CALL FOR EVIDENCE ON THE EQUIPMENT THEFT PREVENTION BILL

consultation Date: 18TH May 2023

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales. We help safeguard the interests of landowners, and those with an economic, social and environmental interest in rural land. Our members own or manage around half the rural land in England and Wales and more than 250 different types of businesses.

Consultation background Scope - England & Wales

Response deadline: 13th July 2023

Summary:

We know that many landowners and farmers have suffered from rural crime and this remains a serious issue for a lot of our members.

Times of economic uncertainty and the rising cost of living have always tended to see a directly proportional rise in levels of crime. This is something that affects rural communities as much, if not more , than their urban counterparts. For example stolen agricultural equipment can immediately impact on farmers' ability to feed livestock or harvest crops which are time sensitive activities.

As well as the immediate impact of property theft, we all know that there are other knock-on effects to farm businesses including through loss of income, impact on productivity and associated stress to farmers and landowners.

Although we don't have specific figures relating to rural theft, surveys of members indicate that:

The average financial impact of rural crime per incident is £4,800

Half of rural business owners say that crime has a moderate or great impact on their lives.

60% of rural business owners are fairly or very worried about becoming a victim of crime.

The CLA takes an active lead in encouraging our members to take their own on farm precautions to protect their property and will obviously continue to do so, particularly in relation to existing and second-hand equipment :-

https://www.cla.org.uk/news/preventing-rural-crime/.

Undoubtedly, measures implemented prior to purchase will ensure that more equipment is securely marked and, we believe, will help to reduce theft of these items.

Question 1

Is there any further detail that needs to be added to the legal definition of an ATV as described above and at Clause 2(a) of the bill, to avoid capturing vehicles that are not intended to be covered by this legislation?

Re question 1, Clause 2(a) we would make the following observations:

This could capture a few things it might not want to:

- Certain models of “class 3” mobility scooter, which are road legal but we understand can also be driven indoors and on pavements. Although we don’t feel there is anything wrong with making these harder to steal.
- Track and racing cars which are not road legal (so single seaters, GT3 racers, etc). We think these are already very tightly regulated, and accidentally introducing a new set of security standards could conceivably make things quite awkward for the industry.
- Military equipment.

The wording is very broad, so there may be others. We note that the Bill allows the definition to be tightened further by secondary regulations, so these may not be so problematic. It may however be useful to specifically exclude military vehicles and track cars.

The definition clearly includes buggy style farm vehicles which are becoming increasingly popular with farmers, keepers and rural works and we are supportive that these vehicles are also covered under the legislation.

Question 2

What are the fundamental features of an ATV that distinguish it from other types of vehicles?

The CLA has nothing to add here.

Question 3

“Mechanically propelled machinery designed or adapted primarily for use in agricultural activities; designed or adapted primarily for use other than on a road” will be required to be fitted with an immobiliser, forensically marked and registered on a database.

Does this definition capture the machinery we aim to protect, without inadvertently capturing machinery it would not be appropriate to include?

If not, how should the definition be refined?

The definition seems to largely capture the items we would wish to see protected, however please see comments under question one above re military vehicles.

There are also many examples of vehicles used for estate work (e.g. gamekeeping) which would not strictly be classed as agricultural but are just as vulnerable and equally disruptive to rural businesses.

Question 4

Does the definition need to specify any exemptions? For example, are there any vehicles or equipment that would meet the definition but that are not vulnerable to theft and therefore do not need to be covered?

The CLA does not feel any exemptions are required. Due to the isolated location of many rural businesses and properties a wide range of vehicles and equipment are vulnerable to theft. Whilst there are clearly some items which are more clearly targeted than others, once access to a property has been secured thieves are more likely to be opportunistic for any other items in the same location.

Question 5

Should the definition of machinery also include a Recommended Retail Price threshold, above which the legislation will apply?

Yes

No

If yes:

a) £5,000

b) £10,000

c) other (please specify)

Please provide reasons for your answer.

Any equipment is vulnerable to theft, and even when a piece of equipment is relatively inexpensive the disruption caused between its loss and its replacement could be very substantial.

Question 6

Are you in favour of a requirement for Global Positioning Systems (GPS) used on agricultural machinery to be forensically marked and registered on a database?

Please provide reasons for your answer.

Yes. The theft of these items has increased and these are often high value items, the loss of which has the potential to have a significant impact on farm businesses. According to NFU Insurance figures "the cost of GPS theft has more than doubled to over half a million pounds in the first four months of 2023, compared to the same period last year"

Question 7

Where do you think the threshold should be set to require hand-held power tools to be forensically marked and registered on a database prior to sale?

a) £250

b) £500

c) £750

d) other (please specify)

£250

Please provide reasons for your answer.

As outlined in response to question 5 above.

Questions 8 -15 not answered. Intended for responses from manufacturers/supplies.

Question 16

Do you foresee any practical implications or unforeseen consequences of the legislation proposed in this call for evidence?

It would be likely that any costs of the measures required would be passed on to consumers or may cause some suppliers to withdraw from the market. If they need to meet these regulations in the UK but not anywhere else, and they benefit in other places from selling unregulated kit, they may decide it is not worth altering their manufacturing process purely to stay in the UK market.

There may be a more buoyant theft market for older equipment which isn't marked.

Question 17

Overall are you in favour of the proposed legislation?

The CLA is supportive of the proposed legislation and the positive impact it could have on helping to reduce machinery theft from rural businesses and the potential knock-on impact to agricultural businesses.

Whilst we will continue to advise members to take their own steps to protect any agricultural equipment, it is clear that the manufacturers and dealerships need to play their part in

reducing the risks of these items being stolen. Security marking of new equipment prior to purchase is an important aspect of reducing crime and trade in these items.

Question 18

Please indicate which sector you are from or work in (agriculture, retail, manufacturer, law enforcement etc)

Agriculture.

For further information please contact: Helen Dale, Rural Adviser (Midlands) CLA Midlands, Knightley, Woodseaves, Stafford, ST20 0JW Email: helen.dale@cla.org.uk www.cla.org.uk