

# Service Animals (Offences) Bill

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**B I L L**

TO

Make it an offence to attack service animals, including police dogs and horses; to make certain offences aggravated when perpetrated against such animals; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Offence**

- (1) A person commits an offence if that person wilfully and without lawful excuse kills, wounds, injures or administers poison to a service animal.
- (2) A person guilty of an offence under this section shall be liable —
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both; 5
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine, or to both.
- (3) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 (increase in maximum term that may be imposed on summary conviction of offence triable either way), the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months. 10

**2 Aggravating factor**

- (1) This section applies where —
  - (a) the court is considering for the purposes of sentencing the seriousness of an offence listed in subsection (3), and 15
  - (b) the offence was committed against a service animal.
- (2) The court —
  - (a) must treat the fact mentioned in subsection (1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and 20
  - (b) must state in open court that the offence is so aggravated.

- (3) The offences referred to in subsection (1)(a) are –
- (a) an offence contrary to section 4 of the Animal Welfare Act 2006, and
  - (b) an offence contrary to section 1(1) of the Criminal Damage Act 1971.
- (4) Nothing in this section prevents a court from treating the fact mentioned in subsection (1)(b) as an aggravating factor in relation to offences not listed in subsection (3). 5
- (5) This section applies only in relation to offences committed on or after the day it comes into force.

### 3 Interpretation

In this Act – 10

“service animal” means –

- (a) a police dog or horse while it is aiding a police constable in execution of that officer’s duty;
- (b) a fire and rescue service dog while it is aiding a fire-fighter in accordance with his or her duty; 15
- (c) a military animal while aiding a member of Her Majesty’s armed forces in accordance with his or her duty;
- (d) such other animal working in public service as may be prescribed by the Secretary of State in regulations made by statutory instrument; 20
- (e) such assistance animal as may be prescribed by the Secretary of State in regulations made by statutory instrument,

“police dog or horse” means a dog or horse trained to aid a police constable in execution of his or her duty,

“fire and rescue service dog” means a dog trained to aid a firefighter in his or her work, 25

“fire-fighter” means a fire-fighter employed by a fire and rescue authority,

“military animal” means an animal trained to aid a member of Her Majesty’s armed forces,

“assistance animal” means – 30

- (a) an animal which has been trained to guide a blind person;
- (b) an animal which has been trained to assist a deaf person;
- (c) an animal which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; 35
- (d) an animal of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind. 40

### 4 Regulations

A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**5 Extent, commencement and short title**

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Service Animals (Offences) Act 2018.

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## B I L L

To make it an offence to attack service animals, including police dogs and horses; to make certain offences aggravated when perpetrated against such animals; and for connected purposes.

*Presented by Sir Oliver Heald  
supported by Sir Roger Gale,  
Sir Paul Beresford,  
David Hanson,  
John Spellar,  
Mr Ben Bradshaw,  
Neil Parish,  
Gareth Thomas,  
Jack Lopresti,  
Maggie Throup,  
Mr Nigel Evans,  
and Jim Fitzpatrick.*

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