

Research Briefing  
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# Animals (Penalty Notices) Bill

## 1

### Background

[The Animal \(Penalty Notices\) Bill](#) is a Private Member’s Bill that was introduced to the House of Commons on 16 June 2021 by Andrew Rosindell. It aims to introduce new, financial penalties for [animal health and welfare offences of up to £5,000](#).<sup>1</sup>

The Government says this will “create a new system of proportionate, consistent, and targeted financial penalties for breaches of animal health, biosecurity, and welfare regulations”.<sup>2</sup>

The Bill had its second reading on 29 October 2021 and its committee stage on 8 December. It has Government support and extends to England and Wales.

#### “Targeted approach” to protecting animals

In a press release in support of the legislation, the Government said the penalties could be given to people who have “cruelly mistreated pets, zoo animals and livestock”:

These new penalties will provide the authorities with an additional enforcement measure to be used alongside warnings and criminal

<sup>1</sup> [Animal \(Penalty Notices\) Bill Explanatory Notes 21 October 2021](#)

<sup>2</sup> [Animal \(Penalty Notices\) Bill Explanatory Notes 21 October 2021](#)

prosecution. These penalties will introduce a more consistent and targeted approach to protecting all animals from harm.<sup>3</sup>

The RSPCA has also supported the Bill, saying the penalties would “provide better safeguards for all animals”. It set out how it envisaged the proposals improving efforts to stop animal cruelty:

We hope these enforcement notices will serve as a good deterrent to those causing suffering to animals and also an important education tool to prevent them repeating their mistakes in the future.<sup>4</sup>

The Government recently supported another Private Member’s Bill, put forward by Chris Loader, which increased the maximum sentence for certain animal cruelty offences from six months to five years. [The Animal Welfare \(Sentencing\) Act 2021](#) came into force on 29 June 2021.

The Bill has not been amended to date. It returns for report stage and third reading in the Commons on 4 February 2022.

## 1.1 Fixed penalty notices

Fixed penalty notices (FPNs) are an ‘out of court disposal’ that may be issued by police or local authorities as an alternative to a full criminal prosecution. Further information is set out in section 4.2 of the Library briefing [Police powers: an introduction](#).

FPNs are generally used to punish low-level offending with a fixed financial penalty, which in some cases will be discounted if the FPN is paid quickly. A FPN can currently be issued for offences including littering, graffiti, driving without a seatbelt and failing to comply with a traffic sign.<sup>5</sup>

When a person is issued with an FPN, there are the following potential outcomes:

- The person **accepts** the FPN and pays the penalty within the period specified. This discharges all criminal liability for the offence and is not classed as a criminal conviction. Further details of the criminal records

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<sup>3</sup> [Defra, Fines of up to £5,000 for animal offences proposed under new Penalty Notices Bill, 16 June 2021](#)

<sup>4</sup> [Defra, Fines of up to £5,000 for animal offences proposed under new Penalty Notices Bill, 16 June 2021](#)

<sup>5</sup> Further examples of relevant offences and accompanying penalties are set out in the Sentencing Council guidance [Explanatory Materials: Out of Court Disposals - 7. Offences for which penalty notices are available](#). More recently – and more controversially – FPNs have also been used to deal with breaches of coronavirus restrictions. See Library Briefing Paper 9024 [Coronavirus: enforcing restrictions](#) for an overview.

implications of FPN are set out on the website of [criminal records charity Unlock](#).<sup>6</sup>

- The person **contests** the FPN and asks to be tried for the offence before a court instead. If convicted, this will potentially result in a criminal record and a more serious penalty.
- The person **fails to act of either** of the previous options. In some cases, this may result in the person being charged with the offence for which the FPN was issued and being prosecuted in court. In other cases, this may result in the unpaid FPN being automatically registered as a fine, which can then be enforced without further recourse to the courts (eg, by the use of bailiffs).

## 1.2 Animal cruelty and convictions statistics

There are limited statistics available on offences of cruelty to animals. Although the Home Office publishes detailed statistics on the number of recorded crimes for many offences, it does not for animal cruelty offences, such as those under the Animal Welfare Act 2006.

In 2019, the RSPCA received over 1.2 million calls to its 24-hour cruelty line, although it is not clear how many individual cases of alleged cruelty these might have related to.

Prosecution data from the Ministry of Justice is available for some offences relating to animal cruelty and is shown in the table below. In 2020, 1,743 people were prosecuted for offences relating to animal cruelty in England and Wales and 908 were convicted.

<b>People prosecuted and convicted for animal cruelty</b>				
England and Wales; Ministry of Justice data				
	2017	2018	2019	2020
<b>Prosecuted</b>	<b>2,725</b>	<b>3,195</b>	<b>3,029</b>	<b>1,743</b>
Animal Cruelty under s.4-8 Animal Welfare Act 2006	1,632	1,702	1,719	949
Other Cruelty to animal offences	1,093	1,493	1,310	794
<b>Convicted</b>	<b>1,849</b>	<b>2,043</b>	<b>2,006</b>	<b>908</b>
Animal Cruelty under s.4-8 Animal Welfare Act 2006	1,156	1,114	1,150	539
Other Cruelty to animal offences	693	929	856	369

**Source:** Ministry of Justice, Criminal justice system statistics quarterly: December 2020, 'All offence prosecutions and convictions by Home Office offence code'

**Notes:** Other cruelty to animal offences includes: Others Offences under Animal Welfare Act 2006; Offences under Animal Boarding Establishments Act 1963, Animals (Regulation) Act 1925, Pet Animals Act 1951, Protection of Animals Act 1911, Protection of Badgers Act 1992, Riding Establishments Acts 1964

<sup>6</sup> [Unlock, Fixed Penalty Notice \(FPN\) / Penalty Notice for Disorder \(PND\) \[accessed 31 January 2022\]](#)

and 1970, Wild Mammals (Protection) Act 1996, Wildlife and Countryside Act 1981; also offences relating to protection of captive birds and transportation of animals.

These figures relate only to prosecutions by the Crown Prosecution Service. The RSPCA also undertakes private prosecutions for animal cruelty offences. Its most recent report on these showed that 705 people were prosecuted by the RSPCA in 2019, and 661 were convicted. In a further 430 cases, a caution was given without prosecution.

<b>Defendants prosecuted by the RSPCA</b>			
England and Wales			
	2017	2018	2019
Cases reported to RSPCA prosecutions	1,309	1,182	1,179
Suspects reported to RSPCA prosecutions	1,776	1,703	1,685
Outcomes:			
Cautioned	438	518	430
<b>Prosecuted</b>	<b>1,035</b>	<b>807</b>	<b>705</b>
<b>Of which, convicted</b>	<b>969</b>	<b>747</b>	<b>661</b>
No action taken	531	595	514

Source: RSPCA, [Prosecutions Annual Report 2019](#)

Dogs, cats and equines were the animals involved in most of the convictions under the Animal Welfare Act 2006. Pages 30 to 32 of the RSPCA's [prosecutions annual report \(PDF\)](#) provide further details on the offences that people were convicted for and the type of animals involved.<sup>7</sup>

## 2

## The Bill

[The Animal \(Penalty Notices\) Bill](#) is a Private Member's Bill that was introduced to the House of Commons on 16 June 2021 by Andrew Rosindell, with Government support.

The Bill consists of nine clauses in two parts and is currently the same as when it was introduced, as it was unamended during committee stage. The long title of the Bill sets out its purpose to “make provision for and in connection with the giving of penalty notices for certain offences relating to animals and animal products”.

**Clause 1** of the Bill gives enforcement authorities, who may be designated by the relevant Secretary of State through regulations, the power to issue fixed penalty notices for any offences the Secretary of State designates, through secondary legislation, under the following Acts:

<sup>7</sup> Warning: the report also contains graphic details of some of the abuse cases.

- an offence under regulations made under [section 2\(2\) of the European Communities Act 1972](#) which the Secretary of State considers relates to animals or animal products;
- an offence under the [Dangerous Wild Animals Act 1976](#) which regulates the keeping of [animals listed](#) as dangerous wild animals
- an offence under [Section 19](#) (offences and penalties) of the [Zoo Licensing Act 1981](#);
- an offence under the [Animal Health Act 1981](#), which covers the keeping and movement of farm animals, and biosecurity requirements;
- an offence under the [Animal Welfare Act 2006](#), which requires the prevention of harm and the promotion of welfare, or under regulations made under [Section 12](#) (regulations to promote welfare) or [Section 13](#) (licencing or registration of activities involving animals) of the Act;
- an offence under the [Wild Animals in Circuses Act 2019](#), which bans the use of wild animals in travelling circuses.

The Bill's [Explanatory Notes](#) provide further detail of the legislation covered under Clause 1. During the Bill's committee stage, the Minister referred to a grid that would be provided by the DEFRA to Committee members, which would set out the offences covered by the Bill in greater detail.<sup>8</sup>

**Clause 2** provides powers for police constables to issue fixed penalty notices for offences under certain sections of the [Dangerous Dogs Act 1991](#). These are [Sections 1 and 2](#) covering banned breed types, and [Section 4\(8\)](#) covering disqualification of keeping a dog, or failing to comply with an order to have a dog destroyed.

**Clause 3** sets out the content and the effect of notices, including deadline for payments of 28 days. It also sets out the maximum fine as £5,000 or the maximum fine payable if convicted in court of the specified offence (whichever is the lowest).

**Clause 4** sets out the matters, including any mitigations, that can be taken into account by an enforcement authority. These are:

- (a) the seriousness of the “relevant conduct” by a person
- (b) the duration
- (c) any evidence of intention
- (d) any evidence of similar previous acts or omissions
- (e) any action taken by the person to eliminate or reduce any risk of harm
- (f) any action taken to remedy or mitigate any resulting harm

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<sup>8</sup> [HC Deb c13 8 November 2021](#)

(g) whether the person reported the “relevant conduct” to the enforcement authority or constable

(h) the behaviour of the person after the “relevant conduct” is drawn to their attention by the enforcement authority or constable.<sup>9</sup>

The Secretary of State must issue guidance on enforcement, which enforcement officers “must have regard to” under clause 4. The guidance must be laid before Parliament.

**Clause 5** provides for any sums raised through penalty notices be paid into the Government’s [Consolidated Fund](#), which receives the proceeds of taxation and other government receipts which fund public expenditure, once any costs of enforcement have been deducted.

**Clause 6** requires enforcing authorities and the police to provide the Secretary of State, at the end of each financial year, with details of the number of fixed penalty notices issued under the legislation, the amounts paid and the number of each type of offences. The Secretary of State must publish this information each financial year.

**Clause 7 and 8** cover regulations and interpretation. Any regulations under the Act will be made using the [negative procedure](#). This means they will come into force unless rejected by either Houses of Parliament.

**Clause 9** covers territorial extent and when the Bill will come into force. The legislation will apply in England and Wales. Certain provisions in the Bill will come into force two months after Royal Assent, the rest when set out by the Secretary of State through regulations.

## 3 Second reading

[Second reading of the Bill](#) took place on 29 October 2021. When introducing the Bill, Andrew Rosindell, said that “for the most severe crimes, criminal prosecution will always be the most appropriate course of action”.

He said the provisions in the Bill are aimed at “offences [which] can occur without the presence of ill will or due to a genuine mistake”. He gave the example of transgressions relating to the recording of livestock movements.<sup>10</sup> The Bill was welcomed by several Conservative speakers.

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<sup>9</sup> [Animal Welfare \(Fixed Penalties\) Bill](#)

<sup>10</sup> [HC Deb c562 29 October 2021](#)

Speaking for Labour, Daniel Zeichner raised concerns that some of the offences in the Animal Welfare Act 2006 would be “downgraded to the level of a parking ticket”.<sup>11</sup> However, he said he had been reassured:

I listened very closely to the hon. Member for Romford’s speech and I am reassured. I see what he is trying to do. I have also spoken to the Minister and she has reassured me that that is not the aim of the exercise.

[...]

In their briefings, both the RSPCA and Battersea Dogs and Cats Home expressed support for the use of fixed-penalty notices to tackle low-level breaches of animal welfare law.<sup>12</sup>

He went on to raise concerns that the detail of what offences would be covered by fixed penalties was not set in the Bill, but rather would leave “the choice on where that line is drawn to officials and Ministers”.<sup>13</sup> He also called for consideration to be given to creating a role of animal welfare commissioner to provide oversight of animal welfare issues.<sup>14</sup>

Jo Churchill, the Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, spoke in support of the Bill, setting out its aim as “redirection of behaviour”:

Penalty notices will be an important tool in encouraging animal keepers to follow the rules and discourage them from committing more serious offences. The Bill is meant to be there in the middle for the redirection of behaviour, as has been so ably explained. It has the Government’s full support and we will do all we can to make sure that its passage through the Commons and Lords is as collaborative as possible, because I agree with my hon. Friend that getting legislation right is what we are all here to do.<sup>15</sup>

She also highlighted the provisions in the Bill as part of a post-Brexit approach to enforcing animal welfare standards for farm animals:

This will be one of the first opportunities to reform how we enforce our high animal health and welfare standards for farm animals now that we are outside the EU and as we move away from cross compliance, hopefully supporting our continued position as a world leader in animal health and welfare.

The new system will use a mix of sanctions, advice and guidance to deliver high domestic animal health and welfare standards, thereby enhancing productivity, stopping the spread of disease and so on, and giving confidence to consumers and international trading partners.<sup>16</sup>

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<sup>11</sup> [HC Deb c570 29 October 2021](#)

<sup>12</sup> [HC Deb c570 29 October 2021](#)

<sup>13</sup> [HC Deb c570 29 October 2021](#)

<sup>14</sup> [HC Deb c570 29 October 2021](#)

<sup>15</sup> [HC Deb c575 29 October 2021](#)

<sup>16</sup> [HC Deb c575 29 October 2021](#)

## 4 Committee stage

Committee Stage for the Bill took place on 8 November 2021. There was one sitting. No amendments were tabled and there were no votes.

Andrew Rosindell again introduced the Bill, setting out its provisions.<sup>17</sup>

Speaking for Labour, Daniel Zeichner, raised concerns about some of the provisions, quoting the RSPCA and its view on the wide range of legislation to which fixed penalties would apply:

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.”<sup>18</sup>

He also raised concerns that no appeal system was included in the legislation and referred to the option of a points-based system being applied to repeat offenders. He reiterated concerns set out during second reading about the level of detail that would be set out in regulations by the Secretary of State, rather than included in the Bill itself.<sup>19</sup>

In response to some of the concerns raised, the Minister, Jo Churchill, said further guidance under clause 4 of the Bill would be made to “ensure penalty notices are used appropriately and consistently without diminishing how they address the most serious offences, particularly that of cruelty.”<sup>20</sup> She added:

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.<sup>21</sup>

On closing the debate, Andrew Rosindell, acknowledged things needed to be “ironed out” but that: “I think we all agree that the principle of the Bill will enhance animal welfare in this country”.<sup>22</sup>

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<sup>17</sup> [HC Deb c1 8 November 2021](#)

<sup>18</sup> [HC Deb c7 8 November 2021](#)

<sup>19</sup> [HC Deb c8 8 November 2021](#)

<sup>20</sup> [HC Deb c12 8 November 2021](#)

<sup>21</sup> [HC Deb c12 8 November 2021](#)

<sup>22</sup> [HC Deb c15 8 November 2021](#)

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