

The Welsh Government's Legislative Consent Memorandum on the Dogs (Protection of Livestock) (Amendment) Bill

September 2025



1. Background

1. The Dogs (Protection of Livestock) (Amendment) Bill¹ (the Bill) was introduced into the House of Commons on 21 October 2024. It is a Private Member's Bill introduced by Aphra Brandreth MP and sponsored by the Department for Environment, Food and Rural Affairs.

2. The Explanatory Notes to the Bill state:

*"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 a fine of £1,000 to an unlimited fine."*²

3. The long title to the Bill states that it is a Bill to:

*"Make provision changing the law about the offence of livestock worrying, including changes to what constitutes an offence and increased powers for investigation of suspected offences; and for connected purposes."*³

4. The Bill completed its passage through the House of Commons on 4 July 2025. The Bill received its first reading in the House of Lords on 7 July 2025⁴ and had its second reading on 5 September 2025. At the time this report was agreed, a date for the Committee stage in the House of Lords was yet to be announced.

¹ The Dogs (Protection of Livestock) (Amendment) Bill, as introduced (Bill 62)

² The Dogs (Protection of Livestock) (Amendment) Bill Explanatory Notes, paragraph 1

³ The Dogs (Protection of Livestock) (Amendment) Bill, as introduced

⁴ The Dogs (Protection of Livestock) (Amendment) Bill, as brought from the Commons (HL Bill 118)

The Welsh Government's Legislative Consent Memorandum

5. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant Bill before the UK Parliament makes provision in relation to Wales that has regard to devolved matters.

6. On 30 May 2025, Huw Irranca-Davies MS, 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).⁵

7. The Business Committee agreed that the Legislation, Justice and Constitution Committee and the Economy, Trade and Rural Affairs Committee should report on the Memorandum by 19 September 2025.⁶

Provisions for the which the Senedd's consent is required

8. The Welsh Government's assessment, as set out in paragraphs 10 to 39 of the Memorandum, is that consent is required for the following provisions of the Bill as introduced:

- Clause 1 – Livestock worrying: scope and consequences of offence
- Clause 2 – Seizure and detention of dogs
- Clause 3 – Collection of samples and impressions
- Clause 4 – Powers of entry
- Clause 5 – Extent, commencement, transitional provision and short title
- Schedule – Amendments to the *Dogs (Protection of Livestock) Act 1953*

9. The Cabinet Secretary states at paragraph 41 of the Memorandum:

"It is my view that the consent of the Senedd is required for the provisions of the Bill noted above because they make provision

⁵ Welsh Government, Legislative Consent Memorandum: The Dogs (Protection of Livestock) (Amendment) Bill, 30 May 2025

⁶ Business Committee, Timetable for consideration: Legislative Consent Memorandum on the Dogs (Protection of Livestock) (Amendment) Bill, June 2025

with regard to devolved matters in so far as they apply to Wales, namely, animal welfare and agriculture.”⁷

UK Government view on the need for consent

10. According to the Welsh Government, the UK Government is of the view that the Senedd's consent is not required for the Bill. The Memorandum states:

“The UK Government is of the view that the Bill does not require a legislative consent motion of Senedd Cymru on the basis that all Bill provisions relate to the matter of dangerous dogs and dogs dangerously out of control which is a reserved matter in accordance with Paragraph 44, Section B6, of Schedule 7A to the Government of Wales Act 2006.”⁸

The Welsh Government's position

11. At paragraphs 42 to 44 of the Memorandum the Cabinet Secretary states:

“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.

Dogs and their owners in England and Wales can move freely cross-borders, making their way to rural areas and benefitting from public rights of way, open access land and our national parks and landscapes on an ad hoc or regular basis. With a post-pandemic rise in pet ownership, more and more dogs are exercised, holidayed or housed in our rural communities, with a resultant rise in livestock attacks. Issues can arise when inexperienced or uninformed owners with little knowledge of the countryside code or rural environment, and under trained, uncollared, off lead and/or poor recall dogs come into contact with livestock.

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,

⁷ Memorandum, paragraph 41

⁸ Memorandum, paragraph 40

especially in relation to cross border issues relating to enforcement. The Bill ensures a comparative working regime across England and Wales, and ensures absolute clarity for enforcement agencies, the Courts and the public, which avoids any misunderstanding in the application of the proposed legislative changes and also provides a timely opportunity to deliver a discrete policy objective. The Welsh Government is supportive of the Bill as drafted.”⁹

12. The Cabinet Secretary therefore recommends that the Senedd gives its consent to the provisions listed in the Memorandum.¹⁰

Financial Implications

13. According to the Cabinet Secretary, the Bill has no financial implications for the Welsh Government “beyond staff costs.”¹¹

2. Committee consideration

14. We considered the Memorandum at our meeting on 14 July 2025¹², and agreed our report at our meeting on 15 September 2025.¹³

Our view

15. We note the Welsh Government’s assessment of the provisions within the Bill that require the consent of the Senedd.

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

Conclusion 1. We agree with the Welsh Government’s assessment of the provisions within the Bill as set out in the Memorandum that require the consent of the Senedd in accordance with Standing Order 29.

17. We are surprised at the justification used by the Cabinet Secretary to support the Bill.

18. We note the UK Government’s position that provisions within the Bill engage reserved matters. However, we note in particular the absence of a reference to

⁹ Memorandum, paragraphs 42 to 44

¹⁰ Memorandum, paragraph 46

¹¹ Memorandum, paragraph 45

¹² ~~Legislation, Justice and Constitution Committee~~, 14 July 2025

¹³ ~~Legislation, Justice and Constitution Committee~~, 15 September 2025

reserved matters in paragraphs 42 to 44 of the Memorandum, which concern the reasons for making these provisions for Wales in the Bill. It is unclear therefore whether the Welsh Government agrees with the UK Government's position and considers that reserved matters are engaged to an extent that prevents the Senedd from making this legislation.

19. Furthermore, we do not consider the statement "Dogs and their owners in England and Wales can move freely cross-borders" in paragraph 43 of the Memorandum to be a relevant matter when considering whether to legislate on a Wales and England basis.

20. Additionally, as regards paragraph 44 of the Memorandum, a "comparative working regime" does not require a joint legislative approach, and we also do not believe that such a joint approach is necessary to ensure "absolute clarity for enforcement agencies."

Recommendation 1. The Cabinet Secretary should state whether the Welsh Government agrees with the UK Government's position and considers that reserved matters are engaged to an extent that prevents the Senedd from making this legislation.

Recommendation 2. Subject to recommendation 1, the Cabinet Secretary should state the reserved matters which it is considered prevent the Senedd from making this legislation.