

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## ANIMAL (PENALTY NOTICES) BILL

*Wednesday 8 December 2021*

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CLAUSES 1 TO 9 agreed to.  
Bill to be reported, without amendment.

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**Sunday 12 December 2021**

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

*Chair:* DEREK TWIGG

† Bell, Aaron (*Newcastle-under-Lyme*) (Con)  
 † Cameron, Dr Lisa (*East Kilbride, Strathaven and Lesmahagow*) (SNP)  
 † Champion, Sarah (*Rotherham*) (Lab)  
 † Churchill, Jo (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)  
 † Duffield, Rosie (*Canterbury*) (Lab)  
 † Gwynne, Andrew (*Denton and Reddish*) (Lab)  
 † McCarthy, Kerry (*Bristol East*) (Lab)  
 † Menzies, Mark (*Fylde*) (Con)  
 † Murray, Mrs Sheryll (*South East Cornwall*) (Con)  
 † Randall, Tom (*Gedling*) (Con)

† Rosindell, Andrew (*Romford*) (Con)  
 † Slaughter, Andy (*Hammersmith*) (Lab)  
 † Smith, Henry (*Crawley*) (Con)  
 † Stevenson, Jane (*Wolverhampton North East*) (Con)  
 † Watling, Giles (*Clacton*) (Con)  
 † Young, Jacob (*Redcar*) (Con)  
 † Zeichner, Daniel (*Cambridge*) (Lab)

Dominic Stockbridge, Adam Mellows-Facer, *Committee Clerks*

† **attended the Committee**

## Public Bill Committee

Wednesday 8 December 2021

[DEREK TWIGG *in the Chair*]

### Animals (Penalty Notices) Bill

1.30 pm

**The Chair:** Before we begin, I have a few preliminary reminders. Members are expected to wear face coverings and to maintain distancing as far as possible. That is in line with current Government guidance and that of the House of Commons Commission. Please also give one another and members of staff space when seated, and when entering and leaving the room. I remind everyone that they are asked by the House to have a lateral flow test twice a week if coming on to the parliamentary estate. That can be done either at the testing centre in the House or at home. Please switch electronic devices to silent. *Hansard* colleagues will be grateful if Members could email their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk). My selection and grouping for today's meeting is available online and in the room. No amendments were tabled, so we will have a single debate covering all nine clauses of the Bill.

#### Clause 1

##### POWERS OF ENFORCEMENT AUTHORITIES

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

**The Chair:** With this it will be convenient to discuss that clauses 2 to 9 stand part of the Bill.

**Andrew Rosindell** (Romford) (Con): Good afternoon, Mr Twigg. May I say what a pleasure it is to serve under your chairmanship? It is a particular pleasure because we worked together on Falkland Islands issues; perhaps a last-minute amendment specifically about penguin protection might be appropriate. I thank you and all fellow members of the Committee for joining me to discuss and assist in the passage of what I believe is a landmark Bill.

As a lifelong advocate for the care and protection of animals, it is enormously satisfying to introduce a Bill that is so close to my heart in advancing the cause of animal welfare throughout this country. My Bill will reform fundamentally the way that we enforce animal health, biosecurity and welfare across all farmed and kept animals in England. It will safeguard and strengthen the health and welfare of animals in our care by building on the skeleton of our existing domestic framework for enforcement, which cruelly has few options beyond prosecution. Penalty notices will add a tool to our enforcement toolkit, giving our enforcement system the use of a wider range of deterrents.

Penalty notices will help to generate the right incentives for people to keep and handle animals, and will contribute to delivering high domestic animal health and welfare. They will enhance the credibility of our enforcement system in general. When, as I hope, the Bill is passed, it will apply to a range of listed Acts in clause 1, and will protect the health and welfare of companion, farm and

zoo animals. However, for offences under the Acts to be used, they will need to be switched on through secondary legislation. That will be done only after proper consultation with non-governmental organisations, charities, enforcers, industry experts and others, to ensure that penalty notices are a good fit for the offence. Furthermore, the proposed reforms will continue to allow for education to be used as the right solution where appropriate, and for people to be redirected at an early stage away from inadequate practices.

I share the sentiment of many that redirection rather than punishment is often the most appropriate course of action, but there is a need for a proportionate approach when an offence is committed. I hope that there will be a strong cross-party consensus in support of the Bill, and I thank Members across the House for being open in sharing their thoughts and concerns with me to ensure that we get the new legislation absolutely right. I extend particular thanks to the hon. Member for Cambridge, who took the time to talk to me and the Minister about his views and concerns regarding the Bill. It was a productive conversation, and I hope we were able to reassure him and clarify points of uncertainty. No doubt we will hear from him later in the debate.

I believe wholeheartedly, as do many colleagues across the House, that it is right for animal keepers to face the consequences if they fall short of the actions required. Those who keep animals have a responsibility and an accountability for animal health, animal welfare and biosecurity across the country. Penalty notices will help to improve that accountability by steering individuals towards the right practices. Although penalty notices will have an impact, I want to be absolutely clear that they will not be an alternative to taking serious cases to court. They are an addition to existing laws, and do not take away from taking really tough action when serious offences occur.

The clauses build on each other to bring in a fair, proportionate and usable enforcement tool. They set out the scope of legislation covered, and allow for the detail of the offences to be determined in secondary legislation. This gives ample time for key stakeholder engagement, while the matters to be considered published on the face of the Bill give clear limitation on where, when and how penalty notices may be used in practice.

Once again I thank Committee members for their attendance today. I hope we can agree that the Bill is a significant one that should pass and go back to the House for its remaining stages. It will help to deliver our Government's commitment to improving standards across animal health and welfare. The introduction of a new enforcement tool is a well-timed step forward in the cause of animal welfare, and I commend my Bill to the Committee.

**Sarah Champion** (Rotherham) (Lab): It is a pleasure to serve under your chairmanship, Mr Twigg. I begin by thanking my friend, the hon. Member for Romford, for all his work on this Bill and on animal protection, which is deeply appreciated. It shows that Back Benchers really can make change in this place if they put the hard work in.

There is no excuse for animal cruelty in this country. The Bill allows for financial penalties of up to £5,000 to be given, as the hon. Member said, for existing animal offences and offences relating to animal products. Financial

penalties may not always be the best response to an offence, but they are a useful enforcement tool that can be flexibly and consistently used, sometimes in addition to or instead of existing penalties.

Penalty notices may be applicable in a variety of situations where animals could be harmed—for example, if animals that are transported are not fit for the journey, or are transported in a way that could cause undue suffering. Another example would be where pet breeders fail to maintain appropriate records or ensure that puppies are microchipped before being rehomed. Such issues need addressing for the safety of animals, but it would be disproportionate to require the offender to go to court. A warning is often not enough, so financial penalties may therefore be required, which is why the Bill is so useful.

The penalties would differ for each type of offence, but the aim of the legislation is to deter animal owners or keepers from acting in a way that could potentially risk the welfare of animals. It is important that we have proportional yet effective punishments for abusing animals or putting their safety at risk. I welcome the fact that the Bill allows local authorities to use their measures, which are easier, quicker and use fewer resources than many other punitive provisions, especially at a time when courts face such backlogs.

As the chief executive of the Royal Society for the Prevention of Cruelty to Animals, Chris Sherwood, said:

“Fixed penalty notices are really useful to quickly combat suffering of farmed animals, horses and animals kept in zoos.”

The Bill is largely welcomed by the animal charities and organisations including the RSPCA, Battersea Dogs & Cats Home and BIAZA—the British and Irish Association of Zoos and Aquariums. I hope that the Department for Environment, Food and Rural Affairs will work closely with them in developing the guidance to support the Bill.

Good and responsible zoos, farmers and pet owners or breeders should have nothing to worry about with the introduction of the Bill. The measures in it, however, can be used to ensure that standards are upheld and animals are looked after in the best and safest of ways. If that is not the case, enforcement agencies can decide on an appropriate response.

The hon. Member for Romford clarified some points, but I would also like reassurances from the Government. Under subsection (3), will the Government provide more detail on which Acts they expect to introduce regulations under? Furthermore, will the Government offer assurances on the process by which the decisions will be made? For example, will the Government consult the Zoo Experts Committee before introducing any further regulation under the Zoo Licensing Act 1981.

Overall, I am so proud to support the Bill as it passes through Parliament, to help ensure that no animal faces needless pain or risk to its safety. The UK can and should be a world leader in animal welfare standards. I hope that the Bill will continue to drive up adherence to those standards across the country.

**Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to speak in Committee today. I start by deeply congratulating the hon. Member for Romford. The Bill is excellent and will protect the most vulnerable animals. It will also steer owners in the right direction on education and their willingness to pursue it.

The Bill does not apply to Scotland directly, but I can inform the Committee and the hon. Member promoting the Bill that it has already been covered in the news in Scotland. In our local news, it was the most popular article for many months. We were astounded by the response. That shows that, wherever we are in the United Kingdom, we want to see animal welfare standards at the highest level. We support progress right across the United Kingdom on such matters.

**Sarah Champion:** In that case, will the hon. Member confirm that she will propose similar legislation for the Scottish Government to adopt in the future, as it is so popular up there?

**Dr Cameron:** I thank the hon. Member for that intervention. I am not in the Scottish Parliament, so that might be difficult, but given the groundswell of opinion and support for the Bill, we should certainly be looking at exemplars of best practice right across the United Kingdom and taking those forward wherever they happen. I will certainly be advocating the same, which is why I am here today, to support the Bill wholeheartedly.

We are here in Committee with a broad consensus, although obviously we have to look at some of the details about which there might be disagreement among those present, to take things forward. However, I want the hon. Member for Romford and the Committee to know that the public seem to be firmly behind the Bill. For animal welfare everywhere, the hon. Member promoting the Bill is certainly being innovative, and this groundbreaking work is showing true leadership in animal welfare.

**Daniel Zeichner** (Cambridge) (Lab): It is a pleasure to serve with you in the Chair, Mr Twigg, for the first time. It is also a pleasure to follow two such constructive and positive speeches. I might be a bit more grouchy, but that is part of my charm. I congratulate the hon. Member for Romford on getting a private Member's Bill this far. We all know the potential hurdles that must be encountered on Friday mornings. He has done a really good job.

Clearly, however, this is a Government Bill. If we look at the action plan for animal welfare—which many of us welcomed—it is clear at section 4, on “Sentience and enforcement”, that the Bill is a Government one, so I will treat it as such: many of my questions are directed to the Minister via the hon Member for Romford.

1.45 pm

I am grateful to the Minister and the hon. Member for the additional meeting, which was extremely helpful, but I have to say that I was slightly suspicious of the Bill right from the beginning. I do not doubt the intentions of any Members here today, but frankly, we have seen that there are parts of this Government that are rotten to the core. Therefore, in any discussions about penalties, we are bound to be suspicious that changes to rules risk privileging some over others. Just as with the Animal Welfare (Kept Animals) Bill, where the initial pledge to banning the keeping of primates has turned into a licensing system for wealthy people, there is a real danger here that penalty notices can be seen by those with wealth as something that applies to other people—little people—whereas for them a fine is just a minor

inconvenience that can be shrugged off. That is why we need absolute, cast-iron guarantees about the dangers, not just reassurance.

Although I am even more sceptical than I was on Second Reading, I am prepared to continue to give the Minister the benefit of the doubt, mainly because respected organisations such as the RSPCA are lending their support to the Bill. However, they too have reservations, and worry as I do about some of the offences that could potentially be dealt with by a penalty notice in the future. In its briefing, the RSPCA says:

“We have identified some areas that we believe warrant further review as there could be unintended consequences for the welfare of the animals that this piece of legislation aims to protect.”

I realise that hon. Members are at some disadvantage in the sense that they do not necessarily all have the RSPCA briefing; that is one of the quirks of the Private Members' Bill process. I will be referring to that briefing, and also to the letter the Minister wrote to me, but I shall read out the appropriate parts so that they are on the record.

I note that in the hon. Gentleman's introduction he spoke about “switching on” various elements of the Bill through secondary legislation. That is a welcome explanation as to how we will be able to identify which parts of legislation it applies to. However, I would gently point out, as someone who has stood here many times during secondary legislation, that frankly it does not ever get defeated, to put it mildly. In a way, once one has passed this stage, one is handing complete control to the Government.

The first concern is that which I raised to the Minister when we met, and she reassured me. When one looks at clause 1(3) of the Bill, it refers to a whole series of pieces of quite complicated legislation, including the groundbreaking Animal Welfare Act 2006 introduced by the Labour Government. Without going through each piece of that legislation in detail, one would struggle to know what level of offence this Bill refers to. We talked about the civil servants producing a grid, which would have made it easier for Members this afternoon to know what it was we are referring to. I am told that that is in progress, which is great; it would have been useful to have it today, and it will probably be useful for Members in the other place and when we consider this further.

The RSPCA has done some of the work, which may also be helpful to those who are working on this, but it would be useful to pick up some of their points. It first of all points out that to use this system, it will be important for enforcement officers to understand it, and that appropriate training is put in place so that they understand when is the best time to implement it. The RSPCA does go into some detail about which pieces of legislation it feels that this is appropriate for, and which not. They agree with clauses 1(3)(a) to (c); section 4(8) Dangerous Dogs Act 1991, referred to under clause 2(3); clause 13 of the Animal Welfare Act 2006, referred to under clause 1(3)(e); and for administrative offences under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, also under clause 1(3)(e).

More importantly, the RSPCA does not agree this legislation should cover subsection 1 or 3 of the Dangerous Dogs Act 1991, any other offences under the Wild Animals in Circuses Act 2019, or section 4 offences under the Animal Welfare Act. The RSPCA states:

“These latter offences have animal welfare implications which should only be addressed through investigation. Serving a FPN will not ensure that the welfare offence is immediately addressed, leaving the animal to continue to suffer, and are therefore not appropriate.”

I imagine the Government's intention is that those finer minutiae will be dealt with through secondary legislation, but I would just make the point that, at the moment, we are taking that on trust, and it would not necessarily be immediately obvious to anyone looking at this Bill that that is what is going to happen.

The RSPCA goes on to say that

“We suggest that repeated minor s9 AWA offences could be covered by this legislation. However, we strongly recommend that for local authorities these should only be issued by a dedicated animal welfare officer, or on veterinary advice. For a FPN to be successfully used, the local authority inspector will have to have the relevant training and expertise to be able to differentiate between a s9 and s4 offence for the species of the animal in question, and we question whether the majority currently have this knowledge or would know when to call in a specialist. Indeed, we would suggest that some may find it challenging to even determine if a s9 offence has been committed”.

Obviously, that is all quite detailed stuff, but it is relevant and important if we want this legislation to succeed.

The RSPCA has some further observations that I thought it would be helpful to bring to the Committee's attention. Clause 4(3) of the Bill deals with guidance, and the RSPCA believes it would be helpful if some of the things in its briefing that I have just outlined were included in that guidance. It also suggests that further guidance should be provided to set clearer parameters for the monetary value of the fixed penalty notices for the different offences, to ensure a consistent approach across enforcement bodies. Again, I hope that the Minister will confirm that that is the Government's intention, and that this intention will be realised through secondary legislation.

The RSPCA also has some suggestions regarding what is to be reported under clause 6. It suggests that such reports should provide a breakdown of the number of fixed penalty notices issued by individual enforcement bodies, alongside the offences for which they have been issued. It says that

“The current drafting of the Bill tends to suggest that the reports from local authorities will be anonymised and/or amalgamated which defeats the purpose of a reporting scheme to identify effectiveness and good practice.”

Basically, the RSPCA is drawing out what would need to happen to translate the intentions of the Bill into practice. It also raises a question about how local authorities are dealt with in clause 8: it thinks that unitary councils have been omitted from that list of local authorities. There may be a reason for that, but I would be grateful to the Minister if she clarified it.

The RSPCA has pointed out that at the moment, the Bill does not appear to make provision for an appeals system. A number of Members present might have been part of the debate on the Animal Welfare (Kept Animals) Bill, which contained many, many pages dealing with appeals systems. I find myself wondering why we have not brought these things together in some kind of consistent way, given that the two Bills are trying to do similar things.

The RSPCA also makes what I hope is a helpful suggestion: that the Secretary of State should also establish a points-based system as a method for dealing with repeat offenders and determining the monetary

value of fixed penalty notices. The system would then allow for prosecution if or when an offender has accrued a certain number of points, a system similar to that for driving licences. The RSPCA says that such a method would help to ensure a consistent approach to determining the monetary values of fixed penalty notices, which would complement the matters to be taken into consideration dealt with in clause 4(2). We could have tabled an amendment to that effect; we did not, but the RSPCA's proposal is certainly worthy of consideration, and we would welcome the Minister's view on it.

Moving beyond the RSPCA, I raised a question about cross-compliance—a complicated set of issues relating to the situation with agricultural support and enforcement post Brexit. The Minister helpfully addressed some of those points in her letter. Clearly, there is a strong case for a system that allows minor transgressions such as a missing ear tag on an animal to be dealt with through a more flexible approach. My worry, though, is that given the breadth of legislation that this Bill refers to, there is a danger of inadvertently diminishing the possibility of dealing with quite significant offences in an appropriate manner. That, again, would rely on trust, and I would like a stronger assurance on that topic. The Minister may be able to help with that.

The Minister's letter also helpfully addressed the burden of proof issue, which came up on Second Reading. Battersea raised it in its initial response. It was supportive overall but was worried about potential unforeseen effects the "beyond all reasonable doubt" test could have on existing legislation that has less stringent requirements. That goes back to my request for a grid. If we could see what the Bill is likely to affect, we would have a clear understanding of how it worked.

I have read the Minister's letter a number of times, and it may just be me, but I do not entirely understand the relevant message. I remain unconvinced that it addresses the concern raised by Battersea Dogs & Cats Home. I will read from the letter so that it is in *Hansard*:

"Whilst the Bill does not create any new offences, the penalty notices framework is intended to be applied to existing offences that are already subject to prosecution where relevant. As penalty notices allow a person to discharge their liability for conviction by the payment of the notice, the burden of proof must be beyond reasonable doubt to ensure that enforcement bodies are conducting their investigations at the highest level of evidential proof. If the person does not wish to discharge their liability through paying the penalty, then the enforcement authorities should consider prosecution, with the necessary evidence to accompany this process." I get that, but it seems to me to be addressing a different question.

In conclusion, we support the Bill overall. The intention is reasonable. We all want better, more effective enforcement, but there is a risk of unintended consequences. I think this Bill fits uneasily with the Animal Welfare (Kept Animals) Bill. It feels a bit of a mess, and it needs more work. We will not oppose the legislation today, but we will monitor it closely to ensure that it does what the Government and the hon. Member for Romford says it does.

**Andy Slaughter** (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Mr Twigg. I congratulate the hon. Member for Romford on the Bill, and I entirely support its principle.

I have a brief question for the Minister on the use of fixed penalty notices. They are increasingly being used to do the heavy lifting in the criminal justice system.

They clearly have a function, and it is clear what the intended function is here: to fill a gap. The experience with fixed penalty notices over recent years, particularly during covid, has not been a good one on either side. For the Ministry of Justice, if there is not proper recourse to a judicial process, that contains many risks for the alleged offender. On the other hand, if fixed penalty notices are used and not followed up, one gets into the situation where they are issued and there is no consequence. If time goes by and they are not enforced, the period in which they may be enforced elapses.

What I am concerned about is not that fixed penalty notices are being proposed for use; it seems a suitable use. I am concerned about our experience of them at the moment. I entirely understand why the Government want to use them. There is huge pressure on the criminal justice system. The backlog, not only in the Crown court but in the magistrates court as well, was very large before covid. It is now extremely large indeed, and it is not timetabled to come down over any short period of time.

I absolutely understand why the Government would look to fixed penalties as a way of trying to deal with the backlog and relieve some of the pressure. However, it comes with a whole raft of other changes, such as single justice procedure, where there is less scrutiny of offences, less of an opportunity to have one's day in court and less public access to the justice system. All of those are risks with fixed penalties.

Often these are emotive, quite serious offences. I understand that the fixed penalty notices are intended to deal with those at the lower end, but I wonder if the Minister could say something about this. Could she give us reassurance that, for somebody who believes they are wrongly being given a notice, there will be a proper and clear course they can take that will lead to a judicial process? Secondly, are the mechanisms there to ensure that the prosecuting authorities are able to enforce these notices and that they do not just become pieces of paper that people can disregard?

2 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jo Churchill)**: It is a pleasure to serve under your chairmanship, Mr Twigg, I think for the first time.

I thank everybody for their contributions. I will go through what I intended to say, and then come on to some specifics if there is any feeling that I have not addressed them. It is also a great pleasure to see Members such as my hon. Friends the Members for South East Cornwall and for Crawley, who with our hon. Friend the Member for Romford have a fine history of supporting animal welfare in this place.

I thank my hon. Friend the Member for Romford for introducing this private Member's Bill; as the hon. Member for Rotherham said, my hon. Friend has a long history of supporting animal health and welfare. As chair of the zoos and aquariums all-party parliamentary group, a former shadow Minister for animal welfare and an advocate for the care and protection of animals, he takes this whole area incredibly seriously. It has been a pleasure to work with him thus far, and I look forward to supporting him going forward.

I thank hon. Members who have been selected to serve on the Committee and the organisations for the support they have given the Bill. They include the

[*Jo Churchill*]

RSPCA, which I last had a conversation with as recently as yesterday; I thank it for sharing its thoughts. It falls into the three categories of those in the farm animal sector, such as the National Farmers Union, the Country Land and Business Association and so on; those in the companion animal sector—we have engaged with Battersea, the RSPCA and Cats Protection, among others—and those in the zoo sector, such as the British and Irish Association of Zoos and Aquariums. I say to the hon. Member for Rotherham that of course we will engage with the experts. Much of this is to be driven by engaging with those stakeholders, because they know the situation best. They are also aware of where some of the challenges to getting the balance right lie, as we progress with the statutory instruments.

The Bill, which had its Second Reading on 29 October this year, introduces a new financial penalty system, as has been said, and adds to the tools that we can use against those who commit offences against animals, demonstrating that we will not tolerate threats to the health and welfare of animals, the quality of our animal products, or the biosecurity of our nation. As Members on both sides have said, we in this country pride ourselves on our high standards of animal welfare, and we have powerful laws to maintain them, as the hon. Member for Cambridge alluded to. The hon. Member for Rotherham asked which Acts the penalties pertain to. They are the ones listed in clause 1, which I will not read out, and the Dangerous Dogs Act 1991, highlighted in clause 2.

**Kerry McCarthy** (Bristol East) (Lab): I am pleased that this legislation is before us and that we finally seem to be making progress on the Animal Welfare (Sentencing) Bill, but I was told, I think a couple of years ago, that the Government intended to introduce a big, comprehensive animal welfare Bill to try to tie up all loose ends and ensure that we have overall protection, rather than rely on private Members' Bills, SIs, and bits and pieces here and there. Has that been dropped?

**Jo Churchill:** A comprehensive selection of Bills are going through Parliament, looking at the whole of animal welfare and ensuring that those gaps are plugged. That is why we support today's Bill. It is about having a proportionate response, and ensuring that where we find a gap we find the right tool to deal with it.

For the most severe crimes of cruelty and abuse, imprisonment will always be the correct response and the most appropriate course of action. We have the necessary powers to deliver that. The Animal Welfare (Sentencing) Act 2021, which was passed in the summer, introduced a welcome longer prison sentence for heinous animal welfare crimes, which I am sure we all agree with. We now need penalties to redirect behaviour, which was the point that my hon. Friend the Member for Romford made. It is about ensuring that, where appropriate, people can be put on to the correct path of behaviour before more troublesome and more abusive crimes are committed, and that we use the most proportionate and effective measure for each of them.

The Bill provides for penalties to redirect behaviour where animal keepers are not doing the right thing. We have an opportunity to improve how we tackle offences relating to animals and animal products. I would like to restate the relevant offences will be determined during

collaboration and formal consultation with stakeholders, including those mentioned here, as I reaffirmed yesterday in discussion with the RSPCA.

Clause 1 is essential to establish the relevant offences and the enforcement authorities for those offences. It lists all the legislation to which penalties notices could apply, protecting the health and welfare of companion, farm and zoo animals, biosecurity and animal products. That does not mean, however, that the penalty notices would be considered an appropriate enforcement measure for every offence listed in the legislation.

Through the passage of the Animal Welfare (Sentencing) Act 2021, another private Member's Bill, it was good to see the punishment for acts of cruelty being bolstered to a custodial sentence of five years. Once again, I would like to put on record that we have no intention of watering down the severity of offences. However, it remains imperative that all the legislation listed in clause 1 remains as it is. In that way, we can properly consider, in collaboration with stakeholders, which offences are suitable for a penalty notice and which are not.

We will explain further in the guidance under clause 4 that will accompany the new regulations, to ensure penalty notices are used appropriately and consistently without diminishing how they address the most serious offences, particularly that of cruelty. Designating the most appropriate enforcement authority for each offence is important to ensure the right people have the right powers to take action and change the behaviour of those committing less serious offences. Actually, it might be the good breeder who helps make sure that the behaviour is the right one. It does not necessarily always fall to an enforcement officer to issue the behaviour notice in the first place. We want the whole system to be one that engages and directs people's behaviour. Then, the enforcement officers can either bring the direct commentary to the individual or step it up to a fixed penalty notice or, in the case of a heinous crime, use the court.

**Daniel Zeichner:** The Minister's explanation is helpful, but I echo the thoughts of my hon. Friend the Member for Bristol: one can discern the Bill, as the Minister explains, but would it not be better to have an overreaching explanation so the wider world could understand the thinking? It takes interrogation of the Bill to understand what the plan is.

**Jo Churchill:** Most of our laws are made up of a collection of things that direct people's behaviour in the right direction. The selection of animal welfare regulations from private Members' experience, although there are gaps, from the Government legislating and from external stakeholders, is the right way to go on to ensure we cover everything effectively.

Enforcers must be satisfied beyond reasonable doubt before issuing a penalty notice, which goes to the hon. Gentleman's point. If, for example, a case ends up in court because someone chooses not to pay because they wish to defend themselves in court, there must be a burden of proof. That is how we envisage this Bill working. Enforcers must be able to clearly articulate the evidence and the offence to the offender and be ready to pursue prosecution if an offender chooses not to pay or wishes to clear their name in court.

The clause also includes provision for the enforcing body to rescind a notice at any point. It adds an additional layer of protection for the recipient, such as



in the event of an error or where prosecution is later deemed to be more appropriate. The additional tool will provide early redirection to those who are not doing things quite right, helping to prevent more serious offences from being carried out later.

**Daniel Zeichner:** This is the point I was trying to get to earlier. I think the point that Battersea is making—I have not read every piece of legislation it refers to in the level of detail required to know the answer—is that there are offences in there that do not require the same level of proof, in which case it worries, and I worry, that this could be undermined. Could the Minister tell us how many of those cases are within the legislation, or whether that could be revealed by the grid that is to be drawn up?

**Jo Churchill:** The grid has been drawn up. It is just going through the process of clearance. I hope to have it with the hon. Gentleman imminently; I was hoping to get it to him before the Committee sat. It is through discussions with Battersea and other stakeholders that we give clarity to the offences we are trying to pursue. Essentially, this comes down to the burden of proof. Tail docking would be unacceptable in some circumstances, but some working dogs have to have their tails docked, so we need to ensure that we have a proportionate approach. We have spoken to stakeholders to ensure that we do not have unintended consequences there.

Clauses 2 to 9 build on the foundation of clause 1 to provide a clear framework for animals, keepers and enforcers alike. Clause 2 is near identical to clause 1, but brings up the Dangerous Dogs Act 1991, which is reserved. The purpose of the clause is to extend penalty notices for dangerous dogs offences to Wales, because obviously this legislation applies to England and Wales. Clause 3 is the workhorse of the Bill, setting a maximum fine amount and ensuring that both the enforcement authority and the person offered the fine understand their obligations. Clause 4 ensures that penalty notices cannot be used in a disproportionate way, such as for acts of animal cruelty, once again reaffirming that penalty notices are not for those serious acts but are the yellow card in the toolbox of the enforcer. Clause 4(2) establishes their proper and appropriate use as a means of early redirection. The matters to be taken into account mitigate the risk of penalty notices being used inappropriately without needing to list every specific offence in the Bill.

The matters in clause 4, alongside the guidance that will be laid before Parliament, will ensure that enforcers strike the right balance between advice, guidance, penalty notices and prosecutions, which I am sure we agree is the best way forward to ensure that those committing offences are properly encouraged to fulfil their responsibilities to the animal in their care. This all requires careful consideration, with the appropriate expert input, because it is to the experts that we will look to help us draw up the statutory instruments, at which point, again, there will be a second line of examination to make sure that we are going in the right direction. Laying the guidance before Parliament for specific offences allows time for thorough, crucial engagement with users, stakeholders and enforcers.

Clause 5 states where the proceeds from penalty notices will be paid. It is integral to the sound functioning of the Bill, enabling enforcers to retain costs associated with any enforcement, therefore limiting the financial

burden. Clause 6 specifies the reporting requirement, which will ensure transparency and accountability. I share the views of Members from across the Committee—including the hon. Member for Cambridge, who brought this up—that that transparency and accountability through the reporting mechanism and the stakeholder engagement are crucial and will help to ensure that guidance has been followed consistently and that we have more oversight, rather than the numbers being lumped together.

Clause 7 states that secondary legislation will be required before a penalty can be issued for an offence. I am sure the Committee will agree that it is vital that full consideration is given to each offence individually to ensure that only appropriate offences will be included.

2.15 pm

Clause 8 defines various key terms as they are intended in the Bill and confirms the meaning of enforcement authority as it is described in clause 1(4). Clause 8 also confirms the meaning of local authority, which includes both unitary and metropolitan councils. The hon. Member for Cambridge mentioned that point. Clause 9 sets out the territorial extent of each provision in the Bill, the commencement and the short title.

I turn to the points raised. Members asked whether we are introducing penalty notices to avoid taking abusers to court and sending people to prison. We are not. Penalty notices are designed to complement existing measures. Penalty notices are like yellow cards: “The ref has had a word with you; you should be behaving better on the field... You are not—here is your yellow card... You have still not, and you have committed an offence. That is too bad—there is your red card. You are in court and you are facing the possibility of paying more than £5,000 and a sentence.” Extra tools allow that redirection; they provide more routes for our charities, zoo groups and farming communities to ensure the proper care of animals.

**Sarah Champion:** Does the issuing of penalty notices also have a cumulative effect when it comes to court hearings? If someone has received a number of them or has not paid a penalty notice, might a more severe sentence be issued?

**Jo Churchill:** Should somebody receive more than one penalty notice, that is part of the suite of evidence that shows that they have not been behaving. We cannot just carry on giving fixed penalty notices. We cannot argue for these measures as having the power of redirection to improve behaviour, and then not expect to see behaviour improving. A penalty notice might be the right thing to do for low-level offences—the hon. Lady gave examples of what those might be—but not for committing the same offence repeatedly. People cannot just be given fixed penalty notices repeatedly. We are looking for another tool in the toolbox to redirect and improve behaviour, to ultimately help care for the health and welfare of animals.

I have answered the hon. Member for Rotherham. The Acts are listed. We will speak to the zoos as we will speak to all Members.

I thank the hon. Member for East Kilbride, Strathaven and Lesmahagow for her comments. I hope we will see Scotland follow us in this measure, to ensure that animals right across the UK are looked after, because I know that, across all four nations, we are a true nation of animal lovers.

[Jo Churchill]

This is about ensuring the burden of proof. Penalty notices are another tool in the toolbox. I hope we do not focus on the fact that a fixed penalty notice cannot be issued without the proper investigation, because it has to be as robust as it would be if we were pursuing alternative measures. As we work through the finer points with the organisations—I know the hon. Member for Cambridge is in regular contact with them—I hope that we will get to the point where we have reassured him, but, more importantly, reassured those who look after animals that where there are cases, there is extra care for those animals. That is the whole point of introducing the Bill, as my hon. Friend the Member for Romford said.

**Daniel Zeichner** rose—

**Jo Churchill:** I feel like I have given way enough. I thank the Committee for its comments and support.

**Andrew Rosindell:** I thank everybody here from all parties for their contributions. The Minister has taken on board a lot of the comments that have been made. I know there are things that need to be ironed out and further explanation to be given, but I think we all agree that the principle of the Bill will enhance animal welfare in this country.

In particular, I thank my friends the hon. Member for Rotherham, for her contribution and for her steadfast support for all the animal welfare work that I do and for the Bill, and the hon. Member for East Kilbride, Strathaven and Lesmahagow for her enthusiastic support. I have no doubt that she is bound to suggest this in the regular chats I am sure she has with the First Minister, over tea and cake, to give her some ideas about future legislation in Scotland.

We are all animal lovers—whatever party we represent, we are all on the same side when it comes to the care for and welfare of the animals for whom we are responsible. Where I come from, we are responsible for these creatures. They need us to protect and look after them, to care for them and to enhance their wellbeing. I hope that this legislation will take us a step forward in making the United Kingdom the best country in the world for animal welfare.

I also thank the supporters of this addition to our enforcement system who are not able to attend today. Many Members across the House who are not on this

Committee offered their support and spoke on Second Reading, and many others have contacted me to express their enthusiasm for the Bill. Let us maintain that enthusiasm and continue the momentum until the Bill gets over the line. Remember, maintaining momentum up to that point—and beyond—is so important. I am sure we will continue to make progress as the Bill progresses to Third Reading and then on to the other place.

I offer my heartfelt thanks to my hon. Friend the Minister. Her commitment and dedication to animal welfare and her detailed explanation of the Bill has been helpful to all of us. It has given us the confidence to believe that the Bill will be a great addition to our legislation for the protection and wellbeing of animals. It has been a great pleasure to work with the Minister.

The winners from this legislation will be the animals in our care, to whom we have a solemn responsibility. That is the intention of the Bill. I could not close the debate without once again thanking the many organisations that have campaigned for and supported the new legislation. They have helped so much by providing advice and support throughout the process.

I also thank my team in my parliamentary office, in particular Elliott Keck and Stephen Reed, who have worked so hard on the Bill with officials from the Department for Environment, Food and Rural Affairs. I thank the Clerks, who have been so helpful in facilitating this Committee stage and the passage of the Bill so far and, as always, for their advice and guidance. Finally, I thank the officials from the Department for Environment, Food and Rural Affairs, who have been truly magnificent in advising and helping with consultations. They have given so much support to make sure that we were able to get the Bill to the stage we are at today.

I hope that we can press ahead. I look forward to the day in the very near future when the Bill is placed on the statute book. I believe it will reinforce our country's reputation as a world leader on animal welfare and will continue to enforce the love of animals and protection of the animal kingdom across this nation of ours.

*Question put and agreed to.*

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

*Clauses 2 to 9 ordered to stand part of the Bill.*

*Bill to be reported, without amendment.*

2.24 pm

*Committee rose.*



