



## Animals (Low-Welfare Activities Abroad) Bill

### HL Bill 122 of 2022–23

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On 14 July 2023, the second reading of the [Animals \(Low-Welfare Activities Abroad\) Bill](#) is scheduled to take place in the House of Lords. It is a private member's bill from the House of Commons, which was originally introduced by Angela Richardson (Conservative MP for Guildford). Its sponsor in the Lords is Lord Black of Brentwood (Conservative). It completed its House of Commons stages on 17 March 2023 and is supported by the government.

The bill would prohibit the sale, offering for sale, or advertisement in England and Northern Ireland of low-welfare animal activities which take place abroad.<sup>1</sup> The activity types covered would be set out in regulations, but would include those where animals are subject to unnecessary suffering or are kept in confinement, for example their use in tourist entertainment. This would be based on the UK's welfare standards.

#### I. Background

##### I.1 Treatment of animals abroad

In an article published after the bill's second reading, World Animal Protection (an international charity supporting the bill) set out the suffering that can be caused to animals by their use in activities promoted to tourists abroad:

There are up to 550,000 wild animals suffering for tourist entertainment in wildlife attractions worldwide. Wild animals are kept in cruel conditions and exploited for human entertainment, such as swim-with-dolphin experiences, tiger selfies, and elephant rides to name a few.

The suffering inflicted on animals trapped in wildlife entertainment starts the moment they are captured in the wild or bred in captivity. For example, Asian elephants are forced to perform unnatural acts such as giving rides or shows. The cruel methods used to train these highly intelligent animals includes beatings, separation from their mother at an early age (around two years old), restraint with minimal movement, and isolation. The enclosures elephants are kept in are inadequate for their needs—the home range of Asian elephants varies between 30km<sup>2</sup> and 600km<sup>2</sup>, an area that can never be replicated in captivity.<sup>2</sup>

The charity said that these activities are still promoted and sold widely by mainstream travel companies in the UK. It said that this profits from and fuels the problem. Although it acknowledged

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<sup>1</sup> Animal welfare is a devolved matter for Wales, Scotland and Northern Ireland. However, during committee stage, the government minister explained that Northern Ireland was “joining in” with the bill.

<sup>2</sup> World Animal Protection, '[Success for the Animals \(Low-Welfare Activities Abroad\) Bill](#)', 9 February 2023.

the UK cannot prohibit the activities happening abroad, it called for the UK to ban their sale and promotion domestically.

The Association of British Travel Agents (ABTA) has published voluntary guidance for the UK sector to “support them to implement approaches that respect animal welfare”.<sup>3</sup> The guidance sets out basic welfare principles and what can be considered “unacceptable practices”. It explains:

[The] guidance and its supporting manuals are intended to be practical guides for travel providers to issue to their suppliers, for tourist boards in destinations, for destination governments and ultimately and most importantly, for animal attraction and experienced suppliers. The guidelines have been developed in consultation with a broad range of experts across NGOs, academia and industry, including animal welfare experts. They consolidate an abundance of existing guidance and animal welfare science.

The ABTA acknowledges that animal “experiences can be enjoyable, educational and support conservation”. However, it says that where experiences are not carefully managed they can jeopardise animal welfare and the holiday experience. It also says that customers want to be assured of good animal welfare standards.

A number of travel companies voluntarily exclude certain animal attractions from their offerings.<sup>4</sup>

## 1.2 UK animal welfare policy

The UK has a range of domestic animal welfare legislation. The Animal Welfare Act 2006 forms a large part of this, and provides that:

Owners and keepers have a duty of care to their animals and must make sure they meet their needs:

- for a suitable environment and place to live
- for a suitable diet
- to exhibit normal behaviour patterns
- to be housed with, or apart from, other animals (if applicable)
- to be protected from pain, injury, suffering and disease<sup>5</sup>

Detailed information on animal welfare policy in the UK can be found on the government webpage [‘Animal welfare’](#).

In May 2021, the government published a new action plan for animal welfare, setting out its intentions to improve welfare domestically and internationally.<sup>6</sup> As part of this, the government said it would

<sup>3</sup> Association of British Travel Agents, [‘Animal welfare’](#), accessed 5 April 2023.

<sup>4</sup> House of Commons Library, [‘Animals \(Low-Welfare Activities Abroad\) Bill’](#), 16 March 2023, p 7.

<sup>5</sup> Department for Environment, Food and Rural Affairs, [‘Animal welfare’](#), updated 25 January 2023.

<sup>6</sup> Department for Environment, Food and Rural Affairs, [‘Action plan for animal welfare’](#), 12 May 2021.

legislate to ban the domestic advertisement or offering for sale of activities abroad involving unacceptable animal treatment. Although the House of Commons Environment, Food and Rural Affairs Committee launched an inquiry to consider the proposals, the government did not introduce a bill on this in the 2021–22 session.<sup>7</sup> However, the government did introduce the Animal Welfare (Kept Animals) Bill, which focused on the welfare of certain kept animals that are in, imported into, or exported from Great Britain. This bill was subsequently dropped by the government in the 2022–23 session due to concerns that Labour were trying to widen its scope. Announcing this on 25 May 2023, the minister for food, farming and fisheries, Mark Spencer, explained the concerns but stressed that the government was still committed to animal welfare.<sup>8</sup> Mr Spencer said that the government would instead proceed with some of the changes set out in the bill “individually” across this Parliament. Although Labour recently tried to revive the bill, this was rejected by the House of Commons.<sup>9</sup>

Previously, in a letter to the House of Commons Environment, Food and Rural Affairs Committee in July 2022, the then Secretary of State for Environment, Food and Rural Affairs George Eustice explained that the government would be supporting a number of smaller bills on animal welfare, rather than proceeding with an overarching one.<sup>10</sup> This included express support for the Animals (Low-Welfare Activities Abroad) private member’s bill. Mr Eustice said this was being done to “maximise parliamentary time and to introduce legislation in a timely manner”. He also said the government would be supporting the Shark Fins and the Hunting Trophies (Import Prohibition) private members’ bills.<sup>11</sup>

## 2. Bill provisions

The Animals (Low-Welfare Activities Abroad) Bill has seven clauses.

Clause 1 of the bill would make it an offence to sell, or offer to sell, in England and Northern Ireland the right to observe or participate in an overseas low-welfare animal activity as specified in regulations. Subsection (3) of the clause sets out the tests for assessing whether an activity can be regulated for as a low-welfare animal activity:

An animal is kept in conditions, or is subject to treatment, within this subsection if keeping the animal in the conditions, or subjecting it to the treatment, in the appropriate national authority’s part of the United Kingdom would constitute an offence under the appropriate national legislation.

The legislation that would apply in England is the Animal Welfare Act 2006. In Northern Ireland, it would be the Welfare of Animals Act (Northern Ireland) 2011.

<sup>7</sup> House of Commons Environment, Food and Rural Affairs Committee, ‘[Animals abroad bill](#)’, accessed 5 April 2023.

<sup>8</sup> [HC Hansard, 25 May 2023, cols 495–6](#).

<sup>9</sup> For further information, see: BBC News, ‘[MPs reject attempt to revive animal welfare bill](#)’, 21 June 2023; [HC Hansard, 21 June 2023, cols 849–906](#); and House of Commons Library, ‘[Animal Welfare \(Kept Animals\) Bill](#)’, 21 June 2023.

<sup>10</sup> House of Commons Environment, Food and Rural Affairs Committee, ‘[Letter from George Eustice MP, then secretary of state for environment, food and rural affairs, to the chair of the committee, Sir Robert Goodwill MP, on animal welfare legislation](#)’, 12 July 2022.

<sup>11</sup> The [Shark Fins Bill](#) has now completed its House of Lords stages and is awaiting royal assent. The [Hunting Trophies \(Import Prohibition\) Bill](#) is awaiting committee stage in the House of Lords; see the Lords Library briefing ‘[Hunting Trophies \(Import Prohibition\) Bill: HL Bill 119 of 2022–23 \(6 June 2023\)](#)’ for further information.

Similarly, clause 2 would make it an offence to advertise a low-welfare animal activity. The clause provides details on what this could include (such as publishing or printing an advert in the course of business) and details some exceptions. For example, it would not apply to people who had just sold a publication to a member of the public.

Clauses 3 and 4 detail the enforcement of the offences. They would be punishable, upon summary conviction, by a fine. However, the usual six-month limit in which a prosecution for a summary offence must be brought will not apply, in recognition of the fact that some cases may be complex. The provisions could be enforced in England by a local weights and measures authority (trading standards) and by the Department for the Economy in Northern Ireland.

Clause 5 sets out the regulation-making powers. Regulations would need to be laid before Parliament, or the Northern Ireland Assembly, and would be subject to approval motions.

Clauses 6 and 7 contain miscellaneous provisions, including definitions of the terms in the bill, territorial extent and commencement terms. Although the bill would extend to England, Wales and Northern Ireland, the provisions would only apply in England and Northern Ireland.

### **3. House of Commons proceedings**

The bill was passed by the House of Commons without amendment. No amendments were tabled to the bill during committee stage and there was no report stage. This section briefly outlines some of the comment and discussion on the bill in the Commons.

#### **3.1 Second reading**

Opening second reading, Angela Richardson noted the support for the bill, both across the House of Commons and externally.<sup>12</sup> For example, she said it had been positively received by animal welfare organisations such as the Royal Society for the Prevention of Cruelty to Animals and World Animal Protection.

Ms Richardson spoke about the poor welfare practices suffered by many animals linked to activities abroad, and said that these activities were being promoted by a number of UK travel companies:

Although two big-name companies have worked with World Animal Protection to proactively remove captive wildlife entertainment from their businesses, five of the most influential travel companies in the UK continue to sell harmful, exploitative wildlife experiences, such as swimming with dolphins, wildlife shows, big cat petting and selfies, animal rides and bathing.

Some of the methods used to train these highly intelligent animals to perform include: depriving dolphins of food so they will perform; confining dolphins to tanks 200,000 times smaller than their natural home range—the tanks are nearly always featureless, with little mental stimulation; separating elephant calves from their mothers at a young age, restraining them with only minimal movement and keeping them in isolation to break them; and subjecting elephants to

<sup>12</sup> [HL Hansard, 3 February 2023, cols 601–3.](#)

violent training regimes, such as repeated beatings with hooks and sticks, as well as reducing their natural roaming range, which varies from between 30 and 600 square km in the wild.<sup>13</sup>

Ms Richardson thanked the government for supporting the bill and outlined how it would outlaw the sale and advertising of specified low-welfare activities abroad. She said that the Department for Environment, Food and Rural Affairs had indicated it would consider consulting on the first application of the new powers in the bill after royal assent. She urged Scottish and Welsh officials to engage with animal welfare charities to implement similar measures.<sup>14</sup>

Shadow Home Office minister Holly Lynch stressed Labour's backing for the legislation.<sup>15</sup> Ms Lynch also outlined many of the low-welfare practices animals faced, and said she was happy to support any measures to protect animals from abuse. She hoped the legislation would lead to a more responsible and ethical tourism industry:

Wildlife tourism is a diverse industry and it is important to note that there are some responsible operators and ethical activities available. I sincerely hope that today ushers in a new era of kinder, more responsible wildlife tourism where conservation underpins any such activities.<sup>16</sup>

The minister for natural environment and land use, Trudy Harrison, reiterated the government's support for the bill and stated that it would form another key part of the government's animal welfare reforms:

We see the bill as an important contribution to our ambitious animal welfare reforms that we have been making since this government came to power. I manage 40 workstreams on our animal welfare action plan. All are making considerable progress, but there is no provision within the law to regulate the advertising and sale of animal activities abroad. That means that unacceptably low welfare activities can currently be advertised to tourists by domestic travel agents.

[...]

Animals used in the tourist trade are often subjected to brutal and cruel treatment to ensure their compliance. Our concerns relate not just to the activities themselves, but to the severe training methods that are used to train and sometimes force the animals to behave in the desired way. Any change we can make here in the United Kingdom to raise animal welfare standards across the globe is a positive.<sup>17</sup>

Addressing questions about how it would deal with specific cases of animal cruelty abroad, the minister explained that this would be dealt with through the secondary legislation available under the bill's provisions.

<sup>13</sup> [HL Hansard, 3 February 2023, cols 601–2.](#)

<sup>14</sup> [HL Hansard, 3 February 2023, cols 603.](#)

<sup>15</sup> [HL Hansard, 3 February 2023, cols 606–8.](#)

<sup>16</sup> [HL Hansard, 3 February 2023, cols 607.](#)

<sup>17</sup> [HL Hansard, 3 February 2023, cols 608–9.](#)

The bill passed second reading without a vote.

### 3.2 Committee stage and third reading

During committee stage on 8 March 2023, the government gave further details on the process for regulations and deciding on what low-welfare activities would be covered. The minister for environmental quality and resilience, Rebecca Pow, explained:

The decision about which animals and activities the ban will apply to will be based on evidence [...] A ban will be implemented only when compelling evidence of the need for it is submitted [...] all activity regulations will be subject to parliamentary scrutiny via the affirmative procedure.<sup>18</sup>

The minister also explained why the bill provisions would only be applying to England and Northern Ireland:

This is a devolved matter, and it will be up to the relevant devolved administrations to consider whether they would like to bring in a similar framework. We welcome Northern Ireland's joining in with the bill.<sup>19</sup>

Both the minister and the bill's sponsor hoped the bill would contribute to a reduction in low-welfare activities around the world, to the benefit of animals and people. The minister stated:

We hope the legislation will be a message to the world about low-welfare activities, which have been going on far too frequently, and which affect not only the poor creatures we have discussed, but those who work with them. They also endanger tourists. As we set this example for the world to follow, we will start to see a real shrinking of this activity.<sup>20</sup>

The bill's sponsor, Angela Richardson, made a similar point when opening third reading on 17 March 2023:

Although we cannot enforce our laws in other sovereign states, there are actions we can take domestically to protect animals, including by passing this bill. We can work domestically to steer the market away from promoting these experiences and towards a travel industry that is more conscious of animal welfare, supporting both tourists and suppliers to make more informed decisions about what to buy and offer respectively. By reducing the visibility of low-welfare experiences on our high streets and in brochures, we can encourage different choices for tourists.<sup>21</sup>

Although she welcomed action being taken by some in the tourism industry to reduce the promotion of low-welfare activities, including the guidelines published by the ABTA, she noted this was only

<sup>18</sup> House of Commons Public Bill Committee, '[Animal \(Low-Welfare Activities Abroad\) Bill](#)', 8 March 2023, col 7.

<sup>19</sup> House of Commons Public Bill Committee, '[Animal \(Low-Welfare Activities Abroad\) Bill](#)', 8 March 2023, col 8.

<sup>20</sup> As above.

<sup>21</sup> [HL Hansard, 17 March 2023, col 1147.](#)

voluntary.<sup>22</sup> She asserted the need for the clear statutory approach provided by the bill. She said that “the scale of animal cruelty in wildlife tourism cannot be overestimated”.<sup>23</sup>

Angela Richardson finished by thanking the House for the cross-party support the bill had received and the Department for Environment, Food and Rural Affairs for its assistance with it.<sup>24</sup> She also thanked organisations such as Save the Asian Elephant and World Animal Protection for supporting the legislation.

The government and Labour both reiterated their support for the bill and it passed third reading without a vote.<sup>25</sup>

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<sup>22</sup> [HL Hansard, 17 March 2023, col 1146.](#)

<sup>23</sup> [HL Hansard, 17 March 2023, col 1146.](#)

<sup>24</sup> [HL Hansard, 17 March 2023, col 1149.](#)

<sup>25</sup> [HL Hansard, 17 March 2023, col 1146–55.](#)

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