

Written evidence submitted by the League Against Cruel Sports (PWA0035)

League Against Cruel Sports response to Efra Committee call for evidence: Pet welfare and abuse

The League Against Cruel Sports is Britain's leading charity that works to stop animals being persecuted, abused, and killed for sport. We carry out investigations to expose law-breaking and cruelty to animals, campaign for stronger animal protection laws and penalties, work to change attitudes and behaviour through education, and manage reserves to protect wildlife. Our dedicated Animal Crimewatch service allows members of the public to confidentially report suspected animal welfare crimes.

Overview

1. Increasing the maximum sentences for animal cruelty offences from six months to five years is welcome. However, under current proposals from the Sentencing Council, the new maximum will rarely – if ever – be utilised.
2. An additional area of concern for pet welfare and abuse is the incomplete commencement of section 8 of the Animal Welfare Act 2006 relating to animal fighting. Sections 8(3),(4),(5) are not in force until an order is made by the Secretary of State, which to date has not happened.

Sentencing Guidelines

3. The League was a strong advocate for the Animal Welfare (Sentencing) Act, which increased maximum sentences for animal cruelty offences from six months to five years, and welcomes its implementation. This increase matches the seriousness of some animal cruelty offences as well as the value we as a nation place on animals and their welfare.
4. It is disappointing, however, that in its draft updated sentencing guidelines, the Sentencing Council has limited proposed maximum sentences for the most serious offences (Category 1 harm, high culpability offences) to just 3 years.¹ The proposed upper limit would unduly limit the potential use of the maximum sentence for the worst cases of animal cruelty intended by Parliament, and by extension risk damaging public confidence in the legal system. We hope that in response to its consultation on the draft guidelines, the Sentencing Council will revise the upper end of the category range for such sentences.
5. In addition to acting as a deterrent for animal abuse, fuller availability of the new maximum sentences under the sentencing guidelines may serve to reduce other violent crimes, with the link between animal abuse and domestic violence well documented. Perpetrators often use violence against pets to intimidate and control their victims, and research by Battersea Dogs and Cats Home found that children were at risk of neglect or abuse in 83% of families with a history of animal abuse.
6. Current proposed sentencing guidelines also omit the use of disqualification orders available under Section 34 of the Animal Welfare Act. The League would suggest a recommendation of lifetime bans as part of sentencing for animal cruelty offences. We hope this may also be included in the sentencing guidelines following the consultation outcome expected this year.

Animal Welfare Act 2006

7. The Animal Welfare Act 2006 remains a key piece of legislation for the prevention of animal cruelty. Despite its passage over 16 years ago, Section 8 of the Animal Welfare Act related to animal fighting has yet to be fully commenced which may be limiting its potential to protect companion animals falling victim to animal fighting.
8. Sections 8(3),(4),(5) of the Animal Welfare Act 2006 specify that it is an offence to supply, publish, show or possess with intent to supply a video of an animal fight recorded in Great Britain without a reasonable excuse.
9. However, offences in the Animal Welfare Act only come into force by order of the Secretary of State, as per section 68 of the Act. This hasn't happened for these sections to date, meaning that it is not currently a crime. The order which brought the rest of the animal fighting offences

¹ <https://www.sentencingcouncil.org.uk/wp-content/uploads/Animal-Cruelty-consultation.pdf>

contained in section 8 of the Act into force left out the subsections on video recordings. The Police National Legal Database (the leading police information resource of criminal justice legislation) also shows that these sections are not in force in England and Wales.

10. In contrast, it is an offence in Northern Ireland under the equivalent legislation and people have been charged with this offence. The whole of the section on animal fighting in the Welfare of Animals (Northern Ireland) Act 2011 was brought into force shortly after it was passed, with the Welfare of Animals (2011 Act) (Commencement and Transitional Provisions No.1) Order (Northern Ireland) 2011. The equivalent offence in Scotland, under Section 23 of the Animal Health and Welfare (Scotland) Act 2006, is also in force as a result of the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 1, Savings and Transitional Provisions) Order 2006.
11. It is not clear to us why this offence was never brought into force in England or Wales. It may simply be an oversight.
12. The situation could be resolved by the minister making commencement regulations which set a date for Section 8(3),(4),(5) coming into force in England.
13. With animal welfare being a devolved issue, the Welsh Government would be able to do the same in the National Assembly for Wales in order to bring this section of the Animal Welfare Act into force in Wales.

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