

Legislative Consent Memorandum

Animal Welfare (Import of Dogs, Cats and Ferrets) Bill

Background

1. This memorandum has been lodged by Mairi Gougeon, Cabinet Secretary for Rural Affairs, Land Reform and Islands, under Rule 9B.3.1(b) of the Parliament's Standing Orders, and is supported by Jim Fairlie, Minister for Agriculture and Connectivity. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill was introduced in the House of Commons on 16 October 2024. The Bill, as amended in Public Bill Committee, can be found at [Animal Welfare \(Import of Dogs, Cats and Ferrets\) Bill - Parliamentary Bills - UK Parliament](#).

Content of the Bill

2. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill makes provision for and in connection with restricting the importation and non-commercial movement of dogs, cats and ferrets:

- Clauses 1 to 4 of the Bill will extend to England and Wales, Scotland and Northern Ireland and confer power on appropriate national authorities to make regulations about bringing dogs, cats and ferrets into the United Kingdom;
- Clauses 5 to 7 of the Bill will extend to England and Wales, and Scotland and disapply rules on the non-commercial movement of pet dogs, cats and ferrets in certain cases; and
- Clause 8 of the Bill makes general provision about extent, commencement and for the short title of the Bill.

3. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom from third countries on grounds of animal welfare.

4. The Bill introduces an enabling power to address the problem of low-welfare imports of dogs, cats and ferrets into the United Kingdom. The power must be used to prohibit the bringing into Great Britain of puppies and kittens under six months and dogs and cats that are mutilated or heavily pregnant.

5. The Bill also seeks to address the current issue of commercial imports being disguised as non-commercial movements by amending the rules that govern the non-commercial movement of dogs, cats and ferrets into Great Britain from third countries.

Provisions which require the consent of the Scottish Parliament

6. The Bill makes provision applying to Scotland for purposes within the legislative competence of the Parliament, and alters the executive competence of the Scottish Ministers. The prohibition and regulation of movement into Scotland of animals for the purposes of protecting animal health and welfare are not reserved matters, and the Bill will confer regulation-making powers on the Scottish Ministers.

7. The UK Government and Scottish Government agree that the relevant provisions, which require the consent of the Scottish Parliament, are as follows:

Regulations about bringing dogs, cats and ferrets into the United Kingdom

8. **Clause 1: Regulations about bringing dogs, cats and ferrets into the United Kingdom.** Clause 1(1) to (5) confers on appropriate national authorities the power to make regulations about the bringing of dogs, cats or ferrets into the United Kingdom for the purpose of promoting the welfare of those animals. Regulations may in particular make provision to prohibit or restrict the bringing into the United Kingdom of those animals, specify exemptions, make provision for application for permits and fees for applications, and about enforcement. The first of any regulations about dogs, or about cats, must prohibit the bringing of animals that are below the age of 6 months, are more than 42 days pregnant, or have been mutilated. Clause 1(6) and (7) confers on an appropriate national authority the power to make provision by regulations about dogs, cats or ferrets seized or detained because of contravention of any legislation that relates to animal welfare or animal health concerned with the bringing of dogs, cats or ferrets into the United Kingdom. This may include provision requiring a person to meet the costs of detention, or to enable the ownership of the animal to be transferred. Clause 1(8) confers on an appropriate national authority the power to make provision by regulations for monetary penalties to be imposed in cases involving the contravention of any legislation that relates to animal welfare or animal health concerned with the bringing of dogs, cats or ferrets into the United Kingdom.

9. **Clause 2: Regulations under section 1: supplementary.** Clause 2(1) and (7) makes provision regarding the type of provision that may be made in regulations under clause 1, including the conferral of powers of entry, and the creation of criminal offences. Clause 2(2) provides that regulations which confer a power of entry must not allow power of entry to a private dwelling without the occupier's consent or with the use of reasonable force, except on the authority of a warrant issued, in Scotland, by a sheriff or summary sheriff. Clause 2(3) to (6) provides that regulations may only impose criminal offences in relation to certain contraventions, and subject to a maximum penalty, in Scotland, with a fine and/or imprisonment up to 12 months on summary conviction, and with a fine and/or imprisonment up to 5 years on indictment.

10. **Clauses 3 and 4: Meaning of “appropriate national authority” and Procedure for regulations under clause 1.** Clause 3(1)(b) provides that the Scottish Ministers are an appropriate national authority, so far as provision made by regulations

would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament. Clause 3(1)(a) and (3)(a) provides that the Secretary of State is also an appropriate national authority in relation to Scotland, but must obtain the consent of the Scottish Ministers before making any provision in regulations that could be made by the Scottish Ministers. Clause 4(3) and (4) provide that regulations under clause 1 are to be subject to affirmative procedure, except regulations which only make provision to specify a fee in relation to permit application, which are subject to negative procedure. Clause 4(7) references the relevant provisions of the Interpretation and Legislative Reform (Scotland) Act 2010 for Scottish Statutory Instruments made by the Scottish Ministers.

Certain movements of dogs, cats and ferrets treated as commercial

11. **Clause 5: Disapplication of non-commercial rules in certain cases.** Clause 5 amends Regulation (EU) No 576/2013 on the non-commercial movement of pet animals. Clause 5(3) removes the duty not to prohibit, restrict or impede the non-commercial movement of pet animals on animal health grounds other than those set out in the Regulation. Clause 5(4) provides that a movement of dogs, cats or ferrets is not a non-commercial movement, and is subject to the checks carried out on commercial imports if:

- where the animals are in a motor vehicle, there are more than 5 animals in the vehicle, or,
- in any other case, more than 3 animals are being accompanied by the owner or a person authorised by the owner.

12. An exception will remain for movement for the purpose of participating in competitions, exhibitions or sporting events. The appropriate authority (in relation to Scotland, the Scottish Ministers or the Secretary of State if consent is given by the Scottish Ministers) will be given the ability to treat a movement which exceeds the allowed maximum as non-commercial where there are exceptional or compelling circumstances. Clause 5(5) provides that a movement of dogs, cats or ferrets is not a non-commercial movement if the owner does not also enter Great Britain within 5 days of the animals' movement, and the person accompanying the animals can prove evidence of the owner's date of entry. The appropriate authority will be given the ability to treat a movement not within 5 days of the owner as non-commercial where there are exceptional or compelling circumstances.

13. **Clauses 6 and 7: Corresponding application of commercial rules and Consequential provision.** Clause 6(2) makes consequential amendment to the Trade in Animals and Related Products (Scotland) Regulations 2012, which make provision about importation from a third country, to provide that they do not apply to a non-commercial movement under Regulation (EU) No 576/2013 as it will be amended. Clause 7 makes consequential amendments to Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, and to Regulation (EU) No 2017/625 on official controls and other official activities to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

General

14. **Clause 8: Extent, commencement and short title.** This clause provides for the Bill to extend to Scotland, and for clauses 1 to 7 to come into force on a day appointed, and for transitional or saving provision to be made, by the Secretary of State by regulations.

Reasons for recommending legislative consent

15. The changes proposed in the Bill address matters of significant public concern for animal welfare, which are within the legislative competence of the Scottish Parliament and require primary legislation to be given effect. These are areas where consistent changes to legislation in all administrations of the United Kingdom at the same time will be beneficial. Given the freedom of movement of dogs, cats and ferrets within Great Britain, this will aid enforcement of import requirements by avoiding displacement of movement of animals to circumvent controls in one country via points of entry in another.

16. This Bill aims to crack down on pet smuggling by closing loopholes exploited by unscrupulous commercial traders and reduce the low-welfare movement of dogs, cats and ferrets into the United Kingdom. The Bill contains measures amending the non-commercial pet travel scheme rules, which apply on a Great Britain-wide basis, as well as enabling powers to make regulations. The Scottish Government considers that the powers conferred by the Bill respect devolved competence, in that the powers to make regulations, or to make determinations that a movement should be treated as non-commercial, that apply in relation to devolved matters in Scotland are exercisable either by the Scottish Ministers, or by the Secretary of State with the Scottish Ministers' consent.

17. The Scottish Government's view is that allowing the UK Government to introduce legislation extending to Scotland will be the most efficient way to make these changes as it will avoid the need to develop separate primary legislation in Scotland and ensure that the changes can be introduced as soon as possible and allow them to be brought into force simultaneously throughout the United Kingdom. The Scottish Government therefore recommends that the Parliament consents to all relevant provisions in the Bill.

Consultation

18. A joint consultation (available [here](#)) was issued by Defra on behalf of the UK Government, the Welsh Government, and the Scottish Government on 21 August 2021 and closed on 16 October 2021. The consultation sought views on the Government's proposed changes to the rules governing the commercial and non-commercial movement of pets (dogs, cats and ferrets) into Great Britain (England, Scotland and Wales). This consultation was commissioned to support proposals for the now fallen UK Government-proposed Animal Welfare (Kept Animals) Bill. These proposals have been carried forward into this current Bill.

Financial Implications

19. There will be minimal financial implications for the Scottish Government in these proposals. There may be some additional costs for enforcement authorities initially.

20. There are expected to be minimal financial impacts on dog breeders within Scotland if the proposed changes are made. There may well be a financial impact on puppy importers and pet breeders in other countries as the changes should reduce demand for puppies from other countries.

Post EU Scrutiny

21. The provisions of the Bill are relevant to the Scottish Government's policy to maintain alignment with the EU. The power to make regulations under clause 1 is, in principle, exercisable in ways that would be compatible with EU law were the United Kingdom a member State. This power will be conferred on the appropriate national authority in Northern Ireland, where relevant provisions of EU law on the protection of the welfare of animals apply under the Windsor Framework (further information on the Windsor Framework available [here](#)).

22. Clause 5, and the related provision in clauses 6 and 7, will make amendments to assimilated law (the law formerly known as retained EU law) which will diverge from the provision applicable in the EU under Regulation (EU) No 576/2013 (detail of the Regulation available [here](#)), where the relevant maximum number of pet animals which may accompany an owner (or a person they authorise) before the animal health requirements and checks for commercial movements will apply is 5, and where there is no time restriction on when the owner must enter the country.

23. However, the illegal low-welfare trade in pet animals is a matter of significant concern within the EU, as evidenced by an EU Commission proposal for a Regulation on the welfare of dogs and cats and their traceability (available [here](#)), published on 7 December 2023.

24. The Scottish Government considers that the amendments being made represent an area of shared concern with the EU and will not undermine the prospects of an independent Scotland's potential EU accession. It also considers that they will not undermine the prospects of working to establish a European Union-United Kingdom Sanitary and Phytosanitary Agreement.

Conclusion

25. The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill addresses areas of significant concern for animal welfare where consistent GB legislation is desirable to aid enforcement. As highlighted above, the Scottish Government's view is that allowing the UK Government to introduce legislation extending to Scotland in this case will be the most efficient way to make these important changes as soon as possible and allow them to be brought into force simultaneously throughout the United Kingdom.

Draft motion on legislative consent

26. The draft motion, which will be lodged by the Cabinet Secretary for Rural Affairs, Land Reform and Islands, is:

“That the Parliament agrees that the relevant provisions of the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill, introduced in the House of Commons on 16 October 2024, relating to animal welfare, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of Scottish Ministers, should be considered by the UK Parliament.”

Scottish Government
June 2025

This Legislative Consent Memorandum relates to the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill (UK legislation) and was lodged with the Scottish Parliament on 3 June 2025

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