

PET ABDUCTION BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Pet Abduction Bill as introduced in the House of Commons on 6 December 2023 (Bill 26).

- These Explanatory Notes have been provided by the Department for Environment, Food and Rural Affairs (“The Department”) with the consent of Anna Firth MP, the member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 The Pet Abduction Bill (“the Bill”) introduces new criminal offences in relation to the taking or detaining of a dog from the lawful control of any person; and the taking of a cat from the lawful control of any person.
- 2 The Bill also introduces an enabling power to amend the Bill to apply or replicate the offences through secondary legislation to other species of animal commonly kept as pets, when certain conditions are met.

Policy background

- 3 The government set up the Pet Theft Taskforce (“the Taskforce”) to gather evidence to understand the factors that may be contributing to a perceived or real rise in pet thefts during the COVID-19 pandemic. The Taskforce was a cross-government initiative including the Home Office, the Department for Food, Environment and Rural Affairs and the Ministry of Justice. The Taskforce sought input from experts, law enforcement and animal welfare organisations to develop a clear evidence base.
- 4 The Taskforce published their report in September 2021, that included several recommendations to tackle the issue of pet theft. Whilst noting that it is already a criminal offence to steal a pet under the Theft Act 1968, the Taskforce recommended that a specific offence of “pet abduction” should be developed. It was suggested that a pet abduction offence would more clearly recognise that pets are not mere items of property and would provide greater recognition of the impact on the animal, in addition to its owner, when it is unlawfully taken.
- 5 The Taskforce also noted the difficulties associated with identifying and tracking cases of pet theft. This is because offences committed that involve the theft of a pet may be recorded under a range of offences under the Theft Act 1968, depending on the circumstances of the crime committed. The Taskforce recommended exploring options which could support improved recording and monitoring of pet theft to better inform the development of policy to tackle the issue, which this legislation would contribute to.
- 6 The Taskforce recommended that the scope of a pet abduction offence should include dogs, but that the applicability to other animals should be considered as the policy is developed. The Department considered further views expressed by stakeholders during the policy development and cats have been included into the scope of the offence introduced by the Bill. The Department recognises that sufficient evidence to extend the offences to other pet species may be present in the future and the Bill allows for such eventuality.
- 7 In contrast to the core offence of theft under the Theft Act 1968, the new offences introduced by the Bill would not require the prosecution to prove an intention to permanently deprive the other of the pet.

Legal background

- 8 As set out in paragraph 4, in England it is an offence under the Theft Act 1968 to steal a pet. 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. The term “property” includes kept animals of all descriptions whether kept as pets, livestock, working animals etc.
- 9 The Theft Act (Northern Ireland) 1969 provides for a similar offence in Northern Ireland.
- 10 Other legislation referred to in the Bill (see clause 1) is as follows –
 - The Environmental Protection Act 1990 sets out what a person must do if they find and take possession of a stray dog in England. Any person who takes possession of a stray dog must either return the dog to its owner or take it to the local authority for the area in which the dog was found forthwith.
 - The Dogs (Northern Ireland) Order 1983 sets out what a person must do if they find and detain an unaccompanied dog in Northern Ireland. Any person who detains a dog must give notice to the police or to the district council for the district in which they reside. An officer of the district council must make arrangements for the collection of the dog.
- 11 There are currently no statutory provisions in England or Northern Ireland requiring lost, abandoned or stray cats to be dealt with in a particular manner.

Territorial extent and application

- 12 Clause 5 sets out the territorial extent of the Bill, which describes the jurisdictions in which the Bill forms part of the law. The territorial extent of the Bill is England and Wales and Northern Ireland.
- 13 Clauses 1 to 3 make it clear that these provisions of the Bill apply in relation to England and Northern Ireland only. Clause 4 extends to and applies in Northern Ireland only.
- 14 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions.

Commentary on provisions of Bill

Clause 1: Dog abduction

- 15 Subsection (1) of this clause establishes an offence in relation to the taking or detaining of a dog for actions that take place in England and Northern Ireland. It provides that it is an offence for a person to take a dog so as to remove it from the lawful control of any person, or to detain a dog so as to keep it from the lawful control of any person who is entitled to have lawful control of it.
- 16 Subsection (2) provides that no offence is committed where the conditions in (a) to (d) of that subsection are met, and therefore the offence will not apply in certain cases involving persons who previously lived together in the same household with the dog.
- 17 Subsection (3) sets out that it is a defence for a person to show that they had lawful authority or a reasonable excuse to take or detain the dog.
- 18 Subsection (4) provides a specific defence in relation to stray dogs in England where the person has taken all reasonable steps to comply with section 150(1) of the Environmental Protection Act 1990, which is the legislation dealing with stray dogs. Subsection (5) provides a similar defence in relation to unaccompanied dogs in Northern Ireland where the person has complied with Article 24 of the Dogs (Northern Ireland) Order 1983.
- 19 Subsection (6) provides that the defendant is under an evidential burden of proof in relation to the defences in subsections (3), (4) and (5), so that if sufficient evidence of the defence is provided, the burden is then on the prosecution to prove beyond reasonable doubt that the defence is not true.
- 20 Subsection (7) sets out the penalties for offences under this clause, which include, on conviction on indictment, a maximum of five years imprisonment, a fine, or both.
- 21 Subsection (8) includes definitions of “taking” and “detaining” for the purposes of this clause.

Clause 2: Cat abduction

- 22 Subsection (1) of this clause establishes an offence in relation to the taking of a cat for actions that take place in England and Northern Ireland. It provides that it is an offence for a person to take a cat so as to remove it from the lawful control of any person.
- 23 Subsection (2) provides that no offence is committed where the conditions in (a) to (d) of that subsection are met, and therefore the offence will not apply in certain cases involving persons who previously lived together in the same household with the cat.
- 24 Subsection (3) sets out that it is a defence for a person to show that they had lawful authority or a reasonable excuse to take the cat.
- 25 Subsection (4) provides that the defendant is under an evidential burden of proof in relation to the defences in subsection (3), so that if sufficient evidence of the defence is provided, the burden is then on the prosecution to prove beyond reasonable doubt that the defence is not

true.

26 Subsection (5) sets out the penalties for the offences under this clause, which include, on conviction on indictment, a maximum of five years imprisonment, a fine, or both.

27 Subsection (6) includes a definition of “taking” for the purposes of this clause.

Clause 3: Abduction of other animals commonly kept as pets

28 Subsection (1) confers powers on the appropriate national authority to make regulations to amend the Bill to apply or replicate the offences in clause 1 or 2, with or without modifications, to further species of animal. “Appropriate national authority” is defined in subsection (6).

29 Subsection (2) sets out when the power in subsection (1) may be exercised: if the appropriate national authority considers that animals of the species are commonly kept as pets, and that there is evidence that the number of incidents involving the unlawful taking or detaining of animals of that species is significant or rising significantly.

30 Subsection (3) has the effect that regulations replicating or applying the offences to further species of animal can provide for the offences to have different exceptions or defences.

31 Subsection (4) ensures that regulations replicating or applying the offences cannot alter the penalties applicable.

32 Subsection (5) requires the appropriate national authority to consult appropriate persons prior to making regulations under this clause.

33 Subsection (6) defines “appropriate national authority” in relation to each of England and Northern Ireland for the purposes of this clause.

34 Subsections (7), (8) and (9) set out the procedure for making regulations under this clause in the UK Parliament and in the Northern Ireland legislature.

35 Subsection (10) sets out that regulations under this clause may make different provision for different purposes, as well as consequential, supplementary, incidental, transitional or saving provision.

36 Subsection (11) provides specific authority for regulations making consequential, supplementary, incidental, transitional or saving provision to amend the Magistrates’ Courts (Northern Ireland) Order 1981.

Clause 4: Sections 1 and 2: consequential provision

37 This clause makes a consequential amendment to the Magistrates’ Courts (Northern Ireland) Order 1981, with the effect that a defendant in Northern Ireland charged with a summary offence under clause 1 or 2 cannot claim trial by jury.

Clause 5: Extent

38 This clause sets out the territorial extent of the Bill (see also Annex A).

Clause 6: Commencement

- 39 Subsections (1), (2) and (3) of this clause set out when or how each provision in the Bill comes into force. Clauses 1 (Dog abduction), 2 (Cat abduction) and 4 (Sections 1 and 2: consequential provision) will come into force in accordance with commencement regulations made by the Secretary of State in relation to England or by order made by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland in relation to Northern Ireland. Clauses 3 (Abduction of other animals commonly kept as pets), 5 (Extent), 6 (Commencement) and 7 (Short title) will come into force on the day on which the Act is passed.
- 40 Subsections (4) and (5) provide powers for the Secretary of State and the Department for Agriculture, Environment and Rural Affairs in Northern Ireland to make transitional or saving provisions in connection with commencement.
- 41 Subsection (6) sets out that regulations or an order under this clause may make different provision for different purposes.
- 42 Subsections (7) and (8) establish how the power of the Secretary of State or Department for Agriculture, Environment and Rural Affairs in Northern Ireland to make regulations or an order under this clause is exercisable.

Clause 7: Short Title

- 43 This clause provides that the short title of the legislation is the Pet Abduction Act 2024.

Commencement

44 Clause 6 makes provision about when and how the provisions of the Bill will come into force.

Financial implications of the Bill

45 The Department does not consider that the Bill has any implications for public finances beyond minimal expenditure in relation to the making of regulations under the Bill, and changes to the administration of justice that will result from the creation of the new offences.

Parliamentary approval for financial costs or for charges imposed

46 No financial resolutions are required for the Bill as the Bill does not authorise significant new charges on public expenditure or impose new taxes or other charges on the public.

Compatibility with the European Convention on Human Rights

47 The government has examined the compatibility of the provisions of the Bill with the European Convention on Human Rights and considers that the provisions of the Bill are compatible with the Convention rights.

Related documents

48 The following documents are relevant to the Bill and can be read at the stated locations:

- Pet Theft Taskforce Report, September 2021:
<https://www.gov.uk/government/publications/pet-theft-taskforce-report>

Annex A - Territorial extent and application in the United Kingdom

The Bill extends to England, Wales and Northern Ireland, and applies in relation to England and Northern Ireland.

There is a convention that Westminster will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned.

To the extent that the subject matter of the Bill falls within the legislative competence of the Scottish Parliament, Senedd Cymru and Northern Ireland Assembly, the legislative consent procedure would be appropriate. In the current absence of the Northern Ireland Executive and a sitting Assembly, it may not be possible for the Assembly to provide a Legislative Consent Motion in relation to the provisions of the Bill.

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1 Dog abduction	Yes	No	N/A	No	N/A	Yes	Yes
Clause 2 Cat abduction	Yes	No	N/A	No	N/A	Yes	Yes
Clause 3 Abduction of other animals commonly kept as pets	Yes	No	N/A	No	N/A	Yes	Yes
Clause 4 Section 1 and 2: consequential provision	No	No	N/A	No	N/A	Yes	Yes
Clause 5 Extent	Yes	No	N/A	No	N/A	Yes	Yes
Clause 6 Commencement	Yes	No	N/A	No	N/A	Yes	Yes
Clause 7 Short title	Yes	No	N/A	No	N/A	Yes	Yes

Subject matter and legislative competence of devolved legislatures

In the opinion of His Majesty's Government, the subject matters of the Bill are within the devolved legislative competence of the Northern Ireland Assembly because they do not relate to excepted matters under Schedule 2 or reserved matters under Schedule 3 of the Northern Ireland Act 1998.

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