Blue Cross is pleased to be able to submit written evidence to the EFRA Committee inquiry looking at the Animal Welfare Bill. As an organisation we are of the view that all pet animals are sentient beings and therefore were pleased to see the Government announce that this would be recognised in law, we do however have some concerns regarding the current drafting of this Bill.

We have also been key supporters of the campaign to increase the maximum sentence for animal cruelty. We regularly see animals at our four animal hospitals, two pet care clinics and twelve rehoming centres that have been subject to cruelty from their owners or others and are very keen to ensure these people are brought to justice and face a sentence fitting of the crime.

**Welfare needs of animals as sentient beings**

Blue Cross has some concerns about the wording of the section of the Bill which relates to Ministers having ‘regard to the welfare needs of animals’. Our concern would be that having regard for the welfare needs of animals doesn’t necessarily indicate that Ministers would actually have to ensure that any Bill doesn’t compromise welfare. We are concerned that Ministers can state that they have considered the welfare needs of animals without having to provide evidence that details how they have drawn any given conclusion.

In terms of the definitions, whilst they are not defined in the Bill itself, suggestions are given in the consultation notes. Blue Cross does however have some concerns that the suggestions are extremely broad and could result in difficulties in terms of implementation. There is a large body of scientific evidence related to ‘sentience’ and we believe a tighter definition could be drawn from this.

Blue Cross would agree the term *animal* is not currently defined in legal terms and has a number of different meanings depending on the piece of legislation it is being used in. The broad definition given in the consultation document by DEFRA would encompass both vertebrates and invertebrates which we believe would be a positive step. We would however like to see the definition extend to the embryonic form; this is of particular relevance when we are looking at issues related to genetic health and conformity issues in certain breeds of dogs. The key issue is how government will make an assessment on the welfare needs of each given animal which will be affected by any new legislation.

Blue Cross believes there does need to be further definition in the Bill for the term *welfare needs*. In terms of the welfare needs of vertebrate animals we believe the definition in the Animal Welfare Act 2006 which outlines the five welfare needs is sufficient. The five welfare needs are well understood within the companion animal sector; however we have concerns about the viability of defining *welfare needs* for other invertebrate animals under the current suggested broad definition of the word *animal*. We know the evidence around the welfare needs of invertebrate animals is an issue being studied currently and believe
provisions have to be made to ensure current scientific understanding can be taken into account when defining the welfare needs of all species.

Blue Cross also has concerns that this Bill only goes as far as to impose a duty on ‘Ministers of the Crown’ we have two concerns, firstly we would like a clear duty to be placed on the devolved administrations to ensure they would also have to consider the welfare needs of animals when making policy. This issue although touched upon in the consultation notes is still very unclear. We also believe the provision should be extended to other bodies responsible for making policy which may impact on animal welfare. For example, it would be positive to place a duty on local authorities to consider the welfare of dogs when making decisions related to Public Space Protection Orders.

In the oral evidence sessions concerns were also raised around the definition of policy and whether the provisions set out in the draft Bill would extend to not only primary legislation but also secondary legislation, statutory codes of practice and other government policy documents. Given that not all policy impacting on animal welfare comes from primary legislation we would agree that this provision should go further and to do this it would be helpful to define what we mean by policy.

Our key concern with the government’s approach to the sentience issue is that it appears to us to be a bill of principle rather than a bill of practicality. We have concerns that the vague definition of welfare and the wording around Ministers giving regard to the welfare needs of animals could well mean that in practice very little changes after the introduction of this Bill. We believe it would make sense for a mechanism to be put in place which would ensure that any animal welfare implications in new legislation are properly considered and evaluated; this could be done through some form of animal welfare impact assessment. Having a proper process in place would ensure that welfare implications are given the full and thorough consideration they deserve. We would also suggest that the process involves consultation with relevant animal welfare experts from the sector.

**Maximum sentences for animal cruelty offences**

Blue Cross is extremely supportive of the changes proposed to the maximum sentence length for animal cruelty offences. As an organisation we see a number of cruelty cases in both our centres and hospitals each year, these cases are often extremely difficult and emotionally draining for the staff involved. With the current maximum sentence set to six months and many offenders not receiving anywhere near this and often ending up without a custodial sentence at all we believe a change to the sentencing levels is long overdue.

We believe the proposed new maximum of five years is far more proportional to the crime and in line with the maximum sentences for other crimes of a similarly serious nature, for example ABH, or an offence of causing injury under the Dangerous Dogs Act. It also is more in line with the changed legislation relating to the maximum sentence an owner can face if their dog injures an assistance dog which is currently set at three years.
Blue Cross is aware of the work the LINKS group have done in researching the link between animal abuse and domestic abuse and other serious crimes. As detailed in the recent Battersea report on animal cruelty, women in domestic violence shelters were eleven times more likely to report that a partner had hurt or killed pets. The report also showed a direct correlation between cases of animal abuse and cases of child abuse with children at risk in 83% of families with a history of animal abuse. These links are another reason that we are extremely supportive of an increase in the maximum sentence to reflect not only the serious nature of the crime itself but also of the potential escalation into other types of serious violent crimes.

Following the introduction of this new maximum sentence Blue Cross are keen for the sentencing council to ensure its guidelines are up to date so courts in England and Wales have the necessary information to be able to hand down proportionate sentence to those who commit animal cruelty offences. We are hopeful that the changes to the maximum sentence will act as a deterrent and the number of serious animal cruelty offences will decline over the coming years.

Whilst welcoming the proposed changes to sentences we would like to highlight two potential issues which we feel the government need to address. Firstly we believe that it is essential that the disqualification orders on owning animals are properly monitored, recorded and enforced. We are aware of cases where people have been able to get another pet despite being subject to a disqualification order. Our second issue relates to the potential length of some serious cases if they are referred from a Magistrate court to a Crown court. Whilst of course we want to ensure that cases are given the due care and attention they deserve, kennelling dogs who are involved in cases long term can have a detrimental impact on their welfare and socialisation and we would like to government to look at ways this can be addressed and mitigated.

Our final point echoes the one made my Battersea in their oral evidence relating to the fact that these two issues have been lumped together into one Bill. Clause two of the Bill relating to the sentencing issue is very clear and concise and is unlikely to need significant amendments; the same however cannot be said for Clause one and we would have concerns that any amendment and changes to that Clause could delay the process of the sentencing element of the Bill.