

The Welsh Government's Legislative Consent Memorandum on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

July 2025



1. Background

1. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill¹ (the Bill) was introduced into the House of Commons on 16 October 2024. It is a Private Member's Bill, introduced by Dr Danny Chambers MP, and sponsored by the Department for Environment, Food and Rural Affairs.
2. According to its long title, the Bill makes provision “for and in connection with restricting the importation and non-commercial movement of dogs, cats and ferrets.”²
3. Devolved provision for this purpose was previously contained within the UK Government's Animal Welfare (Kept Animals) Bill, which was withdrawn in June 2023.³
4. The Bill's Explanatory Notes state:

“The Bill introduces an enabling power to address the problem of low-welfare imports of dogs, cats and ferrets into the United Kingdom. The power must be used to prohibit the bringing into Great Britain of puppies and kittens under six months and dogs and cats that are mutilated or heavily pregnant.

The Bill also seeks to address the current issue of commercial imports being disguised as non-commercial movements by amending the rules that govern the non-commercial movement of dogs, cats and ferrets into Great Britain from third countries.”⁴

5. The Bill completed its passage through the House of Commons on 4 July 2025 and received its First Reading in the House of Lords on 7 July.⁵

The Welsh Government's Legislative Consent Memorandum

6. Standing Orders 29.1 and 29.2 provide that the Welsh Ministers must lay a legislative consent memorandum where a UK Bill makes provision in relation to

¹ ~~Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, as introduced~~

² ~~Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, as introduced~~

³ ~~Clauses 45 and 46 of the Animal Welfare (Kept Animals) Bill made provision in respect of the importation of dogs, cats and ferrets. For the Senedd's consideration of legislative consent memoranda laid in respect of this Bill, see Legislative Consent: Animal Welfare (Kept Animals) Bill.~~

⁴ ~~Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, Explanatory Notes, paragraphs 2 and 3~~

⁵ ~~Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, as brought from the Commons~~

Wales that has regard to devolved matters (a relevant Bill). Standing Order 29.2(ii), in particular, states that a legislative consent memorandum must be laid in relation to a UK Private Member's Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage.

7. On 21 May 2025, Huw Irranca-Davies, the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs (the Cabinet Secretary), laid before the Senedd a legislative consent memorandum in respect of the Bill (the Memorandum).⁶

8. The Business Committee agreed that the Economy, Trade and Rural Affairs Committee, and the Legislation, Justice and Constitution Committee should report on the Memorandum by 18 July 2025.⁷

Provisions for the which the Senedd's consent is required

9. The Welsh Government's assessment, as set out in paragraphs 7 to 29 of the Memorandum, is that consent is required for the following clauses of the Bill as introduced:

- clause 1 – Regulations about bringing dogs, cats and ferrets into the United Kingdom;
- clause 2 – Regulations under section 1: supplementary;
- clause 3 – Meaning of “appropriate national authority” and related provisions;
- clause 4 – Disapplication of non-commercial rules in certain cases;
- clause 5 – Corresponding application of commercial rules;
- clause 6 – Consequential provision;
- clause 7 – Regulations; and
- clause 8 – Extent, commencement and short title.⁸

⁶ Welsh Government, Legislative Consent Memorandum: Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, 21 May 2025

⁷ Business Committee, Timetable for consideration: Legislative Consent Memorandum on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, May 2025

⁸ Memorandum, paragraphs 7 to 32

Delegated powers

10. As stated in the Memorandum:

- Clause 1 enables the Welsh Ministers to make regulations about bringing dogs, cats or ferrets into the United Kingdom, to promote their welfare, insofar as such regulations would be within the legislative competence of the Senedd.⁹
- Clause 3(3) allows UK Government Ministers to make regulations under clause 1 that could otherwise be made by the Welsh Ministers provided that the Welsh Ministers give their consent.¹⁰
- Clause 7 sets out the procedures for making regulations in the UK Parliament and in the devolved legislatures.¹¹

UK Government view on the need for consent

11. As stated in the Memorandum, the UK Government concurs with the Welsh Government's assessment of the clauses which require consent.¹²

The Welsh Government's position

12. The Cabinet Secretary states in the Memorandum:

"Animal welfare is a priority of the Welsh Government, and it is the view of the Welsh Government that it is considered appropriate to deal with the provisions in this Bill for reasons of timing and coherence which is of particular importance in relation to enforcement on cross borders and border controls.

The provisions of the Bill align with the Welsh Government policy objectives regarding the promotion of animal welfare and will ensure closer alignment of policy and implementation, especially in relation to cross border issues relating to enforcement. Taking them forward in this UK Bill will provide Wales with the same provisions as England and Scotland, at the same time, to strengthen animal welfare protections for

⁹ Memorandum, paragraph 8

¹⁰ Memorandum, paragraph 17

¹¹ Memorandum, paragraph 29

¹² Memorandum, paragraph 33

companion animals. The Welsh Government is supportive of the Bill as drafted.”¹³

13. The Cabinet Secretary expresses his view that it is “appropriate to deal with these provisions” in the Bill “to progress important and high-profile animal welfare issues”, and recommends that the Senedd gives its consent.¹⁴

2. Committee consideration

14. We considered the Memorandum on 30 June 2025¹⁵ and agreed our report on 7 July 2025¹⁶.

Our view

15. We note the Welsh Government’s assessment of the provisions within the Bill that require the consent of the Senedd, as set out in the Memorandum.

16. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government’s assessment, as set out in the Memorandum, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29; but this is subject to our views set out in conclusion 2.

17. We note that in respect of clause 8 of the Bill, the Welsh Government states that only its subsection (5) requires the consent of the Senedd, as its other subsections “are non-operative and do not in and of themselves have legal effect”.¹⁷ However, one of these subsections – subsection (3) – makes provision about the commencement of the other provisions in the Bill which require consent. Because the Welsh Ministers’ powers under the Bill are conditional upon commencement, we believe that this subsection should also require the consent of the Senedd.

Conclusion 2. We believe that clause 8(3) of the Bill as introduced contains provision which requires the consent of the Senedd in accordance with Standing Order 29.

¹³ Memorandum, paragraphs 35 and 36

¹⁴ Memorandum, paragraph 38

¹⁵ ~~Legislation, Justice and Constitution Committee~~, 30 June 2025

¹⁶ ~~Legislation, Justice and Constitution Committee~~, 7 July 2025

¹⁷ Memorandum, paragraph 32

Recommendation 1. The Cabinet Secretary should explain why the Welsh Government believes that clause 8(3) of the Bill, which relates to the commencement of the Bill's other provisions which require consent, amounts to non-operative provision which does not require the consent of the Senedd.

18. We note that similar provision to that contained within this Bill was included in the UK Government's Animal Welfare (Kept Animals) Bill (the Kept Animals Bill), which was withdrawn in June 2023. The Welsh Government laid legislative consent memoranda in respect of the Kept Animals Bill¹⁸, and our reports on those memoranda expressed concern at the Welsh Government's reliance on UK Bills to legislate on priority policy areas¹⁹, and in particular at the Welsh Government's extensive use of the Kept Animals Bill for this purpose²⁰.

19. We also note that, in contrast with the broad extent of devolved provision included within the Kept Animals Bill, the provisions contained in this Bill are more discrete in nature and are also related to enforcement on border controls.

20. However, in light of the withdrawal of the Kept Animals Bill over two years ago, and the Welsh Government's recent commitment to introduce primary legislation this year to ban greyhound racing²¹, it is disappointing that the Welsh Government has not taken the approach of developing a Bill for introduction to the Senedd addressing multiple issues affecting the health and welfare of animals in Wales. It would appear that the introduction of such a piece of legislation could address important and high-profile issues as those addressed by this Bill in a more timely and coherent manner, while also providing more opportunities for Members of the Senedd to scrutinise and table amendments to legislation.

Delegated powers

21. We note that the Welsh Government's principles on UK legislation in devolved areas state that the following factors form part of its consideration on whether to recommend consent to UK Bills:

¹⁸ Welsh Government, [Legislative Consent Memorandum: Animal Welfare \(Kept Animals\) Bill](#), June 2021; Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 2\): Animal Welfare \(Kept Animals\) Bill](#), March 2022

¹⁹ Legislation, Justice and Constitution Committee, [The Welsh Government's Legislative Consent Memorandum on the Animal Welfare \(Kept Animals\) Bill](#), October 2021, conclusion 1

²⁰ Legislation, Justice and Constitution Committee, [The Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) on the Animal Welfare \(Kept Animals\) Bill](#), April 2022, paragraph 56

²¹ Senedd Cymru, [Plenary, 29 April 2025, Record of Proceedings](#) [206]

- delegated powers in UK Bills in devolved areas should be conferred on the Welsh Ministers alone;
- UK Bills should not create concurrent powers; and
- if, in “exceptional cases”, the Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms and associated ‘carve outs’ from the *Government of Wales Act 2006* (the 2006 Act), such that no consent is required for the Senedd to remove the powers in future.²²

22. We note that clause 1 of the Bill creates a concurrent power by enabling both UK Government Ministers and the Welsh Ministers to make regulations in an area that is within the legislative competence of the Senedd. We acknowledge that, by virtue of clause 3(3), this power is subject to a consent mechanism, while subclauses (5) to (8) of clause 3 insert associated ‘carve outs’ from the 2006 Act, as described above.

23. However, in our view, it is not readily apparent from the Memorandum why the creation of this concurrent power in the Bill represents an exceptional case for which the Welsh Ministers are content with its inclusion, and for which the Senedd should provide its consent. By way of comparison, the supplementary legislative consent memorandum laid by the Welsh Government in respect of the Kept Animals Bill stated in respect of similar provision in that Bill:

“Welsh Government would ordinarily not wish to see the creation of new concurrent functions. The nature of ... Clause 46 (Importation of dogs, cats and ferrets) is such that a GB-wide approach is likely to be considered appropriate for reasons of consistency and practicality to ensure a uniformed approach to export and import controls at borders. Having an approach that differs for Wales, or any other part of GB, would potentially cause difficulties for animal owners/keepers and enforcement agencies.”²³

24. A corresponding justification for the creation of concurrent powers within this Bill appears to be absent from the Memorandum.

²² Welsh Government, *Principles on UK Legislation in devolved areas*, December 2024

²³ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No. 2): Animal Welfare (Kept Animals) Bill, March 2022, paragraph 22

Recommendation 2. The Cabinet Secretary should explain why, in accordance with the Welsh Government's principles on UK legislation in devolved areas, the creation of a concurrent power in this Bill represents an exceptional case for which the Welsh Ministers are content with its inclusion, and for which the Senedd should provide its consent.

25. We also note that the power to commence the Bill's provisions, contained in clause 8(3), lies with UK Government Ministers only, and there is no requirement for them to obtain the consent of the Welsh Ministers before exercising this power. We believe the Welsh Government should set out its position regarding the absence of such a mechanism.

Recommendation 3. The Cabinet Secretary should set out the Welsh Government's position in respect of the commencement power in the Bill, making specific regard to the absence of a requirement for the UK Government to seek the consent of the Welsh Ministers before commencing the Bill's provisions.

26. Finally, we note that the Memorandum does not, in accordance with Standing Order 29.3(iv), set out the Senedd procedure to which regulations made by the Welsh Ministers under clause 1 are to be subject. The omission of such required information appears to be an increasingly regular occurrence among memoranda laid by the Welsh Government.²⁴

27. It is apparent from the UK Government's delegated powers memorandum for the Bill that regulations under clause 1 will be subject to the affirmative Parliamentary procedure, except for where they only contain provision on fees in relation to permit applications, where they will be subject to the negative procedure. We however believe that the Cabinet Secretary should confirm that this is the case, in order to inform the Senedd's consideration of the memorandum and any subsequent memoranda laid by the Welsh Government in respect of the Bill.

Recommendation 4. The Cabinet Secretary should set out the Senedd procedure or procedures to which regulations made by the Welsh Ministers under clause 1 are to be subject.

²⁴ See, for example, our reports on: [The Welsh Government's Legislative Consent Memoranda on the Employment Rights Bill](#), March 2025, paragraph 35; [The Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No. 3\) on the Employment Rights Bill](#), June 2025, paragraph 55; [The Welsh Government's Legislative Consent Memorandum on the Crime and Policing Bill](#), June 2025, paragraph 20.