

Submission from Jim Allister KC MP on the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024

I write to draw the Committee's attention to the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024 which were laid on 10th October.

I do so very much with your terms of reference in front of me and wish to comment specifically under:

3 (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House:

(d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

And also

(e) that there appear to be inadequacies in the consultation process which relates to the instrument.

3 (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House:

The regulations are politically and legally important, giving rise to issues of policy likely to be of interest to the House because they give effect to a new aspect of the Irish Sea Border that has not had expression until this point because of grace periods and which will impact the everyday lives of people seeking to move for non-trading purposes from one part of the country to another when they travel with pets.

These kinds of impediments have not been applied to the movement of people travelling with pets before when moving from one part of the country to another.

Under the terms of the Regulations, it will only be possible for UK citizens to travel from one part of the United Kingdom (GB) to another (NI) with pets if they have ensured that:

- First, their pet is fitted with a 'transponder that complies with the technical requirements set out in Annex II to Regulation (EU) No 576/2013'
- Second, they successfully applied to join the NI Pet Travel Scheme and have a Pet Travel document - which amounts to a pet passport - meeting the requirements for that document which remain obscure because their definition, and indeed the potential for their definition to be changed, rests not with the UK Parliament but with the EU.
- Third, as people travel with their pets they must submit their pets to checks both when joining the boat and when getting off the boat, and these must encompass both full documentary and full identity checks.
- Fourth, that if they are found wanting in any way, they must suffer the inconvenience of being sent immediately to an SPS facility, where what happens after that point remains completely unclear.
- Fifth, that if their UK Pet Travel Document is not granted or suspended UK citizens will lose the right they have hitherto enjoyed to move freely across their own country with their pets.

I appreciate that the Government will be keen to point out that the inconvenience associated with the imposition of this iteration of the Irish Sea Pet Border will be less than that associated with Protocol as originally envisaged but since that was never implemented, these new proposals that are supposed to come into force next year, do not represent an improvement in the situation confronting people wishing to move around their own country with their pets but an unparalleled deterioration in this regard and a deterioration without any justification.

The terms of the regulations make it plain that people travelling with pets from GB to Northern Ireland lose access to a common travel area (in the sense of being able to move unimpeded) even within the UK.

If someone travels with a pet dog and wishes to go from GB to NI then they cannot cross the border into ROI and effectively lose the access to the common travel area unless they submit to the full rigour of moving animals from a third country into the EU, in line with Regulation (EU) 576/2013.

There are two difficulties here:

First, while in the normal course of events that treatment of citizens of one country moving with their pet to another country would be acceptable, it is far from clear that it is acceptable for movements of people with pets from the UK to ROI because of the Common Travel Area that exists between the UK and ROI.

Second, if the person moving an animal into Northern Ireland does not have to be subject to the full range of inconveniences associated with taking their pet from NI into ROI (Regulation (EU) 576/2013), and they are just going from GB to NI, then there can be no justification for placing any additional demands on them, as per these new regulations, for simply travelling with their pets from one part of their own country to another.

Indeed, isn't it striking and significant that to move pets from NI into ROI it is anticipated that for these purposes there will be a full SPS border based on the actual border - something we are told is not possible and, instead, for all other purposes the SPS border must be between GB and NI.

In a country where it is said that 'a dog is a man's best friend' it is not possible to impose these kinds of restrictions without impeding the freedom of movement of the people to whom these pets belong, because for many, leaving their animals behind is not an option and no one should be forced to do so on account of the imposition of an international SPS border across one's own country by a foreign power.

Setting aside the position one chooses to take on these issues, there can be no doubt that these regulations raise big issues of real political and constitutional importance.

The constitutional and procedural difficulty presented by these regulations is compounded for scrutiny purposes by the fact that their actual purpose is to give effect to Article 12 of EU Regulation 2023/1231. In the absence of EU Regulation 2023/1231 the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024 would be meaningless and thus it is quite impossible to assess them without also assessing EU Regulation 2023/1231.

Moreover, if one reads both instruments it is clear that EU Regulation 2023/1231 is by far the more foundational in the sense that the EU rather than the UK controls the definition of the governance of the international SPS border that divides the UK into two. This is underlined by the fact that Article 14 of EU Regulation 2023/1231 makes it plain that if the EU decides that the UK has not been complying adequately with Article 12, it has the right to remove the border experience defined by Article 12 defaulting back to EU Regulation 2023/1231, and making the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024 effectively null and void

In scrutinising these regulations, it is very important that both these complexities are kept in mind.

In recognising the sense in which these regulations are legally and politically important, it is also important to keep in mind the sense in which, in introducing a new aspect of an international SPS border across the United Kingdom, these regulations break international law as set out, for example, by the UN Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

“Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. ... The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles. ... Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail” . [Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.](#)

3(d): that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument’s policy objective and intended implementation;

The explanatory memorandum makes it plain that no real impact assessment has been made on two bases:

First, that the regulations present a less disruptive border experience than previously, but that is only ‘than previously’ in an effectively meaningless theoretical sense, because the border experience they replace was never ever imposed and so for the purposes of lived experience, these regulations actually present a profound increase in the complexities associated with the movement of pet animals compared to those experienced previously. That is the only relevant perspective for the purpose of assessing the need for an Impact Assessment and on that basis the need for an Impact Assessment is stark.

Second, that the Government states these changes will have a minimal impact on businesses. That seems fairly irrelevant since the primary impact of concern arising from these regulations plainly is not in relation to businesses but in relation to individuals and families engaging in their right to free movement within their own country and the removal of the liberty that they have previously enjoyed to travel with their pets without having to have what is effectively a pet passport, with a transponder ‘meeting the requirements of transponder that complies with the technical requirements set out in Annex II to Regulation (EU) No 576/2013’, subject to both documentary and identity checks etc etc.

3 (e) that there appear to be inadequacies in the consultation process which relates to the instrument.

The explanatory memorandum states:

‘In drafting this instrument, the UK Government has considered and reflected engagement with interested stakeholders through user research with pet owners, ferry and airline companies operating travel routes between GB and NI, and commercially owned pet microchip database operators.’

It is clear from this that the Government did not conduct an open public consultation.

There is a huge difference between the Government talking to those it chooses to talk to and running an open public consultation to which anyone with a concern can make a submission.

Given the far-reaching nature of these implications and the constitutional controversy attaching to them, I find it extraordinary that the Government did not see fit to run an open public consultation.

15 October 2024

Response from the Department for Environment, Food and Rural Affairs

The Regulations put in place the basis to operate the arrangements for pet travel that were agreed in the Windsor Framework. Those specifically simplify the arrangements for non-commercial pet movements (cats, dogs, including assistance dogs, and ferrets) from Great Britain to Northern Ireland and addresses significant issues that had rightly been identified with the old Northern Ireland Protocol (which were the previously applicable legal requirements despite the suggestion made in the submission). The scheme ensures that the Government can deliver on its international obligations while providing a sustainable basis for pet travel across the United Kingdom. We of course refute any suggestion by Mr Allister that the UK Government should refuse to give effect to its international obligations.

Turning to the specific points made by Mr Allister:

- Microchipping is already a legal requirement in England, Scotland and Wales for all dogs, and it has been a requirement for cats in England since June 2024. Microchipping is considered good practice already and part of the Government's commitment to world leading standards in companion animal welfare. So this reflects existing requirements and practice.
- The pet travel document is not the same as a pet passport. The document solely requires that pet owners confirm that their pet is microchipped; and that they will not move those pets onwards to the EU (including Ireland) unless the specific requirements for those movements - which have not been changed in any way by the Windsor Framework are met. A pet travel document is free to acquire, simple and quick to apply for online and lasts for the entire lifetime of the pet, and as noted involves significantly less information compared to the passport and does not require a visit to the vet.
- Northern Ireland pet owners will not face any checks and will not be required to hold a pet travel document. Nor will there be any checks for pets travelling from NI to GB. The scheme will, though, ensure that GB pet owners hold a valid pet travel document to mitigate against abuse of the scheme (and as the Framework intends, protect the UK internal market while ensuring appropriate safeguards for the EU market). Of course we recognise that the vast majority of people will comply with the relevant rules and the Government will be providing comprehensive support to those travelling with their pets to ensure they can do so. But it would be odd to suggest that those seeking to abuse the scheme should be able to do without any provision in place to address such actions.
- There was not a public consultation on the pet travel scheme as it was outlined in the February 2023 Command Paper and reflects the UK's international obligations. But the UK Government has engaged comprehensively with interested stakeholders through user research with pet owners, ferry and airline companies operating travel routes between GB and NI and commercially owned pet microchip database operators, in drafting these Regulations. Guide Dogs UK have specifically highlighted the positive impact of removing single-use EU certificates on assistance dog owners travelling to Northern Ireland and the British Veterinary Association has outlined that the arrangement will reduce paperwork for vets and health treatments for pets.
- There are no new requirements applied by the Windsor Framework concerning movements into Ireland. What is required for pets to travel to Ireland as an EU Member State are unchanged. If pet owners wish to travel with their pet to Ireland, then provided

the same rules that have applied throughout Ireland's membership of the EU are adhered to, that remains available to them. There is no impediment to the Common Travel Area from those requirements applying and of course the Framework specifically protects the ongoing operation of the CTA.

17 October 2024

Submissions from members of the public on the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024

Submission from Andrew Hill

Can I say from the outset that I am not a person normally disposed to voicing opinions on political matters, and I consider myself to be proudly British. I am also a member of a family of pet lovers with relatives living in England who are also pet lovers. Travelling to NI, with their pet, has now become an expensive affair requiring a Veterinary certificate valid for one journey only, and vaccinated for Rabies which to my knowledge doesn't exist in GB. The option of leaving the pet behind in Kennels has also a heavy financial burden and causes some anxiety with the younger family members. These Certificates are not required for any other region of GB and in that respect are discriminatory.

The lack of public consultation leaves me concerned that the financial / public impact of the Irish Sea border, imposed by Europe and agreed to by the UK government, has less credence in Government than the political soft landing for Europe. The announcements by Politicians that these regulations had been removed by the Windsor framework has been shown to be at best duplicitous. I believe that if a consultation is required then the public should be consulted and not those in Government and public life with pro-government agenda. If consultation was required on The Good Friday agreement and Brexit on matters which are the cornerstone of the present dilemma then that should have then widest possible remit within the NI community. If Spain cannot dictate terms on Gibraltar, Argentina cannot dictate terms on the Falkland Islands why can Europe and the Pro republican parties within dictate on Northern Ireland.

15 October 2024

Submission from William Alexander

I have just learned that the Government are going to start checks for pets travelling between GB and NI. I would like to raise that there has been no public engagement on this very controversial topic. Also, this has terrible repercussions on people like me who holiday in GB several times a year. Will I not be able to get my pet dog back into NI without a passport/rabies shot? Despite no rabies in Ireland or GB. Vets have voiced concern on giving these shots to pets when not required.

Basically I need papers to return home to NI with my NI pet dog. This is disgraceful and we are on they slowly to a Soviet like state.

Shame shame shame.

15 October 2024

Submission from Arlene Ferguson

I am writing to express my strong concerns about the far-reaching implications of these regulations which clearly demonstrate that the Windsor Framework has failed to remove the Irish Sea Border. This will personally impact on my life and others I know within in the dog showing circles and pet owners.

I wish to register my huge disappointment and concern that this has not been open for public consultation on these regulations. I assume the Government spoke to somebody with some

expertise but this should have been an open public consultation to which anyone could make a submission, not just those the Government decides to liaise with.

As I said before this heavily impacts on my ability to travel with my show dogs and my pets. This will adversely affect the ease of my access to and from the mainland.

We are part of the UK but bit by bit we are losing our sovereignty. Pushed down a road we didn't choose.

Perturbed and unhappy about this.

14 October 2024

Response from the Department for Environment, Food and Rural Affairs

The plans for new pet arrangements under the Windsor Framework were originally set out on 27 February 2023 in the 'The Windsor Framework: A New Way Forward' command paper. The changes made by these regulations are necessary to implement those arrangements. They are a significant improvement on the requirements that would have applied in the original Northern Ireland Protocol and ensure the removal of many of the burdens (particularly rabies vaccines) that are noted in the submissions. We are confident in our view that these are a significant improvement upon those of the original Northern Ireland Protocol.

There was not a public consultation on the approach as it flows from the arrangements enshrined in the Framework which represent the UK's international obligations. But there has been significant engagement through user research with pet owners, ferry and airline companies operating travel routes between GB and NI and commercially owned pet microchip database operators, in drafting these Regulations. We will continue to engage comprehensively in the run up to the scheme's launch, in order to make sure that those travelling with their pets are prepared.

Guide Dogs UK have specifically highlighted the positive impact of removing single-use EU certificates on assistance dog owners travelling to Northern Ireland and the British Veterinary Association has outlined that the arrangement will reduce paperwork for vets and health treatments for pets.

In terms of some of the specific concerns raised, Mr Hill discussed the cost and burden associated with single use Animal Health Certificates for GB-NI movements. The Northern Ireland Pet Travel Scheme removes the requirement for these certificates, replacing them with a life-long pet travel document which is free of charge and simple and quick to apply for online.

Ms Ferguson talked about travelling to and from Great Britain. There are no requirements for those travelling from Northern Ireland (including when returning home), beyond the need for a microchip which is already a legal requirement in the UK, and therefore Ms Ferguson will not be impacted. For those from GB travelling with their pets for a show or exhibition, the derogation which allows them to travel with more than five animals for these purposes remains in place.

Finally, as to medical treatments raised by Mr Alexander and Mr Hill, the scheme specifically ensures that there is no requirement for pet animals to be treated for rabies or tapeworm (recognising that the UK is free of these diseases).

17 October 2024

Further Submissions from members of the public on the Windsor Framework (Non-Commercial Movement of Pet Animals) Regulations 2024

Submission from Gillian Sterritt

I write to you as a pet owner. I am really concerned about draft regulations which clearly demonstrate that the Windsor Framework has not removed the Irish Sea Border in relation to movement with pets between NI and GB. These are important issues that will have a significant impact on travel and tourism in this country and for those of us who travel from Northern Ireland to GB with our pets, for those that compete at agility, field trials and other dog sport activities. I regularly travel with my pets from Northern Ireland to GB this seems like back tracking of previous assurances that pet travel between the UK would not require paperwork.

I wish to register my disappointment that there was no open public consultation on these regulations. This should have been open public consultation to which anyone who owns a pet and travels could make a submission and made their views known. Legislation which will affect pet owners without allowing pet owners to comment publicly is disappointing and concerning.

15 October 2024

Submission from Frances Henderson

As a pet owner in Northern Ireland I am really concerned about the far reaching implications of these Regulations.

I travel to Scotland regularly to visit family and need to take my dog.

This clearly demonstrates that the Windsor Framework has not removed the Irish Sea Border.

I wish to register my concern that there has been no public consultation on this matter.

To find out about this at the last minute is truly disturbing.

Why should I a British citizen be treated differently travelling to Scotland with my dog than a British citizen in Wales?

I do hope this matter is dealt with correctly and not pushed through for convenience.

15 October 2024

Submission from Michael Donaldson

I am a resident of Northern Ireland and an owner of a pet animal namely a dog that falls under the proposed legislation due to come into force in 2024. Having read over a brief outlay of the proposed legislation I am severely disappointed that yet again Northern Ireland residents are being penalised as a follow up to Brexit in quite a few different ways of pet ownership.

As a dog owner who likes to travel to all parts of the UK with a motorhome with her I would like to draw your attention to the following that needs to be carefully considered in detail;

Excessive monetary expense involved in obtaining pet passports, vaccinations etc to travel to and from one part of the UK to another part of the UK that will have significant impact on individuals

income budgets. There should be no restrictions between travelling with a pet from one part of the UK to another and back home again.

No checks are being proposed however from moving between Northern Ireland (UK) and Southern Ireland (not UK).

It should be open to public consultation as it could be construed as being forced upon the population without any input from them.

The EU should have no input as to what is required from pet animal owners within the boundaries of the UK.

Some pet owners already have a pet passport and this is different to a pet travel document that seems to be discussed which costs substantially more money and doesn't last that long.

I therefore urge that a public consultation should be used so that a wide variety of pet owners who will be impacted by this legislation can have their say. This only shows that the Windsor framework hasn't eliminated the Irish Sea border and if implemented would make travelling with a pet from GB to NI that much more difficult, awkward and expensive with unreasonable paperwork demands from pet owners.

Submitted for favourable consideration.

15 October 2024

Submission from Jacqueline Donaldson

To my dismay I realise the current UK Government intends to enforce "quietly" full regulations for the movement of pets between Great Britain and Northern Ireland.

I am VERY concerned that the government appear to be trying to slide these new and excessive rules into place without an open public consultation. Where is the open and transparency in that?

I voted to leave the EU because in my opinion they were becoming a dictatorship, however even now we have allegedly left the EU they are still dictating movement within the UK and unfortunately the UK Government seem to be more than happy to kneel down and roll over every time the EU want to meddle in the affairs of the UK.

Our dog is a much loved member of our family. Would MPs, who are not dog owners, go on holiday and leave their children at home. I don't think so, but this is how pet parents feel when they are not able to bring their dogs on holidays. If these new rules are put in place it will definitely effect tourism across the Irish Sea. We were told there was no Irish Sea border but it would seem to be very much alive and well.

Dogs can travel back and forward freely to the Republic of Ireland from Northern Ireland without pet passports, no rabies jabs and no worming required. No authorities in Ireland check, stop or even enquire about dogs coming over the border therefore do not and cannot enforce EU laws, so how is that fair ?

Of course I am aware these new rules will not stop pets travelling between NI and UK or vice versa but if the ridiculous EU rules are enforced then I would rather stay at home than jump through hoops put in place by a foreign body.

The under-handedness and sleekedness of this new UK government is breathtaking. I had high hopes for Sir Keir Starmer but so far he has been a disappointment. I had hoped he understood Northern Ireland better than he appears to.

At the very least I expect an open public consultation and expect the people to get their say.

15 October 2024

Submission from Helen Bingham

As a pet owner I am extremely concerned and angry about the Windsor Framework (Non Commercial movement of Pet Animals) Regulations 2024 which I understand are due to come into force between March and June next year.

Pets are part of the family and to impose such regulations seriously impacts many people including those who have assistance dogs (many of which stay with their owners as pets after retirement), people who want to visit friends and relatives and those who simply want to enjoy a holiday that includes their pet. Whilst somewhat better than the original protocol, it is ridiculous that pet owners must go through such cumbersome process to travel within their own country.

Furthermore, there has been no open public consultation on these regulations which clearly demonstrate that there remains a border in the Irish Sea. The consequences of these regulations will be far reaching and serious implications for all pet owners throughout the UK and I believe the matter should be brought to the attention of Parliament.

15 October 2024