



BRIEFING PAPER

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Animal Welfare (Sentencing) Bill

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Contents:

1. Background
2. *Animal Welfare (Sentencing) Bill 2017-2019*
3. *Animal Welfare (Sentencing) Bill 2019*
4. *Animal Welfare (Sentencing) Bill 2019-2021*



Contents

Summary	3
1. Background	4
1.1 Sentencing trends	4
1.2 <i>Animal Welfare (Sentencing and Recognition of Sentience) Draft Bill</i>	5
2. <i>Animal Welfare (Sentencing) Bill 2017-2019</i>	8
2.1 Second Reading	9
2.2 Committee Stage	9
3. <i>Animal Welfare (Sentencing) Bill 2019</i>	10
4. <i>Animal Welfare (Sentencing) Bill 2019-2021</i>	10
4.1 Provisions of the Bill	11
4.2 Second Reading	12
4.3 Committee Stage	14
4.4 Support from animal charities	15

Contributing Authors: Georgina Sturt, Animal Welfare Statistics, Section 1.1

Summary

Animal welfare is a devolved matter. For England and Wales, a range of legislation on animal welfare was consolidated under the [Animal Welfare Act 2006](#). This makes it an offence to cause unnecessary suffering to domesticated animals, or any animals under the control of man. The maximum penalty under the Act is currently a six-month sentence and/or an unlimited fine.

In 2016 the maximum sentence for animal cruelty offences in Northern Ireland under the [Welfare of Animals Act \(Northern Ireland\) 2011](#) was increased to five years, following the recommendations of [a review of the implementation of the Act](#). The Scottish Government [consulted](#) in February 2019 on increasing the maximum sentence from one to five years under the [Animal Health and Welfare \(Scotland\) Act 2006](#). The Environmental Food and Rural Affairs Select Committee carried out an inquiry into [domestic pet welfare](#) in 2016. One of its recommendations was that maximum sentences under the Animal Welfare Act 2006 should be increased to five years. The Government did not support the proposal at the time

Following a number of serious animal welfare prosecutions, the Government announced in September 2017, that it intended to increase the maximum sentence to five years. It published [draft Animal Welfare \(Sentencing and Recognition of Sentience\) Bill](#) in December 2017 for consultation. Following this, the Government decided that it would legislate for increased sentences as soon as parliamentary time became available, whilst continuing to work further on animal sentience proposals.

The [Animal Welfare \(Sentencing\) Bill 2017-19](#) was published on 26 June 2019. Second Reading in the Commons took place 9 July 2019. The Bill would have increased the maximum penalty under the *Animal Welfare Act 2006* for the most serious animal cruelty offences in England and Wales from six months to five years. [Committee Stage](#) of the Bill took place on 23 July 2019. The Bill was passed unamended and was due to have Report Stage in the Commons on 4 September 2019. However, this was cancelled, and the Bill fell at the end of the 2017-2109 parliamentary session.

The [Queen's Speech](#) on 14 October 2019 set out the Government's intention to reintroduce the Bill in the 2019-2020 parliamentary session. Following this the [Animal Welfare \(Sentencing\) Bill 2019](#) was published on 15 October 2019. The Bill failed to complete its passage through Parliament before the end of the parliamentary session on 6 November 2019.

In February 2020, [The Animal Welfare \(Sentencing\) Bill 2019-21](#), was reintroduced as a Private Members' Bill, sponsored by Conservative Member Chris Loder, with Government support. The First Reading took place on 5 February 2020 with Second Reading taking place on 23 October 2020. On 3 February 2021 the Bill passed Committee Stage unamended. Report stage is scheduled to take place on 12 March 2021.

The text of the Bill is the same as that from the previous sessions. It increases the maximum sentence for certain animal cruelty offences to five years, would apply to England and Wales and would come into force two months after Royal Assent.

1. Background

Animal welfare is a devolved matter. For England and Wales, a range of legislation on animal welfare was consolidated under the [Animal Welfare Act 2006](#). This makes it an offence to cause unnecessary suffering to domesticated animals, or any animals under the control of man. The maximum penalty under the Act is currently a six-month sentence and/or an unlimited fine.

The Environment Food and Rural Affairs (EFRA) Committee published a report on [Animal welfare in England: domestic pets](#) on 16 November 2016. The report referred to the increasing disparity in sentencing powers for a range of offences relating to animals, as highlighted by the RSPCA:

The RSPCA noted increasing disparity in sentences available in differing animal legislation in England. For example, the Law Commission recently recommended imprisonment for up to two years for cruelty towards wildlife. Under the Crime and Policing Act 2014 a person could go to prison for three years if their dog injured a guide dog but only six months for beating their dog to death: “if you look at those sorts of comparisons, I would say that the overall sentencing is probably out of kilter with current thinking”¹

The report also included a recommendation to increase the maximum sentence for cruelty offences to five years:

The current penalties for animal welfare offences in England are amongst the lowest in Europe. We recommend that the maximum penalty is increased to five years.²

At the time the Government did not support an increase in sentencing, stating in its response that “current sentencing practice for offences of animal cruelty in the *Animal Welfare Act 2006* does not suggest that the courts are finding current sentencing powers inadequate”.³

In 2016 the maximum sentence for animal cruelty offences in Northern Ireland under the [Welfare of Animals Act \(Northern Ireland\) 2011](#) was increased to five years, following the recommendations of [a review of the implementation of the Act](#).

The Scottish Government [consulted](#) in February 2019 on increasing the maximum sentence from one to five years under the [Animal Health and Welfare \(Scotland\) Act 2006](#).

1.1 Sentencing trends

In 2018, 633 people were sentenced for offences under sections 4 to 8 of the *Animal Welfare Act 2006* in England and Wales. Of these, 65

¹ EFRA Select Committee, [Animal welfare in England: domestic pets](#), 16 November 2016

² EFRA Select Committee, [Animal welfare in England: domestic pets](#), 16 November 2016

³ EFRA Select Committee, [4th Special Report - Animal welfare in England: domestic pets: Government response to the Committee's Third Report of Session 2016-17](#), 7 February 2017

(10%) were sentenced to immediate custody. In each of the past 10 years, between 6% and 11% of people convicted of these offences were sentenced to immediate custody.

[Sentencing guidelines](#) for animal cruelty were reviewed in April 2017 with the aim of ensuring “that the most serious cases of animal cruelty receive appropriate severe sentences, within the available maximum penalty”.⁴

Custodial Sentences for Offences Under Sections 4-8 of the Animal Welfare Act 2006					
England and Wales					
	2010	2011	2012	2013	2014
Proceeded against	1,095	1,306	1,429	1,295	1,039
Found guilty	874	1,028	1,132	1,022	814
Sentenced	875	1,027	1,132	1,021	815
<i>of which:</i>					
Total Immediate Custody	52	87	108	84	82
% of total sentenced	6%	8%	10%	8%	10%
<i>of which:</i>					
Less than 3 months	29	47	39	32	33
3 months to less than 6 months	22	38	66	47	48
6 months	1	2	3	5	1
Continued...	2015	2016	2017	2018	2019
Proceeded against	800	768	744	799	717
Found guilty	622	585	607	635	567
Sentenced	624	585	608	634	570
<i>of which:</i>					
Total Immediate Custody	58	63	50	65	63
% of total sentenced	9%	11%	8%	10%	11%
<i>of which:</i>					
Less than 3 months	22	27	18	21	23
3 months to less than 6 months	33	33	30	43	36
6 months	3	3	2	1	3

Source: [Ministry of Justice, Outcomes by Offence Data Tool](#), May 2020

1.2 *Animal Welfare (Sentencing and Recognition of Sentience) Draft Bill*

The Government [announced](#) that it would be introducing tougher sentencing for the worst animal cruelty cases on 30 September 2017. The proposal was to increase the maximum sentence to five years:

Currently the maximum sentence is six months but the government will announce plans to bring forward new legislation that will increase that tenfold, sending a clear signal to any potential offenders that there is no place for animal cruelty in England.

There have been a number of recent shocking cases where courts have said they would have handed down longer sentences had they been available, including a case in April last year when a man bought a number of puppies just to brutally and systematically beat, choke and stab them to death. The new legislation will also enable courts to deal more effectively with ruthless gangs involved in organised dog fights.

Environment Secretary Michael Gove said:

⁴ [Written question HL188](#) 27 June 2017

“We are a nation of animal lovers and so we must ensure that those who commit the most shocking cruelty towards animals face suitably tough punishments.

“These plans will give courts the tools they have requested to deal with the most abhorrent acts.

“This is one part of our plan to deliver world-leading standards of animal welfare in the years ahead.”

Cases of extreme cruelty are rare – while on average about 1,150 people per year are convicted for animal cruelty, fewer than five of them receive the current maximum sentence. The change in law will ensure that offenders are properly punished in those rare but shocking cases.⁵

The Bill

The draft Bill proposed two key legislative changes. Firstly, it explicitly recognised animals as sentient beings which was previously included in Article 13 of the Lisbon Treaty. Secondly the Bill would have increased the maximum custodial sentence for animal cruelty offences from 6 months to 5 years.

The (then) [EU Withdrawal Bill](#) did not include provision to transfer the principle contained in Article 13 of the Lisbon Treaty recognising animals as sentient beings into UK legislation. This raised concerns amongst animal welfare campaigners as UK law, under the *Animal Welfare Act 2006*, does not explicitly recognise the term although it does acknowledge that animals can experience suffering and pain.

Following several unsuccessful amendments during [Committee stage](#) in the Commons, aimed at including the explicit recognition of animal sentience in the Bill, the Government [announced](#) on 12 December 2017 that it would be introducing legislation on both sentience and tougher sentencing for animal cruelty offences. A short three clause [draft Bill, explanatory notes and consultation](#) were also published. A [summary of responses](#) to the consultation was published in August 2018.

Environment Food and Rural Affairs Committee Report

The EFRA Select Committee took evidence on the draft Bill and published its [response to the Government consultation](#) on 1 February 2018.

The Committee called for the Bill’s two clauses be split into separate pieces of legislation which would allow the “the ‘problematic concepts in the existing Clause 1 to be better defined” The concerns set out in the Committee’s report were summarised in a press release:

The Report:

Notes that: “[Animals] deserve better than to be treated in a cavalier fashion yet the impression given to us is one of haste. It

⁵ DEFRA, [Sentences for animal cruelty to increase tenfold to five years](#), 30 September 2017

appears that this draft Bill has been presented to the public - and Parliament - in a far from finished state."

Welcomes the Government's decision to accept a predecessor EFRA's Committee recommendation on the introduction of a 5-year maximum sentence for animal cruelty, but raises concerns that the vagueness of other aspects of the legislation will, "impede and delay the introduction of this measure".

Questions why the Government "has not taken this opportunity to increase sentences for other breaches of animal welfare" as a, "A true "gold standard" in animal welfare will require the introduction of legislation which will increase sentencing across the board."

Recommends that the Government separates Clause one of the draft Bill and "proceed with the Bill as the Animal Welfare (Sentencing) Bill".

Recommends that Government introduces a "separate piece of legislation on animal sentience" which allows the 'problematic concepts in the existing Clause 1 to be better defined".⁶

- one of the problems here is that it [Clause 1] is so vague that nobody will be sure what it means. The animal welfare organisations will not be sure, and policy makers will not be sure. Therefore, it will ultimately fall to the courts.

Government response

The Government published a [summary of responses](#) and its plans for taking the legislation forward on 7 August 2018. Following the recommendations of the EFRA Select Committee, the Government proposed legislating to increase maximum sentences for animal cruelty as soon as Parliamentary time became available.

Maximum sentences for animal cruelty

Taking into consideration the high proportion of responses that indicated that they agreed with the new maximum penalty, the government intends to bring forward proposals to increase the maximum penalty, specified under section 32(1) of the Animal Welfare Act 2006, to five years' imprisonment and/or an unlimited fine. The government accepts the EFRA committee's recommendation that the sentencing clauses are taken forward in a separate bill to the sentience clauses, in order to ensure the higher maximum penalty is available to the courts as soon as possible. The necessary legislation will be brought forward as soon as Parliamentary time permits.

The government has also confirmed its support for the Animal Welfare (Service Animals) Bill, introduced to Parliament by Sir Oliver Heald MP. This would introduce Finn's Law, ensuring service animals such as police dogs and horses will be offered greater protection. The proposed legislation will remove a section of the current law of self-defence, often used by those who harm a service animal.⁷

Defra also stated that it would continue to work further on animal sentience proposals and reiterated the intention to make any necessary

⁶ EFRA Select Committee, [Animal Welfare \(Sentencing and Recognition of Sentience\) Bill report published](#), 1 February 2018

⁷ Defra, [Animal Welfare \(Sentencing and Recognition of Sentience\) Draft Bill Consultation response](#), 7 August 2018

changes to legislation before the UK left the EU. Further background on the animal sentience debate can be found in the Library Paper on [Animal Sentience and Brexit](#).

In response to a Parliamentary question on 14 October 2020, the Government provided the following update on animal sentience legislation:

We have committed to bringing in new laws on animal sentience. Any necessary changes required to domestic legislation will be made in an effective and credible way and will be brought forward when parliamentary time allows. In the meantime, Defra is continuing to engage closely with stakeholders to further refine the Government's proposals on animal sentience.⁸

2. *Animal Welfare (Sentencing) Bill 2017-2019*

The Government published the [Animal Welfare \(Sentencing\) Bill](#) on 26 June 2019, which would increase the maximum sentence for animal cruelty to five years in England and Wales. A [press release](#) from Defra summarised support for the proposals:

The *Animal Welfare (Sentencing) Bill* means that animal abusers could face up to five years in prison, a significant increase from the current maximum sentence of six months.

This will make it one of the toughest sanctions in Europe, strengthening the UK's position as a global leader on animal welfare.

The Bill follows a public consultation last year, in which more than 70% of people supported the proposals for tougher prison sentences. It means the courts will be able to take a tougher approach to cases such as dog fighting, abuse of puppies and kittens, or gross neglect of farm animals.⁹

The press release also included statements from Battersea Cats and Dogs home and the RSPCA welcoming the changes.

The chair of the EFRA Select Committee, Neil Parish, welcomed the announcement by stating that "we are delighted to see the Government listening to my Committee and public opinion and introducing tougher sentencing for those who commit crimes against animals".¹⁰

The Bill would have amended sections 4-8 of the *Animal Welfare Act 2006*, by increasing maximum sentences. The two clause Bill was the same as has been introduced in session 2019-21. See section 4.1 of this paper for further details of the Bill's contents.

⁸ [Parliamentary question 98934](#) 14 October 2020

⁹ Defra, [Gove delivers new bill to punish animal abusers](#), 26 June 2019

¹⁰ EFRA Select Committee, [Committee welcomes increased sentences for animal cruelty](#), 26 June 2019

2.1 Second Reading

[Second Reading](#) of the Bill took place in the House of Commons on 10 July 2019. Introducing the Bill, David Rutley, the then Parliamentary Under Secretary of State at the Department for the Environment, Food and Rural Affairs, set out its provisions as follows:

The Bill amends the Animal Welfare Act 2006, which currently sets out a maximum penalty of six months' imprisonment and/or an unlimited fine for the more serious prevention of harm offences. That is much lower than the current European average for animal welfare offences, which is two years; indeed many countries have much higher maximum penalties. I am pleased to say that the Bill introduces one of the toughest punishments in the world and will bring us in line with the maximum penalties in Australia, Canada, New Zealand, Ireland, India and Latvia, which are all five years' imprisonment.¹¹

Speaking for the Opposition, Sue Hayman, welcomed and supported the Bill but indicated the intention to table amendments during Committee Stage to extend its scope to include wild animals.¹²

2.2 Committee Stage

[Committee Stage](#) of the Bill consisted of two sittings on 23 July 2019. During the first sitting the Committee took evidence from RSPCA and Battersea Dogs and Cats Home. It also took evidence from Inspector O'Hara, national policing lead for dangerous dogs and companion animals and Mike Schwarz, a consultant at law firm Bindmans LLP. A full transcript is available on the [Parliament website](#).

Line by line consideration of the Bill took place during the [second sitting](#). Two amendments were tabled to the Bill, both withdrawn without division. The Bill was passed unamended.

The first, amendment, tabled by Labour MP Anna Turley, sought to amend Clause 1 "to require courts, where people filmed themselves committing the offence or posted online a video of themselves committing the offence, to treat that as an aggravating factor in sentencing". In response the Minister stated that aggravating factors, other than the most serious, are usually set out in sentencing guidelines.¹³ And that, "as the Bill will change the maximum sentence available for animal cruelty, the sentencing guidelines for animal cruelty will be subject to review by the Sentencing Council, which will publicly consult on the updated guidelines."¹⁴

The second amendment was tabled by the Shadow Secretary of State for Environment, Food and Rural Affairs, Sue Hayman for the opposition. It would have amended Clause 2 to require the Secretary of State to lay before Parliament, within two years of the Act coming into force, a report on the its effectiveness, including on the overall

¹¹ [HC Deb 10 July 2019 c336](#)

¹² [HC Deb 10 July 2019 c340](#)

¹³ [HC Deb 23 July 2019 c23](#)

¹⁴ [HC Deb 23 July 2019 c31](#)

coherence of animal welfare legislation.¹⁵ During the debate she explained that Labour’s view that the Bill should extend to wild animals, that “all animals are equal” and:

Our preference would be for the Bill to set a maximum sentence according to the level of cruelty in the offence, rather than whether the animal is domestic or wild, which I have discussed with the Minister. New clause 2 offers the option of looking into that and giving Parliament an opportunity to consider it once the Act has taken effect. As I have said, 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. I hope the Minister considers it and I look forward to his response.¹⁶

In response, the Minister agreed to meet to discuss the issue further in the “very near future”.¹⁷

Report Stage of the Bill was due to take place on 4 September 2019. However, this was cancelled, and the Bill fell at the end of the 2017-2109 parliamentary session.

3. *Animal Welfare (Sentencing) Bill 2019*

The [Queen’s Speech](#) on 14 October 2019 set out the Government’s intention to reintroduce the Bill in the 2019-2020 parliamentary session:

We will take forward several measures to promote and protect animal welfare, including re-introducing the Animal Welfare (Sentencing) Bill to increase maximum sentences for animal cruelty.¹⁸

Following this the [Animal Welfare \(Sentencing\) Bill 2019](#) was published on 15 October 2019. The Bill failed to make its passage through Parliament before dissolution in November 2019.

4. *Animal Welfare (Sentencing) Bill 2019-2021*

In February 2020, the [Animal Welfare \(Sentencing\) Bill 2019-21](#) was reintroduced as a Private Members’ Bill sponsored by Chris Loder MP. Second Reading took place on 23 October 2020. Prior to this the Government confirmed that it continued to support the passage of the Bill through Parliament: The Government is supporting the Animal Welfare (Sentencing) Bill as it makes its way through Parliament. Second Reading of the Bill is scheduled for 23 October. The Bill will increase the maximum custodial penalty for animal cruelty from six months’ imprisonment to five years’ imprisonment.

¹⁵ [HC Deb 23 July 2019 c35](#)

¹⁶ [HC Deb 23 July 2019 c36](#)

¹⁷ [HC Deb 23 July 2019 c40](#)

¹⁸ Gov.uk, [Queen’s Speech 2019: background briefing notes](#), 14 October 2019

The new maximum penalty of five years is in line with campaigns by key stakeholders such as Battersea Dogs and Cats Home, Dogs Trust and the RSPCA. This is a positive step forward in improving animal welfare and will act as a serious deterrent against cruelty and neglect. Northern Ireland has already set the maximum penalty for animal cruelty offences at five years' imprisonment, and the Scottish Government has now passed the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020. The Welsh Government has confirmed that the new maximum penalty being proposed should apply in Wales. The increase to five years' imprisonment will provide one of the toughest sanctions in Europe, strengthening the UK's position as a global leader on animal welfare.¹⁹

The text of the Bill is the same as that from the previous session. It increases the maximum sentence for certain animal cruelty offences to five years, would apply to England and Wales and would come into force two months after Royal Assent.

Committee stage took place on 3 February 2021 and the Bill was ordered to be reported without amendment. Report stage is scheduled for Friday 12 March 2021.

4.1 Provisions of the Bill

The Bill would increase sentencing powers in England and Wales under the [Animal Welfare Act 2006](#) to 12 months in a Magistrate's court and 5 years in a Crown Court. The 2006 Act makes it [an offence](#) to cause unnecessary suffering to domesticated animals, or any animals under the control of man.

The [explanatory notes](#) for the Bill set out the Government's reasoning for introducing the legislation to increase sentencing for animal cruelty offences under the *Animal Welfare Act*:

3 There have been a number of recent cases related to these offences in which judges have expressed a desire to impose a higher penalty than that currently provided for under the Animal Welfare Act 2006. There is a particular desire to increase the penalties available in the case of crimes that relate to deliberate, calculating and sadistic behaviour.

4 Members of Parliament, wider stakeholders and the public have also sought to increase maximum penalties for animal welfare offences so that they exceed the current European average of 2.04 years. The Bill meets both of these needs by increasing the maximum penalties for the most serious offences under the Animal Welfare Act 2006 to five years and/or an unlimited fine.²⁰

The provisions in the Bill are summarised as follows:

The Bill increases the maximum penalty for specific offences related to animal welfare in England and Wales. It does so by extending the current maximum penalty, specified under the Animal Welfare Act 2006, of six months and/or an unlimited fine to a penalty of five years and/or an unlimited fine. These offences

¹⁹ [Parliamentary question 90132](#) 23 September 2020

²⁰ Animal Welfare (Sentencing) Bill 2019-21, [Explanatory Notes](#), 15 October 2020

12 Animal Welfare (Sentencing) Bill

therefore become triable either way, and may be heard in the Magistrates Court or the Crown Court.²¹

Clause 1 of the Bill will increase the maximum sentence that would apply to the more serious prevention of harm offences under [section 32\(1\)](#) of the *Animal Welfare Act*:

- a. causing unnecessary suffering ([section 4](#))
- b. carrying out a non-exempted mutilation ([section 5](#))
- c. docking the tail of a dog except where permitted ([section 6\(1\) and 6\(2\)](#))
- d. administering a poison to an animal ([section 7](#))
- e. involvement in an animal fight ([section 8](#)).²²

The Bill raises the maximum sentence for offences tried in the Magistrates' Court raised to 12 months' imprisonment. However, the explanatory notes acknowledge that in reality this will remain as 6 months because Magistrates' Courts can currently only impose a maximum of 6 months imprisonment for any single offence. There is a general provision in the [Criminal Justice Act 2003](#) for 6 month maximum sentences in Magistrate's Courts to be raised to 12 months, but this provision has so far not been commenced.

Clause 2 of the Bill covers territorial extent and commencement. The Bill will apply to England and Wales and will come into force two months after it receives Royal Assent. Legislative consent from the Welsh Government is required.

4.2 Second Reading

[Second Reading](#) took place on 23 October 2020. Introducing the Bill, its sponsor, Chris Loder MP (Con), set out how it would amend the sentencing currently available to courts under the under the Animal Welfare Act 2006.

I am pleased to say that the Bill introduces one of the toughest punishments in the world and will bring us into line with the maximum penalties available in other Commonwealth countries, including those in Australia, Canada, New Zealand and India, which are all at five years' imprisonment. With this Bill, we will lead the way in Europe on animal sentencing, where the average custodial sentence for animal welfare offences is currently just two years. It is a simple, yet vital measure that will ensure perpetrators who harm an animal by, for example, causing unnecessary suffering, mutilation or poisoning, face the full force of the law. That includes cases of systematic cruelty, such as the deliberate, calculating and callous behaviour of ruthless gangs who use dog fighting to fuel organised crime. The Bill will mean that the courts will have sentences at their disposal commensurate with the most serious cases, so that the punishment fits the crime. This will send a clear signal.²³

²¹ Animal Welfare (Sentencing) Bill 2019-21, [Explanatory Notes](#), 15 October 2020

²² Animal Welfare (Sentencing) Bill 2019-21, [Explanatory Notes](#), 15 October 2020

²³ [HC Debate 23 October 2020 c1349](#)

Kerry McCarthy (Lab) highlighted that the Bill may have been introduced much sooner as it was first put forward in 2017 by Anna Turley (Lab). However, she welcomed the fact that the Bill was now making progress once more.

Although the Government will seek to get a lot of credit for supporting this Bill now, it could have become law in 2017 when Anna Turley first proposed it. That means that we have had three years of light sentences for the very worst animal abusers and three years of not being able to send out a strong message to potential abusers that they would face five years' imprisonment. That deterrent has not been there, and that is a great shame. Having said that, I welcome the fact that we are here now. I hope that the accelerator will be pressed and the Bill will get through Committee quickly and through the House of Lords, and perhaps by year end it will be law.²⁴

Speaking for the opposition, Daniel Zeichner, Shadow Minister (Environment, Food and Rural Affairs), outlined their support for the Bill but also stated their intention to try to improve it at Committee Stage.

We are supporting the Bill today, but will seek to improve it in Committee. We have concerns, which are shared by a number of stakeholders, about the scope of the Bill. The proposals apply only to the Animal Welfare Act 2006, and therefore do not apply to wild animals in the way in which they apply to domestic animals. Our concern is that this will create a two-tier system, even if that is by oversight rather than intention. In discussions around previous iterations of the Bill, we have had good debates about this issue. It is not always a simple or easy distinction, but it does raise possible cases. For example, torturing a pet cat and torturing a feral cat could lead to different penalties. They are both cats, they have both been tortured and they both suffer, so why the distinction?

There are also questions about the different penalties for organised crime. Cases of organised cruelty, such as gangs perpetrating dog fighting, would, we think, come under the Bill, but what about the equally serious and equally organised crime involved in hare coursing? We believe that the same sentences should be available to judges for similar or identical crimes, regardless of whether the animal is domesticated or wild.²⁵ Speaking for the Government, Victoria Prentis (Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs) reaffirmed the Governments support for the Bill and its passage through Parliament.

This Bill has the full support of the Government, and we will do all we can to support its swift passage without amendment through the Commons and the Lords as soon as possible. During the debate, we have heard some really horrible examples of animal cruelty, and we have also heard that judges have said in many cases that they would have given longer sentences had that been possible under the law. The Bill gives the courts freedom to do just that, and it introduces one of the highest punishments for animal cruelty in the world.²⁶

²⁴ [HC Deb 23 October 2020 c1356](#)

²⁵ [HC Deb 23 October 2020 c1404](#)

²⁶ [HC Deb 23 October 2020 c1413](#)

4.3 Committee Stage

On 3 February 2021 the Public Bill Committee considered a single opposition amendment to the Bill and the introduction of New Clause 1. Neither were added to the Bill. The opposition, however, stated its intention to press for amendment 1 at Report. This amendment would increase the seriousness of an offence if videos of the offence were posted online

Posting videos online

Shadow Secretary of State, Luke Pollard (Lab), moved amendment 1 in clause 1²⁷ which would require the seriousness of an offence to be increased in cases where a person found guilty had also filmed the offence or posted a video online of themselves committing the offence. He explained that the reason was to stop encouraging others from repeating similar acts.

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.²⁸

Luke Pollard went on to give examples of specific cases of animal cruelty that had been posted online and highlighted research from the RSPCA that showed *“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.”*²⁹

In response, Victoria Prentis (Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs) commented that the sentencing guidelines, drawn up by the sentencing Council had been reviewed in 2017 after public consultation. She went on to say that they include guidelines on the *“the use of technology to publicise or promote cruelty”* which is already considered to be an aggravating factor. She also highlighted Section 127(1) of the *Communications Act 2003* which, *“creates a specific offence of sending grossly offensive, indecent, obscene or menacing messages over a public electronic communications network.”* In her concluding remarks the Minister stated that:

...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.³⁰

²⁷ PBC Deb, first sitting, 3 Feb 2021, [c3](#)

²⁸ PBC Deb, first sitting, 3 Feb 2021, [c4](#)

²⁹ PBC Deb, first sitting, 3 Feb 2021, [c5](#)

³⁰ PBC Deb, first sitting, 3 Feb 2021, [c8](#)

Luke Pollard withdrew the amendment explaining that the opposition would be seeking explore it further on Report.

New Clause 1: Report on effects

New Clause 1 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.³¹

Explaining the opposition New Clause, Labour Shadow Minister (Environment, Food and Rural Affairs), Daniel Zeichner set out concern that the proposed changes to sentencing failed to protect wild animals in the same way as pets. This was because the maximum custodial sentence for cruelty offences under existing legislation for wild animals would remain at 6 months:

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.³²

In response, the Minister Rebecca Pow outlined existing legislation already in place to deal with wildlife crime. She also stated that the Animal Welfare Act 2006 should not be interfered with:

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.³³

Daniel Zeichner responded by saying that he felt this matter would go on to be debated in the future. However, he concluded the debate by withdrawing the amendment as he did not want the Bill's progress to be delayed any further. The Bill was reported without amendment.

4.4 Support from animal charities

A number of animal welfare charities have campaigned for and voiced their support for changes to the current animal sentencing laws. After the announcement was made for the introduction of the Bill in February 2020 Blue Cross issued the following statement:

Blue Cross welcomes the introduction of the Animal Welfare (Sentencing) Bill by Chris Loder MP.

³¹ PBC Deb, first sitting, 3 Feb 2021, [c13](#)

³² PBC Deb, first sitting, 3 Feb 2021, [c14](#)

³³ PBC Deb, first sitting, 3 Feb 2021, [c16](#)

16 Animal Welfare (Sentencing) Bill

We are a strong supporter of the Bill as we believe sentences for animal cruelty offences are currently far too lenient and do not provide an adequate deterrent to anybody who decides to abuse or maltreat animals.

We will be supporting the Bill as it goes through Parliament and hope that politicians of all parties can come together and support this important Bill.³⁴

The RSPCA has campaigned for tougher sentencing for acts of animal cruelty and also welcomed the Bill. Recent reports from the charity suggest that animal cruelty cases have risen during the Covid-19 pandemic. It argues that changes to the current sentencing laws are increasingly needed:

As a charity which deals with some of the worst animal cruelty cases, we believe the current sentencing provisions, which only allow for a maximum of six months in prison does not go far enough.

Sadly, cruelty has not stopped during the lockdown and we're very concerned about the welfare impact of an expected financial downturn, so now more than ever we need to see animals protected and sentences increased.³⁵

Upon completion of Committee stage on 3 February 2021, the RSPCA announced that it was "thrilled" that the Bill had moved to the next stage. Speaking on behalf of the organisation, Heidi Allen, director of advocacy and policy stated that:

We warmly welcome the news that the Bill has passed through this stage and is one step closer to becoming law. We believe all political parties are aligned in their desire to get the Bill onto the statute book in this parliamentary session - in other words before the next Queen's Speech which is expected in May.

Because MPs and Peers agree with us that no suffering animal can afford to wait another minute. We believe the will exists to speed the Bill through the House of Commons and House of Lords if the UK Government allows time for it.³⁶

³⁴ Blue Cross, [Blue Cross welcomes five-year sentencing for animal cruelty](#), 5 February 2020

³⁵ RSPCA, [We support calls for Animal Sentencing Bill to be made law by Autumn](#), 8 June 2020

³⁶ RSPCA, [We're thrilled as Sentencing Bill moves to next stage](#), 3 Feb 2021

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