



ANIMAL WELFARE (SENTENCING) BILL

House of Commons Public Bill
Committee July 2019



Submission to the House of Commons Public Bill Committee by the UK CENTRE FOR ANIMAL LAW (A-LAW) on the Animal Welfare (Sentencing) Bill

19 July 2019

Who we are

1. The UK Centre for Animal Law (A-Law) exists to promote knowledge and education about the law relating to animal protection, and the more effective enforcement of legislation relating to animals. We seek to be a source of objective, independent legal analysis on animal protection law issues. Whilst legal topics are often complex, it is our job to explain them as clearly as possible, so as to increase the effectiveness of UK animal protection organisations collectively, and to promote properly informed public debate.
2. Formerly the Association of Lawyers for Animal Welfare, A-Law is led by lawyers – predominantly practising solicitors and barristers – and works closely with legal academics.
3. We are registered as a charity in England and Wales. As well as publishing legal analyses to inform public debates, we also provide animal protection organisations with access to high quality legal advice to assist their work. We also promote the teaching of animal law in UK universities.
4. For further information about us, or to access our online resources, please see our website: www.alaw.org.uk

Outline views on the draft Animal Welfare (Sentencing) Bill

5. We have previously made submissions on this issue to the Select Committee in relation to the draft Sentencing and Sentience Bill.
6. We set out those submissions here for ease of reference.
35. On the basis of our knowledge of the criminal law landscape, including the maximum sentences that apply for criminal offences of particular types, we agree

that a maximum sentence of five years would be appropriate for reflecting the seriousness of the offences to which DEFRA is proposing to apply that maximum sentence.

36. We also agree with DEFRA that it would be difficult to justify extending that maximum sentence to the offence in section 9 of the Animal Welfare Act 2006 (the offence of failing to take reasonable steps to meet an animal's needs in accordance with good practice), having regard to the kinds of offences that typically carry a maximum sentence of five years. We note, however, that DEFRA should ensure that, where a defendant is accused of a section 9 offence alongside more serious offences, and he/she elects for trial in the Crown Court on the more serious offences, then the legislation should allow for all of the offences to be tried together in the Crown Court.

37. We suggest that paragraph 21 of DEFRA's Explanatory Notes to the draft Bill is not entirely accurate in that it appears to state that a person could receive a sentence of longer than six months only if convicted following a "trial on indictment" in the Crown Court. We understand that the effect of Clause 2 would in fact also allow for sentences of up to five years' imprisonment to be imposed following conviction in a magistrates' court, where that court decided, following the conviction decision, to transfer the case to the Crown Court at that stage, i.e. for sentencing. The Select Committee may wish to seek DEFRA's confirmation that this is indeed the intention. It seems likely that a significant proportion of sentences of more than six months will follow convictions (following trials or 'guilty pleas') in a magistrates' court, with magistrates deciding to transfer the case because they consider their sentencing powers insufficient to reflect the gravity of the offences.

7. As noted above, our knowledge of the criminal law landscape suggests that five years would better reflect the seriousness of the offense to which the proposals relate. We rely upon the following factors:
 - a. Shocking instances of very serious violent conduct towards animals. Appendix 1 contains links to a handful of media reports that have appeared over the last few months relating to animal cruelty offences.
 - b. Public perception that sentences are inadequate for the very worst cases of animal cruelty, as evidenced by the public petitions and campaigns on this issue.¹
 - c. Disparity between the sentencing powers for offences involving violence towards animal and other offences. For example, a recent report by

¹ See for example, Express-crusade - <https://www.express.co.uk/news/nature/1000723/dog-bulldog-baby-law-animal-abuse-cruelty-tougher-laws>

Battersea Dogs and Cats Home² highlights that: (1) fly-tipping attracts a maximum penalty of five years imprisonment, if a defendant is convicted in the Crown Court; and (2) that *'if a dog attacks and injures an assistance dog, its owner can be jailed for up to three years, but if a person attacks and injures or kills a dog, the most they can get is six months.'*

- d. A significant disparity between sentencing powers for offences of violence towards human and nonhuman animals.³
 - e. Disparity between sentencing powers in England and Wales compared to many other jurisdictions internationally.
8. There are other important public policy reasons why serious violent conduct should be treated seriously. Criminal justice systems are increasingly recognising evidence of an association between violence towards human and nonhuman animals and, accordingly, the need to deal firmly and effectively with offences relating to animals, children and victims of domestic violence.⁴
9. We are grateful for this opportunity to provide our views to the Committee. If there is anything we can do to assist the Committee's work, whether in relation to the Bill or any other inquiry or matter, we would be happy to do so.

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² Battersea Dogs & Cats Home 2017 Sentencing for animal cruelty in England and Wales

³ Wounding/causing grievous bodily harm with intent (s.18 OAPA 1861) carries a maximum penalty of life imprisonment. Murder and attempted murder maximum penalty of life imprisonment. Assault occasioning Actual Bodily Harm (s.47, OAPA 1861) involving some bodily harm carries a maximum penalty on indictment of five years' imprisonment and/or a fine. Unlawful wounding/inflicting grievous bodily harm (s20 OAPA 1861) carries a maximum penalty on indictment of five years' imprisonment and/or a fine. Common assault (which involves the apprehension of immediate infliction of unlawful force only) carries a maximum penalty of six months' imprisonment and/or a fine.

⁴ Blog article - <https://www.alaw.org.uk/2018/04/why-stricter-sentencing-for-animal-cruelty-matters-more-than-you-think-by-alice-oven/> ; <https://aldf.org/article/webinars/the-link-between-violence-against-animals-and-humans/> ; <http://nationallinkcoalition.org/what-is-the-link>

APPENDIX 1

Recent media reports of violence towards animals (June 2019)

Thug banned from keeping pets for three years after punching his dog in head (18 June 2019) WARNING DISTRESSING FOOTAGE Shocking Video shows Eden Chemo throwing fierce punches at his dog Zeus as it cowers in fear on a sofa
Read in Mirror Online: <https://apple.news/AwP5KoBfsSuaix6MFsIPD5A>

Dog 'stabbed' to death in kennel and another put down in horrifying attack (18 June 2019) WARNING – DISTRESSING CONTENT: A family have been left devastated after their pet spaniel and pug died in Rhosllanerchrugog, near Wrexham, Wales.

Read in Mirror Online: <https://apple.news/AyRThM4mVRU-zKbpzkvT5lw>

Hunt for laughing thug who filmed himself hurling cat on bed on Snapchat (15 June 2019) WARNING: DISTRESSING CONTENT The RSPCA has appealed for help tracking down the attacker

Read in Mirror Online: <https://apple.news/Ard62YQNwTDqNU8LcH1a79w>

Dog survives being shot in head four times by his owner (13 June 2019).

Jet the terrier was treated in a 'shockingly brutal manner' by his owner, who left him alive but 'horrendously injured'.

Read in Metro: <https://apple.news/ASnoTQ-ISSkaF-Hs0oQ85Xg>

Hunt for Woking Cat Rapist who sexually abused and burned kitten (5 June 2019)
COPS are hunting a bestial sex offender dubbed 'The Woking Cat Rapist' after a tiny kitten was abused in Surrey. The perpetrator is feared to have molested nine-month-old tortoiseshell Minnie in "one of the worst" cruelty cases RSPCA staff have ever seen. Shocked vets claim the attacker left her with horrific injuries to her legs and...

Read in The Sun: https://apple.news/AYqzbZtKFSfmsOC_6G-PBYQ

Brighton cat killer: Man arrested after death of 25 cats (6 June 2019)

A 52-year-old man has been arrested as part of an investigation into the deaths of 25 cats in Brighton.

Read in The Independent: <https://apple.news/AwWiyTB8Qm-Sm5c6m6FRJQ>

Tiny puppy who had her tail chopped off before being set alight makes miraculous recovery. The tiny puppy burned, beaten, and thrown in the trash is making a miraculous recovery. (4 June 2019)

Read in Metro: <https://apple.news/AtqN5oIqDQgaQ1J6L1XSuNw>

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