

LEGISLATIVE CONSENT MEMORANDUM

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

Draft Legislative Consent Motion

1. The draft motion, which I propose to table, is:

“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, as introduced in the House of Commons on 16 October 2024, which enables the making of legislation for the purpose of promoting the welfare of dogs, cats or ferrets, when bringing any of those animals into the United Kingdom.”

Background

2. This memorandum has been laid before the Assembly by the Minister of Agriculture, Environment and Rural Affairs under Standing Order 42A(2). The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill (“the Bill”) was introduced in the House of Commons on 16 October 2024. The latest version of the Bill can be found at:

<https://publications.parliament.uk/pa/bills/cbill/59-01/0239/240239.pdf>

Summary of the Bill and its policy objectives

3. The Bill will confer a power on all relevant national authorities in the UK to make regulations on importing dogs, cats or ferrets, which promotes the welfare of those animals. For Northern Ireland, as this is a devolved matter, this power will rest with the Department for Agriculture, Environment and Rural Affairs (DAERA). This provision would enable the making of secondary legislation in the Assembly to prohibit the importation cats and dogs which have been subject to procedures in the country of origin which interfere with sensitive tissues or bone structures. This would, for example, cover imports of dogs with cropped ears or cats that have been declawed.
4. It illegal to perform these types of procedures in Northern Ireland, under Section 5 of the Welfare of Animals Act (Northern Ireland) 2011 (“the 2011 Act”). It is also an offence to take an animal outside of Northern Ireland and have these procedures performed elsewhere before and then bring that animal back to Northern Ireland. However, a person is not prohibited from bringing a dog or cat with mutilations, which they have acquired, to Northern Ireland

from a country where these procedures are still deemed acceptable or permissible.

5. The Bill includes powers to establish criminal offences in relation to the importation of cats and dogs which breach any conditions subsequently imposed. The draft provisions provide that regulations could be created to allow an offence to be triable “summarily only” or “summarily or on indictment”, with the offence punishable with a fine or with a term of imprisonment or a fine (or both). The maximum penalty will apply in Northern Ireland, if an offence is sent to Crown Court, is imprisonment for a term not exceeding 5 years, or to a fine, or both. This mirrors similar offences under the 2011 Act.
6. The Bill will also amend the assimilated European Union (EU) law version of Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013, on the non-commercial movement of pet animals, which applies in Great Britain only. It will reduce the number of personal pets that can enter Great Britain from beyond the UK from five to three. It will also contain an enabling power to permit England, Scotland and Wales to make Regulations to restrict the importation of cats and dogs which are below the age of 6 months, or more than 42 days pregnant as well as those which are mutilated.
7. The Bill comprises of 8 clauses:
 - Clause 1 establishes powers to enable the appropriate national authority (the Secretary of State, Scottish Ministers, Welsh Ministers or DAERA) to make regulations about bringing dogs, cats or ferrets into the United Kingdom, to promote their welfare;
 - Clause 2 contains a non-exhaustive list of provisions that may be included in regulations. These include: the right to require records from specified persons, the right of entry and the right to inspect, seize, search and detain; the ability to enable cats and dogs to be exempted from prohibitions, where an application has been made and a permit is issued; the ability to charge a fee to process applications and generate a permit; the power to detain an animal, where that animal is proven or suspected of being illegally imported; the provision to require a specified person to meet the costs of detention; and the ability to remove a licence or authorisation held by a person, where the person has contravened any part of the Regulations, or the person obstructs the exercise of any function forming part of the Regulations.
 - Clause 3 defines the meaning of “national authority” within the Bill.

- Clause 4 sets out the procedure for making regulations and sets out that they are draft affirmative, except for regulations that refer only to the setting or specification of a fee. Where regulations are made relating to the setting of a fee, they are subject to the negative resolution procedure.
- Clause 5 applies to England, Scotland and Wales only and 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.
- Clause 6 applies to England, Scotland and Wales only and makes consequential amendments to secondary legislation in England, Scotland and Wales which applies to commercial imports of dogs, cats and ferrets.
- Clause 7 applies to England, Scotland and Wales only and makes consequential amendments to legislation setting out model documentation and identity checks for animals.
- Clause 8 sets out the territorial extent, commencement and short title of the Bill.

Provisions which deal with a Devolution Matter

8. The subject matter of the Bill, as it relates to animal welfare, is within the devolved legislative competence of the Northern Ireland Assembly because they do not relate to excepted matters under Schedule 2 or reserved matters under Schedule 3 of the Northern Ireland Act 1998.
9. Therefore clauses 1, 2, 3, 4 and 8 within the Bill extend to Northern Ireland and require the Assembly's legislative consent.

Reasons for making the Provisions

10. The UK Government has indicated that the purpose of the Bill is to address growing issues around the low welfare movement of dogs and cats into the United Kingdom. In particular, there are concerns about an emerging market involving the importation of heavily pregnant dogs and cats, and those which have been mutilated (for example, dogs with cropped ears, tail docked dogs and declawed cats).
11. Defra have regularly been called upon to change the legislation and inhibit the trade for low welfare movements of dogs and cats, most recently by the Environment, Food and Rural Affairs Committee (EFRA), following its inquiry into pet welfare. The recommendations from that inquiry included that

the UK Government should give priority to closing loopholes that enable the importation of mutilated animals. It is also recognised that there is strong stakeholder and public support for intervention and enhanced regulation.

Reasons for utilising the Bill rather than an Act of the Assembly

12. It would be possible to enact the provisions as set out above by means of an Act of the Assembly. However, it would obviously take longer to enact specific Northern Ireland primary legislation and would be a disproportionate use of resources. Despite only containing a few provisions, this Bill would need to complete all the necessary legislative stages and it could be at least 1 or 2 years before Northern Ireland would have powers equivalent to England, Scotland and Wales on the statute book.
13. A legislative consent motion, is, therefore, considered to be the most timely, reasonable and proportionate way forward in the circumstances.

Consultation

14. There has been no specific public consultation in Northern Ireland on the creation of new offences for the importation of animals with mutilations. Nevertheless, no part of the UK has formally consulted on the contents of this Bill; but it is noted that the provisions in this Bill mirror recommendations made by the EFRA Committee, as set out above.
15. Any legislation brought forward using the powers gained under this Bill would be subject the full scrutiny of the Assembly. Public consultation on any potential regulations would take place as part of the established legislation development process.

Human Rights and Equality

16. The provisions of the Bill are compatible with the European Convention of Human Rights. No adverse impact on any of the groups listed under section 75 has been identified.

Financial Implications

17. There is no immediate public expenditure implications for the Northern Ireland devolved administration if the relevant provisions in the Bill are implemented. Any secondary legislation derived from this Bill will require assessment from a financial perspective at that juncture.

Summary of Regulatory Impact

18. There is no impact on business and the voluntary sector.

Engagement with the Committee for Agriculture, Environment and Rural Affairs

19. The Committee for Agriculture, Environment and Rural Affairs was informed on 12 June 2025 of the intention to extend this Bill to Northern Ireland and of the need for a legislative consent motion.

Conclusion

20. It is my view that in the interests of good government, in so far as the provisions of the Bill deal with a devolution matter, they should be considered by the UK Parliament.

ANDREW MUIR MLA

Minister of Agriculture, Environment and Rural Affairs

12 June 2025