

BRIEFING: ANIMAL WELFARE (SENTENCING) BILL

HOUSE OF COMMONS COMMITTEE STAGE 3 FEBRUARY 2021



BATTERSEA

HERE FOR EVERY DOG AND CAT

KEY MESSAGES

- Battersea launched our campaign for five-year sentences for animal cruelty in 2017 and the Government committed to delivering the change later that year.
- The Bill is short and non-controversial but could have a profound effect on animal welfare. It calls for increasing the maximum sentence for animal cruelty offences in England & Wales from 6 months to five years.
- More than 68,000 people, drawn from every constituency in Parliament, have emailed their MP asking for their support for five-year sentences.
- This Bill will ensure parity of sentencing across the UK. There is already a five-year maximum sentence in Northern Ireland and, since July 2020, in Scotland. Animals in England and Wales deserve equal protection.
- During the 2019 General Election, the Conservatives, Labour and Liberal Democrats all featured increasing the maximum sentence in their manifesto.
- Battersea encourages all MPs and Peers to support the Bill and thanks Chris Loder MP for giving Parliament a welcome opportunity to demonstrate its support for animals and their owners.

FIVE-YEAR SENTENCES FOR ANIMAL CRUELTY

Battersea has long campaigned for increased sentences for animal cruelty, working to increase the maximum sentence in England & Wales from 6 months to five years' imprisonment, as we see first-hand so many animals who have been badly treated, abused or abandoned. Many MPs from different parties joined us in 2017 when Battersea first led calls for this change in Parliament.

Battersea is greatly appreciative for the commitment shown on this issue from MPs of all parties, Ministers and officials; and encourages Parliament to pass this measure now and make clear our rejection of animal cruelty.

This measure has been before Parliament on several previous occasions, most recently before it fell at the 2019 General Election. This is a long overdue law change, and we encourage MPs of all parties to pass it swiftly. Should this Bill not pass before a Queen's Speech, it would be the fourth such piece of legislation to collapse. The animal-loving public, who are keen to see this change, would be entitled to question Parliament's commitment to seeing such crimes fairly penalised. Battersea would therefore encourage MPs to ask Ministers to make clear how this measure, which was a manifesto commitment for almost all major parties, will be passed before any prorogation.

THE CASE FOR INCREASING SENTENCES

The current maximum is out of step with other crimes and other countries. Offences such as **fly tipping** or **theft** can carry penalties of five years in prison, yet **only 6 months are available to the Courts for running brutal dog fighting rings or torturing animals**. Research shows that courts in England & Wales are already issuing the maximum sentence, indicating that more flexibility is needed.

Other countries have taken a tougher approach – with Northern Ireland, Latvia and Ireland already having a five-year maximum. Indeed, Battersea surveyed 100 global jurisdictions including the whole of Europe and found **the UK the most lenient** with a six-month maximum custodial penalty for the most serious cases – **none had a lower maximum penalty**.

- To support and inform the campaign Battersea produced a research report in 2017 called '[Sentencing for animal cruelty in England and Wales](#)'.
- **In 2018, 862 people were found guilty of animal cruelty in England & Wales**. Nearly a third of these cases resulted in a custodial sentence and some received the maximum term of six months in prison, with an average of 3.6 months. RSPCA prosecution figures show that this is an ongoing problem. In the two years from 2016 to 2018, the number of prosecutions secured in the Magistrates' Court rose by just over 200, to 1,678.
- The Republic of Ireland raised its maximum prison sentence from 6 months to five years in 2014, Northern Ireland did the same in 2015. This is well in step with sentencing practice across the world.

- In 2020, during lockdown, the Scottish Parliament voted to increase the maximum sentence to five years as part of the Animals & Wildlife (Penalties, Protections and Powers) (Scotland) Act.

CASE STUDY: SHELLY

Shelly (37 – name changed) endured years of domestic violence at the hands of her ex-husband. She was ultimately hospitalised, having suffered severe and disturbing injuries.

Over the years, her ex-husband abused their four dogs too. Shelly wasn't allowed to take the dogs to the vet, but managed to rehome the first, a Bichon Frise, after complaints from neighbours about the noise of the dogs screaming and squealing. Her ex-husband insisted on getting more dogs though, and the fourth was just a puppy when he beat it to death. Shelly said, *"An animal was no different to a child or myself. If we disobeyed him, he went for us."*

Shelly eventually escaped safely and her ex-husband is serving a custodial sentence for his abuse of Shelly. Shelly considered going to the RSPCA about the dogs, but said, "Unfortunately I know that it is only six months that you get for an animal death, it needs to be more... He will not do the full six months. He will do half a sentence inside, half of it out, so in theory he will only do three months in prison for that."

There is **a strong link between acts of violence against animals and acts of violence against people**; both of which are reported to have tragically increased during the Covid-19 pandemic. A study quoted in our campaign report revealed that women in domestic violence shelters were nearly 11 times more likely to report that their partners had previously harmed or killed pets, while children are at risk of neglect or abuse in 83% of families with a history of animal abuse.

The offences covered by this Bill are serious and we welcome this change to the law, which will see Courts given the tools to treat them as such.

However, while we welcome the passage of the Bill and thank MPs and Peers of all parties who will vote to see its passage through Parliament, raising the maximum sentence will not be enough on its own. It is important that Sentencing Guidelines for offences under the Animal Welfare Act 2006 are reviewed as a matter of priority, and that Courts are then encouraged to use the revised guidelines.

Battersea would welcome further clarity on sentencing guidelines once the Bill passes to enable the Courts to establish clearly which offences would merit the tougher available penalties, and which may not require a custodial sentence. This would also usefully establish a uniform approach to the sentencing of welfare cases. We would therefore encourage MPs to raise the following points for discussion at the Committee Stage:

- Recognition of the points on international comparison, comparison with other sentences and the need to protect both animals and humans.
- A clear timetable for passage of Mr Loder's Bill. This has the support of every major party in Parliament, and crucially the public. Given that it has had a difficult history securing the time needed to pass through both Houses, we would welcome a clear commitment to ensuring the Bill's passage into law in this Parliamentary Term.
- A commitment to encourage the Sentencing Council to review the maximum sentence for these offences once the Bill is passed as a matter of priority.

ABOUT BATTERSEA

Established in 1860 to care for abandoned animals, Battersea aims to never turn away a dog or cat in need of help. We will take in any animal that needs our care, regardless of age, condition and breed. In 2019, we directly helped over 5,000 animals including 3,213 dogs and 2,476 cats; and run an Academy which has provided best practice operational advice and support to rescue charities caring for the UK's animals and across the globe. Battersea has supporters all over the UK and campaigns on behalf of cats and dogs, including co-providing the Secretariat to APGOCATS, the first All-Party Group dedicated to feline welfare.

Click [here](#) for more information on Battersea's work. Follow the Public Affairs Team on Twitter [@Battersea_PA](#)

Battersea Dogs & Cats Home (Battersea) is registered in England and Wales (company no. 278802, charity no. 206394). Our registered address is 4 Battersea Park Road, London, SW8 4AA.