

## KEY MESSAGES

- Battersea supports the principles underpinning the Kept Animals Bill and the intention to introduce restrictions on the importation of animals to help protect their welfare.
- Battersea shares concerns expressed recently by the EFRA Committee that many of the substantive provisions are being addressed through secondary legislation, instead of being included on the face of the Bill.
- The Bill should be further strengthened in key areas to help address potential loopholes. This includes reducing the number of animals permitted to travel per individual non-commercial vehicles to three.
- Battersea supports measures to decrease the window in pregnancy in which dogs can be moved, and the decision to ban the entry to the UK of animals with unlawful mutilations, to stop this growing trade.
- However, it is a mistake for these measures to not also be extended to cover cats, which are just as likely as dogs to suffer from a continuation of the status quo.

## THE BILL

The UK Government launched its Action Plan for Animal Welfare in May,<sup>1</sup> setting out the Government's legislative ambitions for the remainder of the current parliamentary term. The Animal Welfare (Kept Animals) Bill is one of the key pieces of legislation introduced by the Action Plan and in part deals with the movement of dogs and cats into the United Kingdom, alongside livestock worrying and live exports.<sup>2</sup>

The issue of dog and cat importation is of increasing importance, following large increases in the last five years and a surge in demand for dogs and cats during the COVID-19 pandemic and associated lockdowns.<sup>3</sup> For many people, pets have provided an important source of support for their mental and physical health during social isolation.

The Bill:

- makes provision to limit the number of animals that can be brought in per non-commercial vehicle
- creates a framework to introduce secondary legislation that can introduce restrictions on animal movements, such as:
  - a minimum age before importation
  - stopping mutilated animals from being imported.

These are positive advances, but there are further steps which could be taken to improve the legislation and to ensure that potential loopholes are closed.

- **Battersea is calling for the number of dogs permitted to travel across international borders by non-commercial vehicles to be reduced to three dogs per vehicle** rather than the current PETS standard of five dogs per person, or the proposed five per non-commercial vehicle in the Kept Animals Bill. Non-commercial imports have been a significant concern for many years as a major route for illegal puppies to enter Great Britain. Data from the Animal Health & Plant Agency (APHA) shows that between 2015 and 2019 there was an 86% increase in the number of dogs entering the country via PETS.<sup>4</sup> According to PMFA data from 2019, the average number of dogs per household was 1.4<sup>5</sup> and 94% of dog owners have no more than two dogs.<sup>6</sup>
- **Restrictions on the minimum age of animal imports, importing heavily pregnant animals, and importing animals with mutilations should be set out on the face of the Bill instead of being left to secondary legislation.** Battersea shares concerns expressed by the EFRA Committee in their recent report on the movement of animals across borders that substantive provisions to tackle issues with pet imports are being addressed through secondary legislation.<sup>7</sup> While it is understandable that the Bill should allow for

<sup>1</sup> <https://www.gov.uk/government/publications/action-plan-for-animal-welfare>

<sup>2</sup> <https://bills.parliament.uk/bills/2880>

<sup>3</sup> Battersea (2020) The impact of COVID-19 on Companion Animal Welfare in the UK <https://bdch.org.uk/files/BATTERSEA-Covid-Research-Report.pdf>

<sup>4</sup> [https://www.dogstrust.org.uk/puppy-smuggling/111018\\_puppy%20smuggling%202018\\_final.pdf](https://www.dogstrust.org.uk/puppy-smuggling/111018_puppy%20smuggling%202018_final.pdf)

<sup>5</sup> <https://www.pfma.org.uk/dog-population-2019>

<sup>6</sup> <https://www.pfma.org.uk/number-of-cats-and-dogs-per-household-2019>

<sup>7</sup> <https://publications.parliament.uk/pa/cm5802/cmselect/cmenvfru/79/7902.htm>

flexibility between the different jurisdictions of Great Britain and allow for changes in best practice on animal welfare, provisions such as increasing the age of importation and stopping heavily pregnant animals entering the country are unlikely to change and have a direct positive effect on animal welfare.

- In developing a new system for commercial and non-commercial importation, the UK Government should build on standards already required by the Balai Directive and EU Pet Travel Scheme (PETS).

**A three-dog maximum would therefore allow families to still travel with their pet, whilst better safeguarding against the smuggling of puppies and kittens under the guise of them being owned pets. There is no good reason for setting the limit at five per vehicle – it is not an industry standard and is not needed for almost all pet owners. It would however leave open the door for continued abuse by unscrupulous puppy dealers.**

## **RISING DEMAND**

The COVID-19 pandemic and subsequent periods of lockdown and social isolation prompted a surge in demand for dogs and cats. Battersea research shows that in February 2020 there was an average of 725,160 online searches to buy a dog which increased to 1,574,380 in April - a 217% rise<sup>8</sup>. This demand has led to an increase in price. In the periods of January to June for 2020 and 2021, the average cost for dogs increased by 73% and for cats by 38%.<sup>9</sup>

This rising demand saw many prospective pet owners turning to online marketplaces, with many finding pets from questionable overseas sources, often facilitated by unscrupulous dealers who give no thought to the welfare of the animals involved. This makes the introduction of the Kept Animals Bill particularly timely, with the potential to shut down many such routes to market.

## **MINIMUM AGE FOR ANIMAL IMPORTS BELONGS IN THE MAIN BILL**

Battersea supports the EFRA Committee's position that many of the proposed provisions should not be implemented through secondary legislation and should instead be put on the face of this Bill. Failure to do so will only build in confusion and delay, and these are not issues which are likely to be further amended soon.

**Battersea strongly agrees with the proposal to increase the minimum age at which dogs can be imported into the country from 15 weeks to six months.** This increase will aid enforcers in identifying underage dogs, as it would make it substantially easier to identify the differences on a visual basis alone. This change will also have the benefit of making puppy smuggling uneconomic, as there is a much smaller market for six-month old dogs than there is for younger puppies. Given that this change will have direct tangible benefit and that advice on age of importation is unlikely to change, this should be included in the primary legislation.

**Battersea advocates that there should be additional biosecurity measures within the Bill.** For example, the post vaccination wait time before a dog can enter the country should be increased from three to 12 weeks. This would also mean that any pet brought into the UK would be a minimum of six-months old. It would have the added benefit of greatly reducing the risk of rabies entering the UK, as this proposed increase allows for the standard incubation period of the disease to pass.

## **IMPROVING WELFARE**

There are several further changes that should be included in the Bill to improve the quality of checks being carried out on animals being imported into the country:

- All imported animals should be logged on a microchip database so they may be traced back to the importer.
- There should be better enforcement of border control checks, including undertaking additional visual spot-checks during out-of-office hours.
- From 1 July 2022, commercial imports must enter via a designated Border Control Port (BCP). Despite this requirement, BCPs do not cover all potential points of entry into Great Britain. It is unclear what steps will be taken to ensure illegal importers cannot subvert the system simply by surreptitiously landing their animals at a non-designated port which may have less stringent checks.
- Furthermore, regulations introduced in the Bill would only cover Great Britain, with the current rules in place through the Northern Ireland Protocol remaining in place. Clarity is needed on how the commercial importation of pet animals through the Northern Ireland route will operate in future to ensure the continued protection of animal welfare both for the importation of animals into, and the movement of animals within, the UK.

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<sup>8</sup> Battersea (2020) The impact of COVID-19 on Companion Animal Welfare in the UK <https://bdch.org.uk/files/BATTERSEA-Covid-Research-Report.pdf>

<sup>9</sup> <https://www.pets4homes.co.uk/pet-advice/the-post-pandemic-pet-market-how-coming-out-of-lock-down-affected-pet-sales-and-pricing-in-2021.html>

- Battersea supports a ban on the commercial and non-commercial importation of dogs with non-exempted mutilations under Section 5 of the Animal Welfare Act 2006 and Section 20 of the Animal Health and Welfare (Scotland) Act 2006.<sup>10</sup> These mutilations are illegal in the UK and therefore there should be parity in the importation system to ensure they cannot be brought into the country and sold to British consumers. This again should be put on the face of the Bill rather than being enacted through secondary legislation.
- Battersea is calling for increased transparency of both commercial and non-commercial pet importation data to allow for increased traceability and identification of importation trends. The inconsistency of data has previously been acknowledged by Ministers as problematic.<sup>11</sup> Allowances for data validity and accuracy should be included in the Bill and any subsequent regulations.

## LIVESTOCK WORRYING

A proactive awareness of livestock worrying is a key tenet of responsible dog ownership. Battersea advocates that all dogs should be on a close lead when walking anywhere near livestock to avoid any risk of causing distress to farm animals. Battersea is seeking further detail on how powers in the Bill will be used to ensure incidents are dealt with proportionally, and that the welfare of dogs is not compromised as a result.

- The definition of agricultural land in the Bill is very broad, and Battersea would seek assurances that this would not unintentionally reduce access to areas for dogs to exercise on.
- As currently written, Battersea is concerned that there is a presumption of guilt unless proven innocent on the part of dog owners throughout the livestock worrying section of the Bill.
- It is welcome that the Bill promotes the use of Fixed Penalty Notices as an appropriate means to deal with instances of livestock worrying in relation to minor or first offences.
- Section 31 of the Bill is concerning as we believe destruction of the dog should only be used in the most extreme of circumstances and where the dog is a danger to the public.
- This section of the Bill will require clear guidance created with the input of all interested parties to ensure that the provisions brought in are enforced proportionally and there are no unintended negative consequences for animal welfare.

## SUGGESTED TALKING POINTS

- Why has the number of animals per non-commercial vehicle been set at five when data shows that very few pet owners in Great Britain have more than two dogs?
- Why are several substantial provisions – such as a minimum age for importation and the importation of pregnant dogs – not set out on the face of this Bill and instead being taken forwards through secondary legislation?
- How will the Government enforce the use of Border Control Posts (BCP) to ensure puppies and kittens cannot enter the country via other methods which avoid proper scrutiny?
- How will the powers contained in the Bill relating to livestock worrying be used to ensure incidents are dealt with proportionally and the welfare of dogs not compromised?

## ABOUT BATTERSEA

Established in 1860 to care for abandoned animals, Battersea aims to never turn away a dog or cat in need of help. We will take in any animal that needs our care, regardless of age, condition, and breed. In 2019, we directly helped over 5,000 animals, including 3,213 dogs and 2,476 cats. Battersea runs an Academy which provides best practice operational advice and support to rescue charities caring for the UK's animals and animals across the globe. Battersea has supporters all over the UK and campaigns on behalf of cats and dogs, including as a part of the 50-strong coalition of animal welfare charities that came together in May 2021 to produce a [Green Paper on animal welfare policy called Act Now for Animals](#).

Click [here](#) for more information on Battersea's work. Follow the Public Affairs Team on Twitter [@Battersea\\_PA](#).

*Battersea Dogs & Cats Home (Battersea) is registered in England and Wales (company no. 278802, charity no. 206394). Our registered address is 4 Battersea Park Road, London, SW8 4AA.*

<sup>10</sup> <https://www.legislation.gov.uk/ukpga/2006/45/section/5>

<sup>11</sup> P.2 <https://committees.parliament.uk/oralevidence/1289/default/>