NFU Consultation Response

To: Home Office

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Equipment Theft (Prevention) Bill: Call for evidence

Summary of the NFU response

All-Terrain Vehicles (ATVs)

The Bill suggests that "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.

The NFU agreed with this definition and suggested that the term ATV will encompass quad bikes and side-by-side utility vehicles without inadvertently capturing machinery it would not be appropriate to include.

The NFU proposed the following definitions that could serve as a legal definition of an ATV:

(a) a mechanically propelled, sit-astride all-terrain vehicle which -

- (i) is primarily constructed or adapted for use off road.
- (ii) has an engine capacity of at least 250cc or 2kw.
- (iii) has been designed to travel on a minimum of three low-pressure tyres or is full or partially tracked.
- (iv) has a seat designed to be used and straddled by a single operator, or a single operator and passenger; and
- (v) has handlebars for steering control; or

(b) a mechanically propelled, utility side-by-side all-terrain vehicle which -

- (i) is primarily constructed or adapted for use off road.
- (ii) has an engine capacity of at least 250cc or 2 kw.
- (iii) has a minimum of three wheels or is full or partially tracked.
- (iv) is capable of carrying two or more occupants.

The NFU stressed that ATVs are essential pieces of equipment for farm businesses and have become indispensable tools on many farms. The theft of an ATV isn't just an issue of the machine's value or replacement cost, but the impact on the business operations such as checking livestock and crops.

A shortage in new and second-hand agricultural machinery has also fuelled a surge in quad theft from farms across the country, with global supply chain problems, shipping delays and the impact of Covid and Brexit have contributed to waiting lists for new ATVS and increased demand for second-hand kit.

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Global Positioning Systems (GPS)

The Call for Evidence also called for opinions on a requirement for GPS units used on agricultural machinery to be forensically marked and registered on a database.

The NFU supported the forensic marking and registration of GPS units as a deterrent to this type of theft and to aid police investigations.

The NFU highlighted that GPS are becoming essential items of farm equipment, used to provide precision positioning for cultivation and harvesting operations on farms across the world. GPS systems have become one of the most targeted pieces of farm equipment because of their high cost and portability.

NFU Mutual has reported that the cost of high-value GPS theft doubled in the first four months of 2023 compared to same period in the previous year. These figures reveal the cost of GPS theft exceeded £500,000 during this period.

The busy harvest season has previously been disrupted by thefts of farm technology, including essential GPS technology, impacting the farm business and potentially food security.

The NFU is aware that police investigations can recover stolen units, but it if it is not marked it can be difficult to prove they are stolen, and it is then difficult to return the equipment to the owner. Forensic marking and registration will act as a deterrent to thieves and help police investigations.

Conclusion

The NFU carried out extensive research during the early stages of the Bill, in discussions with Greg Smith MP, and proposed the following after discussions with insurers, the Agricultural Engineers Association and the Construction Equipment Association.

Information to be recorded in databases.

(1) The details to be recorded in the database are:

(a) The name and address of the owner of the relevant equipment.

(b) The contact telephone number (if any) of the owner of the relevant equipment.

(c) The make, model, and colour of the relevant equipment; and

(d) The nature and location of the forensic marks applied to the relevant equipment.

(e) The date on which the owner took possession of the relevant equipment.

(2) For the purposes of this section “relevant equipment” means agricultural machinery, construction equipment and light all-terrain vehicles first sold/purchased after the relevant date.

Conditions to be met by a database operator.

(1) From the relevant date a database operator must:

(a) comply with the relevant requirements within British Standard 10121.

(b) have sufficient database capacity to store electronically, and retrieve, all the details provided to it by keepers in accordance with section 3.

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(c) have a procedure which to allow ownership details to be updated if ownership is transferred.

(d) back up all this data at a secure, off-site facility every day.

(e) provide any information in section 3 requested by an authorised person.

(f) have a system for identifying authorised persons when they make inquiries details recorded on their database; and

(g) maintain records to demonstrate that the database operator is complying with the requirements of this regulation.

Definitions:

“database operator” means an operator—

(a) which holds itself out as complying with this section; and

(b) on which the Secretary of State has not served a notice under the powers of the regulator (below).

"authorised person" means -

(a) a representative of the enforcement authority; and

(b) the owner of the vehicle, machine, or equipment to which the data relates.

(c)

Powers of the regulator in relation to database operators

(1) From the relevant date the regulator may serve a notice on a database operator requiring it to provide—

(a) any information recorded on the database.

(b) any information relating to the functioning of the regulatory regime established by this Act.

(c) any information necessary to demonstrate that it is meeting the conditions above.

Where the regulator is satisfied that a database operator does not meet the conditions above, the regulator may serve a notice requiring the operator—

(a) to cease holding itself out as meeting the conditions above.

(b) to provide the regulator or another database operator with an electronic copy of all the data recorded on its database.

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