STATUTORY INSTRUMENTS

2024 No. 1146

ANIMALS

ANIMAL WELFARE

The Animal Welfare (Livestock Exports) Enforcement Regulations 2024

Made - - - -	*11th November 2024*
Coming into force	*1st January 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2 and 4 of the Animal Welfare (Livestock Exports) Act 2024(**a**).

In accordance with section 3(3) of that Act, the Scottish Ministers in relation to Scotland, and the Welsh Ministers in relation to Wales, have consented to the Secretary of State making these Regulations.

In accordance with section 4(3) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations—

(a) may be cited as the Animal Welfare (Livestock Exports) Enforcement Regulations 2024; and

(b) come into force on 1st January 2025.

Extent and application

2.—(1) Subject to paragraphs (2) to (5), these Regulations extend to, and apply in relation to, England and Wales and Scotland.

(2) Regulations 16 and 17 extend to and apply in relation to England and Wales only.

(3) Part 1 of Schedule 1 extends to England and Wales and applies in relation to England only.

(4) Part 3 of Schedule 1 extends to England and Wales and applies in relation to Wales only.

(**a**) 2024 c. 11.

(5) Regulation 18 and Part 2 of Schedule 1 extend to and apply in relation to Scotland only.

Interpretation

3. In these Regulations—

"the Act" means the Animal Welfare (Livestock Exports) Act 2024;

"the appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

"approval, authorisation or certificate" means—

(a) in relation to England, an approval, authorisation or certificate issued by the Secretary of State under the Welfare of Animals (Transport) (England) Order 2006(**a**), Council Regulation (EC) No 1/2005, or Council Regulation (EC) No 1255/97;

(b) in relation to Wales, an approval, authorisation or certificate issued by the Welsh Ministers under the Welfare of Animals (Transport) (Wales) Order 2007(**b**), Council Regulation (EC) No 1/2005, or Council Regulation (EC) No 1255/97;

(c) in relation to Scotland, an approval, authorisation or certificate issued by the Scottish Ministers under the Welfare of Animals (Transport) (Scotland) Regulations 2006(**c**), Council Regulation (EC) No 1/2005, or Council Regulation (EC) No 1255/97;

"Council Regulation (EC) No 1255/97" means Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC(**d**);

"Council Regulation (EC) No 1/2005" means Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations(**e**);

"commencement date" means the date in regulation 1(b);

"enforcement authority" has the meaning given in regulation 4(6);

"hold notice" has the meaning given in regulation 5(2);

"inspector" means a person appointed by an enforcement authority to be an inspector for the purposes of these Regulations;

"journey" means a long journey of the kind described in Article 5(4) of Council Regulation (EC) No 1/2005;

"journey log" means a journey log of the kind described in Annex 2 to Council Regulation (EC) No 1/2005;

"local authority" means—

(a) in relation to England, a county council or a district council, a London Borough council, the Common Council of the City of London, or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council or a county borough council;

(c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**f**);

"premises" includes any place, vehicle, trailer, container, stall, moveable structure, ship or aircraft;

(**a**) S.I. 2006/3260; there are amending instruments, but none is relevant.
(**b**) S.I. 2007/1047 (W. 105), amended by S.I. 2019/684 (W. 131); there are other amending instruments, but none is relevant.
(**c**) S.S.I. 2006/606; there are amending instruments, but none is relevant.
(**d**) EUR 97/1255; amended by S.I. 2019/802.
(**e**) EUR 2005/1; relevant amending instruments are S.I. 2019/802; S.I. 2022/846; S.I. 2022/1090; S.I. 2022/1315; 2023/287 and 2023/261 (W. 38).
(**f**) 1994 c. 39.

"record" means any physical or electronic document or communication;

"Regulation (EU) 2017/625" means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**a**).

PART 2

Enforcement of livestock export ban

Enforcement authorities

4.—(1) Subject to paragraphs (2) to (4), section 1 of the Act and this Part are to be enforced by local authorities.

(2) The Secretary of State may—

(a) direct, in cases of a particular description or in a particular case, that responsibility for enforcing section 1 of the Act and this Part in relation to England may be discharged by the Secretary of State;

(b) delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under section 1 of the Act or these Regulations.

(3) The Welsh Ministers may direct, in cases of a particular description or in a particular case, that responsibility for enforcing section 1 of the Act and this Part in relation to Wales may be discharged by the Welsh Ministers.

(4) The Scottish Ministers may direct, in cases of a particular description or in a particular case, that responsibility for enforcing section 1 of the Act and this Part in relation to Scotland may be discharged by the Scottish Ministers.

(5) Where a direction is given under paragraph (2), (3) or (4) in relation to cases of a particular description, the direction may specify that local authorities are not to be responsible for the enforcement of cases of that description and the period over which they will not be so responsible.

(6) A person exercising functions under paragraphs (1) to (4) is an "enforcement authority" for the purposes of these Regulations.

Hold notice

5.—(1) If an inspector considers relevant livestock are being exported, or are to be exported, from Great Britain in contravention of section 1 of the Act, the inspector may serve a hold notice on the person appearing to the inspector to be in charge of the relevant livestock.

(2) A hold notice is a notice in writing—

(a) prohibiting the export of the relevant livestock, either indefinitely or for a certain period; or

(b) requiring such other steps to be taken as the inspector considers necessary for the purposes of ensuring that the relevant livestock are not exported in contravention of the Act.

(3) A hold notice may in particular—

(a) require the relevant livestock to be returned to their place of departure via the most direct route; or

(b) require the relevant livestock to be unloaded and held in suitable accommodation with appropriate care until suitable alternative arrangements are made.

(**a**) EUR 2017/625; relevant amending instruments are S.I. 2020/1481 and S.I. 2022/1090.

(4) An inspector must give reasons for a hold notice.

(5) An inspector may at any time amend, suspend or withdraw a hold notice by a further notice in writing.

(6) Where it is necessary for identification purposes, an inspector may mark an animal.

(7) Where a person fails to comply with a hold notice, an inspector may arrange for such steps to be taken as the inspector considers necessary to ensure that the hold notice is complied with.

(8) The person in default of a hold notice must re-imburse any reasonable expenses incurred by the enforcement authority in the taking of such steps, and any such debt is recoverable as a civil debt.

(9) A hold notice must be complied with at the expense of the person on whom it is served, except where otherwise provided in that notice.

(10) It is an offence to fail to comply with a hold notice.

(11) In this regulation "place of departure" has the same meaning as it has in Article 2(r) of Council Regulation (EC) No 1/2005.

Withdrawal of a hold notice

6. An inspector must withdraw a hold notice where any further evidence is provided to an inspector and the inspector is satisfied on the basis of that evidence that the relevant livestock are being exported from Great Britain in compliance with section 1 of the Act.

Suspension, revocation of approvals etc

7.—(1) The appropriate authority may suspend or revoke an approval, authorisation or certificate which it has issued if satisfied that any provision in the Act or these Regulations has not been complied with.

(2) The power in paragraph (1) may only be exercised by service of a notice on the person to whom the approval, authorisation or certificate relates.

(3) The notice must—

(a) give reasons;

(b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and

(c) give details of the right to make representations to the appropriate authority under Schedule 1.

Representation and appeals

8. Schedule 1 (representations and appeals) has effect.

Powers of entry

9.—(1) An inspector may at any reasonable time enter and inspect any premises (other than premises used wholly or mainly as a private dwelling) if there are reasonable grounds for suspecting that—

(a) an offence under section 1 of the Act or under these Regulations is being, has been, or is about to be committed on the premises; or

(b) there is evidence on the premises of the commission of an offence under section 1 of the Act or these Regulations.

(2) An inspector may only—

(a) use reasonable force to enter premises; or

(b) enter premises used wholly or mainly as a private dwelling,

if a justice of the peace (in England and Wales) or sheriff (in Scotland) has issued a warrant authorising an inspector to enter, search and inspect the premises.

(3) A justice of the peace or sheriff (as the case may be) may only issue such a warrant if satisfied, upon an application by an inspector, on sworn information in writing—

(a) that there are reasonable grounds for suspecting that—

(i) an offence under section 1 of the Act or under these Regulations is being, has been, or is about to be committed on the premises; or

(ii) there is evidence on the premises of the commission of an offence under section 1 of the Act or these Regulations; and

(b) any of the conditions in paragraph (4) are met.

(4) The conditions are—

(a) entry to the premises has been, or is likely to be, refused unless a warrant is produced, and notice of the intention to apply for a warrant has been given to the occupier;

(b) asking for admission to the premises, or giving such a notice, would defeat the object of the entry;

(c) entry is required urgently; or

(d) the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant under this regulation is valid for 3 months.

(6) An inspector must, if requested to do so, produce a duly authenticated document showing the inspector's authority before entering any premises under this regulation.

(7) An inspector exercising a power of entry under paragraph (1) or (2) may—

(a) be accompanied by such persons as the inspector considers necessary;

(b) bring onto the premises such equipment, vehicle or materials as the inspector considers necessary.

(8) A person accompanying an inspector under paragraph (7)(a) may—

(a) remain on the premises and from time to time re-enter the premises without an inspector;

(b) bring onto the premises any equipment, vehicle or materials that person considers necessary; and

(c) carry out work on the premises in a manner directed by the inspector.

Powers of inspection and seizure

10.—(1) An inspector exercising a power of entry under regulation 9 may—

(a) search the premises for any item, including any relevant livestock;

(b) examine, measure or test anything, including any relevant livestock found on the premises;

(c) question any person on the premises;

(d) require any person on the premises to give the inspector such assistance as the inspector may reasonably require;

(e) take a sample (including a sample from any relevant livestock);

(f) mark any relevant livestock found on the premises for identification purposes;

(g) take a photograph or video anything, including any relevant livestock found on the premises, which the inspector reasonably believes to be evidence of the commission of an offence under these Regulations or under section 1 of the Act;

(h) require any person on the premises to produce any document or record (in whatever form it is held) that is in the person's possession or control;

(i) take copies or extracts from any document or record found on the premises (in whatever form it is held);

(j) require information which is stored in an electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible (or from which it can readily be produced in a visible and legible form);

(k) subject to subparagraph (l), seize and detain anything, other than an animal, that is found on the premises and which the inspector reasonably believes to be evidence of the commission of an offence under these Regulations or under section 1 of the Act;

(l) in the case of non-compliance with a hold notice issued under regulation 5(1), seize and detain any relevant livestock for the purposes of ensuring compliance with the notice.

(2) An inspector must as soon as reasonably practicable provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1)(k) or (l) a written receipt identifying those items.

(3) Where an inspector has seized or detained an item under paragraph (1)(k) and—

(a) it is subsequently decided that—

(i) no court proceedings are to be brought; or

(ii) the item is no longer needed as evidence in court proceedings; or

(b) the court proceedings are completed and no order in relation to the item has been made by the court,

an inspector must return the item as soon as reasonably practicable.

(4) Where in the case of relevant livestock seized and detained under paragraph (1)(l) it is decided by the inspector that the requirements of the hold notice have been met, the relevant livestock must as soon as reasonably practicable be returned to their owner, or where relevant the person in charge of them.

(5) Where the return of any animal under paragraph (4) is not possible until it is fit to be transported, the animal must be held in suitable accommodation with appropriate care until suitable alternative arrangements for the animal's return are made.

(6) Any expenses incurred under paragraph (5) are payable, unless otherwise provided, by the owner of the animal or by the person on whom the hold notice was served.

Records

11.—(1) A person engaged in the export from Great Britain of relevant livestock must keep all records that the person produces or holds in respect of the export.

(2) For the purposes of paragraph (1), a record in respect of the export of relevant livestock from Great Britain includes—

(a) the journey log or any other documentation retained for the purposes of that export under Article 4 of Council Regulation (EC) No 1/2005;

(b) any information from the navigation system referred to in point 4.1 of Chapter 6 of Annex 1 to Council Regulation (EC) No 1/2005; and

(c) the export health certificate for that export.

(3) A person who is required by this regulation to keep a record must retain it for a period of three years from the date the journey is completed.

(4) It is an offence to fail to comply with paragraph (3).

(5) It is a defence for a person charged with an offence under paragraph (4) to show that it was not practicable to keep such a record.

Production of records

12.—(1) For the purposes of investigating whether an offence under section 1 of the Act or under these Regulations is being, has been, or is about to be committed, an inspector may—

(a) require any person to produce any record that is in that person's possession or control and which appears to the inspector to be relevant to the investigation;

(b) make copies of such records or require copies of such records to be made; or

(c) take possession of such records which the inspector reasonably believes to be evidence of the commission of an offence under section 1 of the Act or these Regulations.

(2) An inspector must as soon as reasonably practicable provide to the person appearing to be responsible for any records that the inspector takes possession of under paragraph (1)(c) a written receipt identifying those records.

(3) Where an inspector takes possession of records under paragraph (1)(c) and—

(a) it is subsequently decided that—

(i) no court proceedings are to be brought; or

(ii) the records are no longer needed as evidence in court proceedings; or

(b) the court proceedings are completed and no order in relation to the records has been made by the court,

an inspector must return the records as soon as reasonably practicable.

Obstruction

13. It is an offence—

(a) intentionally to obstruct any person acting in the execution of these Regulations;

(b) to fail without reasonable cause to give to such person any assistance or information which that person may reasonably require for the purposes of that person's functions under these Regulations; or

(c) knowingly or recklessly to give false or misleading information to such person.

Offences by bodies corporate

14.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar officer of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1)—

"director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;

"body corporate" includes a partnership in Scotland and, in relation to such a partnership, a reference to an officer of a body corporate is a reference to a partner.

Penalties

15. A person who is guilty of an offence under these Regulations is liable—

(a) on summary conviction in England and Wales, to a fine;

(b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale.

Power of local authority to prosecute in England and Wales

16. A local authority may prosecute any offence under these Regulations.

Proceedings in England and Wales

17.—(1) Notwithstanding section 127(1) of the Magistrates' Courts Act 1980(**a**), a magistrates court may try an information relating to an offence under section 1 of the Act or these Regulations if the information is laid at any time—

(a) within the period of three years beginning with the date of the commission of the offence; and

(b) within the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge.

(2) A certificate by the prosecutor as to the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact.

Proceedings in Scotland

18.—(1) This regulation applies to proceedings in Scotland for an offence under these Regulations.

(2) Proceedings may be brought within the period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(3) Proceedings must not be brought more than three years after—

(a) the commission of the offence; or

(b) in the case of an offence involving continuous contravention, the last date on which the offence was committed.

(4) It is competent in a prosecution of an offence in Scotland involving a continuous contravention to include the entire period during which the contravention occurred.

(5) For the purposes of this regulation, proceedings are deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.

(6) A certificate stating the date on which evidence came into a prosecutor's knowledge is—

(a) if signed by or on behalf of the prosecutor, conclusive evidence of that fact; and

(b) if purported to be so signed, to be treated as being so signed unless the contrary is proved.

Disclosure of information held by the Commissioners for His Majesty's Revenue and Customs

19.—(1) The Commissioners for His Majesty's Revenue and Customs may disclose any information in their possession to an enforcement authority for the purposes of enabling the enforcement authority to carry out any function conferred on it under or by virtue of these Regulations or the Act.

(2) Nothing in paragraph (1) affects any other power or requirement of the Commissioners to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (1) if—

(a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;

(b) the disclosure is not for a purpose specified in paragraph (1); and

(c) the Commissioners have not given their prior consent to the disclosure.

(4) A person who breaches paragraph (3) is guilty of an offence.

(**a**) 1980 c. 43.

(5) It is a defence for a person charged with an offence under paragraph (4) to prove that that person reasonably believed that—

(a) the disclosure was lawful; or

(b) the information had already and lawfully been made available to the public.

PART 3

Miscellaneous

Notices

20.—(1) Any notice required or authorised to be served under these Regulations may be given by—

(a) delivering it to the person;

(b) leaving it at the person's proper address; or

(c) sending it by post to the person at that address.

(2) Any such notice may—

(a) in the case of a body corporate, be served on an officer of the body;

(b) in the case of a limited liability partnership or a Scottish partnership, be served on a partner or a person having the control or management of the partnership business; and

(c) in the case of an unincorporated partnership or any other unincorporated body, be served on an officer of that body.

(3) For the purposes of this regulation and section 7 of the Interpretation Act 1978(**a**) (service of documents by post) in its application to this regulation, the proper address of any person on whom a notice is to be served is—

(a) in the case of a body corporate, the address of the registered or principal office of the body;

(b) in the case of a limited liability partnership or a Scottish partnership, the address of the principal office of the partnership;

(c) in the case of an unincorporated partnership or any other unincorporated body, the address of the principal officer of the partnership or body; and

(d) in any other case, the last known address of the person in question.

(4) If a person on whom a notice or other document is to be served under these Regulations has specified an address for service of such a notice, that address is also to be treated, for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, as that person's proper address.

(5) If the name or address of an occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(6) In this regulation—

(a) "body corporate" does not include a limited liability partnership or a Scottish partnership;

(b) references to serving include references to a similar expression (such as giving and sending).

Consequential and supplementary amendments

21. Schedule 2 (consequential and supplementary amendments) has effect.

(**a**) 1978 c. 30.

Transitional provisions

22.—(1) Any approval of a journey log given by the competent authority before the commencement date in relation to the journey set out in the journey log ceases to have effect if the journey has not commenced before the commencement date.

(2) An application for the approval of a journey log which is made before the commencement date in relation to a journey that is scheduled to commence on or after the commencement date is to be treated as if it had been made on the commencement date.

(3) In this regulation "competent authority" has the same meaning as it has in Council Regulation (EC) No 1/2005.

Daniel Zeichner
Minister of State
11th November 2024 Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 8

Representations and appeals

PART 1

Representations and appeals in respect of a decision by the Secretary of State

Application of Part 1

1. This Part applies in relation to a decision by the Secretary of State to suspend or revoke a person's approval, authorisation or certificate under regulation 7.

Representations

2. The person may make written representations to the Secretary of State within the period of 28 days beginning with the date on which the person is first notified of the decision.

Reconsideration

3. If the person makes written representations to the Secretary of State within the period referred to in paragraph 2, the Secretary of State must reconsider the decision.

4. The Secretary of State must give written notice of the Secretary of State's determination upon reconsideration under paragraph 3.

5. If the determination of the reconsideration is to vary or rescind the suspension or revocation, the Secretary of State must do that.

6. If the determination maintains the suspension or revocation (with or without variation), the Secretary of State must also notify the person of their right to appeal.

Appeals

7. In a case referred to in paragraph 6, the person may appeal to the First-tier Tribunal within the period of 28 days beginning with the date on which the notice was served under paragraph 4.

8. An appeal to the First-tier Tribunal under paragraph 7 may be on any of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law; or

(c) that the decision was unfair or unreasonable for any reason.

9. On appeal the First-tier Tribunal may—

(a) uphold the Secretary of State's decision; or

(b) vary or rescind the suspension or revocation.

Suspension of Secretary of State's decision

10. Until the time specified in paragraph 11, a suspension or revocation under regulation 7 does not have effect.

11. For the purposes of paragraph 10, the time is whichever is the later of—

(a) the end of the period for making representations under paragraph 2;

(b) if representations are made during that period, the end of the period for making an appeal under paragraph 7;

(c) if an appeal is made within that period, the time when the appeal is finally determined or withdrawn.

PART 2

Representations and appeals in respect of a decision by the Scottish Ministers

Application of Part 2

12. This Part applies in relation to a decision by the Scottish Ministers to suspend or revoke a person's approval, authorisation or certificate under regulation 7.

Representations

13. The person may make written representations to the Scottish Ministers within the period of 28 days beginning with the date on which the person is first notified of the decision.

Reconsideration

14. If the person makes written representations to the Scottish Ministers within the period referred to in paragraph 13, the Scottish Ministers must reconsider the decision.

15. The Scottish Ministers must give written notice of their determination upon reconsideration under paragraph 14.

16. If the determination is to vary or rescind the suspension or revocation, the Scottish Ministers must do that.

17. If the determination maintains the suspension or revocation (with or without variation), the Scottish Ministers must also notify the person of their right to appeal.

Appeals: procedure

18. In a case referred to in paragraph 17, the person may appeal to the sheriff.

19. An appeal under paragraph 18 must be commenced within the period of 28 days beginning with the date on which the determination was notified.

Appeals: provision of reasons

20. For the purposes of an appeal under paragraph 18, the sheriff may require the Scottish Ministers to give reasons for the determination.

21. The Scottish Ministers must comply with such a requirement.

Appeals: determination

22. The sheriff may uphold an appeal only if the sheriff considers that the Scottish Ministers—

(a) erred in law;

(b) based their determination on any incorrect material fact;

(c) acted contrary to natural justice; or

(d) exercised their discretion in an unreasonable manner.

23. In considering an appeal, the sheriff may hear evidence by or on behalf of any party to the appeal.

24. On upholding an appeal, the sheriff may—

(a) remit the case with the reasons for such a decision to the Scottish Ministers for reconsideration; or

(b) reverse or modify the determination of the Scottish Ministers.

25. On remitting a case under paragraph 24(a), the sheriff may—

(a) specify a date by which the reconsideration by the Scottish Ministers must take place;

(b) modify any procedural steps which otherwise would be required in relation to the matter by or under any enactment, Act of the Scottish Parliament or subordinate legislation made under an Act of the Scottish Parliament (including these Regulations).

26. The sheriff may include in the decision on an appeal such order as to the expenses of the appeal as the sheriff thinks proper.

27. The decision of the sheriff is final.

Suspension of the Scottish Ministers' decision

28. A suspension or revocation under regulation 7, including any suspension or revocation as varied following reconsideration under paragraph 14, does not have effect until the time specified in paragraph 29.

29. For the purposes of paragraph 28, the time is whichever is the later of—

(a) the end of the period for making representations under paragraph 13;

(b) if representations are made during that period, the end of the period for making an appeal specified in paragraph 19;

(c) if an appeal is made under paragraph 18 in accordance with paragraph 19, the time when the appeal is finally determined or withdrawn.

PART 3

Representations and appeals in respect of a decision by the Welsh Ministers

Application of Part 3

30. This Part applies in relation to a decision by the Welsh Ministers to suspend or revoke a person's approval, authorisation or certificate under regulation 7.

Representations

31. The person may make written representations to the Welsh Ministers within the period of 28 days beginning with the date on which the person is first notified of the decision.

Reconsideration

32. If the person makes written representations to the Welsh Ministers within the period referred to in paragraph 31, the Welsh Ministers must reconsider the decision.

33. The Welsh Ministers must give written notice of their determination upon reconsideration under paragraph 32.

34. If the determination of the reconsideration is to vary or rescind the suspension or revocation, the Welsh Ministers must do that.

35. If the determination maintains the suspension or revocation (with or without variation), the Welsh Ministers must also notify the person of their right to appeal.

Appeals

36. In a case referred to in paragraph 35, the person may appeal to the First-tier Tribunal within the period of 28 days beginning with the date on which the notice was served under paragraph 33.

37. An appeal to the First-tier Tribunal under paragraph 36 may be on any of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law; or

(c) that the decision was unfair or unreasonable for any reason.

38. On appeal the First-tier Tribunal may—

(a) uphold the Welsh Ministers' decision; or

(b) vary or rescind the suspension or revocation.

Suspension of the Welsh Ministers' decision

39. Until the time specified in paragraph 40 a suspension or revocation under regulation 7 does not have effect.

40. For the purposes of paragraph 39, the time is whichever is the later of—

(a) the end of the period for making representations under paragraph 31;

(b) if representations are made during that period, the end of the period for making an appeal under paragraph 36;

(c) if an appeal is made within that period, the time when the appeal is finally determined or withdrawn.

SCHEDULE 2

Regulation 21

Consequential and supplementary amendments

Amendments to Council Regulation (EC) No 1/2005

1.—(1) Council Regulation (EC) No 1/2005 is amended as follows.

(2) In article 11(1)(b)(iv), after "emergencies" insert ", or activities related to the enforcement of section 1 of the Animal Welfare (Livestock Exports) Act 2024".

(3) In Annex 2—

(a) in paragraph 4(d) after "Regulation" insert "and, in relation to livestock, section 1 of the Animal Welfare (Livestock Exports) Act 2024";

(b) after paragraph 4(e)(ii) insert—

"and;

(iii) in relation to livestock, it is satisfied on the basis of the evidence provided in Section 1 of the journey log that the proposed journey will not contravene section 1 of the Animal Welfare (Livestock Exports) Act 2024.";

(c) in paragraph 5, for "4(e)(i)" substitute "4(e)";

(d) after paragraph 5 insert—

"(5A) The competent authority may, before the journey begins, withdraw the approval of a journey log given under paragraph 4(e) if it is no longer satisfied that the proposed journey is in compliance with section 1 of the Animal Welfare (Livestock Exports) Act 2024.";

(e) after paragraph 6(c) insert—

";

(d) "livestock" means—

(i) cattle and other bovine animals;

(ii) sheep;

(iii) goats; or

(iv) pigs or wild boar.".

Amendments to Regulation (EU) 2017/625

2.—(1) Regulation (EU) 2017/625 is amended as follows.

(2) In article 21(2)(b)(i), after "1/2005" insert "and section 1 of the Animal Welfare (Livestock Exports) Act 2024".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement the Animal Welfare (Livestock Exports) Act 2024 (c. 11) ("the Act") by making provision in relation to the enforcement of section 1 of the Act.

Part 2 contains provisions relating to enforcement. It provides that the Regulations are to be enforced by the enforcement authorities (regulation 4). It confers powers on inspectors appointed by an enforcement authority in relation to the enforcement of the Act and these Regulations. The powers include provision to issue a hold notice (regulation 5), and powers of entry and seizure (regulations 9 and 10). The appropriate authority (the Secretary of State, the Scottish Ministers or the Welsh Ministers) may also revoke or suspend certain approvals, authorisations and certificates which it has issued, in circumstances where any provision of the Act or these Regulations has not been complied with (regulation 7). Schedule 1 provides an appeal procedure for such suspensions or revocations. Regulations 11 and 12 make provision about the keeping of records by anyone exporting relevant livestock from Great Britain, and the production of records to inspectors for the purposes of investigating offences under section 1 of the Act or these Regulations. Regulations 17 and 18 provide time limits for bringing prosecutions and regulation 19 provides that the Commissioners for His Majesty's Revenue and Customs ("HMRC") may disclose information to the enforcement authorities for the purposes of the Regulations. It is an offence for a person who has received information from HMRC to disclose it to another person if the data relates to an identifiable person.

Failure to comply with a hold notice, failure to keep records and obstructing inspectors are also offences under the Regulations. An offence is punishable by a fine (regulation 15).

Part 3 contains provisions on the service of notices (regulation 20) and transitional provision (regulation 22). It also introduces Schedule 2 (regulation 21), which contains consequential and supplementary amendments to related legislation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A full impact assessment has been published in relation to the Act and copies can be obtained from the Department for Environment, Food and Rural Affairs at 2 Marsham Street, London, SW1P 4DF or at the website of the Department for Environment, Food and Rural Affairs at www.gov.uk/defra.

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