



EXPLANATORY NOTES

Animal Welfare (Livestock Exports) Act 2024

Chapter 11

ANIMAL WELFARE (LIVESTOCK EXPORTS) ACT 2024

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Animal Welfare (Livestock Exports) Act 2024 which received Royal Assent on 20 May 2024 (c.11).

- These Explanatory Notes have been prepared by the Department for Environment, Food and Rural Affairs in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act means in practice; provide background information on the development of policy; and provide additional information on how the Act affects existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Animal Welfare (Livestock Exports) Act 2024 makes provision to prohibit the export of cattle, sheep, goats, pigs and equines for slaughter, including fattening for subsequent slaughter, beginning in or transiting through Great Britain to EU member states and other third countries.

Policy background

- 2 Public concern regarding live animal exports has a long history: there have been a number of campaigns by animal welfare organisations since the 1990s, aiming either to end live animal exports for slaughter or to limit how far an animal can be transported on welfare grounds. The topic was highlighted at the time of the EU referendum as a benefit of leaving the EU, as the EU free trade rules prevent member states from banning live exports to other EU countries. In 2017, the animal welfare organisation Compassion in World Farming launched a petition calling for a ban on live exports that attracted 100,752 signatures.¹ In September 2023, a further petition with 95,000 signatures was delivered to the Prime Minister.²
- 3 A ban on live exports for slaughter and fattening was referenced in the Government's Action Plan for Animal Welfare, published in May 2021, and provisions for a ban were previously included in the Animal Welfare (Kept Animals) Bill,³ introduced into Parliament in June 2021. In May 2023, the Government announced that the Bill would no longer be progressing. Subsequently, the decision was made to introduce a single-issue Bill to bring in the live exports ban.
- 4 Drawing on the 2019 expert opinion of the Farm Animal Welfare Committee⁴ on animal welfare in transport, the Department for Environment, Food and Rural Affairs (Defra), in partnership with the Welsh Government, published a consultation in December 2020 on the proposal to end the export of live animals for fattening and slaughter⁵ and on other improvements to animal welfare in transport. Defra received over 11,000 responses to the consultation, with 87% of respondents agreeing that livestock and horse export journeys for slaughter and fattening are unnecessary. Defra affirmed in the summary of responses⁶ that the Government would proceed with a ban on the export of livestock (cattle, sheep, goats and pigs) and horses from England, Wales and Scotland for slaughter and fattening. The Scottish Government also consulted on improvements to animal welfare in transport towards the end

¹ <https://petition.parliament.uk/archived/petitions/200205>

² <https://www.ciwf.org.uk/media/press-releases-statements/2023/09/dame-joanna-lumley-urges-uk-government-to-ban-live-exports>

³ <https://bills.parliament.uk/bills/2880>

⁴ https://consult.defra.gov.uk/transforming-farm-animal-health-and-welfare-team/improvements-to-animal-welfare-in-transport/supporting_documents/fawcopiniononthewelfareofanimalsduringtransport.pdf

⁵ <https://www.gov.uk/government/consultations/live-animal-exports-improvements-to-animal-welfare-in-transport>

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1011728/animal-welfare-in-transport-consultation-response.pdf

of 2020⁷, including restrictions on live exports. Although the consultation did not specifically ask about banning live exports, the summary of responses⁸ reports that “a large number of respondents also urge for live export for fattening and slaughter to be phased out.”

Legal background

Assimilated law on the welfare of animals in transport

- 5 The welfare of animals in transport (including when they are exported) is principally governed by Council Regulation No 1/2005 on the protection of animals during transport and related operations. This is supplemented by domestic orders in England, Wales and Scotland. Under the Retained EU Law (Revocation and Reform) Act 2023, Council Regulation No 1/2005 has become assimilated legislation in England, Wales and Scotland.

Animal Health Act 1981

- 6 Sections 40-49 of the Animal Health Act 1981 place certain restrictions on the export of horses and ponies to protect their welfare and prevent the export of ‘low value’ horses and ponies. These requirements have largely been superseded by Council Regulation No 1/2005 on the protection of animals during transport and related operations.

⁷ <https://www.gov.scot/publications/consultation-farm-animal-welfare-committees-opinion-welfare-animals-during-transport-scottish-government-response/>

⁸ <https://www.gov.scot/publications/farm-animal-welfare-committee-opinion-welfare-animals-during-transport-summary-report/>

Territorial extent and application

- 7 Section 7(1) sets out the territorial extent of the Act, which describes the jurisdictions in which the Act forms part of the law. The Animal Welfare (Livestock Exports) Act 2024 extends and applies to Great Britain, except for section 5(b) and section 6.
- 8 Section 5(b) repeals a specific part of the Animal Health Act (1981) that extends and applies to Scotland only. Accordingly, section 5(b) extends and applies to Scotland only.
- 9 The amendments made by section 6 add the Act to Schedule 7B of the Government of Wales Act 2006, and thereby exempt it from restrictions on the legislative competence of Senedd Cymru. These amendments have the same extent as the enactments to which they relate.
- 10 The Act relates to animal welfare, which is a devolved matter. Apart from section 6, the Act is within the legislative competence of the Scottish Parliament. Apart from section 6 and section 5(b), the Act is within the legislative competence of Senedd Cymru.

Commentary on provisions of the Act

Section 1: Prohibition of export of livestock for slaughter

- 11 Subsection (1) of this section prohibits the export of relevant livestock from Great Britain for slaughter and subsection (2) makes it an offence to contravene this prohibition.
- 12 Subsection (3) describes “exports” for the purpose of determining whether a person has contravened the prohibition in subsection (1). Subsection (4) defines “relevant livestock” for the purpose of this section, and subsection (5) defines “for slaughter”, which includes relevant animals being exported for the purpose of being slaughtered or fattened for slaughter.
- 13 Subsection (6) provides that a person who commits an offence under this section in England and Wales is liable on summary conviction to imprisonment for a term not exceeding the maximum for summary offences, to a fine or both. In Scotland, a person who commits an offence under this section is liable on summary conviction to imprisonment for up to 6 months, to a fine not exceeding level five on the standard scale or both. Subsection (7) explains that the maximum term for summary offences in England and Wales is 6 months until section 281(5) of the Criminal Justice Act 2003 comes into force, from which point the maximum imprisonment term for England and Wales will be 51 weeks.

Section 2: Regulations about enforcement of section 1

- 14 Subsection (1) of this section empowers the appropriate national authority (the Secretary of State, Scottish Ministers or Welsh Ministers) to make regulations to provide for the enforcement of the prohibition on the export of live animals for slaughter. Subsections (2) and (3) provide non-exhaustive lists of what these regulations may cover, which include powers of entry, seizure or detention, the creation of criminal offences and the imposition of civil sanctions.
- 15 Subsection (4) permits the enforcement regulations to confer a power of entry in relation to a private dwelling without the consent of the occupier or with the use of reasonable force only if the power is exercised under the authority of a warrant.
- 16 Subsection (5) clarifies the scope of the power in subsection (4) of section 3 to make provision for the imposition of civil sanctions in regulations relating to the enforcement of section 1.
- 17 Subsection (6) clarifies the scope of criminal offences that can be created in relation to regulations made under subsection (1).

Section 3: Section 2: supplementary

- 18 This section defines “appropriate national authority”, “civil sanction” and “enactment” for the purposes of section 2.
- 19 Subsection (3) provides that the Secretary of State may only make enforcement regulations containing provisions that could be made by Scottish or Welsh Ministers with their consent.

Section 4: Enforcement regulations: procedure etc

- 20 This section provides that enforcement regulations made under section 2 must be made by statutory instrument under the affirmative procedure (or equivalent in the Scottish Parliament and Senedd Cymru) and may include consequential, incidental, transitional or saving provisions and may include different provisions for different purposes and areas.

Section 5: Connected repeals in relation to horses

- 21 This section repeals sections 40 to 49 of the Animal Health Act 1981 (provisions relating to the export of horses) and also makes other amendments to that Act that are consequential to their repeal.

Section 6: Concurrent functions in Wales

- 22 Section 2 of the Act creates powers that are exercisable concurrently by the Secretary of State and the Welsh Ministers. Restrictions in Schedule 7B to the Government of Wales Act 2006 prevent Senedd Cymru from removing a Minister of the Crown function that is exercised concurrently or jointly with the Welsh Ministers without the consent of the UK Government. This section disapplies the relevant restrictions in respect of the concurrent powers in this Act by adding the Act to the lists of enactments in paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B. This will allow Senedd Cymru to alter the concurrent arrangements relating to devolved matters without needing the UK Government's consent.

Section 7: Extent, commencement and short title

- 23 Subsection (1) sets out the territorial extent of provisions in the Act.
- 24 Subsection (2) provides that section 1 (prohibition of export of livestock for slaughter) and section 5 (connected repeals in relation to horses) come into force in accordance with commencement regulations made by the appropriate national authority.
- 25 Subsection (3) provides that section 2, 3, 4, 6 and 7 come into force at Royal Assent.
- 26 Subsections (4) to (8) provide powers for the Secretary of State, Scottish Ministers and Welsh Ministers to make transitional or saving provisions in regulations that commence provisions in the Act.
- 27 Subsection (9) provides that the short title of this Act will be the "Animal Welfare (Livestock Exports) Act 2024".

Related documents

28 The following documents are relevant to the Act and can be read at the stated locations:

- Defra Call for Evidence on controlling live exports and improving animal welfare during transport: <https://consult.defra.gov.uk/animal-health-and-welfare/live-exports-and-improving-welfare-in-transport/>
- Farm Animal Welfare Committee, Opinion on the Welfare of Animals during Transport (with the systematic review, conducted by Scotland’s Rural University College and University of Edinburgh, appended): https://consult.defra.gov.uk/transforming-farm-animal-health-and-welfare-team/improvements-to-animal-welfare-in-transport/supporting_documents/fawcopiniononthewelfareofanimalsduringtransport.pdf
- Action Plan for Animal Welfare: <https://www.gov.uk/government/publications/action-plan-for-animal-welfare>
- Defra and Welsh Government consultation on improvements to animal welfare in transport: <https://consult.defra.gov.uk/transforming-farm-animal-health-and-welfare-team/improvements-to-animal-welfare-in-transport/>
- Summary of Responses and Government Response to the Defra and Welsh Government consultation on improvements to animal welfare in transport: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1011728/animal-welfare-in-transport-consultation-response.pdf
- Scottish Government consultation on the welfare of animals during transport: <https://www.gov.scot/publications/consultation-farm-animal-welfare-committees-opinion-welfare-animals-during-transport-scottish-government-response/pages/1/>
- Summary of Responses to the Scottish Government consultation on the welfare of animals during transport: <https://www.gov.scot/publications/farm-animal-welfare-committee-opinion-welfare-animals-during-transport-summary-report/>
- Impact Assessment of the ban on live exports: <https://publications.parliament.uk/pa/bills/cbill/58-02/0013/LiveAnimalExportFinalStageImpactAssessment.pdf>

Annex A – Hansard References

29 The following table sets out the dates and Hansard references for each stage of the Act’s passage through Parliament:

Stage	Date	Hansard Reference
<i>House of Commons</i>		
First Reading	4 December 2023	N/A
Second Reading	18 December 2023	Vol. 742 Col. 1172
Programme Motion	18 December 2023	N/A
Committee of the Whole House	15 January 2024	Vol. 743 Col. 622
Third Reading	15 January 2024	Vol. 743 Col. 642
<i>House of Lords</i>		
First Reading	16 January 2024	Vol. 835
Second Reading	21 February 2024	Vol. 836 Col. 614
Committee Stage	14 March 2024	Vol. 836 Col. 274GC
Report Stage	8 May 2024	Vol. 838 Col. 132
Third Reading	14 May 2024	Vol. 838 Col. 485
Royal Assent	20 May 2024	Vol. 838

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