

COUNTRYSIDE ALLIANCE BRIEFING NOTE: EQUIPMENT THEFT (PREVENTION) BILL

Second Reading, House of Lords

Friday 19 May 2023

- **The Countryside Alliance fully supports this Bill and has assisted in developing it alongside other stakeholders in farming, insurance, equipment manufacturing and the police.**
- **The Bill was not amended during its House of Commons stages but there was clarification that the Government intends to extend its provisions beyond agricultural equipment to other commercial tools. We welcome this, with the assurance that any extra time required to develop this extension will not affect the plan to implement regulations for ATVs by Christmas.**
- **As was highlighted during debates in the House of Commons, the Countryside Alliance produces an annual Rural Crime Survey. The 2022 survey revealed that 43% of respondents reported having had a crime committed against them in the past year and of those, 35% reported having experienced agricultural machinery theft. This was the second most reported crime, just 3% behind fly-tipping.**
- **In the 2020 Rural Crime Survey, agricultural machinery theft was reported as respondents' top priority for police to tackle. In the 2021 survey it had fallen to the third position but has now returned to the second.**
- **We call on parliamentarians and the Government to maintain their overwhelming support for this Bill, secure its passage, commence its provisions in good time and monitor its effectiveness closely.**

Background

- **The Countryside Alliance fully supports this Bill and has assisted in developing it alongside other stakeholders in farming, insurance, equipment manufacturing and the police. The Home Office has also been involved and we are hopeful that it will secure Government support to progress on to the statute book.**
- **As long-term campaigners on the issue of combating rural crime and a founding member of the National Rural Crime Network, the Countryside Alliance conducts an annual survey of rural communities' experiences and perceptions over the past calendar year. Since the Bill was first introduced in the House of Commons, we concluded our 2022 survey and published the results on 21 February 2023.**

Countryside Alliance Rural Crime Survey 2022

- **Our 2022 Rural Crime Survey revealed that 97% of respondents believed that crime had been significant in their community in the past year, an increase on the 95% found in 2021. 77% thought it had increased during that period, compared to 70% the previous year.**

- 43% of respondents reported having had a crime committed against them in the past year and of those, 35% reported having experienced agricultural machinery theft. This was the second most reported crime, just 3% behind fly-tipping; it came ahead of trespass, theft from outbuildings, wildlife crime including hare poaching, and animal rights activism.
- 54% of respondents had installed crime prevention measures in the last 12 months due to an increased fear of crime (66%) and being a victim of crime (35%). The most popular types of equipment installed were security lighting, locking vehicles and securing keys, and CCTV.
- In the 2020 Rural Crime Survey, agricultural machinery theft was reported as respondents' top priority for police to tackle. In the 2021 survey it had fallen to the third position but has now returned to the second.
- A prominent recent case of agricultural equipment theft saw the successful prosecution of two men for conspiring to steal agricultural global positioning systems and other technical equipment valued at approximately £380,000 from agricultural vehicles at 13 farms and estates across Essex in September and October 2021. Following investigation by Essex Police, they were convicted and sentenced to a total of six years and 10 months in prison.¹
- Launching the 2022 Rural Crime Survey, Tim Bonner, Chief Executive of the Countryside Alliance, said:

“Crime is a blight on too many rural communities and is consistently a top priority when we talk to our members and supporters. Machinery theft, fly tipping, livestock rustling and hare poaching are far too common in many parts of the countryside to the point that many instances are not even properly reported. The Countryside Alliance’s annual Rural Crime Survey has shown us that those living and working in rural communities often feel that the police do not have a proper focus on rural crime despite it being at the top of the agenda for rural people.”

- Further details of the survey’s findings are [available on our website](#). It was also [covered exclusively in the i newspaper](#).

Bill content

- **Section 1** empowers the Secretary of State, by regulation, to require that all sales of new mechanised agricultural equipment must be fitted with a marked engine immobiliser.
 - Clause (2) defines the type of equipment that falls within the scope of the legislation. It specifically encompasses mechanically propelled vehicles designed for use other than on a road (ATVs), with an engine capacity of over 250cc or 2KW, which travel on more than two wheels or tracks. It also includes other equipment that has been designed or adapted specifically for use in agriculture, regardless of these limitations, and for other commercial equipment.
 - During the Committee stage in the House of Commons the Minister, Chris Philp MP, clarified that following calls from across the House he intended to extend regulations to cover other commercial tools to prevent thefts from tradespeople’s vans. Asked whether he could assure the Committee that this extra work would not

¹ Essex Police, [15.11.22](#)

distract from the intention to commence the regulations in respect of ATVs by Christmas, he responded, “Yes. *The intention is to do it as a minimum for ATVs.*”²

- Clause (3) defines the equipment that must be attached to the vehicle for its sale to be permitted as “*a device designed or adapted to be fitted for the purposes of preventing the equipment from being driven or otherwise put in motion*”. It allows for the possibility of aftermarket fitting by a dealer, and it requires that the equipment has a unique identifier that can be checked against records, as required in Section 2, in the event of its recovery following a theft. Finally, it requires that the identifier be visible so that it can be noticed after recovery and would be more obvious to a potential thief, so more effective as a deterrent.
 - Clause (4) restricts the prohibition to sales to end users so that a manufacturer, for example, could sell a piece of equipment to a dealer that lacked an immobiliser, but the dealer must then fit an aftermarket part before placing it on general sale. It also removes used equipment from the scope of the Bill.
 - Clause (5) specifies that equipment that has previously been used solely in sales demonstrations, or while preparing for them, does not qualify as used for the purposes of the above limitation.
- **Section 2** empowers the Secretary of State, by regulation, to require records to be kept relating to equipment that has been sold, and to its buyers.
 - Clause (1) defines the types of information the regulations must require are kept. This includes the buyer’s name and contact details, a description of the equipment sold, details of the equipment’s unique identifier as set out above, and the date of the sale.
 - Clause (2) allows the regulations to specify when a record must be made, how long it must be kept for, and in what form it must be recorded.
 - Clause (3) again excludes from the requirements new goods sold for onward sale, and second-hand equipment.
 - **Section 3** defines breaches of the regulations defined under the above sections as offences attracting a fine on summary conviction. It empowers local trading standards authorities or district councils to enforce the regulations under the Consumer Rights Act 2015, which it amends to add this section as one under which the Act’s powers may be exercised.
 - **Section 4** makes further technical provisions regarding the making of the regulations.
 - **Section 5** gives the Bill’s extent, commencement and short title. It would extend to England and Wales, commence six months after its passing and be known as the Equipment Theft (Prevention) Act.

Countryside Alliance position

- We call on parliamentarians and the Government to maintain their overwhelming support for this Bill, secure its passage, commence its provisions in good time and monitor its effectiveness closely.
- Requiring that new agricultural machinery be fitted with a prominently visible engine immobiliser should provide a deterrent effect by making it harder to steal, thereby decreasing its attractiveness to thieves.

² Equipment Theft (Prevention) Bill Committee, 01.02.23, [c10](#)

- Requiring dealers to keep records of sales and purchasers should make it easier for police to investigate thefts and to restore recovered property to its rightful owners. It should also make it easier for legitimate owners to demonstrate their title, should this be required during an investigation into suspected theft.
- Since the direct effects of the Bill are on product and sales standards, trading standards authorities or, in their absence, local authorities are the appropriate enforcement bodies for the offences created.
- While the Bill was not amended in Committee, there was clarification that the Government intends to extend its provisions beyond agricultural equipment to other commercial tools. We welcome this, with the assurance that any extra time required to develop this extension will not affect the plan to implement regulations for ATVs by Christmas.
- On the broader issue, we recognise that while some crimes including agricultural machinery theft are specific to rural areas, others often share similarities with their equivalents in urban areas. Nevertheless, distinct solutions are required to tackle them.
- We have called for a National Rural Crime Taskforce to grow understanding of rural communities' needs by government and the police, the review of the funding formula to result in increased funding and resources for rural policing teams, improved training of police and the judiciary as to the nature and impact of rural crime, and a greater determination to take rural crime and its impacts seriously.

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