

ANIMAL WELFARE (IMPORT OF DOGS, CATS AND FERRETS) BILL

Memorandum from the Department for Environment, Food and Rural Affairs to the Delegated Powers and Regulatory Reform Committee

A. INTRODUCTION

1. This memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee to assist with its scrutiny of the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill (“the Bill”). The Bill was introduced in the House of Commons on 16th October 2024, and brought to the House of Lords on 7 July 2025. This memorandum identifies the provisions of the Bill that confer powers to make delegated legislation. It explains in each case why the power has been taken and explains the nature of, and the reason for, the procedure selected.

B. PURPOSE AND EFFECT OF THE BILL

2. The Bill aims to address the issues of illegal puppy smuggling and the increasing volume of low-welfare movement of pet animals into the United Kingdom from third countries. These movements raise serious welfare issues, as evidence suggests that many imported puppies and kittens are being sourced from facilities with low welfare standards, with concerns about the way in which the animals have been kept and treated and the conditions in which they have been transported, which leads to poor health and welfare outcomes.
3. The Bill aims to improve the welfare of imported dogs, cats and ferrets through:
 - (1) making amendments to the pet travel scheme rules to prevent commercial imports being disguised as non-commercial movements, specifically:
 - a) reducing the number of dogs, cats and ferrets that can travel under the non-commercial rules from five per person to five per vehicle, or three per foot or air passenger; and
 - b) ensuring that when a non-commercial movement of a dog, cat or ferret is carried out by an authorised person, it may only take place within five days of the movement of the owner; and
 - (2) introducing enabling powers to allow an appropriate national authority, for the purpose of promoting the welfare of dogs, cats and ferrets, to make regulations about the bringing of any of those animals into the United Kingdom and related matters.

C. DELEGATED POWERS

Clause 1: Regulations about bringing dogs, cats and ferrets into the United Kingdom

(1) Power to make provision in relation to bringing dogs, cats and ferrets into the United Kingdom for the purpose of animal welfare

Power conferred on: the appropriate national authority

Power exercised by: regulations

Parliamentary Procedure: affirmative procedure or, where the regulations only contain provision on fees in relation to permit applications, negative procedure.

(6) Power to make provision about dogs, cats or ferrets that are seized or detained

Power conferred on: the appropriate national authority

Power exercised by: regulations

Parliamentary Procedure: affirmative procedure

(8) Power to impose monetary penalties

Power conferred on: the appropriate national authority

Power exercised by: regulations

Parliamentary Procedure: affirmative procedure

Context and Purpose

4. This Clause will allow the appropriate national authority, which is defined in Clause 3(1) as the Secretary of State or provided they have legislative competence, the Scottish Ministers, the Welsh Ministers or the Department of Agriculture Environment and Rural Affairs in Northern Ireland (DAERA), to introduce regulations prohibiting or restricting imports of dogs, cats or ferrets on welfare grounds. DAERA may, however, need to obtain the Secretary of State's consent before exercising this power depending on the content of the proposed regulations.
5. Pursuant to subsection (2), this Clause will also enable the appropriate national authority to make provision about enforcement (which as set out in Clause 2(1) and (3) may include provision conferring functions or powers of entry, inspection, search, seizure or detention, provision about the keeping of records or the revocations of licences or approvals or the creation of a limited set of criminal

offences as specified in Clause 2(3)); and to introduce exemptions to any prohibitions or restrictions, including a permitting scheme.

6. Pursuant to subsections (3) and (4), in respect of England, Wales and Scotland, the first time the power is exercised in relation to dogs or cats, the regulations must contain provision prohibiting the bringing into the relevant part of the United Kingdom of a dog or cat (as applicable) belonging to any of the following categories:
 - (1) a dog or cat that is below six months of age;
 - (2) a dog or cat that is more than 42 days' pregnant; and
 - (3) a dog or cat that has been mutilated (i.e., a dog with cropped ears or a docked tail or a declawed cat).
7. Pursuant to subsections (6) and (7), the appropriate national authority may make provision about dogs, cats or ferrets that are seized or detained for contravention of any animal welfare or health legislation that relates to the bringing of dogs, cats or ferrets into the United Kingdom, including in relation to meeting the costs of detention and transferring ownership of such animals.
8. Pursuant to subsection (8), the appropriate national authority may impose monetary penalties for contravention of any animal welfare or health legislation that relates to the bringing of dogs, cats or ferrets into the United Kingdom.

Justification for taking the powers

9. The powers will ensure that the Department, the Welsh Ministers and the Scottish Ministers are able to act to prohibit the current main focus of our concerns, i.e. imports of young puppies and kittens, which, as well as raising welfare concerns, often do not comply with the current animal health rules, heavily pregnant dogs and cats, and those that have been mutilated.
10. The powers will also enable the appropriate national authority to tackle low-welfare imports of dogs, cats and ferrets through a range of enforcement tools and to tackle these imports dynamically. They will enable the appropriate national authority to address existing issues, for example, around how to proceed with an animal which has been seized and/or detained by the authorities for non-compliance with relevant animal health and welfare rules, and subsequently abandoned, but they will also provide the means to act in the future to close down emerging low-welfare practices, including attempts to circumvent restrictions. For example, the powers will allow for the introduction of similar measures for ferrets in the future if low-welfare trade in this species escalates or evidence of welfare concerns is produced by stakeholders and regulators. Illicit trade is quick to react to legislative and enforcement changes and so this ability to make future changes will be important to ensure that the policy aims are met. Appropriate safeguards are included in relation to the powers of entry that may be conferred on enforcement authorities and the criminal offences that may be created.

11. The regulations setting out the prohibitions, exemptions, enforcement provisions, offences and penalties made under the enabling powers will be complex and technical. The existing legislative regime governing the non-commercial movement and commercial import of dogs, cats and ferrets, and enforcement against non-compliance, is complicated and involves the interaction of a number of pieces of distinct but interlinked assimilated direct and domestic legislation.
12. The Department believes that introducing these measures in secondary legislation will be more suitable to their complexity, as well as providing sufficient time to engage with Devolved Governments and enforcement bodies to ensure that regulations are robust, comprehensive and can be implemented effectively.
13. Using powers, rather than including provisions on the face of the Bill, will also enable the United Kingdom to meet its World Trade Organisation (WTO) obligations. The Department anticipates that the prohibitions that will be introduced under this power to address the kind of low-welfare imports currently entering the United Kingdom may amount to technical regulations for the purposes of the WTO Agreement on Technical Barriers to Trade. Where a WTO member is proposing to adopt technical regulations, which may have a significant effect on trade, it is obliged to consult other WTO members on the proposed technical regulations. The power will allow for appropriate consultation with other WTO members to take place before any such technical regulations are adopted.

Justification for the procedure

14. The Department has considered the scope of the powers carefully and has balanced the need to be dynamic, and to be able to address new concerns regarding low-welfare imports quickly, against the need for Parliamentary oversight.
15. Any measures delivered via the delegated powers will be made by Statutory Instrument subject to the draft affirmative procedure, except where the regulations only contain provision on the fees payable in relation to applications for permits. We consider the affirmative procedure to apply the appropriate level of scrutiny in its assessment of these measures, its impacts, and any evidence supplied, which must be actively approved in both Houses of Parliament. We consider that the negative procedure is appropriate for regulations which set fees, which will need to be set to recover the costs incurred in determining applications for permits and will need to be adjusted to reflect those costs from time to time.

Clause 2: Regulations under section 1: supplementary

(1)(h) Power to amend primary legislation

Power conferred on: the appropriate national authority

Power exercised by: regulations

Parliamentary Procedure: affirmative procedure

(7) Power to make consequential provision etc

Power conferred on: the appropriate national authority

Power exercised by: regulations

Parliamentary Procedure: affirmative procedure or, where the regulations only contain provision on fees in relation to permit applications, negative procedure

Context and Purpose

16. This Clause sets out further detail on what regulations made under Clause 1 may contain. Of particular note is that it provides that regulations made under Clause 1 may amend, repeal or revoke primary legislation. It also provides that regulations made under the Bill may make consequential, transitional or saving provisions and make different provision for different purposes or different areas.

Justification for taking the powers

17. These powers may only be exercised in connection with exercising the powers in Clause 1 of the Bill. The existing legislative regime governing the non-commercial movement and commercial import of dogs, cats and ferrets, and enforcement against non-compliance, is complicated and involves the interaction of a number of pieces of distinct but interlinked assimilated direct and domestic legislation. Therefore, supplementary, incidental and consequential provision may be required when the powers in Clause 1 are exercised, and this may include a future requirement to make consequential amendments to primary legislation, e.g. to amend offences and increase penalties, which may include imprisonment, and create powers of entry. Powers are needed to bring certainty to the statute book where a provision of the Bill might otherwise give rise to any legal uncertainty or legal lacunas after the Bill comes into force.

Justification for the procedure

18. The Department believes that, on balance, the increased parliamentary scrutiny of the affirmative procedure is appropriate and is consistent with the level of parliamentary scrutiny required of regulations to promote welfare under the Animal Welfare Act 2006, the Animal Health and Welfare (Scotland) Act 2006 and the Welfare of Animals Act (Northern Ireland) 2011.

Clause 8: Extent, commencement and short title

(3) Power to make regulations to commence Clauses 1 to 7;

Power conferred on: the Secretary of State

Power exercised by: regulations

Parliamentary Procedure: no procedure

(5) Power to make transitional provision;

Power conferred on: the Secretary of State

Power exercised by: regulations

Parliamentary Procedure: no procedure

Context and Purpose

19. Sub-section (3) provides that Clauses 1 to 7 come into force on such day as the Secretary of State may by regulations appoint. Pursuant to sub-section (6), this includes the power to make different provision for different purposes.
20. Sub-section (5) provides that the Secretary of State may by regulations make such transitional or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of the Bill.

Justification for taking the powers

21. It is appropriate to provide for commencement of the provisions of the Bill by regulations and to include transitional provision in relation to their commencement to allow for the provisions to be brought into force at an appropriate time. Commencement of provisions of a Bill by way of regulations is standard practice.

Justification for the procedure

22. Consistent with common practice in relation to commencement regulations and associated transitional provision, regulations made under this clause are not subject to any Parliamentary procedure. Parliament has approved the principle of the provisions to be commenced by enacting them; commencement by regulations enables the provisions to be brought into force at the appropriate time and in an orderly manner