



Northern Ireland
Assembly

Committee for Agriculture, Environment
and Rural Affairs

OFFICIAL REPORT (Hansard)

Pet Abduction Bill Legislative
Consent Motion: RaISe

9 May 2024

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Members present for all or part of the proceedings:

Mr Tom Elliott (Chairperson)
Mr John Blair
Mr Tom Buchanan
Mr William Irwin
Mr Patsy McGlone
Miss Michelle McIlveen
Miss Áine Murphy

Witnesses:

Mr Mark Allen RaSe

The Chairperson (Mr Elliott): It is over to Mark Allen, an Assembly research officer.

Mr Mark Allen (RaSe): Thank you, Chair and members, for the opportunity to speak on the matter this morning. By way of context, this is not a Bill paper as we would ordinarily do, for the simple reason that it is a legislative consent memorandum (LCM), which we do not do Bill papers for. The briefing is a short briefing note. The emphasis in the briefing note is to look at the Northern Ireland-specific considerations emerging from the Pet Abduction Bill, for which a legislative consent motion is scheduled in the coming weeks. There is more detailed analysis of the Bill's provisions that was conducted by my equivalent colleagues in the House of Commons and House of Lords libraries. The links to those papers are available in the briefing note.

In basic terms, it is important to flag the fact that the provisions of the Bill deal with devolved competencies. The context, however, is that the Bill was introduced in Parliament in December 2023, when neither the Assembly nor the Executive were functioning. The Bill contains seven clauses, and the meat on the bones is that it creates two new offences of dog abduction and cat abduction. Looking forward, the interesting thing is that the Bill will also afford the Minister of Agriculture, Environment and Rural Affairs the powers, through secondary legislation, to create similar abduction offences for other animals that are kept as pets. I should also flag that, under the Bill's provisions, a conviction for an offence in Northern Ireland would see convicted persons being liable, for the abduction of a dog or a cat, for a maximum prison sentence of five years, a fine or both.

For context, the Bill has received broad cross-party support in the UK Parliament and, indeed, is in the Lords at the moment. Any amendments have been minor in nature. There are three specific issues that I want to flag for consideration. First, in relation to the local evidence base, there remain questions

around how extensive pet theft is in Northern Ireland. I did not have a lot of time to look at that, but the data was hard to find. The PSNI's published crime stats in its annual report do not, at this point in time, disaggregate property theft in relation to cats and dogs. They are counted under theft of property. There are instances where freedom of information (FOI) requests from stakeholders have yielded information. That suggests that the police can disaggregate, but that the information is simply not publicly published. It will be interesting to see what the Committee receives from the PSNI, hopefully later today.

In relation to that, there was one FOI request that I will flag. I focused on dogs here. There was a request in 2023 that, on the basis of PSNI data, established that there had been 215 dog thefts across the last six years for all of Northern Ireland, which was an average of 35 a year across Northern Ireland. When you take that in context, whilst there are unlicensed animals, an indication of the overall dog population, if we consider the licensed dogs, is that, between April and December 2023, councils issued just shy of 100,000 licences. If you take the 35 thefts as a proportion of the 100,000, it is about 0.035% of the dog population. I did not find any data on cats, but, to be honest, I did not search extensively. In the pack I saw that there had been other FOIs that Cats Protection, for example, yielded. I will leave that there in terms of evidence.

When it comes to local opinion on the Bill, it was hard to find any specific public commentary or submitted evidence to the Westminster Bill process. The Kennel Club, the Dogs Trust and Cats Protection, which are national groups with a local remit, local representation and local members, have all welcomed the Bill. I will turn to specific local stakeholders. At the time I wrote the paper, the Ulster Society for the Prevention of Cruelty to Animals (USPCA) had not publicly commented. However, members may wish to note that, as far back as 2005, the USPCA had been campaigning in relation to pet abduction issues, specifically with regard to pets being abducted for the purpose of breeding dogs that were bred for illegal dogfighting. That issue has been on the radar, but there has been no direct public comment on the Bill.

The last thing that I will leave with you is what I have flagged as a sentencing anomaly. As I said, if a person is found guilty of an offence of cat abduction or dog abduction under the Bill, they can be subject to a prison sentence of up to five years, a fine or both. That creates an anomaly that is flagged in the House of Lords library briefing paper. The existing offence provisions in GB for theft of property, which can include pets, are set out in section 7 of the Theft Act 1968, and that offence can result in a seven-year term of imprisonment on conviction on indictment. In effect, the new offences of dog abduction and cat abduction under the proposed Bill would have a lower maximum penalty than those covered by the existing provisions dealing with theft. The question was asked, and I pose it again: is it a deterrent if the sentence is moving from seven years to five?

It is important to recognise that that issue, if it is one, is potentially more acute in Northern Ireland because theft of property offences and associated penalties here are dealt with under the Theft Act (Northern Ireland) 1969. Under section 7 of the 1969 Act, a person convicted on indictment of the theft of property can:

"be liable to imprisonment for a term not exceeding ten years".

That is longer than the GB provision at this point.

That is all I have to say at this point. We did not have a lot of time to comment on the Bill, but I am happy to take questions.

The Chairperson (Mr Elliott): Thank you, Mark. I have two quick points. I assume that the legislation means that, if a theft is reported, it results in a criminal investigation by the police.

Mr Allen: Yes. That is my reading of it, Chair.

The Chairperson (Mr Elliott): Do councils have no input into it?

Mr Allen: I have seen nothing in the commentary or during the process of the Bill to suggest that.

The Chairperson (Mr Elliott): OK. Your last point was on sentencing. Are you indicating that legislation is already in place that allows for the conviction of people who steal cats or dogs but the offence comes under property theft?

Mr Allen: The broad point that I am making is that, yes, pets can be classed as property and there are legislative provisions for that.

Mr McGlone: This may be a question for the Department. Put yourself in the position of the police officer who comes out to identify a black cat in an area where there may be seven, eight, nine or 10 black cats. Microchipping is mentioned here: is there a suggestion that all animals who fall under the legislation will have to be microchipped?

Mr Allen: I am not aware of any proposals to that effect, but the idea of microchipping pets has wider purchase, Patsy. The requirement is there for dogs to be microchipped. It is being actively suggested for forthcoming European provisions, for example, that there should be a requirement to microchip cats. I do not think that it is central to the Bill or the LCM, but you raise a valid point about how a cat can be identified as stolen.

Mr McGlone: Is there any expansion of what it means by a person taking or detaining a cat or dog without lawful — well, I understand that bit. Is there any expansion of what "reasonable excuse" might be?

Mr Allen: Again, I will be honest: I did not look at that in this context.

Mr McGlone: That is OK. We can ask for it. That is all right.

Ms Á Murphy: Thanks, Mark, for briefing us this morning. On your last point and the Chair's comments, my reading of the Pet Abduction Bill is that it is not as robust as the current theft legislation. On your reading of the Bill, is there an opportunity for us to amend the existing theft legislation?

Mr Allen: You are crossing into another portfolio. That is a Justice matter, Áine.

The definition of "property" is broad. I looked at it, and, if you are happy for me to read from the Theft Act (Northern Ireland) 1969, I can share that with you:

"Property" includes money and all other property, real or personal, including things in action and other intangible property."

That covers quite a bit, which is the reason, as I said, that —. Equally, I thought this one was significant:

"Wild creatures, tamed or untamed, shall be regarded as property".

The Chairperson (Mr Elliott): That is pretty wide-ranging. *[Laughter.]*

Mr McGlone: Like a hedgehog?

Ms Á Murphy: My reading of the Bill is that it will distinguish between pets as property and pets as actual beings.

Mr Allen: Yes, you are right.

Ms Á Murphy: I totally understand that the Bill is trying to do that, but it is concerning that courts will have the power to sentence someone to additional time in prison in cases of theft compared with cases of pet abduction. Obviously, it has to be as robust as possible.

Just on the cats point, leading on from Patsy's comments about cats and microchipping, if a cat is not microchipped, how do you go about proving the act of abduction?

Mr Allen: The burden of proof question is one that I skipped, but I did look at it. Your broader point about apparently having a lower sentence is one of the things on which we need a bit more clarity to know why that approach was advocated. In the passage through Westminster, that issue did not come up as extensively as I would have assumed. The distinction was drawn between how pets are counted as property under the law at present and the reality, which was recognised by numerous MPs, that the

emotional attachment to pets makes them distinct from other forms of property. That was the motivation behind creating a separate offence and, effectively, separate legislation. The validity of that remains to be seen. All I am doing is flagging the fact that, at the minute, pets can be counted as property.

Mr Blair: Before I ask a question, I will make a couple of comments, and I do not mind whether Mark responds to them or not. First, it should be said that, in Northern Ireland, the maximum sentences or anything close to them are generally not used in relation to crimes against pets, even in the worst cases of animal cruelty. I met the USPCA and the Lady Chief Justice's sentencing panel recently about that issue. It would be no surprise, therefore, to find that sentences — at least not serious ones — are not often handed down in relation to theft either.

My second point is on microchipping. Animal welfare charities are largely supportive of it. The Department is not in a position — I know, because I have asked it — to legislate on that, but it is one to keep on the to-do list, as it were.

The answer to my question is already in the briefing note, if I am honest, but I will ask it for the record. Animal welfare charities are very supportive of the Pet Abduction Bill, because they believe that pet abduction should be specified as an individual offence and determined as such. Is that the case?

Mr Allen: That is a fair assessment. The three UK-wide charities are very supportive. I struggled with the more local ones, but the Committee's pack expands on that now. When I wrote the paper, I just had to go with what was in the public commentary.

I have thought of another issue in relation to the specific question about convictions and offences. We did not have time to look at it, but it is a good question: how many incidents of a dog or cat being stolen resulted in the maximum custodial sentence under the existing law? I simply did not have time to conduct a search for the answer to that, but it is a valid question. It is up to a maximum of 10 years. If you are seeing consistently that we are not getting anywhere near that, I suppose the rationale for a separate Bill, a separate offence and a separate sentencing structure becomes stronger. Our purpose was to highlight the discrepancy, not to make a judgement on it.

The Chairperson (Mr Elliott): Thank you very much, Mark. That was helpful.

Mr Allen: Thank you, Chair. Thank you, members.