

The Animal Welfare (Livestock Exports) Bill

Legislative Consent Memoranda

March 2024

Background

1. The Animal Welfare (Livestock Exports) Bill (the “Bill”) was introduced in the House of Commons by Mark Spencer MP on the 4th December 2023.¹ The Minister for Rural Affairs and North Wales, and Trefnydd laid a Legislative Consent Memorandum (LCM) on the Bill before the Senedd on 19 December 2023. The LCM relates to the entire Bill save a small number of clauses which only apply to Scotland or England.²
2. On 9 January, the Business Committee referred the LCM to the Economy, Trade and Rural Affairs Committee and the Legislation, Justice and Constitution Committee with a reporting deadline of 15 March 2024. On 20 February 2024 the Business Committee brought forward the reporting deadline from 15 March to 8 March 2024.

About the Bill

3. The long title to the Bill notes that it is a Bill to “prohibit the export of certain livestock from Great Britain for slaughter”. It consists of 7 clauses and is currently at Committee stage in the House of Lords.
4. The Bill’s Explanatory Notes (EN) state the policy objective of the Bill is to “prohibit the export of cattle, sheep, goats, pigs, and equines (“relevant livestock”) for slaughter, including fattening for subsequent slaughter.” The proposed ban applies only to the export of, or organisation for export of, relevant livestock beginning in, or transiting through Great Britain to

¹ [The Animal Welfare \(Livestock Exports\) Bill – Parliament.uk](https://www.parliament.uk/bills/2023-24/the-animal-welfare-livestock-exports-bill)

² [The Animal Welfare \(Livestock Export\) Bill LCM – Senedd.wales](https://www.senedd.wales/bills/2023-24/the-animal-welfare-livestock-export-bill-lcm)



outside the British Islands (this will capture all European Union (EU) Member States and other third countries).³

Provisions for which consent is sought

Standing Orders

5. Standing Order 29 provides that the Welsh Ministers must lay an LCM where a UK Bill makes provision in relation to Wales:

- for any purpose within the legislative competence of the Senedd (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Senedd); or
- which modifies the legislative competence of the Senedd.

Clause 1 - Prohibition of export of livestock for slaughter

6. Clause 1 of the Bill makes it an offence to export relevant livestock for slaughter. Relevant livestock includes:

- a. cattle and other bovine animals,
- b. horses and other equine animals,
- c. sheep,
- d. goats, or
- e. pigs or wild boar.

Clause 2 - Regulations about enforcement of section 1

7. Subsection (1) of this clause empowers the appropriate national authority (the Secretary of State, the Scottish Ministers or the Welsh Ministers) to make regulations to provide for the enforcement of the prohibition on the export of live animals for slaughter (“enforcement regulations”).

8. Subsections (2) and (3) provide non-exhaustive lists of what these enforcement regulations may cover, which include powers of entry, seizure or detention, the creation of criminal offences and the imposition of civil sanctions.

³ [The Bill's Explanatory Notes – Parliament.uk](https://www.parliament.uk/about/offices/the-bills-office/explanatory-notes/)

9. Subsection (4) restricts the enforcement regulations conferring a power of entry in relation to a private dwelling without the consent of the occupier or with the use of reasonable force unless the power is exercised under the authority of a warrant.

10. Subsection (5) clarifies the scope of the power in subsection (4) of clause 3 to make provision for the imposition of civil sanctions in regulations relating to the enforcement of clause 1.

11. Subsection (6) clarifies the scope of criminal offences that can be created in relation to regulations made under subsection (1).

Clause 3 - Section 2: supplementary

12. Clause 3 defines “appropriate national authority”, “civil sanction” and “enactment” for the purposes of clause 2.

13. 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.

Clause 4 - Enforcement regulations: procedure etc

14. Clause 4 provides that enforcement regulations made under clause 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.

Clause 5 – Connected repeals in relation to horses

15. Clause 5 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.

Clause 6 - Concurrent functions in Wales

16. Clause 2 of the Bill 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 the Senedd 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.

17. This clause disapplies the relevant restrictions in respect of the concurrent powers in this Bill by adding the Bill to the lists of enactments in paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B. This will allow the Senedd to alter the concurrent arrangements relating to devolved matters without needing the UK Government’s consent

Clause 7 - Extent, commencement and short title

18. Subsection (1) sets out the territorial extent of provisions in the Bill. Subsection (2) provides that clause 1 and clause 5 come into force in accordance with commencement regulations made by the appropriate national authority. Subsection (3) provides that clauses 2, 3, 4, 6 and 7 come into force at Royal Assent.

19. Subsections (4) to (8) provides powers for the Secretary of State, Scottish Ministers and Welsh Ministers to make transitional or saving provisions in regulations that commence provisions in the Bill. Subsection (9) provides that the short title of the Bill will be the Animal Welfare (Livestock Exports) Act 2024 once it becomes an Act.

The UK Government's position on consent

20. The UK Government believes that consent is needed for clauses 1-5 (excluding clause 5(B)) and clause 7. The Explanatory Notes accompanying the Bill explain the UK Government's position regarding which clauses of the Bill it considers require consent:

“The Bill relates to animal welfare, which is a devolved matter. Apart from clause 6, the Bill is within the legislative competence of the Scottish Parliament. Apart from clause 6 and clause 5(b), the Bill is within the legislative competence of the Senedd Cymru.

There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.

For the provisions of the Bill that fall within the legislative competence of the Scottish Parliament and Senedd Cymru, the legislative consent procedure would be appropriate. A legislative consent motion is the means by which a devolved legislature indicates that it is content for the UK Parliament to pass a law on a devolved matter.”

The Welsh Government's position on consent

21. Paragraphs 11 and 12 of the Welsh Government's LCM states that consent is required for clauses 1-7 of the Bill, but that there are some provisions within those clauses that do not require consent, as they apply only to Scotland or England. The LCM states:

“The Bill sets out a new legal framework prohibiting the live export of relevant livestock for the purpose of slaughter or fattening for slaughter and as such all

clauses within it are interrelated; matters within the legislative competence of the Senedd.

Consent is therefore required for the entire Bill, save for provisions which apply only in relation to Scotland or England. Those provisions which do not require a LCM are clauses 1(6)(b), 2(4)(b), 4(5), 5(b), 7(1)(a), 7(2)(a) and (b), 7(4) and 7(5)."

The Committee's position on consent

22. The Committee agrees with the Welsh Government's view on consent. Members believe that – with some exceptions where the clauses are solely related to England or Scotland - clauses 1-5 and clause 7 of the Bill require the consent of the Senedd. This is because they all make provision in devolved areas, namely animal welfare. Members believe clause 6 requires consent because it makes provision which modifies the legislative competence of the Senedd.

Conclusion 1. The Committee believes the entire Bill, excluding clauses 1(6)(b), 2(4)(b), 4(5), 5(b), 7(1)(a), 7(2)(a) and (b), 7(4) and 7(5), requires the consent of the Senedd.

The policy position

UK Government

23. The Bill's Explanatory Notes (EN) state that "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".⁴

24. The EN goes on to explain that in December 2020 Defra, working with the Welsh Government, published a consultation which drew on the 2019 expert opinion of the Farm Animal Welfare Committee on animal welfare in transport. This received over 11,000 responses, with 87% of respondents agreeing that livestock and horse export journeys for slaughter and fattening are unnecessary. It also explained that a Scottish consultation on animal welfare in transport led to a large number of respondents calling for live export for fattening and slaughter to be phased out.

Welsh Government

25. The Welsh Government's LCM states:

⁴ [The Bill's Explanatory Notes – Parliament.uk](#)

“Animal welfare is a priority of the Welsh Government. Animals should only be transported when necessary and journey durations should be minimised. The export of livestock and equines for slaughter or fattening is unnecessary because they could be slaughtered or fattened domestically.”

26. The LCM states that “a consistent and coherent approach to a ban and enforcement is necessary across Great Britain if a ban is to be effective.” It goes on to say the Bill “offers a timely opportunity to deliver a discrete policy objective shared across Great Britain. This includes the potential need to ensure enforcement provision across Great Britain, including through concurrent plus powers which suitably recognise devolution principles. The Welsh Government is supportive of the Bill as drafted.”⁵

Stakeholder views

27. As part of the Committee’s work on this LCM, Members sought views from relevant animal welfare and farming organisations. The Committee received responses from RSPCA Cymru,⁶ the National Farmers Union (NFU) Cymru⁷ and the Farmers’ Union of Wales (FUW).⁸

RSPCA Cymru

28. RSPCA Cymru strongly welcome the Bill. Their evidence paper states:

“The RSPCA strongly believes that all farm animals should be slaughtered as close to where they are reared as possible, resulting in any export trade being carcass-only. Being subject to long journeys in cramped conditions has the potential to cause animals to become mentally exhausted, physically injured, dehydrated and stressed, directly contradicting the Welsh Government’s ambition to ensure that every animal has a good quality of life.”

29. They also highlight that “As animal welfare is a devolved matter, specific decisions relating to the enforcement of a ban on live exports - for example, giving powers of entry, inspection, search and seizure in relation to live animal export offences to a particular agency - will be made by the Welsh Government”.

Farming Unions

30. The Farming Unions raise concerns regarding the Bill. They are particularly concerned about the loss of market opportunities, and therefore income, for farmers.

⁵ [The Animal Welfare \(Livestock Export\) Bill LCM – Senedd.wales](#)

⁶ [Evidence Paper, RSPCA Cymru](#)

⁷ [Evidence Paper, National Farmers Union Cymru](#)

⁸ [Evidence Paper, Farmers Union of Wales](#)

31. Whilst acknowledging live export was a relatively small market, compared to fresh and frozen meat, NFU Cymru argue that the existence of this sector increases competition in the marketplace. They say this is particularly relevant “when livestock numbers are high on the domestic market (peak season) and market prices are under pressure.”

32. They highlight that imports of New Zealand and Australian lamb during the British peak season can reduce domestic demand and price. Therefore, maintaining the ability to export live animals boosts competition and supports farm gate prices.

33. NFU Cymru are also concerned that the Bill does not ban the import of live animals for slaughter. Although they acknowledge that currently this import does not occur, their evidence paper says:

“Further to this, the Animal Welfare Bill also comes at a time when the UK Government has either concluded or is pursuing trade negotiations with countries which export large numbers of animals for fattening and/or slaughter and have lower standards of animal welfare in their production systems.”

34. The FUW’s evidence paper also strongly raises this concern saying:

“moves to ban UK live animal exports must ensure equivalent standards in trade deals to protect UK farmers from an asymmetric and unfair playing field. Indeed closing the door to domestic exportation whilst simultaneously opening the door to live animal exports from far flung trading partners is the epitome of hypocrisy and must be avoided.”

35. NFU Cymru said “Protecting livestock during all stages of the production cycle, including during any transport, consignment for slaughter and further rearing, is a top priority for Wales’ farmers.” They also state “studies consistently show the length of journey is not a key factor in protecting welfare at slaughter. It follows that the crossing of a land or sea border itself is not an objective factor to consider when safeguarding welfare.”

36. The FUW’s evidence paper suggests the Welsh Government should prioritise shortening the journey times in a domestic setting. It says “over the past three decades around 90% of slaughterhouses have been lost in Wales”. The paper states this loss has led “not only to longer journeys for animals, but also a reduction in competition in the marketplace, less choice for producers and consumers and greater exposure to potential losses of Welsh levy”.

37. The FUW paper suggests the Welsh Government should provide funding to support abattoirs in Wales, referencing Defra’s “Smaller Abattoir Fund”, a capital grant scheme in England.⁹ It highlights a need to support smaller abattoirs to improve productivity and welfare standards and encourage the adoption of new technologies.

38. The FUW also raises concerns that the proposed ban is not evidence based. It argues that an aim of the Bill is to prevent the export of live animals to unknown and ‘likely lower’ welfare slaughterhouse conditions. Their paper says that the vast majority of live exports from the UK are destined for high welfare countries. As a result they believe “the proposed ban is therefore rooted in politics and is simply symbolic, as opposed to being founded in evidence which would lead to real and demonstrable improvements in welfare.”

The Committees view

39. The Committee supports the proposed ban on exports of cattle, sheep, goats, pigs, and equines for slaughter, including fattening for subsequent slaughter as outlined in the LCM. As such the Committee supports this LCM and recommends the Senedd gives consent to the Bill.

40. However, Members acknowledge the concerns raised by the farming unions. Particularly those around the import of live animals and animal products from trading partners which have lower animal welfare standards than the UK. Members share concerns around the closure of Welsh abattoirs and the long journeys some animals make to slaughter in a domestic setting.

41. Members are also disappointed that Wales-level statistics have not been provided in the Bill’s Impact Assessment nor the LCM. This data would have been helpful to illustrate the potential scale of live exports for slaughter from Wales, and also the impact on Welsh farm businesses. The Committee would welcome those statistics for future LCMs to help understand the impact of relevant Westminster Bills on Wales.

Recommendation 1. The Senedd should give consent to the Animal Welfare (Livestock Exports) Bill.

Recommendation 2. When the Welsh Government engages with the UK Government on future trade agreements, it must ensure the impact of this Bill is taken into account in terms of competition, farm gate prices and animal welfare standards of imported produce.

⁹ [Smaller Abattoir Fund announcement - gov.uk](https://www.gov.uk/government/news/smaller-abattoir-fund-announcement)

Recommendation 3. The Welsh Government should review and monitor the abattoir network in Wales.

Recommendation 4. The Welsh Government should ensure Welsh slaughterhouses are appropriately supported to prevent further closures, in the spirit of The Animal Welfare (Livestock Exports) Bill, to reduce the distance animals travel to slaughter domestically. This could include considering whether a similar approach to the “Smaller Abattoir Fund” in England would be appropriate for Wales.

Recommendation 5. The Welsh Government should, where possible, note Welsh statistics in future LCMs to help Committees understand the impact of relevant Westminster Bills on Wales. Where these statistics are not available the Welsh Government should note this in the LCM.