



DEBATE PACK

Number CDP-2016/0202, 3 November 2016

Sentencing for animal cruelty

This pack has been prepared ahead of the debate on Sentencing for Animal Cruelty, to be held in Westminster Hall on Tuesday 8 November 2016 at 4.30-5.30pm. The Member in charge of the debate is Anna Turley MP.

Ms Turley is the sponsor of a Private Members Bill, [Animal Cruelty \(Sentencing\) Bill 2016-17](#), which would “increase the maximum sentences available to the court for specified offences related to animal cruelty; and for connected purposes”. The Bill is scheduled to have its second reading on Friday 24 February 2017.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

David Hirst
Jacqueline Baker

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1. Background: Sentencing for animal cruelty

Penalties for animal cruelty: Animal Welfare Act 2006

Penalties for animal cruelty are set out in the [Animal Welfare Act 2006](#) in the section on post-conviction powers. The Act makes it an offence to cause an animal unnecessary suffering. Anyone found guilty of an offence under the Act can be subject to an unlimited fine and/or imprisonment for a term not exceeding 51 weeks.¹

It is for the courts to decide on an appropriate penalty based on the individual circumstances of each case. To help magistrates to impose appropriate sentences and penalties they are provided with guidance in the form of the Magistrates' Courts [Sentencing Guidelines](#) issued by the Sentencing Council.² The guidelines give examples of offences, aggravating and mitigating factors, as well as the range of suggested sentences and penalties for various types of offences.

In [answer to a PQ on 17 December 2015](#), Defra Minister George Eustice, explained that:

The sentences currently imposed for [animal cruelty] offences are not regularly set towards the upper end of the range. This suggests that courts are not finding their current sentencing powers inadequate.³

Investigating and prosecuting animal cruelty

The law (like most laws) is a 'common informer's Act'. This means that anyone is allowed to bring a prosecution for an offence. The RSPCA investigates many offences relating to animal cruelty or welfare of domestic animals, and in some cases farmed animals, and bring prosecutions where appropriate. The RSPCA does not have formal enforcement powers such as power of entry or the power to seize documents. Where owners do not cooperate or refuse entry to their property, the RSPCA has to call on the assistance of the police.

The RSPCA received nearly 1.2 million calls to its animal cruelty line in 2015, and investigated 143,000 complaints. Moreover, the RSPCA secured 1,781 convictions in a magistrate's court in 2015, fewer than both 2014 (2,419) and 2013 (3,961).⁴

Penalties for animal cruelty are set out in the Animal Welfare Act 2006 in the section on post-conviction powers.

George Eustice: "The sentences currently imposed for [animal cruelty] offences are not regularly set towards the upper end of the range. This suggests that courts are not finding their current sentencing powers inadequate"

¹ [Animal Welfare: Sentencing: Written question - 20011](#)

² Sentencing Council, "[Animal cruelty](#)". Accessed: 2 November 2016

³ [Animal Welfare: Sentencing: Written question - 20011](#)

⁴ RSPCA, [Prosecutions Report 2015](#), 2016

General RSPCA facts and figures for England and Wales

| | 2015 | 2014 | 2013 |
|--|-------------|-------------|-------------|
| Calls to 24-hour cruelty line | 1,118,495 | 1,299,163 | 1,327,849 |
| Complaints of alleged cruelty investigated | 143,004 | 159,831 | 153,770 |
| Welfare improvement advice and notices dispensed | 81,475 | 82,746 | 76,810 |
| Cases reported to RSPCA Prosecutions Department | 1,431 | 1,754 | 2,174 |
| Suspects reported to RSPCA Prosecutions Department | 2,008 | 2,918 | 3,354 |

Source: RSPCA *Prosecutions report 2015*

Animal cruelty offences 2004 – 2015

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------------|------------|------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|
| Cautions Issued | 16 | 34 | 32 | 51 | 26 | 32 | 46 | 36 | 31 | 25 | 23 | 17 |
| Total Proceeded Against | 1,117 | 1,227 | 1,164 | 1,206 | 1,372 | 1,517 | 1,491 | 1,810 | 2,081 | 1,965 | 1,557 | 1,246 |
| Total Found Guilty | 879 | 954 | 867 | 975 | 1,038 | 1,132 | 1,129 | 1,398 | 1,573 | 1,472 | 1,183 | 933 |
| Total Sentenced | 879 | 954 | 866 | 972 | 1,039 | 1,133 | 1,129 | 1,400 | 1,571 | 1,468 | 1,181 | 936 |
| Custody | 39 | 64 | 57 | 52 | 71 | 102 | 75 | 110 | 135 | 118 | 105 | 91 |
| Suspended Sentence | 8 | 10 | 46 | 50 | 65 | 119 | 100 | 161 | 185 | 243 | 237 | 202 |
| Community Sentence | 215 | 220 | 239 | 246 | 334 | 434 | 453 | 530 | 639 | 572 | 395 | 341 |
| Fine | 319 | 324 | 273 | 311 | 259 | 290 | 283 | 336 | 300 | 303 | 250 | 177 |
| Absolute Discharge | 5 | 12 | 4 | 5 | 9 | 1 | 1 | 0 | 4 | 1 | 2 | 3 |
| Conditional Discharge | 225 | 262 | 198 | 262 | 228 | 167 | 195 | 244 | 288 | 202 | 148 | 100 |
| Compensation | 34 | 28 | 15 | 19 | 8 | 11 | 10 | 4 | 5 | 7 | 6 | 2 |
| Otherwise Dealt With | 34 | 34 | 34 | 27 | 65 | 9 | 12 | 15 | 15 | 22 | 38 | 20 |
| Average Custodial Sentence Length (months) | 2.7 | 2.8 | 3.8 | 3.6 | 3 | 2.9 | 2.8 | 3.1 | 3.4 | 3.5 | 3.1 | 3.3 |
| Average Fine (£) | 344 | 479 | 448 | 362 | 294 | 320 | 341 | 223 | 215 | 212 | 252 | 244 |

Source: [Ministry of Justice, Criminal Justice System Statistics Quarterly, December 2015](#)

Outcomes in 2015

| | |
|-------------------------------|------------|
| Conviction Rate: | 75% |
| Proportion immediate custody: | 10% |
| Proportion fined: | 19% |
| Average custodial sentence: | 3.3 months |
| Average fine: | £244 |

2. Parliamentary Debates

Westminster Hall Debate

Sentencing for cruelty to domestic pets

HC Deb Thursday 16 July 2015 Vol 598 cc 373-387 WH

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150716/halltext/150716h0001.htm>

Westminster Hall Debate

Sentencing Tariffs (Offences Against Animals)

HC Deb 15 October 2013 Vol 568 cc229-230WH

[https://hansard.parliament.uk/Commons/2013-10-15/debates/13101584000001/SentencingTariffs\(OffencesAgainstAnimals\)](https://hansard.parliament.uk/Commons/2013-10-15/debates/13101584000001/SentencingTariffs(OffencesAgainstAnimals))

Westminster Hall Debate

RSPCA (Prosecutions)

HC Deb 29 Jan 2013 : Column 179WH

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130129/halltext/130129h0001.htm>

House of Commons Chamber

Dog Theft: Sentencing

02 Mar 2016 606 cc1075-1080

<http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm160302/debtext/160302-0004.htm>

3. Early Day Motion

Early day motion 64

Organised Dog Fighting

Session: 2016-17

Date tabled: 23.05.2016

Primary sponsor: [Hopkins, Kelvin](#)

Sponsors:

[Bottomley, Peter](#)

[Shannon, Jim](#)

[McGarry, Natalie](#)

[Monaghan, Paul](#)

[Saville Roberts, Liz](#)

That this House regrets, despite it being illegal for 200 years, that organised dog fighting is still a daily occurrence in the UK; abhors this horrendous abuse as among the worst that can be inflicted on an animal; believes that penalties should be increased to ensure that the punishment reflects the severity of the crime and that a national register of individuals with banning orders is necessary to prevent repeat offences; and commends the League Against Cruel Sports for its report on dog fighting in local communities, and its call for a national dog fighting strategy.

<http://www.parliament.uk/edm/2016-17/64>

4. Environment, Food and Rural Affairs Sub-Committee

Animal welfare: domestic pets inquiry

Inquiry status: open


Oral evidence concluded; Report in preparation.

Scope of the inquiry

The Environment, Food and Rural Affairs Sub-Committee is holding a series of short inquiries on animal welfare over the course of this Parliament. The first inquiry focuses on domestic pets, including cats, dogs and horses. The Committee intends to consider issues surrounding exotic pets at a later date.



[Terms of reference: Animal welfare: domestic pets](#)

Latest evidence

- [12 Jul 2016 - Animal welfare: domestic pets - oral evidence](#) | [PDF version \(364 KB\)](#)  HC 117 | Published *15 Jul 2016*

Evidence given by George Eustice MP, Minister of State for Farming, Food and the Marine Environment, Marc Casale, Deputy Director, Animal Welfare, and Andy Howarth, Team Leader, Companion Animal Welfare, Department for Environment, Food and Rural Affairs.

[Watch this evidence session](#)

- [Facebook - written evidence](#) | [PDF version \(41 KB\)](#)  AWF0299 | Ordered to be published *13 Jul 2016*
- [Pet Advertising Advisory Group - written evidence](#) | [PDF version \(1.56 MB\)](#)  AWF0298 | Ordered to be published *13 Jul 2016*
- [All animal welfare: domestic pets inquiry publications](#)

News

- [Minister questioned on animal welfare](#)
- [RSPCA and Scottish SPCA discuss animal welfare](#)
- [Animal welfare examined with police and Local Government Association](#)
- [Pets4Homes and Gumtree questioned on pet sales](#)
- [Welfare of cats and horses examined with animal charities](#)
- [Welfare of dogs discussed with animal charities](#)
- [Animal Welfare Act discussed with academic and vets](#)
- [Animal welfare inquiry launched](#)

5. Justice Select Committee

Scrutiny of draft sentencing guidelines published

21 September 2016

The Justice Committee has published a report on draft Sentencing Council guidelines on sentencing of youths and magistrates' court sentencing. (This included reference to animal cruelty).

[Report: Sentencing Council draft guidelines on sentencing of youths and magistrates' court sentencing](#)

[Report: Sentencing Council draft guidelines on sentencing of youths and magistrates' court sentencing \(PDF 325KB\)](#)

[Justice Committee](#)

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/news-parliament-20151/youth-sentencing-magistrates-sentencing-report-published-16-17/>

6. Animal Cruelty (Sentencing) Bill

Private Members' Bill

Bill to be read a second time 24 February 2017.

Presentation and first reading (Bill 43) 04 Jul 2016 612 c634

Lead member: Turley, Anna

<http://services.parliament.uk/bills/2016-17/animalcruelty sentencing.html>

7. Parliamentary Questions

Animal Welfare Sentencing

Asked by: Jim Shannon:

To ask the Secretary of State for Environment, Food and Rural Affairs, whether she has had discussions with the Secretary of State for Justice on reviewing sentencing for crimes which involve violence or cruelty against animals.

Answered by George Eustice, Department for Environment, Food and Rural Affairs:

My officials are in regular dialogue with Ministry of Justice colleagues in relation to sentencing policy with respect to animal cruelty offences including animal fighting.

Written question 42199 15 Jul 2016

Animal Welfare: Sentencing:

Asked by Alex Chalk:

To ask the Secretary of State for Justice, whether his Department plans to review the length of maximum sentence for animal cruelty offences.

Answered by: Dominic Raab, Ministry of Justice:

We keep maximum penalties under review. This includes sentencing trends, and whether the courts may be finding their sentencing powers inadequate.

Data on the average sentence length for animal cruelty can be found in the Outcomes by offence table at the attached link:

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2014>

Written question 36658 11 May 2016

Animal Welfare and Sentencing

Asked by: Anna Turley:

Recently, two of my constituents were sentenced to just six months' electronic tagging for the brutal and horrific abuse of their pet bulldog. The community has been rightly outraged by the leniency of the sentence, because these people also videoed the abuse and were laughing as they carried it out. The dog was subsequently put down. I have written to the Secretary of State for Justice, but may I ask the Secretary of State for Environment, Food and Rural Affairs to chase up

my letter and to review animal sentencing, given that the maximum sentence for animal cruelty is just one year?

Answered by George Eustice, Department for Environment, Food and Rural Affairs:

We have looked at the issue of animal sentencing; there can be an unlimited fine, and my understanding is that the sentence can be up to five years for animal cruelty. I will check that point and write to the hon. Lady if that is incorrect. The evidence shows that for most offences the courts are not using the maximum sentence, so we do not believe there is a case for changing it. We have looked at the issue of fighting dogs and organised dog fights, where there is some evidence that the courts are restricted by current sentencing guidelines. The hon. Lady will be aware that this is an issue for the Ministry of Justice, and I am sure that its Ministers will want to discuss it with her.

Oral answers to questions 609 c302 05 May 2016

Animal Welfare: Sentencing:

Asked by Alex Cunningham:

To ask the Secretary of State for Environment, Food and Rural Affairs, if she will review the adequacy of the maximum sentences available to the courts for offences of cruelty to animals under the Animal Welfare Act 2006.

Answered by: George Eustice, Secretary of State for Environment, Food and Rural Affairs:

The Animal Welfare Act 2006 makes it an offence to cause an animal unnecessary suffering. Anyone found guilty of an offence under the Act can be subject to an unlimited fine and/or six months' imprisonment. It is for the courts to decide on an appropriate penalty based on the individual circumstances of each case. To help magistrates to impose appropriate sentences and penalties they are provided with guidance in the form of the Magistrates' Courts Sentencing Guidelines issued by the Sentencing Council. The guidelines give examples of offences, aggravating and mitigating factors, as well as the range of suggested sentences and penalties for various types of offences. The sentences currently imposed for such offences are not regularly set towards the upper end of the range. This suggests that courts are not finding their current sentencing powers inadequate.

Nevertheless, Defra understands the concern that existing levels of punishment may be insufficient in some cases. Overall policy on sentencing is the responsibility of the Ministry of Justice (MoJ) and Defra Ministers have made sure that the MoJ is aware of these concerns.

Written question 17 December 2015 20011

Animal Welfare: Sentencing:

Asked by Thangam Debbonaire: To ask the Secretary of State for Environment, Food and Rural Affairs, if she will review sentencing guidelines for serious animal cruelty offences to ensure that the gravity of offences is adequately reflected.

Answered by: George Eustice, Secretary of State for Environment, Food and Rural Affairs:

Guidelines are issued by the independent Sentencing Council. The Council monitor the operation of their guidelines, which ensure that sentences are consistent and proportionate. We understand the Council has no immediate plans to revise the guidelines.

Written question 15 December 2015 19321

Unduly Lenient Sentences

Asked by Jim Shannon:

In Northern Ireland, we had an animal cruelty case where a father and two sons were sentenced but the judge could not give a custodial sentence, even though he wanted to. Sometimes we have an opposite effect to the one the hon. Gentleman describes. Is it not also important to have laws that can actually punish people for doing wrong things?

Answered by Gareth Johnson: The hon. Gentleman hits the nail on the head, because the criminal justice system is there to ensure that justice prevails. It is incredibly frustrating and hurtful for victims of crime not to see justice being meted out on their behalf. In both the situation I was describing and the one he described, what happened was wrong. The system has failed if it does not ensure that people are punished appropriately. I am happy to accept that it is not always the judge's or magistrate's fault; sometimes their hands are tied. This place therefore needs to look at how it can improve the law to ensure that such situations are eradicated as much as possible. Let me take this opportunity also to thank the Solicitor General for taking this issue incredibly seriously and for going about things in his customary courteous manner. I pay tribute to the way he has approached this whole subject, and I am grateful to him. This is a serious issue. There have been a number of examples of offenders having been given weak sentences for nasty offences, yet when a complaint has been made to the Attorney General to seek an appeal, the Attorney General has been powerless to act. Just this year, at a secondary school adjacent to my constituency, we had a case where a teacher had entered into an inappropriate relationship, over an 18-month period, with a 15-year-old pupil. That teacher received a suspended sentence, and when that sentence was, understandably, referred to the Attorney General by aggrieved persons, there was absolutely nothing the Attorney General could do about it. Under my proposals and the Conservative party manifesto, that would change. This basic protection for the victims of

crime needs to be introduced. Just as it is right to have a safety net for the defence, there needs to be a safety net for the prosecution. The criminal justice system is there to protect the vulnerable. Its primary function is to protect, and it currently fails to do that in a host of situations where an unduly lenient sentence is imposed on an offender. That situation has to change.

Proceeding contributions 596 c1304 10 Jun 2015 |

Animal Welfare: Sentencing:

Asked by Lord Browne of Belmont:

To ask Her Majesty's Government what guidance is provided to magistrates and judges about when it is appropriate to apply the maximum tariff available in cases of animal cruelty.

Answered by: Lord Faulks

Animal cruelty is a summary offence with a maximum penalty of a level 5 (unlimited) fine and/or 6 months' imprisonment. The maximum penalty for any offence is set by Parliament to deal with the most serious possible cases. Guidance on sentencing for this offence is contained in the Magistrates' Courts Sentencing Guidelines, which are published by the independent Sentencing Council.

These are the sentencing starting points from the guidelines for animal cruelty, based on a first time offender pleading not guilty:

| <i>Examples of nature of activity</i> | <i>Starting point Range</i> | <i>Range</i> |
|--|-----------------------------|---|
| One impulsive act causing little or no injury; | short term neglect | Band C fine Band B fine to medium level community |
| Several incidents of deliberate ill-treatment/frightening | High level community order | Medium level community order to 12 weeks custody |
| Attempt to kill/torture; animal baiting/conducting or permitting cock-fighting etc.; prolonged neglect | 18 weeks custody | 12 to 26 weeks custody |

8. News items

ITV News

Two men bailed over dog found buried alive

22 October 2016

<http://www.itv.com/news/tyne-tees/update/2016-10-22/two-men-bailed-over-dog-found-buried-alive/>

BBC News

Leek abattoir worker jailed for 'barbaric' animal cruelty

22 August 2016

<http://www.bbc.co.uk/news/uk-england-37159311>

Daily Express

Baby's Law: MP fights for new tougher animal cruelty laws after horrifying abuse of dog

4 July 2016

<http://www.express.co.uk/news/nature/686233/babys-law-MP-fights-new-tougher-animal-cruelty-laws-horrifying-abuse-dog>

Belfast Telegraph

MP Ian Paisley slams dog cruelty sentence

13 June 2016

<http://www.belfasttelegraph.co.uk/news/northern-ireland/mp-ian-paisley-slams-dog-cruelty-sentence-34794236.html>

Guardian

Industrial farming is one of the worst crimes in history

25 September 2015

<https://www.theguardian.com/books/2015/sep/25/industrial-farming-one-worst-crimes-history-ethical-question>

9. RSPCA Statement

<https://www.rspca.org.uk/whatwedo/prosecution>

Prosecuting animal cruelty and neglect

If legislation to protect animals is to be effective, it must be adequately enforced.

Richard Martin MP, 1822 - co-founder of the RSPCA

Prosecutions Annual Report 2015

Take a look at our latest [Prosecutions Annual Report 2015 online](#), or download the pdf, to read some examples of the types of cases we dealt with last year and find out the latest animal cruelty statistics.

[RSPCA Prosecutions Annual Report 2015](#)

Protecting animals

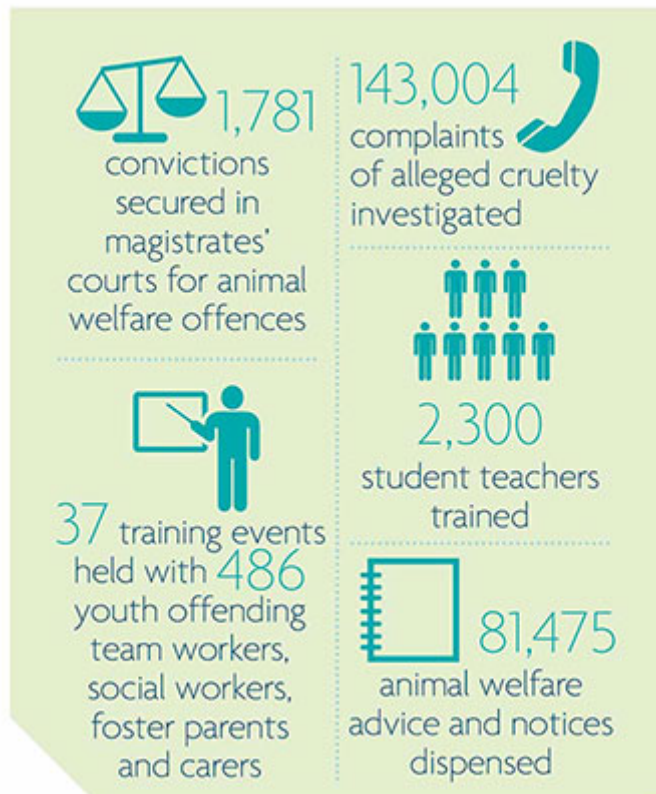
We often get asked why we prosecute people.

Wherever possible we offer advice and assistance to improve animal welfare, including giving people time to make improvements to their standards of care.

But this is not always possible or appropriate, for example if there has been a deliberate act of violence against an animal, where people won't accept assistance, or in extreme cases of neglect.

It is under these types of circumstances when we consider prosecution under laws such as the Animal Welfare Act 2006. You can read just some of our recent prosecutions in our [animal cruelty stories section](#).

The power to prosecute



Everyone in England and Wales has the right to bring a private prosecution against someone who they believe has committed an offence.

Section 6(1) of the Prosecution of Offences Act 1985.

The law as a prevention

In most cases, we don't have to resort to prosecution because other **prevention** methods work, and this is our ultimate aim.

We want the law to work on behalf of animals - to protect all animals, give surviving animals a second chance, and prevent people from harming animals in the future. We worked particularly hard for the **Animal Welfare Act** to be put into place, but without skilled RSPCA inspectors and animal welfare officers (AWOs), it would be a toothless tiger.

Without our officers, all the thousands of calls about animal concerns every month could not be answered.

Find out more

Learn more about how our inspectors investigate cruelty and when we have to consider prosecution.

 [You have been summonsed to attend court \(PDF 38.8KB\)](#)

 [You are a witness in an RSPCA prosecution \(PDF 37.3KB\)](#)

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