

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ANIMAL WELFARE (KEPT ANIMALS) BILL

Fourth Sitting

Tuesday 16 November 2021

(Afternoon)

CONTENTS

CLAUSES 20 to 22 agreed to, some with amendments.
CLAUSE 23 disagreed to.
CLAUSES 24 to 37 agreed to, some with amendments.
CLAUSE 38 disagreed to.
CLAUSES 39 to 46 agreed to, some with amendments.
Adjourned till Thursday 18 November at half-past Eleven 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

Saturday 20 November 2021

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The Committee consisted of the following Members:

Chairs: † GERAIN T DAVIES, ESTHER McVEY

- | | |
|---|--|
| † Begum, Apsana (<i>Poplar and Limehouse</i>) (Lab) | † Moore, Robbie (<i>Keighley</i>) (Con) |
| † Blake, Olivia (<i>Sheffield, Hallam</i>) (Lab) | † Prentis, Victoria (<i>Minister of State, Department for Environment, Food and Rural Affairs</i>) |
| † Daly, James (<i>Bury North</i>) (Con) | † Saxby, Selaine (<i>North Devon</i>) (Con) |
| † Doogan, Dave (<i>Angus</i>) (SNP) | Stevenson, Jane (<i>Wolverhampton North East</i>) (Con) |
| † Evans, Dr Luke (<i>Bosworth</i>) (Con) | † Wheeler, Mrs Heather (<i>South Derbyshire</i>) (Con) |
| † Glindon, Mary (<i>North Tyneside</i>) (Lab) | † Zeichner, Daniel (<i>Cambridge</i>) (Lab) |
| † Grundy, James (<i>Leigh</i>) (Con) | |
| † Hudson, Dr Neil (<i>Penrith and The Border</i>) (Con) | Sarah Thatcher, Abi Samuels, <i>Committee Clerks</i> |
| † Johnson, Kim (<i>Liverpool, Riverside</i>) (Lab) | |
| † Lake, Ben (<i>Ceredigion</i>) (PC) | |
| † Mackrory, Cheryl yn (<i>Truro and Falmouth</i>) (Con) | † attended the Committee |

Public Bill Committee

Tuesday 16 November 2021

(Afternoon)

[GERAINT DAVIES *in the Chair*]

Animal Welfare (Kept Animals) Bill

2 pm

The Chair: Good afternoon. I remind Members that they are expected to wear masks when they are not speaking, in line with current Government guidance and that of the House of Commons Commission. 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 could email their speaking notes to hansardnotes@parliament.uk.

Clause 20

GUIDANCE

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

The Minister of State, Department for Environment, Food and Rural Affairs (Victoria Prentis): It is a great pleasure to serve under your chairmanship again, Mr Davies. The clause indicates the intention that the Secretary of State will give guidance to local authorities in respect of their functions under this part of the Bill. With that guidance, local authorities will be better able to fulfil their functions in a consistent way. Where keepers are unable to provide for primates' welfare needs, local authorities can be confident that Government guidance can advise them how best to improve the situation for primates in their area.

Daniel Zeichner (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mr Davies. I may have inadvertently given my speech on this clause before lunch. I feel no need to test anyone on whether they noticed, nor any need to repeat it, other than to say that we feel that the Government really ought to do provide this guidance, and it ought to be a "must" rather than a "may".

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21

INFORMATION

Amendments made: 20, in clause 21, page 11, line 16, leave out "Secretary of State" and insert "appropriate national authority".

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Amendment 21, in clause 21, page 11, line 17, leave out "Secretary of State" and insert "appropriate national authority".

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Amendment 22, in clause 21, page 11, line 24, leave out "Secretary of State" and insert "appropriate national authority".

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Amendment 23, in clause 21, page 11, line 26, leave out "Secretary of State" and insert "appropriate national authority".

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Amendment 24, in clause 21, page 11, line 27, leave out "Secretary of State" and insert "appropriate national authority"—(*Victoria Prentis.*)

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

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

Victoria Prentis: The information required under the clause will enable the Government to build a national view of how different local authorities use their powers under the Bill. It will also provide information on the number of primates being kept under licence. It will help to ensure that the legislation is implemented and enforced effectively and consistently.

Question put and agreed to.

Clause 21, as amended, accordingly ordered to stand part of the Bill.

Clause 22

POWER TO EXTEND PART 1

Amendment made: 25, in clause 22, page 11, line 31, leave out "Secretary of State" and insert "appropriate national authority".—(*Victoria Prentis.*)

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Victoria Prentis: I beg to move amendment 26, in clause 22, page 12, line 1, leave out from beginning to second "provision" in line 2 and insert

"The consequential, supplementary, or incidental provision that may be made under this section includes".

This amendment is a drafting change that is consequential on the new clause about regulations.

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

Clause 23 stand part.

Clause 38 stand part.

Clause 49 stand part.

Government amendments 56 and 58.

Government new clause 3—*Regulations.*

Victoria Prentis: New clause 3 brings provisions relating to the parliamentary procedures that must be used when making regulations under parts 1, 2 and 3 into one clause that will be inserted into part 4. At the appropriate times, I will move that clauses 23, 38 and 49 should not stand part of the Bill. Amendment 26 makes minor changes, all of which are consequential on the removal of clauses 23, 38 and 49 and the introduction of new clause 3.

Daniel Zeichner: I find this set of amendments baffling. I would welcome an explanation from the Minister as to why it was necessary to bring forward these amendments to the Government's own Bill and what that means, not

least because clause 22 seems to give the Government permission to extend the licensing system to any other kind of wild animal. I am not sure why they want that power. It is important that that is explained. As I argued earlier, the fact that everything will be done by regulation leads us to wonder what is planned and how it might be challenged in future. An explanation would be welcome.

Members of the Committee may have read the memorandum to the Delegated Powers and Regulatory Reform Committee. It is quite helpful on this Bill. I am struck by the fact that these amendments are subsequent to that memorandum. Is there a revised memorandum, and when might we see it?

Victoria Prentis: I may have misunderstood the hon. Gentleman, but I fear that he may have got ahead of himself again in talking about clause 22. With your permission, Mr Davies, I will deal with clause 22 stand part later. New clause 3 and amendment 26 merely bring the Bill into line with itself, as amended. Clauses 23, 38 and 49 will be removed, so we have made insertions to make that operable. I fear that the hon. Gentleman was talking about the power to introduce regulations to regulate the keeping of other wild animals. Is that right?

Daniel Zeichner: The Minister is correct.

Victoria Prentis: On the clauses that we are now discussing, we have carefully considered the parliamentary procedures. All powers to make regulations should be subject to the affirmative procedure. I hope that the hon. Gentleman and the rest of the Committee are happy with that.

Amendment 26 agreed to.

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

Victoria Prentis: I have heard what the hon. Gentleman said. This clause provides the Secretary of State with a power to introduce regulations to amend part 1 of the Bill to regulate the keeping of other wild animals. The power will allow the provisions to be extended to other kinds of wild animals that are not normally domesticated in Great Britain. The use of this power would be dependent on our gathering significant evidence in support of extending the primate provisions to another type of kept wild animal. It is quite clear that the Secretary of State is required to consult appropriate persons before making regulations.

The Government do not have any immediate plans to extend the measures in the Bill to other wild animals, and the power will be used only when there is evidence to show that Government intervention is necessary to ensure that the complex welfare needs of an animal are met. It is in the Bill that the Secretary of State will consult relevant experts before using the power, which ensures that we can prevent other wild species from suffering as pets and being kept in inappropriate conditions. We can ensure that any further regimes are in line with the primates licensing regime. Environmental non-governmental organisations have expressed considerable support for the extension of this regime to other kept wild animals, should the need arise.

Daniel Zeichner: I am grateful to the Minister for her explanation. To go back to points I made earlier, we seem to be designing a licensing system for a relatively small number of cases and then, at the end of the discussion, saying, “Ah, yes. This can also be used in wider circumstances.” That seems to be the wrong way round, and I think we will have the same discussion a bit further down the line on the extensive changes to the regulations applying to dogs. Although I do not necessarily have any objection to that, it is a curious way of proceeding. To some extent, it would have altered the discussion on Second Reading or more widely if people had known that the Government were setting up a new system, which is fine, but this started off being about primates.

Although we will not oppose the clause, I observe that it seems, from my conversations with organisations in the world outside, that they are not entirely clear what the provision is about. As one always says in these circumstances, I have no doubt that Ministers are well intentioned, but not all their successors may be. There is a considerable power to set up a new system for a whole range of animals well beyond primates.

Question put and agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 disagreed to.

Clause 24

MEANING OF “KEEP”

Amendment made: 30, in clause 24, page 12, line 28, after “England” insert “and Wales”.—(*Victoria Prentis.*)
This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

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

Victoria Prentis: The clause defines the meaning of the word “keep” in part 1. It is necessary to ensure that the provisions apply to the right people. A person does not “keep” a primate if they are in temporary possession of a primate in order to prevent it from causing damage, in order to transport it on behalf of somebody else, or when providing it with vet treatment. The clause also confirms that a person who ceases to be in possession of a primate while it is in England or Wales will continue to be treated as the keeper until another person takes possession of the primate.

Daniel Zeichner: I repeat what I said earlier: we do not think that people should be passing, keeping or transferring these creatures. We just think they should not be kept.

Question put and agreed to.

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25

GENERAL INTERPRETATION

Amendments made: 31, in clause 25, page 12, line 31, at end insert—

““appropriate national authority” means—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the Welsh Ministers;”.

This amendment relates to the application of Part 1 to Wales. See the explanatory statement to Amendment 3.

Amendment 32, in clause 25, page 13, line 1, after “authority” insert “, in relation to England,”.

This amendment limits the existing definition of “local authority” to England, in consequence of the application of Part 1 to Wales by Amendment 3.

Amendment 33, in clause 25, page 13, line 3, after “council” insert “in England”,

This amendment is consequential on Amendment 32.

Amendment 34, in clause 25, page 13, line 7, at end insert—

““local authority”, in relation to Wales, means a county council or county borough council in Wales;”.

This amendment relates to the application of Part 1 to Wales and provides for a definition of “local authority” for Wales.

Amendment 35, in clause 25, page 13, line 21, at end insert—

“(2) Where any premises are partly in the area of one local authority and partly in the area of another local authority, the premises are treated for the purposes of this Part as being in the area of the local authority in which the major part of the premises is situated.”—(*Victoria Prentis*.)

This amendment provides that where premises are partly in one local authority’s area and partly in another one’s, they are treated as being in the area of the local authority where the major part of the premises is situated.

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

2.15 pm

Victoria Prentis: The clause provides definitions of the terms used in the primate provisions in the Bill. It confirms that “primate” means an animal of any species other than man that belongs to the order of primates.

Question put and agreed to.

Clause 25, as amended, accordingly ordered to stand part of the Bill.

Clause 26

OFFENCE WHERE DOG ATTACKS OR WORRIES LIVESTOCK

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

Victoria Prentis: The clause provides that a person who owns or is in charge of a dog will be guilty of an offence if the dog attacks or worries livestock on any agricultural land or a road, path or verge thereof. The clause explains under what circumstances a person does not commit an offence even if a dog attacks or worries livestock. An owner will not commit an offence if they can prove that the dog was in the charge of another person without their consent—for example, if the dog had been stolen. The penalty for the offence is a fine up to level 3 on the standard scale.

Daniel Zeichner: We have moved beyond primates. [Hon. Members: “Hooray!”] Exactly. We are into a new part of this curious Bill. I start by welcoming the Government’s decision to update the Dogs (Protection

of Livestock) Act 1953, which I had the pleasure of reading over lunch. It is extraordinary how much more succinct the legislation was in those days. It did it all in three pages—and, apparently, for thruppence. The Act has been on the statute book for a long time, and although it has been updated periodically, it clearly needs bringing into the modern period. We are all aware of the horrific impact that livestock worrying can have and the concern it creates for livestock owners across England and Wales.

Equally, we all welcome the increased access to the countryside that there has been in recent years and that many of our citizens have made good use of, particularly in the past couple of years. We also recognise the economic impact that those people bring to the rural economy. That is a positive. However, if more people are coming into such areas and walking in the countryside with their dogs, and if they are not well informed about the need to behave responsibly—and, sadly, some do behave irresponsibly—there is always the risk that the owners will fail to take good care of their dogs when they are close to livestock. This has clearly had an harmful impact on a number of communities. When the all-party parliamentary group for animal welfare looked into livestock worrying, I am told that it estimated that about 15,000 sheep had been killed by dogs in 2016. In 2019, NFU Mutual stated that livestock worrying cost the sector £1.2 million. The National Sheep Association’s annual survey on livestock worrying in 2020 found that 95% of its respondents had experienced livestock worrying on their farm, with the average cost being more than £1,000. As you would expect me to observe, Mr Davies, at a time when farmers are open to being undercut through the trade deals being cut by the Government, every single penny counts.

Livestock worrying also leaves dogs open to harm. SheepWatch UK has told us that in 2016 at least 49 dogs were shot and killed for chasing or killing sheep. These are complicated issues, and we know just how much distress can be caused to a huge range of people—the owners of the livestock, those who witness such events, and the emergency services who have to turn up and deal with the problems. It causes great pain and distress and, sadly, often death to the attacked animals. It also puts the life and health of the dog and the owner in danger, as horses and cattle, for example, are quite capable of causing harm not only to a dog that is attacking them, but to the people with them. I am sure that we will discuss that later.

I welcome the Government’s decision to take action in this area, but we believe that there is scope to improve the measures, and we have a number of amendments, which we will come to this afternoon, that would do that. A final point on this introductory clause to part 2: we are slightly disappointed that there no mechanism for compensating victims of livestock worrying. A later amendment of ours may address that issue. On that basis, I am quite happy with the clause.

Question put and agreed to.

Clause 26 accordingly ordered to stand part of the Bill.

Clause 27

SEIZURE AND DETENTION OF DOGS

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

Victoria Prentis: This clause targets reoffending—cases where either the same dogs are found attacking livestock repeatedly, or where an owner has several dogs that worry livestock. It is important to bear in mind that about two thirds of livestock worrying incidents happen when an owner is not with their dog, and it has escaped or run away from them. Under the clause, the dog can be detained until the owner has claimed it and paid any associated expenses. The police will be able to seize and detain a dog if they have reasonable grounds to believe that it has attacked or worried livestock, or may make further attacks on livestock.

Daniel Zeichner: We have come to a series of clauses that get into the detail of how we address this issue in the new world. We have no objection to much of the detail, but as I said earlier, we seem to be designing new systems for dealing with dogs—and their owners, in some cases; we will look at that further in other clauses. I wonder a bit about how the measures will work and overlap with existing legislation. There are frequent debates in Parliament about the Dangerous Dogs Act 1991, for instance. I worry that we are designing a new system that starts from livestock worrying, but that could cover many other aspects of how dogs behave, and we could be duplicating measures, or creating a system that will be extrapolated from to cover other circumstances. Obviously, livestock worrying is an important issue in itself, but a whole range of things follow from it that it may be relevant to discuss and consider in the round in another way. However, when it comes to how one might deal with livestock worrying, there is nothing in the clause that we object to, and we are happy to proceed with it.

Question put and agreed to.

Clause 27 accordingly ordered to stand part of the Bill.

Clause 28

COLLECTION OF SAMPLES AND IMPRESSIONS

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

Victoria Prentis: The clause introduces powers to improve the ability of the police to investigate incidents of dogs attacking or worrying livestock. In creating the Bill, we worked closely with the police, and the provisions have very much been co-designed with them, so that they have the tools that they need in the modern world to enforce the legislation. This clause enables a police constable to take samples or impressions from a dog, livestock, or, sadly, the body of a livestock animal if it might be evidence of an offence committed under clause 26. The police say that that is a very welcome development that will really assist in prosecuting this offence.

Daniel Zeichner: I am afraid I will be making the same point consistently on these clauses. I am glad to hear that the measures were developed in consultation with the police, but I suspect that the powers could also be used in other circumstances. That is my ongoing concern about the way we are proceeding, although as far as we can see these are sensible proposals.

Question put and agreed to.

Clause 28 accordingly ordered to stand part of the Bill.

Clause 29

POWER OF JUSTICE OF THE PEACE TO AUTHORISE ENTRY AND SEARCH

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

Victoria Prentis: Clause 29 enables a justice of the peace to authorise the police—again, this has been asked for—to enter and search premises in connection with offences where a dog is believed to have attacked or worried livestock. That includes the power to take a sample or impression from the dog.

Question put and agreed to.

Clause 29 accordingly ordered to stand part of the Bill.

Clause 30

CONTROL ORDER UPON CONVICTION UNDER SECTION 26

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

Victoria Prentis: Clause 30 enables the courts to make control orders after conviction of an offence under clause 26, if the dog was found not to have been under proper control at the time of the offence. The control order must specify one or more measures that the offender or the owner of the dog, or both, must take to ensure that the dog is kept under proper control in the future. The owner of the dog, as well as the offender, may appeal against a control order to the Crown court. It is an offence to breach a control order; the penalty is a fine not exceeding level 3.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Clause 31

DESTRUCTION ORDER UPON CONVICTION UNDER SECTION 26

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

Victoria Prentis: Clause 31 introduces a power for the court to order that a dog be destroyed after a person has been convicted of an offence under clause 26, if the court is satisfied that there is a risk that the dog could attack or worry livestock again. The offender and the owner, if different, have the right to appeal against a destruction order to the Crown court.

Daniel Zeichner: We are working here with a series of proposals to deal with these very difficult cases. No one wants to see a dog destroyed.

My question is about whether any work has been done to consider how many control orders the Government anticipate being used under these proposals and how many destruction orders might follow. When we come to discuss the orders in future debates, in Westminster Hall or wherever, people may be rightly concerned that the orders have led to too many dogs being destroyed unnecessarily. Possibly it will be the other way round: perhaps the orders will not have been used strongly enough to deter people from behaving irresponsibly—if that is the purpose of this legislation, which I hope it is.

Victoria Prentis: Destruction orders are, of course, already available to the courts in relation to dogs that are dangerous and not kept under proper control, including in some cases—through other legislation that is already

[Victoria Prentis]

enforced—when a dog has worried livestock. It is important to remember that we are designing these changes with proportionality very much in mind. The ancillary orders being brought under this legislation would be available to a court only post-conviction. The courts will of course need to consider proportionality when making any control, disqualification or destruction orders.

The Bill gives additional powers to the police—particularly in the collection of samples or DNA, for example. That will help them prosecute these serious crimes.

Daniel Zeichner: I apologise for my lack of detailed knowledge about the complex interrelationship between existing laws and the new proposals. I suppose what I am trying to get at is the problem that the Government are seeking to solve through this new legislation given that, from my limited understanding, there is already legislation that could be used to achieve something that looks broadly similar.

2.30 pm

Victoria Prentis: As the hon. Gentleman has said, legislation has been in place since 1953. It was amended substantially in 1981 and is operable at this point. The new legislation, following our close work with the police, works on ways to make things easier and on modern tools and technologies, such as DNA sampling, to ensure that the police can prosecute the offences. As we have seen, the police will have that power, having had the authorisation of a JP to enter and search a premises in order to take a sample from or, where necessary, seize a dog.

This part of the Bill is designed to make existing powers more operable—easier and better to prosecute, giving the police extra tools to use in the prosecution of their duties. Yes, that is true of many of the powers, including the power to destroy a dog where necessary, although rehoming is also very much on the cards in many cases. Destruction, where that is decided to be necessary, however, is already an option. Such options remain in place, but this part of the Bill will help the police go about the course of their duties.

Daniel Zeichner: That is a helpful explanation, but only up to a point. I am left concluding that the Government seem not to be taking away the existing legislation and necessarily improving it, but adding additional legislation, which creates potential confusion. I understand the need to collect samples or use new technologies—absolutely right—but I am not clear why the destruction orders in particular need to be added to with this extra legislation in the Bill. I am not objecting; please do not—

Victoria Prentis: I might be able to help. I am trying to find the right clause, but I reassure the hon. Gentleman that one of the clauses repeals the 1953 Act. Much of the wording is the same, but the Bill will replace the 1953 Act. The legislation has been put into this Bill. I hope that is clear. While I am on my feet, the other thing I should have said earlier is that we have extended the meaning of “livestock” in the Bill to include species that were not kept routinely in 1953, but now are, such as alpacas.

Daniel Zeichner: I am grateful. It was clause 41—I am sure we are not expected to commit these things to memory. I was aware of that, but I am still not entirely clear whether all the existing legislation stems from the 1953 Act. In this case, I am not sufficiently knowledgeable to pass judgment on that, but I suspect that it may not be, so my continuing concern is that when we look at other things, such as the Dangerous Dogs Acts 1989 and 1991, we will find overlapping and duplication that it might have been a good idea to sort out in general. As a general proposition, the clause provides a framework for dealing with livestock worrying, and we support that.

Question put and agreed to.

Clause 31 accordingly ordered to stand part of the Bill.

Clause 32

DISQUALIFICATION ORDER UPON CONVICTION UNDER SECTION 26 OR BREACH OF CONTROL ORDER

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

Victoria Prentis: The clause allows the courts to make a disqualification order if a person is convicted of an offence of a dog attacking or worrying livestock, or of breaching a control order imposed by the courts under clause 30. A disqualification order may disqualify the offender from owning dogs, keeping dogs, or both. A person that breaches such an order commits an offence.

Daniel Zeichner: This is becoming a fascinating exchange. What is being done here is the putting in place of a range of measures, whether that is control orders, disqualification orders or destruction orders. A structure—though not necessarily a new one—is being created to deal with that set of issues. Again, I can see nothing wrong with the structure, but how it will interact with others bothers me.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Clause 33

SEIZURE AND DISPOSAL OF DOGS IN CONNECTION WITH DISQUALIFICATION ORDER

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

Victoria Prentis: The clause makes provision for the seizure and disposal—we hope by rehoming, where possible—of dogs in connection with disqualification orders introduced in clause 32. The clause also clarifies the right of appeal in relation to orders made in respect of dogs kept by a person to whom a disqualification order applies, whether or not that person is the owner.

When a court makes a disqualification order, if the person to whom the order applies owns or keeps a dog, the court may order that the dog can be taken away from them. If the owner is not the offender, they may appeal to the Crown court against the order made for the disposal of their dog.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill.

Clause 34

TERMINATION OF DISQUALIFICATION ORDER

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

Victoria Prentis: The clause provides further detail on how the disqualification orders introduced in clause 32 will be put into practice. The clause sets out the rights of the offender to apply for the order to be terminated and explains the rights and responsibilities of the applicant and the court.

Question put and agreed to.

Clause 34 accordingly ordered to stand part of the Bill.

Clause 35

SECTIONS 31 AND 33: SUPPLEMENTARY

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

Victoria Prentis: The clause provides further detail on how the disqualification and destruction orders will work. A person who fails to comply with the requirement to deliver up a dog as imposed under a disqualification order or a destruction order commits an offence and is liable upon conviction to pay a fine not exceeding level 3. Directions given by the court may specify how a dog is to be disposed of or delegate the decision about this to a person appointed under the order.

Question put and agreed to.

Clause 35 accordingly ordered to stand part of the Bill.

Clause 36CONTROL, DESTRUCTION AND DISQUALIFICATION
ORDERS: APPEALS

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

Victoria Prentis: The clause ensures that control, destruction and disqualification orders are not acted upon until the offender or dog owner has had the opportunity to appeal and had that appeal determined. The clause lists possible arrangements that the court can authorise, including directions for the dog to be taken into possession. It is an offence not to deliver up a dog subject to arrangements made by the court. Any expenses incurred in relation to the care of the dog can be recovered as a civil debt.

Question put and agreed to.

Clause 36 accordingly ordered to stand part of the Bill.

Clause 37

CROWN APPLICATION

Victoria Prentis: This is an interesting clause—

The Chair: Wake up! [*Laughter.*]

Victoria Prentis: If the Committee wants to know a fun fact, the Crown is not bound by the Dangerous Dogs Act 1991. Corgis are not dangerous—well, certainly not under that Act, anyway.

The Chair: They are Welsh.

Victoria Prentis: And they are Welsh—yes, indeed. From Pembrokeshire, not from the Gower.

The clause sets out how part 2 binds the Crown. The Crown should be bound by clauses 26 to 41 on livestock worrying in due respect for the duty to keep dogs under proper control and to mitigate the risk of harming the welfare of livestock. In the interests of national security, powers of entry in this part may be restricted in relation to Crown premises and are restricted in relation to Her Majesty's private estates.

Daniel Zeichner: I found the clause slightly puzzling. I am not entirely sure what it means, as usual. Maybe the Minister will be able to elucidate. I am not sure whether it is referring to land owned by the Crown, although of course Crown premises apply to extraordinary places—I believe some Cambridge colleges are considered to be Crown premises. I am not sure—I could get myself in trouble here, couldn't I?

Victoria Prentis: Crown premises are defined as “premises held, or used, by or on behalf of the Crown.”

Daniel Zeichner: Yes, that helps hugely.

Victoria Prentis: I thought it might.

Daniel Zeichner: There is a serious point here, which is that there seem to be some exceptions being made that relate to certain land, possibly even to certain animals. I am not entirely sure why that is in place. Can the Minister explain?

The Chair: There are two types of corgi. I know one in Pembrokeshire and one in Carmarthenshire.

Victoria Prentis: You are of course right, Mr Davies.

This part of the Bill is trying to bind the Crown—to ensure the Bill applies to the Crown. As I said in a slightly tongue-in-cheek way, the Crown is not bound by the Dangerous Dogs Act 1989 or the Dangerous Dogs Act 1991, but this Bill will apply to the Crown, as set out, with the exemption of national security, which I highlighted earlier. I hope that assists the hon. Gentleman.

Daniel Zeichner: I am grateful to the Minister. That is reassuring. I am thinking about my old college, King's, and the cows grazing outside it. I certainly would not want to see them being troubled by dogs. Our understanding is that this clause is fine.

Question put and agreed to.

Clause 37 accordingly ordered to stand part of the Bill.

Clause 38

REGULATIONS

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

Victoria Prentis: I ask that clause 38 does not stand part of the Bill. New clause 3, in my name, will bring the parliamentary procedures for all regulation-making powers in the Bill into one place.

Question put and negated.

Clause 38 accordingly disagreed to.

[Victoria Prentis]

Clause 39

MEANING OF “WORRYING LIVESTOCK”

Daniel Zeichner: I beg to move amendment 90, in clause 39, page 23, line 9, leave out “or a pack of hounds”.

This amendment would remove the exemption for working packs of hounds from provisions covering livestock worrying.

We now move on to some of the definitions. As we have already heard, some of the wording has been lifted from the 1953 Act. There are probably some in the Government who wish we were still living in 1953. Looking at the events of last night, some of them still are living in 1953 in my view, but the world has moved on and our amendment reflects that fact.

I know that hunting with dogs is a controversial issue. It is something that I and colleagues on the Opposition Benches have sought to stop over many years. We are pleased that many on the Government Benches have come to that conclusion too. The Conservative manifesto in 2019 was quite clear:

“We will make no changes to the Hunting Act.”

“Good,” we say, but we would like to see that strengthened and the wordings, which have come from legislation from a different era, should reflect the new realities we now live in. The inclusion of hunting dogs in the list in clause 39 is part of that reference back to a different world.

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

Victoria Prentis: The hon. Gentleman is right. We have carried over the existing language from the 1953 Act relating to assistance and working dogs. I listened to what he and colleagues said on Second Reading about the wording of this section generally, and I am certainly prepared to look at it. I think we need to look again at the language. It might, for example, be simpler to make a general exemption for working dogs while they are being worked, which is the situation in the Scottish legislation that was passed relatively recently. I also believe that “assistance dogs” is the modern terminology for guide dogs, although I would need to look at that further. Of course, assistance dogs, when they are being used, are usually—although perhaps not always—on the lead in any event. I feel that further work needs to be done on the wording, and I am happy to consider that before Third Reading. In those circumstances, I ask the hon. Member to withdraw his amendment.

2.45 pm

Daniel Zeichner: I am grateful to the Minister. I think that is a sensible compromise, and I am very tempted by her offer, but on something as totemic as this I am afraid that we still have to press the amendment to a vote. What we have before us is what we have before us, and we do not think it should be in the Bill.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 4]

AYES

Begum, Apsana
Blake, Olivia
Glendon, Mary

Johnson, Kim
Lake, Ben
Zeichner, Daniel

NOES

Daly, James
Evans, Dr Luke
Grundy, James
Hudson, Dr Neil
Mackrory, Cherylyn

Moore, Robbie
Prentis, Victoria
Saxby, Selaine
Wheeler, Mrs Heather

Question accordingly negatived.

Daniel Zeichner: I beg to move amendment 89, in clause 39, page 23, line 12, at beginning insert

“where keeping a dog on a lead of 1.8 metres or less would pose a risk of harm to the person in charge of the dog.”

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

During the evidence sessions on the Bill, much of the debate on this topic came down to whether a dog should be on a lead or not, and we heard many people give their view on that question. As we understand it, the position in the Bill is that it is acceptable for a dog to be in a field with livestock without a lead as long as the owner is aware of its actions and reasonably confident that the dog will return to the person on command. We heard a number of people discussing that, and I think many of us feel that that is not always likely to be the situation. Certainly, the majority of wildlife organisations feel that it is time to make a change here. The Royal Society for the Prevention of Cruelty to Animals, Dogs Trust, the Kennel Club, Blue Cross, the Canine and Feline Sector Group and many more have come out in support of a provision that would require dogs to be on leads when in a field that contains livestock.

Ultimately, dogs on leads are not in a position to run off from their owners and attack livestock, so, in my view, keeping them on a lead protects farm animals. That seems fairly straightforward to me. I appreciate that there may be more complexity, but that is the basic proposition. Given the serious financial and mental hardship that livestock worrying has been causing farmers, the need for someone to keep their dog on a lead does not seem to me to be a major sacrifice.

This was probably the issue that came up most in the evidence sessions. So far as I recall, most witnesses wanted dogs to be on a lead, and we agree. We recognise that near cattle, there is a risk to human life should the person with the dog not be able to release it swiftly. However, by my reading—I am willing to be corrected—clause 39(4) defines the relevant livestock for those purposes as

“poultry, enclosed gamebirds or sheep.”

The memo to the Delegated Powers and Regulatory Reform Committee is helpful, referring on page 6 to the relevant livestock:

“It covers animals that will respond to being scared by a dog by running and clumping together, which can result in these animals getting trampled and smothered, sometimes leading to fatalities.”

While keeping the dog on a lead may not stop that altogether, I cannot help thinking that it would help.

When preparing for the Bill, Baroness Hayman—who worked on Labour’s 2019 animal welfare manifesto, and who is a guiding light for us—told me that requiring dogs to be kept on leads could, in some instances, result in harm to the dog owner. Most notably, if a dog on a lead attacks a herd of cows, they may decide to protect themselves by attacking the dog. When a dog is off the lead, it can run away fast enough to avoid danger.

I think that the Government have solved the problem. Amendment 89 strikes the right balance between the two issues. It requires dog owners to keep their dogs on a lead in fields where the relevant livestock are present, except in instances where doing so would pose a risk of harm to the person in charge of the dog.

Ben Lake (Ceredigion) (PC): It is a pleasure to serve under your chairmanship for what I believe is the first time, Mr Davies. I rise to speak briefly in support of the amendment tabled by the hon. Member for Cambridge.

Last week, we heard quite a bit of convincing evidence on the need to curtail and clarify the definitions in this regard. Mr Rob Taylor from the police force explained that although the Bill, as worded, might not necessarily cause a problem for the prosecution or investigation of such crimes under the Bill, such clarifications might help public understanding—so that people know, when walking in the countryside where there are livestock in the fields, that they need to keep their dog on a lead.

Furthermore, we heard from both the National Farmers Union and Dr Hazel Wright of the Farmers Union of Wales that such clarifications would perhaps embolden farmers to look at their signage and keep it current. Dr Wright mentioned that, as the law stands, farmers do not always feel encouraged or, indeed, incentivised to keep signage up to date, especially when it pertains to whether livestock are present in a particular field. Her argument was very convincing: if we were to clarify and strengthen the law so that it is clear when a dog needs to be kept on a lead, farmers would react positively and make the effort to keep their signage current and up to date. That would benefit those wishing to enjoy the countryside and be in the interests of farmers.

Representing a rural constituency, I have sadly had to see many photographs of the consequences of a dog attack. If we were able to clarify the law in this regard, it would not only greatly benefit farmers, but improve public understanding. Ultimately, that is the only real way to tackle and reduce instances of dog attacks. I again place on record my support for amendment 89.

The Chair: Diolch yn fawr.

Victoria Prentis: Diolch yn fawr. The debate has been useful and thoughtful, and I thank the hon. Members for Cambridge and for Ceredigion for their contributions. I am afraid that we will not accept the amendment, but I have no doubt that the debate will continue in order to find the way to get the balance right.

To avoid committing the “at large” offence, a dog walker would need to be aware of their dog’s actions and ensure it stays in sight. The person must be confident

that their dog will come back promptly on command. It is not enough for the dog walker to merely think that their dog will come back when called. There are dogs who come back when called—not ones that have ever been members of my family, but I do know of such dogs—but for the rest of us, I would refer us very firmly to the recently refreshed countryside code. That document, which advises dog owners on how to walk their dogs responsibly, is worth a google when Members are out of Committee.

That document is supported by a public awareness campaign, which we tried to ramp up during lockdown because we found that there were many new dog owners who needed to be told very firmly that unless their dog was really under control, it needed to be on a lead. In the majority of cases, of course, if a person’s dog is not under control, they would be caught under the chasing offences in the Bill that we have just discussed, so it is very rare that this particular “at large” offence will be needed. I also remind the Committee once more that two thirds of livestock worrying attacks are by unaccompanied dogs, who are clearly not on leads because they do not have an owner with them. Their owners would be caught by the “at large” offence, but we do not think it is sensible and proportionate to catch responsible dog owners whose dogs are not on a lead and are not at risk of worrying livestock.

We will continue to work to raise public awareness. The countryside code is quite clear that owners should keep their dog under effective control, “always keep your dog on a lead or in sight”, “be confident your dog will return on command”, and, on open access land and at the coast, owners must put their dog on a lead during periods of the year that are effectively lambing season. I therefore ask the hon. Member for Cambridge to withdraw his amendment.

Daniel Zeichner: I am disappointed by the Minister’s response, because I thought that the evidence we were given was pretty overwhelming. I think the concern that a number of people have expressed to us about the potential danger with cattle has been dealt with by the Government themselves in their definition of relevant livestock. I was grateful for the hon. Member for Ceredigion’s expertise and knowledge, and his point about the signage—which was strongly made in the evidence session—was well made.

I suggest to the Minister that people of my generation, and possibly hers, grew up with many of the promotions about the countryside code and so on. It was drummed into people, but I am not convinced that younger generations have got that message in quite the same way. Sometimes, when I see accounts of some offences by younger people, I am struck by the fact that what would seem obvious to me does not seem obvious to them. One of the most difficult things for a person to do is to put themselves in other people’s shoes. Particularly during lockdown, people went out with dogs for the first time, and we know that on a whole range of issues—not just livestock worrying—people behaved in ways that were challenging to many of the authorities.

Ben Lake: In support of the point that the hon. Gentleman is making, one of the most surprising aspects of lockdown was how few people understood that they

[Ben Lake]

needed to close gates, which can cause a whole host of issues, both for the farmer and for the local communities that find a herd of cows or a flock of sheep going down the road. Those of us who are well versed in the countryside perhaps have a higher sensitivity to things such as the countryside code, but the younger generation and also, perhaps, those visiting or enjoying the countryside for the first time would respond with a very bemused expression if the countryside code was ever raised with them.

Daniel Zeichner: I am grateful to the hon. Gentleman. Listening to his comments, I realise that I am in danger of stigmatising younger people. I do not think it is their fault at all. It is partly because we have moved away from some of the public health and public information campaigns that we used to have.

Victoria Prentis: I absolutely understand the tenor of what the hon. Gentleman is saying. Precisely for that reason, I refer him to the new and refreshed countryside code that was put out by Natural England during the last pandemic period. It is genuinely done in a way that is accessible and fresh for a new audience, so I politely suggest that members of the Committee have a good look at it and promote it wherever possible.

Daniel Zeichner: I gently reflect that, in the modern information age, that is sometimes more challenging for those of us who grew up on a diet of three channels on black and white TV. I am sorry to give away my age. However, you could not get away from a lot of the public information messages. In the modern world, there is far more. It is just my sense that there are a lot of people who have come into the countryside—and that is good; we want people to come and understand—but they do not necessarily understand. The message has to be simple and very clear.

3 pm

Dr Neil Hudson (Penrith and The Border) (Con): We are reaching a degree of consensus about this, in terms of the importance of education. Like the hon. Member for Ceredigion, I represent a rural constituency and we have had a lot of access to the countryside during the pandemic.

I take on board the Minister's comments about the new countryside code. We have a spirit of agreement across the Committee and we encourage the Government, the Department for Education and the Department for Environment, Food and Rural Affairs to advocate the countryside code going into schools. That way, it becomes part of the education process for the next generation so that people appreciate the countryside, appreciate how and where food is produced and how to be respectful of that countryside that we all enjoy. We are in agreement and we just need to get the message out there, into schools and into the education system.

Daniel Zeichner: Everyone would agree with all that, but that is for the future. We are dealing with a generation now. It is not just a generational issue, but groups of people are going into the countryside who are either not cognisant of those recommendations, or just not behaving very well, frankly. I am afraid there are people who do not. That is why we think a simple measure like this one

would help alleviate the problems that people in the countryside face. We think that the amendment is important and quite straightforward, and on that basis, we will put it to a vote.

James Grundy (Leigh) (Con): I declare my interest as I did before: I live on a working family farm. Some people might be surprised to learn that Leigh is a county constituency and it has large rural parts. The Metropolitan Borough of Wigan, in which it sits, is also rural.

I have seen the aftermath of a dog attack on sheep. As the hon. Member for Ceredigion said, it is grim. I have immense sympathy on the issue, but believe the amendment as worded may prove to be a blunt instrument. However, I hope that, by the time we take the Bill to the next stage, the Minister will have some reassurance for those of us who have firm concerns on this issue and believe that dogs should be on a lead around sheep, poultry and other animals that would be at risk if they were let off the leash, given the terrible consequences that can happen when dogs become out of control in those circumstances.

Daniel Zeichner: I am sure the Minister has heard the strong words from her own side.

Olivia Blake (Sheffield, Hallam) (Lab): I speak in support of my hon. Friend the Member for Cambridge, who set out well why we think the amendment is necessary. I want to pick up on something the Minister said. The confidence people have around being in control of their dogs is interesting and has definitely taken hold of some internet memes. Dare I say the word "Fenton"? I wanted to have more understanding of that element. I take the point that two thirds of dogs are unattended. However, the amendment is important because in that third of cases in which they are with their owner, should we not push for as much control as possible over an animal in the presence of the relevant livestock?

Victoria Prentis: I remind the hon. Lady that it is not enough for the dog walker merely to think their dog will come back when called. The dog must actually come back when called.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 5]

AYES

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

NOES

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

Question accordingly negatived.

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

Victoria Prentis: The clause defines exactly what constitutes worrying livestock and sets out the exemptions.

Daniel Zeichner: Without re-rehearsing the previous discussion, we would have liked the clause to be strengthened, but our amendment has been rejected, so let us go forward.

Question put and agreed to.

Clause 39 accordingly ordered to stand part of the Bill.

The Chair: Order. I am suspending the Committee for six minutes for a comfort break. We will have a new batch of clauses to go through when we return.

3.6 pm

Sitting suspended.

3.14 pm

On resuming—

Clause 40

GENERAL INTERPRETATION

Victoria Prentis: I beg to move amendment 37, in clause 40, page 23, line 32, at end insert—

“‘enclosed deer’ means any deer so long as they are being kept for business purposes on land enclosed by a barrier intended to prevent their escape;”

This amendment and related Amendment 42 are drafting changes.

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

Government amendments 38 to 42, and 44 and 45

Amendment 88, in clause 42, page 25, line 17, at end insert—

“(f) adult poultry.”

This amendment would add adult poultry to the list of livestock species that may not be exported for slaughter.

Amendment 87, in clause 42, page 25, line 17, at end insert—

“(7A) An appropriate national authority may by regulations extend the definition of ‘relevant livestock’ in subsection (7).”

This amendment would enable an appropriate national authority to extend the list of the livestock species that may not be exported for slaughter.

Victoria Prentis: Government amendments 37 to 42 make minor and technical drafting changes to the definition of “livestock” that applies in part 2 of the Bill. The definition is intended to cover the types of animals that are kept in agricultural settings and may be vulnerable to attacks from dogs.

I do not believe that amendments 87 and 88, tabled by the hon. Member for Cambridge, are necessary. The definition of “relevant livestock” in clause 42 is drafted to cover all species that might be exported for slaughter or fattening. I have tabled Government amendments 40 and 41 to clarify that definition further.

We carried out a wide-ranging consultation on banning live exports and received no evidence at all that a ban on poultry was necessary. There are no exports of poultry for slaughter or fattening from Great Britain to the EU.

Poultry exports are either for breeding or other purposes not covered by the ban, such as exhibition. There have been no such exports of poultry for several years.

There are significant exports from Great Britain to the EU of day-old chicks, however, which are transported for breeding. Those movements do not generate major welfare concerns. The chicks are transported in high-welfare conditions, with a yolk sac or the equivalent gel for them to receive nourishment during the course of their journey. We have looked at this matter extensively and do not have welfare worries about the transportation of day-old chicks.

Daniel Zeichner: I hear what the Minister says, and we appreciate that there are no exports at the moment, but we do not quite see why the Government would not want to cover the export of adult poultry or give themselves the potential to change things in the future, which amendment 88 would allow them to do.

Looking back at our discussions on previous clauses, it is quite clear that the Government want—sensibly, in my view—to future-proof the legislation and give themselves and future Governments the opportunity to amend legislation. In fact, the delegated powers memorandum repeatedly makes the point that one of the problems with past legislation is that it has not been able to keep up with changing circumstances. In the modern world, given the uncertainties around our trading relationships, it is really hard to know how trading patterns will develop.

It is curious that we would not want to include adult poultry, which are just as capable as other animals of suffering poor health and welfare caused by long-distance transportation. I have been advised that a 2017 paper by Wageningen University & Research studied the transportation of live poultry for slaughter. It found that:

“During the transport, birds with broken bones suffer from pain, are not able to stand up and reach water supply, are stepped upon by other birds, and are prone to die”.

Clearly, that is the transport of adult poultry rather than export, but we cannot necessarily conclude that there will be no such trade in future. We have tabled amendment 88 because we cannot see why the Government would not want to include adult poultry. The Minister says that is not needed, but I cannot see why we would not include it when we have the opportunity.

In the future, science may well develop in such a way to show that a number of other species suffer from these problems in transport. Amendment 87 would give the Government the opportunity to future-proof legislation in a way I have suggested. However, these are essentially probing amendments and we will not push them to a vote.

Victoria Prentis: I think I have made my point, which is that there are, in fact, no poultry exports. In many ways it would be lovely if the Government could take all powers on to themselves for evermore, but I fear when we overreach in legislation. The fact that there have been no poultry exports for several years makes me feel that we should not take powers when we do not need them.

Amendment 37 agreed to.

Amendments made: 38, in clause 40, page 23, line 37, at end insert—

““enclosed wild boar” means any wild boar so long as they are being kept on land enclosed by a barrier intended to prevent their escape;”

This amendment and Amendment 41 provide that paragraph (g) of the definition of “livestock” covers only wild boar that are enclosed.

Amendment 39, in clause 40, page 23, line 39, leave out paragraph (a) and insert—

“(a) cattle and other bovine animals,”

This amendment simplifies paragraph (a) of the definition of “livestock”, and ensures that it includes steers.

Amendment 40, in clause 40, page 23, line 40, leave out from “horses” to end of line and insert “and other equine animals”

This amendment simplifies paragraph (b) of the definition of “livestock”.

Amendment 41, in clause 40, page 24, line 5, after “or” insert “enclosed”

See the explanatory statement to Amendment 38.

Amendment 42, in clause 40, page 24, line 8, leave out paragraph (j) and insert—

“(j) enclosed deer;”—(*Victoria Prentis.*)

This amendment and related Amendment 37 are drafting changes.

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

Victoria Prentis: The clause sets out the definitions for terms used in part 2. They include definitions for agricultural land and livestock. The clause also provides the Secretary of State with the power to amend, through regulations, the definition of livestock for part 2 where that might be necessary.

Question put and agreed to.

Clause 40, as amended, accordingly ordered to stand part of the Bill.

Clause 41

REPEAL OF THE 1953 ACT IN ENGLAND AND WALES

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

Victoria Prentis: This clause repeals the Dogs (Protection of Livestock) Act 1953 in respect of England and Wales. The 1953 Act is replaced by clauses 26 to 40. Much of that Act, as we heard earlier, has been copied over into the new clauses where appropriate.

Question put and agreed to.

Clause 41 accordingly ordered to stand part of the Bill.

Clause 42

PROHIBITION OF EXPORT OF LIVESTOCK FOR
SLAUGHTER ETC

Victoria Prentis: I beg to move amendment 43, in clause 42, page 25, line 7, leave out “3 months” and insert “6 months”

This amendment increases the maximum term of imprisonment for an offence under this clause committed in Scotland from 3 months to 6 months.

The Chair: With this it will be convenient to discuss Government amendments 46 and 53.

Victoria Prentis: These are minor and technical amendments to clauses 42, 43 and 46, which relate to the prohibition on the export of relevant livestock for slaughter and the power relating to the importation of dogs, cats and ferrets.

Amendment 43 increases the maximum term of imprisonment in Scotland for a contravention of the prohibition on live exports from three months to six months. This change was requested by the Scottish Government and will bring the penalties in line with the penalty that will be available in England and Wales.

Amendments 46 and 53 clarify the regulation-making powers in clauses 43 and 46. They will allow regulations enforcing the prohibition on the export of livestock for slaughter, and regulations prohibiting or restricting the importation of dogs, cats or ferrets on welfare grounds, to provide that summary sheriffs as well as sheriffs and justices of the peace in Scotland can issue warrants to authorise entry into private dwellings.

Amendment 43 agreed to.

Amendments made: 44, in clause 42, page 25, line 13, leave out paragraph (a) and insert—

“(a) cattle and other bovine animals,”

This amendment simplifies paragraph (a) of the definition of “relevant livestock”, and ensures that it includes steers.

Amendment 45, in clause 42, page 25, line 14, leave out from “horses” to end of line and insert “and other equine animals;”—(*Victoria Prentis.*)

This amendment simplifies paragraph (b) of the definition of “relevant livestock”.

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

Victoria Prentis: Clause 42 is essential for ending unnecessary journeys of livestock and horses for slaughter and fattening, and for improving the welfare of those animals. The clause also removes provisions from the Animal Health Act 1981 in relation to the export of horses. The provisions were originally intended to prevent the export from Great Britain of low-value horses and ponies for slaughter on the continent.

Daniel Zeichner: I think we all welcome the end of exports of livestock for slaughter and fattening for slaughter. It has clearly rightly exercised many of our fellow citizens over many years. The numbers have of course declined, but there are still too many. This is an excellent opportunity to do something and we strongly support this part of the Bill. Excessive journey times in the shipment of live animals cause significant welfare harms, including the deprivation of food and water, lack of rest, extremes of temperature and humidity, handling by humans, exposure to novel environments, overcrowding, insufficient headroom and noise. There is still sadly the danger of animals being exported to countries where they are slaughtered in situations with standards that are significantly lower than the standards that apply in the UK. Consequently, the Government’s decision to bring this provision forward is welcome.

We thought that there should have been some additional provisions, and we have already had that discussion. There is more to be done and we are slightly worried—this has been pointed out by the British Veterinary Association—that the focus on exports has perhaps missed the point that the real issue is the length of the

journey. I know that the Government are bringing forward measures for consultation to look at that, but that gives me the opportunity to point out—I suspect the Government would strongly agree—that there is a dearth of local abattoirs in this country. Animals are regularly required to travel longer distances to slaughter than many of us would like. That can cause significant harm.

We very much hope that the Minister will look at how best we can tackle that problem by re-establishing a local network of slaughterhouses in this country. On my summer tour around the country, which I am grateful to the Minister and her officials for helping me to secure, I was struck by the number of times that this point was raised. Many farmers across the country would like to find a way of returning to mixed farming, but the lack of a local abattoir is a major disincentive to that. I had exactly this conversation with a former colleague of the hon. Member for Keighley who made the point strongly to me. I suspect that many others have had exactly the same conversation. It is not an easy problem to solve, but it is pretty clear that it will need some sort of Government intervention. We would certainly do that, and I encourage the Government to do so in the meantime.

On that basis, we are delighted to support the prohibition of the export of livestock for slaughter.

Question put and agreed to.

Clause 42, as amended, accordingly ordered to stand part of the Bill.

Clause 43

POWER TO MAKE PROVISION IN CONNECTION WITH THE ENFORCEMENT OF SECTION 42

Amendment made: 46, in clause 43, page 27, line 6, leave out “or a” and insert “, summary sheriff or”.—*(Victoria Prentis.)*

This amendment adds a reference to a summary sheriff, in relation to warrants issued in Scotland.

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

Victoria Prentis: Clause 43 provides us with the ability to introduce regulations to implement and enforce the ban on the export of live animals for slaughter and fattening. Powers of entry, inspection, search, seizure and/or detention will enable us fully to investigate any potential breaches.

Question put and agreed to.

Clause 43, as amended, accordingly ordered to stand part of the Bill.

Clause 44

POWERS TO AMEND OR REVOKE RETAINED DIRECT EU LEGISLATION

Victoria Prentis: I beg to move amendment 47, in clause 44, page 27, line 15, at end insert—

“(b) any instrument containing provision made under section 2(2) of the European Communities Act 1972.””

This amendment enables regulations under section 12(1) of the Animal Welfare Act 2006 to amend or revoke instruments made under section 2(2) of the European Communities Act 1972 (implementation of EU obligations etc).

The Chair: With this it will be convenient to discuss Government amendments 48 to 50.

3.30 pm

Victoria Prentis: The amendments make changes to powers under the Animal Welfare Act 2006 and to powers to make regulations under the Animal Health and Welfare (Scotland) Act 2006. As we have heard, both Acts provide powers to promote animal welfare and introduce licensing and registration schemes for the keeping of animals. The amendments allow us to amend or revoke retained direct EU legislation or secondary legislation made under section 2(2) of the European Communities Act 1972.

Previously, the UK shared competence with the EU to make legislation relating to animal welfare. The EU made a number of regulations on welfare matters that now form part of our statute book. The amendments will ensure that we can amend or revoke those regulations when we introduce our reforms. The enforcement of EU law was implemented through the power in section 2(2) of the European Communities Act 1972. The Act was repealed following our departure from the EU, so it cannot now be used to amend or revoke regulations under that power. I should remind the Committee that animal welfare is a devolved matter, and the amendments will enable Scottish and Welsh Ministers to do likewise when exercising their own powers under the 2006 Acts.

Amendment 47 agreed to.

Amendments made: 48, in clause 44, page 27, line 15, at end insert—

“(1A) In Schedule 1 to that Act (regulations under section 13), in paragraph 19 after sub-paragraph (1) insert—

(1A) In the case of consequential provision, the power under sub-paragraph (1) includes power to amend or revoke—

(a) any retained direct EU legislation;

(b) any instrument containing provision made under section 2(2) of the European Communities Act 1972.””

This amendment enables regulations under section 13 of the Animal Welfare Act 2006 to make consequential amendments or revocations of retained direct EU legislation and instruments made under section 2(2) of the European Communities Act 1972.

Amendment 49, in clause 44, page 27, line 19, at end insert—

“(b) any instrument containing provision made under section 2(2) of the European Communities Act 1972.””

This amendment enables regulations under section 26 of the Animal Health and Welfare (Scotland) Act 2006 to amend or revoke instruments made under section 2(2) of the European Communities Act 1972.

Amendment 50, in clause 44, page 27, line 19, at end insert—

“(3) In section 51 of that Act (regulations under Part 2) after subsection (2) insert—

(2A) The consequential provision that may be made (by virtue of subsection (2)(a)) by regulations under section 27 includes provision amending or revoking—

(a) any retained direct EU legislation;

(b) any instrument containing provision made under section 2(2) of the European Communities Act 1972.””—*(Victoria Prentis.)*

This amendment enables regulations under section 27 of the Animal Health and Welfare (Scotland) Act 2006 to make consequential amendments or revocations of retained direct EU legislation and instruments made under section 2(2) of the European Communities Act 1972.

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

[Victoria Prentis]

Victoria Prentis: Clause 44 provides us with an important power. Section 12 of the Animal Welfare Act 2006 and section 26 of the Animal Health and Welfare (Scotland) Act 2006 enable the UK, Welsh and Scottish Governments to make regulations that promote the welfare of animals. The clause amends those sections, giving us the ability to amend or revoke any retained direct EU legislation and to replace it with new regulations that promote animal welfare. I recommend that the clause stand part of the Bill.

Question put and agreed to.

Clause 44, as amended, accordingly ordered to stand part of the Bill.

Clause 45

REDUCTION IN LIMIT ON NON-COMMERCIAL MOVEMENT OF PETS

Olivia Blake: I beg to move amendment 1, in clause 45, page 27, line 29, leave out “five” and insert “three”.

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

The Chair: With this it will be convenient to discuss Government amendment 51.

Olivia Blake: This is my first Bill Committee as a Front-Bench spokesperson, so I am excited to be here. As a dog lover, this is an issue that is close to my heart. My two rescue dogs are the pride and joy of my life, and I know that many dog owners feel the same.

The amendment is very important. Clause 45 is about puppy smuggling, which we know is a lucrative business. In 2015, the Dogs Trust set up its puppy pilot project to offer support to puppies that have been illegally imported. The organisation calculates the total market value of the puppies that it has helped to be more than £2 million. However, this is not just about puppies, as the clause also covers cats and ferrets. They are in high demand, especially kittens, which provides a huge incentive for illegally importing them.

One way that animal smugglers avoid the authorities is by posing as legitimate owners of the animals as they cross a border. Currently, clause 45 proposes to crack down on this practice by limiting the number of animals that can be transported in a non-commercial vehicle to five, but we are concerned that it does not go far enough. The Government could make the law much stronger and more resistant to abuse by smugglers if they were to agree to our amendment.

As we heard in evidence, five seemed a strange number, given that a survey of a quarter of a million dog owners by the Dogs Trust found that 97.7% of respondents have three dogs or fewer. Others have estimated that around three quarters of dog owners have only one dog; roughly a fifth—18.9%—have two; and only 4% have three, so our amendment to reduce the number from five to three should be considered. Only a tiny fraction of dog owners have more animals than that. The idea that they would regularly travel across borders is a bit strange, given how five animals would fit in one vehicle. Strengthening the law would make it much harder and

far less lucrative for puppy and animal smugglers involved in this cruel practice to operate. We should seize the moment that the Bill affords. I hope that the Minister will agree to our amendment today.

The Chair: Are there any other contributions? I know that members of the Environment, Food and Rural Affairs Committee have considered the issue.

Dr Hudson *rose*—

The Chair: Get on your hind legs.

Dr Hudson: It is a pleasure to serve under your chairmanship, Mr Davies. I rise as a member of the Environment, Food and Rural Affairs Committee, and as a veterinary surgeon. Opposition Members will probably be relieved that I rise in strong support of what they say. We need an evidence-based response, and the evidence that we on the EFRA Committee took from the Dogs Trust during our inquiry was powerful. I refer Members to our report on the movement of animals across borders, where we looked at a lot of the issues, from farm animals and horses to pets and so on. As the hon. Member for Sheffield, Hallam has said, the research suggests that 97.7% of owners have three dogs or fewer, so if we changed from five to three it would strengthen the legislation and make it a significant deterrent to the unscrupulous people who try to exploit loopholes in the law.

We took evidence from the British Veterinary Association as well. The Government could put in exemptions for people who are permanently relocating—they could apply for a special dispensation—but moving from five to three would strengthen the law.

Victoria Prentis: I welcome the hon. Member for Sheffield, Hallam to her first Committee. I am afraid I am going to resist the amendment while speaking to Government amendment 51. I appreciate the concerns raised about the number of pets that can be moved in a single non-commercial movement. I want to assure hon. Members that we completed extensive engagement with relevant groups, including authorised pet checkers, carriers, animal welfare organisations and veterinary bodies to determine a suitable limit. The aim was to strike a balance between disrupting the illegal trade, which we all want to do, while minimising the impact of genuine owners travelling with their pets—cats, dogs and ferrets. It is already a large change for a traveller to go from five pets per passenger to five per vehicle.

However, we have heard the arguments from across the House, and we would be willing to look at any further evidence that shows genuine pet owners would not be unduly impacted by a decrease to three pets per vehicle. I am particularly concerned about two pet owners travelling together with two dogs each, for example, but I am willing to look at evidence that hon. Members wish to send in, or to discuss it. If we decide to make the change at a later date, we could use the enabling power in clause 46, which allows us to make regulations on the importation of relevant animals on welfare grounds. In these circumstances, I therefore ask the hon. Lady to withdraw her amendment.

Amendment 51, in my name, simply ensures that consequential amendments are made in relation to the relevant Welsh regulations, as they are for Scotland and England.

Olivia Blake: I must say that I am disappointed. I will press the amendment to a vote because we think that the evidence was quite powerful. As was said, the Environment, Food and Rural Affairs Committee have considered the question in a lot of detail and believe that this is the right way to go. I take the Minister's point about people travelling together, but a balance must be struck between what could be seen as a loophole and a way of allowing this practice to continue, especially when we know how many puppies can come from one dog. There are large concerns around the issue and that this would remain as a potential loophole to allow puppy smuggling. I would ask the Minister to reflect again, but we will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 8, Noes 8.

Division No. 6]

AYES

Begum, Apsana	Hudson, Dr Neil
Blake, Olivia	Johnson, Kim
Doogan, Dave	Lake, Ben
Glindon, Mary	Zeichner, Daniel

NOES

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

The Chair: We will have to suspend for two minutes to consider this.

3.43 pm

Committee suspended.

3.45 pm

On resuming—

The Chair: Bad news. I have the casting vote, but I have an obligation not to vote in favour of an amendment that changes the Bill, even though I am on the Environment, Food and Rural Affairs Committee—Neil, I love you. I will have to vote against the amendment, because I am obliged, as Chair, to do so. Unfortunately, the amendment falls.

Question accordingly negated.

Amendment made: 51, in clause 45, page 28, line 16, at end insert—

‘(9) In regulation 3(1)(b) of the Trade in Animals and Related Products (Wales) Regulations (S.I. 2011/2379 (W. 252))—

(a) in the English language text—

(i) at the end of sub-paragraph (i) for “or” substitute “and”;

(ii) for sub-paragraph (ii) substitute—

(ii) Article 5(4) of the Pets Regulation does not apply.”;

(b) in the Welsh language text—

(i) at the end of sub-paragraph (i) for “neu” substitute “a”;

(ii) for sub-paragraph (ii) substitute—

(ii) Nid yw Erthygl 5(4) o'r Rheoliad Anifeiliaid Anwes yn gymwys.’—(*Victoria Prentis.*)

This amendment makes the same consequential amendments in relation to the relevant Welsh regulations as are made by subsections (7) and (8) in relation to the English and Scottish regulations.

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

Victoria Prentis: Thank you for your casting vote, Mr Davies. I would like to reiterate that we will continue to look at any evidence, and I am very happy to meet colleagues to discuss further. This is clearly an issue on which there are genuine differences of opinion.

Clause 45 limits the number of dogs, cats and ferrets that may be moved into Great Britain in a single non-commercial movement. There is evidence, as we all know, that commercial importers abuse our non-commercial pet travel rules to bring in lots of puppies at once for sale. The welfare of these puppies, as we have heard many times and as the Environment, Food and Rural Affairs Committee reminded us, is frequently compromised. The clause will help to prevent the misuse of these rules. The new limit will be five per vehicle or three per air or foot passenger. I commend the clause to the Committee.

Olivia Blake: I thought I had just made history with my first amendment. The Minister has obviously heard from across the House how important the issue is and that it warrants further consideration. I am disappointed that we did not win that vote.

Daniel Zeichner: Having moved some hundreds of amendments and never gotten that close, I am extremely jealous. Would my hon. Friend agree that the vote we have seen this afternoon reflects that there are many others in the House who will come to a similar conclusion, and that it would be sensible for the Government to move sooner rather than later on their position?

Olivia Blake: My hon. Friend is absolutely right. On Second Reading we heard many concerns from colleagues across the House. I ask the Minister to look again as quickly as possible to come up with a conclusion. That is all I have to say on the matter.

Question put and agreed to.

Clause 45, as amended, accordingly ordered to stand part of the Bill.

Clause 46

POWERS RELATING TO IMPORTATION OF CERTAIN DOGS, CATS AND FERRETS

Olivia Blake: I beg to move amendment 117, in clause 46, page 28, line 21, leave out “may” and insert “must”.

This amendment would require the banning or restriction of importation of relevant animals which are below a specific age, have been mutilated or are below a specified number of days pregnant.

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

Amendment 2, in clause 46, page 28, line 23, after “age” insert—

“, with six months being the minimum age”.

This amendment would ban the importation into Great Britain of dogs, cats and ferrets aged six months or less.

Amendment 118, in clause 46, page 28, line 25, after “pregnant” insert—

“, with 42 days being the maximum length of pregnancy for cats and dogs”.

This amendment would prohibit the importation of heavily pregnant cats and dogs.

Government amendment 52.

New clause 14—*Commercial movement of pregnant cats and dogs*—

“The importation of pregnant cats and dogs for commercial purposes is prohibited.”

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

New clause 18—*Prohibition on importation of cats and dogs with fashion-based mutilations*—

“(1) Cats and dogs with fashion-based mutilations may not be imported into the UK.

(2) For the purposes of this section, ‘fashion-based mutilations’ include—

- (a) cropped ears,
- (b) docked tails, and
- (c) declawed paws.”

This new clause would prohibit dogs and cats that had been subjected to ‘fashion-based’ mutilations such as cropped ears, docked tails and declawed paws being imported into the UK.

New clause 24—*Healthcare requirements for imported cats and dogs*—

“The Secretary of State must, by regulations, make provision for—

- (a) compulsory tick treatment for all cats and dogs imported into the UK in non-commercial movements; and
- (b) compulsory rabies blood tests for all cats and dogs prior to importation into the UK.”

New clause 25—*Imported cats and dogs: rabies vaccination*—

“Cats and Dogs may not be imported into the UK for a 12 week period after receiving a rabies vaccination.”

Olivia Blake: The Bill is a bit of a mixed bag of random measures, but it offers an opportunity to speed up the approach to animal welfare. Amendment 117 is a policy of Labour’s animal welfare manifesto. It is frustrating that the Bill has been half-hearted in its approach. I am afraid that we will be seeing procrastination on the issue even now. Although I welcome the steps in the right direction, the Government could go a lot further, which our amendment seeks to do. We want to see it in the Bill.

Having a firm commitment in the primary legislation is important in order to get to grips with the cruelty inflicted on not only very young and pregnant animals but animals that have been mutilated by their owners. Rather than saying that the Government “may” prohibit or restrict the importation of animals below a specified age that have been mutilated, or that are a certain number of days pregnant, the legislation should say “must”. I am sure that everyone on both sides of the

House agrees on the importance of taking action on that issue, so let us get on with it and ensure that it is in the primary legislation.

The demand for pets such as dogs and cats is booming, and some of the biggest profits have been made on very young animals. The number of young animals that are imported legally continues to grow every year. Often puppies, kittens and others have been bred in horrendous conditions, and face further cruelty as they are transported over borders. They can be subjected to long journeys in cramped conditions, and when they arrive few questions are asked about where they have come from, or how they or their mother and father were treated.

The first aim of amendment 2 is to ensure that young animals that are legally imported and sold in the UK have not been subject to cruel practices such as puppy farming abroad. It also affects the illegal international trade of young animals. More and more we are seeing serious organised criminal groups involved in animal smuggling, generating massive profits through illegal imports. Just as in the legal trade, the biggest money is often made from the very young animals because of the cuteness factor, further incentivising smuggling.

For example, puppy smugglers exploit the fact that it is very difficult to tell just by looking whether a very young puppy is over 15 weeks. One outcome of the amendment would therefore be to aid law enforcers in identifying underage puppies, because it is a lot easier to tell the difference between an underage puppy at six months than at 15 weeks. There is also a much smaller market for animals that are around six months old. That makes it less profitable for smugglers to pass off animals at four or five months, because their market value is far less than that of an animal at around 15 weeks.

The amendment would improve the welfare of extremely young animals to ensure that the UK market is not complicit in animal welfare violations, and would make life harder for smugglers. That is why it is backed by a huge range of stakeholders, and is already law in countries such as the USA, which has a ban on imports of puppies under six months old. I hope that the Government will back that element of the amendments, and write it into the primary legislation.

We have discussed the lucrative smuggling market and some of the methods that are used to illegally import animals into the country. In addition to the forms of deception that we have already dealt with, another way of getting puppies into the country is by importing pregnant bitches that give birth to puppies in the UK. Again, it is a very lucrative market. The approximate total market value of the puppies born to pregnant bitches admitted to the Dogs Trust through its puppy pilot scheme, which I mentioned earlier, is around £400,000.

The practice has obvious detrimental impacts on the wellbeing of both the bitch and the puppies. For that reason, amendment 118 calls for the prohibition of importing heavily pregnant bitches, by which we mean those more than 42 days pregnant. That would enhance the welfare of the animals and crackdown on the activities of smugglers, while acknowledging that sometimes the non-commercial movement of animals in the early stages of pregnancy is unavoidable.

I will talk about some of the new clauses—

The Chair: You are doing a great job.

Olivia Blake: Great. I think Members on both sides can agree that the practice of moving pregnant cats and dogs across borders to avoid checks on the welfare of the puppies or kittens is abhorrent. We have already said that it might be unavoidable in some non-commercial circumstances; however, there is no commercial reason to move a pregnant dog or cat across a border, subjecting it to a long and arduous journey that will, in all likelihood, have a negative impact on its wellbeing and welfare. New clause 14 therefore seeks to end the commercial importation of pregnant cats and dogs. There is no justification for it; the loophole in the law is just being utilised by unscrupulous illegal importers.

People have now got wise to illegal puppy imports and are insisting on seeing the mother of the puppy. That is one of the simple steps that the many people who are seeking to own a puppy can undertake. Unfortunately, that has led to the importation of pregnant bitches to ensure that prospective buyers can see the mother before they buy. It is really quite sad, because the bitch is then returned to her country of origin to breed again. This puppy farm on wheels is a horrific situation for the dogs involved. This new clause would end the practice—a move that we would support fully.

I hope that new clause 18 will be welcomed. It should be uncontroversial; the practices outlined in it are undoubtedly cruel. This new clause seeks to ban the importation of dogs and cats that have been subjected to fashion-based mutilations, such as cropped ears, docked tails and declawed paws. Despite being illegal in the UK, those cruel practices are still carried out in other parts of the world. However, it is currently legal to import a dog that has been abused in that way. That is clearly wrong. It impacts on the wellbeing of animals domestically and can act as a smokescreen for those who illegally mutilate animals in the UK. Unfortunately, we are seeing those kinds of mutilations more regularly. For example, the Royal Society for the Prevention of Cruelty to Animals estimates that calls about ear cropping have risen by 621% since 2015, which is absolutely horrifying. Sadly, it is also the case that fashion mutilations often go hand in hand with other kinds of animal abuse and form part of a pattern of mistreatment. The new clause would stop dog and cat imports fuelling animal abuse internationally and would make it harder for anyone to abuse domestically.

To put it simply, we also support objectives to reintroduce tick treatment and for all dogs and cats to have rabies blood tests prior to being imported, as covered in new clause 24.

Dr Hudson: I rise in support of what the hon. Lady has said, and again I refer hon. Members back to the Environment, Food and Rural Affairs Committee report entitled “Moving animals across borders”. We on that Committee took significant amounts of evidence, and we saw some of that last week on the Bill Committee as well. I understand what the Government are doing with the Bill, and I very much support the Bill and the Government’s wanting to get things on the statute book quickly and then have the powers in secondary legislation to tweak and amend things as we go further on. I firmly believe, when it comes to the health and welfare of animals, that we can crack on and do things. We have left the European Union.

The hon. Member for Sheffield, Hallam made the point about tick treatment. That was stopped in 2014. We have the power to reintroduce that treatment of animals before they come into the country, and that will protect those animals travelling and protect the animals in this country as well. The concept of pre-import screening and checking of animals, before they come into the country, has huge implications for the health and welfare of those animals and animals in this country and also, indirectly, people in this country. As we have seen—we have also taken evidence on this—there are diseases potentially coming in that have zoonotic potential. I am thinking of things such as canine brucellosis. Animals being imported from countries such as Romania and Macedonia are potentially coming in with a disease that can be transmitted to people.

I urge the Government to act on this. I have been submitting written questions, as the Minister well knows. She mentioned the other day that I am quite repetitive on it. I will keep banging on about it. As I said, I have been submitting written questions, and there are no plans to make changes. I really encourage the Government to crack on and do this to protect the animals coming in and protect the animals in this country.

I firmly support the suggestion in the amendment to specify six months in the Bill. Another issue is stipulating what we mean by “heavily pregnant” animals. At the moment, bringing in animals is illegal in the last 10% of gestation; Dogs Trust, for instance, has suggested that we could extend that to the last 30% of gestation. I think that we are all agreed on mutilations, and as I said on Second Reading and many other times in this House. Animal welfare unites us in humanity, and we abhor some of these procedures carried out in other parts of the world, such as the ear-cropping of dogs and the removal of cats’ claws, and are stipulating that those procedures are not acceptable in this country or for animals brought into this country for sale. I very much support that.

4 pm

Again, I agree with the points about pre-import checks. The rabies titre test and introducing the wait time post-rabies vaccination will be a great help in terms of that pausing and that period to allow the animals to get older, as well. If we not only put “six months” in the Bill but reintroduce the rabies stipulations, the dogs and other animals coming in will potentially be older than the animals coming in now.

We received harrowing evidence on the Environment, Food and Rural Affairs Committee, and I strongly encourage the Government to look at this issue closely. I think that we are all agreed about what we want to try to do, although we may differ on how we would do it. Nevertheless, there is the scope in this Bill to do some good stuff for the health and welfare of both animals and people.

Daniel Zeichner: I was tempted to push for a vote just now, but we can continue our discussion.

There is plenty to discuss, and I am grateful to my hon. Friend the Member for Sheffield, Hallam for moving the amendment and then speaking to the group so forcefully and powerfully. However, I am also grateful to the hon. Member for Penrith and The Border, who

[*Daniel Zeichner*]

speaks on the basis of huge knowledge. I think that what he is saying—he said it on Second Reading, as did others from across the House—is that there is acknowledgement of the widespread public interest in and concern about these issues. While I can understand from a kind of technical point of view why the Government might want to do this thing through regulation, the politics of it are very clear: people expect this to be done now. We are giving the Government the opportunity to do it now through these amendments. I have lost count of the number of Government Members who raised these issues, so the Government ought to be able to see what is coming. It is a question of how to deal with this matter in as graceful a manner as possible because, frankly, I do not think there is any dispute about it.

When we consider some of these practices, many of us find them extraordinary. Why would anyone declaw a cat? I do not think that anyone here could possibly imagine why anyone would do that.

One of the issues that we will come back to in some of the later debates is that there has been a lot of emphasis on puppy smuggling—rightly so. However, there is a slight sense on the part of organisations representing cats that there is a danger that those who seek to gain a commercial benefit out of these awful practices will just shift to other practices. I know there is some debate about how likely that is. Nevertheless, we should be mindful of the fact that many of our constituents are looking at this Committee closely and will want to know why we are not being as robust as we could be to guard against all these eventualities.

I do not have the expertise on this issue that some other members of the Committee do, but when I listen to the accounts and to the arguments being put, I find it hard to imagine why we would not want to introduce all the things we are discussing into the Bill as speedily as possible.

We will pursue this matter relentlessly, through every opportunity open to us, because we think that is where the majority of feeling in the House is, so the Government would, as I say, be sensible to move as swiftly as possible. I am interested to hear what the Minister has to say on that, because I cannot see any reason not to do this thing as swiftly as we can.

The Chair: Swiftly to the Minister.

Victoria Prentis: Neatly done, Mr Davies.

I agree—indeed, it is clear—that there is a great deal of consensus across the House on our manifesto commitment to crack down on the illegal smuggling of dogs and puppies. Where we differ slightly is how to bring that crackdown about. I want to reassure all Members that I am absolutely committed to bringing in further restrictions in regulations.

One of the reasons we are using regulations is to enable Government to act in a way that is relatively nimble. What we have found is that after we restricted the import of puppies, the criminals started to import pregnant bitches instead.

What we need to do is to remain one step ahead of the criminals. We feel that the best and speediest way to do that is through secondary legislation. There is absolutely nothing half-hearted about our determination to crack

down on illegal smuggling of dogs and puppies. I am determined to do that in a fair way, but as quickly as we possibly can.

Daniel Zeichner: I hear what the Minister says, and I do not doubt her sincerity, but I do not understand how it can be quicker to do this through secondary legislation, nor do I understand why the two are mutually exclusive. It is quite possible to do both; I encourage her to do so.

Victoria Prentis: We are taking the steps we are taking today, if the Committee votes for them, in the Bill, which we hope will soon become an Act. We have not taken the foot off the accelerator for organising the regulations.

Before we bring forward regulations, we consult with those involved in the sector, to make sure that the regulations hit the spot, in so far as we can. In August of this year, we launched our consultation to seek views on the new restrictions that we are proposing, which are very much in line with the views expressed by hon. Members across the House. The proposals include raising the minimum age that dogs can be imported from 15 weeks to six months, for all the reasons that have been given. It is a lot easier for a Border Control checker to see if a dog is six months old or still a puppy. The hon. Member for Sheffield, Hallam mentioned the cuteness factor. I do not think they lose the cuteness factor, but on the commercial market, puppies are more saleable than adult dogs. That is absolutely the Government's intention.

We also stated our proposal to prohibit the commercial importation and non-commercial movement of heavily pregnant dogs, specifically those over 42 days pregnant, into Great Britain. We needed to get that right. I listened with interest to what my hon. Friend the Member for Penrith and The Border said in last week's sitting and what I have heard him say before—I do not mean that critically—about the difficulty of checking gestation periods. We have to get this right and make sure that it is operable, easy for checkers to check and will deter criminals.

Daniel Zeichner: I am sorry to labour the point. Of course consultation is always a great thing, but I think the Minister has made it quite clear what she believes needs to be done. I am trying to imagine what kind of consultation response it would take to undo all this weight of evidence from so many experts. I cannot see that happening. I am genuinely baffled as to why there is a problem here.

Victoria Prentis: It is true that my Department places a great weight on consultation—indeed, it has to, under the rules set out in various pieces of legislation. I do not think we were wrong to do so in this particular case. There are difficult issues here, the bitch's stage of pregnancy being one of them. I was just coming on to proposals to prohibit the import of dogs with cropped ears and tails. We all agree that these practices are abhorrent, but we have to make sure that we are not inadvertently making a problem—for example, for dogs that are already owned or rescue dogs that have been rescued from inappropriate ownership. It is important that we consult and get it right, but Members should not take that as any indication that we are going slowly. We really are not.

The evidence that we have seen to date, not least that which was gathered in the consultation, suggests that the import of young, heavily pregnant or mutilated animals is mainly an issue for dogs. We are therefore initially focusing our efforts on dogs, and we consulted on dogs this year. However, I reassure members of the Committee who feel we are being cattist in this matter, that there is an enabling power in clause 46 that allows us to expand the regulations to improve the welfare of dogs, cats and ferrets in future, should we gather evidence that that is necessary.

The consultation closed on 16 October. We are currently analysing the responses and will publish a summary in due course. I hope hon. Members feel reassured by our proposals, which make it clear how seriously we take the welfare issues with this trade. It is important that we consider the views of the public and interested groups before we make a final decision on new restrictions, although I would hope that the text of what we agreed on gives a fairly clear indication of the direction of travel of the Government. We need to ensure that the measures we introduce are necessary and proportionate and that there are no unintended consequences.

Dr Hudson: I appreciate the Minister's comments that the Government are listening and consulting. I recognise and applaud that, because it provides an evidence base: the Government are casting out for opinions and stakeholders will get back to them.

There is also an evidence base about health treatments for dogs coming in with regards to the tick treatment that was stopped in 2014. There is scientific evidence that a dog in Essex, for instance, picked up a tick and contracted an exotic disease called babesiosis. That particular dog had never travelled out of the country, so another dog must have come into the country, or gone away and come back, with a tick onboard that it shed. The dog then took that tick onboard and contracted an exotic disease.

That evidence base makes it clear that we can act and put in place tighter guidelines to protect our biosecurity. A benefit of being a United Kingdom of islands is that we have a biosecurity barrier that we can and should strengthen for the animal population.

Victoria Prentis: I turn to new clauses 24 and 25, which relate to the health requirements of imports of non-commercial dogs and cats—that was a well-timed intervention. I reassure hon. Members that any regulations needed to introduce preventive health measures necessary to protect animal or public health due to the movement of pets into this country could already be introduced under existing powers to make regulations, including article 19 of the pets regulation—regulation 576/2013 as retained—or section 10 of the Animal Health Act 1981.

In relation to ticks, on which I know that my hon. Friend the Member for Penrith and The Border is something of an expert, it is true that we have seen small numbers of localised infestations of non-native ticks in recent years. It is also true that the Government strongly encourage pet owners to treat their dogs against picking up ticks wherever they can. I look forward to working with him further on the issue and I know that he will be talking to the chief veterinary officer in the next few weeks to discuss his views as to why we need to deal with the problem now.

In relation to rabies, there is already a requirement for all pets entering GB to be vaccinated against rabies, with a minimum 21-day wait period. We operate one of the most rigorous and robust pet travel checking regimes in Europe. All pets entering GB on approved routes undergo 100% documentary checks, which includes checking vaccination status. In addition, recent quantitative risk assessments have concluded that the risk of a pet animal with rabies entering the UK under the pet travel rules is very low. It is obviously good and to be applauded that our rabies status is as it is and I do not consider that further requirements are necessary in this area.

Finally, I turn to amendment 52 in my name, which amends clause 46 to ensure that we can set out exemptions to any prohibitions or restrictions brought in under the clause and set out a permit system through which to issue such exemptions. It will ensure that the new prohibitions do not have an unfair impact on individuals who need to travel with their pet under exceptional circumstances—for example, moving permanently to GB or because of a natural disaster. I ask the hon. Member for Sheffield, Hallam to withdraw amendment 117.

The Chair: I am sure Dr Hudson will be very happy to have had a tick from the Minister.

Olivia Blake: It has been an interesting debate, and many concerns have been raised by Members on both sides of the Committee. I completely agree with everything that the hon. Member for Penrith and The Border said about the risk of zoonotic diseases and their increase. Ticks can cause horrific diseases in animals and humans—it is equally important to consider that risk. It is a biosecurity issue that we should take a lot more seriously.

4.15 pm

On the wider issues of pregnant dogs and cats travelling, I am yet to be convinced of the Minister's arguments. We should be mindful of the mutilation issues as well, and ask ourselves what the purpose is. Is it to uphold the highest animal welfare standards, or to create loopholes? We heard evidence on movement to resting centres being a loophole that will not be welcomed by some of those we received evidence from.

It is important that we vote on many of our amendments. I am willing to withdraw amendment 117, but I will press for a vote on the others we tabled. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 2, in clause 46, page 28, line 23, after “age” insert—

“, with six months being the minimum age”—(*Olivia Blake.*)

This amendment would ban the importation into Great Britain of dogs, cats and ferrets aged six months or less.

The Committee divided: Ayes 8, Noes 8.

Division No. 7]

AYES

Begum, Apsana	Hudson, Dr Neil
Blake, Olivia	Johnson, Kim
Doogan, Dave	Lake, Ben
Glindon, Mary	Zeichner, Daniel

NOES

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

The Chair: I have the casting vote, and I am obliged to vote for no change, which is a vote for the Noes.

Question accordingly negated.

Amendment proposed: 118, in clause 46, page 28, line 25, after pregnant insert

“, with 42 days being the maximum length of pregnancy for cats and dogs”.—(*Daniel Zeichner.*)

This amendment would prohibit the importation of heavily pregnant cats and dogs.

The Committee divided: Ayes 8, Noes 8.

Division No. 8]**AYES**

Begum, Apsana	Hudson, Dr Neil
Blake, Olivia	Johnson, Kim
Doogan, Dave	Lake, Ben
Glindon, Mary	Zeichner, Daniel

NOES

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

The Chair: I have the casting vote, and I am obliged to vote no.

Question accordingly negated.

Amendments made: 52, in clause 46, page 28, line 25, at end insert—

“(2A) The regulations may—

- (a) provide that a prohibition or restriction is subject to specified exemptions, including an exemption in cases where a permit issued under the regulations is in force,
- (b) make provision for and in connection with applications for permits and the determination of such applications, and
- (c) require a specified fee to be paid on the making of such an application.”

This amendment provides that regulations under clause 46(1) may contain exemptions, including exemptions applying where a permit is held, and may make provision about permits (including applications for permits, the determination of applications and fees).

Amendment 53, in clause 46, page 29, line 37, leave out “or a” and insert “, summary sheriff or”—(*Victoria Prentis.*)

This amendment adds a reference to a summary sheriff, in relation to warrants issued in Scotland.

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

Victoria Prentis: When the UK harmonised its pet movement rules with the EU in 2012, we saw a significant increase in pet movements into Great Britain. Evidence from stakeholders suggests that that also led to a considerable increase in the illegal trade in puppies, whose welfare is, as we heard, frequently compromised. Clause 46 provides the powers to crack down on puppy smuggling and the low-welfare movement of pets. The clause provides powers to introduce restrictions on the importation of pets on welfare grounds, as well as powers to set out the associated enforcement process, including offences with the appropriate penalties.

We have had an interesting and useful debate. We were well informed by our evidence sessions, by evidence submitted in our extensive consultation launched in August, and by the excellent report of the Environment, Food and Rural Affairs Committee. As we move forward, it is clear that Members on both sides of the House are committed to these improvements, which ought to crack down on illegal puppy smuggling. I will look at how we can speed up the work going on alongside the Bill—the reply to the consultation, publishing the evidence received in the consultation, and work on drafting the regulations—to ensure that the twin tracks of the Bill and the regulations go hand in hand, so far as is possible. That ought to provide reassurance across the House that the Government are extremely keen to crack down on this illegal trade.

Question put and agreed to.

Clause 46, as amended, ordered to stand part of the Bill.

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

4.25 pm

Adjourned till Thursday 18 November at half-past Eleven o'clock.

Written evidence reported to the House

AWB06 Animal Aid

AWB07 Born Free Foundation (re: primates as pets)

AWB08 Born Free Foundation (re: zoos)

AWB09 Wild Futures

AWB10 Cats Protection

AWB11 Kennel Club

AWB12 British and Irish Association of Zoos and Aquariums

AWB13 Chester Zoo

AWB14 Chair, Hunt Saboteurs Association

AWB15 World Horse Welfare

