

Animal Welfare (Livestock Exports) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food and Rural Affairs, have been ordered to be published as HL Bill 39—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Douglas-Miller has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Animal Welfare (Livestock Exports) Bill are compatible with the Convention rights.

Animal Welfare (Livestock Exports) Bill

[AS BROUGHT FROM THE COMMONS]

CONTENTS

- 1 Prohibition of export of livestock for slaughter
- 2 Regulations about enforcement of section 1
- 3 Section 2: supplementary
- 4 Enforcement regulations: procedure etc
- 5 Connected repeals in relation to horses
- 6 Concurrent functions in Wales
- 7 Extent, commencement and short title

[AS BROUGHT FROM THE COMMONS]

A

B I L L

TO

Prohibit the export of certain livestock from Great Britain for slaughter.

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

1 Prohibition of export of livestock for slaughter

- (1) A person may not export relevant livestock from Great Britain for slaughter.
- (2) A person who contravenes subsection (1) commits an offence.
- (3) A person “exports” relevant livestock from Great Britain if—
 - (a) the person sends, or attempts to send, relevant livestock from Great Britain to anywhere outside the British Islands, 5
 - (b) the person transports, or attempts to transport, relevant livestock from or through Great Britain to anywhere outside the British Islands, or
 - (c) the person organises, or attempts to organise, the transport of relevant livestock from or through Great Britain to anywhere outside the British Islands. 10
- (4) “Relevant livestock” means—
 - (a) cattle and other bovine animals,
 - (b) horses and other equine animals,
 - (c) sheep, 15
 - (d) goats, or
 - (e) pigs or wild boar.
- (5) A person exports relevant livestock “for slaughter” if the person exporting the relevant livestock knows, or could reasonably be expected to know, that the relevant livestock is being exported— 20
 - (a) for the purpose of being slaughtered, or
 - (b) for the purpose of being fattened for slaughter.
- (6) A person who commits an offence under subsection (2) is liable—
 - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences, to a fine or to both; 25

- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (7) In subsection (6)(a), “the maximum term for summary offences” means —
 - (a) if the offence is committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months; 5
 - (b) if the offence is committed after that time, 51 weeks.

2 Regulations about enforcement of section 1

- (1) An appropriate national authority may by regulations make provision about the enforcement of section 1 (referred to in this Act as “enforcement regulations”). 10
- (2) The provision that may be made by enforcement regulations includes any provision that the appropriate national authority considers appropriate for or in connection with—
 - (a) preventing, detecting, investigating or punishing contraventions of section 1(1), or 15
 - (b) other than in relation to Scotland, prosecuting offences under section 1(2).
- (3) Enforcement regulations may (among other things)—
 - (a) confer a function (including a function involving the exercise of a discretion) on a person specified or described in the regulations; 20
 - (b) make provision about the keeping of records or the provision of information;
 - (c) confer a power of entry (whether or not on the authority of a warrant);
 - (d) confer a power of inspection, search, seizure or detention (whether or not on the authority of a warrant); 25
 - (e) authorise, or make provision for the authorisation of, the use of reasonable force in connection with a power mentioned in paragraph (c) or (d);
 - (f) confer a power to impose a civil sanction on a person who— 30
 - (i) contravenes section 1(1) or a provision of the regulations, or
 - (ii) obstructs, or fails to assist in, the exercise of a function conferred by the regulations;
 - (g) make provision for the revocation of a person’s licence, authorisation or other approval required by or under any enactment for the transport of live animals, where the person— 35
 - (i) contravenes section 1(1) or a provision of the regulations, or
 - (ii) obstructs, or fails to assist in, the exercise of a function conferred by the regulations;
 - (h) create a criminal offence in relation to— 40
 - (i) the contravention of a provision of the regulations, or
 - (ii) obstructing, or failing to assist in, the exercise of a function conferred by the regulations;

- (i) create a right of appeal;
 - (j) apply, or make provision corresponding to, any provision of, or which may be made under, the Animal Health Act 1981 relating to the execution or enforcement of that Act, with or without modifications;
 - (k) apply, or make provision corresponding to, any provision that may be made under section 12 of the Animal Welfare Act 2006 or section 26 of the Animal Health and Welfare (Scotland) Act 2006 relating to the enforcement of provision made under the section concerned, with or without modifications. 5
- (4) Where enforcement regulations confer a power to enter a private dwelling without the consent of the occupier, or with the use of reasonable force, they must provide for the power to be exercisable— 10
 - (a) in England and Wales, only on the authority of a warrant issued by a justice of the peace, or
 - (b) in Scotland, only on the authority of a warrant issued by a sheriff, summary sheriff or justice of the peace. 15
- (5) Enforcement regulations may include provision for the imposition of a civil sanction whether or not—
 - (a) the conduct in respect of which the sanction is imposed constitutes an offence, 20
 - (b) the person imposing it is a regulator for the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008, or
 - (c) the appropriate national authority may make provision for the imposition of sanctions under that Part of that Act.
- (6) Where enforcement regulations contain provision creating a criminal offence, the provision must have the effect that— 25
 - (a) the offence is triable summarily only, and
 - (b) the offence is punishable only with a fine.

3 Section 2: supplementary

- (1) This section applies for the purposes of section 2. 30
- (2) “Appropriate national authority”, in relation to the power to make enforcement regulations, means—
 - (a) the Secretary of State;
 - (b) the Scottish Ministers, so far as provision made by the regulations would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament; 35
 - (c) the Welsh Ministers, so far as provision made by the regulations would be within the legislative competence of Senedd Cymru if contained in an Act of Senedd Cymru.
- (3) But the Secretary of State may not make enforcement regulations containing— 40
 - (a) provision that could be made by enforcement regulations made by the Scottish Ministers, or

- (b) provision that could be made by enforcement regulations made by the Welsh Ministers,
without the consent of the Scottish Ministers or the Welsh Ministers (as the case may be).
- (4) “Civil sanction” means a sanction of a kind for which provision may be made under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (fixed monetary penalties, discretionary requirements, stop notices and enforcement undertakings). 5
- (5) “Enactment” means any provision made by or under – 10
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;
 - (c) an Act or Measure of Senedd Cymru;
 - (d) assimilated direct legislation.
- 4 Enforcement regulations: procedure etc**
- (1) Enforcement regulations may make – 15
- (a) different provision for different purposes or areas;
 - (b) consequential, incidental, supplementary, transitional or saving provision.
- (2) A power of the Secretary of State or the Welsh Ministers to make enforcement regulations is exercisable by statutory instrument (and for enforcement regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments)). 20
- (3) The Secretary of State may not make a statutory instrument containing enforcement regulations unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 25
- (4) The Welsh Ministers may not make a statutory instrument containing enforcement regulations unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (5) Enforcement regulations made by the Scottish Ministers are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010). 30
- 5 Connected repeals in relation to horses**
- In the Animal Health Act 1981 –
- (a) omit sections 40 to 49 (provision relating to the export of horses); 35
 - (b) in section 83A (electronic communications: Scotland), in subsection (3)(a), omit “40(1)(b), 41(1)(b), 47;”;
 - (c) in section 95 (savings), in subsection (7), omit paragraph (b).

6 Concurrent functions in Wales

- (1) Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru) is amended as follows.
- (2) In paragraph 9(8)(b) (exceptions to restrictions relating to reserved authorities) – 5
- (a) omit the “or” at the end of paragraph (vii);
 - (b) at the end of paragraph (viii) insert “; or
 - (ix) the Animal Welfare (Livestock Exports) Act 2024.”
- (3) In paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown) – 10
- (a) omit the “or” at the end of paragraph (x);
 - (b) at the end of paragraph (xi) insert “; or
 - (xii) the Animal Welfare (Livestock Exports) Act 2024.” 15

7 Extent, commencement and short title

- (1) This Act extends to England and Wales and Scotland, except that –
- (a) section 5(b) extends only to Scotland;
 - (b) the amendments and repeals made by section 6 have the same extent as the enactments to which they relate. 20
- (2) Sections 1 and 5 come into force on such day as may be appointed by regulations made by –
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Wales, the Welsh Ministers. 25
- (3) Sections 2 to 4, section 6 and this section come into force on the day on which this Act is passed.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of section 1 or 5.
- (5) The Scottish Ministers may by regulations make transitional or saving provision in connection with the coming into force of section 1 or 5 in relation to Scotland. 30
- (6) The Welsh Ministers may by regulations make transitional or saving provision in connection with the coming into force of section 1 or 5 in relation to Wales.
- (7) Regulations under this section may make different provision for different purposes. 35
- (8) A power of the Secretary of State or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument (and for regulations under this section made by the Scottish Ministers, see section 27 of the

Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (Scottish statutory instruments)).

- (9) This Act may be cited as the Animal Welfare (Livestock Exports) Act 2024.

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