

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
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GENERAL COMMITTEES

Public Bill Committee

PET ABDUCTION BILL

Wednesday 31 January 2024

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CLAUSES 1 TO 7 agreed to, one with an amendment.
Bill, as amended, to be reported.

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Sunday 4 February 2024

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The Committee consisted of the following Members:

Chair: SIR GEORGE HOWARTH

Buckland, Sir Robert (*South Swindon*) (Con)
Champion, Sarah (*Rotherham*) (Lab)
† Coffey, Dr Thérèse (*Suffolk Coastal*) (Con)
† Daly, James (*Bury North*) (Con)
† Dowd, Peter (*Bootle*) (Lab)
† Duffield, Rosie (*Canterbury*) (Lab)
† Elphicke, Mrs Natalie (*Dover*) (Con)
† Firth, Anna (*Southend West*) (Con)
† Freeman, George (*Mid Norfolk*) (Con)
† Gibson, Peter (*Darlington*) (Con)
Girvan, Paul (*South Antrim*) (DUP)

† Loder, Chris (*West Dorset*) (Con)
† Mather, Keir (*Selby and Ainsty*) (Lab)
Shannon, Jim (*Strangford*) (DUP)
† Spencer, Mark (*Minister for Food, Farming and Fisheries*)
† Stevenson, Jane (*Wolverhampton North East*) (Con)
Turner, Karl (*Kingston upon Hull East*) (Lab)

Anne-Marie Griffiths, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Wednesday 31 January 2024

[SIR GEORGE HOWARTH *in the Chair*]

Pet Abduction Bill

10 am

The Chair: Before we begin, I have a few preliminary reminders for the Committee. Please switch electronic devices to silent. No food or drink is permitted during sittings of the Committee, except for the water provided. Colleagues from *Hansard* would be grateful if Members could email their speaking notes to—you all know the contact details. My selection and grouping for the meeting is available online and in the room. One amendment has been tabled, so we will have two debates. The first debate will cover clauses 1 to 5, and the second debate will cover the amendment and clauses 6 and 7.

Clause 1

DOG ABDUCTION

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

The Chair: With this it will be convenient to discuss clauses 2 to 5 stand part.

Anna Firth (Southend West) (Con): It is a pleasure to serve under your chairmanship, Sir George. I thank all right hon. and hon. Members for considering my Bill and being in Committee today. Before we get into the meat of the Bill, I would like to say a number of thank yous. In particular, I will take the opportunity to thank Baron Douglas-Miller, my hon. Friend the Member for Taunton Deane (Rebecca Pow), my right hon. Friend the Member for Sherwood and all the officials in the Department for Environment, Food and Rural Affairs, as well as Anne-Marie Griffiths in the Public Bill Office, for all the support I have received to get to this point.

I also thank my right hon. Friend the Member for Suffolk Coastal, my hon. Friends the Members for West Dorset, for Darlington, for Dover, for Mid Norfolk, for Wolverhampton North East and for Bury North and the hon. Member for Selby and Ainsty for taking time out of their busy mornings to be here. Finally, I must thank Debbie Matthews of the Stolen and Missing Pets Alliance, Dr Dan Allen from Keele University, Toni Clarke and the rest of the team at Pet Theft Awareness, the Conservative Animal Welfare Foundation, Cats Protection, the Dogs Trust, Battersea Cats and Dogs Home, Refuge and of course Southend's very own Tilly's Angels and Ann Cushion for their invaluable support and engagement with the Bill.

I welcome the Government's support for the legislation. This Government have taken huge strides in extending animal welfare, and the Bill marks another big step in the right direction. We heard many passionate and cross-party speeches in support of the Bill on Second Reading, with many stories from Members about their and their constituents' pets. Those stories show so clearly how much our pets mean to us and our constituents, and what a cruel and sickening offence pet abduction

actually is. The current law treats the abduction of a pet as if it was the theft of property, goods or an inanimate object, which does not reflect the position that pets now have in our society and the fact that they are sentient beings. We also know that we do not have easily accessible records of the unlawful taking of pets, because of the ways those crimes are recorded. Solving that is a key part of my Bill, in order to make it easier to address the issue and ensure that pet abductions are recorded separately.

I will not repeat everything that I said in the Chamber on Second Reading, but I will repeat this: Britain is a nation of animal lovers. Pets are part of our families; they make a house a home. The distress caused to not just the animal but the family when one of our beloved pets is suddenly and unlawfully taken from us is heartbreaking, which is why reform of our laws in the area is so long overdue and much needed. The new offences of pet abduction that the Bill introduces will focus on dogs and cats, but there are enabling powers in the Bill to extend the offences to other species of pet animals in the future, where appropriate, by way of regulations.

I will now run through the clauses and their effects. Clause 1 deals with dog abduction, making it an offence for a person to take or detain a dog, thus removing it or keeping it from the lawful control of any person, or from any person who is entitled to have lawful control of it, such as a dog walker, a dog sitter or a vet. Both the person and the dog need to be in England or Northern Ireland at the time that the dog is taken or detained for the offence to be made out.

There are a number of safeguards and exemptions, which are set out in the Bill. First, the pet theft taskforce heard evidence that a majority of reported pet theft cases involved domestic disputes between partners and the Bill does not seek to criminalise that sort of case. Therefore, subsection (2) sets out that no offence is committed where a dog is taken or detained from a household where the dog had entered that household after the two people had started living together. Subsection (3) sets out that it is a defence for a person to show that they had lawful authority or a reasonable excuse to take or detain the dog. Again, such a person would include a vet or dog sitter.

Subsections (4) and (5) provide specific defences in relation to stray dogs in England and unaccompanied dogs in Northern Ireland, taking into account the statutory requirements that exist in the two jurisdictions. For example, members of the public who find and take possession of a stray dog in England have a duty under the Environmental Protection Act 1990 either to return it directly to its owner or to take it to the local authority of the area in which it was found.

Therefore, any member of the public who retains possession of a stray dog for more than 96 hours—four days and four nights—and neither returns it to the owner nor takes it to the local authority could be, in theory, in scope of the offence of pet abduction. However, there is of course the fall-back defence of “reasonable excuse”, to ensure treatment on a case-by-case basis and to ensure we do not inadvertently criminalise well-meaning behaviour.

George Freeman (Mid Norfolk) (Con): I take this opportunity to congratulate my hon. Friend on introducing this Bill, which has such strong cross-party support.

I raised on Second Reading what happens and what the obligations are on people when they come across a dog that has become separated from its owner, as happened to Marika Cobbold, who has written widely about this issue. Her puppy was picked up by somebody on Hampstead heath. That man texted her on the mobile number on the dog's tag, but was then in such a hurry that he left the dog tied with a piece of string to a railing, from which it was then stolen. I believe that that man had an obligation to do something rather better than to leave the dog tied to a railing, and I just wanted to make sure that this Bill will not inadvertently undermine the obligation on people to ensure that, if they find a dog, they take it to somebody and make sure it is in good care.

Anna Firth: My hon. Friend makes an important point, which is exactly why I have reiterated the obligations in England on a person who finds a dog in just that scenario. They are still under the duty set out in the 1990 Act either to return the dog to its owner or to take it to the local authority.

George Freeman: Excellent.

Anna Firth: I hope that puts my hon. Friend's mind at rest.

George Freeman: Thank you.

Anna Firth: Subsection (6) provides that, in relation to the three safeguard defences or exemptions set out in clause 1, as long as sufficient evidence of the defence is established, the burden will move on to the prosecution to disprove the defence beyond reasonable doubt.

Regarding the penalties for these offences, a dog abduction will be a triable offence either way. Conviction on indictment will carry a maximum term of five years' imprisonment or a fine, or both. Summary conviction in England and Wales carries a penalty of imprisonment for a term not exceeding the general limit in a magistrate's court, which is currently six months, a fine or both. Summary conviction in Northern Ireland carries a penalty of imprisonment for a term not exceeding 12 months, a fine not exceeding the statutory maximum, or both. Lastly, subsection (8) of clause 1 includes definitions for "taking" and "detaining" for the purposes of the clause.

We come on to clause 2, which deals with cats. Cats have been added following a lot of work by the pet theft taskforce and the all-party parliamentary group on cats. It makes it an offence for a person to take a cat in England and Northern Ireland so as "to remove it from the lawful control of any person".

While the taking of a cat can be an offence, detaining a cat will not be, thus reflecting the different behaviour, with cats being more free-roaming than dogs. That definition also avoids criminalising well-meaning behaviour where a person looks after a cat that they thought was stray, abandoned or lost. That is the "Granny Meow" difference, which was much discussed on Second Reading.

As with clause 1, subsection (2) creates a mirror exemption, identical to the case of dogs, to exclude from the scope of the offence domestic disputes over the custody of a cat between partners going their separate ways. Again, as with clause 1, subsection (3) sets out a mirror defence of

"lawful authority or a reasonable excuse for taking the cat"

and again, as with clause 1, the cat abduction offence is triable either way and the penalty provisions are identical to that of dog abduction. There is no hierarchy or difference between dogs and cats.

Clause 3 is the enabling clause, which enables other animals commonly kept as pets to be protected at a later date. Clause 3 gives a power to the appropriate national authority in England or Northern Ireland to amend the Bill to extend the offences in clause 1 or 2 to include further species of animal commonly kept as pets. The power may be exercised when there is evidence that there is a significant increase in incidents of unlawful taking or detaining of animals of that species.

Mrs Natalie Elphicke (Dover) (Con): I congratulate my hon. Friend on this important Bill and on its cross-party support. She and I have discussed the issue of indoor pedigree cats, particularly ragdolls, which are beloved of me, Taylor Swift, Holly Willoughby and others. Can my hon. Friend assure me that, should it be necessary to extend some of the dog provisions in relation to holding indoor cats, the provision in clause 3 would allow a consideration of further extension of powers to protect indoor cats?

Anna Firth: My hon. Friend has been a champion for cats, the ragdoll breed in particular—what an absolutely beautiful breed it is. I can assure her that clause 2, which deals with cats, will deal in its entirety with the taking of a ragdoll cat. I do not immediately see any need to amend clause 2, but should that be necessary, my hon. Friend is right that clause 3 should enable further provisions. I thank her for bringing that point and the whole issue of indoor cats to the Committee's attention.

Under clause 3, I was just saying that the power can only be exercised where there is evidence of not only one incident of unlawful taking or detaining of another pet, but an increasing picture. The regulations that apply the offences to other species of animal can allow for different exceptions or defences, which again brings us to the point my hon. Friend the Member for Dover was talking about. However, they cannot alter the penalties set out in the Bill.

Subsection (5) requires that the appropriate national authority consult appropriate persons before making such regulations under the clause. The appropriate national authority is defined in subsection (6) as the Secretary of State in relation to England and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland. Any regulations made under this enabling clause are subject to the affirmative procedure in the normal way, meaning that the draft regulations must be laid before and approved by resolution of each House of Parliament or the Northern Ireland Assembly.

We now come to the technical provisions. Subsection (10) allows regulations under this clause to include different provision for different purposes, and consequential and other standard provisions. Subsection (11) includes explicit provision to amend the Magistrates' Courts (Northern Ireland) Order 1981 in that respect.

Clause 4 makes an amendment to the 1981 order, consequential to the penalty provisions in clauses 1 and 2. That means that a defendant in Northern Ireland who is charged before a court of summary jurisdiction with a summary offence of cat or dog abduction cannot claim trial by jury.

[Anna Firth]

Clause 5 sets out the territorial extent of the Bill, which extends to England and Wales and Northern Ireland. The only exception is clause 4's consequential amendment to the 1981 order, which extends only to Northern Ireland. However, the provisions of the Bill apply only in England and Northern Ireland.

10.15 am

The Minister for Food, Farming and Fisheries (Mark Spencer): It is a pleasure to serve under your chairmanship, Sir George. I thank my hon. Friend the Member for Southend West for bringing forward this important Bill for pet lovers in this country. I also thank the hon. Members in this room for their support this morning.

The Bill will create offences of cat abduction and dog abduction in England and Northern Ireland, recognising that cats and dogs are sentient beings and not merely property. The intention is that it will allow the courts to place greater focus on the impact on the welfare of the animal as well as the interests of its owner when deciding on penalties.

The Bill is intended to deal with the unscrupulous people who abduct a cat or a dog. I am hugely aware that such people are an exception. The Bill does not intend to criminalise genuinely kind behaviour to cats and dogs that people do not own—for instance, where they believe the animal is a stray. The vast majority of citizens love animals and want to do the right thing if they see an unaccompanied cat or dog.

The pet theft taskforce found that in the majority of cases dogs were stolen from homes, mostly from gardens and outbuildings. The Bill makes it an offence for a dog or a cat to be taken from a person with lawful control of the animal. In the case of dogs, the Bill also makes it an offence to detain a dog to keep it from someone entitled to the lawful control of the dog.

These offences, as my hon. Friend the Member for Southend West has outlined, are subject to certain exceptions and defences. The Bill rightly makes no difference in the penalties for dog or cat abduction, but by limiting the offence to “taking” of cats, it does take into account the different lifestyles of those animals. I am particularly pleased that the Bill includes a cat abduction offence, which stakeholders have been calling for. It is right that there is no detaining offence for cats. They are known to occasionally make themselves at home on other people's sofas, and some cats display deft cat-flap skills, meaning that people might not even be aware that a cat is in their home.

The maximum sentence attached to cat or dog abduction is up to five years in prison or a fine, or both. That aligns to the maximum term for animal welfare offences under the Animal Welfare Act 2006 and the Welfare of Animals Act (Northern Ireland) 2011. As the new offences are centred on the impact on the animal, we feel it is right that the maximum penalty aligns with other serious animal welfare offences. Although causing unnecessary suffering remains an offence in its own right under the Animal Welfare Act 2006, the intention is that the new offences will allow the court to take account of the impact on the animals when deciding on penalties. It could, for instance, consider any impact on the animal in circumstances where an animal is taken forcefully.

The Bill includes a power enabling the Secretary of State or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to extend the Bill's offences to further species of animals at a future date, but the power is limited. The Secretary of State or DAERA must consider that animals of that species are commonly kept as pets, and there must be evidence of a significant number or rise in cases of unlawful taking or detaining.

The power is an important asset to the Bill. The pet theft taskforce's recommendation for the development of the pet abduction offence was preceded by a change in demand during covid-19. The circumstances that might trigger the consideration of inclusion of other species of animals commonly kept as pets could be similarly unpredictable. We therefore agree that it is appropriate for the Secretary of State or DAERA to have the power to respond dynamically.

As we have heard, the Bill extends to England and Wales and Northern Ireland, although the provisions apply in England and Northern Ireland only. We welcome Northern Ireland's joining in with the Bill. As the matter is devolved, it will be up to the relevant devolved Governments to consider whether they would like to bring in a similar framework.

The Bill builds on the excellent work of the pet theft taskforce and acts on a key recommendation of developing a pet abduction offence. It also meets the Government's commitment in the action plan for animal welfare to tackle the serious crime. I commend my hon. Friend the Member for Southend West for promoting it.

Anna Firth: I will go back to where I began and thank all right hon. and hon. Members for attending the Committee and for their support. We have great champions of animal welfare in Parliament. I am grateful for the attendance of the hon. Member for Canterbury this morning and for her support on social media and through the all-party parliamentary dog advisory welfare group.

Our nation is leading the way on animal welfare. Passing the Bill will cement our position and set an example, which I hope that many other countries will follow.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 to 5 ordered to stand part of the Bill.

Clause 6

COMMENCEMENT

Dr Thérèse Coffey (Suffolk Coastal) (Con): I beg to move amendment 2, in clause 6, page 5, line 6, leave out from “England” to end of line 7 and insert

“at the end of the period of three months beginning with the day on which this Act is passed.”

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Clause 7 stand part.

Dr Coffey: It is a pleasure to serve under your chairmanship, Sir George.

As I mentioned on Second Reading, I am keen for the Bill to include a date for commencement so that it is not contingent on the Government to table further regulations. I have tabled the amendment for two reasons. First, it would reduce the work required of civil servants and Parliament by not requiring further regulation, albeit through a humble commencement order—I know the legislative mechanisms that go on behind the curtain of Government, particularly in DEFRA. Secondly, I am keen to include a date for the key reason of public trust. When we say that we are going to make law, especially when the Bill has taken much longer than originally planned, a commencement date means that the public can be confident that the measure will be law this year, without further delay.

I am conscious that officials will want time to write guidance that can be used to effect the Bill. I had originally considered that two months was enough, but I have been persuaded that having three months for automatic commencement is acceptable.

I commend the amendment to the Committee.

Mark Spencer: I can be swift. The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Taunton Deane (Rebecca Pow) gave a commitment at the Dispatch Box on Second Reading, putting it on the record that the Government will commence the Bill within three months in England. I can therefore support the amendment.

Again, I thank my hon. Friend the Member for Southend West for promoting the Bill, which the Government fully support. I would also like to put on record my thanks to my right hon. Friend the Member for Suffolk Coastal, not only for her amendment but all the work she has done in various roles to support and improve animal welfare in this country. She is a true champion of animal welfare. With that, I look forward to seeing the Bill progress through its stages; I am delighted to support it.

Anna Firth: I thank my right hon. Friend the Member for Suffolk Coastal for tabling this amendment. I particularly thank her for her expertise, which has been of great value to me in bringing the Bill forward, and for her contribution on Second Reading, which was much appreciated. I also thank my hon. Friend the Member for Taunton Deane (Rebecca Pow) for making a firm commitment at the Dispatch Box on Second Reading that the offences will be commenced in England within three months of Royal Assent, which has been repeated and endorsed by my right hon. Friend the Member for Sherwood this morning. I welcome this amendment, it has my full support, and I am grateful to the Minister for his full support as well.

Clause 6 sets out how and when each provision in the Bill comes into force in Northern Ireland. It provides for clause 1 on dog abduction, clause 2 on cat abduction

and clause 4 on consequential provision of sections 1 and 2 to come into force by order made by DAERA. Clause 6(3) sets out that clause 3, which contains the Bill's enabling power to extend the offences to other species, and clauses 5, 6 and 7 will come into force on the day on which the Act is passed.

Clause 6 also provides a power for the Secretary of State and DAERA to make transitional or saving provisions in connection with commencement and to include different provision for different purposes. Clause 7 sets out the short title of the Bill. It will be known as the Pet Abduction Act 2024. Finally, I thank all Members for their contributions—

George Freeman: May I just give my hon. Friend the opportunity to make clear to those listening and reading what the police will understand as a result of this Act about changes to their powers? What will forces around the country be able to do in three months that they have not been able to do until now?

Anna Firth: I thank my hon. Friend for his intervention. He is absolutely right; the proof of the pudding will be in the enforcement of the Bill. The police need to now know that there will be two separate offences of cat and dog abduction, that these will have a unique identifying crime number and that these offences must be enforced. We expect the police to use their powers to investigate and bring these cases forward and get proper sentences when someone's dog or cat is abducted. By having a separate recording system, we expect every police force to be recording these offences so that we can look across the piece and see which police forces are taking action and which are not. It is therefore vital that the police are clear about the new powers and use them.

Finally, I thank you, Sir George, for chairing this Committee. I thank the Minister, and I thank the hon. Member for West Dorset for his steady and reassuring presence. I thank hon. Members who have spoken, and I give perhaps even bigger thanks to hon. Members who have not spoken.

The Chair: I call Dr Coffey to wind up the debate.

Dr Coffey: We have said all that we need to say.

Question put and agreed to.

Amendment 2 accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

The Chair: It is a rare privilege to chair a meeting of Members of Parliament in which there seems to be complete consensus, and I suspect that that will become even rarer over the coming months. [*Laughter.*]

Bill, as amended, to be reported.

10.31 am

Committee rose.

