

Tuesday 14th May 2024

Pet Abduction Bill

Background to the Bill

- The bill aims to ‘create offences of dog abduction and cat abduction and to confer a power to make corresponding provision relating to the abduction of other animals commonly kept as pets’¹.
- It is a Private Members Bill, introduced into the House of Commons by Anna Firth MP (Conservative), and is currently awaiting Committee Stage in the House of Lords
- In 2021, the UK government set up a cross-governmental multistakeholder Pet Theft Taskforce to gather evidence and understand the factors contributing to the rise in pet theft which occurred during the COVID-19 pandemic². They produced a report in September 2021, which found:
 - They recommended the creation of new legislation that would provide **greater recognition on the impact on the welfare of the animal and its owner**², when it is unlawfully taken, as well as **improving crime reporting systems** and **enhancing record keeping of pet ownership (transfers and keepership)**³.
- The government made provisions for addressing pet theft in the Animal Welfare (Kept Animals) Bill, which was withdrawn by government in 2023³.
- Pet theft in the UK:
 - The scale of pet theft in the UK is unknown and available data is not very reliable³.
 - Pet theft crimes may not always be reported to the police, and if it is reported, the crime can cover a wide range of offence categories making the data hard to find.
 - It has been hypothesised that price increases in pets seen since the COVID-19 pandemic, the price of some dog breeds increasing by nearly 90%, may have triggered a rise in pet thefts⁴.
 - There was a 3.5% increase in recorded cases of dog theft between 2019-2023, despite a reported 26% decrease in police recorded theft over the same period³.
 - The Metropolitan Police record monthly pet theft statistics.
 - Dogs are the most reported stolen, with 654 animals reported stolen in London between January – November 2023. A number which has reduced from 978 animals over the same period in 2021⁴.

Existing Legislation²

- The Theft Act 1968:
 - Makes it an offence for a person to dishonestly appropriate property belonging to another with the intention of **permanently depriving** the other of it.
 - ‘Property’ – includes kept animals of all descriptions whether kept as pets, livestock or working animals etc.
 - The Theft Act (Northern Ireland) 1969 provides for a similar offence in Northern Ireland.
- The Environmental Protection Act 1990
 - Provides for what a person should do if they encounter and take possession of a stray dog in England to either:
 - Return the dog to the owner or;
 - Take it to the local authority of the area of which the dog was found.

¹ <https://bills.parliament.uk/bills/3549>

² <https://publications.parliament.uk/pa/bills/cbill/58-04/0026/en/240026en.pdf>

³ <https://commonslibrary.parliament.uk/research-briefings/cbp-9929/>

⁴ <https://www.gov.uk/government/publications/pet-theft-taskforce-report/pet-theft-taskforce-report>

- The Dog (Northern Ireland) Order 1983 is the Northern Ireland equivalent to the EPA 1990, however the person who finds a stray dog must:
 - Give notice to the police or;
 - Give notice to the district council of where the dog was found.

The Need for Further Legislation:

- Currently, there is **no legislation** in England or Northern Ireland for **lost, abandoned, stray or stolen cats**.
- Current legislation (The Theft Act 1968) merely recognises pets as property, and does not take into account their sentience, recognised in the Animal Welfare (Sentience) Act 2022, and their ability to feel distress and suffer poor welfare when unlawfully taken³.
- It is difficult to track pet theft under The Theft Act 1968, as the crime may be recorded under a range of offences depending on the exact circumstance of the crime, for example⁴:
 - A dog stolen whilst on a lead and walking in a park = theft.
 - A dog stolen, with force, whilst being walked on a lead = robbery.
 - A dog stolen as part of a break-in to a home = burglary.
- There are concerns that in current legislation, pet theft is seen as a minor crime, with low prosecution rates and lenient sentences for those who are found guilty⁵.

The Bill in Brief

- The bill will create two new criminal offences of dog abduction and cat abduction in England and Northern Ireland and will allow for powers to extend the legislation to cover other species (Henry VIII powers)⁴.
 - Henry VIII powers are applicable under the following conditions⁴:
 - The appropriate national authority considers that the animal species involved are commonly kept as pets.
 - There is evidence that the number of incidents involving theft or detaining animals of that species is 'significant or increasing significantly.'⁶
- The bill will **not make it an offence** to steal a pet if previously the persons involved previously lived together in the same household of the dog or cat.
 - It states a defence of the prosecution to show that a person had lawful authority or a reasonable excuse to take or detain a dog.
 - Conversely to dog abduction (Clause 1), in Clause 2 (cat abduction), it will make in an offence to take a cat, but there will be **no offence made of 'detaining' a cat**⁴. This is due to the roaming nature of many cats in the UK⁶.
- On conviction, a penalty can include a maximum 5-year imprisonment, a fine, or both.
 - However, this is lower than the 7-year maximum penalty within the Theft Act 1968⁶. Despite the longer maximum prison term, Battersea Dogs and Cats home suggest that when evaluating terms of sentence under the Theft Act, sentencing depends in part on the monetary value of the stolen animal and takes no account of the impacts on their welfare and distress to their owner⁶.
- The proposed bill differs from The Theft Act 1968 in that it **does not require intent to permanently deprive** the other person involved of a pet².
- The territorial extent of the bill **extends to** England, Wales, and Northern Ireland and **applies to** England and Northern Ireland.
 - Only Clause 4 applies to Northern Ireland.

⁵ <https://www.countrylife.co.uk/out-and-about/dogs/why-dog-theft-is-rising-and-what-you-can-do-to-protect-your-pet-223864>

⁶ <https://researchbriefings.files.parliament.uk/documents/LLN-2024-0019/LLN-2024-0019.pdf>