



Wales Safer Communities Network response to: Home Office- Equipment Theft (Prevention) Bill: Call for evidence

Closed 13 July 2023

Response submitted via the online survey.

Questions:

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?

We think it may be worth considering the inclusion of items that can be towed or carried by ATVs, such as trailers, fertiliser spreader and field rollers which frequently have two wheels or none.

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

Whilst we are not aware of all of the features that differentiate it from other types of vehicles, they normally have larger wheels, whether in height or depth and greater tyre tread as they need to navigate over uneven ground. They need the ability to manoeuvre through a variety of terrain conditions.

Where ATVs are not intended to be driven on roads they currently do not require to be approved, registered or taxed (NB. If they are intended for road use all of the above must be complied). However, this makes them difficult to track and appealing for thieves.

The isolated locations of farms may make theft more appealing as there is less footfall than in a village, town or city so less risk of being caught.

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?

Yes, this would appear to be appropriate and adequate. However, need to be mindful of new developments with the increased developments in drones which could be seen as mechanically propelled machinery especially if they are used to identify and



then guide in other machinery to treat crops or other actions, as these may be unmanned machinery or driven from range.

Developments in robots may also lead to more mechanically propelled machinery for agricultural activities which may be covered by the definition and if not may need to be.

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?

Whilst golf buggies and mobility scooters are identified as exempt and that thefts are relatively low, this does not mean that they are not subject to theft or to criminal activity or damage.

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

No, as all agricultural machinery is important to the livelihood of farmers and farm workers, animals (farm and wild), crops and the environment. There is also the potential for an unexpected consequence that it could direct the attention of organised criminal gangs or individual perpetrators of such thefts to the lower end of the market. If the new measures deter criminals only from the higher priced items, this could in turn impact on those from more socio-economic deprived areas or those living in poverty for whom replacing the items may be more problematic and lead to a significant loss of income, or increased risk of exploitation by loan sharks, and other less scrupulous finance providers.

If yes, a) £5,000; b) £10,000; or c) other (please specify) Please provide reasons for your answer:

We do not feel a threshold would be advantageous as this would mean those on lower budgets or smaller farms and smallholdings would miss out on additional safety measures, as they may have smaller versions of the machinery which are not as expensive.

We also recognise that agricultural machinery may not always be the most expensive, but if stolen will have a large impact on the ability of farmers, farm workers and land managers to be able to do their roles and have a detrimental financial impact not just in replacing the machinery but also in reducing yields.

As with other types of theft once targeted, they may be targeted many times. They may also choose a cheaper replacement in the hope that it is less appealing to thieves.



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 in principle. Whilst we recognise that there are clear advantages for the recovery of stolen vehicles if it can be identified where they are with GPS. As with all GPS/ tracking devices there are risks of inappropriate use such as in the assistance of stalking or identifying where machines are stored.

The GPS should not be a removable part of the machinery, or not easily, and should be forensically marked and registered. Thieves are very adapt at removing the GPS on ATVs even when it appears to be part of the machinery itself, it should not be possible to start the vehicles without the GPS being connected. We feel that responsibility should fall to the manufacturer, as some farmers are having to take extreme measures to track stolen machinery, hiding second GPS devices on or within vehicles where they hard to detect and remove.

The benefits of GPS can only be utilised with resourcing of law enforcement to recover the vehicles which may be linked to organised criminal activity as well as to individual crimes or acquisitive crime. It is important to note that whilst GPS can be used as a deterrent and for tracking after theft that it comes with limitations of the impact of internet/mobile signal black spot and of GPS immobilising devices, as the signal will not be sent or identified.

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; or c) £750 d) other (please specify) Please provide reasons for your answer:

Whilst we do not work in the agricultural industry or other industries where power tools are a requirement for the role it is difficult to answer this. However, we would suggest that most domestic use tools are likely to fall below £250 and as such in principle we would support the lower amount to need to be forensically marked. Alternatively, it may be more beneficial for the marking of power-tools to be linked to those who require them for their livelihoods, such as farmers, tree surgeons, plumbers, electricians, gas engineers, lock smiths, carpenters, film and television set designers, as this list could be endless it may be worth identifying if they work with the tools and require them for at least two days in every twenty-eight day period.

Holistically this we feel that this offers the greater protection to tradespeople, regardless of the size of their business or operation.



8: Manufacturers/dealers: does this cover the appropriate requirements for an immobiliser? Yes / No / to some extent. If no / to some extent, please provide further detail

Not applicable.

9: Manufacturers/dealers: Are there any features/functions missing from the list, or any on the list that are not needed? Do these requirements in relation to immobilisers expect you to do something which will be extremely difficult or will cause an increased burden as a result?

Not applicable.

10: Dealers/manufacturers/retailers: do you foresee that installing the immobiliser will present any problems for the type approval already granted for the vehicle? Yes / No If yes, what are these and how can they be overcome?

Not applicable.

11: Dealers/manufacturers/retailers: do you foresee that installing the immobiliser will present any problems for your responsibilities under the Supply of Machinery (Safety) Regulations 2008 and/or the manufacturer's responsibilities under the Electromagnetic Compatibility Regulations 2016 Yes / No If yes, what are these and how can they be overcome?

Not applicable.

12: Manufacturers/dealers/retailers: does this cover the appropriate requirements/features of forensic markings?

Not applicable.

13: Manufacturers/dealers/retailers: Are there any features/functions missing from the list, or any on the list that are not needed?

Not applicable.

14: Do these requirements in relation to forensic markings expect you to do something which will be extremely difficult or will cause an increased burden as a result?

Whilst we do not work in the industries where forensic markings are being proposed we have seen the benefits of protective marking on bicycles and other goods,



including electronic goods and would agree that the proposals will help in the identification of stolen goods.

15: Manufacturers/dealers/retailers/forensic marking companies: does this include all the information that should be recorded? Yes / No If no, what else do you think should be included?

Not applicable.

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

One potential unforeseen consequence may be around the potential for the resourcing for the recovery of goods, where it would not be appropriate or safe for a single rural Police Officer to approach a property or other building or space without additional support to recover goods. Especially, as they may be approaching an unknown organised crime group, or desperate individuals who may be more volatile as a result.

Another could be around neighbour disputes, which may include around agricultural machinery and tools in some instances in the countryside. Just because the living-dwellings may not be as close as they are in towns and cities does not mean that disputes between neighbours do not take place.

17: Overall are you in favour of the proposed legislation?

Yes. We are aware that agriculture and tool theft is having a marked impact on the industries involved and this will go some way to assist in acting as both a deterrent to prevent the theft in the first instance or for detection where machinery and tools have been unlawfully taken.

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

Other not listed above. **Wales Safer Communities Network** (which is made up of members from Policing, Local Authorities, Fire and Rescue, Probation and Third Sector)