

Sentencing Council meeting:
Paper number:
Lead Council member:
Lead official:

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SC(21)SEP05 – Animal Cruelty
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1 ISSUE

1.1 The scope of and approach to revisions to the animal cruelty sentencing guideline, following the increase in the maximum penalty from six months' to five years' imprisonment.

2 RECOMMENDATIONS

2.1 That:

- the guideline should cover the offences of mutilation, tail docking and poisoning, alongside the offences of causing unnecessary suffering and animal fighting for which there is already a guideline;
- the existing animal cruelty guideline be retained unchanged (with a six month maximum) for the offence of breach of a duty of a person responsible for animal to ensure welfare; and
- the new guideline should largely be unamended in terms of harm, culpability, aggravating and mitigating factors, but sentence levels should increase mainly for the most serious offences, distinguished principally by culpability.

3 CONSIDERATION

3.1 The Animal Welfare (Sentencing) Act 2021 received Royal Assent on 29 April and came into force on 29 June. The Act has increased the maximum penalty for the following Animal Welfare Act 2006 offences from six months (summary only) to five years' imprisonment:

3.2 section 4 (causing unnecessary suffering);

3.3 section 5 (mutilation);

3.4 section 6 (tail docking);

3.5 section 7 (poisoning); and

3.6 section 8 (fighting).

3.7 The existing magistrates' courts sentencing guidelines for animal cruelty (which can be found [here](#)) were revised in 2017 following concern that the guidelines in force since 2008 were not nuanced enough, particularly for those cases falling between the lowest and highest levels of seriousness. Responses to the consultation disagreeing with the sentence levels proposed were mainly concerned with the maximum penalty available, which has now been amended.

3.8 The current animal cruelty guideline has three levels of culpability. The highest covers the following behaviour: deliberate or gratuitous attempt to cause suffering; prolonged or deliberate ill treatment or neglect; ill treatment in a commercial context; and a leading role in illegal activity. The lowest category of culpability includes two factors: well intentioned but incompetent care; and mental disorder or learning disability, where linked to the commission of the offence. The middle category is cases falling in between the two.

3.9 There are two categories of harm. Greater harm is characterised by death or serious injury/harm to animal, or a high level of suffering caused. Lesser harm is all other cases.

3.10 Under the sentencing table, custody is only an option for high culpability offenders, and is the only option in the range for high culpability, high harm cases. The range for medium culpability cases is largely community orders, and the range for low culpability cases consists mainly of fines.

3.11 The bulk of sentences imposed for animal cruelty offences are for section 4 offences (unnecessary suffering) and, to a lesser extent section 9 offences (failing to ensure needs of animal are met) as the following table shows:

Legislation	Offence	2018	2019	2020
Animal Welfare Act 2006, s4	Causing, permitting or failing to prevent unnecessary suffering	608	551	298
Animal Welfare Act 2006, s5	Carrying out, permitting or causing to be carried out or failing to prevent prohibited procedure on a protected animal	1	3	2
Animal Welfare Act 2006, s6	Removing or causing or permitting or failing to prevent removal of dog's tail other than for medical treatment	1	0	1
Animal Welfare Act 2006, s7	Administration of poisons etc to a protected animal	0	0	0
Animal Welfare Act 2006, s8	Offences relating to animal fights	9	0	0

Animal Welfare Act 2006, s9	Failing to ensure needs of animal are met as required by good practice	156	136	48
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3.12 Although volumes are low, Defra’s hope and expectation is that the revised guidelines will cover all the offences where the maximum penalty has been raised from six months to five years (i.e. sections 4 to 8). Although there may be aspects of offending activity which are specific to (for example) tail docking or poisoning, I believe the existing step one and step two factors are broad enough to cover examples of this offending. One distinction with these offences is that they are more likely to be deliberate acts than the broader section 4 offence. However, I see no harm in allowing these guidelines to cover offences under sections 5 to 7 for assistance on the rare occasions they are sentenced.

Question 1: do you agree that the revised guideline should cover offences under sections 4 to 8?

3.13 There has been no change to the maximum penalty for section 9 offences which remains at six months. I therefore propose that this remain the subject of its own guideline – i.e. the current animal cruelty guideline with only those amendments (if any) emerging from this project which read across from the guideline for those offences with a five year maximum. As a starting point I am not proposing to change sentencing levels.

Question 2: do you agree that the existing animal cruelty guideline should be retained, largely unamended, for section 9 offences?

3.14 My proposition for an overall approach to the amendments is that we limit ourselves to the changes required to support the increase in maximum penalty, particularly given the content of the guideline was last consulted on and revised relatively recently.

3.15 The sentencing statistics are set out in the tables at **Annex A**, with a particular focus on sentences imposed under sections 4, 8 and 9. In a typical year before the increase in penalty, a third of section 4 offenders would receive a custodial sentence (roughly 10% immediate, and 25% suspended). Over a third (and sometimes as many as four in ten) would receive a community order and just over a fifth would receive a fine. Of those that received immediate custody in 2020, it appears that over three quarters received sentences, pre-guilty plea, of over four months. This suggests that sentencing practice tends towards the upper end of the table.

3.16 In opening the second reading debate of the Animal Welfare (Sentencing) Bill, the Member who introduced the Bill, Chris Loder MP, set out its intention:

“It is a simple, yet vital measure that will ensure perpetrators who harm an animal by, for example, causing unnecessary suffering, mutilation or poisoning, face the full force of the law. That includes cases of systematic cruelty, such as the deliberate, calculating and callous behaviour of ruthless gangs who use dog fighting to fuel organised crime. The Bill will mean that the courts will have sentences at their disposal commensurate with the most serious cases, so that the punishment fits the crime. This will send a clear signal.”

3.17 The Government’s expectation is not that significant numbers of offenders will now receive lengthy custodial sentences, or indeed that more will receive custody who did not before. The Explanatory Notes say this:

“The increase in maximum penalties will not result in an increase in the number of offenders being sent to prison, but only in the potential length of time that might be served by the most serious offenders. The Government considers that this may lead to some marginal extra costs to the criminal justice system, but this is unlikely to be more than £500,000 per annum.”

3.18 This was confirmed by the Minister, Victoria Prentis, in closing for the Government at second reading. For the purposes of assessing the impact on the justice system, Defra assumed that the average custodial sentence length for these offences would increase from 3.6 months to 5.6 months, and that 25 offenders per year would be dealt with in the Crown Court (which is presumably a proxy for the department’s estimate of the numbers that could not be dealt with sufficiently before the law was amended; the RSPCA have suggested informally that they would expect the number to be higher than this but no more than 100).

3.19 The RSPCA have shared with us a sample of cases which were sentenced at or near the previous maximum of six months, including some where the sentencer expressed a wish to go higher if this was possible. These, alongside examples from the passage of the Bill, are included at **Annex B**. Again, these case studies can be said to represent the view of the RSPCA, the Government and MPs and Peers of the sorts of cases which should now be receiving somewhere between six months and five years.

3.20 The increase from a maximum of six months to five years is clearly significant, and there are various possibilities in how we approach a revision to the guideline. However, the content of the existing guideline was revised in 2017 following consultation and (subject to a few points of detail, including some raised in Parliament related to filming animal cruelty) there is no suggestion that it is difficult to use or causing problems in practice.

3.21 My proposal therefore is not to re-open substantially the various step one and step two factors, but to focus on considering what sorts of behaviour merit higher sentences in

line with the new maximum penalty (whilst noting that may require some consequential amendments to the harm and culpability factors).

3.22 At one extreme, we could simply inflate starting points and ranges across the sentencing table. However, based on the statements in Parliament and discussions with Defra and the RSPCA, the consensus view appears to be that sentences above the previous six month limit should be for those offences involving particularly sadistic behaviour, and/or the involvement of organised criminality.

3.23 We can consider the detail at November's meeting, but it would be helpful to have an early steer on the general appetite to provide for sentences above the six months point. It may be instructive to compare the guidelines for child cruelty offences which have a maximum penalty of 10 years (or 14 years for causing or allowing a child to die). The actual bodily harm guideline may also be a useful comparator, especially considering this offence also has a maximum of five years' custody. The step one factors and sentencing tables for these offences are at **Annex C**.

3.24 Given the sorts of sentencing levels in these comparator guidelines, I provisionally propose a modest uplift to most of the sentencing categories in the animal cruelty guideline (and indeed there may be a case for leaving low culpability levels as they are), whilst providing for the most serious offences (however defined) to occupy the space between six months and five years. Reading across to the child cruelty and ABH guidelines, it may be that the starting point for this highest category is relatively low compared to the maximum, with headroom built in for the worst cases (for example those involving a campaign of particularly sadistic cruelty).

3.25 It is obviously open for discussion, but if we did choose to retain the two harm category structure, with death/serious injury/high levels of suffering indicating raised harm, it appears to me that it would fall to culpability to distinguish the worst sorts of offenders – for example, their role in the offending, whether there was a commercial aspect to the cruelty, and the extent to which the behaviour was gratuitous and/or sadistic. This reflects the sorts of behaviour singled out in Parliament and in discussions with Defra and the RSPCA as being deserving of custodial sentences above six months. That may mean we look at whether two culpability levels are sufficient, or whether we need to add a third.

Question 3: do you agree that we should largely limit the scope of consultation to looking at sentencing levels and other changes necessary to reflect the new maximum?

4 EQUALITIES

4.1 There is very limited data on the demographics of offenders because until earlier this year (2021) the offence was summary only. In the vast majority of cases (85 per cent of offenders sentenced in 2020) the ethnicity of the offender was either not recorded or not known. Most offenders sentenced for section 4 offences are under 40 and in a typical year, over a third of offenders are female, which corresponds with the average proportion across all summary non-motoring offences.

4.2 Given the lack of data, we have no evidence or suggestion that there are disproportionate outcomes in terms of age, race or sex. We will seek views on this point during consultation, but it is something that we can consider if Council members believe there may be particular avenues to explore.

Question 4: are there any equalities issues in relation to animal cruelty offences that the Council would like us to consider as part of the project?

5 IMPACT AND RISKS

5.1 We will prepare a draft resource assessment for consideration at November's meeting alongside a draft revised guideline. Given what proportion of these offenders receive custodial sentences now, opening up the prospect of up to five years in prison could result in the need for many more prison places, although there is a high likelihood these sentences could remain suspended. There is the potential for a significant proportion of offenders who currently receive community orders to be subject to custodial sentences depending on how we amend the sentencing levels. There will be an increase in Crown Court workload as a result of the change of maximum penalty, which will be affected by how we set sentencing levels in the guideline.

5.2 The topic is obviously emotive. A consultation risks opening up other issues surrounding animals, such as pet theft, rules around import and export, and animal sentence in general. Despite the comments made in Parliament, there may be unrealistic expectations about the sorts of sentences that will be imposed in practice for these sorts of offences. Questions may also be raised about sentencing levels in these cases compared to offences relating to, for example, inanimate property and drug offences.

5.3 Most prosecutions in England and Wales are made by the RSPCA and their input will be important in revising the guideline. However, I do not propose giving them a formal role as experts advising the Council, given the need to strike a balance between fair and

proportionate sentences for these offences, and sentence levels for other offences such as child cruelty and assault. However, their views and those of other animal charities will be sought as part of the consultation.

Question 5: do you agree not to involve the RSPCA formally for expertise, but to seek their input as having first hand experience of prosecuting animal cruelty cases?

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Sentencing statistics

Table 1: Number of adults sentenced for animal cruelty offences under the Animal Welfare Act 2006, 2010-2020

Section of Animal Welfare Act 2006	Sex	Number of adults sentenced										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering	Female	309	351	394	369	268	205	178	189	192	157	94
	Male	457	550	576	492	445	317	287	316	297	278	153
	Unknown	66	92	109	132	75	76	107	83	119	116	51
	Total	832	993	1,079	993	788	598	572	588	608	551	298
S5 & 32(1): Carrying out, permitting or causing to be carried out or failing to prevent prohibited procedure on a protected animal	Female	0	0	0	0	0	0	0	0	0	0	0
	Male	4	0	0	1	1	0	1	1	1	3	0
	Unknown	0	0	0	0	0	0	0	0	0	0	2
	Total	4	0	0	1	1	0	1	1	1	3	2
S6(1) & (2) & 32(1): Removing or causing or permitting or failing to prevent removal of dog's tail other than for medical treatment	Female	0	2	2	0	0	0	0	0	0	0	0
	Male	0	5	7	1	1	1	0	1	1	0	1
	Unknown	0	0	1	0	1	0	0	0	0	0	0
	Total	0	7	10	1	2	1	0	1	1	0	1
S7 & 32(1): Administration of poisons etc to a protected animal	Female	0	0	0	0	0	0	0	0	0	0	0
	Male	1	0	1	0	2	0	0	2	0	0	0
	Unknown	0	0	0	0	0	0	0	0	0	0	0
	Total	1	0	1	0	2	0	0	2	0	0	0
S8 & 32(1): Offences relating to animal fights	Female	0	0	0	0	0	1	0	0	0	0	0
	Male	2	9	13	11	9	4	2	5	9	0	0
	Unknown	0	0	0	1	0	3	0	0	0	0	0
	Total	2	9	13	12	9	8	2	5	9	0	0

S9 & 32(2): Failing to ensure needs of animal are met as required by good practice	Female	64	101	134	108	92	79	61	52	56	38	15
	Male	85	136	159	166	137	103	80	54	76	61	29
	Unknown	11	28	34	31	34	26	26	25	24	37	4
	Total	160	265	327	305	263	208	167	131	156	136	48
Total	Female	376	456	532	477	360	285	239	241	248	195	109
	Male	557	700	759	671	595	426	370	379	384	342	183
	Unknown	77	120	144	164	110	105	133	108	143	153	57
	Total	1,010	1,276	1,435	1,312	1,065	816	742	728	775	690	349

Section of Animal Welfare Act 2006	Sex	Percentage of adults sentenced ¹										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering	Female	40%	39%	41%	43%	38%	39%	38%	37%	39%	36%	38%
	Male	60%	61%	59%	57%	62%	61%	62%	63%	61%	64%	62%
	Unknown											
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
S5 & 32(1): Carrying out, permitting or causing to be carried out or failing to prevent prohibited procedure on a protected animal	Female	0%	-	-	0%	0%	-	0%	0%	0%	0%	-
	Male	100%	-	-	100%	100%	-	100%	100%	100%	100%	-
	Unknown											
	Total	100%	0%	0%	100%	100%	0%	100%	100%	100%	100%	0%
S6(1) & (2) & 32(1): Removing or causing or permitting or failing to prevent removal of dog's tail other than for medical treatment	Female	-	29%	22%	0%	0%	0%	-	0%	0%	-	0%
	Male	-	71%	78%	100%	100%	100%	-	100%	100%	-	100%
	Unknown											
	Total	0%	100%	100%	100%	100%	100%	0%	100%	100%	0%	100%
S7 & 32(1): Administration of poisons etc to a protected animal	Female	0%	-	0%	-	0%	-	-	0%	-	-	-
	Male	100%	-	100%	-	100%	-	-	100%	-	-	-
	Unknown											
	Total	100%	0%	100%	0%	100%	0%	0%	100%	0%	0%	0%

S8 & 32(1): Offences relating to animal fights	Female	0%	0%	0%	0%	0%	20%	0%	0%	0%	-	-
	Male	100%	100%	100%	100%	100%	80%	100%	100%	100%	-	-
	Unknown											
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	0%
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice	Female	43%	43%	46%	39%	40%	43%	43%	49%	42%	38%	34%
	Male	57%	57%	54%	61%	60%	57%	57%	51%	58%	62%	66%
	Unknown											
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Total	Female	40%	39%	41%	42%	38%	40%	39%	39%	39%	36%	37%
	Male	60%	61%	59%	58%	62%	60%	61%	61%	61%	64%	63%
	Unknown											
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

¹Percentage calculations do not include cases where the sex was unknown.

Table 2: Sentencing outcomes for adults sentenced for animal cruelty offences under the Animal Welfare Act 2006, 2010-2020

Section of Animal Welfare Act 2006	Outcome	Number of adults sentenced										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering	Discharge	140	168	177	130	79	51	44	46	26	21	12
	Fine	192	203	175	169	145	95	114	113	152	110	65
	Community sentence	367	399	465	423	278	239	210	193	216	201	117
	Suspended sentence	74	131	149	177	184	147	128	173	144	151	64
	Immediate custody	47	81	101	78	77	55	61	49	61	61	36
	Otherwise dealt with	12	11	12	16	25	11	15	14	9	7	4
	Total	832	993	1079	993	788	598	572	588	608	551	298
S8 & 32(1): Offences relating to animal fights	Discharge	0	0	0	0	0	0	0	0	0	0	0
	Fine	0	0	1	0	0	0	0	0	0	0	0
	Community sentence	1	0	2	5	0	0	0	4	2	0	0
	Suspended sentence	0	3	5	1	4	5	0	1	4	0	0
	Immediate custody	1	6	5	6	4	3	2	0	3	0	0
	Otherwise dealt with	0	0	0	0	1	0	0	0	0	0	0
	Total	2	9	13	12	9	8	2	5	9	0	0
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice	Discharge	41	50	90	49	50	36	18	15	20	11	1
	Fine	46	93	86	93	73	46	46	45	45	57	21
	Community sentence	50	89	121	97	85	68	72	42	51	41	15
	Suspended sentence	11	20	16	48	31	30	21	17	25	24	8
	Immediate custody	7	6	7	8	10	21	6	8	7	1	2
	Otherwise dealt with	5	7	7	10	14	7	4	4	8	2	1
	Total	160	265	327	305	263	208	167	131	156	136	48

Table 3: Final average custodial sentence lengths (ACSL) in months for adults sentenced to immediate custody under section 4 and section 9 of the Animal Welfare Act 2006, 2010-2020

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering ¹	Mean	3.1	3.3	3.5	3.6	3.3	3.4	3.6	3.6	3.7	3.7	3.7
	Median	2.8	2.8	3.7	3.9	3.3	3.7	4.0	3.7	4.0	3.7	4.2
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice ²	Mean	3.2	2.6	3.0	2.1	2.4	3.3	3.5	3.1	3.5	*	*
	Median	2.8	2.7	3.3	2.1	2.5	3.0	4.0	3.0	3.0	*	*

Table 3a: Pre guilty-plea average custodial sentence lengths (ACSL) for adults sentenced to immediate custody under section 4 and section 9 of the Animal Welfare Act 2006, 2010-2020

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering ¹	Mean	4.2	4.6	4.9	4.9	4.7	4.7	5.1	4.9	5.2	5.0	5.3
	Median	4.2	4.2	4.9	4.7	4.9	4.2	5.3	5.0	5.6	5.3	5.6
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice ²	Mean	4.2	3.4	4.3	2.9	3.4	4.7	4.8	4.5	5.0	*	*
	Median	3.3	3.9	4.9	2.22	3.15	4.5	5.63	4.55	4.4	*	*

* = ACSL has not been calculated where the number of offenders sentenced to immediate custody is fewer than 5.

Table 4: Final sentence length distributions for adults sentenced to immediate custody for animal cruelty offences under the Animal Welfare Act 2006, 2010-2020

Section of Animal Welfare Act 2006	Sentence band ²	Number of adults sentenced to immediate custody										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering ¹	Less than 1 month	2	3	3	1	5	4	1	1	1	0	1
	1 to 2	9	16	13	11	10	7	8	7	4	6	3
	2 to 3	18	24	23	20	17	11	17	9	15	15	9
	3 to 4	6	12	27	11	25	14	8	14	11	14	4
	4 to 5	9	17	25	26	13	12	20	11	22	18	14
	5 to 6 months	3	9	9	9	7	7	7	7	8	7	5
	Total	47	81	100	78	77	55	61	49	61	60	36
S8 & 32(1): Offences relating to animal fights	Less than 1 month	0	0	0	0	0	0	0	0	0	0	0
	1 to 2	0	1	0	0	0	0	1	0	0	0	0
	2 to 3	0	3	0	0	1	0	0	0	0	0	0
	3 to 4	0	1	0	4	1	1	0	0	1	0	0
	4 to 5	0	1	2	1	2	1	1	0	1	0	0
	5 to 6 months	1	0	3	1	0	1	0	0	1	0	0
	Total	1	6	5	6	4	3	2	0	3	0	0
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice	Less than 1 month	1	1	1	2	2	2	1	1	0	0	0
	1 to 2	2	1	1	2	2	2	1	0	1	0	1
	2 to 3	1	2	1	3	5	8	0	3	3	0	0
	3 to 4	0	1	3	1	0	2	1	3	1	0	1
	4 to 5	2	1	1	0	1	4	2	0	1	1	0
	5 to 6 months	1	0	0	0	0	3	1	1	1	0	0
	Total	7	6	7	8	10	21	6	8	7	1	2

Section of Animal Welfare Act 2006	Sentence band ²	Proportion of adults sentenced										
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
S4 & 32(1): Causing, permitting or failing to prevent unnecessary suffering ¹	Less than 1 month	4%	4%	3%	1%	6%	7%	2%	2%	2%	0%	3%
	1 to 2	19%	20%	13%	14%	13%	13%	13%	14%	7%	10%	8%
	2 to 3	38%	30%	23%	26%	22%	20%	28%	18%	25%	25%	25%
	3 to 4	13%	15%	27%	14%	32%	25%	13%	29%	18%	23%	11%
	4 to 5	19%	21%	25%	33%	17%	22%	33%	22%	36%	30%	39%
	5 to 6 months	6%	11%	9%	12%	9%	13%	11%	14%	13%	12%	14%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
S8 & 32(1): Offences relating to animal fights	Less than 1 month	0%	0%	0%	0%	0%	0%	0%	-	0%	-	-
	1 to 2	0%	17%	0%	0%	0%	0%	50%	-	0%	-	-
	2 to 3	0%	50%	0%	0%	25%	0%	0%	-	0%	-	-
	3 to 4	0%	17%	0%	67%	25%	33%	0%	-	33%	-	-
	4 to 5	0%	17%	40%	17%	50%	33%	50%	-	33%	-	-
	5 to 6 months	100%	0%	60%	17%	0%	33%	0%	-	33%	-	-
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
S9 & 32(2): Failing to ensure needs of animal are met as required by good practice	Less than 1 month	14%	17%	14%	25%	20%	10%	17%	13%	0%	0%	0%
	1 to 2	29%	17%	14%	25%	20%	10%	17%	0%	14%	0%	50%
	2 to 3	14%	33%	14%	38%	50%	38%	0%	38%	43%	0%	0%
	3 to 4	0%	17%	43%	13%	0%	10%	17%	38%	14%	0%	50%
	4 to 5	29%	17%	14%	0%	10%	19%	33%	0%	14%	100%	0%
	5 to 6 months	14%	0%	0%	0%	0%	14%	17%	13%	14%	0%	0%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Case studies shared by the RSPCA

Cases where sentencing reached the ceiling under the Animal Welfare Act 2006

Case 1 (18 November 2020) A dead dog was found hidden under a tyre at the bottom of a garden with five sharp trauma wounds to his neck, shoulder, and left leg. These wounds were believed to have been caused by a knife and the vet who examined him stated that it could have taken the animal hours to die as the wounds missed the main arteries. The man convicted of causing unnecessary suffering first claimed he had no memory of the incident, then claimed someone else had killed the dog.

Sentencing: He was sentenced to 26 weeks imprisonment.

Case 2 (18 November 2020) A man was found guilty of twelve charges; eight under the Animal Welfare Act 2006 and four under the Protection of Badgers Act 1992 of causing unnecessary suffering to two dogs and badger baiting. It was the opinion of an expert vet that the man had caused his dogs to suffer unnecessarily on multiple occasions by allowing and encouraging them to fight with wild mammals including badgers causing them to sustain injuries which led to their unnecessary suffering by a failure to seek appropriate and timely veterinary intervention.

Sentencing: He was sentenced to 20 weeks imprisonment and disqualified him from keeping dogs for eight years. A deprivation order was also issued with regard to the two dogs.

Case 3 (3 November 2020) A man who tortured a hedgehog by cutting off its limbs and covering its face with candle wax was jailed for 26 weeks. He caused unnecessary suffering to a hedgehog by cutting its legs, by burning/singeing the animal and covering the hedgehog's head and eyes with molten candle wax. He was also charged with a second offence under the Wild Mammals (Protection) Act 1996.

Sentencing: The District Judge sentenced him to the maximum 26 weeks imprisonment, disqualified him from keeping all animals for 10 years and ordered him to pay £122 victim surcharge.

Case 4 (7 September 2020) A man who burned a cat in a hot oven, tried to flush her down the toilet, attempted to strangle her and threw her against the wall was given a suspended prison sentence. He was given the cat, Sweetie, by his sister as she thought it would be good for him but the defendant said the cat disobeyed him and he heard the voice of a wrestler who told him to attack the cat. The cat was taken to the vet and found to have third degree burns and loss of skin. The owner admitted putting her in the oven for up to five minutes. The magistrate called him "extremely dangerous and she "would have liked to put him in prison for as long as she could".

Sentencing: He was sentenced to 18 weeks suspended for two years, banned from keeping pets for ten years, pay £440 costs and ordered to undertake six months mental health treatment.

Case 5 (12 January 2020) Two brothers were convicted for mistreating animals after one repeatedly stabbed a deer and the other let a bay horse starve to death. One was found guilty of causing unnecessary suffering to two dogs just a month after a gruesome video emerged of him knifing the deer. His brother was sentenced in the same court after he let a bay horse starve to death.

A third man was convicted following the seizure of three horses in March, just two months after RSPCA officials rescued a mare and its foal. He had been previously convicted last year of causing

unnecessary suffering to a foal which was seen hauling a cart of people at a horse fair. Four of the horses were emaciated and the foal had breathing problems, fleas and was described as "very thin." A Shetland Pony was also found with a deep cut across the nose.

Sentencing: The first brother was jailed for seven and a half months and will spend half that time in custody. He was also banned from keeping dogs for five years and ordered to pay £5,115. The second brother was given a 12 month community order, will have to do 150 hours unpaid work and pay £1,585.

The third man was also convicted alongside the two brothers, after four of his horses were found emaciated in the same RSPCA raid. He was jailed for 26 weeks after previously pleading not guilty to five counts of causing unnecessary suffering to horses. He was also banned from owning horses for five years and fined £5,000.

Case 6 (20 December 2019) A man kicked his pet dog to death in a "cowardly and vicious" attack after drinking. The Staffordshire bull terrier, Diesel, was called by the man into the kitchen where the dog was kicked six of seven times. Sentencing: He pled guilty and was jailed for 17 weeks and banned from keeping animals for life.

Case 7 (29 November 2019) A man admitted causing suffering after beating his 11 month old German Shepherd puppy to death. The puppy was punched to death before her body was dumped near some trees.

Sentencing: He was jailed for four months and banned from keeping animals for the rest of his life.

Case 8 (14 November 2019) A man deliberately set his dog on a pet cat, which was mauled to death. This incident was caught on CCTV and his actions caused outrage on social media after the video footage was released in a bid to identify him.

The owner of the cat made a victim impact statement which was read to the Court and said that "The attack has affected my sleep. My cat Cleo would always be there in the morning but now she is not. "I don't want to go home because I know Cleo is not there. I feel as if a big part of my life is missing."

Sentencing: He was jailed for 18 weeks after admitting causing cruelty and was also banned from keeping animals for life. He was also ordered to pay a victim surcharge of £122 and £250 in compensation to the cat's owner.

Passing sentence, chairman of the bench Brian Benton told the defendant: "This court is restricted to a maximum sentence of 26 weeks for the offence to which you have pleaded. "Due to your guilty plea, you are entitled to a reduction of one-third, to 18 weeks. However, due to the circumstances, we would if we were actually permitted to do so have imposed a far greater custodial sentence."

Case 9 (13 September 2019) A dog breeder who was breeding dogs but struggling to sell them. Her house was full of over 100 dogs in poor conditions, including some with injuries and disease, many living in cages and none having access to clean fresh water. Some were so suffering so much they had to be euthanised.

Sentencing: The defendant was found guilty of 16 charges of cruelty and neglect. She was given a 21 week prison sentence, disqualified from keeping or breeding animals for at least 15 years and ordered to pay £50,000 in costs.

Case 10 (17 August 2019) Two people fed their dog anti-freeze then beat her with a metal pole to death and stabbed her. Their crimes came to light when an RSPCA inspector was contacted by environmental health officers.

Sentencing: The defendants admitted two counts of causing unnecessary suffering to a protected animal, one count of poisoning and one count of failing to see an animal receive proper medical attention. The judge jailed the pair for ten weeks and banned them from keeping animals for life. They can appeal after a 10-year period.

Case 11 (1 May 2019) A man from Fulham was jailed and banned from keeping animals for life after he was found guilty of kicking his four-month-old puppy to death. A post-mortem examination of the dog's body revealed that there were also three historical injuries of blunt force trauma to the dog's body which occurred between May and June before the final incident which led to her death.

Sentencing: The defendant was found guilty of four offences for causing unnecessary suffering to a Staffordshire bull terrier by the infliction of physical abuse, namely blunt force trauma. Sentenced to an immediate 26-week custodial sentence in total for the four charges and banned from keeping all animals for life and ordered to pay £1,000 in costs.

Case 12 (4 December 2018) The RSPCA joined Lancashire police to execute a warrant after intelligence suggested the person was involved in wildlife crimes with his two dogs. The RSPCA obtained videos of him setting his dogs on a pet cat and a fox and images of a dog being encouraged to attack a gerbil and still images of the fox attack which showed the animal being baited by the dog.

Sentencing: The defendant pleaded guilty to four offences under the Animal Welfare Act in relation to encouraging his two dogs to attack a cat and a fox, as well as failing to provide veterinary attention for the dogs themselves. The person was jailed for 22 weeks and disqualified from keeping animals for life. He was also ordered to pay £375 in costs and £115 victim surcharge.

Other cases referenced during the Bill's passage (taken from Hansard)

Case 1

Last year the RSPCA was called to a property in Wales, and inspectors found 35 ponies trapped in dilapidated barns, outbuildings and overgrown paddocks. During the inspection, three other ponies were discovered trapped underneath a fallen metal roof, pinned to the ground by its weight. The trapped ponies could not move and were found with lacerations and injuries across their bodies. Elsewhere on the property, starving ponies were found in tiny paddocks, and all had overgrown hooves and various injuries. Six of the ponies were lame, and another horse was found dumped on a rubbish heap. It is just horrendous.

Sentencing: In that case, the owners were sentenced to 16 weeks and 12 weeks respectively, suspended for one year. It seems that the courts are not taking animal cruelty offences most seriously, and we need to change that in Parliament. As has been said, we must also ensure that we enforce these regulations, not just bring them in.

Case 2

In November 2019, a man admitted to beating his 11-month-old German Shepherd puppy to death.

Sentencing: He was sent to prison for four months.

Case 3

In 2018, there was the Northampton cat killer, a man who killed and mutilated seven family pets before leaving them outside their homes for their owners to find them.

Sentencing: That case was horrific, but he was sentenced to just three months in prison.

Case 4

In 2019 in Wellingborough, a man stabbed a miniature horse over 20 times with a kitchen knife. He also cut the wings off three chickens. All those animals had to be put down.

Sentence: He received just a two-month sentence and, in fact, a longer sentence for carrying the knife, which is obviously a serious offence as well. I do not think anyone would consider two or three-month sentences at all appropriate in both those cases.

Case 5

A bulldog called Baby, was lifted above her owner's head and thrown down the stairs repeatedly. Not content with simply abusing Baby, the two young men video-recorded their actions for further entertainment and thank goodness they did or perhaps they would have never faced justice. The RSPCA investigated the case of Baby and took forward a private prosecution after a secure digital card was found in a supermarket some three years after the original incident, which had the video evidence filmed by one of the abusers. The RSPCA inspector Gemma Lynch described the clip for the court, saying that Baby was "totally submissive throughout, not even making a noise when she lands on the stairs, bouncing to the foot of them where there is a baby gate which she crashes into before hitting the ground." She described how a second clip showed Baby's abuser "stamping on her neck repeatedly at the bottom of the stairs, then picking her up and throwing her to the ground with force over and over again...Another clip shows him standing on Baby's chest...before jumping up and down on her. This is the only time you hear her make a noise, and she is crying throughout." During the RSPCA's investigation, it discovered that Baby had to be put down three months following the incident, after losing the use of her hindlegs.

Sentencing: The two men pleaded guilty to animal cruelty and were sentenced to 21 weeks in prison, suspended for two years, given a six-month tagged evening curfew, and ordered to pay £300 in costs. They were also banned from keeping animals for life, with no appeal for 20 years.

Case 6

A little terrier called Scamp was found buried alive with a nail hammered in his head in a shallow grave in Redcar. Scamp was discovered by a walker who heard grunting from a mound in Kirkleatham woods and took the animal to a vet. The vet who examined the terrier described the abusers' actions as the worst case of animal cruelty that he had ever seen.

Sentencing: The two men who admitted the charges and pled guilty to the offence relating to the dog's death were jailed for just four months, the maximum that they could have received owing to their guilty pleas, and banned from keeping animals for life.

Case 7

In one case, a cat was left in a washing machine for hours before it ultimately died.

Sentencing: The perpetrator received only a disqualification from keeping animals for five years.

Case 8

4 1/2yrs ago, Jimmy was a cross-breed dog who had been mistreated for some time. Eventually, his owner had strung him up in the garden, taken a hammer and an air rifle to him, and then left him to experience what must have been a truly horrific and painful death. When we got into court, we were presented with photographs and mobile phone footage recovered by the RSPCA, which was bringing the prosecution. It was one of the most harrowing, deliberate and gratuitous attempts to cause suffering to an animal that I could ever imagine. The deliberate and prolonged nature of it, alongside what had obviously been neglect as a result of malnutrition for some time, was truly harrowing for everyone in the court. Jimmy the dog died a painful, slow and deliberate death as a result of a barbaric and irrational act by a 23-year-old man.

Sentencing: The individual on trial pleaded guilty at the first opportunity and was being convicted for a first offence. The sentence he received after mitigation was nowhere near the level that any one of us may have wanted to award, even within the current guidelines.

Case 9

Archie, a dog who was so badly beaten, almost literally to a pulp, that only the whites of his eyes and his fast breathing could be seen. He suffered severe swelling on the left of his face, his neck, his left eye, the left side of his jaw and the base of his skull. An X-ray showed that Archie had a fractured spine and blood was also found in his urine. If someone had done that to a human being, they would meet the full force of law.

Sentencing: The man who had beaten Archie and put him in that life-threatening state, who was his former owner, his carer and the man responsible for his wellbeing, was sentenced to just 18 weeks' imprisonment—18 weeks for all that—and ordered to pay £500 in costs.

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Cruelty to a child – assault and ill treatment, abandonment, neglect, and failure to protect

Children and Young Persons Act 1933, s.1(1)

Culpability

A High culpability

- Prolonged and/or multiple incidents of serious cruelty, including serious neglect
- Gratuitous degradation of victim and/or sadistic behaviour
- Use of very significant force
- Use of a weapon
- Deliberate disregard for the welfare of the victim
- Failure to take any steps to protect the victim from offences in which the above factors are present
- Offender with professional responsibility for the victim (where linked to the commission of the offence)

B Medium culpability

- Use of significant force
- Prolonged and/or multiple incidents of cruelty, including neglect
- Limited steps taken to protect victim in cases with category A factors present
- Other cases falling between A and C because:
 - Factors in both high and lesser categories are present which balance each other out; and/or
 - The offender's culpability falls between the factors as described in high and lesser culpability

C Lesser culpability

- Offender's responsibility substantially reduced by mental disorder or learning disability or lack of maturity
- Offender is victim of domestic abuse, including coercion and/or intimidation (where linked to the commission of the offence)
- Steps taken to protect victim but fell just short of what could reasonably be expected
- Momentary or brief lapse in judgement including in cases of neglect
- Use of some force or failure to protect the victim from an incident involving some force
- Low level of neglect

Harm

Category 1

- Serious psychological, developmental, and/or emotional harm
- Serious physical harm (including illnesses contracted due to neglect)

Category 2

- Cases falling between categories 1 and 3
- A high likelihood of category 1 harm being caused

Category 3

- Little or no psychological, developmental, and/or emotional harm
- Little or no physical harm

Harm	Culpability		
	A	B	C
Category 1	Starting point 6 years' custody	Starting point 3 years' custody	Starting point 1 year's custody
	Category range 4 – 8 years' custody	Category range 2 – 6 years' custody	Category range High level community order – 2 years 6 months' custody
Category 2	Starting point 3 years' custody	Starting point 1 year's custody	Starting point High level community order
	Category range 2 – 6 years' custody	Category range High level community order – 2 years 6 months' custody	Category range Medium level community order – 1 year's custody
Category 3	Starting point 1 year's custody	Starting point High level community order	Starting point Medium level community order
	Category range High level community order – 2 years 6 months' custody	Category range Medium level community order – 1 year's custody	Category range Low level community order – 6 months' custody

Causing or allowing a child to suffer serious physical harm/ Causing or allowing a child to die

Domestic Violence, Crime and Victims Act 2004, s.5

Culpability

A High culpability

- Prolonged and/or multiple incidents of serious cruelty, including serious neglect
- Gratuitous degradation of victim and/or sadistic behaviour
- Use of very significant force
- Use of a weapon
- Deliberate disregard for the welfare of the victim
- Failure to take any steps to protect the victim from offences in which the above factors are present
- Offender with professional responsibility for the victim (where linked to the commission of the offence)

B Medium culpability

- Use of significant force
- Prolonged and/or multiple incidents of cruelty, including neglect
- Limited steps taken to protect victim in cases with category A factors present
- Other cases falling between A and C because:
 - Factors in both high and lesser categories are present which balance each other out; and/or
 - The offender's culpability falls between the factors as described in high and lesser culpability

C Lesser culpability

- Offender's responsibility substantially reduced by mental disorder or learning disability or lack of maturity
- Offender is victim of domestic abuse, including coercion and/or intimidation (where linked to the commission of the offence)
- Steps taken to protect victim but fell just short of what could reasonably be expected
- Momentary or brief lapse in judgement including in cases of neglect
- Use of some force or failure to protect the victim from an incident involving some force
- Low level of neglect

Harm

Category 1

- Death

Category 2

- Serious physical harm which has a substantial and/or long term effect
- Serious psychological, developmental and/or emotional harm
- Significantly reduced life expectancy
- A progressive, permanent or irreversible condition

Category 3

- Serious physical harm that does not fall into category 2

Harm	Culpability		
	A	B	C
Category 1	Starting point 9 years' custody	Starting point 5 years' custody	Starting point 2 years' custody
	Category range 7 – 14 years' custody	Category range 3 – 8 years' custody	Category range 1 – 4 years' custody
Category 2	Starting point 7 years' custody	Starting point 3 years' custody	Starting point 1 year 6 months' custody
	Category range 5 – 9 years' custody	Category range 1 year 6 months – 6 years' custody	Category range 6 months – 3 years' custody
Category 3	Starting point 3 years' custody	Starting point 1 year 6 months' custody	Starting point 9 months' custody
	Category range 1 year 6 months – 6 years' custody	Category range 6 months – 3 years' custody	Category range High level community order – 2 years' custody

Assault occasioning actual bodily harm / Racially or religiously aggravated ABH

Crime and Disorder Act 1998, s.29, Offences against the Person Act 1861, s.47

Culpability

The level of culpability is determined by weighing all the factors of the case. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics giving appropriate weight to relevant factors to reach a fair assessment of the offender's culpability.

A – High culpability

- Significant degree of planning or premeditation
- Victim obviously vulnerable due to age, personal characteristics or circumstances
- Use of a highly dangerous weapon or weapon equivalent*
- Strangulation/suffocation/asphyxiation
- Leading role in group activity
- Prolonged/persistent assault

B – Medium culpability

- Use of a weapon or weapon equivalent which does not fall within category A
- Lesser role in group activity
- Cases falling between category A or C because:
 - Factors in both high and lesser categories are present which balance each other out; and/or
 - The offender's culpability falls between the factors as described in high and lesser culpability

C – Lesser culpability

- No weapon used
- Excessive self defence
- Impulsive/spontaneous and short-lived assault
- Mental disorder or learning disability, where linked to the commission of the offence

Harm

Category 1

- Serious physical injury or serious psychological harm and/or substantial impact upon victim

Category 2

- Harm falling between categories 1 and 3

Category 3

- Some level of physical injury or psychological harm with limited impact upon victim

Harm	Culpability		
	A	B	C
	Starting point 2 years 6 months' custody	Starting point 1 year 6 months' custody	Starting point 36 weeks' custody
Harm 1	Category range 1 year 6 months' – 4 years' custody	Category range 36 weeks' – 2 years 6 months' custody	Category range High level community order – 1 year 6 months' custody
	Starting point 1 year 6 months' custody	Starting point 36 weeks' custody	Starting point High level community order
Harm 2	Category range 36 weeks' – 2 years 6 months' custody	Category range High level community order – 1 year 6 months' custody	Category range Low level community order – 36 weeks' custody
	Starting point 36 weeks' custody	Starting point High level community order	Starting point Medium level community order
Harm 3	Category range High level community order – 1 year 6 months' custody	Category range Low level community order – 36 weeks' custody	Category range Band B fine – 26 weeks' custody