



House of Commons

Environment, Food and Rural
Affairs Committee

Animal welfare in England: domestic pets: Government Response to the Committee's Third Report

Fourth Special Report of
Session 2016–17

*Ordered by the House of Commons
to be printed 1 February 2017*

HC 1003

Published on 7 February 2017
by authority of the House of Commons

The Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department of Environment, Food and Rural Affairs and associated public bodies.

Current membership

[Neil Parish MP](#) (Conservative, Tiverton and Honiton) (Chair)

[Chris Davies MP](#) (Conservative, Brecon and Radnorshire)

[Jim Fitzpatrick MP](#) (Labour, Poplar and Limehouse)

[Simon Hart MP](#) (Conservative, Carmarthen West and South Pembrokeshire)

[Kerry McCarthy MP](#) (Labour, Bristol East)

[Dr Paul Monaghan MP](#) (Scottish National Party, Caithness, Sutherland and Easter Ross)

[Rebecca Pow MP](#) (Conservative, Taunton Deane)

[Ms Margaret Ritchie MP](#) (Social Democratic and Labour Party, South Down)

[David Simpson MP](#) (Democratic Unionist Party, Upper Bann)

[Angela Smith MP](#) (Labour, Penistone and Stocksbridge)

[Rishi Sunak MP](#) (Conservative, Richmond, (Yorks))

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/efracom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Eliot Barrass (Clerk), Sian Woodward (Clerk), Danielle Nash (Second Clerk), Sarah Coe (Senior Committee Specialist), Anwen Rees (Committee Specialist), Caitriona Fleming (Senior Committee Assistant), Henry Ayi-Hyde, (Committee Assistant) and Nick Davies (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Environment, Food and Rural Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5774; the Committee's email address is efracom@parliament.uk

Fourth Special Report

The Environment, Food and Rural Affairs Committee reported to the House on [Animal welfare in England: domestic pets](#) in its Third Report of Session 2016–17, published on 16 November 2016, as HC 117.

The Government's Response to the Report was received by the Committee on 27 January 2017, and is appended below.

Appendix: Government Response

Introduction

We have the best animal welfare in the world and we are a nation of animal lovers. We are grateful, therefore, for the Environment, Food and Rural Affairs Committee's report on "Animal welfare in England: domestic pets" and the opportunity it provides to review regulation in this area. We agree that some of the legislation on the welfare of domestic pets needs to be updated and should take account of changes in the way animals are kept and sold.

The report is timely as the Government carried out a review into animal establishments licensing which comprises the laws that regulate the selling of pet animals, the breeding of dogs, the boarding of cats and dogs, riding establishments and performing animals. Further information and the next steps on the Government's proposals for modernising the animal establishments licensing schemes will be published shortly. This follows a set of earlier proposals which were subject to consultation and which received around 1,700 responses.

Response to each recommendation

Secondary legislation

Paragraph 16: We recommend that the Government set out a timetable for the secondary legislation that was foreseen ten years ago in the Animal Welfare Act 2006.

The Government has been reviewing the animal establishments licensing schemes which include dog breeding, pet vending, cat and dog boarding, riding establishments and performing animals. We are currently aiming to have new regulations in place in 2018. Regulations on racing greyhounds, compulsory microchipping of dogs and welfare of wild animals in travelling circuses were all introduced under the Animal Welfare Act 2006 (the 2006 Act).

Statutory welfare codes in respect of dogs, cats, horses, gamebirds reared for sporting purposes and the private keeping of primates have also been introduced since the 2006 Act came into force.

In relation to animal sanctuaries and livery yards, the Government welcomes moves by the relevant sectors to set standards to help ensure the 2006 Act is applied clearly and evenly to these activities.

Progeny of dogs

Paragraph 21: We recommend that the Government pass regulations to protect the genetic viability and welfare of offspring as well as adult dogs.

The Kennel Club's Assured Breeder Scheme already includes requirements for genetic screening of breeding dogs to reduce the risk from inherited conditions. We will explore the possibility of further protecting the progeny of dogs within the proposals to modernise the dog breeding regulations.

Awareness of the 2006 Act

Paragraph 25: We recommend that the Government develop an ongoing partnership with animal welfare charities to educate the public in England about the 2006 Act.

The Government agrees that educating owners and keepers is important to ensure that animals are cared for appropriately. The Government already enjoys a good working relationship with many animal welfare charities as well as other key stakeholders. Animal interest organisations already work with schools to educate children in the importance of animal welfare and we will work with them to see how we can further develop this arrangement and identify the effective delivery of animal welfare knowledge.

Paragraph 26: We recommend that the Government examine how animal welfare can be incorporated into citizenship classes as part of the school curriculum.

The National Curriculum, which was introduced from 2014, focuses on the essential knowledge which pupils should be taught and gives schools more freedom to develop their wider curriculum. It serves an important purpose in setting out an example of a knowledge-based, ambitious, academically rigorous education which every child should experience.

The new programme of study for science at key stages 1 and 2 already contains frequent references to animals and their environment throughout, including understanding the basic needs of animals in year 2. Schools have the freedom to complement this knowledge through teaching topics such as animal welfare, beyond the prescribed curriculum, to ensure that children receive a rounded education. Teachers are encouraged to develop their approach using their own teaching expertise and subject knowledge, drawing on sources of specialist advice.

Maintained schools in England must teach the national curriculum as part of their wider school curriculum. Other schools, such as academies and free schools, are free to design their own school curriculum; if they wish to deliver the national curriculum in their schools, they can do so confidently.

Additionally, all schools are required to teach a balanced and broadly based curriculum that promotes the spiritual, moral, cultural, mental and physical development of pupils, and prepares them for the opportunities, responsibilities and experiences of later life, this could also include animal welfare.

In summary we consider that welfare issues can be already incorporated within school classes.

Breeding of dogs

Paragraph 38: We recommend that anyone breeding two litters or more per year should be licensed as a breeder.

Paragraph 39: We recommend that those falling below the threshold of a licensed breeder should be registered with their local authority.

Following the Government's review of the animal establishments licensing schemes in England, we propose that anyone breeding and selling three litters or more in a twelve month period would need to be licensed by their local authority. We will retain the existing exemption in the dog breeding legislation for breeders who can show they do not sell any of their puppies as well as the requirement that each breeding bitch should have only one litter per year.

We consider that three litters or more per year provides the right balance of being proportionate and reasonable to enforce, and will help target regulatory effort on those breeders producing dogs on a commercial basis. In terms of the impacts, there are around 600 licensed dog breeders in England at the moment. Taking into account information provided by the Kennel Club, we consider that up to around 5,000 breeders might be breeding either three or four litters per year, and that up to around 10,000 breeders might be breeding two litters per year. These figures should be viewed as indicative estimates. A requirement for breeders who breed three litters or more per year to be licensed would already increase local authority licensing requirements noticeably

If people falling below the threshold had to register with their local authority this would cover every household which had just one litter of puppies and sold them. We consider that such a registration requirement would be disproportionate and would also be challenging to enforce by local authorities. Evidence from similar regimes, such as the dog licensing regime, which used to exist in the past, are that they are difficult to enforce with compliance rates being low. Such a regime would present a burden on responsible hobby breeders and families who choose to breed from their dog once in its lifetime and in such situations there are far less likely to be welfare concerns that demand a registration or licensing system.

Paragraph 48: Breeders have an important responsibility to provide for the social development and broader welfare requirements for puppies in their care. We recommend that the legislation governing the breeding of dogs should be updated with a licensing regime.

The Government agrees that the dog breeding legislation needs to be updated and proposes that the welfare requirements of the 2006 Act are spelt out in new regulations. We also propose that many of the standards within the Model Licence Conditions and

Guidance for Dog Breeding Establishments 2014, as published by the Chartered Institute for Environmental Health, be incorporated into the new regulations and we will work closely with the Canine and Feline Sector Group on this work.

Paragraph 57: We recommend that a national inspectorate should be established to liaise and support local authorities in enforcing the licensing regime, undertaking inspections and dealing with complaints.

We agree with the Committee that bringing all local authority inspection regimes on animal welfare up to the level of the best is the challenge. As noted, some local authorities have been able to specialise in this area and offer support to and share best practice with others, not least through the use of Primary Authority¹ which has been employed extensively in some areas, for example by the City of London in relation to the transport of certain animals. Thus if expertise is lacking in one local authority it can be obtained from another area. In line with this approach, and in support of the review of animal establishment licensing, the Government has started work with the local authority led National Companion Animal Focus Group, to develop: standards for competency of inspectors; a risk based assessment framework; guidance and documentation for local authorities; and user-friendly information for licensed establishments.

Against that background, Government considers that the principal regulatory entity should remain as the local authority. We consider the creation of a national inspectorate could be confusing for those regulated and may cut across the established licensing system, and this might not support our welfare objectives. The Committee points out (paragraph 54), that the Secretary of State appoints inspectors for the purpose of assisting local authorities administer the zoo licensing scheme. A team of inspectors comprising not more than three appointed by the local authority, and two nominated by the Secretary of State, will generally assess the standards in a zoo. One nominated inspector from the Secretary of State's lists will be a competent veterinary surgeon, and it is usual for the local authority to appoint a vet also. This model is required because of the complexity of animal species and their welfare needs within zoos. We would not expect many district councils to possess the necessary expertise to cover this. This situation is quite different to that applying to pet shops and to dog breeding, animal riding and boarding establishments.

Paragraph 62: UKAS accreditation is a good thing, and we encourage its pursuit on its own merits. However, we do not believe that it is a substitution for local authorities' inspection. Therefore we do not support the Government's proposal to establish a complete local authority exemption licensing exemption for businesses accredited by the United Kingdom Accreditation Service.

Following analysis of the public consultation on our licensing proposals and in the light of comments from key stakeholders as well as this recommendation from the Committee, the Government has decided not to pursue the option of a full exemption from licensing for businesses certified by a UKAS accredited body. Whilst there was some support for the proposal, there was also significant opposition. Instead, the Government proposes to incorporate the concept of earned recognition into the new licensing system. This will include consideration of affiliation to a body accredited by UKAS in the risk-based

1 <https://www.gov.uk/government/publications/primary-authority-overview>

assessment process that we are currently developing with the National Companion Animal Focus Group. This would ensure a reduced burden on low risk businesses and on local authorities whilst maintaining overall local authority control over the licensing scheme.

Paragraph 73: We recommend that the Government increase spot checks at entry points into the United Kingdom to enforce the rules on non-commercial trade on domestic animals.

Paragraph 74: We recommend increased working between government agencies and charities to understand how the puppy smuggling trade works and how to reduce it effectively.

One hundred per cent of checks are carried out on pet animals entering Great Britain on approved routes under EU Pet Travel Scheme. The checks are performed by carriers, or pets checkers acting on their behalf. Defra's Animal and Plant Health Agency (APHA) are responsible for training and appointing carriers and pets checkers. APHA undertake random checks of pet animals to ensure the carriers are performing checks to the required standard. In 2015 APHA completed checks on 5,663 animals travelling into GB. Of the 5,663 animals checked, 73 animals were found to be non-compliant with the EU Pet Travel Regulations. APHA work closely with carriers and pets checkers to address any issues identified and provide any additional training required.

Government agencies and charities are working closely together to tackle puppy smuggling. We are currently considering the lessons learned from the Dover puppy pilot, where APHA worked closely with Kent County Council Trading Standards, Border Force, the Police, and Dogs Trust in tackling puppy smuggling and gaining a better understanding of pet movements under the EU Pet Travel Scheme.

Sale of Dogs

Paragraph 91: We recommend that the Government ban third party sales of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.

We have considered the matter very carefully including in light of the views of many welfare charities. The Government agrees that it is sound advice for prospective buyers to try to see the puppy interact with its mother. A ban on third party sales would in effect be a statutory requirement for puppies to be sold only by breeders. It is unclear how well such a ban would be enforced and local authorities are already under pressure to regulate the existing regime as effectively as possible. Given the demand for dogs there is a risk that a ban on third party sales would drive some sales underground, and welfare charities are already concerned about the number of good breeders. We note that a number of established welfare charities with experience and knowledge of the sector have advised against a ban on third party sales. We consider that such a ban has the potential to increase unlicensed breeding in addition to a rise in the sale and irresponsible distribution of puppies, and may be detrimental to our welfare objectives.

The Government still wishes to address issues relating to the sale of dogs other than by the breeder, and we have considered other approaches. We support the robust licensing of all pet sellers including third party sellers. Through the Government's revision to the licensing regime anyone in the business of selling pet animals will require a licence. Local authorities will be able to ensure that animal welfare requirements are met through the regime, including the application of many of the requirements from the Model

Conditions for Pet Vending Licensing 2013 published by the Chartered Institute of Environmental Management which will be incorporated into the regulations. In addition we are encouraging consumers to source dogs from reputable breeders and to see puppies interact with their mothers.

Paragraph 100: We recommend that PAAG's minimum standards should be made mandatory for all websites where pets are advertised and sold.

The Government has endorsed the Pet Advertising Advisory Group's (PAAG) Minimum Standards which were developed with input from Defra. They provide an important step in improving the way pets have been advertised on line, and the Government encourages all on line advertising sites operating in this country to apply them. However as the Committee recognises, many of those sites operate from premises overseas and some, such as UK Classifieds and Free Ads, have failed to engage with PAAG on improving the advertisements on their sites despite frequent promptings. We would encourage people not to sell or purchase a pet from sites that do not comply with the PAAG minimum standards.

Whilst buying a pet is a serious undertaking, and should not be taken lightly, the Government recognises that people will look to the internet as a source, and reputable breeders do advertise on line, so the internet can be a way to find such a reputable breeder and then make a physical visit to their premises for example see the mother interacting with her puppies in the case of a dog. As the Committee notes, six established online advertising sites seek to apply the minimum standards, and we would encourage PAAG to publicise the existence of these sites for the public. Defra working with PAAG will continue to engage with them and any other site willing to apply the standards, to improve the way pets are advertised. Ministers have already held three round table meetings with the six websites and another is planned for early 2017. In the meantime, we have not been convinced that it would be practicable to legislate to require all websites advertising pets for sale in England to be subject to the PAAG minimum standards, not least because of the difficulties in the enforcement of those operating offshore.

In studying the detail of the standards themselves it is clear that a number of them are relevant to the advertiser as well as the website provider—for example, but not exclusively the need to supply a recent photograph of the pet, that the age of the animal is stated and that all commercial sellers provide their licence details.

To encourage better traceability and assurance for those seeking to acquire a dog, and in support of the recommendation in paragraph 102 (on internet advertisements including licensing numbers) , we propose to include in the new licensing regulations a requirement for licensed sellers of pets to display their licence number when advertising. This will allow responsible consumers to check that they are securing a dog from a properly licensed breeder. In addition we will explore the scope for requiring other elements of the PAAG minimum standards to be applied by licensed pet vendors through the application of conditions.

Paragraph 101: We recommend that legislation should state specifically that those advertising the sale of animals on the internet should have a licence. It is essential that legislation remains relevant and effective in the digital age.

We consider that the focus of regulatory attention should be on repeat breeders and on the sellers of animals. Websites and others have access to software that can identify such sellers on line despite attempts by such sellers to evade detection. This has and is being used for example by HM Customs and Revenue to detect any on line pet vendors making substantial sums of money but paying no tax which is covered in more detail below. If everyone advertising an animal for sale on the internet was required to have a licence this might be disproportionate on the one-off seller and on those seeking to enforce the requirement.

Paragraph 97 of the Committee's report implies that in giving evidence, the Minister, George Eustice suggested that anyone advertising animals for sale over the internet needed a licence. However, Hansard records² the Minister said: "If you are commercially running a business on the internet then you are a pet shop, you should be licensed as a pet shop". This makes clear that it is only business sellers that need to be licensed.

Paragraph 102: We recommend that the Government make it compulsory that all internet advertisements should include the registration or licence number of the seller. We also recommend that the Government look at the new regime in France where the seller's tax code is included in the advertisement, to see whether such a regime could be put in place in the United Kingdom.

We agree that licensed pet animal sellers should include their licence number in any advertisement they post online or in a publication. We have proposed, therefore, that such a measure be included in the new animal establishments licensing regulations. As stated above, we do not agree that everyone who uses the internet to advertise a pet needs to be licensed.

As regards the use of a tax code, the UK has a different system to France but it is very relevant that HMRC have established a taskforce to target those involved in the breeding and selling of puppies and kittens within the UK. The taskforce is looking at all aspects of this business sector, from registered, recognised breeders including those involved on a commercial basis and those who facilitate this trade, as well as those that trade on line.

HMRC taskforces bring together various HMRC enforcement teams for intensive bursts of activity targeted at specific sectors and locations where there is evidence of high risk of tax evasion and fraud. Task forces often work with other law enforcement agencies to recover tax from the dishonest minority, and there are likely to be significant animal welfare gains from this work as any unscrupulous traders are detected.

The Government will review the results from this work.

Paragraph 104: We recommend that Defra establish a publicly accessible list of registered and licensed breeders and sellers.

People can already readily identify and access reputable breeders, including on line, through schemes such as the Assured Breeder Scheme run by the Kennel Club³ (see below), and we would encourage potential pet buyers to source from this type of breeder. These schemes also establish and promote enhanced welfare standards in a number of ways. Furthermore, if licensed dog breeders and pet sellers are required to publish their licence details when advertising, that will be a significant step forward and lead to greater public

² Q861

³ <https://www.thekennelclub.org.uk/services/public/acbr/Default.aspx>

scrutiny of the industry. Working with the sector, Government is also looking to develop a risk based approach to regulation of the industry. This could encompass a “scores on the doors” system whereby high performing low risk operators are able to offer more reassurance of the quality of their operation. The Kennel Club has presented evidence on the Assured Breeder Scheme in relation to dog breeding. The scheme requires breeders to go beyond the requirements of the Animal Welfare Act 2006 and the operation and standards in the scheme are subject to close scrutiny by the independent United Kingdom Accreditation Service (UKAS). The scheme provides a further reassurance to potential dog owners and a means for the public to identify reputable breeders. Furthermore at a basic level, if anyone wishes to know whether a particular establishment is licensed to breed dogs or sell animals they can contact the appropriate local authority. Overall we consider that there is already sufficient public accessibility to registered and licensed breeders and sellers.

Central reporting system

Paragraph 107: We recommend that Defra work with local authorities to investigate the possibility of creating a central reporting system for complaints relating to the breeding and sale of pets.

We understand that the main motivation for people calling for a central reporting system for complaints is to make it easier for them to make such complaints. However regulation of the industry is local authority led. Thus if anyone has any complaints about a pet seller or dog breeder they should report it to the relevant local authority which has powers to investigate or, in the case of a member of the Assured Breeder Scheme, to the Kennel Club.

Breeding and sale of cats

Paragraph 112: Although the dog market is more lucrative, we do not see this as a reason to do less to protect the welfare of cats. Although it is recognised that responsible breeders prioritise welfare conditions, many cats are bred in poor welfare conditions. We recommend that breeders of cats of two litters or more should be licensed, with welfare conditions attached.

Paragraph 114: We recommend that the Government undertakes further research on the sale of cats and proposes recommendations to improve the trade.

The Government agrees that the welfare of cats should be protected and considers that this is provided through the provisions of the 2006 Act and the new regulations on the selling of pet animals that we propose to introduce to replace the scheme in the Pet Animals Act 1951.

The evidence given to the Committee suggests that a lot of problems arise from unneutered cats and indiscriminate breeding. The Government supports efforts such as by Cats Protection to encourage more neutering for example through further education of and communication with owners. In relation to regulating the breeding of all cats we would first wish to see more evidence of welfare problems in cat breeding establishments.

Paragraph 111 of the EFRA report refers to the Minister George Eustice informing the Committee that there were no plans to regulate the breeding of cats because the nature of the market for cats and dogs was different and cats did not cost as much as dogs. However, Hansard reports⁴ that the Minister said:

“The second thing is that it is more problematic for dogs because they have a higher value when sold, typically. We do have a problem, particularly with some status dogs, with certain people thinking that they can make quite a bit of money by breeding Staffies to sell as status dogs when they do not, frankly, have the wherewithal to raise those puppies properly, to socialise them properly and to care for them properly.

That is a different situation to that which we have with cats, where quite often pregnancy of cats ends up being a rather accidental thing. It is not always planned, so I think for various reasons it is a slightly different situation, both in terms of the characteristics of them and the nature of the business around them.”

Thus the Minister referred to three areas where dog breeding differed from cat breeding: (i) that dogs tended to attract much higher prices than cats and were therefore more attractive to rogue breeders; (ii) that there were “status dogs” which people think they can sell quickly; and (iii) that cats are more likely to breed accidentally, and that the sole reason was not cost.

In terms of cat sales, the Government proposes to modernise the laws on the sale of pet animals and will remove the exemptions under which selling animals bred from a pet or pedigree animals bred by them are exempt from requiring a licence. Furthermore, we will also require local authorities to apply many of the standards set out in the Model Conditions for Pet Vending Licensing 2013, as published by the Chartered Institute for Environmental Health, to all licensed pet sellers. The Model Conditions require that any cats for sale are eight weeks’ of age or older.

Equine identification and traceability

Paragraph 124: The equine identification system needs to be made much simpler with higher standards. We recommend that the Government systematically and significantly reduces the number of Passport Issuing Organisations, examining the possibility of establishing a single Passport Issuing Organisation.

All Passport Issuing Organisations in the United Kingdom must meet the requirements of EU Regulation 2015/262 and additional standards set out in the Government’s Minimum Operating Standards for Passport Issuing Organisations (PIOs). The Government expects all PIOs to meet high standards of accuracy and security and to deliver a service which is easy for horse owners to use to help deliver a trusted source of key information of horses in the UK. The Government may withdraw approval to issue passports from any PIO which fails to meet these standards. The current issuing model is set out in EU legislation which means it is not possible to establish a single issuing organisation without changing

the underpinning EU legislation. As part of the preparations for exit from the EU, the Government will be reviewing the current system for identifying equines and will be inviting views on this from the equine sector.

Paragraph 135: We recommend that the Government place a statutory duty on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.

By replacing the existing laws on animal activities licensing schemes with regulations made under the 2006 Act, local authorities will be required to enforce the new licensing regime as it applies to pet sellers, dog breeders, riding establishments, animal boarding establishments and performing animals.

We expect local authorities to decide how to enforce the Animal Welfare Act in their own areas based on local resources and priorities.

Role of the RSPCA

Paragraph 167: We recommend that the Government look at amending current legislation to make the RSPCA a Specialist Reporting Authority.

In the light of public criticisms of its role, the RSPCA set up the Wooler Review, which made 33 recommendations which the RSPCA have already assessed and considered for action. These include a review of their approach to the gathering and presentation of veterinary evidence and the way they handle complaints and prosecutions on possible conflicts of interest. The Senior Wildlife Champion from the CPS will also sit on the RSPCA independent oversight panel which starts its work this month (January). The Champion works closely with Wildlife Coordinators in the CPS Areas.

The CPS continues to play an active role in wildlife protection and the prosecution of animal welfare cases referred by the Police. As suggested in paragraph 166, were the CPS to take on all RSPCA cases, further consideration would need to be given to resource. Resources alone however, are never a bar to prosecution. If a case passes the two stage test for prosecution used by the CPS (i.e. is there sufficient evidence to provide a realistic prospect of conviction and, if so, is a prosecution is needed in the public interest) a prosecution will take place.

In respect of the Committee's recommendation, the Government considers that the 2006 Act should not restrict the possibility of someone taking out private prosecutions under the Act. This has been a powerful tool to promote animal welfare.

It is for this reason that the Government does not consider, at this time, that the RSPCA should be made a specialist reporting authority. Instead we believe that the RSPCA should be given the opportunity to implement the recommendations of the Wooler Review and demonstrate its commitment to responding to the concerns that have been raised by the Committee.

Sentencing

Paragraph 175: 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. We recommend that Defra should start discussion with Ministry of Justice by the end of the year to achieve this.

Defra is in regular dialogue with the Ministry of Justice in relation to sentencing policy for animal welfare offences.

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.

In 2015, 936 people were sentenced for offences relating to animal cruelty under the Animal Welfare Act 2006. Of which 91 were given an immediate custodial sentence. The average custodial sentence length is 3.3 months. 202 offenders were given a suspended sentence and 341 received a community sentence. 177 offenders were punished with a fine. The average fine amount in 2015 was £244. Since 2010 the number of prosecutions has fallen but the conviction rate has remained stable at 75%. The average custodial sentence length remains relatively stable.

It should be noted that a suspended sentence is a custodial sentence. The offender is subject to supervision and may be subject to other requirements and if they breach that supervision, any of the other requirements or commit a further offence the presumption is that the court will activate the custodial element.

In addition to the maximum penalty of 6 months' imprisonment and/or an unlimited fine, the courts can also disqualify offenders from keeping animals for as long a period as they consider appropriate. The use of community orders should also be highlighted. The courts are in the best place to decide whether a community order might be the most appropriate outcome in a particular case. The impact on reoffending is also important from an animal welfare perspective.

The Sentencing Council has reviewed the magistrates' court sentencing guidelines, including those in relation to animal cruelty cases. In their revised guideline, published on their website⁵, the Sentencing Council aims to ensure that the most serious cases of animal cruelty receive appropriate severe sentences, within the available maximum penalty.

Animal abusers register

Paragraph 183: We recommend that the Government examines the potential for the establishment of an animal abuser register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.

Persons convicted of animal cruelty or animal abuse are already captured on the Police National Computer. The Government agrees we need to make better use of existing databases and improve connectivity and information sharing.

5 <http://www.sentencingcouncil.org.uk/offences/item/animal-cruelty-revised-2017/>

The Police National Computer provides a searchable, single source of locally held operational police information. It brings together data and local intelligence so that every force can see what is known about an individual, including any operational information related to animal cruelty or mistreatment. There is existing functionality for a user (police officer) to be able to apply a “Person Marker” both locally and nationally and for that marker to be displayed when accessed by others. When these are used is a police operational matter. The Government agrees with the police that a publicly available register of animal abusers could facilitate vigilantism. Instead, if a person has concerns about another individual they can approach the police who can check their records on the Police National Computer. The police may then take the most appropriate action. We consider that this is the best arrangement.

EMBARGOED ADVANCE COPY: Not to be published in full, or in part,
in any form before 00.01 a.m. on Tuesday 7 February 2017