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Public Bill Committee

ANIMAL WELFARE (SERVICE ANIMALS) BILL

First Sitting

Wednesday 16 January 2019

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CLAUSES 1 AND 2 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:

Chair: Ms KAREN BUCK

- | | |
|--|---|
| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † Penning, Sir Mike (<i>Hemel Hempstead</i>) (Con) |
| † Cameron, Dr Lisa (<i>East Kilbride, Strathaven and Lesmahagow</i>) (SNP) | Robinson, Gavin (<i>Belfast East</i>) (DUP) |
| † Efford, Clive (<i>Eltham</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| Evans, Mr Nigel (<i>Ribble Valley</i>) (Con) | † Spellar, John (<i>Warley</i>) (Lab) |
| † Fitzpatrick, Jim (<i>Poplar and Limehouse</i>) (Lab) | † Thomas, Derek (<i>St Ives</i>) (Con) |
| † Hanson, David (<i>Delyn</i>) (Lab) | † Throup, Maggie (<i>Erewash</i>) (Con) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | Adam Mellows-Facer, <i>Committee Clerk</i> |
| † Hollinrake, Kevin (<i>Thirsk and Malton</i>) (Con) | |
| † Howarth, Mr George (<i>Knowsley</i>) (Lab) | |
| † McPartland, Stephen (<i>Stevenage</i>) (Con) | † attended the Committee |

Public Bill Committee

Wednesday 16 January 2019

[Ms KAREN BUCK *in the Chair*]

Animal Welfare (Service Animals) Bill

10 am

The Chair: Welcome to the Public Bill Committee on the Animal Welfare (Service Animals) Bill. Please switch electronic devices to silent. If dogs could be switched to silent I am sure that would also be very welcome, but I appreciate that is a little more difficult. We begin line-by-line consideration with clause 1.

Clause 1

HARMING A SERVICE ANIMAL

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to take clause 2 stand part.

Sir Oliver Heald (North East Hertfordshire) (Con): It is a great pleasure to serve under your chairmanship again, Ms Buck. I know that you will keep us in good order. Thank you very much indeed for allowing Finn, the most decorated police dog in the land, to be here in Committee today.

I thank the hon. Members who have been selected for the Committee. They have all been great supporters of this small but important change in the law. I also thank all those who have campaigned for it, including PC Dave Wardell, Sarah Dixon of the Finn's law campaign, the many animal charities that have given support, including the International Fund for Animal Welfare, which is represented here today, the media—support for Finn's law has united *The Sun* and the *Daily Mirror*—and every police and crime commissioner in the country. I am grateful, to you, Ms Buck, for agreeing that Finn can sit in, accompanied by PC Wardell.

The Bill, which received its Second Reading on 6 July last year, arises from events that I explained to the House in a ten-minute rule Bill application on 5 December 2017. My constituent, PC Dave Wardell, is a police dog handler from Buntingford, where he lives with his family, Finn, and other dogs. Finn has of course now retired, but on Wednesday 5 October 2016 PC Wardell and Finn were on duty in Stevenage. I am pleased that my hon. Friend the Member for Stevenage, who has been so supportive, is here today.

PC Wardell and Finn were called to a suspected robbery. They followed the suspect, who ran off. He was found hiding in a garden. A light suddenly came on, revealing him. PC Wardell called on him to stop, but the suspect jumped to try to get over a fence, and Finn took hold of his lower leg. The man lunged at Finn with a hunting knife with a 10-inch blade and stabbed Finn right through the chest. He then turned his attention to PC Wardell, and Finn intervened to save the police constable as the blade was aimed towards his face. Finn put himself in the way to save the officer and PC Wardell

received a hand wound, but the dog received further serious injuries. PC Wardell believes that Finn saved his life.

As other officers arrived the suspect was apprehended, but Finn was badly injured and bleeding. He was taken to the vet, and then to a specialist vet. He was in terrible shape, with his lungs punctured in four places, yet he was still licking his handler's hand wound. Finn had a four-hour operation to save his life. The vet commented on the strength and bravery of this dog. PC Wardell slept downstairs with Finn for the next four weeks. I think we are all pleased that Finn made a remarkable recovery. After 11 weeks Finn was ready to go back to work and with PC Wardell he went on their first shift on 22 December 2016. On that occasion—their first outing after the incident—they arrested a fleeing suspect.

Finn is one of the most successful police dogs in the country and is renowned in Hertfordshire. He has won national awards for his bravery, including animal of the year in the IFAW Animal Action awards, hero animal of the year in the Animal Hero awards and the People's Dispensary for Sick Animals gold medal, which is known as the animals' George Cross. However, when it came to charging the offender it became clear that there is a problem with the law. For the assault on the officer there was the obvious offence of assault occasioning actual bodily harm, but there were only two potential charges for the injuries to Finn himself: causing unnecessary suffering to an animal, under the Animal Welfare Act 2006, or section 1 of the Criminal Damage Act 1971. Neither offence properly provides for the criminality involved in the attack on Finn.

In the event, the charge was criminal damage, but that treated Finn as though he was simply a piece of damaged police property, like a police radio or something of the sort. The Minister for Policing and the Fire Service, my right hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd), told me in a letter that it is unpalatable to think of police animals simply as equipment. Criminal damage is an offence for which the penalty is largely determined by the value of the damaged property—a seven-year-old police dog close to retirement is not worth much money—and so it proved at court, where no separate penalty was imposed on Finn's attacker for the attack on the dog.

The offence under section 4 of the Animal Welfare Act 2006 is potentially a better route, but it has two problems at the moment. The first is that the maximum penalty is only six months' imprisonment. After a consultation, which I think was partly based on what happened to Finn, the Government have committed to increase the maximum penalty to five years' imprisonment. That still leaves the other issue, which is that there is a difficulty with the application of section 4(3)(c)(ii) of the Animal Welfare Act. Various factors must be taken into account in deciding whether the infliction of suffering to an animal can be considered unnecessary, including protection of a person or property. There is currently no reference at all in the Act to the particular role of service animals.

Clearly, the mission of a service animal is to restrain a suspect or use its physical presence to support the actions of an officer in accordance with his or her duty, but there is no reference to that role in the Act. We have heard from police dog handlers, prosecutors and all the police and crime commissioners in the country that

there is concern that that provision allows defendants to argue that they are justified in applying force against a service animal in self-defence, rendering the force necessary. That has been an issue in deciding not to prosecute for the offence under the Animal Welfare Act.

I want to thank Department for Environment, Food and Rural Affairs Ministers, particularly Lord Gardiner, my right hon. Friend the Member for Surrey Heath (Michael Gove), and the Minister—he and I have a long history of considering animal welfare issues, going back to the 1990s—for discussing this issue with me at length and for supporting the Bill, which is the outcome of those discussions. This Bill follows the example of the Australian Animal Welfare Act, which makes specific provision for service animals. I could add that this approach is becoming the norm in advanced countries, and that is a good thing.

Clause 1 provides that the consideration in section 4(3)(c)(ii) of the Animal Welfare Act should be disregarded if the animal was under the control of a relevant officer at the time of the conduct, and was being used by the officer in the course of their duties in a way that was reasonable in all the circumstances. A relevant officer is defined as a police constable or person such as a prison officer, who has the powers of a constable, or persons in analogous positions. It also provides that Ministers can add to that list.

Clause 2 makes provision for commencement and formalities. It applies to England and Wales. This change to the law, when taken together with the Government's increase in the animal welfare penalty, will mean that there is, for the first time, suitable protection for service animals and a proper sentence for offenders.

Service animals such as Finn do a great job. There are 1,200 police dogs in service at any one time, and there should be proper recognition in the law of their vital role.

John Spellar (Warley) (Lab): Before the right hon. and learned Gentleman finishes, may I, on behalf of many colleagues—not just those on the Committee—commend him not only for introducing this Bill but for the tenacity with which he has finally brought it to Committee? I hope, now that we have reached this stage, that it will speedily move through our House and the House of Lords.

Sir Oliver Heald: I thank the right hon. Gentleman for that. Sometimes the House can come together and do good things, and this is an example of that. Perhaps we will see other examples before too long. I thank him and I commend the Bill and clauses 1 and 2 to the Committee.

Stephen McPartland (Stevenage) (Con): I just want to speak briefly, as the incident happened in my constituency of Stevenage, and I want to put on the record my thanks to PC Dave Wardell, police dog Finn, and the campaigners, and to my right hon. and learned Friend. Without his vast experience of being Solicitor General and his roles in the Ministry of Justice, we would not have been able to get the Bill written in such a form as to get past all the blocking tactics we found within some Government Departments.

I fully support the Bill, as do all Members in the House, as I understand. I thank my right hon. and learned Friend for the great work he has done in creating this cross-party passionate effort to ensure that working service animals are protected.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I thank everyone on the Committee today, particularly the right hon. and learned Member for North East Hertfordshire for introducing this extremely important Bill. It is absolutely and fully supported by the Scottish National party and the all-party parliamentary dog advisory welfare group, which I chair. We have had the pleasure of a visit from Finn and Dave Wardell to meet parliamentarians and speak about the tragic case and why it is so important for the Bill to be enacted, in order to correct the wrong of treating service animals as objects under the law, and for us to congratulate these service animals, in line with public opinion, on all the work they do to keep citizens safe, and to protect them going forward.

A proposal is already going through the Scottish Parliament and these measures have been accepted there as a Bill. I am hopeful that we can move forward collectively to ensure that animal welfare standards, particularly Finn's law, go forward with aplomb today, and that we add to those levels of protection across the United Kingdom.

Sir Oliver Heald: I should perhaps have mentioned that in Scotland, where this is a devolved matter, all parties are making common cause to have Finn's law there. There is also a campaign in Northern Ireland, so I hope that eventually the whole of the United Kingdom will be covered.

Dr Cameron: I thank the right hon. and learned Gentleman for his intervention. That is correct, and we need to ensure that this law is strengthened across the United Kingdom.

I would also like to pay particular tribute to Mossneuk primary school in my constituency, which had Finn and Dave through. Every single pupil in primary 6 sent letters to the First Minister of Scotland every day for a month to ensure that this legislation happens in Scotland. I thank everyone involved, all of the organisations, and Dave and Finn. I and my party fully support the Bill.

David Hanson (Delyn) (Lab): I commend the right hon. and learned Member for North East Hertfordshire again for his efforts and for reaching out his hand of friendship to Opposition Members of Parliament to help support the Bill and its progress through the House. We have mentioned Scotland, England and Northern Ireland.

As the only Welsh MP on the Committee, I confirm to the right hon. and learned Gentleman that my understanding is that the National Assembly for Wales and the Welsh Government will have to give legislative consent to the passing of the Bill. I do not envisage any problems with that, but I would be grateful if he or the Minister could confirm progress regarding my colleagues in the Welsh Government. I place on the record my support for the Bill and clause 1.

Clive Efford (Eltham) (Lab): I could not resist the opportunity to say what a delight it is to see you, Ms Buck, in the Chair. We both came into Parliament in 1997 and this is the first time I have served on a Committee where you have been in the Chair. May I say how expertly you have handled proceedings this morning?

I am sorry for not being here at the start. I wish I could blame Southeastern trains. The only accusation I can make against them is that they caught me out by being on time this morning.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I just want to say, as someone who has served under Ms Buck, she always does a great job.

Clive Efford: Yes, and I would not suggest that she falls down in her performance in any way.

I wanted to rise to say congratulations to my right hon. and learned Friend the Member for North East Hertfordshire. I call him my friend because, although others might not know this, we have known each other for 40 years. We used to run a football team in south-east London together when I was a youth worker. What a tremendous job he did back then, being very compassionate and committed to the young people from that part of London. I do not want to detain the Committee for long, but it is a pleasure to see him here and I wish him all success with his Bill. I hope that he succeeds in steering it through and getting it on to the statute book. Congratulations to him.

10.15 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): It is an honour to serve under your chairmanship, Ms Buck, to meet Finn and Dave Wardell before the sitting, and to have the active support of the policing Minister—quite the occasion and a real honour. I pay tribute to my friend of many years' standing, my right hon. and learned Friend the Member for North East Hertfordshire. He was an outstanding Minister, and it is fantastic to see him turning his attention to Bills such as this. This important Bill will champion the cause of our much loved service animals and it recognises the strong feeling on the subject in the country and the public support for a fantastic campaign. Congratulations to all involved. After yesterday's events in Parliament, it is great to see how on important issues we can come together—

David Hanson: We did yesterday.

David Rutley: The right hon. Gentleman suggests cheekily that we did yesterday. I am not so sure I agree with that, but today we will stick with animal welfare where we have broad agreement.

My right hon. and learned Friend the Member for North East Hertfordshire has brought together an impressive cast. We have former policing Ministers present, my right hon. Friend the Member for Hemel Hempstead and the right hon. Member for Delyn, and two former animal welfare Ministers, the right hon. Member for Knowsley and the hon. Member for Poplar and Limehouse.

Sir Oliver Heald: And a former Cabinet Minister.

David Rutley: Yes, the right hon. Member for Exeter.

Mr Ben Bradshaw (Exeter) (Lab): The architect of the Animal Welfare Act that the Bill is amending.

David Rutley: I pay sincere tribute to the right hon. Gentleman for all his hard work—I hope he is pleased that we will not only back the important Finn's law but take further strides towards making the legislation more impactful—and congratulate everyone involved.

Finn's name is rightly associated with the Bill; it exemplifies the bravery of service dogs. The Government recognise that service animals do a fantastic job, an invaluable service that might take them into extremely dangerous situations. The best protection for them needs to be made clear in law, which is why we support Finn's law and the campaign today.

As we have heard, in 2016 Finn was stabbed by an assailant when he assisted his handler, PC Dave Wardell, in the apprehension of a suspected offender. Finn received serious injuries but survived and even returned to duty before later retiring. He received all sorts of plaudits for his amazing and courageous work. In August 2018 the Secretary of State had the pleasure of meeting Finn and PC Wardell on a visit to Marsham Street. All the officials there were in awe and I have been told stories about how impressed they were to meet Finn. We can all agree with what the Secretary of State said at the time:

"Every day service animals dedicate their lives to keeping us safe, and they deserve strong protections in law. We will continue working with Sir Oliver Heald MP and the Finn's Law campaign to achieve this."

That is exactly what we do today.

When the Bill becomes law, animals such as Finn will have more protection from callous individuals, because it amends the Animal Welfare Act 2006—the architect of which is in the Committee—to make it clear that the ability for someone to claim that they were acting in self-defence when they attack a service animal should be disregarded in such circumstances. No longer will someone be able to inflict pain and suffering on much loved and heroic service animals, such as police dogs like Finn, police horses or animals supporting the prison service, and to say that they were simply protecting themselves.

In supporting the Bill, we agree with my right hon. and learned Friend the Member for North East Hertfordshire that prosecuting attacks on police and other support animals, which cause unnecessary suffering, under section 4 of the Animal Welfare Act 2006, could be made more difficult by the court having to consider whether the defendant acted in fear of harm. Relevant here is the list of considerations in section 4(3) for the court to consider whether the suffering was caused for a legitimate purpose, such as to protect a person, property or another animal. In other words, the perpetrator of the attack on a service animal could use the provision to claim they were acting to protect themselves. As noted, the Bill amends section 4 of the 2006 Act so that this consideration will be disregarded with respect to incidents involving unnecessary suffering inflicted on a service animal that is supporting an officer in the course of their duties. That will make it easier to successfully prosecute people who cause animal cruelty by attacking a service animal.

We are taking further steps to protect our heroic service animals, and indeed all animals under our care, by increasing the maximum penalty for animal cruelty from six months' imprisonment to five years' imprisonment.

Specifically, we will amend the maximum penalties set out in section 32(1) of the 2006 Act. That will include cruelty caused by attacks on service animals, which is the second part of the Finn's law campaign. We said we will do it and we are doing it. We will bring forward the necessary legislative vehicle as soon as possible.

John Spellar: Given the delay in reaching this stage of the process, could the Minister and his Department get in touch with the Government business managers to expedite the Bill's further passage through Parliament to become legislation?

David Rutley: We are doing everything we can to facilitate that pace—we are looking at various vehicles. On the question asked by the right hon. Member for Delyn about the situation in Wales, a legislative consent motion will be brought forward. We will do everything we can to work with the Welsh Government to facilitate that.

We are increasing the maximum penalties for good reason: as a deterrent to those who would choose to inflict the most abhorrent cruelty on animals, and to help to address comments from sentencing judges who have said that they would have handed down tougher sentences in the worst cases of cruelty, had a higher penalty than six months' imprisonment been available.

In summary, a two-step approach has been taken, in large part in response to the Finn's law campaign. First, this Bill has been introduced by my right hon. and learned Friend the Member for North East Hertfordshire, which removes the consideration in section 4 of the 2006 Act that the person was acting in self-defence in attacking a service animal. Secondly, the Government will bring forward tougher sentences for animal cruelty in separate primary legislation as soon as possible.

Sir Mike Penning (Hemel Hempstead) (Con): We have talked about what has happened in the Scottish Parliament. Of course, the Northern Ireland Assembly is not sitting, has not sat and is not likely to. What communications have there been with the Northern Ireland Office so that this great Union of ours has this law in Northern Ireland, whether or not the Assembly sits? As a former Northern Ireland Minister, I know the NIO has the powers for this. Perhaps the Minister will indicate when this law will come to Northern Ireland.

David Rutley: That is a fair question. The challenge in Northern Ireland, because the Assembly is suspended, is relative priority to other pieces of legislation we need to move through. My right hon. Friend makes an important point, and there is ongoing discussion with Northern Ireland officials.

Sir Mike Penning: It should not be forgotten.

David Rutley: I confirm that it certainly has not been forgotten, we just need to find a way forward in a very difficult situation.

I conclude by saying that I hope that Committee members are aware that, building on the tradition of previous Governments, this Government are taking forward a huge amount of important animal welfare legislation. It is at the top of our agenda. We are increasing sentences for animal cruelty, which we have talked about. We have brought in mandatory CCTV in slaughterhouses, a ban on the use of electronic shock collars on pets and, just before Christmas, we announced a ban on third-party sales of puppies and kittens. Those are very important pieces of legislation that have huge support across the House, which we are grateful for.

We are very clear that attacks on service animals such as brave Finn will not be tolerated. That is why we support the Bill and the additional protection it provides for our service animals. We will do all we can to support its swift passage without amendment through the Commons and the Lords as soon as possible. We also support the appropriate work in Scotland, Wales and Northern Ireland. I am very grateful for the cross-party support for the Bill, and the Government will ensure that we do the same.

Sir Oliver Heald: I thank everyone who has contributed to this short but constructive debate. Rather than making the usual point of order, may I also thank you, Madam Chairman, the officials from the Department, the *Hansard* writers, the attendants who have kept us safe, and everybody in the House who has facilitated the process, including the Clerk to the Committee, for being so helpful?

There were no other particular points for me to make. I looked into whether the Bill could apply to Northern Ireland, but apparently the legislation—the Welfare of Animals Act (Northern Ireland) 2011—is slightly different from that of England and Wales. That would make it difficult to apply and, possibly, make the Bill impossible to pass, so I did not pursue it, but I actively support the campaign in Northern Ireland. Thank you.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Bill to be reported, without amendment.

10.26 am

Committee rose.

