



Animals (Low-Welfare Activities Abroad) Act 2023

2023 CHAPTER 45

Low-welfare animal activities

1 Prohibition on sale of low-welfare animal activities **E+W+N.I.**

- (1) A person commits an offence if, in a relevant part of the United Kingdom, the person sells, or offers or arranges to sell, any right to observe or participate in an activity which—
 - (a) involves an animal,
 - (b) takes place outside the United Kingdom, and
 - (c) is of a description specified for that part of the United Kingdom by regulations made by the appropriate national authority (“activity regulations”).
- (2) The appropriate national authority may specify a description of activity in activity regulations only if it considers that an activity of that description involves or is likely to involve—
 - (a) keeping the animal in conditions within [subsection \(3\)](#), or
 - (b) subjecting it to treatment (whether before, during or after the activity) within that subsection.
- (3) An animal is kept in conditions, or is subject to treatment, within this subsection if keeping the animal in the conditions, or subjecting it to the treatment, in the appropriate national authority’s part of the United Kingdom would constitute an offence under the appropriate national legislation.

Commencement Information

II [S. 1](#) in force at 18.11.2023, see [s. 7\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Animals (Low-Welfare Activities Abroad) Act 2023. (See end of Document for details)

2 Prohibition on advertising of low-welfare animal activities **E+W+N.I.**

- (1) For the purposes of this section an advertisement is a prohibited advertisement in a relevant part of the United Kingdom if the advertisement has the purpose or effect of promoting the observation of, or participation in, an activity which—
 - (a) involves an animal,
 - (b) takes place outside the United Kingdom, and
 - (c) is of a description specified for that part of the United Kingdom by activity regulations.
- (2) A person commits an offence if, in the course of a business, the person—
 - (a) publishes in a relevant part of the United Kingdom an advertisement that is a prohibited advertisement in that part, or
 - (b) causes such an advertisement to be so published.
- (3) A person commits an offence if, in the course of a business, the person—
 - (a) prints in a relevant part of the United Kingdom an advertisement published in that part of the United Kingdom that is a prohibited advertisement in that part, or
 - (b) causes such an advertisement to be so printed.
- (4) A person commits an offence if, in the course of a business, the person—
 - (a) distributes in a relevant part of the United Kingdom an advertisement published in that part of the United Kingdom that is a prohibited advertisement in that part, or
 - (b) causes such an advertisement to be so distributed.
- (5) A person does not commit an offence under [subsection \(2\)](#) or [\(4\)](#) if the advertisement is contained in a publication (other than an in-flight magazine)—
 - (a) which is printed outside a relevant part of the United Kingdom, and
 - (b) whose principal market is not, or does not include, a relevant part of the United Kingdom or any part of one.
- (6) A person does not commit an offence under [subsection \(4\)](#) if—
 - (a) the distribution is by means of electronic transmission, and
 - (b) the person did not carry on business in a relevant part of the United Kingdom at the time of the distribution.
- (7) A person does not commit an offence under [subsection \(4\)](#) by selling a publication to a member of the public.
- (8) It is a defence for a person charged with an offence under [subsection \(3\)](#) or [\(4\)](#) in relation to the printing or distribution of an advertisement in a relevant part of the United Kingdom to prove that the person did not know, and had no reason to suspect, that the advertisement would be published in that part.

Commencement Information

I2 S. 2 in force at 18.11.2023, see [s. 7\(2\)](#)

Enforcement

3 Offences: penalties, prosecution and liability **E+W+N.I.**

- (1) A person who commits an offence under this Act is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (2) The following do not apply in relation to offences under this Act—
 - (a) section 127 of the Magistrates’ Courts Act 1980 (limitation of time);
 - (b) article 19 of the Magistrates’ Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) (time limit for making complaint).
- (3) Where an offence under this Act committed by a body corporate—
 - (a) is committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, or
 - (b) is attributable to any neglect on the part of any such person,
that person as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (4) In [subsection \(3\)](#) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) [Subsection \(3\)](#) also applies to a body that is not a body corporate, with the substitution for the reference to a director of the body of a reference—
 - (a) in the case of a partnership, to a partner;
 - (b) in the case of an unincorporated body other than a partnership—
 - (i) where the body’s affairs are managed by its members, to a member of the body;
 - (ii) in any other case, to a member of the governing body.

Commencement Information

I3 [S. 3](#) in force at 18.11.2023, see [s. 7\(2\)](#)

4 Enforcement powers of local weights and measures authorities etc **E+W+N.I.**

- (1) A local weights and measures authority in England and the Department for the Economy in Northern Ireland may enforce the provisions of this Act.
- (2) For the investigatory powers available for the purpose of enforcing this Act, see Schedule 5 to the Consumer Rights Act 2015.
- (3) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers to which Schedule 5 applies), at the appropriate place insert—

“[section 4\(1\)](#) of the Animals (Low-Welfare Activities Abroad) Act 2023.”
- (4) [The Schedule](#) contains provision for the imposition of monetary penalties in respect of offences under this Act.

Changes to legislation: There are currently no known outstanding effects for the Animals (Low-Welfare Activities Abroad) Act 2023. (See end of Document for details)

Commencement Information

I4 S. 4 in force at 18.11.2023, see s. 7(2)

General

5 Regulations **E+W+N.I.**

- (1) The power to make activity regulations includes power to make—
 - (a) different provision for different purposes or for different relevant parts of the United Kingdom;
 - (b) consequential, incidental, supplementary, transitional or saving provision.
- (2) Activity regulations made by the Secretary of State are to be made by statutory instrument.
- (3) The power of the Department of Agriculture, Environment and Rural Affairs to make activity regulations is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (4) The Secretary of State may not make a statutory instrument containing activity regulations (whether alone or with other provision) unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (5) The Department of Agriculture, Environment and Rural Affairs may not make activity regulations unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

Commencement Information

I5 S. 5 in force at 18.11.2023, see s. 7(2)

6 Interpretation **E+W+N.I.**

In this Act—

- “activity regulations” means regulations under section 1(1)(c);
- “animal” means a vertebrate other than a human;
- “appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Northern Ireland—
 - (i) the Department of Agriculture, Environment and Rural Affairs, or
 - (ii) the Secretary of State acting with the consent of the Department;
- “appropriate national legislation” means—
- (a) in relation to England, the Animal Welfare Act 2006;
 - (b) in relation to Northern Ireland, the [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16 \(N.I.\)\)](#);
- references to “offering” to sell include making an invitation to treat;
- “relevant part of the United Kingdom” means England or Northern Ireland;

Changes to legislation: There are currently no known outstanding effects for the Animals (Low-Welfare Activities Abroad) Act 2023. (See end of Document for details)

“vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata.

Commencement Information

I6 S. 6 in force at 18.11.2023, see s. 7(2)

7 **Extent, commencement and short title** **E+W+N.I.**

- (1) This Act extends to England and Wales and Northern Ireland.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Animals (Low-Welfare Activities Abroad) Act 2023.

Commencement Information

I7 S. 7 in force at 18.11.2023, see s. 7(2)

Changes to legislation:

There are currently no known outstanding effects for the *Animals (Low-Welfare Activities Abroad) Act 2023*.