

# DOGS (PROTECTION OF LIVESTOCK) (AMENDMENT) BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Dogs (Protection of Livestock) (Amendment) Bill as brought from the House of Commons on 20 May 2024 (HL Bill 82).

- These Explanatory Notes have been provided by the Department for Environment, Food and Rural Affairs (“The Department”) with the consent of The Lord Colgrain DL, the Peer in charge of the Bill in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes are best read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

- 1 The Dogs (Protection of Livestock) (Amendment) Bill includes provisions to deliver a number of amendments to the Dogs (Protection of Livestock) Act 1953 (“the 1953 Act”) to improve enforcement in response to incidents of livestock worrying by dogs. The Bill does so by extending the powers available to the police to obtain evidence of an offence under section 1 of the 1953 Act. The Bill extends the offence in section 1 of the 1953 Act to include roads and paths and expands the scope of livestock currently afforded protection to include camelids. It also increases the maximum penalty in relation to the offence in section 1 of the 1953 Act from £1000 to an unlimited fine.

## Policy background

- 2 The Bill addresses the serious issue of livestock worrying in England and Wales. Dog attacks on farm animals are a significant concern to farmers and rural communities. In addition to uninsured financial costs, livestock worrying can cause much distress to farmers.
- 3 These measures were included in Our Action Plan for Animal Welfare, published in May 2021.
- 4 The matter of dangerous dogs and dogs dangerously out of control is reserved in respect of Wales. The Bill will extend to England and Wales only. No Legislative Consent Motion is needed for this Bill.

## Legal background

- 5 The Dogs (Protection of Livestock) Act 1953 deals with dogs that chase or attack livestock in England, Wales, and Scotland (known as livestock worrying).

## Territorial extent and application

- 6 Clause 5 sets out the territorial extent of the Bill. The territorial extent and application of the Bill is England and Wales.
- 7 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions.

# Commentary on provisions of Bill

## Clause 1: Livestock worrying: scope and consequences of offence

- 8 This clause gives effect to the Schedule, which sets out amendments to the 1953 Act. The amendments in the Schedule include increasing the maximum penalty for an offence under section 1 of the 1953 Act, extending the landscape covered to include roads and paths and including camelids in the definition of livestock. More details are set out below.

## Clause 2: Seizure and detention of dogs

- 9 Subsection (1) of this clause replaces section 2 of the 1953 Act. This clause sets out the circumstances, described in new section 2(1) and (8), in which a constable may seize and detain a dog in relation to the offence of attacking or worrying livestock.
- 10 The limited scope of the existing power prevents the police from seizing a dog for prolonged periods of time. It is common for a dog alleged to have worried livestock, whose owner is awaiting trial for an offence under the 1953 Act, to commit further attacks in the interim period between the incident and the court case which can be a relatively long period (e.g., between four and twelve months). The measure aims to help prevent dogs from repeatedly worrying or attacking livestock.
- 11 New section 2(2) of the 1953 Act provides that a constable who seizes a dog in the circumstances described in subsection (1) may detain the dog until the owner has claimed the dog and paid all expenses incurred by reason of its seizure and detention.
- 12 New section 2(3) makes provision about what can be done to any dog seized under subsection (1) if they are not claimed after seven days.
- 13 New section 2(4) provides that if a person takes possession of a seized dog in good faith, that person becomes the owner of the dog.
- 14 New section 2(5) and (6) sets out requirements in relation to the keeping of a register of all dogs seized under subsection (1) by the chief officer of police for each police area.
- 15 New section 2(7) includes a definition of “disposing of” a dog for the purposes of this section.
- 16 New section 2(8) and (9) empowers the police to seize and detain a dog where they have reasonable grounds to believe that the dog poses a risk of attacking or worrying livestock again, if not detained.
- 17 Subsection (2) of this clause makes consequential provision to repeal section 3 of the Dogs Act 1906 so far as it is still in force by virtue of section 68(2) of the Clean Neighbourhoods and Environment Act 2005.

## Clause 3: Collection of samples and impressions

- 18 This clause inserts a new section 2ZA. Subsections (1) to (4) of new section 2ZA enable a constable to take samples or impressions from a dog or livestock where this might provide evidence of an offence being committed under section 1 of the 1953 Act and seize and detain a

dog for that purpose. As livestock attacks take place in rural areas, there is a lack of CCTV coverage and eyewitnesses, and limited house to house enquiry or Crime Scene Investigation (CSI) opportunities. Therefore, information derived from a sample or impressions to link a dog to an incident could be a key enabling factor to increase the rate of successful prosecutions.

- 19 Subsection (5) provides that if the act of taking a sample would amount to an act of veterinary surgery, it must be done by a veterinary surgeon.
- 20 Subsection (6) makes provision about how long samples and impressions taken under this section may be retained.
- 21 Subsection (7) defines “sample”, “veterinary surgeon”, and “veterinary surgery” for the purpose of this section.

#### Clause 4: Powers of entry

- 22 This clause replaces section 2A of the 1953 Act. It enables a warrant to be issued by a justice of the peace authorising the entry and search of premises by a constable in order to identify a dog in respect of which an offence under section 1 has been committed, seize and detain the dog under section 2, take a sample or impression from the dog under section 2ZA or to seize any evidence of an offence under section 1 that may be found. Examples of items of evidence could include a bloody dog collar or towel.
- 23 Subsections (1) and (3) of new section 2A provide that the justice of the peace who issues a warrant under this clause must be satisfied that there are reasonable grounds to believe that an offence under section 1 has been committed.
- 24 Subsection (5) provides that a warrant under this clause may authorise the constable to use reasonable force if necessary.

#### Clause 5: Extent, commencement, transitional provision and short title

- 25 Subsection (1) of this clause sets out the territorial extent of this Bill as England and Wales.
- 26 Subsection (2) sets out when this Bill will come into force. The Bill will come into force at the end of the period of three months beginning with the day on which this Act is passed.
- 27 Subsection (3) clarifies that the powers conferred by clauses 2, 3 and 4 are available in connection with any worrying or attacking of livestock which took place (or is alleged to have taken place) before the Bill comes into force.
- 28 Subsection (4) provides that the short title of the legislation is the Dogs (Protection of Livestock) (Amendment) Act 2024.

#### Schedule: Amendments to the Dogs (Protection of Livestock) Act 1953

- 29 This Schedule makes amendments to the 1953 Act.
- 30 Paragraphs 1(2)(b), 1 (4) and 1(5) amend section 1 of the 1953 Act to bring roads and paths within scope of the offence. Animals might be herded along a road or path when moving to

another field, or dairy cattle might be moved from a field to a milking parlour, for example. During these moves they may be vulnerable to dog attacks.

- 31 Paragraph 1(2)(a), (3), (6)(a) and (c) and (8) update the terminology used in the 1953 Act so that attacking livestock is dealt with separately from worrying livestock. The purpose of the amendment is to recognise the violent nature of those offences.
- 32 Paragraph 1(6)(d) amends section 1(4) of the 1953 Act so as to exempt a dog owner from liability for an offence where the dog is in charge of another person without the owner's consent.
- 33 Paragraph 1(7) replaces section 1(6) of the 1953 Act, which sets out the penalty for an offence under section 1 of the 1953 Act. A person who commits an offence under section 1 is currently liable on summary conviction to a fine not exceeding level 3 on the standard scale (i.e. £1000). This amendment increases the penalty on summary conviction to an unlimited fine.
- 34 Paragraph 1(7) also inserts new section 1(7) to (9) into the 1953 Act. This amendment allows a court to make an order requiring a person convicted of an offence under section 1 of the 1953 Act to pay expenses incurred in the seizure and detention of the dog in respect of which the offence was committed under section 2(8) and (9).
- 35 Paragraph 2 amends section 3(1) of the 1953 Act 1953 to include camelids in the definition of "livestock".

## Commencement

- 36 Clause 5 makes provision about when the provisions of the Bill will come into force.

## Financial implications of the Bill

- 37 The Department does not consider that the Bill has financial implications for businesses. The Department does not consider that the Bill has any implications for public finances beyond minimal expenditure in relation to the making of regulations under the Bill, and minimal changes to the administration of justice that will result from the creation of the new offences.

## Parliamentary approval for financial costs or for charges imposed

- 38 The Bill will not require a money resolution. A money resolution is required where a bill authorises new charges on the public revenue – broadly speaking new expenditure. A ways and means resolution is required where a bill authorises new charges on people – broadly speaking, new taxation or other similar charges. Neither of these apply to this Bill.

## Compatibility with the European Convention on Human Rights

39 As this is a Private Member's Bill, the Minister is not required to make a statement under section 19(1)(a) of the Human Rights Act 1998. However, the government has examined the compatibility of the provisions of the Bill with the European Convention on Human Rights and considers that the provisions of the Bill are compatible with the Convention rights.

## Related documents

40 The following documents are relevant to the Bill and can be read at the stated locations:

- [Our Action Plan for Animal Welfare](#), May 2021.

## Annex A – Territorial extent and application in the United Kingdom

- 41 The Bill extends and applies to England and Wales.
- 42 There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.
- 43 To the extent that the subject matter of the Bill falls within the legislative competence of the Scottish Parliament, Senedd Cymru and Northern Ireland Assembly, the legislative consent procedure would be appropriate.

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1 - 5	Yes	Yes	No	No	N/A	No	N/A
Schedule	Yes	Yes	No	No	N/A	No	N/A

## Subject matter and legislative competence of devolved legislatures

N/A





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