

Pets (Theft) Bill

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TO

Amend the Animal Welfare Act 2006 and the Animal Health and Welfare (Scotland) Act 2006 to make the theft of pets an offence; to apply certain post-conviction powers under those Acts to such an offence; and for connected purposes.

BE 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 Amendment of the Animal Welfare Act 2006

(1) The Animal Welfare Act 2006 is amended as follows.

(2) After section 2 (“protected animal”) insert—

“2A “Pet”

A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.” 5

(3) After section 8 (fighting etc.) insert—

“8A Pet theft

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.” 10

(4) In section 32 (imprisonment or fine) before subsection (1) insert—

“(A1) A person guilty of an offence under section 8A (pet theft) shall be liable—

(a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both; 15

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(A2) When the court is considering for the purposes of sentencing the seriousness of an offence under section 8A it must consider the 20

following as aggravating factors (that is to say, a factor that increases the seriousness of the offence) –

- (a) the theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
- (b) the theft was for the purposes of commercial gain.”

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- (5) In section 34(10) (disqualification) after “8,” insert “8A,”.

2 Amendment of the Animal Health and Welfare (Scotland) Act 2006

- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.

- (2) After section 17 (protected animals) insert –

“17A “Pet”

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A protected animal is a “pet” for the purposes of this Act if it provides companionship or assistance to any human being.”

- (3) After section 23 (animal fights) insert –

“23A Pet theft

A person commits an offence if they dishonestly appropriate a pet belonging to another person with the intention of permanently depriving that other person of it.”

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- (4) In section 40 (disqualification orders) after subsection (13)(b) insert –

“(ba) an offence under section 23A,”.

- (5) In section 46 (penalties for offences) after subsection (1) insert –

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“(1A) A person guilty of an offence under section 23A (pet theft) shall be liable –

- (a) on summary conviction to imprisonment for a term for a term not exceeding 51 weeks, or a fine, or to both;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

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- (1B) When the court is considering for the purposes of sentencing the seriousness of an offence under section 23A it must consider the following as aggravating factors (that is to say, a factor that increases the seriousness of the offence) –

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- (a) that theft caused fear, alarm or distress to the pet, the owner or the pet or another person associated with the pet;
- (b) the theft was for the purposes of commercial gain.”

- (6) In Schedule 1 (powers of inspectors and constables for Part 2) after paragraph 4(5)(a) insert –

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“(aa) an offence under section 23A,”.

3 Consequential amendment

- (1) The Police and Criminal Evidence Act is amended in accordance with subsection (2).

- (2) In section 17(1)(c)(v) (entry for purposes of arrest, etc in connection with offences relating to the prevention of harm to animals), for “and 8(1) and (2)” substitute “8(1) and (2) and 8A”.

4 Short title, commencement and extent

- (1) Section 1 extends to England and Wales only. 5
- (2) Section 2 extends to Scotland only.
- (3) This section extends to England and Wales, and Scotland.
- (4) This section comes into force on the day this Act is passed.
- (5) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint. 10
- (6) The power to make regulations under subsection (5) is exercisable by statutory instrument.
- (7) The Secretary of State shall consult the Scottish Ministers before exercising the power under subsection (5) in connection with section 2.
- (8) This Act may be cited as the Pets (Theft) Act 2018. 15

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To amend the Animal Welfare Act 2006 and the Animal Health and Welfare (Scotland) Act 2006 to make the theft of pets an offence; to apply certain post-conviction powers under those Acts to such an offence; and for connected purposes.

*Ordered to be brought in by Ross Thomson,
Colin Clark, Luke Graham,
Andrew Rosindell, Emma Little Pengelly,
Bill Grant, Mike Hill,
Christine Jardine, Mr Alister Jack,
Andrew Bowie and Jim Shannon.*

*Ordered, by The House of Commons,
to be Printed, 3 July 2018.*

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