

LEGISLATIVE CONSENT MEMORANDUM

Dogs (Protection of Livestock) (Amendment) 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 Cymru if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The Dogs (Protection of Livestock) (Amendment) Bill was introduced by Aphra Brandreth MP as a Presentation Bill in the House of Commons on 21 October 2024. The Bill can be found at: [Dogs \(Protection of Livestock\) \(Amendment\) Bill](#)

Policy Objectives

3. Provisions to tackle livestock worrying offences and enforcement 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. Dr Thérèse Coffey MP subsequently introduced the Dogs (Protection of Livestock) (Amendments) Bill to the UK Parliament on 11 December 2023 as a Presentation Bill (from a Private Members’ Bill). The dissolution of Parliament for the July 2024 General Election, resulted in the Bill’s fall for a second time.
5. On 21 October 2024, the Bill was introduced for a third time. Second Reading took place on 29 November 2024.
6. The Bill delivers a number of amendments to the Dogs (Protection of Livestock) Act 1953 and will extend to England and Wales only.
7. Dog attacks on livestock pose a significant and ongoing concern for farmers and rural communities and the Bill aims to address this serious issue.

Summary of the Bill

8. The Bill is sponsored by the Department for Environment, Food and Rural Affairs.
9. The Dogs (Protection of Livestock) (Amendment) Bill includes provisions to deliver a number of amendments to the Dogs (Protection of Livestock) Act 1953 to improve enforcement in response to incidents of livestock worrying by dogs. The Bill does so by increasing the powers available to police for gaining evidence and subsequently improve police enforcement. The Bill extends the landscape covered 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 offences in section 1 of the 1953 Act from £1000 to an unlimited fine.

Provisions in the Bill for which consent is required

10. In my view, consent is required for the following provisions of the Bill as they make provision with regard to devolved matters insofar as they apply to Wales, notably animal welfare and agriculture.

Clause 1: Livestock worrying: scope and consequences of offence and Schedule: Amendments to the Dogs (Protection of Livestock) Act 1953

11. This clause gives effect to the Schedule, which sets out amendments to the 1953 Act. These include extending the landscape covered to include roads and paths and including camelids in the definition of livestock.
12. Paragraphs 1(2)(b), 1 (4) and 1(5) of the Schedule 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.
13. Paragraph 1(2)(a), (3), (6)(a) and (c) and (8) of the Schedule 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 so as to recognise the violent nature of those offences.
14. Paragraph 1(6)(d) of the Schedule 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 the charge of another person without the owner's consent.
15. Paragraph 1(7) of the Schedule replaces section 1(6) of the 1953 Act to clarify that a person found guilty of an offence under section 1 is liable to a penalty. Previously, a person who commits an offence 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.
16. Paragraph 1(7) of the Schedule also inserts new sections 1(7) to (9) into the 1953 Act which allow for a court to order a person convicted of an offence to pay expenses associated with seizing and detaining a dog under section 2(8) and (9), clarify that the court is free to make the order whether or not it also imposes a fine, and set out that any sum that a person is directed to pay under section 1(7) is treated for the purposes of enforcement as if it were compensation payable under a compensation order.
17. Paragraph 2 of the Schedule amends section 3(1) of the 1953 Act 1953 to include camelids to the definition of "livestock".
18. It is my view that consent is required for this clause and the Schedule as it makes provision with regard to devolved matters insofar as it applies to Wales, notably animal welfare and agriculture.

Clause 2: Seizure and detention of dogs

19. 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.
20. 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. The measure aims to help prevent dogs from repeatedly worrying or attacking livestock.
21. New subsection (2) 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.
22. New subsection (3) makes provision about what can be done to any dog seized under subsection (1) if they are not claimed after seven days.
23. New subsection (4) provides that if a person takes possession of a seized dog in good faith, that person becomes the owner of the dog.
24. New subsections (5) and (6) set 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.
25. New subsection (7) includes a definition of “disposing of” a dog for the purposes of this section.
26. New subsections (8) and (9) empower 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 it were not detained.
27. Subsection (2) of this clause makes consequential provision to repeal section 3 of the Dogs Act 1906 so far as still in force by virtue of section 68(2) of the Clean Neighbourhoods and Environment Act 2005.
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 and agriculture.

Clause 3: Collection of samples and impressions

29. This clause inserts a new section 2ZA into the 1953 Act. Subsections (1) to (4) 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.

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.

- 30. 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.
- 31. Subsection (6) makes provision about how long samples and impressions taken under this section may be retained.
- 32. Subsection (7) defines “sample”, “veterinary surgeon”, and “veterinary surgery” for the purpose of this section.
- 33. 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 and agriculture.

Clause 4: Powers of entry

- 34. This clause replaces section 2A in 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.
- 35. Subsections (1) and (3) 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.
- 36. Subsection (5) provides that a warrant under this clause may authorise the constable to use reasonable force if necessary.
- 37. 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 and agriculture.

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

- 38. Subsections (1), (2) and (4) are non-operative clauses. Subsection (1) of this clause sets out the territorial extent of this Bill as England and Wales. Subsections (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. Subsection (4) provides that the short title of the legislation is the Dogs (Protection of Livestock) (Amendment) Act 2024. 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.

39. It is my view that consent is required for subsection (3) of this clause as it makes provision with regard to devolved matters insofar as it applies to Wales and, notably, to animal welfare and agriculture.

UK Government View on the need for Consent

40. The Bill extends and applies to England and Wales. 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.
41. It is my view that the consent of the Senedd is required for the provisions of the Bill noted above because they make provision with regard to devolved matters in so far as they apply to Wales, namely, animal welfare and agriculture.

Reasons for making these provisions for Wales in the Dogs (Protection of Livestock) Amendment Bill

42. 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.
43. 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.
44. 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. 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.

Financial implications

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

Conclusion

46. 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