Written evidence submitted by Hope for Horses

This is the submission from Hope for Horses UK to the consultation on the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill

The term 'sentience' should be defined as the ability to consciously experience feelings such as hunger, pain, fear, pleasure or distress. A sentient being has the ability to perceive, think and reason and not just respond by way of instinct.

The Oxford English Dictionary definition of 'animal' as 'an organism endowed with life, sensation and voluntary movement' is acceptable within this Bill. However, we would like to add that the Embryonic and Foetal forms of mammals, birds and reptiles are protected during the last third of their gestation or incubation period.

The term 'Welfare Needs of Animals' is adequately defined in the Animal Welfare Act 2006 and the list of welfare needs within that Act do not need to be changed. However, this Bill should provide the opportunity to change the Codes of Practice which accompany the AWA 2006 from 'Advisory' to 'Mandatory'.

The draft Bill should apply to all policy areas and should have all due regard.

The new maximum sentence proposed within this draft is still too lenient for the sadistic, sustained and premeditated acts of cruelty which appear to be occurring far too frequently in the UK. The British public has expressed a desire for there to be adequate punishment for people convicted of crimes under the AWA 2006 and for that punishment to consist mainly of longer custodial sentences.

If the new maximum sentence was increased to 10 years then people convicted of these very disturbing crimes might serve 5 years in prison followed by 5 years "on licence" which would be much more acceptable to most UK citizens.

We would also ask that the courts make much more use of banning orders so that persistent animal abusers are prevented from owning or having responsibility for animals. There also need to be robust protocols in place for policing banning orders whether the convicted person receives a custodial sentence or not.
Hope for Horses UK has formed this opinion about the British public's attitude to appropriate sentencing for acts of animal cruelty after speaking to thousands of people at many varied public events.

January 2018