



# Department for Environment Food & Rural Affairs

The Rt Hon Lord Benyon  
Minister for Biosecurity, Marine and Rural Affairs

Seacole Building  
2 Marsham Street  
London  
SW1P 4DF  
T: +44 (0) 3459 335577  
E: [correspondence.section@defra.gov.uk](mailto:correspondence.section@defra.gov.uk)  
W: [gov.uk/defra](http://gov.uk/defra)

The Rt Hon Lord Borwick  
House of Lords  
London  
SW1A 0PW

1<sup>st</sup> September 2023

Dear Lord Borwick,

Thank you for meeting with myself and Lord Black regarding the Animals (Low-Welfare Activities Abroad) Bill on 22 August 2023. Following our discussion, I am writing to reassure you about the issues which your proposed amendments to the Bill relate to. I have detailed below each of your proposed amendments and the reasoning for the current wording of the Bill.

### *Inclusion of the words 'purpose or effect' in clause 2 (1)*

The wording of the Bill clauses is based on the Tobacco Advertising and Promotion Act 2002. Currently, advertising in the UK is generally self-regulated. It is only in exceptional circumstances that legislation is used specifically to regulate the advertisement of a particular product (e.g. the Tobacco Act). Therefore, clause 2(1) takes the same approach as the Tobacco Advertising and Promotion Act 2002. My officials are not aware of any issues in relation to the suitability of this definition.

The offences in clause 2 only apply to the publication, printing or distribution of a low-welfare activity in the course of business, and not to individuals acting in a private capacity. This means that individual tourists, who are end users, cannot be criminalised. If we were to limit the definition to the purpose of the advert, then a travel business would simply be able to maintain that the purpose of their advert was to promote the sale of the holiday and not to promote the low-welfare activity. This would create a loophole which enables domestic businesses to still advertise and promote low-welfare activities taking place abroad. Instead, we wish domestic travel businesses to carry out appropriate due diligence on their packages and offers, in order to ensure that what they are advertising does not have the effect of promoting a low-welfare activity abroad. My officials intend to provide appropriate guidance to assist with this, and I do not expect that carrying out this due diligence will be particularly onerous for businesses.

### *Arrangements for identifying low-welfare activities*

Future decisions on which specific low-welfare animal activities to cover will be evidence-based and subject to Parliamentary scrutiny. Sufficiently robust evidence will be required to justify why any specific ban is needed. I can confirm that the appropriate expert committee(s) will be consulted on regulations as they are drafted, for example the Zoo Expert Committee and the Animal Welfare Committee. Suitable domestic and international fora, such as the British and Irish Association of Zoos and Aquariums, the World Association of Zoos and Aquariums, and the European Association of Zoos and Aquaria will also be invited to contribute to the consultation process. All relevant organisations and interested parties will have the opportunity to provide their views via public consultation on any proposals to apply bans in relation to specific activities.

### *Exemptions to prohibitions*

Under this Bill, it is only possible to prescribe an activity if it involves, or is likely to involve, the keeping of an animal in conditions, or subjecting a kept animal to treatment, that would not be permitted under the Animal Welfare Act 2006 or the Welfare of Animals Act (Northern Ireland) 2011. Neither Act applies to anything which occurs in the normal course of fishing and neither Act applies to animals living in a wild state. It would, therefore, not be possible to prescribe anything that occurs in the normal course of fishing or any activity involving an animal living in a wild state as a low-welfare activity.

Finally, to address your concern, when regulations to the Bill are drafted, those activities conducted at zoos and aquariums that are accredited or certified in accordance with high enough welfare standards by a regional or international organisation endorsed for these purposes by Defra would be excluded from the scope of the prohibited low-welfare activity in question.

I hope this provides the reassurance you need that your proposed amendments to this Bill will not be needed. I look forward to hearing from you.

A copy of this letter will be placed in the library of the House.

Yours sincerely, *ever*

*Richard*

**THE RT HON LORD BENYON**