

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### ANIMAL WELFARE (SENTENCING) BILL

*First Sitting*

*Tuesday 23 July 2019*

*(Morning)*

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#### CONTENTS

Programme motion agreed to.  
Written evidence (Reporting to the House) motion agreed to.  
Motion to sit in private agreed to.  
Examination of witnesses.  
Adjourned till this day at Two o'clock.

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**not later than**

**Saturday 27 July 2019**

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**The Committee consisted of the following Members:**

*Chairs:* † MR ADRIAN BAILEY, DAME CHERYL GILLAN

† Chalk, Alex ( <i>Cheltenham</i> ) (Con)	† Newton, Sarah ( <i>Truro and Falmouth</i> ) (Con)
† Debbonaire, Thangam ( <i>Bristol West</i> ) (Lab)	† Pollard, Luke ( <i>Plymouth, Sutton and Devonport</i> ) (Lab/Co-op)
† Duffield, Rosie ( <i>Canterbury</i> ) (Lab)	† Rutley, David ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> )
† Grant, Bill ( <i>Ayr, Carrick and Cumnock</i> ) (Con)	Sobel, Alex ( <i>Leeds North West</i> ) (Lab/Co-op)
† Harrison, Trudy ( <i>Copeland</i> ) (Con)	† Stewart, Iain ( <i>Milton Keynes South</i> ) (Con)
Hayman, Sue ( <i>Workington</i> ) (Lab)	† Turley, Anna ( <i>Redcar</i> ) (Lab/Co-op)
† Heald, Sir Oliver ( <i>North East Hertfordshire</i> ) (Con)	
† Hollinrake, Kevin ( <i>Thirsk and Malton</i> ) (Con)	
† Latham, Mrs Pauline ( <i>Mid Derbyshire</i> ) (Con)	Rob Page, Adam Mellows-Facer, <i>Committee Clerks</i>
† McCarthy, Kerry ( <i>Bristol East</i> ) (Lab)	
† Martin, Sandy ( <i>Ipswich</i> ) (Lab)	† <b>attended the Committee</b>

**Witnesses**

Michael Flower, Deputy Head of Prosecutions, Royal Society for the Prevention of Cruelty to Animals

Claire Horton, Chief Executive Officer, Battersea Dogs and Cats Home

Mike Schwarz, Senior Consultant (Crime, Fraud and Regulatory), Bindmans LLP

Inspector Paddy O'Hara, National Police Chiefs' Council group lead on dangerous dogs/animal welfare, Metropolitan Police

## Public Bill Committee

Tuesday 23 July 2019

[MR ADRIAN BAILEY *in the Chair*]

### Animal Welfare (Sentencing) Bill

9.25 am

**The Chair:** Welcome, everybody. Before we begin, I have a few preliminary announcements. First, please switch off electronic devices or put them on silent. I remind you that tea and coffee are not allowed during our sittings. We have copious water, if that is the right adjective, and please feel free to drink it in these temperatures.

Today, we will first consider the programme motion, which is on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication and a motion to allow us to deliberate in private about our questions, before the oral evidence session. I assume we have to go through that, even though we have no one in the Public Gallery. In view of the time available, I hope we can take these matters formally, without debate.

*Ordered,*

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 July) meet—

- (a) at 2.00 pm on Tuesday 23 July, and
- (b) at 11.30 am on Thursday 25 July;

(2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 23 July	Until no later than 10.15 am	RSPCA; Battersea Dogs and Cats Home
Tuesday 23 July	Until no later than 1100 am	Metropolitan Police; Bindmans LLP

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 2.00 pm on Thursday 25 July.—(*David Rutley.*)

*Resolved,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*David Rutley.*)

**The Chair:** Copies of written evidence the Committee receives will be made available in the Committee Room.

*Resolved,*

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—(*David Rutley.*)

9.27 am

*The Committee deliberated in private.*

### Examination of Witnesses

*Michael Flower and Claire Horton gave evidence.*

9.31 am

**The Chair:** We will now begin our public sitting and hear evidence from representatives of the RSPCA and Battersea Dogs and Cats Home. I remind Members that questions should be limited to matters within the scope of the Bill and that we must stick to timings—I will be ruthless on that. Do any Members of the Committee wish to declare any relevant interests?

Good morning to our witnesses. Will you introduce yourselves for the record?

**Claire Horton:** I am Claire Horton, chief executive of Battersea Dogs and Cats Home.

**Michael Flower:** I am Michael Flower, deputy head of prosecutions, RSPCA.

**The Chair:** Thank you. I invite Luke Pollard to open the questioning.

**Q1 Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): Good morning. There is a lot of cross-party support in this Bill Committee for the key measure of increasing the sentence from six months to five years, so there will not be too much back and forth in arguing about that. Why is it important that this sentencing maximum is increased? Can you give examples of animal cruelty you think should be punished with a much greater sentence than the current six months?

**Michael Flower:** I will start, if I may. It is important that sentencing is increased because the current maximum penalty does not reflect the serious offences that we see in the animal cruelty world. There is a huge upsurge in public opinion, which seems to want increased sentences. We have encountered comments from the judiciary in our prosecutions and they would also like to see higher penalties so that they could deal adequately with the types of offence that have been encountered.

For example, we would be looking for increased sentence in cases such as “man pours lighter fluid on a dog and sets it on fire” and “man puts kitten in microwave, switches it on and kills it”. We have had recent cases involving puppies being kicked to death. We had a recent case involving two men who wanted to kill a dog, with some reason to do so, but rather than take it to the vet, one chap hammered a nail into the dog’s head. Then they buried the dog, and the dog was still alive. I could go on, but I don’t think I need to. Some of the cases we are encountering are, frankly, awful.

**Claire Horton:** I endorse everything that my colleague has said. I think probably the most significant case that brought it home to me and really kicked this off was Baby the bulldog, which Ms Turley has fought for significantly. That is the most horrific example of animal cruelty: it was filmed on a mobile phone; people joked and laughed and deliberately sought to cause injury to that animal. The sentence that they got was a matter of weeks. The sentences are way too low given the scale that we see this happening: six months is the maximum, with a 20% reduction if a defendant pleads guilty. Battersea, as well as the RSPCA and other animal rescues around the country, sees almost on a daily basis animals coming in as victims of cruelty.

**Q2 Luke Pollard:** Thank you both for that. That sets the context and shows why it is important that we get this legislation through. On the scope of the Bill, as I mentioned, there is cross-party support for including domestic animals and increasing the sentence to five years. The Bill deliberately has been drawn quite narrowly, around just domestic animals. Could you set out whether you feel there should be a distinction between domestic animals and wild animals in a Bill such as this? In the past, there has been a sense that cruelty to animals in general is what the public want action on, and the distinction between domestic and wild is a legal definition rather than one that the general public take to heart.

**Michael Flower:** We would have to concede that there are differences with the legislation. The Animal Welfare Act 2006 protects animals that are considered protected animals. Broadly speaking, those are domestic animals. It does include wild animals if they are under the control of man. Some cruelty cases will involve wild animals, such as a badger or a fox, which often are caught during illegal hunting activities. Those animals will have dogs set on them. We had a case in Wales recently where a group of men were involved in that activity, and a young baby badger was skinned alive by two dogs pulling at each end.

Some offences relating to wild animals will be caught by this legislation. Some will not be. The crux is whether the wild animal is under the control of man. In some circumstances that is not the case, whatever cruelty is perpetrated upon them. In an ideal world, at some point in the future I hope there will be some merit in looking at animal-related sentences across the board, because we have the Protection of Badgers Act 1992, the Deer Act 1991 and Wildlife and Countryside Act 1981, which protects wild birds, but all those animals can be caused to suffer in the course of other activities. The Bill does not solve all problems for all animals, but, given that the vast majority of cruelty cases that are prosecuted relate to domestic animals, it is an extremely important first step.

**The Chair:** Trudy Harrison indicated that she would like to ask a question, presumably on the same theme.

**Q3 Trudy Harrison (Copeland) (Con):** It is. Listening to the accounts that you just gave, which were absolutely horrific, I cannot comprehend the thinking that must have gone on before those incidents took place. Do you think that this Bill will reduce the number of those acts and, if so, why? Do you think it will act as a deterrent?

**Michael Flower:** I certainly hope so. To my mind, one of the great drives behind the Bill is to try to deter people from committing those offences. I go back a few years working for the RSPCA, and one of the main drives we had for bringing in the welfare offence at the time of the original Act was to introduce to English law preventive measures to stop animals being caused to suffer. The RSPCA is about preventing cruelty, not prosecuting it. We will prosecute it where offences are committed, but we want to prevent it. I hope that, if there is a five-year custodial sentence, that will act as a deterrent. It seems to me that there is a huge difference between an offender serving a 16-week custodial sentence, as is the case at present, and serving two and a half years. That must make some difference to some people, and it can only be beneficial.

**Claire Horton:** We are aware of research by the University of Birmingham and similar research in Italy that found even a relatively small change in sentences can have a significant deterrent effect. Certainly, given some of the examples we have cited, the sentence at the moment is disproportionate, considering that the sentence for fly tipping is five years, the sentence for theft is seven years and the sentence for driving while disqualified is significantly more than this. For someone who knowingly and determinedly kills animals in the way you have heard about, there has to be a deterrent. There has to be a punishment that fits the crime. At the moment, it just does not at all.

Of course, as was said, there is significant public and cross-party support for this change. I think people recognise that we need to be seen to be taking this seriously and to be acting. Certainly, at the moment, we are the worst of 100 countries in the sentence we offer. Battersea did some research in 2017—I am sure most of you have already seen it, but I have brought some copies for the Committee's benefit, which I will leave here—that looked at sentencing for animal cruelty in England and Wales. We surveyed 100 jurisdictions around the whole of Europe, the US and Australia, and all of them, including Ireland and Northern Ireland, had higher sentences than England. We really do need to act on this, and we need to do it soon.

**Q4 Sir Oliver Heald (North East Hertfordshire) (Con):** On deterrence, do you agree that it would help if the courts and the Sentencing Council worked up a list of aggravating features that would merit a long sentence within the bracket of up to five years? For example, you mentioned torture—setting one animal on another. You will know about my interest in service animals—I thank you both for all the support we had with Finn's law. I suggest that if a service animal that is defending a police officer is attacked with a 10-inch knife and stabbed to within a very close shave of losing its life, that would be an aggravating feature too. What do you think of that?

**Michael Flower:** The Sentencing Council has actually produced sentencing guidelines for Animal Welfare Act offences already—the most recent version was introduced in 2017, I think—and they contain examples of aggravating features. As a prosecutor, we find them very useful. We would certainly welcome the Sentencing Council revising those guidelines to take account of the Bill, if it is enacted. In fact, I suggest that it is essential that it does. We have had an indication somewhere down the line that it is prepared to look at this fairly quickly if the Bill comes into force. Yes, I would definitely welcome Sentencing Council guidance.

**Q5 Sir Oliver Heald:** I understand that is the position, but do you agree that if you have up to five years to work with, it is possible to make those distinctions more clearly than if you have just a very short sentence, such as six months?

**Michael Flower:** Oh yes, it gives you much more scope, because in that short period of six months, when you take account of discounts for early guilty pleas and so on, you have a very limited band in which to work, so five years should improve the situation quite considerably.

**Claire Horton:** Yes, we agree with that. Certainly, we are expecting up to five years to be used for the most serious offences, and aggravated offences come under that banner. We would certainly welcome the capacity and the ability to do that.

**Q6 Sir Oliver Heald:** Would you see torturing an animal, setting it on another animal or attacking a service animal as being the main areas for aggravating features, or are there others?

**Michael Flower:** All those should be aggravating features. Some already are, under current guidelines. The use of an animal to cause injury to another is also an aggravating feature at the moment. Another aggravating feature that already exists, and that should continue to exist, is cruelty to multiple animals. Although the examples I have cited have all been physical abuse of an individual animal, there are some very serious cases involving the wholesale gross neglect of multiple animals. It can be a horse dealer with 100 horses, and the vast majority of them are in a suffering state. In my view, that must become an aggravating feature.

**Claire Horton:** Of course, the law now is that if an animal—a dog—attacks a service dog, then the owner can receive up to three years' imprisonment. However, if that owner himself attacks that service dog or any other dog, the owner would get up to six months, and that is it.

**Sir Oliver Heald:** I think there is an overwhelming case. Thank you very much.

**Q7 Anna Turley (Redcar) (Lab/Co-op):** First, I thank both of your organisations for all the campaigning work that you have done to support us in getting to this place, and for all the work that your staff do every day. The case of Baby the bulldog, which was mentioned earlier, is what drove me to get involved in this, and that came to sentencing only because of the really good work by the RSPCA and your members of staff. I am sure that they felt the same as the public did—all that work to get these people to court for that horrendous event, and then to see just a suspended sentence, an electronic tag and a fine. That was insufficient. Thank you for everything that you do.

Building on Sir Oliver's point about aggravating, I have an interest in filming and the use of social media. Is the filming of incidents of abuse and harassment for entertainment on the increase? How is that affecting your ability to prosecute or to take cases forward, and could that be an aggravating element in the seriousness of a case?

**Michael Flower:** We receive quite a number of complaints that make reference to the social media Snapchat. The figures I have seen show that in 2015 there were 27 complaints that mentioned Snapchat, and in 2018 there were 214. That would tend to indicate that there is a significant increase.

On an individual case-by-case basis, I am often asked why cruelty continues and seems to be increasing, and why serious cruelty seems to be increasing. I do not really know the answer, but I have a very strong suspicion that social media is a contributory factor. I have children who are on Facebook and so on, and a lot of people on these sites seem to live an almost artificial life, where

they want to glorify their activities. One way a proportion of people seem to do it is to commit acts of cruelty and then put them on the internet so that others can see it. It is damaging, because it is almost publicising and promoting cruelty. To my mind, this is yet another aggravating feature. I believe that the Sentencing Council will recognise that fact—it has included that in the current sentencing guidelines. That is all positive, but it is an issue and I am sure that it leads to more cruelty.

From an enforcement point of view, it is sometimes helpful, because if we can secure the material that is being posted, we have pretty good evidence of what is being done by which individuals to which animals. It does not always work, because some of the material on these social media sites is deleted very quickly and cannot always be retrieved. It is quite surprising that we have had a number of pretty high-profile cases, including dog fighting. In one of the last cases I dealt with, they were going into fields in Bedfordshire, I think, and staging fights in the middle of the field and filming them. Then they put it on social media, where one of our researchers saw it and we were able to deal with the offending. It is a mixed blessing. It helps to perpetuate cruelty and it does not always solve it.

**Claire Horton:** We see that in all sorts of other issues. It is not just in animal cruelty; it is in everything. It is people trolling young people and encouraging suicide. Social media has an awful lot to account for. Certainly, anecdotally, I would agree. I agree, actually, that in some places it is quite useful to have that footage. It works as some sort of shock tactic, for many people. It raises awareness for many people, but it also drives copycat behaviour with others. That is probably the real concern. I don't think it is going away any time soon, but the more we can be clear about our intolerance of that sort of behaviour and how it is punished, that has got to help in tackling these crimes.

**Q8 Anna Turley:** Just to confirm, you say that social media companies take these videos down, but they are under no obligation to pass them to either the police or yourselves—they are just deleted, gone, and that is it?

**Michael Flower:** I do not think it is the social media companies that take them down. From people who know about these things—I am not one of them—my understanding is that on Instagram, for example, where a lot of people seem to post images, it automatically comes off after 24 or 48 hours, so it comes and goes.

**Q9 Bill Grant (Ayr, Carrick and Cumnock) (Con):** Thank you for sharing your knowledge of social media and the impact it has on cruelty. Do you have somebody monitoring the footage that appears on Instagram or Snapchat, for instance? How are you made aware of it? Have you any examples where you have approached the company or platform provider, and if you have, have they proved helpful to you?

**Michael Flower:** The footage tends to come to our attention partly by other people who have seen it reporting it. That is particularly common with juvenile offenders of school age, where peers in school will see their friends publicising themselves on one of these sites and are appalled by it, and so they report it. We do have officers who tend to trawl the internet looking for evidence of cruelty, particularly the more organised

crime, such as large-scale puppy trading or dog fighting. I cannot recall a time when we have had to go to one of the internet company providers. I do not know what sort of reaction we would get. I am not aware of it being done.

**Bill Grant:** Thank you very much.

**Q10 Sarah Newton** (Truro and Falmouth) (Con): Like Trudy, I am sure that having to hear these appalling examples is extremely disturbing for us all. I am curious to know what sentences were meted out for such atrocious crimes. That would help us to appreciate how important our work is here today.

My question follows on from the discussion we have just had. It strikes me that there are, as Claire said, a lot of similarities with other types of crime, such as the sexual exploitation of children and how the internet is used there. What lessons should we be learning about raising awareness and educating people that this is absolutely unacceptable in our society? As you mentioned, children, who will be exposed at home and on social media, might be tempted to copycat. What more can we do to raise awareness that it is unacceptable, that these are crimes in our country, and that the people who perpetrate these crimes, or who are associated with them, will encounter the full force of the law?

**Michael Flower:** When we had discussions with the Department for Environment, Food and Rural Affairs about the Animal Welfare Bill, one of the important things that had to follow its enactment was publicity to educate the public that the law had changed and to make it clear that there were now new requirements for animal care, particularly in relation to the duty of care offence. When DEFRA introduced the codes of practice for domestic animals, that did not really happen.

Were this Bill to be enacted, I would again say that there needs to be a fairly significant media campaign to educate the public—to say that this is a new law with new penalties and that the Government and the country take the crime seriously—and to drive that message home to them. We try to educate people. Most of the work our officers do—although we talk in here about investigations and prosecutions—is about educating and advising people, and providing guidance to resolve problems before we get to the prosecution stage. We can put the message out, and I am sure that other agencies and charities will do so, but the Government need to do that as well—it needs to come from on high.

**Claire Horton:** I think it is a partnership. We work very closely with the Government in other areas. Certainly, as an animal welfare sector, all the agencies work closely together. We all know each other well and share common ground when it comes to issues such as this. Certainly, we are able to join with the Government to share messaging—it does not matter what sort; we will happily do it.

There is a multitude of messages that we are trying to get out to people. One is how to make wise choices and decisions about the purchase of puppies, because puppy farming and illegal puppy smuggling and dog breeding are always huge issues. How do we make people much more aware of responsible ownership? How do we stop animals getting out and worrying livestock? How do we make people think differently about all manner of things? There is always a danger that messages can get mixed

up—that they get muddled and ultimately people become blind to awareness messages that are constantly hitting them. It is about thinking carefully about the nature of the message, how it is put out to the population and what methodology or channel is used, which is quite important.

Earlier, I mentioned copycat behaviour, which worries me a lot, because of the issue of promoting responsible ownership as it relates to animal cruelty and not being cruel to animals. Inevitably, in those messages, we will be giving examples of animal cruelty and there will always be people who pick those messages up in the wrong way and go and do it. None the less, that does not stop us needing to be clear about this.

Ultimately, the biggest deterrents will be a much harsher sentence, a much more serious punishment and naming and shaming. One of the interesting things about the internet and some of the cases we have heard about is that when those perpetrators' identities become public, life can get difficult for those people simply because of the public reaction. I make no comment on that, other than that it can clearly work in different ways when people or the issue are exposed.

**The Chair:** I will come to Sandy Martin and then the Minister. We have 15 minutes left, so perhaps you can ensure that the Minister has plenty of time to ask his questions.

**Q11 Sandy Martin** (Ipswich) (Lab): Thank you, Mr Bailey. Has either of you seen judges or magistrates deliberately choosing a sentence that is dependent on whether the animal is domesticated or wild?

**Michael Flower:** No, I can't say I have encountered that. From my experience, the courts tend to consider the nature of the offence, rather than the animal, which is entirely right. You cannot really differentiate between extreme cruelty to a dog, cat, fox or badger—if it is cruel, it is cruel, and that is the way the courts tend to look at this, which is the right approach.

**Claire Horton:** I cannot give an answer to that I am afraid, as I have no experience of court sentencing.

**Q12 Sandy Martin:** Would you agree that there is some legitimate concern, particularly from farmers, that if wild animals were included in this or any subsequent Bill, that might circumscribe their activities? Do you agree that killing is not necessarily the same as cruelty, and that you can have a system where an animal needs to be killed, but that does not need to be done in a cruel way?

**Michael Flower:** Yes, I think that is right. There is already a clear distinction, and legitimate pest control continues. The Animal Welfare Act 2006 does not prevent that, and the Bill does not change that situation. I do not think the RSPCA has an issue with pest species animals being killed if that is done humanely—that is key. Cruelty is causing suffering unnecessarily, and there is a clear distinction.

**Q13 Sandy Martin:** You raised the issue of a baby badger being skinned alive. There is some controversy about or question whether that would be covered by the Bill. Do you believe it would be sensible to review the

[Sandy Martin]

scope of the Bill at some stage in the not-too-distant future, to see how well it is working and whether it should be revised?

**Michael Flower:** I think it would be sensible, and I believe an amendment has been tabled that there should be a review after two years. I am not convinced that there will be sufficient data in two years to do that properly. If the Bill were to be enacted in the next three or four months, it would be a couple of years before results started filtering through the court system. A review would be welcome from our point of view because there might be anomalies between the Animal Welfare Act and other animal welfare protection legislation, such as the badgers Act. If this Bill is enacted, we must consider how sentencing can be applied to other areas.

**Claire Horton:** I agree with that. The Bill is clear and has been introduced because of the recognition that animal cruelty is a serious issue. We would be concerned by anything that slowed its progress. It is fairly uncontentious, and I urge Members to get this bit through, and to consider issues of review and inclusion once we have more evidence further down the line.

**Q14 The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley):**

You have taken away my first question. I was going to ask whether our two witnesses agree that speed is of the essence now, notwithstanding some legitimate, and quite thorny, questions that we will, at some point, need to grip more fully. It has taken some time to get a coalition of opinion, but it has become clear to me that not only the two organisations that you represent incredibly well, but a far broader coalition, is now saying that, notwithstanding other issues that might be out there, we need to get the legislation through. Could you confirm that? It would be useful to hear the RSPCA confirm that time is a priority, and that there is a broad opinion that we need to get on with the Bill now.

**Michael Flower:** Yes, that would definitely be our view. Personally, I think that increasing sentencing is long overdue; it was unfortunate that that was not included in the Animal Welfare Act 2006. It is now clearly overdue, and needs to be implemented as soon as possible. The extremely narrow scope of the Bill should make it easier to push it through quite quickly, which would be very welcome from our point of view.

**Q15 David Rutley:** Do you think that a broader coalition of welfare groups supports that view as well?

**Claire Horton:** Very much so.

**Q16 David Rutley:** On behalf of members of the Committee, I thank you both for the outstanding work that you have done and continue to do, and for the support that you have given the Bill. It is great that there is such broad consensus across the Committee and across the House on the Bill. Great champions on both sides are pushing it forward, which is good to see.

We had a bit of a conversation about sentencing guidelines in terms of Anna's important amendment, and views and concerns about videos. Are you convinced that the guidelines help you in your job and will have teeth? I have that confidence, but it is important for

Committee members to hear, particularly from the RSPCA, that in the work that you do and more generally there is a view that the guidelines can be of assistance and are meaningful.

**Michael Flower:** They certainly are from the RSPCA's point of view. Those of us who deal with prosecutions for the RSPCA will frequently refer to the guidelines because they give a clear indication of how society in the broader context may view these types of offence. The aggravating factors, which we referred to, are listed. Obviously, the more aggravating factors there are for a particular behaviour, the greater the likelihood of prosecution should be. They tend to give us a very useful steer.

**Q17 David Rutley:** Claire, do you have any thoughts on sentencing guidelines? Are you comfortable that the way we are taking things forward is a useful approach?

**Claire Horton:** Absolutely, and I would agree. The entire welfare sector is of the same view. We are very comfortable.

**The Chair:** In the absence of any further questions from Members, I thank both witnesses for their evidence, and move on to the next panel.

#### Examination of Witnesses

*Mike Schwarz and Inspector Paddy O'Hara gave evidence.*

10.11 am

**The Chair:** Good morning. We will now hear from a representative of Bindmans LLP—is it Bin-dmans or Bind-mans?

**Mike Schwarz:** Bind-mans.

**The Chair:** There was a 50:50 chance of getting it right first time. We will also hear from a representative of the Metropolitan police. Will the witnesses please introduce themselves for the record?

**Inspector O'Hara:** Good morning. I am Inspector Paddy O'Hara from the Metropolitan police. Today, I represent the national policing lead for dangerous dogs and companion animals.

**Mike Schwarz:** My name is Mike Schwarz. I am a solicitor, working in the criminal system. I am a consultant at Bindmans.

**The Chair:** We have until 11 am for this session.

**Q18 Luke Pollard:** Thank you both for coming, Mike, in the biography that you kindly provided to the Committee, you note that you have

“concerns about the impacts of a significant increase of potential sentences in one area of animal protection law, but not in other comparable areas.”

Is that about what happens with domestic animals versus wild animals? If that is the case, why do you have those concerns, and what might the implications be of increasing sentences in one area?

**Mike Schwarz:** Yes, it is precisely that: the danger of disparities and distortions, and even confusion, caused by the ramping up—that is not a critical comment—of maximum sentencing in one area, which is the domesticated

and under-control-of-man area, while leaving well behind the maximum sentence in other areas. As you know, the disparity is between six months in most other areas—in the Hunting Act 2004, it is even less—and five years under the Bill. That may cause problems when it comes to sentencing.

The root of the problems is the Criminal Justice Act 2003, which is about sentencing, and two provisions in particular. The first is section 143, which says that the essential issues when it comes to sentencing are the culpability of the offender—that is not so relevant to today—and the “harm...caused”. That term begs the question why harm, cruelty and suffering in one sector are sentenced at a more serious level than in another. That is one provision that sparks potential problems.

The other provision is in section 152 of the same Act, when the court is required to look at whether the threshold for custody is passed. It is not a helpful comment—it is rather circular—but the section asks whether custody is justified and whether a fine or a community sentence is not appropriate. That begs the question whether the sentencing and custody threshold should be passed in one area when similar activity in another that causes similar suffering and harm might not reach the threshold. I can develop that if you like, but you might want to ask another question. I am happy to continue with that.

You know as well as I do that the “unnecessary suffering” provision in the Animal Welfare Act 2006 is perhaps key to today’s discussion. As far as I can see, “unnecessary suffering” is not significantly different in terms of cruelty from the animal affected in all the other areas of animal welfare and wildlife law. One thinks of the Wildlife and Countryside Act, the Protection of Badgers Act and the Hunting Act. We are talking about the same sort of serious offence and the same cruelty, so there is nothing to distinguish between the activities and the suffering caused in those areas.

That brings us to the obvious point, which is that different sectors of the same activity—animal welfare, animal care, animal husbandry—are treated differently. I cannot think of an area, although I am happy to be corrected and I might be wrong, where there is that difference in sentencing when it comes to the same offence. I am not an expert in the area, but one thinks about health and safety law and the same principal offences that apply. Obviously, the sectors are regulated differently, but it would be unusual in that and similar areas for the sentences to be significantly different for the same offence and the same mischief in one area than another.

**Q19 Luke Pollard:** Thank you. I think the Committee has found that quite helpful in setting it out so clearly. If you were to dropkick—not that you would—a domesticated rabbit, it would be a potential sentence of five years, but the same act on a rabbit in a field could be only six months, even though the harm to the animal might be similar in both instances. Do you feel that the distinction between wild and domestic animals might be used as a legal defence by the people being prosecuted, or is your concern a moral one about the law treating those two scenarios differently?

**Mike Schwarz:** Obviously, we are talking about sentencing here rather than defences. That is the starting point for now, but I agree entirely with your example

about the rabbit, or the hare. If we think of a rabbit or a hare that is kept in a hutch by a child and that is being mistreated by the father, why should he be liable to such a significantly greater sentence than if he had just gone into a field to injure and be deliberately cruel to a wild hare? One can think of lots of other examples. You have heard the evidence already, but that encapsulates the problem of, why should things be treated differently? But it goes wider than that.

One disparity, which I am sure you are aware of, is that if one increases the sentence beyond six months—again, I am not saying that that should not happen; in fact, quite the opposite—that entitles a defendant to a Crown court trial. Therefore, a defendant—let us say the abuser of the rabbit in the hutch—would be entitled to a Crown court trial, whereas the abuser of the rabbit or hare in the field would not. That starts playing into the substance of the criminal justice process where one is entitled to a jury for apparently random reasons as a result of this perhaps artificial, though it appears inevitable, distinction that has been drawn.

One can think of other ways that the system is distorted, particularly for judges when they come to sentencing, or even for prosecutors when they decide whether to prosecute. For example, in the case of catching a badger or a fox for no other reason than for dogs to kill it, if one focuses on the impact on the fox, that is, arguably, in the wildlife area where there is a maximum sentence of six months. The fox dies. If one looks at the impact on the dogs that are controlled by a hunt or the abusers, they are “under the control of man”, as the Act says, and therefore if one focuses on the injury to the dogs, which invariably will survive, the maximum will be five years. That throws up another point, which is the question that was discussed earlier: what “under the control of man”, according to the terms of the Act, means.

For what it’s worth, and this has no legal weight as I don’t have any legal authority for saying it, my view is that just because a badger or a fox is caught, and if it is caught simply for the purpose of baiting and killing it, that does not make it not a wild animal, because that is part of the offence, otherwise every single offence would be caught by the protected species and domesticated animals provision. It might be different. If, for example, the fox or the badger was already in a domesticated or controlled setting and was then set upon, it might be different, but that plays into the point that because of the disparities in sentencing, any prosecutor in court, and particularly a judge sentencing, would need to bear in mind those considerations about what exactly is the definition of “under the control of man”.

**Luke Pollard:** Fantastic. I would like to come back to Inspector O’Hara later when other Members have put their questions.

**Q20 Sir Oliver Heald:** As you know, there has been a recent change in the law to make it more straightforward to prosecute under the Animal Welfare Act, in the case of service animals. At the moment, the sentencing guidelines talk about taking account of the fact that an animal is in public service.

Do you think there is a case for making the situation of the service animal clearer in the sentencing guidelines, and making it absolutely clear that it is an aggravating feature to attack a service animal? Inspector O’Hara might like to start on that.

**Inspector O'Hara:** Obviously, the service animal provision is relatively new, and we have yet to see how that will play out in court. I take quite a pragmatic view that the courts will be able to read between the lines with what is specifically written in the guidelines, to come to a correct conclusion in that regard.

**Q21 Sir Oliver Heald:** So, you do not think there is a need? There is a general view, expressed by earlier witnesses, that there is a case for reviewing the sentencing guidelines to make them clearer on a number of aspects. That is partly because with a sentence of five years there is more scope to make distinctions than there is with a very short sentence. Do you think that is worth while?

**Inspector O'Hara:** Clearly, it is a matter for the judiciary, and not necessarily the police, to put that forward. We have certainly called over the past couple of years for an increase in penalties. That is something that we put forward with the Environment, Food and Rural Affairs Committee on companion animals a couple of years ago. I just think that we have not got the evidence base at the moment, with the service animals notion particularly, to suggest that it is posing a particular problem that requires a review.

**Q22 Sir Oliver Heald:** There was a problem with criminal damage, as you know. Finn, the famous police dog, was attacked and there was no separate penalty at court. The reason was that criminal damage is largely judged by the value of the animal. Of course, a seven or eight-year-old police dog is not really worth very much money, although it does a very valuable job.

The aim of the change in the law and, I hope, this increase in sentence is to have something that is more tailored to the situation. Is that something that you would recognise as worth while? Do you not think that the sentencing guidelines would need to be looked at in those new circumstances?

**Inspector O'Hara:** With any change in legislation or provision, a review of the subsequent sentencing is useful, because five years is a long period.

**Q23 Sir Oliver Heald:** Mr Schwarz, would you like to comment?

**Mike Schwarz:** That was obviously an important piece of legislation and I know you are rolling it out. I think the sentencing guidelines—the 2017 ones—on the Animal Welfare Act do cover that point. They say that if the animal is being used in public service or as an assistance dog, there is an aggravating feature, but that might not have the priority that you and others might wish to accord it.

**Q24 Sir Oliver Heald:** The Animal Welfare Act was devised by the right hon. Member for Exeter (Mr Bradshaw) when he was Secretary of State to cover a particular area. Obviously, as you have said, Mr Schwarz, there are many other similar areas that are covered by other Acts. There is a short period available to us before the end of the Session and the opportunity to pass this Bill. Do you accept that it is well worthwhile to do that, even though the Bill does not have the wider coverage that you had hoped for?

**Mike Schwarz:** I would not come here either as an expert or a politician, but my personal answer is, "Yes, but." The "but" may come in the proposed amendments,

recommending a report or a review to see what disparities and distortions may be caused, with a view to that being the trigger to further analysis of the whole sector—or both sectors.

As I understand it, though others here will know better than I do, there was the existing wildlife law and then Labour passed the Animal Welfare Act to get domesticated animals on the same level. As you know, that makes things more advantageous for prosecutors in one sector, leaving another behind. That would be a reason for trying to build in some sort of process, such as a report or a review, to try to get the other sector back up to speed with the first.

**Sir Oliver Heald:** Thank you.

**Q25 Rosie Duffield (Canterbury) (Lab):** I have a friend who lobbies on this Bill on behalf of Battersea Dogs and Cats Home. One thing we often discuss is the fact that people who are capable of committing unspeakable acts against animals are surely quite likely to display that lack of empathy and go on to harm people. If we get any sort of comeback, it is along the lines of, "It's just animals. Why is it so important to sentence people?" I would like to know Paddy's experience. Do such people go on to carry out acts of domestic violence or other acts against people?

**Inspector O'Hara:** Some research from the US in particular tends to suggest a link between animal-related violence and human-related violence. I do not know that we are quite so far advanced in this country to have the dataset available to help us understand that, but the five-year penalty broadly brings causing suffering to an animal in line with actual bodily harm, which is the human equivalent. That is something we strongly suggested at the last EFRA Committee.

**Q26 Rosie Duffield:** So you would be behind that, and you think it might prevent people from going on to do other things to people?

**Inspector O'Hara:** I don't know whether it would prevent that. We do not have a dataset that we can rely on in that regard, but it would certainly be a deterrent.

**The Chair:** Sarah Newton.

**Sarah Newton:** I am going to pass my opportunity over to Alex.

**Q27 Alex Chalk (Cheltenham) (Con):** Thank you very much. I declare an interest: I am pretty sure I have prosecuted offences that were defended at the bar by Bindmans.

Mr Schwarz, can I ask briefly about your helpful point on an apparent inconsistency between domestic and wild animals and explore a little bit about how much that matters? I am conscious that, if a robbery takes place and there are two robbers, one of whom is 18 years and one day old at the time of the offence and the other is 17 years and 360 days, they will be sentenced under different regimes, even though, as far as they are concerned, they are two young men of effectively identical age. Equally, if there is a traffic offence and a prosecutor decides the driving fell far below the standard of a

reasonably careful and competent driver, they get charged with dangerous driving. Equally, if another prosecutor says, “Well, I don’t think it quite crosses ‘far below’, but it was below the expected standard, so I’m going to charge it as careless driving,” that offending would be sentenced under different regimes. Have the courts not shown themselves to be well able to deal with such discrepancies without any real manifest injustice to anyone?

**Mike Schwarz:** I can see I have struck a lawyer here. There is a difference, actually, and it is one of substance. There is a principle behind treating adults differently from juveniles, and a principle behind treating careless driving differently from dangerous driving. As we all know, the law has to draw a line because there is a reason for doing so. The distinction between the sectors of domesticated and wildlife animals, and treating them differently in terms of sentence, does not appear to have a principle, unless Parliament is saying that the animal suffers less in the wild as the result of unnecessary cruelty, or that it is more important to punish suffering in the domesticated area. For what it is worth, I think the suffering is the same, and it is for Parliament to decide whether the two should be distinguished from each other. That is where the distinction lies.

It begs the question of what the animal welfare legislation is generally about. It seems to be about protecting animals, punishing bad behaviour by humans and stopping it being propagated elsewhere. In the sentencing guidelines and the offences, however, there is no demarcation between sectors to say that one sector is more worthy of protection than the other is, which is why I go back to the point on the level playing field across the two areas.

**Q28 Alex Chalk:** It is an entirely fair and appropriate observation to make. Do you accept that the law has shown over time to be capable of growing organically? For example, the stalking legislation did not even exist—it was not even recognised by the law prior to 2012. Then the offence came in, the sentencing powers increased, and there were various other aspects on top of it. That would not in and of itself be a reason not to enact this legislation, even if, in the fullness of time, it may be that it has wider ramifications. Would you accept that?

**Mike Schwarz:** Obviously I accept that the legislation can and should be passed, but with the health warning that it is creating a disparity. It is not an artificial, in-principle, lawyer’s type of disparity; it creates problems for judges to have a judge in the Crown court sentencing on one set of facts and in the magistrates court on another. If one looks at the guidelines, how is a judge going to sentence someone who has committed a very heinous act against a wildlife animal if his or her sentencing powers lead to the conclusion that the sentence should be lower than for a less heinous act in another area?

Defence lawyers, as you and others know, would have field day with that, saying that the principles of proportionality and fairness require examination. I heard that there was feedback from the judiciary about the existing law. One can only think about what the feedback might be, pending a formal review or report, or not, if this disparity were not only passed—and I am not saying it should not be—but passed without a commitment to reviewing and evening up the playing field.

**Q29 Alex Chalk:** One very last point, if I may. Surely if, for the sake of argument, the sentencing guideline is there in place and says that, where a dog has had its tail docked and it was a sustained act of degrading violence, the brackets should be one to three years, and the defence counsel turns around and says, “Oh, well, if this were a wild dog I wouldn’t get as much,” the judge will say, “I am not terribly interested in that. The sentencing guideline is clear for this offence. Parliament has indicated that it takes it extremely seriously. We have no difficulty with dismissing that rather ambitious submission,” and take him down? Is that not, in fact, what would happen?

**Mike Schwarz:** I think that would happen, but it might bring the law into disrepute when, in the next court, something similar—

**Alex Chalk:** I take that point. Thank you very much. That is all I wanted to explore.

**Q30 Anna Turley:** Thank you very much for your evidence so far. Could you share from your experience on the degree of consistency or inconsistency in what you see from the sentencing so far in such cases under the existing legislation? As a second part of that, could you talk about how, when lawyers are defending their clients, they seek to convince the court that their client should face a lesser sentence? What mitigating factors, or even aggravating factors that work against them, have you seen so far? I will start with Inspector O’Hara.

**Inspector O’Hara:** The majority of offences that I have seen prosecuted by the police are probably not cases that would hit the higher end of the sentencing bracket. They are largely cases involving an animal hoarder—generally somebody who has some mental health problems or another underlying reason for amassing 20 animals in a property. It is that sort of offence that we typically see day in, day out. At the last count, when I ran the figures for the EFRA Committee inquiry report a couple of years ago, broadly speaking—this is from memory—around 85% of the prosecutions were done by the RSPCA and about 15% by police or local authorities, with the burden of that shared by the police.

That typically tends to be my experience. We have not had any tail-docking cases that I can think of in London, but we have ear-cropping mutilations and general animal cruelty rather than organised crime or that more serious end of it. All those cases have been dealt with in a magistrates court so far, but the sentencing in London is fairly consistent because all those cases go to one court, although elsewhere in the country it is probably not so. Most of those cases are dealt with by way of a fine or other ancillary orders rather than imprisonment.

**Q31 Anna Turley:** What proportion of the cases that you have seen have pushed the envelope and outstripped the existing sentencing bracket?

**Inspector O’Hara:** It is a very small number.

**Mike Schwarz:** I do not know whether I can add to that. The only point I would make, triggered by that thought, is about the position in Northern Ireland, where the unnecessary suffering provision in section 4 is not limited to domesticated animals but applies across the board. There would be a significant disparity

of sentencing for exactly the same facts for a case in Northern Ireland compared with England and Wales if the Bill is passed. That is the only helpful contribution I can make, other than to refer to the existing sentencing guidelines, which are very helpful.

**Q32 Sandy Martin:** Mr Schwarz, we have heard about the need to get the Bill passed. We have also heard about the difficulties of making a distinction between wild animals and domestic animals. I asked the representative of the RSPCA about a review, which he thought was a sensible idea. How soon after passing the Bill would it be sensible to have a review?

**Mike Schwarz:** I would like to think the points I make are sound in principle and therefore one does not need a great deal of evidence in order to have that review. I am not being vain about it, but there are flaws in the structure of the Bill which, if recognised, merit a review. Having said that, I would not dismiss evidence or views, particularly from the judiciary.

You mentioned how the judges might be grappling with this. Suppose the Bill were passed today, the first prosecutions might come about in the next six to 12 months, particularly they were Crown court cases. After 12 months, there might be some instances where problems—or lack of problems—emerge. I see that there were about 700 or 800 prosecutions in 2018 under the Animal Welfare Act. During that year, there was likely to be a significant proportion of helpful cases. Soundings could be taken of the judiciary and it could be advised after the Bill passes that Parliament would be assisted by view.

It would take perhaps a year, if one attaches importance to evidence, but sooner if it is accepted that, as a matter of principle, the absence of a level playing field needs to be addressed earlier.

**Q33 Sandy Martin:** On a separate subject, Inspector O'Hara, would you agree that this Bill might be helpful in clamping down on dog fighting in London?

**Inspector O'Hara:** Most definitely.

**Q34 Sandy Martin:** Clearly, having a stricter sentence for that will also fit in with other criminal activities that surround dog fighting. I am sure that it is not a problem in London, but your fellow police officers in other parts of the country have terrible problems with hare coursing. Would you support the idea that it would be sensible to have a Bill of this sort that would help to prevent hare coursing as well as dog fighting?

**Inspector O'Hara:** It is not really my area of expertise. I generally stick to companion animals and the position on that should probably come from wildlife crime. I suspect it dovetails very much into Mike's point around the disparity of the two genres, for want of a better phrase.

**Q35 David Rutley:** Thank you both for your support today and for your very useful evidence. The question of guidelines and how important they are came up in the previous session and has come up in this one. Can you give your thoughts on the role of sentencing guidelines in how you deal with animal welfare legislation? Inspector O'Hara, how do they help with the cases that you have to deal with? It would be helpful to have a perspective

from both you. It is clear that other members of the Committee feel that the guidelines are going to play an important role.

**Inspector O'Hara:** The guidelines play a very important role for any offence because they are the starting point at which the court will look upon sentencing as to where the offence will sit along with any mitigating or aggravating factors. It is really key that those guidelines are there and that they are robust. Having them in place will ensure consistency across the board, depending on which courthouse the matter sits.

**Mike Schwarz:** As you know, there are two sets of guidelines: one is the overarching principles for sentencing in all criminal cases, which I referred to earlier when I talked about harm and culpability; then, as has been mentioned a number of times, there are the specific guidelines of the Animal Welfare Act and animal welfare laws. I think they are very good, but nothing should escape review. It is important that it is reviewed with the passing of this legislation.

Earlier we heard that the point that when the threshold for custody is passed is now more important, bearing in mind the threshold goes up and the length of sentencing goes up. So far, the guidance is just in section 152 of the Criminal Justice Act 2003, but the sentencing guidelines for animal welfare would benefit from some guidance on when the custody threshold is reached and what sort of sentences should lead to what greater lengths of custody. That exercise may throw up the disparity between the two areas, which is why I think a review is important and probably quite urgent.

**David Rutley:** Thank you.

**Q 36 Luke Pollard:** Inspector O'Hara, when the Bill is passed into law—hopefully very soon—how will it be implemented, and what about the deterrent effect that was spoken about earlier? From an outsider's perspective, the idea that the cruelty sentencing could increase to such a large degree should have an effect. From your point of view, as someone who works in this area, how best will that be communicated to individuals who would consider abusing an animal? What is the best way of communicating the increased sentence to the general public and to those individuals, so that it has a deterrent effect?

**Inspector O'Hara:** Typically in this topic, media have been led and have focused on case results and outcomes, on the back of some successful prosecutions with high sentencing. I think there is a key prevention message that can go out before the legislation comes through. There is one thing that worries me slightly: I have not known many people charged with animal welfare offences to enter a guilty plea at the first hearing. I can see that there will be quite a lot of cases, particularly if sections 4 to 8 are charged, where somebody will elect to go to Crown court, so it will be some considerable time down the road before we get those sentences coming through, but you might find that the cases that go up to the Crown court get no more severe a penalty than they would have got in a magistrates court. We have to manage our expectations of what that will bring.

In my other area of work, dangerous dogs, following the legislation changes in 2014 and the 14-year penalty that came in for a dog dangerously out of control

causing death, we have not seen significant sentencing increases as a result of that legislation. While the current provisions are very good, and we very much support them and hope they will come in quickly, expectations in the court outcomes will need to be managed.

**Q37 Luke Pollard:** Thank you, that is an important point. Do you get the sense that with greater sentencing there will be greater public awareness of animal cruelty, and therefore more people coming forward? In particular, I am thinking about cases that currently are not reported. Do you think there is a possibility that greater awareness and the higher penalties might encourage more people to step forward, or do you think the opposite will be true—that the greater penalty might make people more hesitant, because the consequences will be more extreme?

**Inspector O'Hara:** I certainly do not think it will cause people to be more hesitant; the British public are a nation of animal lovers, and nothing riles people more than animal cruelty. I do not see a negative effect as a result.

**Q38 Luke Pollard:** Brilliant. In all our postbags, animal welfare is by far the most important topic, beating Brexit hands down. Looking at your CV and your work in this area and on status dogs, I want to ask about individuals whose behaviour and control of an animal might be beyond what you and I would expect of a dog owner. Do you think that the idea of increased punishment will prevent people doing things in terms of using animals as a status symbol, or using animals as a sign of bravado and machismo?

**Inspector O'Hara:** It is a difficult question because we are starting to see, and have been seeing for a number of years, a reduction in the number of section 1 dogs in particular coming to notice as status-type symbols. However, people are moving on to non-prohibited breeds, and we see quite a lot of those. Simple possession is not an offence in any way, so whereas a pitbull terrier would have been a typical dog in the past, there are now people with, for example, dogs that are larger than a pitbull terrier. Typically, we do not see a lot of dog fighting, and we do not see a lot of mutilations and ear-croppings, although we do see them occasionally, and they do come to note. If I look at my animal welfare offences prosecuted alongside the Dangerous Dogs Act 1991 offences, I am not necessarily sure that there is a real strong parallel. If anyone is charged with a Dangerous Dogs Act 1991 offence, mostly there are not really cruelty offences on top of that, other than in the odd case.

**Luke Pollard:** Thank you.

**Thangam Debbonaire (Bristol West) (Lab):** I want to follow up some of the questions asked by Members. You may be aware of the wildlife law report from the Law Commission—There was a consultation, and recommendations were published in 2015. Among those recommendations was one that the patchwork of existing legislation be replaced by a single statute. This Bill does not cover wildlife, as we have said, but as mentioned by

my hon. Friend the Member for Plymouth, Sutton and Devonport said, to our constituents that distinction would not be quite so understood. I do not see how our constituents who care greatly about animal cruelty will understand why there is a distinction, and why there is still effectively a patchwork. Whilst we welcome this Bill, it does seem to be doing that. Do you have any thoughts on the differences and the continued existence of what seems to me and to the Law Commission to be a patchwork?

**Inspector O'Hara:** It seems to me that we are pressed for time to put this Bill through. It would be a great shame, in my view, if we were to do that consolidation work now at the expense of this Bill. With the Animal Welfare (Service Animals) Act 2019 there has been a split into piecemeal chunks to get them through, essentially, and to get them in. There could perhaps be a review at a later date, as mentioned today in the Committee. A review could look at a consolidation piece of work, along with any other bits that needed tidying up.

**Mike Schwarz:** I agree entirely with the thesis that there needs to be some systematic review. Animal cruelty has the same effect on animals regardless of where the animal lives, and whether it is husbanded. The impact on the humans involved is the same, and the culpability of the humans is the same. We all know that the way of inflicting injury, cruelty or death on animals varies according to the sector, but the disparity of sentences and the patchwork nature of the current legislation risks distortions, as I said earlier, and even risks bringing the law into disrepute when there is not a sense of fair prosecution and sentencing. It may help judges and the public understand the situation, as they may have difficulty piecing together the legislation as well.

**Q39 Thangam Debbonaire:** Inspector, you referred to the lack of time. That puzzled me a bit. Where does this idea of the lack of time come from? We have done virtually nothing legislatively since April. Where has this idea that there was a lack of time to pass a bigger Bill come from?

**Inspector O'Hara:** I got the feeling from the other questions raised around the table, and the earlier session, that there was a lack of parliamentary time to bring the matter forward.

**Thangam Debbonaire:** Interesting. I wonder, where could that have come from? Thank you.

**The Chair:** I am not sure that the issue is really within the scope of the witnesses to comment on, but you made the point. If there are no further questions from Members, I thank the witnesses for their evidence. That brings us to the end of our oral evidence session. The Committee will meet again this afternoon to begin a line by line scrutiny of the Bill.

*Ordered,* That further consideration be now adjourned.  
—(Iain Stewart.)

10.50 am

*Adjourned till this day at Two o'clock.*





