

Report on the Legislative Consent Memorandum for the Animal Welfare (Service Animals) Bill

February 2019

Introduction

1. The Climate Change, Environment and Rural Affairs Committee (the Committee) of the National Assembly for Wales considered the Legislative Consent Memorandum for the Animal Welfare (Service Animals) Bill at its meeting of 13 February 2019.

Background

2. On 17 January 2019, the Minister for Environment, Energy and Rural Affairs laid a Legislative Consent Memorandum for the Animal Welfare (Service Animals) Bill (the LCM) currently before Parliament.

3. On 22 January 2019, the Business Committee referred the LCM to the Climate Change, Environment and Rural Affairs Committee for consideration, and set a reporting deadline of 1 March 2019.

4. A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Animal Welfare (Service Animals) Bill (as outlined in the LCM) has been scheduled for debate in Plenary on 5 March 2019.

Overview of the Bill

5. The Animal Welfare (Service Animals) Bill (the Bill) is a Private Member's Bill. It was introduced in the House of Commons on 13 June 2018. It is a short Bill of two clauses.

6. The policy objective of the Bill is to provide increased protection for service animals by amending section 4 of the Animal Welfare Act 2006 (the 2006 Act). It



seeks to address public concerns about the application of section 4(3)(c)(ii) of the 2006 Act to attacks on service animals, where a defendant accused of causing unnecessary suffering to an animal could claim they were protecting themselves and are justified in using physical force against a service animal, causing it, effectively, necessary suffering.

7. The Bill amends section 4 of the 2006 Act to require a court to disregard the consideration at section 4(3)(c)(ii) of the 2006 Act in certain circumstances when assessing whether suffering was unnecessary in the context of causing suffering to a service animal.

Provisions in the Bill for which consent is sought

8. The consent of the Assembly is being sought for both clauses of the Bill.

Clause 1: Harming a service animal

9. This clause amends section 4 of the 2006 Act to require a court to disregard the consideration at section 4(3)(c)(ii) in certain circumstances, when assessing whether suffering was unnecessary, where suffering is caused to a service animal. This clause provides that the consideration should be disregarded if the animal was under the control of a relevant officer at the time of the conduct, and was being used by that officer at that time in the course of the officer's duties, in a way that was reasonable in all the circumstances and that the officer is not the defendant accused of causing the unnecessary suffering.

Clause 2: Extent, commencement and short title

10. This clause provides for the Bill to extend to England and Wales, and for the Bill to come into force two months after Royal Assent. Clause 2 also specifies the short title of the Bill.

Reasons for making these provisions for Wales in a UK Bill

11. The LCM sets out the Welsh Government's reasons for making these provisions for Wales in the Bill:

“Animal welfare is a priority of the Welsh Government and it is the view of the Government that it is appropriate to deal with these provisions in this UK Bill for reasons of timing and coherence. The provisions of the Bill align with the Welsh Government policy objectives regarding the promotion of animal welfare. Taking them forward in this UK Bill will

mean that service animals in Wales will be afforded the same level of protection at the same time as those in England.”

12. The LCM also states that the Welsh Government believes “it is appropriate to deal with these provisions in this UK Bill as it represents the most practical and proportionate legislative vehicle to enable the provisions to apply in Wales”.

Our view

13. The Committee notes the policy objectives of the Bill. It seeks reassurance that the proposed changes do not lead to a reduction in the rights of citizens, who are not engaged or suspected of being engaged in criminal activity, to protect themselves from harm in the case of an unwarranted attack by a service animal.

14. The Committee notes the Welsh Government’s reasons for making the provisions for Wales in the Bill. It found no reason to object to the Assembly agreeing the Legislative Consent Motion associated with the LCM.