

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ANIMAL WELFARE (SENTENCING) BILL

*First Sitting*

*Wednesday 3 February 2021*

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

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**not later than**

**Sunday 7 February 2021**

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

*Chair:* DAME ANGELA EAGLE

Anderson, Fleur ( <i>Putney</i> ) (Lab)	Parish, Neil ( <i>Tiverton and Honiton</i> ) (Con)
Champion, Sarah ( <i>Rotherham</i> ) (Lab)	† Pollard, Luke ( <i>Plymouth, Sutton and Devonport</i> ) (Lab/Co-op)
Evans, Dr Luke ( <i>Bosworth</i> ) (Con)	† Prentis, Victoria ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> )
Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	† Stevenson, Jane ( <i>Wolverhampton North East</i> ) (Con)
† Hunt, Tom ( <i>Ipswich</i> ) (Con)	Wheeler, Mrs Heather ( <i>South Derbyshire</i> ) (Con)
Jones, Fay ( <i>Brecon and Radnorshire</i> ) (Con)	† Zeichner, Daniel ( <i>Cambridge</i> ) (Lab)
Lake, Ben ( <i>Ceredigion</i> ) (PC)	
† Loder, Chris ( <i>West Dorset</i> ) (Con)	Adam Mellows-Facer, <i>Committee Clerk</i>
McCarthy, Kerry ( <i>Bristol East</i> ) (Lab)	
Matheson, Christian ( <i>City of Chester</i> ) (Lab)	
† Moore, Robbie ( <i>Keighley</i> ) (Con)	† <b>attended the Committee</b>

# Public Bill Committee

Wednesday 3 February 2021

[DAME ANGELA EAGLE *in the Chair*]

## Animal Welfare (Sentencing) Bill

9.25 am

**The Chair:** Welcome to the Public Bill Committee on the Animal Welfare (Sentencing) Bill. Before we begin, I remind hon. Members to observe social distancing, which thankfully you all are doing, and to sit only in places that are clearly marked. I also remind Members that Mr Speaker has stated that masks should be worn in Committee whenever you are not speaking. If necessary, I will intervene to remind you. Note passing should be electronic only. The *Hansard* reporters will be most grateful if Members email any electronic copies of speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). The selection and grouping list for today's sitting is available in the room and online. In this case, there will be three debates: the first on the amendment, the second on the existing content of the Bill, and the third on the new clause.

### Clause 1

MODE OF TRIAL AND MAXIMUM PENALTY FOR CERTAIN ANIMAL WELFARE OFFENCES

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): I beg to move amendment 1, in clause 1, page 1, line 10, at end insert—

“(2A) After subsection (1) insert—

(1A) Subsection (1B) applies where the court is considering for the purposes of sentencing the seriousness of an offence under any of sections 4, 5, 6(1) and (2), 7 and 8, and the person guilty of the offence—

- (a) filmed themselves committing the offence, or
- (b) posted online a video of themselves committing the offence.

(1B) The court—

- (a) must treat the fact mentioned in subsection (1A)(a) or (b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
- (b) must state in open court that the offence is so aggravated.”

*This amendment would make an offence covered by this Bill more serious for the purpose of sentencing if the guilty person filmed themselves, or posted a video online of themselves, committing it.*

The amendment stands in my name and those of my hon. Friends. We are all here because we want to give a voice to the voiceless and to speak up for the animals that cannot speak for themselves. That is, for me, something very personal, and I know that for many other members of the Bill Committee, protecting animals and giving them a voice is something that they have made a key part of their parliamentary career and time—whether longer or shorter—in this place.

Those who are familiar with me speaking about animal cruelty will know that I normally cite the gorgeous Bumblesnarf, which was one of my early cats and whose name was obviously taken from Bumblebee from “Transformers” and Snarf from “ThunderCats”. Animals have an integrity all by themselves. Whether we are talking about my animals or the ones that the Minister talks about in her speeches, there is something profoundly special about those little bundles of fluff, something

very important, something that we should give due respect to in the way we treat them and the way they are treated by the law.

We know that there has been a huge increase in animal cruelty, especially during lockdown. The Royal Society for the Prevention of Cruelty to Animals has dealt with 106,676 incidents—an average of 790 a day. I thank the hon. Member for West Dorset for introducing the Bill, which has taken many different forms and iterations over the past few years. It has been a baton passed from the Labour party to the Conservatives, and vice versa.

It is important to say early on that the Bill enjoys cross-party support. We want to see it progress and will be supporting it today. We will not push any of our amendments to a vote, because that ensures that fewer Members are required today, at a time of national lockdown, but we will seek to divide the House on Report. I hope, looking at the Minister, that she can give a nod that says the Bill will be considered on Report, will be adopted by the Government and will be pushed through the House, particularly because we know that the end of the Session is coming up and, if there is no carry-over motion, this Bill will fall, as all the others have done. It sometimes seems that the Bill enjoys so much support that it does not get enough attention to actually be placed on the Government agenda for parliamentary business. I hope that that will be different this time round.

Raising the maximum sentence for animal cruelty is common sense and has support across the House. That would also bring England and Wales in line with Canada, Australia, Latvia, New Zealand and, closer to home, Ireland, Northern Ireland, and Scotland. The truth is that the Bill has been in the long grass for far too long and has not had the attention it deserves. That means that its component parts and proposed amendments have not been given due attention. My amendment was first proposed to the Bill introduced in July 2016 by the then Labour MP for Redcar, Anna Turley, who deserves many thanks for all the work that she did in drafting the Bill and introducing it in such a clear, professional and non-partisan way.

The Government at the time said that they would support the Bill and even published a further Bill for pre-legislative scrutiny. We had that Bill in Committee last year, but it fell because of the general election. We now have this private Member's Bill and I have written to the Secretary of State twice to ask him to find time to pass it before the end of the Session. As I mentioned, there is no time to waste.

9.30 am

This simple amendment would make it a more serious animal cruelty offence for the purpose of sentencing if the guilty person had filmed themselves committing the abuse. In a digital age, we see more and more cases of people filming abuse of animals, partly for their own perverse enjoyment, partly because they want to share the film on social media, and partly because they fail to recognise that in so doing they encourage others to do the same.

The former MP for Redcar, Anna Turley, who campaigned relentlessly on the issue, used a specific example to illustrate the point. If the Committee will

forgive me, I shall use it again now. She raised the case of Baby the bulldog, a dog from Redcar that was filmed being horrendously abused. I will borrow a quote from RSPCA inspector Gemma Lynch about what happened to Baby. She said Baby was

“totally submissive throughout, not even making a noise when she lands on the stairs, bouncing to the foot of them where there is a baby gate which she crashes into before hitting the ground.”

Frankish, the abuser,

“is saying... ‘one, two three’ before hurling her down them. He is clearly enjoying himself—he’s laughing and smiling. The whole horrible ordeal seems to be for his and the younger man’s entertainment, for fun.”

#### One clip

“shows him stamping on her neck repeatedly at the bottom of the stairs, then picking her up and throwing her to the ground with force over and over again. He’s laughing hysterically.... Another clip shows him standing on Baby’s chest with his full body weight at the top of the stairs, before jumping up and down on her. This is the only time you hear her make a noise, and she is crying throughout... The younger man says, ‘See if we can make it scream any more. We should throw it down the stairs by its ears’ before Frankish

“picks her up against the wall and headbutts her twice, then throws her down the stairs again. Everyone who has seen the video says it’s the most distressing thing they’ve ever seen. These are people who have seen a lot of horrible things.”

I am sorry for putting everyone through that, but it is important to understand the examples that the amendment would deal with and to show just what cruelty and abuse people can inflict on animals.

Sadly, Baby was put down three months later after losing the use of her back legs as a result of her injuries from such abhorrent abuse. What makes the case so cruel and inhumane is that the abusers filmed themselves performing those despicable acts, as though they were proud of what they were doing or wanted to hold on to the memories of that abuse. The two men pleaded guilty to causing unnecessary suffering to Baby the bulldog by subjecting her to unnecessary physical violence, an offence under the Animal Welfare Act 2006. They were given a six-month suspended sentence and were tagged, under a curfew between 8 pm and 6 am, and they paid £300 in costs. Was that justice for Baby?

When Anna promoted the Bill, she referred to Baby’s law. Whether it is for Baby or for the countless other animals that we all know examples of, there is an urgent need to address the lack of a digital component—a filming component—in the legislation. This adds an extra component because it furthers the abuse by building on the power play that the people who abuse animals seek. This is about power. We should not underestimate that.

The need to crack down on filming animal abuse grows more urgent by the day. In 2015, the RSPCA investigated 27 cruelty complaints that involved images or videos shared on Snapchat. By 2019, the figure was 62—a 130% increase.

A survey for the RSPCA showed that at least 46% of young people have witnessed animal cruelty: 28% have seen it on TV or in a film, and 18% have witnessed it on social media. Nearly one young person in five has witnessed animal abuse on social media. According to the survey, the majority who saw it online saw it on Facebook. That tended to be footage of real cruelty against pet animals shared by a stranger. We cannot stand by and let the abuse of defenceless animals continue and then expose our children to those horrifying acts.

I recognise that the Government are taking steps with the online harms White Paper—another measure that has been too long in the making—but that does not cover the specific aspect that the amendment covers. I suspect that the Minister will not support the amendment, but perhaps she would commit to speaking to colleagues in the Department for Digital, Culture, Media and Sport to ensure that the particular elements of the digital abuse of animals can be included in any of the Department’s plans.

I want Baby’s law to be passed, and I want it to send a strong message to people who not only abuse animals, but choose to film that and post the images online. Sharing the abuse encourages greater abuse and seeks, by having more people witness it, to desensitise. That makes it worth amending the Bill to provide for an extra consideration in sentencing. I encourage Members to support the amendment, although we shall not press it to a vote, for the reasons I gave. I hope to revisit the matter on Report.

**Daniel Zeichner** (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Dame Angela, particularly given your long record of fighting for animal welfare.

I want briefly to echo many of the comments made by my hon. Friend the Member for Plymouth, Sutton and Devonport. Labour entirely supports the Bill and would like it to have reached the statute book years ago, when the previous Member for Redcar introduced its first iteration to the House in 2016. It is disappointing and frustrating that it has taken so long to get to this stage, and that the Bill is the second of its nature to be considered in Committee. I congratulate the hon. Member for West Dorset on his perseverance and wish him luck in getting the Bill on the statute book. We are concerned about time running out and, as my hon. Friend has said, we are looking for guidance from the Minister and want to hear that the Government will get behind the measure. We urge her to be clear about the timetable.

We fully back the Bill. It is imperative that those who perpetrate cruelty against animals should be subject to a penalty that matches the seriousness of their crime. It is clear that the maximum penalty in England and Wales of six months in prison, an unlimited fine and being banned from keeping animals is inadequate. Many of us were present on Second Reading and heard numerous examples of sentences whose severity simply did not match awfulness of the crimes.

There is already a five-year maximum sentence in Northern Ireland, and Scotland matched that in July. It seems to us that we need parity of sentencing across the UK and an end to the bewildering state of affairs whereby England and Wales are left with some of the lowest maximum sentences in the world.

As my hon. Friend has said, there are concerns that we want briefly to explore through our amendments. We very much agree with the previous MP for Redcar, who introduced the first Bill, that the filming of cruelty against animals should be considered an aggravating factor by courts in considering the offence. It is already listed as one in the sentencing guidelines to the 2006 Act, but we think it is important that that should be in the Bill.

We have heard that one of the overwhelming issues in the deeply distressing case of Baby the bulldog was the fact that those involved filmed themselves. People not

[Daniel Zeichner]

only abusing animals, but recording it and, nowadays, sharing it on social media, with the intention of glorifying and amplifying the abuse, should be taken into account.

We are in a changing world. The Internet Watch Foundation is close to the Cambridge and frequently tells me about its work, which is an ongoing struggle in the online world. Exactly as my hon. Friend said, I hope the Minister will have a word with her colleagues in DCMS about making sure that that aspect of the matter is taken into account in any future legislation.

As the available technology changes, the law must keep up. To abuse innocent animals and, not only that, to record the abuse for entertainment shows, I am afraid, a malicious intent that should be considered an aggravating factor in sentencing.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Victoria Prentis):** It is a great pleasure to serve with you in the Chair, Dame Angela.

The very unfortunate delay in the passage of the Bill was caused, as hon. Members across the House will understand, by the need to find an appropriate parliamentary slot in what has been a stretched timetable in the past few years. We have had to deal with Brexit and then, of course, we were hit, just as every workplace has been, by the covid pandemic. That naturally reduced the number of hours we could sit, and severely curtailed what we could do, but I reassure Members that the Government are absolutely committed to increasing custodial penalties in sentencing for animal cruelty. We will do all we can to support the Bill's swift passage through both the Commons and the other place.

Perhaps I may have a useful conversation with Opposition Members about how we all work together to manage that. This morning, I had a very useful conversation with Mr Speaker about the Bill, and he is a big supporter of animal welfare. We all wish the Bill—and its champion, my hon. Friend the Member for West Dorset—well during the next stages of consideration. The more we can do to work together, the better.

Both hon. Gentlemen who have spoken mentioned the great deal of consensus across the House on the passage of the Bill. Sadly, we have also heard once again about Baby the bulldog. That tale gets no easier in the retelling. I thank both hon. Gentlemen, who set the scene well. I am, I am afraid, going to resist the amendment, not because I do not agree with their sentiments, but because I am not sure that it is the best way in which to deal with the issue.

Aggravating factors are most often dealt with in the sentencing guidelines for an offence, not within the statute. A select number of offences relating to terrorism and domestic violence are exempt from that general rule. For most offences, normal practice is for other aggravating factors to be included in the sentencing guidelines. Those are not unimportant documents. From my experience as a lawyer, I know that the courts are required to follow those guidelines when determining the appropriate sentence in any particular case.

The sentencing guidelines on animal cruelty were drawn up by the Sentencing Council and were last reviewed in April 2017, following public consultation. Those include guidelines on

“the use of technology to publicise or promote cruelty”,

which is already considered an aggravating factor. The Department for Environment, Food and Rural Affairs has been in contact with the Sentencing Council about the Bill and, if we pass the Bill, the council will need to reassess its guidelines. It will conduct another review. It will also consult publicly on the new guidelines.

I have been looking at other examples of guidelines relating to filming. Perhaps the best, and the one that I suspect I would suggest to the Sentencing Council, is found in the sentencing guidelines for robbery when sentencing children and young people, which includes the aggravating factor of

“the filming of the offence... or circulating details/photos/videos etc of the offence on social media or within peer groups”.

That is to be considered specifically by the court when sentencing the offender.

**Tom Hunt (Ipswich) (Con):** I realise the importance of the Sentencing Council, but there have been examples of it being resistant to moves in the right direction. For example, on pet theft recently, it has not listened to the sentiments of many Members and the public. What is the Minister's view of those occasions when the Sentencing Council is resistant to moving in the right direction?

**Victoria Prentis:** My hon. Friend has campaigned hard on pet theft, and he and I have enjoyed debating it on many occasions. He knows that we feel as one on the issue. I should emphasise that the Sentencing Council is of course independent of the Government, but it is only right for the Government to make suggestions. I am outlining the suggestion that I feel would be the best-practice sentencing guideline, which I hope the council will make if we pass the Bill—I very much hope we will. I suggest a guideline similar to the one for the robbery offence that I outlined.

In addition to the sentencing guidelines, legislation—one piece specifically—provides an offence that could cover filming animal cruelty. Section 127(1) of the Communications Act 2003 creates a specific offence of sending grossly offensive, indecent, obscene or menacing messages over a public electronic communications network. It is a matter for the Crown Prosecution Service to decide which charge to bring, but it is possible that someone filming an act of animal cruelty or sharing it could be charged with an offence under that section. That would result in a maximum sentence of six months for the offence of posting the offensive message. I am happy to speak to DCMS colleagues further about this, and I will do so as the Bill progresses.

In brief, there are existing options to ensure that the offenders who film and upload or distribute footage of their animal cruelty are met with an appropriate response. This is an horrific crime, and filming it to share with others is beyond comprehension. We will discuss this matter further with the Sentencing Council, and when it reviews the guidelines we will ensure that this point is raised during the public consultation. On that basis, I ask the hon. Gentleman not to press the amendment.

9.45 am

**Luke Pollard:** On the basis that we will be seeking to press this amendment and explore it further on Report, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

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

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

**Chris Loder** (West Dorset) (Con): It is a pleasure to serve under your chairmanship, Dame Angela. I am grateful to you and to fellow members of the Committee for joining me here today.

I first address the matter of the timeliness of the Bill. I want to give all members of the Committee confidence that my colleagues who feel passionate about the Bill and I are doing all that we can to ensure that the Bill progresses in this parliamentary Session. We continue to actively lobby the Leader of the House and others to ensure that we can do that. I would warmly welcome any further support on that matter.

The Bill, which received its Second Reading in the House on 23 October 2020, will increase the maximum sentence for those convicted of the worst animal cruelty offences in England and Wales tenfold, from six months to five years. This country has some of the highest animal welfare standards in the world, but in terms of maximum penalties, we are currently among the lowest.

As I mentioned on Second Reading, I was inspired to bring forward this Bill by my own dog, Poppy, a springer spaniel I rescued after she had been abandoned on the roadside on a stormy night several years ago in my home constituency of West Dorset. It was clear that she had been very much mistreated. We have heard many cases of animal cruelty outlined over the course of this Bill, both in this Session and in previous Sessions, whether in Finn's law, Poppy's law or others; there are many that I know people feel strongly about. None the less, this Bill is short and non-controversial, in my view, but could have a profound effect on animal welfare.

Clause 1 is the Bill's main clause. It outlines the mode of trial and maximum penalty for certain animal welfare offences. As the current maximum custodial sentence is proposed to be extended to five years, these offences will become triable either way and may be heard in either the magistrate's court or the Crown court, depending on the severity of the offence.

Specifically, clause 1(2) changes the maximum custodial sentence for the most serious offences under the Animal Welfare Act 2006. These are: causing unnecessary suffering to a protected animal; carrying out a non-exempted mutilation; docking the tail of a dog, except where permitted; administering a poison to an animal; and involvement in an animal fight.

Under the Animal Welfare Act 2006, which the Bill amends, all protected animals are covered. In its legal definition, a protected animal is a vertebrate animal "of a kind...commonly domesticated in the British Islands".

Animals not commonly domesticated, such as wildlife, are protected animals to the extent that they are under the control of man or are not living in their wild state.

Subsection (3) relates to the mode of sentencing. Under section 78 of the Powers of Criminal Courts (Sentencing) Act 2000, magistrates courts do not have the power to impose penalties greater than six months. Section 154(1) of the Criminal Justice Act 2003 increased the maximum custodial sentence imposable by a magistrates court to 12 months, but to date that section has not been commenced. The clause reflects that position. In practice, this means that the existing maximum penalty of six months and/or unlimited fine is retained if the offender is summarily convicted. However, with the passing

of the Bill, offenders may receive a higher penalty of up to five years' imprisonment and/or an unlimited fine if they are convicted on trial by indictment.

The current maximum penalties for animal cruelty offences of six months' imprisonment and/or an unlimited fine have been in place for more than 20 years. I recall that on Second Reading we debated the fact that the previous restrictions were brought in by a private Member's Bill some time ago. However, since the Animal Welfare Act 2006 came into force, volumes of prosecutions have been a little over 1,000 a year, with a conviction rate of around 80%. Those found guilty of general animal cruelty have a 10% chance of receiving a custodial sentence. The average custodial sentence is around 3.5 months and, as we debated on Second Reading, if there is a guilty plea, it is often much less. However, each year we hear more terrible stories about how animals have suffered at the hands of people who are—unbelievably—sometimes their owners.

The Bill will mean that perpetrators who harm an animal by causing unnecessary suffering, mutilation or poisoning will finally be subject to the full force of the law. That includes cases of systematic cruelty, like the deliberate, calculating and sadistic behaviour of the ruthless gangs who use dog fighting to fuel organised crime. This Bill will mean that the courts will have sentences at their disposal commensurate to the most serious cases, so that the punishment fits the crime. Offences such as fly-tipping can carry penalties of up to five years in prison. It is not right, therefore, that torturing a sentient being—an animal—to death leads today to a maximum penalty of just six months' imprisonment. The clause will ensure that, in those rare but shocking cases, offenders are properly punished. The new maximum sentence will also send a clear signal to any future offenders that animal cruelty will not be tolerated.

Clause 2 provides the extent, commencement and short title of the Bill. Subsection (1) provides that the Bill extends to England and Wales only. Animal welfare is a fully devolved matter, but the Welsh Government have confirmed that the maximum penalty should also apply in Wales, so the Bill is drafted on that basis. The Welsh Government are preparing a legislative consent motion so that the Bill can be extended and applied in Wales. Subsection (2) provides the date of commencement: the Act will come into force two months after Royal Assent is received. Clause 2 also ensures that the application of revised maximum penalties is not retrospective and does not apply to offences committed before the Bill comes into force. It also specifies the short title as the Animal Welfare (Sentencing) Act 2020.

For the reasons that I have set out, I hope the Committee will agree that clauses 1 and 2 should stand part of the Bill.

**Luke Pollard:** I support the comments from the hon. Gentleman, who has done a good job in building cross-party support in his usual way. Clauses 1 and 2 are good and we will not oppose them.

I want to pose a question to the Minister about clause 1 and disqualification. The proposal to increase maximum sentences from six months to five years is welcome. It will of course be up to the court to decide the point on that scale for any offence. The Dogs Trust has raised the point about issuing disqualification orders where the court has imposed the maximum penalty, to ensure that

[Luke Pollard]

those convicted of the most extreme animal cruelty and receiving the maximum penalty face mandatory disqualification.

The courts are able to issue disqualifications. It is important to note that at the moment disqualifications are regarded not as part of the punishment but as part of measures to prevent future abuse of animals. However, the Dogs Trust makes a strong case for mandatory disqualification in the event of maximum penalties being imposed, as provided for by the Bill.

There certainly have been recent examples, such as that reported yesterday in Plymouth's local paper, *The Herald*, of poor Riot, an American pocket bully-type dog in Plymouth, who had her ears cropped. She was seized by the RSPCA and, thankfully, rehomed. The courts chose not to issue a disqualification order on the owner. That would be one of those points that the public does not understand: how someone can be convicted of severe animal cruelty but not be automatically disqualified. I appreciate that that point sits complementary to clause 1, but I would be grateful if the Minister addressed it in her response.

**Victoria Prentis:** I congratulate my hon. Friend the Member for West Dorset, whose family has farmed in west Dorset for four generations. I know that they have all been committed to the care of their animals and that he feels very strongly about the subject matter of the Bill.

As we have heard, the Bill would make a significant change to the way in which people who commit serious offences against animals will be dealt with by the courts. By increasing the maximum custodial penalty from six months to five years, it enables cases to be heard when necessary in the Crown court. That will largely depend on the seriousness of the case, but the defendants will also have a say in that matter, on whether they would like their case to be heard in a higher court and in front of a jury. The legal system is well placed to make those decisions.

I am glad that the Welsh Government have confirmed that the proposed new maximum penalty should also apply in Wales. Scotland and Northern Ireland have already set the maximum penalty for such offences at five years. We do not take increasing maximum penalties for offences lightly. There must be a proven need to do so. As my hon. Friend said earlier, in some cases magistrates have commented in open court that they would have passed longer sentences had that been available to them.

The increase in maximum penalties follows from an amendment made in 2019, known as Finn's law, which provided better protection for service animals. I am sure that hon. Members will remember that Finn is a police dog who was stabbed by an assailant he had restrained. Despite incurring serious wounds, Finn ensured that the attacker was caught. He recovered from his injuries and returned to duty before eventually retiring from the service. I was pleased to meet him on one of his trips to Parliament. When this Bill is enacted, it will ensure not only that offenders who have caused harm to service animals are brought to justice, but that they will face stiffer penalties.

10 am

The Government have listened to those magistrates and thousands of others who have called for an increase in the maximum custodial penalty for animal cruelty. We consider it right and proper that people convicted of such offences should face the prospect of longer sentences. We have heard not only of magistrates wanting to impose longer sentences, but of cases where the maximum penalty has been the current maximum of six months, which goes over and above the sentencing guidelines. All this is evidence that stricter sentences are needed to allow the courts the flexibility to impose suitable penalties in the most extreme cases.

The question of lifetime disqualifications, or indeed for any period of time, was raised by the hon. Gentleman for Plymouth, Sutton and Devonport, and has been raised by the Dogs Trust several times. Courts already have the power to impose post-conviction orders on those convicted of an animal cruelty offence under the Animal Welfare Act 2006, and the length is determined by the court, having taken into consideration all the aspects of a case. I know that, as a lawyer, I am biased in favour of letting the court do its work, but I feel that where a judge or magistrate has heard the evidence, seen the witnesses and looked in detail at what has happened in a case, they are best placed to make those decisions. Disqualification orders can be imposed for any length of time at the moment, including for life, and if a disqualification order is not considered necessary or appropriate, the court already has to indicate why. That is an appropriate way to allow those who have heard the evidence at first hand to deal with disqualifications, and the courts are willing and able to use them where appropriate.

There is a great deal of consensus about this Bill, and I ask all Members to get behind my hon. Friend the Member for West Dorset and pass it.

**Chris Loder:** I thank everyone who has contributed to this short but constructive debate and all members of the Committee who are not here today. They have been great supporters of this small but important change in the law, and I ask every Member, and indeed every supporter, to continue until we get this Bill over the line. I also thank all those who have campaigned for it, including the RSPCA, Battersea Dogs and Cats Home, the League Against Cruel Sports, the Dogs Trust, Cats Protection, the Blue Cross and the Conservative Animal Welfare Foundation, which have all provided support and momentum, not just in this place, but across the nation to get this over the line.

I also thank the Minister, Lord Goldsmith in the other place, my hon. Friend the Member for Castle Point and my right hon. and learned Friend the Member for North East Hertfordshire (Sir Oliver Heald), who has been such a champion of animal rights. Rather than making the usual point of order, may I also thank you, Dame Angela, the officials from the Department, the *Hansard* writers, the attendants and the Clerk, Adam Mellows-Facer, who has been incredibly supportive throughout this entire process to those of us who are new—or not so new—Members of Parliament, elected in 2019. I propose that we continue and crack on with this Bill.

**The Chair:** As a not-so-new Member of Parliament, let us get on with the proceedings.

*Question put and agreed to*

*Clause 1 accordingly ordered to stand part of the Bill.*

*Clause 2 ordered to stand part of the Bill.*

### New Clause 1

#### REPORT ON EFFECTS

“(1) The Secretary of State must publish a report on the effects of the provisions of this Act.

(2) The report must include assessments of—

- (a) trends in sentencing practice;
- (b) the effects of this Act on animal welfare;
- (c) the extent to which this Act has had a deterrent effect on animal welfare offences;
- (d) the coherence and adequacy of animal welfare legislation in aggregate in the light of the operation of this Act.

(3) The assessment under subsection (2)(d) must include consideration of—

- (a) the welfare of animals that are not “protected animals” under section 2 of the Animal Welfare Act 2006;
- (b) sentencing for offences under—
  - (i) all sections of the Animal Welfare Act 2006;
  - (ii) the Wildlife and Countryside Act 1981;
  - (iii) the Deer Act 1991;
  - (iv) the Protection of Badgers Act 1992;
  - (v) the Wild Mammals (Protection) Act 1996; and
  - (vi) the Conservation of Habitats and Species Regulations 2017 (S.I.2017/1012).

(4) The report must be laid before Parliament within two years of this Act coming into force.”—(*Daniel Zeichner.*)

*This new clause would require the Secretary of State to lay before Parliament, within two years of the Bill coming into force, a report on its effectiveness, including specific assessments of its effect on animal welfare, the overall coherence of animal welfare legislation, and other matters.*

*Brought up, and read the First time.*

**Daniel Zeichner:** I beg to move, That the clause be read a Second time.

This new clause relates to a discussion that we had on Second Reading about the relationship between this Bill and protections for wild animals. Although we will not be pressing it to a Division, we think this is an important issue.

Our new clause would require the Secretary of State to report back to Parliament on the Bill’s effectiveness within two years of it coming into force. That would include providing specific assessments of its effects on animal welfare and the overall coherence of UK animal welfare legislation in its entirety, including sentencing under specified Acts relating to wildlife, which are listed in the new clause.

The new clause is important, because as it stands the proposals in the Bill apply only to the Animal Welfare Act 2006, and therefore not to wild animals, in the way that they apply to domestic animals. The Bill of course improves the deterrence impact of penalties for cruelties that come under the Animal Welfare Act, but maximum penalties for cruelty offences under the legislation listed in new clause 1 remain at six months. Our concern is that that creates a two-tier system for penalties for cruelty against domestic and wild animals, even if by oversight as opposed to intention. That seems to lead to

the possible situation in which torturing a pet cat and torturing a feral cat, or kicking to death a wild rabbit and a domesticated rabbit, could lead to different penalties. It is clear that offenders do not discriminate between wild and domestic animals in inflicting cruelty. We sadly heard in previous debates on various iterations of this legislation about a wild rabbit hit with a log and stabbed with a pen, a squirrel set on fire, and a driver putting down chips in a road to attract wild birds so that he could run them over.

The RSPCA’s most recent annual prosecution report from 2019 specifically lists notable cases it has seen against wildlife, including two men captured on a fly-tipping surveillance camera taking a live pheasant out of their boot and violently attacking it for several minutes, while a third man filmed the abuse on his phone. That reflects our earlier discussions. In November 2020, the RSPCA saw the horrific case of a man who tortured a hedgehog by cutting off its limbs and burning its head and eyes with candle wax. These things are so horrible that they are barely repeatable.

Our view is that those animals have the same welfare needs. Any attack on them has the same impact on their welfare, regardless of whether they are an animal in human care or in the wild. They all feel pain and suffer, and the people who harm them should feel the full force of the law.

When the Government’s 2019 version of this Bill was in Committee, Members heard evidence from solicitor Mike Schwarz, who expressed his concerns that a two-tier approach to domestic and wild animals could end in confusion for the judiciary and prosecutors. He warned:

“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.”

He also noted the very pertinent point that, when it comes to animal cruelty in this country,

“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.”—[*Official Report, Animal Welfare (Sentencing) Public Bill Committee, 23 July 2019; c. 12-13, Q18.*]

We believe that after the passing of this Bill, a review is necessary to examine the level of penalties available to courts for cruelty offences across animal welfare legislation as a whole. As I say, we do not want to delay the Bill. We want it on the statute book quickly, which is why we are asking for a review afterwards. The Opposition are quite clear that all animals are equal and deserve to be treated with respect and kindness, and we believe that that should be reflected properly in the law.

I also note that the then Minister, the hon. Member for Macclesfield (David Rutley), pointed out in Committee in 2019 that a review of wildlife legislation had recently been undertaken, with the Law Commission publishing proposals for a simpler and more flexible framework in 2015. I understand that the Government’s response to that report made it clear that they had no intention of implementing those recommendations in the immediate future, yet the Minister seemed to stress at the previous Committee that, with the UK’s exit from the EU, the

[Daniel Zeichner]

Government may re-examine those proposals. I encourage this Minister to outline any intentions that the Government have so to do.

To conclude, I want to make a few comments about hare coursing. Although serious and organised cases of animal cruelty in the form of dog fighting will, we think, be prosecuted under this Bill, the equally serious and equally organised crime involved in hare coursing will likely not. Such instances currently fall under the Hunting Act 2004, and Crown Prosecution Service guidance suggests that the police in fact prosecute hare coursing offenders under the Game Act 1831.

It is a widely held view in the countryside, from farmers to rural police officers, that penalties for that crime are woefully inadequate as form of deterrent. Ministry of Justice data shows that from 2014 to 2018, average fines under the Game Act were just £227, yet this is a hugely disruptive crime, focused on animal cruelty, that is continuing to blight the lives of many farmers. In December only last year, a hare courser put a gun to a farmer's head and threatened to shoot him at point-blank range during a confrontation in Wiltshire. It is a cause of persistent problems in Cambridgeshire, and regular representations to Government are made by Cambridgeshire MPs on a cross-party basis.

Frankly, the legislation is almost 200 years out of date. It was designed in a very different time, for a very different problem—certainly not for the brutal, international gambling-driven thugs that our long-suffering police officers have to deal with. Any indication from the Minister on what steps the Government intend to take to strengthen penalties for hare coursing would be very much welcomed—but, to put it simply, can we just get on with it?

**Luke Pollard:** I rise in support of my hon. Friend's remarks on extending the provisions to include wild animals. I take this from a simple perspective: how would we explain to a member of the public, or to a child, that one rabbit will be treated differently from another rabbit, depending on whether it is in a cage or in a field? How do we instil the same sense of value for both those animals if one is treated differently by the law from the other? There is a case here for including wild animals; I appreciate that the opportunity to include them in this Bill may not be immediately forthcoming, but I believe that is a clear and important part of ensuring that wild animals do matter—that all animals matter.

The second part of the new clause, which is worthy of being adopted by the Minister, is the two-year review of this legislation to see how it is working. One area in particular that needs to be looked at is the effects of the restrictions around coronavirus and covid-19 on animal cruelty. I mentioned in my earlier remarks that we have seen an increase in the number of cases of animal cruelty during these restrictions. It would be useful to policy makers and to those seeking to enforce this legislation if there was an assessment about its impacts on animal cruelty, at a time when we know animal cruelty is increasing, to see whether the deterrent effect is working.

In particular, it would be useful to assess how the provisions of the Bill can be better communicated to people, to ensure that they make better decisions before committing cruelty to an animal, recognising that there

are now stronger and tougher penalties that equally are being used by the courts as a form of deterrence as well as a form of punishment. That is an element that could also be looked at.

**Victoria Prentis:** I note that the Animal Welfare Act 2006 was subject to review through the Environment, Food and Rural Affairs Committee some time ago in 2010 and again, informally, through the EFRA inquiry "Animal welfare in England: domestic pets" in 2016. A broad consensus arose from that inquiry that the Animal Welfare Act had had a genuinely positive effect on animal welfare. The 2006 Act, of course, relates to animals within the control of humans, and indeed the 2016 inquiry encouraged the bringing forward of this Bill, which is partly why we are all here today.

Subsection (3)(a) of new clause 1 would commit the Government to including an assessment of wildlife. As we have heard, wildlife legislation is not within the scope of the Animal Welfare Act; only animals within the control of man are within scope. There are some exceptions, which I gently point out to the hon. Member for Cambridge: animals that are normally domesticated, such as cats and dogs, are within the scope of that Act, so even a feral cat would be covered. If a wild animal is trapped, it too would be considered to be within the control of man and would be covered by the Act.

There are, of course, separate pieces of legislation that deal with wild animals. We have already had a review of wildlife legislation at DEFRA's request by the Law Commission, which undertook the wildlife law project. It published its recommendations in November 2015, and recommended that the existing pieces of wildlife legislation be replaced by a single statute. It did not recommend that we bring in the Animal Welfare Act 2006, which is, by broad consensus, operating quite efficiently. For those who are interested, the Ministry of Justice regularly publishes data on prosecutions, some of which we heard earlier, and on convictions and sentencing under the Animal Welfare Act 2006.

10.15 am

I understand the point being made, but the 2006 Act focuses on animals under the control of man. The penalties for wildlife crime—crime on wildlife in their natural habitat—are already enshrined in separate legislation. I am happy to meet the hon. Gentleman to discuss the issue of different maximum sentences for Animal Welfare Act offences and for offences relating to the welfare of wildlife. We can discuss that at any point, but the Animal Welfare Act 2006 is working well and should not be interfered with at this point.

Turning to the point made by the hon. Member for Plymouth, Sutton and Devonport, it is generally standard procedure to review a Bill three years after it is brought into force. We will of course look at the impact of the Bill if we are able to get it through. In the last couple of weeks, we had an interesting Adjournment debate on the impact of covid on animal welfare organisations, and on their data on what was happening on the ground. In fact, the picture was not quite as bleak as that presented by the hon. Gentleman, but we have to keep that under very close review, and it may be that the full effects of the pandemic are not obvious because offences are hidden behind closed doors. We are very much keeping close to animal welfare organisations on that matter. With that in mind, I would resist passing the new clause.

**Daniel Zeichner:** I thank the Minister for her helpful comments. I suspect this matter will go on to be debated in future, but on the basis that we do not want to delay the Bill's progress, I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

*Bill to be reported, without amendment.*

10.17 am

*Committee rose.*

