



Department  
for Environment  
Food & Rural Affairs

# **Commercial and non-commercial movements of pets into Great Britain**

**Consultation document**

**August 2021**



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## Introduction

We are seeking your 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 does not include Northern Ireland. This is a joint consultation being issued by Defra on behalf of the UK Government, the Welsh Government, and the Scottish Government.

Now that we have left the European Union (EU), the government has the opportunity to manage our own pet travel (non-commercial) and commercial import requirements.

In June 2021, the Animal Welfare (Kept Animals) bill was introduced to Parliament. The Bill aims to deliver the UK Government's manifesto commitment to crack down on the issue of illegal puppy smuggling.

The Bill includes a regulation making power to introduce restrictions on commercial and non-commercial pet movements into Great Britain on welfare grounds and to make changes to the supporting enforcement regime.

We are consulting on these proposed new restrictions, which have been developed utilising recommendations<sup>1</sup> and evidence<sup>2</sup> from the Environment, Food and Rural Affairs (EFRA) committee and third sector organisations, as well as public petitions<sup>3</sup> and campaigns for change. The key proposed measures include:

- increasing the minimum age at which dogs can be brought into Great Britain (commercial and non-commercial dog movements)
- prohibiting the commercial and non-commercial movement into Great Britain of dogs with cropped ears and docked tails
- prohibiting the commercial and non-commercial movement of heavily pregnant dams (female dog) into Great Britain

We believe that these proposed measures will have a significant impact in helping us to address the high and increasing volume of movements of dogs with low welfare standards into Great Britain, under both the commercial and non-commercial rules. These measures

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<sup>1</sup> EFRA 2019 recommendations letter - [Correspondence to Secretary of State from the Chair October 2019 about Puppy Smuggling \(PDF\)](#)

<sup>2</sup> EFRA 2020 written and oral evidence [about pet smuggling](#)

<sup>3</sup> [Petition to parliament about stopping the rising number of ear-cropped dogs in the UK](#)

<sup>4</sup> [Petition to Parliament about banning the exploitative import of young puppies for sale in the UK](#)

will not apply to domestic movements, including those between Northern Ireland and Great Britain.

## How and why we're consulting

As part of changing the current regulatory regime for the movement of pet animals into Great Britain, it is right that we should gather the views of all interested parties.

This consultation sets out our core proposal and asks for views on whether it is the right approach and for suggestions of alternative solutions. The consultation also asks for views on the practicalities of how new restrictions might apply.

In line with wider Government initiatives on Better Regulation<sup>5</sup> and proportionality, we are also seeking views on whether the proposed measures are proportionate, what the impacts may be on UK pet owners and whether there will be any unintended consequences.

We plan to publish a report on GOV.UK summarising the feedback, we have received once the consultation closes. The findings of the consultation will help us determine which new measures to take forward.

## How to respond

Submit your consultation response using the online survey provided on Citizen Space (Citizen Space is an online consultation tool).

Alternatively, you can email your response to [AnimalWelfare.Consultations@defra.gov.uk](mailto:AnimalWelfare.Consultations@defra.gov.uk) or post it to:

Commercial and non-commercial movement of pets  
Consultation Coordinator  
Kings Pool  
Foss and Mallard House  
1 to 2 Peasholme Green  
York  
YO1 7PX

Responses should be submitted by 16 October 2021. The consultation will run for 8 weeks.

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<sup>5</sup> Read the gov.uk information on [reforming the framework for better regulation](#)

## Confidentiality and data protection

Information in responses to this consultation may be subject to release to the public or other parties in line with access to information law (these are primarily the Environmental Information Regulations (EIRs) 2004, the Freedom of Information act (FOI) 2000 and the Data Protection act (DPA) 2018.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (for example name and email address).

If you would like your response kept confidential, clearly state what information you would like to be kept confidential and why. This is to help us balance these obligations for disclosure against any obligation of confidentiality.

If we receive a request for the information that you have provided in your response to this call for evidence. We will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

## Background

### Existing requirements for the non-commercial and commercial movement of pets

Dogs, cats, and ferrets can currently enter Great Britain in one of two ways under the non-commercial pet travel rules or via the commercial importation regime. Each regime has different requirements.

A non-commercial movement is defined as ‘any movement which does not have as its aim either the sale or the transfer of ownership of a pet animal’<sup>6</sup>. This is subject to a maximum number of pets which may accompany their owner during a single non-commercial movement. The current maximum number of pets is five per person.

However, the Animal Welfare (Kept Animals) bill, currently before Parliament, proposes to reduce this limit to 5 per motor vehicle, or 3 per person, if travelling any other way other than motor vehicle (such as by air or as a foot passenger).

Movements of dogs, cats, and ferrets, which do not fall within the definition of ‘non-commercial movement’ are subject to the commercial import regime. This includes all rescue charities that import dogs for rehoming in Great Britain<sup>7</sup>.

The commercial regime also includes those traveling with more than the maximum number of pets permitted under the non-commercial rules, unless they fall within an exception<sup>8</sup>.

### Current issues and policy position

On 1 January 2012, the UK harmonised its pet movement rules with the rest of the EU. This resulted in a change of entry rules for dogs, cats and ferrets entering the UK from the EU and certain listed non-EU countries under both the commercial and non-commercial movement rules. These changes made travelling with pets cheaper and easier for owners and pet sellers.

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<sup>6</sup> retained UK law - [EUR 576/2013 \(as amended\) - Article 3 \(a\)](#)

<sup>7</sup> Rescue charities – dogs, cats or ferrets imported into the UK for the purpose of being rescued and a change in ownership takes place

<sup>8</sup> retained UK law - [EUR 576/2013 \(as amended\)](#) provides an exemption for pet animals which are being moved into Great Britain for the purpose of participating in competitions, exhibitions or sporting events or in training for such events

Following harmonisation, there has been a significant increase in the number of non-commercial pet movements into Great Britain, rising from approximately 100,000 in 2011 to 336,446 in 2018 and then 339,254 in 2019<sup>9</sup><sup>10</sup>.

The number of dogs, cats and ferrets imported via the commercial route has also significantly increased over the years.

Although there is a lack of data on imports prior to 2012, in 2018 45,129 dogs, cats and ferrets were imported into the UK and in 2020, this figure has increased to 73,730, 66,952 of which were dogs<sup>11</sup>.

A major concern is the high and increasing volume of low welfare movements of dogs and of 'smuggled puppies'. Not all 'Smuggled puppies' are concealed, the term refers to dogs under the age of 6 months that are moved into Great Britain and are non-compliant with the entry requirements under existing legislation.

Anecdotal and supporting evidence<sup>12</sup> suggests that there is a significant and concerning illegal trade in dogs under fifteen weeks old (which is the current legal minimum age for import), and that these puppies are often under 8 weeks old, which is a major welfare concern.

Other major issues related to the low welfare import of puppies are concerns about the facilities that they were bred in, the way in which they have been kept and treated and the conditions in which they are transported.

These movements represent significant welfare risks to the animals by subjecting them to long journeys, often in poor conditions, which young puppies in particular often struggle to deal with both physically and mentally, due to their vulnerability.

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<sup>9</sup> data from the Animal and Plant Health Agency (APHA)

<sup>10</sup> it is important to note that a new, more effective system for recording this non-commercial data was introduced in 2016, which may also have contributed to this increase

<sup>11</sup> data from APHA

<sup>12</sup> supporting evidence includes evidence submitted by third sector organisations as well as the EFRA select committee

There is also evidence of an emerging market involving the movement of heavily pregnant dams (female dogs) and high and increasing volumes of cropped and docked<sup>13</sup> dogs being moved into Great Britain.

It is thought that the increasing level of low-welfare trade is motivated by domestic demand for young dogs and the consequent significant increases in purchase prices of puppies over recent times. The demand is frequently for puppies from specific, high value breeds or dogs 'in trend' and in some cases dogs that are considered a status symbol (such as, cropped and docked).

The Animal Welfare (Kept Animals) bill contains a regulation making power. Which, if passed, will enable the Secretary of State (for England) and ministers in Scotland and Wales to make regulations to make provision about the movement of pets into Great Britain for the purpose of promoting their welfare.

This consultation explores potential measures that could be introduced under that enabling power.

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<sup>13</sup> Cropping is the removal of all or part of the external flaps of an animal's ear. The procedure can also involve bracing and taping the remainder of the ears to train them to point upright. Docking is the intentional removal of part of an animal's tail.

# Consultation

## About you

Please provide with the following details:

Full name:

Email address:

Are you responding as an individual, employee or owner on behalf of an organisation?

**Individual**

**Employee**

**Owner**

Would you like your response to be treated as confidential?

**Yes**

**No**

If you answered yes, state clearly below what information you would like to be kept as confidential and explain your reasons for confidentiality.

Click or tap here to enter text.

Which of the following best describes you and/or your organisation? (tick all that apply)

**Organisations**

**Government organisation**

**Animal welfare group**

**Veterinary**

**University**

**International rescue and rehoming charity**

**Membership organisation (describe your organisation)**

Click or tap here to enter text.

**Business related to pet imports (describe your business)**

Click or tap here to enter text.

**Individuals**

**Academic**

**Veterinarian**

**Pet owner**

**Owner of an assistance dog**

**Owner of a dog used in farming**

**Owner of a sporting dog**

**Puppy breeder or seller**

**Approved pet transporter**

**Member of the public**

Where do you live?

**England**

**Wales**

**Scotland**

**Northern Ireland**

**Isle of Man**

**Jersey**

**Guernsey**

**Other (please describe)**

Click or tap here to enter text.

## Consultation questions

### **Increase the minimum age that dogs can be commercially and non-commercially moved into GREAT BRITAIN from 15 weeks to 6 months**

The policy objective for this measure is to prevent the movement of young puppies into Great Britain whose welfare has been compromised.

The current commercial and non-commercial requirements for the movement of a pet animal into Great Britain (from the EU or a listed country<sup>14</sup>) creates an unofficial minimum age requirement because it is not possible for a pet animal under the age of 15 weeks to be compliant with the legal requirements for rabies (vaccination at twelve weeks plus a twenty one day wait period).<sup>15</sup>

Currently, despite this being illegal under the current rules, puppies arriving into Great Britain are often 8 weeks old or younger. The Animal and Plant Health Agency (APHA) and the Dogs Trust are also regularly seeing puppies imported that are 4 or 5 weeks of age.

From a welfare perspective, puppies should not be separated from their mothers before they are eight weeks old, as this is considered to compromise their welfare.

These puppies are being transported well under the recommended age for sale at 8 weeks old, following early separation from their littermates and mother. There are therefore considerable concerns over unnecessary stress and poor socialisation.

In addition, evidence<sup>16,17,18</sup> from the Dogs Trust suggests that puppies currently being imported into Great Britain have frequently been subject to breeding practices abroad that are unacceptable from a welfare perspective, such as living in extremely basic conditions (such as barren kennels with poor hygiene, limited veterinary care and with no enrichment).

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<sup>14</sup> The EU has a three tier system for the movement of pet dogs, cats and ferrets from third countries to Member States: Part 1 listed country, Part 2 listed country and unlisted. Being a listed country allows for several exemptions from the requirements for animals travelling from non-EU countries to EU Member states

<sup>15</sup> Where the animal comes from an unlisted country, the de facto limit is around 7 months (vaccinated at 12weeks, plus thirty days wait for antibody test, plus 3 months wait period).

<sup>16</sup> [Dogs Trust Puppy smuggling report 2017 \(PDF\)](#)

<sup>17</sup> [The Dogs Trust Puppy Smuggling report 2018 \(PDF\)](#)

<sup>18</sup> [The Dogs Trust Puppy Smuggling report 2018 \(PDF\)](#)

Puppies entering Great Britain are also frequently being transported in poor conditions, with insufficient food and water, no exercise, and no breaks for natural functions<sup>19</sup>. This is an offence under existing legislation, but this is not currently acting as a sufficient deterrent.

Evidence suggests that this trade in young and low welfare puppies is increasing, for example, in 2019, 324 puppies were intercepted and 140 quarantined at the border for non-compliance with existing legislation. This increased to 843 puppies intercepted, and 543 puppies quarantined in 2020.

The current rules are not effectively preventing the trade in low welfare puppies. We are therefore proposing to prohibit the movement of a dog which is under 6 months into Great Britain both commercially and non-commercially. This will prohibit the commercial and non-commercial movement of all dogs under 6 months into Great Britain.

Given that most people want to buy their puppy when it is younger than 6 months old, this measure will significantly disrupt the movement of young dogs into Great Britain for sale and thereby result in significantly fewer low welfare breeding operations supplying the Great Britain market.

Significant steps have been taken to improve and update the domestic laws<sup>20</sup> on dog breeding to crack down on breeders who breed dogs within Great Britain purely for financial gain at the expense of animal welfare. Those breeding dogs within Great Britain as a business are required to meet high animal welfare standards as part of the Local Authority licensing system.

We can set, monitor, and change rules and regulations to ensure we maintain the highest possible breeding standards for animal welfare within Great Britain, however, we are unable to guarantee or protect the welfare of dogs bred abroad.

The limit of 6 months has also been suggested as it will considerably aid enforcement at the border. It is extremely challenging to identify if a puppy is under fifteen weeks old, as there are limited markers that can be used to age young puppies.

This means that it is very difficult for the pet checkers<sup>21</sup> to identify puppies being moved that are under fifteen weeks of age, and it is these young puppies that are driving the trade and

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<sup>19</sup> read the Dogs Trust [undercover reports into puppy smuggling](#)

<sup>20</sup> relevant legislation includes - [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(the 2018 Regulations\)](#), [Animal Welfare Act 2006](#), [Animal Welfare \(Sentencing\) Act 2021](#)

<sup>21</sup> Authorised carriers and pet checkers have the delegated responsibility for conducting pet checks on non-commercial movements. Each carrier receives training from APHA prior to approval and are also subject to quality assurance checks.

where we have the greatest welfare concerns (as they have likely been removed from their mothers at a very young age and reared in very poor conditions).

In contrast, at 6 months old, the majority of dogs will have a full set of permanent incisors, canine and premolar teeth, and can therefore be distinguished far more accurately. Raising the minimum age to 6 months will ensure that all puppies which are being moved at a young age and are thus at risk of having been subject to low welfare can be more easily identified.

We are proposing the following exception for those looking to move a dog under the age of six months under the commercial or non-commercial rules. This exception would allow the Secretary of State (or Ministers in Scotland and Wales) to permit the landing of a dog that is under the age of six months if it is compliant with the health and documentary requirements for entry to GB (or is isolated on arrival until compliant) and if evidence is provided that justifies that exceptional circumstances apply.

This exception will be at the discretion of the Secretary of State or the relevant Minister in Scotland and Wales and will be determined on a case by case basis. We intend this exception to cover exceptional circumstances where owners are unjustly impacted by this legislation. This could cover situations where an individual is permanently relocating to GB with their dog or where there is a strong case that the individual should not be separated from their dog even on a temporary basis. This could also include force majeure, where the need for the urgent departure of the owner arises, for example, in the event of a sudden natural disaster, political unrest or other unforeseen circumstance relating to the owner. This would enable a person who already owns a puppy and needs to take it overseas in an emergency to return to GB with their puppy.

It is important to note that apart from in exceptional circumstances, this measure will prevent the movement of all puppies under the age of six months into GB, including those that may have come from reputable breeders with high welfare standards and rescue dogs. This would also prevent individuals within GB from travelling and returning to GB with their pet before it reached six months of age.

The policy team considered alternative options, such as increased presence at the ports, to deter the movement of low welfare puppies and those under the existing fifteen week age limit.

However, this would not ease the issues around accurately ageing a dog under fifteen weeks, nor alleviate the suspicions of prospective owners that their dog is indeed of age.

Similarly, setting a lower minimum age (such as 5 months) would not aid enforcement as there are not such clear markers at 5 months that can be used for aging.

By raising the minimum age, instances of non-compliance would be far easier to determine at the point of pet checking or interception, which would have a significant impact in disrupting the trade and improve the ability to take enforcement action (by making the offence clearer to establish). We therefore consider this to be a proportionate and necessary approach.

Question 1: to what extent do you agree or disagree that the government should increase the minimum age that dogs can be moved into Great Britain under the commercial rules from 15 weeks to 6 months? (tick one option only)

**Strongly agree**

**Agree**

**Neither Agree nor disagree**

**Disagree**

**Strongly disagree**

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 2: to what extent do you agree or disagree that the government should increase the minimum age that dogs can be moved into Great Britain under the non-commercial rules from 15 weeks to 6 months? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 3: To what extent do you agree or disagree that the government's proposed exception is appropriate (that the Secretary of State (or Ministers in Scotland and Wales) can permit the landing of a puppy if it is compliant with the health and documentary requirements for entry to GB and if evidence is provided that justifies that exceptional circumstances apply)? .

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

## **Ban the commercial importation and non-commercial movement of dogs with non-exempted mutilations, specifically cropped ears and docked tails into GREAT BRITAIN**

The policy objective of this measure is to prevent those within Great Britain from owning a cropped or docked dog (with certain exceptions) as the government considers these practices to be unacceptable from an animal welfare perspective.

It is currently illegal to carry out a non-exempted mutilation<sup>22</sup> within Great Britain, but there is still a demand for cropped and docked dogs within Great Britain<sup>23</sup>.

The British Veterinary Association (BVA) have stated that ear cropping 'is an unnecessary, painful mutilation with no welfare benefit.' They have also advised that 'puppies suffer unnecessary pain as a result of tail docking and are deprived of a vital form of canine expression in later life'.

These practices involve cutting off part of the ear flap (cropping) or cutting or crushing the muscle, nerves and bone of the tail in puppies under 5 days old (docking) and this is often done without anaesthesia or pain relief<sup>24 25</sup>.

The RSPCA<sup>26</sup> state it has seen an increase of around 620% in the number of reports of ear cropping and cropped ears in England and Wales during the last six years. From 2015 to 2020, the RSCPA had a total of 279 reports of the practice made to their emergency hotline.

Although we believe some reports relate to the illegal cropping of dogs' ears within Great Britain, the RSPCA suspect a majority are being bought and imported or they have been sent abroad to have this procedure done.

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<sup>22</sup> definition - a non-exempted mutilation refers to the carrying out of a procedure on an animal which involves interference with the sensitive tissues or bone structure of the animal, other than for the purpose of its medical treatment or unless carried out in such circumstances as a national authority of the UK has specified by regulations.

<sup>23</sup> relevant legislation - [Animal Welfare Act 2006](#), [The Mutilations \(Permitted Procedures\) \(England\) Regulations 2007](#), [Docking of Working Dogs' Tails \(England\) Regulations 2007](#), [The Animal Health and Welfare \(Scotland\) Act 2006](#), [The Prohibited Procedures on Protected Animals \(Exemptions\) \(Scotland\) Amendment Regulations 2017 \(legislation.gov.uk\)](#), [Mutilations \(Permitted Procedures\) \(Wales\) Regulations 2007/1029](#), [Docking of Working Dogs' Tails \(Wales\) Regulations 2007/1028](#)

<sup>24</sup> [British Veterinary Association ear cropping campaign](#)

<sup>25</sup> [British Veterinary Association tail docking in dogs' campaign](#)

<sup>26</sup> [RSPCA report on the high rise in reports about ear cropping](#)

APHA has also stated it has seen a noticeable increase in cropped and docked dogs coming through the border.

Although, we do not have evidence for the overall number of cropped and docked dogs entering Great Britain, we do have statistics for cases in the past 2 years where a cropped and/or docked dog has been detained due to being illegally landed.

In 2019, 60 dogs were detained that were cropped and/or docked. This increased to 175 dogs in 2020, an increase of around 190%.

There are also wider concerns that the ability to import a cropped or docked dog is being used as a cover for these illegal procedures taking place within Great Britain.

There is anecdotal evidence that many owners of dogs with non-exempted mutilations have obtained the puppy with cropped ears or a docked tail at an age at which the puppy is too young to have been legally imported, suggesting that the dogs have undergone the procedure within Great Britain.

We are proposing to prohibit the importation of dogs with non-exempted mutilations into Great Britain under the commercial import rules and non-commercial pet travel rules.

Fundamentally, this ban would make the purchase or ownership of a dog with a non-exempted mutilation extremely difficult as they would not be legally accessible.

As a result, we would expect that over time this would reduce the number of individuals owning a cropped or docked dog, so prevent the trend from increasing within Great Britain and thereby limit the number of dogs subject to these low welfare mutilations.

This proposal also means our domestic welfare standards are applied to imported dogs as we do not permit these procedures within our country.

The measure would ban the commercial movement of dogs which have undergone these procedures (which generates profit), or the non-commercial movement of such dogs (which promotes the acceptability of these procedures).

We are proposing the following exceptions for those looking to move a dog with a non-exempted mutilation into Great Britain under the commercial or non-commercial rules:

- a. the procedure has been carried out on the dog by a veterinary surgeon or any other person permitted to carry out that procedure in an emergency for the purpose of saving the life or relieving the pain of the dog. This could be demonstrated by the provision of veterinary evidence. This exception would align with our domestic legislation
- b. in the case of a dog with a docked tail, the dog is a recognised working dog (such as a dog which is likely to be used for enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control, or the lawful shooting of animals and is one of the following types: hunt point retrieve breeds of any type or combination of types, spaniels of any type or combination of types, terriers of any type or combination of types). We will need to consider what evidence will be required to demonstrate that a dog is a

recognised working dog. This could be an owner declaration or evidence that the dog is used for the activities outlined above.

- c. The dog is an assistance dog (as defined under section 173 (1) of the Equality Act 2010)<sup>27</sup>. Users of assistance dogs do not have the option to travel without their dog and so this exception would ensure that users of assistance dogs, where the dog had been subjected to a non-exempted mutilation, could continue to travel freely.
- d. The Secretary of State (or ministers in Scotland and Wales) can permit the landing of a dog with a non-exempted mutilation if it is compliant with the health and documentary requirements for entry to Great Britain (or is isolated on arrival until compliant) and if evidence is provided that justifies that exceptional circumstances apply.

This exception will be at the discretion of the Secretary of State or the relevant Minister in Scotland and Wales and will be determined on a case by case basis. We intend this exception to cover exceptional circumstances where owners are unjustly impacted by this legislation.

This could cover situations where an individual is permanently relocating to Great Britain with their dog or where there is a strong case that the individual should not be separated from their dog even on a temporary basis. This could also include force majeure, where the need for the urgent departure of the owner arises, for example, in the event of a sudden natural disaster, political unrest or other unforeseen circumstance relating to the owner.

This would enable a person who already owns a cropped or docked dog and needs to take their dog overseas in an emergency to return to Great Britain with their dog.

- e. The procedure was carried out before the prohibition comes into force. This could be demonstrated by the provision of veterinary evidence, including the date on which the procedure was carried out. This would mean that any person that currently owns a dog with a non-exempted mutilation would continue to be able to travel with their pet into GB.

It is important to note that this proposal would cover rescue dogs and prevent individuals with dogs which had been subjected to non-exempted mutilations after this legislation comes into force from routinely travelling into Great Britain with their dogs. We consider this to be a proportionate and necessary approach to tackling the trade.

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<sup>27</sup> 'Assistance dog' means:

(a) a dog which has been trained to guide a blind person

(b) a dog which has been trained to assist a deaf person

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind

The policy team considered alternative options and exceptions, such as allowing non-commercial movements but prohibiting the commercial import of cropped or docked dogs into Great Britain.

However, we believe this would create a significant loophole within the legislation and unscrupulous traders could misuse the pet travel rules to bring in cropped and docked dogs for sale.

The policy team also considered whether it would be appropriate to instead ban the purchase of a dog with a non-exempted mutilation within Great Britain. This would allow for their non-commercial movement into Great Britain but prevent the sale of such an animal.

We discounted this option because it would not prevent the existing practice of pre-purchased dogs where funds are transferred before the dog begins its journey to Great Britain, or buyers travelling out to collect the dog where the 'purchase' takes place outside of Great Britain.

Question 4: to what extent do you agree or disagree that the government should introduce a ban on the commercial movements of dogs with non-exempted mutilations into Great Britain? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 5: to what extent do you agree or disagree that the government should introduce a ban on the non-commercial movement of dogs with non-exempted mutilations into Great Britain?

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

## **Government's proposed exceptions**

To what extent do you agree or disagree that the government's proposed exceptions are appropriate:

Question 6: where the prohibited procedure has been carried out on the dog by a veterinary surgeon or any other person permitted to carry out that procedure in an emergency for the purpose of saving the life or relieving the pain of the dog? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Question 7: in the case of tail docking, the mutilation was permitted as the dog is a recognised working dog? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Question 8: the dog is an assistance dog (as defined under section 173 (1) of the Equality Act 2010)? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Question 9: Secretary of State (or ministers in Scotland and Wales) can permit the landing of a dog with a non-exempted mutilation if it is compliant with the health and documentary requirements for entry to Great Britain and if evidence is provided that justifies that exceptional circumstances apply? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Question 10: the procedure was carried out before the prohibition comes into force?

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, how you think these exceptions could be demonstrated, what factors you think the Secretary of State (or minister in Scotland and Wales) should consider when permitting a landing, and describe any additional exceptions that you think should be included.

Click or tap here to enter text.

## **Ban the commercial and non-commercial movements into Great Britain of pregnant dogs (dams) which are more than 42 days pregnant**

The purpose of this proposal is to prevent the current and emerging practice of moving heavily pregnant dogs into Great Britain which is a welfare concern.

The existing rules for commercial importation require that a pregnant dam cannot be transported in her final 10% of gestation<sup>28</sup>.

This equates to the final week of pregnancy for a dog, or after 56 days, as the normal average gestation period is 63 days. This limit is currently not sufficient to tackle the emerging practice of importing heavily pregnant dams, because it is very difficult to enforce.

Detecting the stage of pregnancy accurately is extremely challenging in the later stages, as there are no reliable markers in the final 10%. This means that it can be very difficult for an

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<sup>28</sup> retained UK law - [EUR 1/2005 \(as amended\) Annex I, Article 2\(c\)](#): concerns the commercial movement of pregnant animals, and states that they cannot be transported in the final 10% of the gestation.

independent veterinarian to demonstrate that a dam is in the final 10% of pregnancy and should therefore not be moved.

The emerging trend in the movement of heavily pregnant dams into Great Britain is believed to be driven by the market for young puppies. From January 2020 to May 2021, 31 heavily pregnant dams were detained.

These pregnant dams have often been kept and bred in low welfare facilities before being transported across Europe. Regular investigations by the Dogs Trust have highlighted the extremely poor conditions in the breeding facilities in continental Europe where many of these dogs are being sourced<sup>29</sup>.

In addition, APHA portal teams report that these dams often display serious behavioural issues, indicating that they have been subjected to very poor treatment.

We have anecdotal evidence, following our engagement with various third sector organisations and other government departments, that the movement of pregnant dams is currently being exploited for financial gain by unscrupulous traders, who often move the same animals back and forth from Eastern Europe.

We believe these animals are brought to Great Britain to give birth and then transported back to breed again in basic, much cheaper, low welfare conditions before returning again in the late stages of pregnancy.

These journeys are often very long and undertaken in poor transport conditions, representing significant welfare risks to the animals.

We are proposing a ban on the commercial and non-commercial movement of dams that are more than 42 days pregnant (within the final 33.3% of gestation or final trimester). At 42 days, there are more reliable markers (the kidneys have developed in the foetus which can be detected by scanning) and so pregnant dams can be reliably identified (by a veterinarian) via a scan once they have passed this stage.

Lowering the gestation limit will also mean that pet checkers will have greater confidence in refusing travel to dams that appear pregnant. Dams that are visibly pregnant are highly likely to be beyond 42 days pregnant, but they may not be within the last 10%.

By improving enforcement, lowering the gestation limit will help to prevent the transport of dams that are in the late stages of pregnancy, thereby protecting their welfare.

In addition, extending this window will mean that where heavily pregnant dams are imported, they can be more easily identified and seized, and then cared for appropriately. This will

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<sup>29</sup> [Dogs Trust puppy smuggling report \(PDF\)](#)

ensure their welfare by cutting their journey short and reducing their stress levels before the birth and ensuring that we prevent the trade in these dams from facilities with very poor welfare.

Finally, by increasing the window, the trade in pregnant dams will become considerably less lucrative (by increasing the time in which they would need to be held in Great Britain). This will act as an additional deterrent to this trade.

The policy team considered alternative options, such as increased enforcement (such as presence at the ports), to deter the movement of heavily pregnant dams. However, increased enforcement would not ease the issues around accurately determining the stage of pregnancy.

Similarly, setting a different gestation limit (for example, banning the movement of dams at any stage of pregnancy) would not aid enforcement as there are not clear markers that can be used in the early or very late stages of pregnancy.

We do not currently have any evidence to suggest that these issues also apply to the transport of heavily pregnant dams within Great Britain (or that heavily pregnant dams are frequently moved domestically). We are currently not proposing to apply this measure to domestic movements.

Question 11: to what extent do you agree or disagree that the government should introduce a ban on the commercial movement into Great Britain of dogs, which are more than 42 days pregnant? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 12: to what extent do you agree or disagree that the government should introduce a ban on the non-commercial movement into Great Britain of dogs, which are more than 42 days pregnant? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 13: to what extent do you agree or disagree that the government should introduce a ban on the commercial movement within Great Britain (domestic movements) of dogs which are more than 42 days pregnant? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

Click or tap here to enter text.

Question 14: Do you think there should be exceptions set out under this proposal? If so, describe the exception and any comments or evidence to support your answer.

Click or tap here to enter text.

## Enforcement

The proposed measures set out in this consultation document would be enforced in a similar way to the existing pet travel and commercial import rules.

We already operate one of the most rigorous and robust pet travel checking regimes in Europe. All non-commercial dogs, cats and ferrets entering Great Britain on approved routes (every route other than Republic of Ireland and Northern Ireland) under the Pet Travel rules undergo 100% documentary and identity checks.

APHA works collaboratively with Border Force and other partners at ports, airports and inland, sharing intelligence to enforce the Pet Travel Scheme, disrupt illegal imports and seize non-compliant animals.

Local authorities are the enforcement and prosecuting bodies for most offences relating to the illegal importation of puppies and dogs. They also deal with cases identified inland for example, when a vet becomes aware of a puppy that has been imported below the legal age.

Currently, APHA carry out post import checks at destination on commercial pets from the EU on a risk-based approach. From late 2022, these checks will take place at the Border Control Posts (BCPs).

Commercial consignments of pets entering the UK from a non-EU country must currently enter via a BCP where they all undergo documentary, identity, and veterinary checks prior to entry.

Any animal found to be non-compliant with the pet travel health requirements may be refused entry, returned to its country or territory of dispatch, detained until compliant, or, as a last resort destroyed.

We are proposing that similar enforcement powers in relation to non-compliant animals will apply to the new measures proposed in this consultation.

Therefore, where non-compliant animals are intercepted at the border, the relevant authority (APHA and/or the local authorities) will have the power to re-export the animal, detain them until compliant, or euthanise them, in all cases at the expense of the owner.

Currently, if an animal is illegally landed in Great Britain and if the owner or person responsible for the animal is known, that person is normally required to organise the detention of the animal.

We are proposing to amend this process to enable the relevant authority to arrange for this detention of the animal in all cases, including where the owner is present. The owner or person responsible for the animal would still be required to pay the detention fees.

This power would not be used in all cases, and in most instances, we would expect the owner to arrange for the detention of their pet, but this would provide the relevant authority with the power to act where necessary.

The relevant authority would be required to write to the owner (or their representative) to inform them of the actions needed to be taken to reach compliance (for the return of their pet) and the timeline for these actions.

In practice, this will mean that:

- animals that do not meet the health requirements will need to be quarantined until compliant (as happens now)
- where appropriate, heavily pregnant dogs would be detained with their puppies for 2 weeks after they had whelped the puppies, to ensure that their welfare would not be compromised by further movement and to minimise the risk of rejection due to the stress of traveling soon after birth (as happens now).
- dogs that are under 6 months old (but are compliant with the health requirements and therefore not required to be quarantined) could be re-exported at the owner's expense<sup>30</sup>
- where the owner refuses to re-export them, these animals could be detained until they become compliant (such as reaching 6 months of age), if the owner agrees to pay the boarding cost for the entire detention period.
- If the owner refuses to arrange for the animals to be re-exported or detained, they would be rehomed following the 7 day detention period outlined below
- dogs that have been cropped and docked (but are compliant with the health requirements and therefore not required to be quarantined) could be re-exported at the owner's expense.
- Where the owner refuses, these animals could be detained until the owner complies and re-exports them (or if they refuse to comply, the animals would be rehomed in Great Britain following the detention period outlined below)

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• <sup>30</sup> Where an owner or importer is required to re-export the animal following a non-compliance, The relevant authority will ensure that safeguards are in place, including informing the competent authority in the country where the animal is being sent (which is not necessarily where they originated). If necessary, to protect their welfare, the animals will be detained until arrangements can be made for them to be safely re-exported.

In practice, we know that this will lead to non-compliant animals being abandoned when they are intercepted and subsequently seized on entering the UK.

We are proposing to outline in the legislation a process for transferring ownership of these animals to the relevant authority. This will ensure that these abandoned animals can be legally rehomed to suitable homes.

We are proposing to set out a 7 day detention period, this would be in line with the 7 day detention period that already exists in relation to stray dogs (under the Environmental Protection act 1990, which allows a local authority to re-home or destroy a stray dog, which:

- a) has been detained for 7 clear days after it has been seized if the owner has not been identified or
- b) has been detained for 7 clear days after a notice has been served on the owner and the owner has not claimed the dog and paid the detention fees

Following the seizure and detention of an animal, the animal would be transferred to a quarantine or boarding facility and the relevant authority would make reasonable attempts to identify and contact the owner.

This could involve seeking information from the transporter or the vet that signed the paperwork to try to identify the owner, and then making repeated attempts to contact the owner.

The owner would then be given seven days in which to contact the relevant authority and either pay the outstanding detention fees and enter into a contract with a boarding facility for the remaining detention period or to re-export the dog.

If the owner fails to complete these actions, or the owner could not be identified or contacted by the eighth day of seizure, the animal would be considered abandoned and ownership of the animals would pass to the relevant authority. The relevant authority would work with welfare charities to ensure that these animals were rehomed to suitable homes.

This 7 day detention period would apply to all pets (dogs, cats and ferrets) seized for non-compliance with existing animal health and documentary requirements as well as the new animal welfare requirements which we are proposing to introduce using the powers in the Welfare of Animals (Kept Animals) bill. We would set out a suitable appeals process within the legislation.

Question 15: to what extent do you agree or disagree with the government's proposal to introduce a seizure power that will allow the relevant authority to arrange for the detention of non-compliant animals in all cases, including where the owner is present? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 16: to what extent do you agree or disagree with the government's proposal to set out a 7 day detention period in law? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

Click or tap here to enter text.

## **Penalties**

Currently, the maximum penalty for illegally landing a dog is 12 months in prison or an unlimited fine (following a successful prosecution).

We are proposing to create new criminal offences for illegally landing a dog under the age of 6 months, a dog that has been subjected to a non-exempted mutilation or a dog which is more than 42 days pregnant.

Under the Welfare of Animals (Kept Animals) bill, we are able to set a maximum penalty for illegally importing a pet at 5 years in prison (on conviction on indictment) or an unlimited fine. This could cover the criminal offences introduced under the new legislation as well as those criminal offences that already exist in relation to the import of pets.

The Animal Welfare (Sentencing) act 2021 realises the government's manifesto commitment to increase the sentences available to our courts for the most serious cases of animal cruelty.

This strengthened penalty sends a clear message that animal cruelty will not be tolerated and will enable our courts to take a firmer approach to cases such as dog fighting, illegal cropping of dog's ears, abuse of puppies and kittens, or gross neglect of farm animals.

We are seeking views on whether it is appropriate to send an equally strong message that importing low welfare pets into Great Britain is not acceptable by setting the maximum penalty for the offence of illegally importing a pet in line with these animal cruelty offences.

This would also be in line with the maximum penalties for animal welfare offences available under the Animal Health and Welfare (Scotland) act 2006.

It may aid enforcement if the APHA border team or Local Authorities (LAs) were able to issue fixed or variable monetary penalties (fines) where they intercept an animal that has been illegally moved to Great Britain.

These monetary penalties would be civil sanctions and so would not be associated with a criminal offence but could be issued by APHA or the Local Authorities as an alternative to a criminal prosecution. In order for this to be an effective deterrent against what is a highly lucrative trade, these fines might need to be significant (for example, up to five thousand pounds).

These fixed monetary penalties could be used for less serious cases (for example, involving fewer animals) or for first time offences, where a prosecution may not be a proportionate response.

Variable monetary penalties are penalties where the enforcement authority (such as APHA or LAs) decide the amount to impose on a case by case basis, dependent on the gravity of the breach.

Restrictions on the amount that can be imposed and the factors that should be considered in deciding this amount can be set out in the legislation. These variable penalties could be imposed for significant breaches or for repeated breaches. We would need to consider what an appropriate fine might be.

Civil monetary penalties have a lower resource burden on the authorities than criminal prosecutions and so they can be a useful enforcement tool, particularly in less serious cases. Prosecutions and criminal offences can then be reserved for the most serious cases.

It is possible that monetary penalties may be regarded as part of the cost of doing business. Where the trade is highly lucrative, such as the illegal puppy trade, this can severely limit the impact of this as an enforcement approach.

However, if the fine is a significant amount, we feel that civil monetary penalties could be a valuable enforcement tool and an effective deterrent. A suitable appeal process would be set out in the legislation.

Question 17: to what extent do you agree or disagree that a maximum penalty for illegally landing a dog of 5 years in prison or an unlimited fine is appropriate? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

Question 18: to what extent do you agree or disagree that monetary penalties would be a useful enforcement tool under this legislation? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach, your views on the appropriate value of these penalties and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

## Cats

Currently, there is limited evidence that there is a significant illegal trade in cats or significant numbers of low welfare movements. Overall, the number of movements of cats into Great Britain is much lower than for dogs.

In 2020, only 6,768 cats were commercially imported into the UK. In comparison, within the same year, 66,952 dogs were commercially imported. In 2019 31,890 pet cats were moved non-commercially compared to 307,263 pet dogs into Great Britain.

We are also not seeing the same issues with young kittens and pregnant cats being imported. In 2020, only 17 kittens (under 15 weeks) and 0 pregnant cats were seized and detained.

We are not therefore proposing to change the minimum age of cats imported or non-commercially moved. It will therefore remain at 15 weeks (from the EU or a listed country).

We are also not proposing to change the gestation limit on the importation and non-commercial movement of heavily pregnant cats. It will remain illegal to commercially import a cat that is in its final 10% of pregnancy<sup>31</sup>.

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<sup>31</sup> retained UK law - [EUR 1/2005 \(as amended\) Annex I, Article 2\(c\)](#): concerns the commercial movement of pregnant animals, and states that they cannot be transported in the final 10% of the gestation.

Question 19: to what extent do you agree or disagree with the government's proposal to retain existing requirements in relation to the commercial import and non-commercial movement of cats? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)

## Ferrets

Currently, there is no evidence that there is a significant illegal trade in ferrets or significant numbers of low welfare movements. Overall, the movement of ferrets into Great Britain is extremely low. In 2020, only 10 ferrets were moved commercially into the UK and 45 non-commercially into Great Britain.

We are not therefore proposing to increase the minimum age of ferrets imported or non-commercially moved to 6 months.

We are also not proposing to change the gestation limit on the importation and non-commercial movement of heavily pregnant ferrets. It will remain illegal to import a ferret that is in its final 10% of pregnancy.

Question 20: to what extent do you agree or disagree with the government's proposal to retain existing requirements in relation to the commercial import and non-commercial movement of ferrets? (tick one option only)

Strongly agree

Agree

Neither Agree nor disagree

Disagree

Strongly disagree

Please provide any comments or evidence to support your answer, including whether you think this is a proportionate approach and outlining any alternative solutions or unintended consequences.

[Click or tap here to enter text.](#)