



BRIEFING PAPER

Number 06504, 6 January 2017

Live animal exports within the European Union

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Summary

EU rules to protect live animals during transport and related operations were agreed in 2004, and implemented in the UK in 2007, though there have still been a number of campaigns against such exports on welfare grounds. The UK vote to leave the EU has prompted renewed calls to ban live animal exports.

Live animal exports: what is it?

Live animals are exported to other EU countries from the UK for several different purposes: breeding, fattening, and slaughter. Across the whole of the EU every year, around four million cattle, 28 million pigs, four million sheep, 243 million poultry and 150 thousand horses are transported for more than eight hours within the EU.

EU Regulations: protection of animals during transport

The transport and export of live animals within the European Union is regulated by Council Regulation (EC) 1/2005 on the protection of animals during transport. This sets out a series of measures, including requirements for transporters to be authorised, vehicle and container requirements, limits to time in transit and requirements for authorised rest stops. These rules do not allow unfit animals to travel and set minimum age of travel for different animals. Different rules apply to journeys under and over 65km, and those under and over eight hours.

The Commission reviewed these regulations in 2011. This review found that the regulations had had a positive impact, but acknowledged that severe animal welfare problems persisted. The main concern related to enforcement of the regulations.

UK implementation

In England the Regulation is implemented through the Welfare of Animals (Transport) (England) Order 2006, parallel regulations apply in Scotland, Wales and Northern Ireland. The Animal and Plant Health Agency (APHA) is responsible for carrying out inspections of animals at point of loading and at ports. Trading Standards also has powers to inspect animals during transport, and is responsible for carrying out any prosecutions under the regulations.

Is the vote to leave the EU an opportunity to ban live animal exports?

There have been a number of campaigns against live animal exports on welfare grounds, and the issue hit the news in 2012-13 when 40 sheep were euthanised on welfare grounds at the Port of Ramsgate. In a court case that followed the High Court ruled that the Port could not ban live animal exports, on the grounds of freedom of movement within the EU and existing UK legislation.

There has been speculation that once the UK leaves the EU, it could ban this trade through amendments to Harbour Docks and Piers Clauses Act 1847. In November 2016, the Minister explained that the government has not yet reached a position on the nature of future arrangements concerning live animal exports once we leave the EU.

1. Live animal exports

Live animals are exported to other EU countries from the UK for several reasons: for breeding purposes; for further rearing ('fattening'); and for slaughter. Between 1 January 2016 and 31 October 2016, the UK exported 385,424 live sheep and 33,861 live cattle to the EU for a mixture of these purposes.¹ And every year, the EU estimates that around four million cattle, 28 million pigs, four million sheep, 243 million poultry and 150 thousand horses are transported for more than eight hours within the EU.²

Scale and value of UK live animal exports, 2011-2015

The tables below provide data for the past five years on the value of live animal exports from the UK by country as well as the size of the exports in tonnes.

These charts show that the value (£4.4 million) and tonnage (16,112 tonnes) of UK live animal exports in 2015 was the highest it has been for the past five years—making up 0.2% of the value of all UK exports. And that exports from the UK have increased by a quarter since 2011, while exports from England have increased by nearly 66 per cent in the same time.

UK exports of live animals by country, 2011 - 2015, value in £000s

£000s

	England	Northern Ireland	Scotland	Wales	Unknown	UK
2011	310,523	12,685	55,019	553	22,674	401,454
2012	279,680	11,157	50,991	1,033	24,446	367,307
2013	314,011	11,583	39,591	918	29,218	395,321
2014	300,506	16,514	37,174	1,164	50,961	406,319
2015	341,902	17,201	51,376	2,270	28,749	441,498

Source: HMRC UK Trade Info

UK exports of live animals by country, 2011 - 2015, net mass in tonnes

net tonnage

	England	Northern Ireland	Scotland	Wales	Unknown	UK
2011	3,847	7,515	366	70	600	12,398
2012	4,087	6,648	352	103	553	11,743
2013	3,823	4,180	355	20	874	9,252
2014	4,168	7,876	347	45	3,218	15,654
2015	6,383	8,537	487	140	575	16,122

Source: HMRC UK Trade Info

¹ [PO 50924](#) [Livestock: Exports] 4 Nov 2016

² European Commission "[Animal welfare—Main achievements,](#)" accessed: 21 November 2016

Welfare issues in transport

Live animals transported in poor conditions over long distances can suffer from a number of different welfare problems including: Mental distress; injuries due to unsuitable transport arrangements; hunger and dehydration; and heat stress.

Farmers have a legal responsibility to ensure their animals are transported in a way that won't cause injury or unnecessary suffering.³ Despite this, there have been a number of campaigns to ban or limit live animal exports on animal welfare grounds.⁴

³ Defra, "[Live transport: welfare regulations](#)", 29 August 2012

⁴ [Compassion in World Farming](#) have campaigned to end live exports and to see a maximum journey time across Europe of eight hours to slaughter or for further fattening; the [RSPCA](#) similarly have a campaign to end long distance live transport of animals.

2. EU Legislation: Animal welfare during transport 2005

Rules for improving animal welfare during transport in Europe were first implemented in 1977. These were subject to revision in 2005 following agreement between EU Ministers in November 2004.⁵ [Council Regulation \(EC\) No 1/2005 on the protection of animals during transport and related operations](#)⁶ provides for checks on animals moving within the EU, entering or leaving the EU, and aims to prevent injury or unnecessary suffering to the animals.⁷

Box 1: Key Points of the Regulation

The regulation places the following requirements:

- Transport arrangements must be made in advance to minimise the length of the journey and meet the animals' needs
- The animals must be fit to travel
- The means of transport, and loading and unloading facilities, must be designed, constructed, maintained and operated so as to avoid injury and suffering and ensure the animals' safety
- People handling the animals must be properly trained and may not use any form of violence
- Transportation to the destination must take place without delay and involve regular checks on the animals' welfare
- Sufficient height and floor space must be available for the animals
- Water, feed and rest must be provided when needed.
- Transporters must:
 - have authorisation from the relevant national authority for all journeys over 65 km
 - provide documentation containing details such as the animals' origin and ownership, their destination and expected journey time
 - ensure an attendant accompanies the animals, unless they are in containers with sufficient feed and water.
- National authorities must inspect and approve vehicles and ships used to transport animals by road and sea for long journeys before these may be used.
- Keepers of animals, and operators of assembly centres (holdings, collection centres and markets), must ensure the rules and welfare standards are followed at the various points of departure, transfer or destination.
- National authorities must require transporters to:
 - be based in an EU country
 - demonstrate they have sufficient and appropriate staff, equipment and operational procedures
 - have no record of serious breaches of EU or national animal protection rules during the previous 3 years.
- For **long journeys** between EU countries and to destinations outside the EU:
 - transporters must have the necessary authorisation, documentation, satellite navigation system and contingency plans for emergencies
 - national authorities must carry out checks at the point of departure and on a random basis thereafter.

⁵ ["EU tightens transport laws"](#), *Farmers Weekly Interactive*, 23 November 2004

⁶ [Council Regulation \(EC\) No 1/2005 on the protection of animals during transport and related operations](#)

⁷ EU, ["Animal welfare during transport – EU rules"](#). Accessed: 18 November 2016

- In the event of an **emergency** or **failure to apply the welfare rules**, national authorities can insist that the transporter:
 - changes the driver or attendant
 - makes a temporary repair to the means of transport
 - transfers the consignment to another vehicle
 - returns the animals to their point of departure
 - unloads the animals and holds them in suitable temporary accommodation.

2.1 Review of the regulations, 2011

The regulation stipulated that a review of its impact had to be carried out within four years of it coming into force. The EU carried out this review, and [published a report in November 2011](#).⁸ This report concluded that the regulation had had a positive impact on the welfare of animals during transport. However, it also acknowledged that “severe animal welfare problems during transport persist.”⁹

The main concerns raised by the report related to effective enforcement of the regulations. Nevertheless, the Commission did not propose new legislation to solve these problems. Rather it favoured a “steady legal situation”, so that Member States and stakeholders could focus on enforcement. The Commission’s proposed solution to the problems identified in the report included:

- adopting new implementing rules concerning satellite tracking systems;
- an increase in the number of inspections (where needed) to improve existing controls;
- better reporting on compliance by Member States;
- a study into the welfare of fish during transport; and
- increased co-operation and communication between the competent authorities and NGOs to collect and analyse information on difficulties and to share experiences on possible solutions related to the implementation of the Regulation.¹⁰

Some pressure groups were not happy with the outcome. For instance, Animal welfare charity, [Compassion in World Farming \(CIWF\)](#), was left disappointed that the report did not propose any new legislation, despite showing shortcomings. Joyce D'Silva, Director of Public Affairs at CIWF, said:

Investigations continue to reveal the terrible suffering endured by millions of animals during transport. How can the European Commission acknowledge that the Transport Regulation needs updating, yet fail to suggest any changes to the legislation?¹¹

⁸ EU Commission, [Report From The Commission To The European Parliament And The Council On The Impact Of Council Regulation \(EC\) No 1/2005 On The Protection Of Animals During Transport](#), 10 November 2011

⁹ Ibid.

¹⁰ Ibid.

¹¹ CIWF, [“Dismay at EU Live Transport report”](#), 10 November 2011, accessed: 21 November 2016

8 Live Animal Exports within the European Union

Conversely, the National Farmers Union (NFU) is broadly supportive of live animal exports. For instance, in 2013, NFU South East spokesman Frank Langrish described the trade as “a perfectly legal, legitimate and valuable trade.”¹² He added that “It is not in the commercial interests of anyone in the livestock trade to transport animals in a way that results in sick, injured or stressed animals.”¹³

¹² [“Farmers' union - live exports 'legal and legitimate'”, *ITV news*, 2 May 2013](#)

¹³ *Ibid.*

3. UK implementation

The Council Regulation was implemented in the England by the [Welfare of Animals \(Transport\) \(England\) Order 2006](#), and by parallel legislation in [Scotland](#)¹⁴, [Wales](#)¹⁵ and [Northern Ireland](#)¹⁶. This legislation makes it an offence to transport any animal in a way likely to cause injury or undue suffering.

In 2011, [Defra published guidance](#) on the regulations.¹⁷ The rules do not allow unfit animals to travel and set a minimum age of travel for different animals. Different rules apply to journeys under and over 65km, and those under and over eight hours. There are also rules requiring drivers and attendants and assembly centre personnel to be trained and competent.

The regulation does not apply to the transport of animals where this is not in connection with economic activity i.e. those which are not in the course of business or trade and/or not for hire or reward.¹⁸

3.1 Journey length and duration

Welfare during transport rules require all journeys to be logged. Journeys up to eight hours involving any species of animal as part of an economic activity, require an Animal Transport Certificate (ATC) or similar document. Journeys over eight hours and involving dispatching and exporting farm livestock, require a Journey Log.

- For journeys less than 65 kilometres businesses must have an ATC.
- For journeys over 65 kilometres and under eight hours a business must hold: a valid transporter authorisation for short journeys (Type 1); and valid certificates of competence for drivers and handlers.
- For Journeys over eight hours businesses must hold: a valid transporter authorisation for long journeys (Type 2); valid certificates of competence for drivers and handlers; and valid vehicle/container approval certificates.

3.2 Transporter Authorisation

Anyone wishing to transport animals as part of an economic activity must apply to the Animal and Plant Health Agency (APHA) for a transport authorisation. An authorisation will last for five years unless revoked or suspended.

There are two types of authorisation: short journey (Type 1) authorisation for journeys over 65km and up to eight hours duration; and long journey (Type 2) authorisation for journeys over eight hours.

¹⁴ [The Welfare of Animals \(Transport\) \(Scotland\) Regulations 2006](#)

¹⁵ [The Welfare of Animals \(Transport\) \(Wales\) Order 2007](#)

¹⁶ [The Welfare of Animals \(Transport\) Regulations \(Northern Ireland\) 2006](#)

¹⁷ Defra, "[Welfare of Animals During Transport: Guidance on implementation in the United Kingdom](#)", 2011

¹⁸ Defra, "[Animal welfare Guidance](#)". Accessed: 21 November 2016

Vehicles and containers used for transporting animals must be certified and inspected by an approved body. This is a self-financing scheme and bodies are allowed to make a reasonable charge for their services.¹⁹

3.3 Satellite navigation and tracking systems

[Defra's guidance explains](#) that “vehicles used to transport cattle, sheep, pigs, goats and unregistered domestic horses on long journeys must be equipped with a satellite navigation tracking system.”²⁰

3.4 Enforcement

Local councils have primary responsibility for enforcing these regulations. For this Trading Standards officials carry out welfare checks on animals and checks on the suitability of means of transport. In cases where transporters are found to be in breach of the regulations, Trading Standards will take appropriate enforcement action up to and including prosecution.

The Animal and Plant Health Agency (APHA) carries out enforcement checks at markets, ports, roadside and at supervised loadings of export consignments. They enforce compliance with journey times through checks of journey documentation. On 4 November 2016, Defra Minister George Eustice set out [the number of vehicles inspected by the APHA in different locations over the previous three years](#). He explained that in 2016 (January to November), 127 vehicles were inspected during the loading of live animals—more than the 66 inspected in 2015 and 99 inspected in 2014. While there were 72 vehicles inspected at ports from which live animals had been exported in 2016—fewer than the 121 inspected in 2015 and 96.²¹

Prosecutions

The APHA refer any serious infringement of the legislation to the relevant local authority for investigation by trading standards, with a view to prosecution.

According to Trading Standards any person who contravenes the Welfare of Animals (Transport) (England) Order 2006 commits an offence against the *Animal Health Act 1981* and as such each offence attracts a fine of up to £5,000 and/or six months' imprisonment on summary conviction.²²

From 2013 to 2015, there were 37 convictions²³ for breaches of regulations protecting animal welfare during transport in England and Wales.²⁴

¹⁹ Defra, [Vehicle inspection and approval scheme](#), March 2011

²⁰ Defra, “[Welfare of Animals During Transport: Guidance on implementation in the United Kingdom](#)”, 2011

²¹ [PQ 51396](#) [Livestock: Transport] 4 Nov 2016

²² Manchester City Council Trading Standards, [Farm animal transport journey times](#), December 2012

²³ Defra can provide information on the number of convictions rather than on the number of prosecutions. Separate figures are not kept for convictions relating to live animal exports.

²⁴ [PQ 52955](#) [Livestock: Exports] 18 Nov 2016

4. Campaigns to end live animal transport

There have been a number of campaigns seeking to either ban live animal transport altogether, or to limit how far (and long) an animal can be transported on welfare grounds. Some of these campaigns have focussed on live animal exports through the Ports of Ramsgate and Dover, and specific events in 2012 (see box 2).

The Government maintains that it is not possible to ban the trade of animals within the EU. However, the vote to leave the EU has prompted a number of campaigners to suggest that it would be possible to ban live exports after an exit. The Government has not stated its position on post-Brexit arrangements, or its negotiating position with regards to live animal exports. However, in a debate on live animal exports in December 2012, the then Minister explained that he believed that “if the legal requirements laid down in the EU welfare and transport legislation are observed, there is a satisfactory level of protection for the animals being transported.”²⁵

4.1 Protests over live exports from Ramsgate and Dover

Owing to their close proximity to continental Europe, and the associated live export trade, both the ports of Ramsgate and Dover have been the subject of high-profile campaigns against live animal exports. And in December 2012 featured prominently in a [Parliamentary debate on live animal exports](#).²⁶

In 2012, Thanet Council imposed a ban on live exports from Ramsgate after the deaths of more than 40 sheep. However, this temporary suspension was lifted when its actions were ruled to be a breach of EU free trade rules.²⁷ Moreover, live exports from Dover, which were previously suspended due to concerns about the suitability of the ships used, resumed on 2 May 2013.

Box 2: Live animal exports temporarily suspended at the Port of Ramsgate after an incident in which 45 sheep died

On 12 September 2012, a vehicle transporting more than 500 live sheep through the Port of Ramsgate was declared unfit to travel. The animals had to be removed from the lorry and held in temporary holding pens at the Kent port. In total 45 sheep died; 43 of the animals had to be put down, and six fell in the water (four were rescued by RSPCA officers) but two drowned. The AVHLA asked trading standards officers to investigate potential breaches of animal welfare regulations. In February 2014, it was reported that the Director of Channel Livestock had been given a suspended prison sentence and ordered to pay £5,000 in costs by Dover Magistrates. The company was also fined £4,000 and ordered to pay £10,000 in costs.²⁸

²⁵ [HC Deb 13 Dec 2012 c528](#)

²⁶ [HC Deb 13 Dec 2012 cc479-535](#)

²⁷ BBC, “[Thanet Council to be sued over Ramsgate animal export ban](#)”, 21 February 2013

²⁸ “[Ramsgate animal exporter Thomas Lomas gets suspended jail sentence](#)”, BBC, 13 February 2014

The [Minister made a statement to the House](#) concerning the incident at Ramsgate port in March 2013.²⁹ In this statement he explained that he had asked the Animal Health and Veterinary Laboratories Agency (AHVLA, now known as APHA) to review its operational procedures and the application of the EU rules on welfare during transport to livestock exporters to ensure that all was done to prevent such an incident happening again. The Minister also explained that the AHVLA would inspect every consignment passing through Ramsgate.³⁰

Protests at Ramsgate continued in 2016. In July, 50 protesters attempted to block a lorry "carrying sheep as they entered the Kent port for first shipment of live animals of the year."³¹ NFU spokesman Frank Langrish, spoke to the BBC and conceded that Ramsgate and the ferries used were not ideal for this trade, but asserted that, "the protesters are looking at this in completely the wrong way. They need to be persuading the large ferry companies to carry our local livestock."³²

4.2 RSPCA 'End long distance live transport!'

The RSPCA are concerned that "millions of farm animals" transported around Europe for further fattening and slaughter are suffering from stress, exhaustion, thirst and rough handling.³³ The RSPCA are therefore calling for:

- An end to long-distance transport of live animals in favour of a 'carcass-only' trade
- A maximum eight-hour journey time for all animals travelling for slaughter or 'further fattening' across the EU
- Amendments to existing legislation that allow ports to refuse the cruel trade in live animals
- While the trade continues, that there is full adherence to current laws and enforcement agencies effectively minimise the suffering of the animals.³⁴

Farming groups, such as the NFU, have opposed moves to introduce bans on live exports for several reasons. The NFU South East spokesman, maintains for instance, that for some farmers in the south east their closest abattoir, by journey time, is actually on the continent.³⁵ The NFU therefore maintain that a ban on live animal exports could ultimately lead to longer journey times for animals going to slaughter.

Moreover, for farmers in remote parts of the UK have opposed maximum journey times on the grounds that it could mean that they

²⁹ [HC Deb 4 Mar 2013: c53WS](#)

³⁰ Ibid.

³¹ BBC, "[Brexit call for Ramsgate live animal exports ban](#)", 21 July 2016

³² BBC, "[Brexit call for Ramsgate live animal exports ban](#)", 21 July 2016

³³ RSPCA, "[End long distance live transport!](#)", accessed: 21 November 2016

³⁴ RSPCA, "[End long distance live transport!](#)", accessed: 21 November 2016

³⁵ ITV News, "[Farmers' union - live exports 'legal and legitimate'](#)", 2 May 2013

would no longer be able to trade with other parts of the UK, which are further away than eight hours.^{36 37}

4.3 UK Ban and the Government's position

The Government's position is that it is not possible to ban the trade of live animals within the EU, as set out in the following statement by the Minister:

The Government's position is that we would prefer animals to be slaughtered as close as practicable to their point of production; a trade in meat and meat products is preferable to the long distance transport of animals.

However, the live export trade is a lawful trade when welfare in transit is complied with. We cannot ban it. This has been proved in the High Court and in the European Court of Justice.³⁸

Harbour Docks and Piers Clauses Act 1847(Amendment) Bill 2016-17

This [Private Members' Bill](#) was introduced by Craig Mackinlay MP. The Bill had its first reading on Wednesday 13 July 2016, and has its second reading scheduled for 24 March 2017. The purpose of the Bill is to provide local authorities with the power to stop live animal exports.

Speaking to the BBC on 10 May 2016, Mr Mackinlay said the local community was "unified" in its support for a ban:

There's a lot of activists across Kent that don't want to see this trade through Ramsgate Port. So I think this really does hit what local people want and that's why I brought it forward.³⁹

Currently, *The Harbours, Docks and Piers Clauses Act 1847* states that all ports must allow the free trade of 'goods', including farm animals. This Bill would amend section 33 of the Act "to allow local authorities to proscribe, in certain circumstances, the transport of live animals for slaughter abroad via facilities that local authorities control and operate; and for connected purposes."⁴⁰ This would give local authorities powers to ban the transport of live exports through ports under their control.

In November 2013, in response to an [e-petition](#), the Coalition Government explained that amendments to the Harbour Docks and Piers Clauses Act 1847 "would not be an appropriate legal instrument to use to introduce an effective barrier to trade for the use by port authorities as they see fit."⁴¹

Mention is made of possible amendment to the Harbour Docks and Piers Clauses Act 1847. UK ports are generally subject to the requirements derived from Section 33 of this legislation. This states that:

...the Coalition Government explained that amendments to the Harbour Docks and Piers Clauses Act 1847 "would not be an appropriate legal instrument to use to introduce an effective barrier to trade for the use by port authorities as they see fit."

³⁶ Sarah Linney, "[The Big Debate: The return of live animal exports](#)", *Kentnews.co.uk*, 16 March 2014

³⁷ [HC Deb 12 Dec 2012 c495](#)

³⁸ [HC Deb 6 Dec 2012 c893W](#)

³⁹ BBC, "[Ramsgate live animal export ban backed by Craig Mackinlay MP](#)", 10 May 2016

⁴⁰ [Harbours, Docks and Piers Clauses Act 1847 \(Amendment\) Bill](#)

⁴¹ [e-petition](#): 'Live Transport of Farmed Animals', November 2013

Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers.

This legislative provision is designed to ensure that ports are available to all without discrimination in a consistent manner. It would not be an appropriate legal instrument to use to introduce an effective barrier to trade for the use by port authorities as they see fit. In any case, attempting to ban the live export trade in this way would still be illegal as it would undermine the principle of the free movement of goods enshrined in the Treaty on the Functioning of the European Union.⁴²

Leaving the EU

There has been speculation since the EU referendum vote that the UK could push for a ban on live animal exports. For instance, on 29 August 2016, animal welfare group CIWF launched a campaign to use the Brexit result to stop live animal exports.⁴³ The NFU are opposed to a ban on this trade.

The Government has not commented on how it will regulate live animal exports once the UK leaves the EU. On 10 November 2016, in response to a question on whether the Government will allow individual ports to ban live animal exports after the UK has left the EU, Defra Minister George Eustice stated:

Until exit negotiations are concluded the UK remains a full member of the European Union (EU) and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.

The government has not yet reached a position on the nature of future arrangements once we leave the EU.⁴⁴

⁴² [e-petition](#): 'Live Transport of Farmed Animals', November 2013

⁴³ Jane Dalton, "[Brexit is chance to halt 'shameful' live animal exports, say protesters](#)", *Daily Telegraph*, 29 August 2016

⁴⁴ [PQ 51663](#) [Livestock: Exports] 10 Nov 2016

5. Next steps

The Government has stated that it would prefer animals to be slaughtered as close as practicable to their point of production, but it also sees room for a live export trade when welfare standards are met. While changes to the existing EU legislative framework appear unlikely, the UK Government *could* decide that it wants to ban live animal exports after it has left the EU. Whether this is possible, or desirable, will likely be determined by the wider negotiations on trade, and whether the UK remains part of the customs union post-Brexit.

Campaign groups have suggested that one route for banning live exports would be via amendments to *The Harbours, Docks and Piers Clauses Act 1847*. However, in 2013 the Coalition Government stated that amendments to this Act would not be an appropriate legal instrument to ban live animal exports, in part because it would undermine the principle of the free movement of goods. However, some critics claim that changes to this Act to give councils these powers would be unfair, and could lead bans on other products.⁴⁵

Nevertheless, the Harbours, Docks and Piers Clauses Act 1847 (Amendment) Bill 2016-17 (a Private Members' Bill) is scheduled to have its second reading on 24 March 2017.

⁴⁵ BBC, ["Ramsgate live animal export ban backed by Craig Mackinlay MP"](#), 10 May 2016

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