



Home Office

Equipment Theft (Prevention) Bill: Call for evidence

About this call for evidence

This call for evidence is targeted at those who may be affected by the proposals should they become legislation, including manufacturers, dealers, retailers, forensic marking companies, trade associations, tradespeople, and law enforcement practitioners.

It will run for 8 weeks from 18 May 2023 to 13 July 2023.

The Equipment Theft (Prevention) Bill

The Equipment Theft (Prevention) Bill is a private members bill which has Government support. It was introduced to Parliament by Greg Smith MP on 16 June 2022 and is sponsored by Lord Blencathra in the House of Lords, where it was introduced on 6 March 2023. The Bill is published here: [Equipment Theft \(Prevention\) Bill - Parliamentary Bills - UK Parliament](#)

The purpose of the Bill is to prevent the theft of machinery and equipment used by the agricultural sector, in particular quad bikes and All-Terrain Vehicles (ATVs).

It provides a power for the Secretary of State to make regulations requiring immobilisers and forensic marking to be fitted as standard to all new quad bikes and ATVs. The regulations will define the minimum standard that will apply to immobilisers and forensic marking. The Bill requires immobilisers and forensic marking to be fitted or applied before equipment is sold to the customer. In practice this is likely to take place at the dealership or store, but it could be done during the manufacturing process. In addition, there will be a requirement for the seller to maintain a record of the buyer from the date of sale for a specified period of time, likely to be ten years. This record will assist police to identify and prove ownership of stolen ATVs and other equipment once recovered.

The Bill also provides a power for the Home Secretary to extend the provisions to other equipment designed or adapted primarily for use in agricultural or commercial activities.

The Bill applies to England and Wales. The prevention, detection and investigation of crime is a devolved matter in Scotland and Northern Ireland.

This consultation seeks views on proposed details to be included in secondary legislation, should the Bill gain Royal Assent.

The responses to this consultation will inform our proposals for secondary legislation. The proposals in this consultation remain subject to change following the consultation process.

Why is the Government supporting this Bill?

The theft of agricultural machinery, and in particular All-Terrain Vehicles, is of great concern. The theft of agricultural machinery has a significant impact on businesses and those who rely on this equipment for their livelihood. Thefts of vehicles from farmers can cause severe disruption to essential cultivation work and risk to animal welfare and have a significant impact on livelihoods.

All-Terrain Vehicles (ATVs) in particular are desirable to thieves and are vulnerable largely due to a lack of security features. An estimated 900 -1200 quad bikes and ATVs are stolen in England and Wales each year. The National Farmers' Union (NFU) Rural Crime Survey 2022 highlighted that after a fall during the pandemic, ATV thefts are now on the increase and this trend is anticipated to continue. Latest data published by NFU Mutual in the Rural Crime Report 2022 shows thefts of quad bikes and ATVs cost their customers £2.2 million in 2021.

In addition to ATVs, there have been calls from the National Police Chiefs' Council (NPCC), NFU and trade associations for the legislation to be extended to larger agricultural equipment; and from groups representing tradespeople such as builders, plumbers, and electricians, to place a requirement for forensic marking on power tools used by tradespeople, to prevent theft and re-sale. These concerns were echoed by Members of Parliament when the Bill was debated in the Commons.¹

The Government is aware of the significant impact theft of tools can have on victims, particularly those who rely on their tools to earn a living. A common area of vulnerability is tradespeople's vans, whereby thieves will target the van and remove the tools to sell on. The loss per theft can be significant when a number of tools are stolen. The *Tradespeople Against Tool Theft White Paper 'On the Tools'*, published in 2022,² states that the average UK tradesperson is likely to have between £1,000 and £5,000 worth of tools stolen from them in just one tool theft incident.

We therefore want to use this call for evidence to examine the feasibility of covering tools and larger agricultural equipment in our secondary legislation. Regulations will

¹ [Equipment Theft \(Prevention\) Bill - Hansard - UK Parliament](#)
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² <https://bit.ly/tradesagainststooltheft>

define minimum standards for the immobilisers, forensic marking and the type of database which may be used and the details to be recorded, as well as defining the equipment and tools to which the legislation will apply.

Summary of proposals

We are seeking views on the following matters:

- Definition of ATVs and agricultural equipment
- A requirement for removable Global Positioning Service (GPS) systems to be forensically marked
- Recommended Retail Price (RRP) threshold of tools to be marked
- Specifications of immobiliser, and any implications for type approval
- Specifications for forensic marking
- Specifications for registration on databases

Proposals

A. A requirement for agricultural machinery to be fitted with immobilisers, forensically marked, and registered on a database. A requirement for removable GPS trackers to be forensically marked and registered on a database

This legislation was initially intended to apply to ATVs, including quad bikes, due to the large-scale thefts of these vehicles. The term ATV includes quad bikes, Utility Task Vehicles (UTVs), 'side-by-sides' and buggies. This legislation will not apply to other types of light vehicle such as golf buggies or mobility scooters.

The legal definition for an ATV for the purposes of this legislation can be found at Clause 2(a) of the Bill and is as follows:

- 2(a) mechanically propelled vehicles that—
- (i) are designed or adapted primarily for use other than on a road,
 - (ii) have an engine capacity of at least 250 cubic centimetres or two kilowatts, and
 - (iii) travel on more than two wheels or on tracks.

The Bill provides a power for the Home Secretary to extend the provisions to other equipment designed or adapted primarily for use in agricultural or commercial activities. Having heard the debates in Parliament and discussions from police and the agricultural sector, the Minister for Crime, Policing and Fire, Rt Hon Chris Philp MP stated his intention to include larger agricultural equipment and high-value tradespeople's tools.

The legislation will need to include a definition of agricultural equipment. The types of equipment that are being stolen are tractors, excavators, mini dumpers, road rollers and woodchippers.

We want to ensure the definition used in the legislation covers the relevant equipment without being so broad that it unintentionally captures equipment that does not need to be protected. We recognise there is an overlap between equipment used in the agricultural, construction and land management industries. It is proposed for the following definition of agricultural machinery to be covered by the legislation: “Mechanically propelled machinery designed or adapted primarily for use in agricultural activities; designed or adapted primarily for use other than on a road”

GPS units used on agricultural machinery are particularly vulnerable to theft. We propose there should be an additional requirement for forensic marking and database registration of GPS units used in agriculture. The requirements would only apply to GPS units that are easily removable. In some cases, the GPS might be integrated into the vehicle by the manufacturer and be very difficult to remove so would be unlikely to require any forensic marking.

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?

Question 2:

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

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?

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?

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; or c) other (please specify)

Please provide reasons for your answer:

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:

B. A requirement to forensically mark hand-held power tools

The theft of hand-held power tools has a significant impact on tradespeople's business, such as plumbers, carpenters, and builders. These tradespeople tend to operate as small businesses or sole traders and the theft of tools can therefore have a significant impact on their ability to work.

Tools at the lower end of the price range are sold by a large number of manufacturers and retailers, some of whom are small businesses, for example independent hardware stores, and some operate online only.

In order to define the scope of tools to be covered by the legislation, we propose using the Recommended Retail Price (RRP) as a threshold. This is intended to ensure that the requirement is proportionate and doesn't apply to tools at the lower end of market, which are more likely to be used by the public for DIY. We intend to target the tools used by tradespeople, who are most impacted by tool theft, rather than individuals. We want to avoid unnecessary or disproportionate costs to individuals and businesses including retailers or manufacturers. We propose that tools with an RRP over the specified threshold will be required to be forensically marked and registered on a database before sale.

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; or c) £750 d) other (please specify)

Please provide reasons for your answer:

C. The specifications for immobilisers and forensic marking and the functionality of the databases.

The regulations will specify minimum standards for the immobilisers, forensic marking and the functionality of databases which may be used to meet the requirements of this legislation. The specifications will apply to any equipment or machinery to which the legislation applies.

The legislation will not endorse any particular product, product line or service. For example, a number of forensic marking products and databases are already widely used by the agricultural sector and construction industry. We are seeking to set an appropriate standard that ensures forensic marking is suitable for this purpose, whilst not excluding products unnecessarily.

Immobilisers

An immobiliser is an electronic device that allows a vehicle to start only if the correct key or fob is inserted. Immobilisers are required by law on all passenger cars, but this requirement does not apply to vehicles such as agricultural machinery.

Discussions with ATV manufacturers and trade associations during the development of the Bill suggested Thatcham Category 2 to be the appropriate standard to use as a basis for this requirement. [Thatcham Research](#) is a research body funded by the insurance industry and is recognised as the industry expert on vehicle technology.

The regulations will not refer directly to Thatcham Category 2, as it is not a statutory body, and therefore not appropriate for the legislation to refer directly to Thatcham Research or to Thatcham Categories. Instead, they will list the functions the immobiliser must have in order to comply with the legislation. **It is proposed it must be an electronic immobiliser which has the following functions and features:**

- A permanently installed system – the whole immobiliser is permanently and securely fixed to the vehicle.
- The main source of power for the immobiliser must be the vehicle's battery.
- It must be passively set. Setting of the immobilisation function may be achieved by the ignition being off; or the ignition key being out of the ignition. Setting of the immobilisation function should be achieved within 60 seconds of the ignition being off and/or the ignition key being out of the ignition. In addition, the setting of the immobiliser may be achieved by a deliberate action or actions by the user.

- The immobiliser should be unset by the application of a coded signal or key to the system; it must not be possible to unset the immobiliser without the specific coded signal or key. This must not be a universal or generic code or key.
- The immobiliser must isolate or block a minimum of two operating circuits or systems; this may be two or more of the following: fuel supply, ignition, starter, engine management system, fuel pump assembly, or fuel cut-off solenoid; or a minimum of one control unit with coded intervention. If only one control unit with coded intervention is used, the control unit cannot be the starter motor, because this would enable the vehicle to be pushed and/or bump-started.
- The immobiliser must be concealed from view and accessible only by the removal of an access panel or trim panel which should require tools to access.
- The user/owner of the vehicle shall have no facility to directly change or override the functionality or performance of the immobiliser system. In particular, it shall not be possible for the user/owner to permanently isolate detectors or change the immobilisation function.
- The immobiliser should be visibly marked with the following information, which should not be visible from the outside of the vehicle:
 - The manufacturer's name or trademark
 - The model number or name
 - The serial number or batch number or date of manufacture.

Question 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

Question 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?

Potential impact on the 'type approval' of the vehicle.

Before being placed on the market and registered for use on the road, vehicles including many ATVs require type approval. This is a process used to test the roadworthiness of a vehicle and to demonstrate it complies with the relevant technical standards. Type approval is generally secured by the manufacturer, prior to

being released to the dealer. Currently in Great Britain regulations for a full type approval scheme are being developed by the Department for Transport (DfT). In the meantime, a temporary approval scheme is in place for quadricycles intended for road use and manufacturers are required to hold a provisional approval issued by the UK's type approval agency.

To ensure installation of an immobiliser post-production will not invalidate the vehicle's type approval, we propose the regulations will state that the installation of the immobiliser must not invalidate the type approval already granted for the vehicle.

Question 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?

Question 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?

Forensic marking

Forensic marking solutions invisibly tag valuable property, allowing it to be traced back to the owner if stolen. The benefit of using forensic marking is that it cannot be removed. Where a vehicle is forensically marked it can still be identified even if the Vehicle Identification Number (VIN) is removed. Microdots and forensic DNA have unique codes embedded in them which refer to the property marking company or database where the owner's information can be found. For example, when a police officer uses a UV light on property that has been marked, the marking will show up with the company utilised and the officer is then able to contact the company to retrieve the owner's details. Each marking kit has a unique DNA code, which is registered to the owner of the property.

It is proposed that ATVs and other agricultural equipment subject to this legislation must be overtly marked using a visible security label and forensically marked using a minimum of two of the techniques set out in column A of the table below.

The techniques used should comply with the standards listed in column B. Visible security labels must also meet the standard of Section 6.5 of BSI Kitemark BS10121. The visible security label will state that the equipment is forensically marked, which system/company has been used, and how to contact that company for details.

Column A	Column B
Forensic marking technique	Standards
Chemical or laser etching	Section 6.5 of BSI Kitemark BS10121
Stamping or Engraving Microdots and/or forensic DNA.	Section 6.5 of BSI Kitemark BS10121
Radio Frequency Identification (RFID) tags or Near-field Communication (NFC) tags.	Section 6.5 of BSI Kitemark BS10121
UV footprint or tracer.	Section 6.5 of BSI Kitemark BS10121

Question 12:

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

Question 13:

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

Question 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?

Database registration

Companies which provide forensic marking also operate databases to record details of the forensic marking and owner's contact details. Police officers are able to access these databases at any time in order to ascertain if they are dealing with a stolen item.

It is proposed the owner's information will be registered on the database maintained by the company whose forensic marking product has been used.

There will not be an ongoing responsibility for the manufacturer, dealership, or retailer to keep the owner's details up to date as we believe this would place a disproportionate burden on businesses. Even where information on the database is out of date, for example if the item has been sold to a subsequent owner who has

then not updated their details on the database, the information can still assist police with their enquiries.

It is proposed the details to be recorded in the database are:

- The name and address of the owner (including where the owner is a business)
- The contact telephone number (if any) of the owner
- The make, model, and colour of the equipment
- The nature and location of the forensic marks applied to the equipment
- The date on which the owner bought the equipment.

The regulations will specify that this information must be held on an online database, and the information must be available at all times to police and law enforcement agencies.

Question 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?

To conclude

We would like to hear any further thoughts you may have on the information and questions within this document. We would especially welcome any further input from manufacturers, retailers, and dealerships on the practicalities of the proposals within this consultation document.

Question 16:

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

Question 17:

Overall are you in favour of the proposed legislation?

Question 18:

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