

LEGISLATIVE CONSENT MEMORANDUM

Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO 29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill (“the Bill”) was introduced by Dr Danny Chambers MP in the House of Commons on 16 October 2024. The Bill can be found at: [Animal Welfare \(Import of Dogs, Cats and Ferrets\) Bill - Parliamentary Bills - UK Parliament](#)

Policy Objective(s)

3. Provisions to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom on animal welfare grounds were first included in the Animal Welfare (Kept Animals) Bill, a UK Government Bill, sponsored by the Department for Environment, Food and Rural Affairs (“Defra”), which fell in May 2023.
4. The Bill makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom from third countries, on animal welfare grounds. In particular, the Bill aims to address issues of illegal puppy smuggling and increasing levels of low-welfare pet animal movements. These issues raise significant animal health and welfare concerns around the ways in which animals are sourced, kept, treated and transported. The Bill aims to address low-welfare imports of dogs, cats and ferrets through the introduction of an enabling power to make regulations. This 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 prevalent issue of commercial imports being disguised as non-commercial movements, through amending the rules that govern the non-commercial movement of dogs, cats and ferrets into Great Britain from third countries.

Summary of the Bill

5. The Bill is sponsored by Defra.
6. The Bill makes provision for:

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

- Reducing the number of animals (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.
- 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.
- Introducing prohibitions which restrict the commercial import and non-commercial movement into Great Britain of:
 - Puppies and kittens under six months;
 - Dogs and cats with non-exempted mutilations (e.g. cropped ears, docked tails and declawed cats); and
 - Heavily pregnant dogs and cats (more than 42 days pregnant).

Provisions in the Bill for which consent is required

7. In my view, consent is required for the following provisions of the Bill as they make provision with regard to devolved matters, notably animal welfare.

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

8. This clause enables the Welsh Ministers as the appropriate national authority (and the Secretary of State, Scottish Ministers, or DAERA) 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. Subsection (2) sets out matters which regulations made under subsection (1) may cover, including prohibiting or restricting the bringing into the United Kingdom of dogs, cats or ferrets, making exemptions to any prohibitions, the issue of permits and provision around enforcement (as set out in Clause 2(1)).
9. Subsections (3) and (4) ensure that the first regulations made in each of England, Scotland and Wales under subsection (1) in relation to dogs or cats must prohibit the bringing into that part of the United Kingdom dogs or cats where they are below the age of 6 months, more than 42 days pregnant, or have been subject to non-exempted mutilations (cropped ears, docked tails or declawed). Subsection (9) sets out the definition of “mutilation”.
10. Subsection (5) states that any subsequent regulations lifting a prohibition imposed by subsections (3) or (4) cannot be introduced without consultation. Subsection (6) enables the appropriate national authority to make regulations about dogs, cats or ferrets that are brought into the United Kingdom and seized or detained for contravention of any legislation concerning the welfare or health of dogs, cats or ferrets being brought into the United Kingdom. Under subsection (7) this could include provision about meeting the costs of detaining a dog, cat or ferret or transferring ownership of any dog, cat or ferret.

11. Subsection (8) enables the appropriate national authority to make regulations imposing monetary penalties for contraventions of legislation concerning the welfare or health of dogs, cats or ferrets being brought into the United Kingdom.
12. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 2: Regulations under section 1: supplementary

13. This clause sets out supplementary provisions in relation to the regulation making power in clause 1. Subsection (1) contains a non-exhaustive list of provisions that may be included in the regulations, including the conferral of powers of entry, inspection, search, seizure or detention, revocation of licences or other approvals, and the creation of new criminal offences. Subsection (1)(h) provides that the regulations may include provision amending primary legislation, including provision made by Clauses 4 to 6. Subsection (2) sets out limits on the powers of entry which may be conferred by the regulations. Subsections (3) and (4) limit the power to create new criminal offences.
14. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 3: Meaning of “appropriate national authority” and related provisions

15. Subsection (1) defines, for the purposes of clause 1, who the appropriate national authority is in respect of England, Scotland, Wales and Northern Ireland, i.e. the Secretary of State and, where provision made by regulations would be within the legislative competence of the devolved legislatures, the Scottish Ministers, Welsh Ministers or DAERA respectively.
16. Subsection (2) applies to the DAERA and therefore applies otherwise than in relation to Wales.
17. Subsection (3) allows the Secretary of State to make regulations under Clause 1 that could otherwise be made by the Welsh Ministers (or the Scottish Ministers or DAERA) provided that the relevant Devolved Administration gives their consent.
18. It is my view that consent is required for subsections (1) and (3) of this clause as they make provision with regard to devolved matters insofar as they apply to Wales, namely animal welfare (i.e. provides the Secretary of State to make regulations in relation to animal welfare for Wales).

Clause 4: Disapplication of non-commercial rules in certain cases

19. This clause amends Regulation (EU) No 576/2013 to provide that the rules applicable to non-commercial movements of dogs, cats and ferrets into Great Britain do not apply in certain situations.
20. Subsections (2) and (3) make consequential amendments to Regulation (EU) No 576/2013 to support the amendments being made by subsections (4) and (5).
21. Subsection (4) inserts new paragraphs 1 and 1A into Article 5 of Regulation (EU) No 576/2013 which provide that a movement of dogs, cats or ferrets into Great Britain is not a non-commercial movement where there are more than five such animals in total per motor vehicle or three in total per foot passenger, at any time during the movement. The appropriate authority may disapply this limit in exceptional or compelling circumstances.
22. Subsection (5) inserts a new Article 5A into Regulation (EU) No 576/2013 which provides that a movement of dogs, cats or ferrets into Great Britain is not a non-commercial movement unless the animal is either accompanied by its owner or accompanied by a person authorised by the owner, and the owner has entered or is expected to enter Great Britain within five days of the movement of the animal. In such circumstances, the authorised person must provide evidence of when the owner's movement has occurred or will occur.
23. Subsection (6) makes amendments to Regulation (EU) No 576/2013 to ensure that only an owner (and not an authorised person) can sign a declaration that a movement is non-commercial.
24. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 5: Corresponding application of commercial rules

25. Subsections (1), (2) and (3) make amendments consequential on the provision made in Clause 4 to secondary legislation in England, Scotland and Wales which applies to commercial imports of dogs, cats and ferrets.
26. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 6: Consequential provision

27. Subsection (1) makes amendments consequential on the provision made by Clause 4(6) to Commission Implementing Regulation No 577/2013. Subsection (2) makes amendments to Regulation (EU) No 2017/625

which are clarificatory and consequential on the provision made by Clause 4.

28. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 7: Regulations

29. Subsection (1) provides that regulations made under the Bill may make different provision for different purposes or areas, and consequential, transitional and other provision. Subsections (2) to (9) set out the procedures for making regulations in the UK Parliament and in the devolved legislatures.
30. It is my view that consent is required for this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare.

Clause 8: Extent, commencement and short title

31. Subsections (1) and (2) set out the territorial extent of the Bill. Subsection (3) and (4) set out how and when Clauses 1 to 8 will come into force. Subsection (5) provides a power for the Secretary of State to make transitional or saving provision in connection with the coming into force of any provision in the Bill. Subsection (6) provides that such regulations may make different provision for different purposes and subsection (7) provides that they must be made by statutory instrument. Subsection (8) sets out that the short title of the Bill will be the Animal Welfare (Import of Dogs, Cats and Ferrets) Act 2025.
32. While some of the subsections in this clause are non-operative and do not in and of themselves have legal effect (i.e. subsections (1) to (4), and (8)), it is my view that an LCM is required for subsection (5) of this clause as it makes provision with regard to devolved matters insofar as it applies to Wales, notably, animal welfare.

UK Government view on the need for consent

33. The Bill extends and applies to England and Wales. The UK Government is of the view that the Bill provisions are within the competence of Senedd Cymru and agrees that the Consent of the Senedd is required.
34. It is my view that the consent of the Senedd is required for the above provisions of the Bill because they make provision with regard to devolved matters in so far as they apply to Wales, namely, animal welfare.

Reasons for making these provisions for Wales in the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

35. 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.
36. 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 companion animals. The Welsh Government is supportive of the Bill as drafted.

Financial implications

37. It is not considered the Bill has financial implications for Welsh Government beyond staff costs.

Conclusion

38. In my view it is appropriate to deal with these provisions in this UK Bill to progress important and high-profile animal welfare issues. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

Huw Irranca Davies MS
Deputy First Minister and Cabinet Secretary for Climate Change & Rural Affairs
May 2025