

Pet Abduction Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food and Rural Affairs with the consent of Anna Firth, the Member in charge of the Bill, are published separately as 26—EN.

Pet Abduction Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

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.

BE IT ENACTED by the King'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 Dog abduction

- (1) A person (A) commits the offence of dog abduction if they—
- (a) take a dog so as to remove it from the lawful control of any person, or
 - (b) detain a dog so as to keep it from the lawful control of any person who is entitled to have lawful control of it,
- and A and the dog are both in England or Northern Ireland at the time the dog is taken or detained. 5
- (2) The offence of dog abduction is not committed if—
- (a) at any time before the taking or detention of the dog— 10
 - (i) the person (A) who took or detained the dog,
 - (ii) the person (B) from whose lawful control it was taken or detained, and
 - (iii) the dog,

all lived together in the same household, 15
 - (b) A and B had been living together before the dog began to live with them,
 - (c) A and B subsequently ceased to live together, and
 - (d) A took or detained the dog at or after the time when A and B ceased to live together. 20
- (3) It is a defence for a person charged with the offence of dog abduction to show that the person had lawful authority or a reasonable excuse for taking or detaining the dog.
- (4) In relation to England, it is a defence for a person charged with the offence of dog abduction by virtue of subsection (1)(b) to show that the person— 25

- (a) believed that the dog was a stray dog,
 - (b) took all reasonable steps to comply with section 150(1) of the Environmental Protection Act 1990 (delivery of stray dogs to owner or officer of local authority), and
 - (c) did not detain the dog for more than 96 hours (disregarding any period during which it is kept by virtue of section 150(2)(a) of that Act). 5
- (5) In relation to Northern Ireland, it is a defence for a person charged with the offence of dog abduction by virtue of subsection (1)(b) to show that the person—
- (a) found the dog in accordance with Article 24(1) of the Dogs (Northern Ireland) Order 1983 (S.I. 1983/764 (N.I. 8)) (finding of unaccompanied dog), 10
 - (b) gave the notice required by Article 24(2) of that Order, and
 - (c) took all reasonable steps to comply with arrangements for the collection of the dog made under Article 24(3) of that Order. 15
- (6) A person is taken to have shown a fact mentioned in subsection (3), (4) or (5) if—
- (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt. 20
- (7) A person who commits the offence of dog abduction is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 25
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.
- (8) In this section— 30
- (a) references to a person taking a dog include the person—
 - (i) causing or inducing the dog to accompany the person or anyone else, or
 - (ii) causing the dog to be taken, and
 - (b) references to a person detaining a dog include the person— 35
 - (i) causing or inducing the dog to remain with the person or anyone else, or
 - (ii) causing the dog to be detained.

2 Cat abduction

- (1) A person (A) commits the offence of cat abduction if— 40
- (a) they take a cat so as to remove it from the lawful control of any person, and

- (b) A and the cat are both in England or Northern Ireland at the time the cat is taken.
- (2) The offence of cat abduction is not committed if—
- (a) at any time before the taking of the cat—
 - (i) the person (A) who took the cat, 5
 - (ii) the person (B) from whose lawful control it was taken, and
 - (iii) the cat,all lived together in the same household,
 - (b) A and B had been living together before the cat began to live with them, 10
 - (c) A and B subsequently ceased to live together, and
 - (d) A took the cat at or after the time when A and B ceased to live together.
- (3) It is a defence for a person charged with the offence of cat abduction to show that the person had lawful authority or a reasonable excuse for taking the cat. 15
- (4) A person is taken to have shown a fact mentioned in subsection (3) if—
- (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt. 20
- (5) A person who commits the offence of cat abduction is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both; 25
 - (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.
- (6) In this section, references to a person taking a cat include the person— 30
- (a) causing or inducing the cat to accompany the person or anyone else, or
 - (b) causing the cat to be taken.

3 Abduction of other animals commonly kept as pets

- (1) An appropriate national authority may by regulations amend this Act so that section 1 or 2 applies or is replicated, with or without modifications, in respect of further species of animal. 35
- (2) The power under subsection (1) may be exercised in respect of a species only if the appropriate national authority considers that—
- (a) animals of that species are commonly kept as pets, and 40

- (b) there is evidence that the number of incidents involving the unlawful taking or detaining of animals of that species is significant or increasing significantly.
- (3) The modifications referred to in subsection (1) include, in particular—
- (a) disapplying any exception or defence in section 1 or 2; 5
 - (b) creating further exceptions or defences.
- (4) The modifications referred to in subsection (1) do not include varying the penalties set out in section 1(7) or 2(5).
- (5) Before making regulations under this section the appropriate national authority must consult such persons as it considers appropriate. 10
- (6) In this section “appropriate national authority” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (“DAERA”).
- (7) The power to make regulations under this section is exercisable— 15
- (a) in the case of regulations of the Secretary of State, by statutory instrument;
 - (b) in the case of regulations of DAERA, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)). 20
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (9) Regulations may not be made by DAERA under this section unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly. 25
- (10) Regulations under this section may make—
- (a) different provision for different purposes;
 - (b) consequential, supplementary, incidental, transitional or saving provision. 30
- (11) The provision that may be made by virtue of subsection (10)(b) includes, in particular, provision amending the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

4 Sections 1 and 2: consequential provision

In Article 29(1) of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (right to claim trial by jury for certain summary offences and exceptions to that right), after sub-paragraph (r) insert— 35

“(s) section 1 or 2 of the Pet Abduction Act 2024 (dog or cat abduction).”

5 Extent

- (1) This Act, other than section 4, extends to England and Wales and to Northern Ireland.
- (2) Section 4 extends to Northern Ireland only.

6 Commencement

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- (1) Sections 1 and 2 come into force in relation to England on such day as the Secretary of State may by regulations appoint.
- (2) The following provisions come into force on such day as the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (“DAERA”) may by order appoint –
10
 - (a) sections 1 and 2, in relation to Northern Ireland;
 - (b) section 4.
- (3) Sections 3 and 5, this section and section 7 come into force on the day on which this Act is passed.
- (4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act in relation to England. 15
- (5) DAERA may by order make transitional or saving provision in connection with the coming into force of any provision of this Act in relation to Northern Ireland. 20
- (6) Regulations or an order under this section may make different provision for different purposes.
- (7) The power of the Secretary of State to make regulations under this section is exercisable by statutory instrument.
- (8) The power of DAERA to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)). 25

7 Short title

This Act may be cited as the Pet Abduction Act 2024.

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Presented by Anna Firth

Ordered, by The House of Commons, to be
Printed, 6th December 2023.

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