

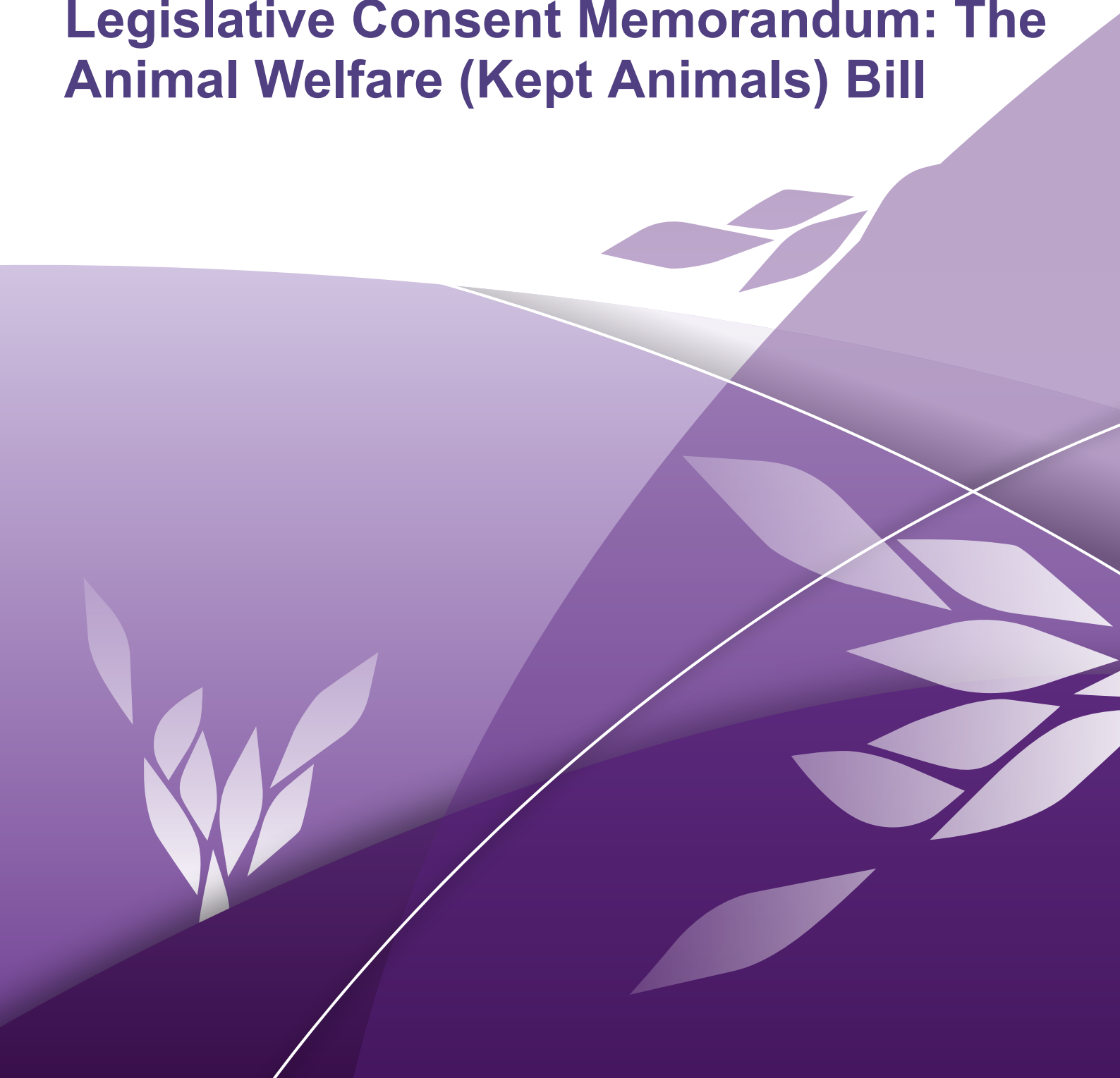


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Pàrlamaid na h-Alba

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## **Rural Affairs, Islands and Natural Environment Committee**

# **Legislative Consent Memorandum: The Animal Welfare (Kept Animals) Bill**



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# Rural Affairs, Islands and Natural Environment Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



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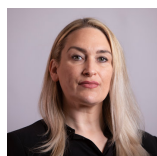
# Committee Membership



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Scottish Conservative  
and Unionist Party



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**Beatrice Wishart**  
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**Jenni Minto**  
Scottish National Party



**Mercedes Villalba**  
Scottish Labour

# Introduction

1. At its meeting on 17 November 2021, the Committee considered a legislative consent memorandum (LCM) from the Scottish Government on the UK Animal Welfare (Kept Animals) Bill.
2. The Bill was introduced in the House of Commons on 8 June 2021, the LCM was lodged by the Scottish Government on 22 June 2021 and referred to the Rural Affairs, Islands and Natural Environment Committee. It is the role of the lead committee to consider the LCM and report its views to the Scottish Parliament.

## What is a legislative consent memorandum?

3. As the Animal Welfare (Kept Animals) Bill will impact on areas devolved to the Scottish Parliament and on the executive competence of the Scottish Ministers, an LCM has been lodged.
4. Further information on the LCM process and documents relating to this Bill can be found by following the links below:
  - [About legislative consent memorandums](#) - a brief explanation of what a legislative consent memorandum is;
  - The [legislative consent memorandum](#) for the Animal Welfare (Kept Animals) Bill;
  - The [UK Animal Welfare \(Kept Animals\) Bill](#).

# Purpose of the UK Bill and how it relates to Scotland

5. The main purpose of the Bill is to deliver a number of reforms relating to kept animals, including farm animals, companion animals and kept wild animals. Paragraphs 3 to 13 of the LCM sets out the provisions which relate to Scotland—
6. Clause 42 of the Bill makes it an offence to export relevant livestock (cattle, sheep, pigs, goats and equines) from Great Britain for slaughter.
7. Clause 43 gives UK Ministers (with the consent of Scottish Ministers) or Scottish Ministers the power to make regulations in connection with the enforcement of clause 42.
8. Clause 44(2) amends Scottish Ministers' existing power to make regulations for the purposes of securing the welfare of animals in section 26 of the Animal Health and Welfare (Scotland) Act 2006 to include a power to amend or revoke any retained direct EU legislation.
9. Clause 45 amends retained EU law to limit the number of dogs, cats and ferrets that may be moved into Great Britain on a non-commercial basis. The number of dogs, cats and ferrets that may be moved into Great Britain in a motor vehicle will be limited to five animals. The number of pets that may accompany a person when travelling by any way other than a motor vehicle (i.e. by air or as a foot passenger by train or ferry) will be reduced from five to three. This provision seeks to address the issue of illegal puppy imports.
10. Clause 46 gives UK Ministers (with the consent of Scottish Ministers) or Scottish Ministers the power to make regulations about the importation of relevant animals (dogs, cats or ferrets) into Great Britain for the purpose of promoting animal welfare.
11. Clause 47 introduces a number of amendments to the Zoo Licensing Act 1981. In particular, the Bill amends the definition of a zoo in the 1981 Act to remove the exemption for circuses following the Wild Animals in Travelling Circuses (Scotland) Act 2018 and extends an existing power in relation to standards in zoos to include standards for conservation.
12. In the conclusion of its LCM, the Scottish Government states that allowing the UK Government to introduce legislation extending to Scotland would be the most efficient way to make these important changes as soon as possible and allow them to be brought into force at the same time throughout Great Britain.

## Committee consideration

### Rural Affairs, Islands and Natural Environment Committee

13. The Committee considered the LCM at its meeting on [17 November 2021](#) and questioned Mairi Gougeon, Cabinet Secretary for Rural Affairs on the following themes—

#### Dogs and cats

14. As mentioned in the previous section on the purpose of the Bill, clause 45 limits the number of dogs that can be imported in the UK to five per vehicle. When asked if this was a strong enough measure to prevent puppy trafficking, the Cabinet Secretary said these changes would have a significant impact on the importation of dogs, but that she will have discussions with organisations (such as the Dogs Trust) to ensure the level is appropriate. Ms Gougeon also said the Scottish Government might be able to prevent the importation of dogs who are less than six months old, which should significantly impact the trade.
15. In response to questions about dogs being moved through Ireland as a way to evade the regulations, Ms Gougeon confirmed that the Scottish Government will be monitoring the possible exports or movements of animals in to Northern Ireland from the EU that could then have access to Scotland.

#### Ban on live animal exports for slaughter

16. The Cabinet Secretary confirmed that any further regulations would need to be taken in consultation with other UK administrations due to the cross border nature of animal transport. Any future proposals would be consulted on to ensure Scotland's remote and island communities are not disadvantaged.

#### Zoo licensing

17. The Committee asked about provisions relating to the keeping, selling and breeding of primates. The Cabinet Secretary confirmed that the Scottish Government already has powers to make regulations on this issue. Officials went on to state that—
- ” We could introduce licensing for exotic pet keeping or primates, and, indeed, the Scottish Animal Welfare Commission has set up a working group specifically to look at exotic pet keeping. We will consider its recommendations in the future and legislate if appropriate.

### Delegated Powers and Law Reform Committee

18. The DPLR Committee considered and reported on the provisions in the UK Bill that gives Scottish Ministers the powers to make subordinate legislation. For the Animal Welfare (Kept Animals) Bill the provisions are—



- Powers giving UK Ministers (with the consent of Scottish Ministers) or Scottish Ministers the power to enforce the ban on the export of relevant livestock from Great Britain for slaughter.
  - Powers to amend or revoke retained direct EU legislation for the purposes of securing the welfare of animals.
  - Powers to prohibit or restrict importation of certain dogs, cats and ferrets
19. The DPLR Committee considered the LCM for the Animal Welfare (Kept Animals) Bill on the 26 October 2021 and was content with the delegated powers provisions. The full report on the DPLR Committee's consideration can be found on the [Parliament's website](#).

# Conclusion

20. The LCM includes a draft legislative consent motion at paragraph 30.
21. The Committee recommends the Parliament approve the legislative consent motion on the Animal Welfare (Kept Animals) Bill.

