

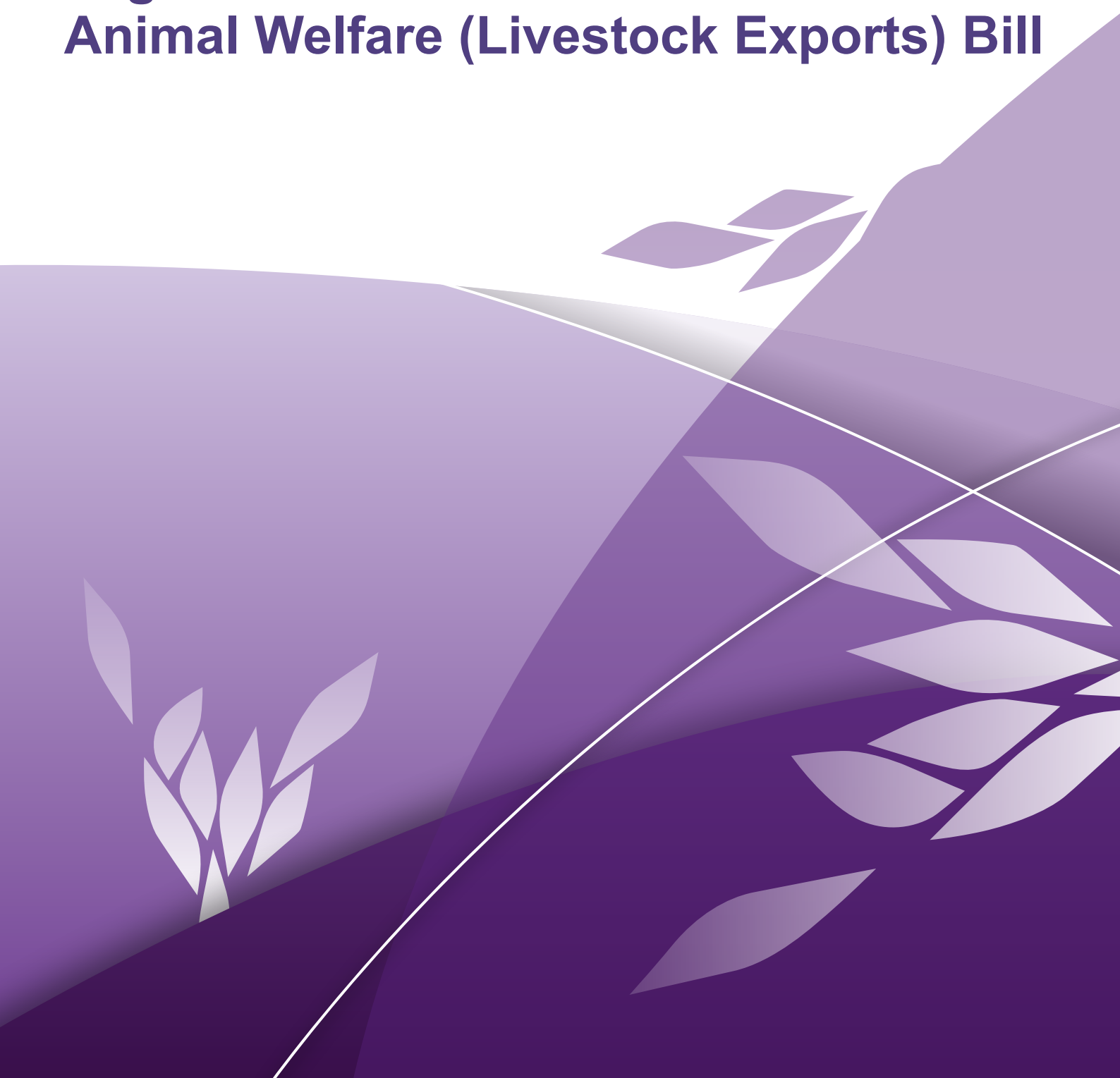


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Rural Affairs and Islands Committee

Legislative consent memorandum: the Animal Welfare (Livestock Exports) Bill



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Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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Introduction

1. At its meeting on 31 January 2024, the Rural Affairs and Islands Committee considered a [legislative consent memorandum \(LCM\) from the Scottish Government](#) on UK Parliament legislation, the Animal Welfare (Livestock Exports) Bill. The LCM was lodged by the Scottish Government on 19 December 2023.
2. The [Animal Welfare \(Livestock Exports\) Bill](#) was introduced by the UK Government in the House of Commons on 4 December 2023. The Bill is intended to prohibit the export of certain live animals from Great Britain for slaughter. The text of the Bill, together with information about its progress through the UK Parliament, can be found on the UK Parliament website.
3. In November 2021, the Rural Affairs, Islands and Natural Environment Committee [agreed to recommend legislative consent for similar provisions](#) that formed part of the then [Animal Welfare \(Kept Animals\) Bill](#). The UK Government withdrew the Animal Welfare (Kept Animals) Bill on 8 June 2023.

The Animal Welfare (Livestock Exports) Bill and how it relates to Scotland

4. The Bill consists of seven clauses. Clauses 1 to 5 and 7 make provision applying to Scotland and require the consent of the Scottish Parliament. Clause 6 does not apply to Scotland and does not require the consent of the Scottish Parliament. The LCM states these clauses are relevant as they fall under the legislative competence of the Scottish Parliament with regard to the protection of animal welfare and to the powers of Scottish Ministers to make subordinate legislation.
5. Clause 1 would prohibit the export of certain live animals, termed “relevant livestock”, from GB for the purpose of being slaughtered or being fattened for slaughter. The Bill defines the scope of “relevant livestock” as being “cattle and other bovine animals, horses and other equine animals, sheep, goats and pigs and wild boar”. This clause would make contravention of the prohibition an offence for which, in Scotland, conviction would be liable for a term of imprisonment, a fine, or both.
6. Clause 2 would empower the Scottish Ministers or the Secretary of State acting with the consent of the Scottish Ministers (acting as the “appropriate national authority” under the Bill) to make regulations concerning enforcement of the prohibition on the export of relevant livestock for slaughter. Clause 3 sets out the definition of the “appropriate national authority”, while clause 4 provides that any regulations made under powers in this Bill would be subject to the affirmative procedure (or equivalent in the UK Parliament where applicable).
7. Clause 5 would repeal the provisions within the Animal Health Act (1981) which relate to the export of horses and makes further amendments to that Act which are consequential to that repeal. Finally, clause 7 would make general provision about consequential provision, commencement, and extent.
8. The LCM refers to the [Scottish Government's public consultation](#) on the Farm Animal Welfare Committee's recommendations regarding the welfare of animals during transport. According to the LCM, further detailed discussions on developing improved transport legislation are expected to take place with relevant industry sectors and other GB administrations.
9. Regarding the implications of the Bill for alignment with EU law, the LCM states its provisions “do not diverge from the requirements of EU Regulations as the proposed changes are consistent with the expected direction to be taken by the EU”.
10. The prohibition on the export of relevant livestock is expected to have “minimal impact in practice” as no animals have been exported from Scotland to countries outside the UK for slaughter or fattening since 2020.
11. The Scottish Government is recommending the Parliament agree to the legislative consent motion. The LCM states that the Bill “addresses areas of significant concern for animal welfare where consistent GB legislation is desirable to aid enforcement” and that the Scottish Government had “committed to work with other administrations to seek to end the unnecessary long distance transport of animals

for fattening or slaughter outside the UK”.

12. The LCM states that the Scottish Ministers consider the UK Government’s introduction of primary legislation that applies consistently and simultaneously across GB to be “the most efficient way to make these changes” given the freedom of movement of livestock within GB. This approach is expected to aid enforcement and avoid the potential displacement of trade where different rules to be in place at different points of entry into GB.

Rural Affairs and Islands Committee consideration

13. The Committee considered the LCM and took evidence from the Minister for Energy and the Environment at its [meeting on 31 January 2024](#).
14. In evidence with the Minister, the Committee asked whether the Scottish Government could decide to take a different policy approach regarding the export of livestock given animal welfare is a devolved matter. The Minister set out that, while the Scottish Parliament has the power to take forward a separate scheme, a GB-wide approach was considered more appropriate in this instance and that the provisions in the Bill "replicates what we would have wanted anyway".
15. The Committee also asked for clarification on the Scottish Government's discussions with Defra in relation to the movement of animals from Scottish islands to mainland Scotland. The Minister explained that discussions with Defra on this issue had been long-standing and that she was confident that the provisions of the Bill would not impact on the movement of animals from Scottish island producers to mainland Scotland.
16. Finally, the Minister confirmed that the provisions do not relate to the export of live animals for the purposes of breeding.

Delegated Powers and Law Reform Committee consideration

17. The Delegated Powers and Law Reform (DPLR) Committee considered this LCM on 30 January 2024 and [reported upon the provisions within this UK Bill](#) that give Scottish Ministers the power to make subordinate legislation.
18. The DPLR Committee was content with the powers conferred on Scottish Ministers. Regarding the exercise of powers by the Secretary of State with the Scottish Ministers' consent, the DPLR Committee was content that the Parliament would have an opportunity to scrutinise the Scottish Government's position as any decisions to give consent to UK subordinate legislation would be notified to the Parliament under the SI protocol.

Conclusion

19. The Committee agrees with the Scottish Government's position to recommend consent to the Animal Welfare (Livestock Exports) Bill.

