



DEBATE PACK

Number CDP 2020/0111, 15 October 2020

Pet theft - debate on e-petition 244530 and 300071

A debate will be held in Westminster Hall at 4.30pm on Monday 19 October 2020 on [e-petition 244530](#) and [e-petition 300071](#) relating to pet theft. The debate will be opened by Tom Hunt MP.

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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.

1. E-petition 244530 and 30071

Two e-petitions, [Pet Theft Reform: Amend animal welfare law to make pet theft a specific offence](#) (244530) and [Make pet theft crime a specific offence with custodial sentences](#) (300071) have each received over 100,000 signatures. Both call for changes to the legislation surrounding pet theft but differ slightly in the details of how the law should change.

The first petition calls for the [Animal Welfare Act 2006](#) to be amended, to allow pet theft to be classified as a specific offence, distinct from the theft of inanimate objects. The petition closed on 13 September 2019 and received 117,453 signatures:

We propose to amend the Animal Welfare Act 2006 to make pet theft a specific offence, distinct from that of inanimate objects; and in sentencing, the courts must consider the fear, alarm or distress to the pet and owners and not monetary value.

At least 5 dogs are stolen every day in England & Wales. Research by Allen et al (2019) reveals an increase in dog theft crimes, 1,294 in 2015, 1,525 in 2016, 1,678 in 2017; and decrease in court charges related to dog theft crimes, 62 in 2015, 48 in 2016, 37 in 2017.

A strong deterrent is needed. This amendment would ensure on conviction, imprisonment for a term up to 2 years becomes available to courts.

The [second petition](#) also calls for pet theft to be classed as a distinct crime but contains specific details about the sentencing process. It requests that pet theft be recognised as a category 2 offence or above. The petition closed on 4 September 2020 and received 143,633 signatures:

Pet Theft Reform 2020: Revise the sentencing guidelines in the Theft Act 1968 to reclassify pet theft as a specific crime. Ensure that monetary value is irrelevant for the categorisation of dog and cat theft crime for sentencing purposes. Recognise pet theft as a category 2 offence or above.

Under the Theft Act, animal companions are legally regarded as inanimate objects when stolen. Stolen pets come under theft offences such as burglary or theft from a person. Sentencing is dependent on the monetary value of the stolen animal (under or above £500), and the crime is treated as a category 3 (fine to 2 years in custody) or 4 offence (fine to 36 weeks in custody) in magistrates court.

Pet Theft Reform would make pet theft a category 2 offence with a starting point of 2 years custody.

Government Response

After an initial response to the first e-petition issued on 29 March 2019, the Government was asked, by the Petitions Committee, for a response that more directly addressed the request of the petition. In the [revised response](#), given on 16 July 2019, the Government stated that changes to the current legislation were not necessary:

The theft of a pet is already a criminal offence under the Theft Act 1968 and the maximum penalty is seven years' imprisonment. An

amendment to the Animal Welfare Act 2006 is not, therefore, necessary.

The investigation of any crime is an operational matter for Police. It is for the Crown Prosecution Service to determine whether an individual should be prosecuted for a crime. If an individual is found guilty, the Courts determine what an appropriate sentence is. It is not clear how introducing a separate specific offence for theft of a pet animal would reduce the numbers of pets stolen.

In March 2020, the [Government responded to e-petition 300071](#), with a statement reaffirming its view that the existing legislation did not need amending:

The Government is sympathetic to the emotional trauma which the theft of a much-loved pet can cause. All reported crimes should be taken seriously, investigated and, where appropriate, taken through the courts and met with tough sentences. The theft of a pet is already a criminal offence under the Theft Act 1968 and the maximum penalty is seven years' imprisonment and so there is no need to introduce a separate offence.

See petition pages [244530](#) and [300071](#) for full government responses.

2. Background

Calls to change the legislation and sentencing of pet theft have been the subject of a previous petition. In 2018, [Reclassify the theft of a pet to a specific crime in its own right](#), received over 100,000 signatures and was [debated in Parliament](#) on 2 July, 2018. The petition was supported by the Stolen and Missing Pets Alliance (SAMPA), which campaigns for tougher legislation for pet theft.

In July 2018, a Private Members Bill, the [Pets \(Theft\) Bill 2017-19](#), was also put forward under the Ten Minute Rule.

A Bill to amend the Animal Welfare Act 2006 and the Animal Health and Welfare (Scotland) Act 2006 to make the theft of pets an offence; to apply certain post-conviction powers under those Acts to such an offence; and for connected purposes.

The Bill failed to complete its passage through Parliament before the end of the session.

Pet theft statistics

Official statistics on pet thefts are not available as they are [not recorded separately from other thefts](#).

Direct Line has published annual data on reported dog thefts, which is accessed under a Freedom of Information request. In 2016 the insurance company reported that 1,788 dogs were stolen in England and Wales, which rose to 1,909 dogs in 2017. The latest available data from Direct Line shows that dog theft again rose in 2018 to 2,625 but in 2019 numbers decreased by 23% on the previous year to 2,026.

| Top Ten Most Stolen Dog Breeds 2018 - 2019 | | | | |
|--|--------------------------------|-----------------------|-----------------------|--------------------|
| England and Wales | | | | |
| Rank | Dog Breed | Number Stolen in 2018 | Number Stolen in 2019 | % change from 2018 |
| 1 | Staffordshire Bull Terrier | 88 | 89 | 1% |
| 2 | Crossbreed | 53 | 75 | 42% |
| 3 | Chihuahua | 52 | 50 | -4% |
| 4 | Cocker Spaniel | 14 | 27 | 93% |
| 5 | Bulldog | 22 | 22 | 0% |
| 6 | Yorkshire Terrier | 7 | 21 | 200% |
| 7 | French Bulldog | 51 | 18 | -65% |
| 8 | Lurcher | 3 | 14 | 367% |
| 9 | Border Collie | 9 | 13 | 44% |
| 10 | Jack Russell | 39 | 12 | -69% |
| | All other breeds | 2,287 | 1,685 | -26% |
| | England and Wales Total | 2,625 | 2,026 | -23% |

Source: [Direct Line - Dog theft, How to prevent your dog being stolen](#)

Despite the reported fall in dog theft in 2019, [the Covid-19 outbreak has seen an increase in pet theft](#) in 2020.

Sentencing for theft

The [Sentencing Council guidelines for England and Wales](#), effective from February 2016, do not mention the theft of pets specifically, but this is included under general theft offences. When deciding on

sentencing terms, culpability and harm caused to the victim are considered:

Harm is assessed by reference to the financial loss that results from the theft and any significant additional harm suffered by the victim or others – examples of significant additional harm may include but are not limited to:

- Items stolen were of substantial value to the loser – regardless of monetary worth
- High level of inconvenience caused to the victim or others
- Consequential financial harm to victim or others
- Emotional distress
- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Impact of theft on a business
- Damage to heritage assets
- Disruption caused to infrastructure

The list of types of harm to be considered which could be applicable in cases of pet theft includes “Items stolen were of substantial value to the loser – regardless of monetary worth” and “Emotional distress”.

Levels of harm for theft range from Category 1 for the worst offences to Category 4 for the least severe. Culpability is assessed on a scale of A, High Culpability, to C, lesser culpability.

The following guidelines from the Sentencing Council refer to individual sentences. For multiple offences, consecutive sentences may be applied with a maximum of 7 years’ custody.

| Sentencing Guidelines Theft Act 1968 | | | |
|--|---|--|--|
| Harm | Culpability | | |
| | A | B | C |
| Category 1 Adjustment should be made for any significant additional harm factors where very high value goods are stolen. | Starting point 3 years 6 months' custody | Starting point 2 years' custody | Starting point 1 years' custody |
| | Category range 2 years 6 months' – 6 years' custody | Category range 1 – 3 years 6 months' custody | Category range 26 weeks' – 2 years' custody |
| Category 2 | Starting point 2 years' custody | Starting point 1 year's custody | Starting point High level community order |
| | Category range 1 – 3 years 6 months' custody | Category range 26 weeks' – 2 years' custody | Category range Low level community order – 36 weeks' custody |
| Category 3 | Starting point 1 year's custody | Starting point High level community order | Starting point Band C fine |
| | Category range 26 weeks' – 2 years' custody | Category range Low level community order – 36 weeks' custody | Category range Band B fine – Low level community order |
| Category 4 | Starting point High level community order | Starting point Low level community order | Starting point Band B fine |
| | Category range Medium level community order – 36 weeks' custody | Category range Band C fine – Medium level community order | Category range Discharge – Band C fine |

Source: [Sentencing Council - Theft Act 1968 Sentencing Guidelines](#)

Support from animal charities

The Dogs Trust supports calls for changes to the way animal thefts are sentenced. In a [briefing on dog theft](#) published in June 2018 they stated:

The Sentencing Council should amend existing guidelines to ensure that all cases of companion animals theft are treated equally seriously, regardless of monetary value. This can be achieved in two ways:

- Amend the 'harm' section of the guidelines so that any offence involving the theft of a companion animal is deemed to be a Category 2 offence or above
- A starting point of 2 years custody for a Category A offence, 1 year for Category B and a High Level Community Order for a Category C offence are considered more appropriate sentences for pet theft

Blue Cross, the pet health and rehoming charity, also supports changes to the existing legislation stating in a recent [article on pet theft prevention](#), that it has campaigned for changes to theft laws for many years.

Blue Cross has been campaigning for changes to pet theft laws for many years. We have written to and met with politicians to ask them to make prison sentencing for stealing a pet much tougher to act as a deterrent and help stop the crime from happening. We believe pet theft should be a crime in its own right, taking into account that pets are living animals and part of our families, and the distress theft causes to both the pet and their family.

The RSPCA has [campaigned for tougher sentencing for acts of animal cruelty but](#) has not commented on the creation of a specific offence for pet theft.

3. Press Articles

[Pet detectives called to tackle rise in dog theft](#)

The Times

Arthi Nachiappan

16 August 2020

[Surge in dognapping as crime gangs cash in on demand for pets during lockdown](#)

The Independent

Jane Dalton

3 August 2020

[Calls to make pet theft a specific crime rejected by Government](#)

Police Professional

30 July 2020

[Government rejects calls to make 'spiralling' pet theft a crime](#)

BBC

17 June 2020

[Pet theft law change urged as cases go 'through the roof' in lockdown](#)

BBC

17 June 2020

[Dog theft on the rise: how in danger is your pet and what can be done about it](#)

The Conversation

Daniel Allen

October 15, 2019

4. Parliamentary Material

PQs

[*Pets. Theft*](#)

Asked by: Holden, Mr Richard

To ask the Secretary of State for Justice, what the (a) maximum and (b) average sentence is for people convicted of stealing pets in England and Wales.

Answering member: Chris Philp | Department: Ministry of Justice

There are different theft offences under the Theft Act 1968 any of which could relate to the theft of pets depending on the individual circumstances of the case. Centrally held information on theft offences does not identify if a pet specifically was stolen. The information may be held on court records but to be able to identify cases in which pets were stolen would require access to individual court records which would be of disproportionate cost.

HC Deb 09 September 2020 | PQ 82546

[*Pets. Theft*](#)

Asked by: Hunt, Tom

To ask the Secretary of State for Justice, what steps his Department is taking to help ensure that (a) pet sentience and (b) emotional harm to pet owners is considered in sentencing for pet theft offences.

To ask the Secretary of State for Justice, how many people convicted of pet theft offences have been awarded a prison sentence in each of the last three years; and what the average length was of those sentences.

Answering member: Chris Philp | Department: Ministry of Justice

The Government is sympathetic to the emotional trauma which the theft of a much-loved pet can cause. The Sentencing Council's guidelines on theft now take account of the emotional distress on the victim caused by any theft offence, including theft of a pet, meaning that the courts will now take this into account when considering the appropriate sentence.

There are different theft offences under the Theft Act 1968 any of which could relate to the theft of pets depending on the individual circumstances of the case. Centrally held information on theft offences does not identify if a pet specifically was stolen. The information may be held on court records but to be able to identify cases in which pets were stolen would require access individual court records which would be of disproportionate cost.

HC Deb 21 July 2020 | PQ 73115; PQ 73114

[Pets. Theft](#)**Asked by: Hunt, Tom**

To ask the Secretary of State for the Home Department, what steps her Department has taken to tackle increased instances of pet theft during the covid-19 outbreak.

To ask the Secretary of State for the Home Department, what assessment her Department has made of the effect of the lack of a specific offence of pet theft on (a) the police's ability to record pet theft and (b) the incentives for the police to investigate pet theft with regard to the severity of sentences upon successful prosecution.

Answering member: Kit Malthouse | Department: Home Office

The Government understands the distress caused by the theft of a pet, which is already a criminal offence under the Theft Act 1968 and carries a maximum penalty of 7 years' imprisonment. We expect the police to record all such crimes reported to them so that they can determine how best to investigate

HC Deb 21 July 2020 | PQ 73113; PQ 73112

[Pets. Theft](#)**Asked by: Costa, Alberto**

To ask the Secretary of State for Environment, Food and Rural Affairs, what assessment she has made of the potential merits of making pet theft a specific crime.

Answering member: Zac Goldsmith | Department: Department for Environment, Food and Rural Affairs

Theft of a pet is already a criminal offence punishable by a penalty of up to 7 years imprisonment. In February 2016, the independent Sentencing Council updated its guidelines in relation to sentencing for theft offences. The guidelines take account of the emotional distress, and therefore harm, that the theft of a much beloved pet can have on the victim, and accordingly recommend higher penalties for such offences.

HC Deb 01 November 2019 | PQ 5044

[Theft: Pets](#)**Asked by: Keegan, Gillian**

To ask the Secretary of State for Justice, whether he plans to review sentencing guidance for people who commit pet theft.

Answering member: Robert Buckland | Department: Ministry of Justice

It is for the Sentencing Council for England and Wales, which is independent of government, to develop sentencing guidelines and monitor their use.

The Theft guideline and evaluation are available here:

<https://www.sentencingcouncil.org.uk/publications?s&topic=theft-offences>

HC Deb 17 May 2019 | PQ 252612

Ten-minute Rule Bill

[Pets \(Theft\)](#)

HC Deb 03 July 2018 | Vol 644 c203-

Debate

[Pet Theft](#)

HC Deb 02 July 2018 | Vol 644 c1WH-

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