibited.”

New clause 13—*Removal of exemption of hounds under the Road Traffic Act*—

“(1) The Road Traffic Act 1988 is amended as follows.

(2) In section 27 (Control of dogs on roads), in subsection (4) omit paragraph (b).”

Daniel Zeichner: You might not like this one so much, Mr Davies—or some might not. New clauses 10, 11 and 12 are about the welfare of hunting dogs. I am grateful to the League Against Cruel Sports for its advice on the new clauses.

New clause 10 would require the Secretary of State to make regulations within 12 months of the passing of the Bill that would require individuals who keep one or more hunting dogs to obtain a licence, and it would

make it an offence to be in possession of hunting dogs without a licence. New clause 11 would require the Secretary of State to carry out a review of the welfare of dogs used for hunting. At the core of these issues is a concern about the welfare of hunting dogs and that the absence of a robust licencing system has resulted in some hounds experiencing poor welfare conditions.

Unlike dog boarding kennels, which are commercial and therefore licensed, hunt kennels are not licensed and are regulated by the code of practice for the welfare of hounds in hunt kennels. The code sets out that euthanasia is not an offence so long as it is done in an “appropriate and humane manner”. It says that, for adult hounds over the age of 10 weeks, a humane killer should be used, and that hounds of all ages may be put down by a veterinary surgeon with an overdose of Euthatal. The issue is that hunt kennels are not independently inspected, and so there is no independent monitoring of hound welfare and the euthanasia of hounds. As a result, hound welfare concerns are unlikely to come to light, and when they do, reports of how the dogs are treated sometimes fall well below expected standards.

Last month, ITV published an exposé of the killing of hounds by the Beaufort hunt, which included videos of hounds being dragged outside and shot, including one hound that was shot twice, minutes apart, before it died. It is believed that the shooter was not a trained veterinary professional. This clearly does not constitute appropriate and humane euthanasia. I watched the footage, and I suggest others do so, although it is upsetting. A number of those commenting in the ITV piece, including a Conservative MP, urged regulation. That is what we propose.

In 2015, the *Daily Mirror* published a report on the treatment of hunting dogs, including the testimony of a former hunter who said that the whipping of dogs was commonplace and that hounds are disposed of when they are perceived to have failed in any way. In the past, when the debate over the future of hunting was raging, I visited the West Norfolk Foxhounds to speak to people directly. My strongest memory of that visit was of the hounds themselves—big, strong dogs, totally unsuitable for rehoming. When I asked what became of them, the answer was honest and clear: “We shoot them.” Some will say that that is just the way of it; that is a reality of rural life. I do not think that is good enough in 2021, and my sense is that most people living in rural areas do not think so either.

It is our view that such weak regulations and the lack of monitoring of hunting kennels leave hounds open to poor welfare conditions. Given that we license dog boarding kennels, I do not see why the same approach is not taken to hunt kennels. Are we saying that somehow the welfare of hunting dogs is not important?

I would like to make it clear that I am not saying that all hunts necessarily treat hounds in that way, but the lack of monitoring makes it difficult to know how they are treated. Given that the Bill is an animal welfare measure, I believe that we should be seriously concerned about the limited understanding of how hounds are treated and the lack of a licensing system to protect their welfare. New clauses 10 and 11 would rectify that.

New clause 12 would ban what is known in the hunting world as terrier work. That terminology describes a hunting activity whereby terriers are introduced into a

[Daniel Zeichner]

hole in the ground to flush out or force a wild mammal to escape. If the wild mammal does not escape from the hole immediately, those in charge of the dog will dig down to access it—a process that can take hours, I am told. If the wild mammal—usually a fox, but sometimes a badger—does not subsequently bolt from the hole, there can be an underground battle. That is not only cruel to the wild animal being flushed out, but to the dogs, who risk being forced into a dangerous confrontation, which can result in severe injuries or death.

I am afraid that there is also, in our view, the real risk that the practice is used as a cover for illegal hunting with dogs. Although hunting with dogs is illegal, we are told that those who work with terriers still sometimes accompany hunts under the guise of trail hunting. There is of course little reason for that since no live wild mammals should be being hunted and there should be no need for support to flush out a wild mammal. Recently, in a notorious, high-profile case, Mark Hankinson of the Masters of Foxhounds Association was found guilty of encouraging and assisting people to evade the ban on foxhunting. The prosecution was the result of leaked footage of webinars hosted by the Hunting Office in August 2020, during which, among other incriminating comments, Mr Hankinson said that terrier work is “our soft underbelly”.

The League Against Cruel Sports reports that, in addition to its role in foxhunting, terrier work continues to occur as a stand-alone recreational pastime for individuals and gangs of people across the country who enjoy using their terriers to attack foxes and badgers. It stated that evidence it has gathered suggests that putting dogs underground to chase and fight foxes can lead to some of the worst cruelty cases associated with hunting. Given the harm that terrier work can cause to dogs, the new clause banning the practice is long overdue.

New clause 13 would remove the exemption for hunting dogs from section 27 of the Road Traffic Act 1988, under which local authorities may specify “designated” roads where dogs must be kept on leads. Sadly, every season there are incidents of hounds causing chaos by running across roads when trail hunting. During the March 2019-20 hunting seasons, the League Against Cruel Sports received 128 reports of hunts causing havoc on roads. Eight involved foxes being chased across roads by hounds that were supposedly trail hunting. The league also received reports of 10 hounds involved in road traffic collisions. Five of them were killed.

Removing the exemption would mean that a hunt had to abide by the same rules as any other dog owners on designated roads. Again, that should not pose a challenge to legal hunts. If trail hunts are operated properly, they can be organised in a manner whereby there is no possibility of hounds ending up on the road. The route of any trails laid should be properly planned, well away from such hazards. In cases of exempt hunting, hunts should have sufficient control over hounds to prevent them from unexpectedly marauding across and along roads. It should be added that not all roads are designated, so hunts will still be allowed to cross certain roads if the council allows it.

Victoria Prentis: The Government are committed to improving the welfare of all dogs. The Animal Welfare Act 2006 puts obligations on all animal keepers to meet

the full range of welfare needs. It is backed up by the statutory code of practice, to which we referred extensively on Tuesday, for the welfare of dogs.

The Animal Welfare (Sentencing) Act 2021 raised the maximum penalty for cruelty to five years’ imprisonment and an unlimited fine. Local authorities have powers under the 2006 Act to act where a dog is suspected to be suffering. The local authority can enter the land and take control of the animals. As we know, local authorities often work very closely with the RSPCA.

The Committee will remember that dog licensing was abolished in 1988. I remember buying a licence for our springer spaniel at the post office as a child—it cost 37p—but apparently only half of all owners bought one. We did not find that dog licensing ensured the welfare of dogs or restricted who was able to keep them. We would need sufficient evidence of welfare concerns to treat one type of dog differently from another.

12.45 pm

Ministers and officials regularly meet local authorities and key animal welfare groups, including the RSPCA, the Dogs Trust, the Canine and Feline Sector Group, and Battersea Dogs and Cats Home. They have not suggested to us that this type of dog is a priority area for review—I must confess that most of our recent conversations have been about puppy smuggling—nor have we received evidence of welfare concerns applying to dogs who go below ground, although the RSPCA did tell us that terrier-type dogs do have inherited behaviours to instinctively go below ground. I am always happy to receive evidence, however.

Finally, the proposed exemption to the Road Traffic Act 1988 requirement for dogs to be on a lead when on a designated road is available where it can be proved that a dog was, at the material time, under proper control—we are back to that debate. We have not received evidence of animal welfare concerns—although I did hear what the hon. Member for Cambridge said earlier—relating to this particular exemption or to the mirroring exemption for sheepdogs working on a designated road. For those reasons, I ask that the new clauses be withdrawn.

Daniel Zeichner: I thank the Minister for her response. I suspect that we will not find agreement on this. I do not think that there is any need to rehearse the arguments at length, but the Minister’s licensing argument is weak, frankly. On that basis, we will not pursue all the new clauses, but I will press new clause 10, on the basic welfare of hunting dogs, to a Division.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 10.

Division No. 11]

AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glendon, Mary	Zeichner, Daniel

NOES

Daly, James	Moore, Robbie
Evans, Dr Luke	Nici, Lia
Grundy, James	Prentis, Victoria
Hudson, Dr Neil	Saxby, Selaine
Mackrory, Cherylyn	Wheeler, Mrs Heather

Question accordingly negatived.

New Clause 14**COMMERCIAL MOVEMENT OF PREGNANT CATS AND DOGS**

“The importation of pregnant cats and dogs for commercial purposes is prohibited.”—(*Olivia Blake.*)

This new clause would prohibit the commercial importation of pregnant cats and dogs.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 12]**AYES**

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glendon, Mary	
Hudson, Dr Neil	Zeichner, Daniel

NOES

Daly, James	Nici, Lia
Evans, Dr Luke	Prentis, Victoria
Grundy, James	Saxby, Selaine
Mackrory, Cheryllyn	
Moore, Robbie	Wheeler, Mrs Heather

Question accordingly negatived.

New Clause 15**SALE OF DOGS WITH CROPPED EARS**

“(1) Dogs with cropped ears may not be sold in England.

(2) Subsection (1) does not apply to the rehoming of rescue dogs by official rehoming organisations.”—(*Olivia Blake.*)

This new clause would prohibit the sale of dogs with cropped ears in the England.

Brought up, and read the First time.

Olivia Blake (Sheffield, Hallam) (Lab): I beg to move, That the clause be read a Second time.

The new clause would ban the sale of dogs with cropped ears, although obviously not if they have been rehomed by official rescue organisations. We have been over the issue during our debates, but this new clause is about the sale of such dogs, rather than their transportation into the country. Let us see what the Minister has to say.

Victoria Prentis: The mutilation of dogs’ ears has been banned in the UK for some time, but there is currently no ban on imports, so as we heard in evidence, sadly the numbers continue to rise. The Bill includes an enabling power that will allow us to restrict such imports on welfare grounds via secondary legislation. We recently consulted widely on the issue and received 14,000 responses, of which we will publish a summary early next year. We are also working closely with the devolved Administrations on the matter.

In summary, we already have the powers to take action, and we are working through the process of doing so. I therefore ask for the new clause to be withdrawn.

Olivia Blake: As I said earlier, this practice has increased by 621%, which is obviously concerning. I hear what the Ministers says, and although a ban on sales would be welcome, we will not push the new clause to a vote.

I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 16**SNARE TRAPS**

“Snare traps may not be used in England in areas where there is a possibility that kept animals may become intentionally or unintentionally ensnared.”—(*Olivia Blake.*)

This new clause would prohibit the use of snare traps in the England where there is a possibility that they might ensnare kept animals. Snare traps are thin wire nooses that are used to catch foxes, rabbits and stoats but can also catch other animals such as cats.

Brought up, and read the First time.

Olivia Blake: I beg to move, That the clause be read a Second time.

Under new clause 16, we propose a ban on the use of snare traps in England in areas where there is a possibility that kept animals might be ensnared, whether intentionally or not. Snares are imperfect, indiscriminate traps that regularly cause unnecessary suffering and harm to kept animals as a result of incorrect usage and inadequate legislation. Although snares can legally be used only to trap certain species, in reality it is impossible to limit the species or type of animal that gets trapped in a snare. As a result, non-target species are often caught and suffer through exposure and injury.

The current legislation, which was introduced in 2005, is failing to protect animals from harm. It proposed a code of practice on snares, setting out best practice on their use and guidance on where and how to set them. Unfortunately, compliance with the code is voluntary, which severely negates its effectiveness. A 2012 report by DEFRA found that although awareness of the code was high, levels of compliance with best practice were, sadly, exceedingly low.

The same report found that 1.7 million animals were caught in snares each year. Of those, 33% were hares, 26% were badgers, 25% were foxes and 14% were other animals. In 2015 alone, the RSPCA reported 717 calls from members of the public about animals caught in snares, including 157 cats, 58 dogs, 10 equines and 307 wild mammals. The reality is that without more controls over the placement of snares, there is no way to prevent more kept animals from being snared and injured, whether intentionally or not.

Victoria Prentis: I absolutely recognise that snares can be used improperly, and that non-target species, such as livestock, and particularly cats, can get trapped in them, sometimes fatally. The code of practice to which the hon. Lady referred was set out in 2016, and tries to ensure that snares are not set near domestic dwellings, where pets may be trapped.

We continue to work on the issue. In our action plan for animal welfare, we have committed to opening a call for evidence on the use of snares, which we hope to publish shortly. We encourage Members across the House, and indeed members of the public, to make their views known when we open the consultation. In those circumstances, I ask that the motion be withdrawn.

Olivia Blake: I understand what the Minister says about more consultation, but the Opposition feel that the matter is clearcut and we wish to press new clause 16 to a vote. A lot of time has passed since the code of practice came in; as I say, it is sad to hear that it has been ineffective in resolving some of the issues.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 10.

Division No. 13]

AYES

Begum, Apsana	Johnson, Kim
Blake, Olivia	Lake, Ben
Glendon, Mary	Zeichner, Daniel

NOES

Daly, James	Moore, Robbie
Evans, Dr Luke	Nici, Lia
Grundy, James	Prentis, Victoria
Hudson, Dr Neil	Saxby, Selaine
Mackrory, Cherilyn	Wheeler, Mrs Heather

Question accordingly negatived.

New Clause 17

REGULATION OF ONLINE ANIMAL SALES

‘Operators of websites facilitating the sale of kept animals must—

- (a) verify the identity of all sellers advertising on their website;
- (b) where a cat or dog for sale is under 1 year of age, require the seller to publish on the website at least one photograph of the animal for sale with one of its parents; and
- (c) remove listings by commercial sellers which do not include that seller’s licence number.’—(*Olivia Blake.*)

This new clause would regulate the online sale of animals by requiring websites where animals are sold to verify the identity of all the sellers on their website. It would also require the website to make sellers who wish to sell a cat or dog aged one year or less publish a photograph of the animal with one of its parents.

Brought up, and read the First time.

Olivia Blake: I beg to move, that the clause be read a Second time.

Mrs Heather Wheeler (South Derbyshire) (Con) *rose*—

The Chair: Order. I do apologise; the Whip had meant to adjourn the Committee, but she did not do it in time, so please carry on.

Olivia Blake: Thank you, Mr Davies—I will be quick. I am sure that everyone knows about the “justice for Reggie” campaign, which has been working tirelessly better to regulate online sales of animals following a tragic experience. Reggie was a 12-week-old Labrador who was sold online through a reputable website that advertises thousands of puppies for sale, but he was sold without proper care from a breeder and with insufficient checks to safeguard his welfare and wellbeing. Within 12 hours of Reggie arriving home with his new owners, he fell gravely ill. He spent the next three days receiving care at a vets before dying of parvovirus. His death was painful and horrific, and his owners were understandably still traumatised because of their ordeal. Following Reggie’s death, it was discovered that false documentation had been provided, and in fact Reggie was unwell at the time of the sale.

The new clause proposes further regulation of online animal sales to prevent situations such as Reggie’s happening again. It would require all websites that sell animals to verify the identity of all sellers. It further proposes that all prospective sellers who wish to sell a cat or dog aged one year or less must post a photograph of the animal with one of its parents. Putting such checks on a legal footing would help strengthen the use of online sales—unfortunately, I do not think we can end them—and is essential to prevent animals being sold with falsified or no documentation. We could therefore ensure that all animals sold come from reputable, trustworthy breeders.

Victoria Prentis: The Government take this issue seriously and have recently taken several steps to strengthen pet breeding and selling regulations, including banning the third-party sale of kittens and puppies. We are also encouraging the responsible sourcing of pets via the national “petfished” campaign.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 introduced a wide range of real welfare improvements for pet breeding and pet sales. The object of the regulations was to update and improve the existing welfare standards. They also provided a template for adding further activities in future, when necessary. The regulations make numerous requirements of pet sellers and dog breeders who are licensed relating to the keeping of records and advertising. Any licensed pet seller or dog breeder advertising animals for sale will need to include their licence number in the advert and specify the local authority that issued the licence. Additional requirements relating to adverts include a requirement for the age of the animal to be displayed alongside a recognisable photo. That said, we are always looking to make improvements where possible. We will review the regulations before October 2023.

Our regulations aim to ensure that sellers and breeders become responsible, but I understand that the hon. Member’s concerns are about online platforms used by sellers; that is what the new clause covers. It may be helpful to outline the work that the Government are doing. We support the work of the pet advertising advisory group—PAAG—created in 2001, which aims to combat concerns regarding the irresponsible advertising of pets for sale, rehoming and exchange. It comprises various animal welfare organisations, trade associations and vet bodies. It has been engaging with online marketplaces in the UK to help them to distinguish appropriate adverts and take down those that are not.

DEFRA has backed a set of minimum standards developed by PAAG. Encouragingly, several of the UK’s largest classified websites have now agreed to meet those standards. I look forward to working closely with PAAG. I therefore ask the hon. Member not to move the new clause.

Olivia Blake: I thank the Minister for the response. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Ordered, That further consideration be now adjourned.—(*Mrs Wheeler.*)

1.5 pm

Adjourned till this day at Two o’clock.

