



Law Society  
of Scotland

# Animal Welfare (Livestock Exports) Bill

Briefing for the Second Reading in the House of  
Lords

February 2024



## Introduction

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The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

We welcome the opportunity to provide a briefing on the Animal Welfare (Livestock Exports) Bill (the **Bill**)<sup>1</sup> ahead of its Second Reading in the House of Lords, scheduled for 21 February 2024.

## General Remarks

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We welcome the introduction and progression of the Bill. We note the preceding stakeholder engagement and legislative background to the Bill, with the provisions for the prohibition on the export of relevant livestock having previously been included in the Animal Welfare (Kept Animals) Bill, which was withdrawn in May 2023. We therefore consider that the progress being made is a positive step forward.

The Bill, other than clause 6, applies in Scotland and makes provision within the legislative competence of the Scottish Parliament. Our comments focus on the Bill as applicable in Scotland.

A Legislative Consent Memorandum (**LCM**) was lodged by the Scottish Government on 19 December 2023,<sup>2</sup> and we note that the Scottish Government is recommending that the Scottish Parliament agrees to giving its legislative consent to the Bill. We highlight the findings of the Delegated Powers and Law Reform Committee,<sup>3</sup> and the Rural Affairs and Islands Committee,<sup>4</sup> in their respective reports on the LCM – in particular, that the Rural Affairs and Islands Committee (the lead committee for consideration of the LCM), agreed with the Scottish Government's position to recommend consent to the Bill.

As commented below, whilst the detail of how the prohibition on the export of relevant livestock from Great Britain is to be set out in secondary legislation, we understand that there is a policy intention for a consistent approach to be taken through a single GB-wide instrument if appropriate.

We will continue to monitor the progress of the Bill, and would be pleased to engage in the future with the Scottish and UK Governments in respect of prospective secondary legislation under the Bill if passed.

<sup>1</sup> [Animal Welfare \(Livestock Exports\) Bill](#)

<sup>2</sup> Accessible [here](#).

<sup>3</sup> Published 30 January 2024, accessible [here](#).

<sup>4</sup> Published 2 February 2024, accessible [here](#).

## Comments on clauses of the Bill

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### Clause 1 (Prohibition of export of livestock for slaughter)

We note that clause 1 prohibits the export of relevant livestock from Great Britain for slaughter or for being fattened for slaughter. We are supportive of the policy intention underpinning the prohibition, i.e. improving animal welfare standards – with the LCM noting that the Bill “addresses areas of significant concern for animal welfare”.

### Clauses 2 – 4 (Provisions relating to enforcement regulations)

We note that clauses 2 – 4 concern the making of regulations in relation to the enforcement of the prohibition provided for at clause 1.

We consider that it is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately. We highlight the importance of the proposed enforcement regime being communicated to stakeholders as early as possible to allow for necessary planning, preparation, and additional engagement.

We understand that it is intended a consistent enforcement regime across England, Scotland and Wales could be set out in a single GB-wide instrument, if appropriate.<sup>5</sup> We note that Gillian Martin MSP, the Minister for Energy and the Environment, confirmed that while the Scottish Parliament has the power to take forward a separate scheme, a GB-wide approach has been considered more appropriate and that the provisions in the Bill replicate what the Scottish Government would have looked to introduce.<sup>6</sup>

We welcome clause 3, sub-section (3), which 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.

We also welcome the requirement in clause 4 that regulations made under the powers in this Bill would be subject to the affirmative procedure (or equivalent in the UK Parliament where applicable). We note the findings of the Delegated Powers and Law Reform Committee that it was content with the power conferred on Scottish Ministers in principle, and also that if the power is exercised by the Secretary of State with the Scottish Ministers’ consent, the Scottish Parliament would have an opportunity for scrutiny at that stage.<sup>7</sup>

### Clauses 5-7

We have no specific comments to make.

<sup>5</sup> [Delegated Powers Memorandum](#), paragraph 9.

<sup>6</sup> Official Report of the Rural Affairs and Islands Committee Meeting [Draft], 31 January 2024, column 56, accessible [here](#).

<sup>7</sup> As set out at paragraphs 21 and 22 of its Report.

**For further information, please contact:**

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