

Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

ANIMALS, ENGLAND

ANIMAL WELFARE

The Animal Welfare (Electronic Collars) (England) Regulations 2023

Made - - - -

Coming into force - - *1st February 2024*

The Secretary of State is, in relation to England, the appropriate national authority for the purpose of exercising the powers conferred by section 12 of the Animal Welfare Act 2006(1), and makes these Regulations in exercise of those powers.

In accordance with section 12(6) of that Act, the Secretary of State has consulted such persons appearing to the Secretary of State to represent interests with which these Regulations are concerned as the Secretary of State considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Animal Welfare (Electronic Collars) (England) Regulations 2023.

(2) These Regulations come into force on 1st February 2024.

(3) These Regulations extend to England and Wales.

Offences relating to the attachment of an electronic collar to a cat or dog

2.—(1) A person commits an offence if—

(a) the person is responsible for a cat or dog; and

(b) the person—

(i) attaches an electronic collar to the cat or dog in England; or

(1) 2006 c. 45. Section 62(1) provides that the appropriate national authority in relation to England is the Secretary of State.

- (ii) causes an electronic collar to be attached to the cat or dog in England.
- (2) A person commits an offence if—
 - (a) the person is responsible for a cat or dog; and
 - (b) at any time when the person is responsible for the cat or dog—
 - (i) the cat or dog is wearing an electronic collar; and
 - (ii) the person is in possession of a remote-control device in England which is designed or adapted for activating and controlling the electronic collar remotely.
- (3) Paragraphs (1) and (2) do not apply in relation to any conduct of a member of the armed forces that is necessary for defence purposes.
- (4) In this regulation—
 - “Act” means the Animal Welfare Act 2006;
 - “armed forces” means Her Majesty’s forces (within the meaning of the Armed Forces Act 2006)(2);
 - “collar” means a collar, harness or any item which may be worn by a cat or dog;
 - “electronic collar” means a collar with an integrated electronic device that may be activated and directly controlled by a person by means of a remote-control device so as to send an electric current from the collar to the cat or dog that is wearing the collar.
- (5) In paragraphs (1) and (2), the references to a person who is responsible for a cat or dog are to be read in accordance with section 3 of the Act.
- (6) In paragraph (3), the reference to any conduct that is necessary for defence purposes includes any conduct in the interests of national security or public safety or for the prevention or detection of serious crime.

Penalty

- 3. A person guilty of an offence under regulation 2 is liable on summary conviction to a fine.

Power of local authority to prosecute offences

- 4. A local authority may prosecute an offence under regulation 2.

Post-conviction powers

- 5.—(1) The following sections of the Act apply in relation to a conviction for an offence under regulation 2—
 - (a) section 33 (deprivation);
 - (b) section 34 (disqualification);
 - (c) section 35 (seizure of animals in connection with disqualification);
 - (d) section 36 (section 35: supplementary);
 - (e) section 41 (orders under section 33, 35, 37, 38 or 40: pending appeals) in so far as it applies to an order under section 33 or 35;
 - (f) section 43 (termination of disqualification under section 34 or 42) in so far as it applies to disqualification under section 34;

- (g) section 44 (orders made on conviction for reimbursement of expenses) in so far as it applies to an order made under section 33(4)(e) or 36(1)(e);
 - (h) section 45 (orders for reimbursement of expenses: right of appeal for non-offenders) in so far as it applies to an order made under section 36(1)(e).
- (2) In the application of sections 33 to 36, 41 and 43 to 45 of the Act to a conviction for an offence under regulation 2, sections 33(1) and 34(1) of the Act are to be read as if they included a reference to a person who has been convicted of an offence under regulation 2.
- (3) In this regulation, “Act” has the same meaning as it has in regulation 2.

Date

Name
Minister of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the purpose of preventing the use of electronic collars in England.

Regulation 2(1) makes it an offence for a person who is responsible for a cat or dog to attach an electronic collar, or cause an electronic collar to be attached, to the cat or dog in England.

Regulation 2(2) provides that a person commits an offence if, at any time when the person is responsible for a cat or dog, the cat or dog is wearing an electronic collar and the person is in possession of a remote-control device in England which is designed or adapted for activating and controlling the electronic collar remotely.

Regulation 3 provides that the offences under regulation 2 are summary-only offences and that a person convicted of an offence under regulation 2 is liable to a fine.

Regulation 4 provides that a local authority may prosecute an offence under regulation 2 and regulation 5 provides for various post-conviction powers in the Animal Welfare Act 2006 (c. 45) to be exercisable in relation to the offences under regulation 2.

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.