

## EXPLANATORY MEMORANDUM TO

### THE ANIMAL WELFARE (ELECTRONIC COLLARS) (ENGLAND) REGULATIONS

2023 No. [XXXX]

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (“Defra”) and is laid before Parliament by Command of His Majesty.

#### 2. Purpose of the instrument

- 2.1 The purpose of this instrument is to prohibit the use of certain electronic training collars for cats and dogs in England in order to protect the welfare of cats and dogs in England. The prohibition will apply to remote-controlled electronic collars which can deliver an electric current to the cat or dog wearing it when activated by a person operating the remote control (“electronic collars”), which are sometimes described as “electric shock collars”.

#### 3. Matters of special interest to Parliament

*Matters of special interest to the Joint Committee on Statutory Instruments.*

- 3.1 None.

#### 4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

#### 5. European Convention on Human Rights

- 5.1 The Rt Hon. the Lord Benyon has made the following statement regarding Human Rights:

“In my view the provisions of the Animal Welfare (Electronic Collars) (England) Regulations 2023 are compatible with the Convention rights.”

#### 6. Legislative Context

- 6.1 The Animal Welfare Act 2006 (“the 2006 Act”) makes provision to protect animals from harm and to ensure that their welfare needs are met. The 2006 Act applies to animals of a kind that are commonly domesticated in the British Islands, including cats and dogs. Section 4 of the 2006 Act makes it an offence for a person who is responsible for an animal to cause the animal unnecessary suffering. Section 9 requires a person who is responsible for an animal to provide for the animal’s welfare needs in line with good practice.
- 6.2 This instrument is being introduced using powers conferred on the Secretary of State by section 12 of the 2006 Act. Section 12 allows the Secretary of State to make

regulations in relation to England for the purposes of promoting the welfare of animals for which a person is responsible.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Animal Welfare (Electronic Collars) (England) Regulations 2023 fulfil an undertaking given by the Government in response to its 2018 consultation on Electronic Training Collars for Cats and Dogs in England, and reiterated in its 2021 Action Plan for Animal Welfare, to prohibit the use of electric shock collars controlled by hand-held devices, given their scope to harm cats and dogs.
- 7.2 In 2018 Defra undertook a public consultation, in line with the requirement in section 12(6) of the 2006 Act, to seek views on a proposed ban on the use of electronic training collars for cats and dogs in England (see section 10 below for details). Following the consultation, the Government decided to proceed with a ban on the use of electric shock collars controlled by hand-held devices for cats and dogs in England. The Government's decision was based on the concern that electric shock collars can be all too easily open to abuse and can be harmful for animal welfare, and as there was a lack of evidence of the capacity for electronic shock collars to correct unwanted behaviour without also impacting the animal's welfare.
- 7.3 Whilst some consultation respondents supported the prohibition of all types of electronic training collar, others saw a benefit in retaining the ability to use electronic training collars which were not capable of delivering an electric shock and in allowing the continued use of invisible fencing (or containment systems). In the case of containment systems, respondents argued that these systems were less open to abuse, due to their automated nature which allows animals to quickly learn the systems' boundaries without being regularly shocked. This automated nature also applies to anti-bark collars.
- 7.4 In addition, containment systems may offer welfare benefits by preventing animals straying from the containment area. By preventing animals from straying, they are at less risk of exposing themselves to danger, by crossing a busy main road, for example. Containment systems may also reduce the risk to other animals, by preventing dogs escaping and subsequently chasing livestock.
- 7.5 The Welsh Government banned electronic training collars which deliver an electric shock to the cat or dog, including those used in containment systems, and anti-bark collars, for cats and dogs in the Animal Welfare (Electronic Collars) (Wales) Regulations 2010. Further afield their use is prohibited in several EU nations, such as Austria, Denmark, and Germany.

### *Explanations*

#### *What did any law do before the changes to be made by this instrument?*

- 7.6 The 2006 Act brought together and updated existing legislation to promote the welfare of vertebrate animals, other than those in the wild. The 2006 Act confers powers on the Secretary of State to introduce secondary legislation to promote the welfare of vertebrate animals in England. This instrument will promote the welfare of cats and dogs by protecting them from the harmful consequences of electronic collars.

Why is it being changed?

- 7.7 Concerns about the capacity for electronic collars to cause harm to cats and dogs have been raised with the Department since before the coming into force of the 2006 Act. Those raising concerns include trainers, behaviourists, the animal welfare sector and dog keeping organisations
- 7.8 In response, Defra commissioned research to understand the effect of pet training aids, specifically handheld remote controlled training devices, on the welfare of domestic dogs. The research was limited to electric shock collars controlled by hand-held devices as these were the primary cause of concern for stakeholders. The research showed that many owners did not read the manufacturers' instructions prior to use, that electric shock collars have a negative impact on the welfare of some dogs and may also redirect aggression or generate anxiety-based behaviour in pets, worsening underlying problems. In many cases alternative positive reward training can be used to encourage and correct a dog's behaviour.

What will it now do?

- 7.9 This instrument will promote the welfare of cats and dogs by prohibiting the use of electronic collars. It will do this by making it an offence for a person who is responsible for a cat or dog to attach an electronic collar to the cat or dog in England (or cause an electronic collar to be attached to the cat or dog in England). It will also make it an offence for a person who is responsible for a cat or dog that is wearing an electronic collar to be in possession of a remote-control device which is designed or adapted for activating the collar in England. The penalty on summary conviction will be an unlimited fine.
- 7.10 The Government considers that banning only those electronic training collars which deliver an electric shock which is triggered remotely by the owner/handler using a hand-held device is an appropriate response to the welfare concerns and to the outcomes of the Defra-commissioned research and public consultation. Consequently, electronic training collars which do not deliver an electric shock, anti-bark collars, and containment systems will remain legal for cats and dogs in England.
- 7.11 In line with the requirements in section 149(1) of the Equality Act 2010, a Public Sector Equality Duty Impact Assessment was completed. The assessment found that only a small number of electronic collar users with protected characteristics would be negatively impacted by the ban.
- 7.12 As electronic training collars that emit sound, vibration or some other non-shock signals are not prohibited under this instrument, they will remain available for situations where voice, sound or other recall methods cannot be used. This will assist owners with protected characteristics, such as owners with a disability, and owners of animals with physical impairments, such as deaf dogs, to retain control of their animal.
- 7.13 This instrument includes an exemption allowing the use of electronic collars by members of His Majesty's Armed Forces where required for defence purposes. This is a specific and limited exemption to ensure that important national security and public safety capabilities are retained. The use of an electronic collar in such circumstances would be subject to the internal Ministry of Defence animal welfare standards and permissions.

7.14 This instrument does not preclude the import or sale of shock collars, only their use as described in the instrument.

## **8. European Union Withdrawal and Future Relationship**

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 None.

## **10. Consultation outcome**

10.1 A full formal public consultation on Electronic Training Collars for Cats and Dogs in England ran for 7 weeks in 2018. This was preceded by informal engagement by the Department with key stakeholders, including representatives of welfare groups (RSPCA, Battersea Dogs and Cats Home and the Dogs Trust), electronic training collar and training industry representatives and local authorities.

10.2 A total of 7,334 responses were received to the consultation; 6,021 from members of the public. The remaining 1,313 responses were from organisations or individuals involved in fields relevant to electronic training collars, dog trainers or veterinarians. 87% of Citizen Space responses originated in England.

10.3 On the specific questions asked, more than a third of respondents thought it should be an offence to attach an electronic training collar to a cat/dog with a similar level of respondents indicating that it should be an offence to be responsible for a cat/dog wearing an electronic training collar.

10.4 A full summary of the responses to the public consultation, along with the Government's formal response, has been published on the Government website at: [Electronic training collars for cats and dogs in England: summary of responses and government response \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/electronic-training-collars-for-cats-and-dogs-in-england)

## **11. Guidance**

11.1 The Code of Practice for the Welfare of Dogs and the Code of Practice for the Welfare of Cats will be updated in 2024 to reflect the prohibition on the use of electronic collars. They will also be amended to emphasize that invisible fencing (or containment systems) should be installed and set up by professionals, that appropriate training should be provided, and that they should only be used as a last resort. The current codes of practice can be found at: [Animal welfare legislation: protecting pets - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/animal-welfare-legislation-protecting-pets)

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector. Currently, the only public sector use of shock collars is by members of the Armed Forces, and this will continue to be permitted where required for defence purposes.

12.3 A full Impact Assessment has not been prepared for this instrument because of the low number of affected businesses.

### **13. Regulating small business**

- 13.1 The legislation may apply to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to exempt small businesses. The impact on small businesses should be minimised as we would expect that small businesses which either manufacture, sell, or use electric shock collars controlled by hand held devices will instead switch to other types of device, which may include collars which emit a noise, vibration or spray. It would not be feasible to exempt small businesses from the scope of the ban on the use of electric shock collars as this would generate a significant exemption which would mean the objective of protecting animal welfare for dogs and cats would not be met well enough

### **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is to review it should significant new evidence of the animal welfare impact of electronic training collars come to light.
- 14.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 the Rt Hon. the Lord Benyon has made the following statement.  

“In my view there is no requirement to include a statutory review clause in the Animal Welfare (Electronic Collars) (England) Regulations 2023 as this would be disproportionate given the minimal business impact of the regulations.”

### **15. Contact**

- 15.1 Jack Darrant at the Department for Environment, Food & Rural Affairs Telephone: 07920722084 or email [Jack.darrant@defra.gov.uk](mailto:Jack.darrant@defra.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Marc Casale, Deputy Director for Animal Welfare Policy, at the Department for Environment, Food & Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Rt Hon. the Lord Benyon at the Department for Environment, Food & Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.