



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 4 of 2019

Ref: CS/LS

4 February 2019

Attachments:

Dear Colleague

### **Amendments to the Animal Health and Welfare (Scotland) Act 2006 – Consultation**

I refer to the above, and attach herewith, the relevant documents for consultation. Please submit any comments you have to [consultation@spf.org.uk](mailto:consultation@spf.org.uk) by **Monday 1<sup>st</sup> April 2019**.

Yours sincerely

**Calum Steele**  
General Secretary

# **Amendments to the Animal Health and Welfare (Scotland) Act 2006**

## **Consultation**

**Open: 1st February 2019**

**Closes: 26th April 2019**



## Topic

This consultation is seeking views on strengthening animal welfare legislation by:

- Increasing the maximum available penalties for certain animal cruelty offences (including offences involving attacks on service animals);
- Enabling secondary legislation to be made that will allow fixed penalty notices to be used in relation to lesser animal welfare offences; and
- Making it easier for approved bodies to quickly make the best arrangements for animals after they have been taken into possession to protect their welfare.

## Responding to this consultation

**Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space, at: <https://consult.gov.scot/animal-welfare/animal-health-welfare-act-amendment-2019/>**

You can save and return to your responses while the consultation is still open.

If you are unable to respond online using Citizen Space, please submit your response by email or post; including the Respondent Information Form (Annex A), and your consultation response (Annex B).

Please send your completed consultation response and your Respondent Information Form to our dedicated mailbox: [animalhealth&welfareconsultation2019@gov.scot](mailto:animalhealth&welfareconsultation2019@gov.scot)

Alternatively you can post your response to; Animal Health & Welfare Act Amendment: Consultation, Scottish Government Animal Welfare Team, P Spur, Saughton House, Broomhouse Drive, EH11 3XD

Please ensure that consultation responses are submitted before the closing date.

## **Scottish Government consultation process**

Consultation is an essential part of the policy making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## **Handling your response**

If you respond using the consultation hub, you will be directed to the “About You” page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory or offensive materials, or where publication would be contrary to copyright or data protection laws, we will make responses available to the public at <http://consult.scotland.gov.uk>.

If you use Citizen Space to respond, you will receive a copy of your response by email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us, and an analysis report will be made available.

## BACKGROUND INFORMATION

### Introduction

The Scottish Government is committed to ensuring that all of our animals continue to enjoy the highest standards of welfare.

The Animal Health and Welfare (Scotland) Act 2006 (the Act) was an important landmark for animal welfare in Scotland.

However, stakeholders involved in the enforcement of the Act have raised concerns around the penalties available to punish the perpetrators of the most severe animal cruelty offences; and also about the ability to quickly make the best arrangements for animals that have been taken into possession to protect their welfare.

In the most recent Programme for Government documents we have set out a number of measures which will form part of a suite of new improvements to animal welfare in Scotland:

*We will take steps to allow animals taken into the protection of the Scottish SPCA or local authorities to be rehomed much more quickly and efficiently than at present and introduce increased sentences for the worst types of animal cruelty, including attacks on police dogs, an initiative known as 'Finn's Law'.*

*We will prepare to amend the Animal Health and Welfare (Scotland) Act 2006 to increase the maximum penalty for the most serious cruelty offences to five years' imprisonment as well as allowing fixed penalty notices for lesser offences.*

The Scottish Government Animal Welfare Team has been progressing these commitments, and is now seeking to explore possible amendments to the Animal Health & Welfare (Scotland) Act 2006. These are to:

- increase the maximum available penalties for the worst type of animal welfare offences to a prison sentence of five years, an unlimited fine or both (and make related procedural changes);
- give Scottish Ministers a power to make regulations allowing fixed penalty notices to be used in relation to animal welfare offences; and
- allow approved inspectors or bodies to quickly make the best arrangements for animals which have been taken into possession under section 32 of the Act after a specified period of time without the need for a court order.

## **CURRENT SITUATION**

### **Current maximum penalties in Scotland**

Currently, the maximum available penalties for the most serious offences under the Act are set at imprisonment of up to twelve months or a fine of up to £20,000 or both. These penalties are available to the courts for offences under section 19 (unnecessary suffering) and section 23 (animal fighting) of the Act.

The maximum penalties for other animal welfare offences under the Act, such as abandoning an animal (section 29) or failing to take reasonable steps to ensure that the welfare needs of an animal are met (section 24) are set at imprisonment of up to six months or a fine of up to £5,000 or both.

Any offences created by regulations made under Part Two of the Act carry the penalty specified in the regulations, but these penalties cannot presently exceed sentences of imprisonment for six months or fines of £5,000 or both.

### **Concerns about maximum penalties**

In recent years there have been a number of animal cruelty cases that have attracted media interest because the offence committed was so shocking that the maximum sentence available to the court was considered by many to be insufficiently punitive. In particular, cases that involve deliberate, calculated and sadistic behaviour are considered to require higher penalties than those currently available. A horrific example of such an atrocity is that of a Staffordshire terrier found tied to a tree and burnt to death in Fife, having been doused in flammable liquid and set on fire.

Concerns have also been raised that increased penalties should be available for attacks on service animals, including guide dogs, military and police dogs and horses.

These have been highlighted by the campaign in England for the introduction of 'Finn's Law,' named after a police dog that was stabbed during an attempted arrest. In the resulting criminal prosecution, the accused was convicted of the offence under English law of causing criminal damage to property under the Criminal Damage Act 1971 rather than under animal welfare legislation. The maximum length of prison sentence under the Criminal Damage Act 1971 is ten years but the accused was sentenced to eight months detention for causing criminal damage to the police dog (as property).

This example drew attention to the contrast between the maximum possible prison sentences available under animal welfare legislation and under the Criminal Damage Act 1971. The maximum length of prison sentence currently available for the relevant English law offence under animal welfare legislation (of causing unnecessary suffering under section 4 of the Animal Welfare Act 2006) is six months.

The Scottish Government considers that the current maximum available prison term is too short and the maximum available fine is too low in relation to the most serious animal welfare offences. These maximum penalties may neither recognise the seriousness of the offence nor act as an effective deterrent.

## **Current enforcement mechanisms**

Enforcement of the Act can be undertaken using a variety of methods including non-statutory verbal advice, warning letters, statutory care notices and prosecution.

Inspectors appointed under the Act by a local authority or the Scottish Ministers (such as employees of local authorities, the Animal & Plant Health Agency (APHA) and the Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA) may issue statutory care notices, as provided for in section 25 of the Act.

A statutory care notice can be issued when it comes to an inspector's attention that a person is failing to secure the welfare of an animal for which that person is responsible and it appears to the inspector that the failure constitutes an offence under section 24 of the Act (failure to take reasonable steps to ensure that the needs of an animal are met).

These notices allow inspectors to require that those responsible for animals deal with welfare problems by following specific advice. It is an offence not to comply with a statutory care notice without reasonable excuse.

Secondary legislation made under the Act may also include the power to issue notices requiring particular actions. For example, under the Microchipping of Dogs (Scotland) Regulations 2016 an authorised person may in certain circumstances serve a notice on the keeper of a dog requiring that a keeper have the dog microchipped.

For cases of a more serious nature, or cases where a statutory care notice has not been complied with, inspectors would normally gather evidence and put a case forward to the Procurator Fiscal for prosecution through the Scottish courts.

## **Concerns about current enforcement mechanisms**

Statutory care notices generally work well as most people issued with one take the action required. However, in the rare cases where a care notice is not complied with, those responsible may be prosecuted for the offence of failing to comply with a statutory notice in addition to the original welfare breach.

Preparing and prosecuting animal welfare cases is time consuming and costly for both the enforcement authorities and the courts. Animal welfare offences other than those committed under section 19 (unnecessary suffering) and section 23 (animal fighting) of the Act are not always a priority when scheduling court cases given the pressures on court time.

The Scottish Government has put in place, in secondary legislation made under the Act, rules on how animals should be kept and treated in certain situations (e.g. regulations that place requirements on persons responsible for farmed animals and regulations that place requirements on keepers in relation to microchipping of dogs). The Scottish Government is also intending to make further secondary legislation under the Act, which may include future requirements for licences, inspections and documentation.

It is common for secondary legislation to provide that failure to comply with such rules is a criminal offence. It is accordingly appropriate that action be taken in relation to offences of this type. However, such offences (an example from current legislation is failure to comply with a notice to have a dog microchipped) may not always, depending on the circumstances, be considered appropriate for enforcement by way of prosecution.

The ability to issue a fixed penalty as an alternative to prosecution in court may therefore be an appropriate means of penalising various offences under the Act and secondary legislation.

### **Current procedure for animals taken into possession to protect their welfare**

Section 32 of the Act allows inspectors (who are usually employees of the Scottish SPCA or local authorities) and police officers to take possession of animals and any dependent offspring in the following circumstances:

- where a veterinary surgeon certifies that an animal is suffering or is likely to suffer if its circumstances do not change; or
- without certification by a veterinary surgeon, if it appears that the animal is suffering or is likely to suffer if its circumstances do not change.

Animals taken into possession will usually be taken to a place of safety such as an animal rescue centre, where they will be assessed and cared for on what is intended to be a temporary basis. The animals may in rare cases be assessed and cared for in the place where they were found (for example on a farm), although these arrangements can be complicated in practice because of interference by the owner.

After animals have been taken into possession under section 32 of the Act, permanent arrangements must be made for those animals that cannot be returned. These arrangements may include sale, other forms of rehoming or, in certain circumstances, humane killing.

Unless the owner agrees to voluntarily transfer ownership, a court order under section 34 of the Act (known as a “disposal order”) is required to allow suitable arrangements to be made.

Under section 34, a court may also order that an animal be humanely killed if a vet advises the court that doing so is in the interests of the animal. An animal may also be humanely killed under section 35 of the Act without a court order if a vet certifies that its condition is such that this is appropriate. A disposal order may also order that specified treatment be administered to the animal.

An application to the court for a disposal order under section 34 may be made by the following parties:

- the animal’s owner; or
- an inspector; or
- the police officer who took the animal into possession under section 32 of the Act (or who is caring for, or has arranged for the care of, the animal under section 32); or
- the person or organisation with whom an arrangement for the care of the animal has been made under section 32 of the Act (and who is authorised by the Scottish Ministers to make the application); or
- any other person appearing to the court to have sufficient concern for the animal.

The owner of the animal must be given the opportunity to make representations to the court, wherever practicable, before a disposal order is made.

The owner of the animal (or any other person appearing to the court to have a sufficient concern for the animal) may also apply for a release order under Section 33, where the court may order that an animal be given up to a specified person.

## **Concerns about current procedure for animals taken into possession to protect their welfare**

Animal welfare enforcement bodies have reported that, in practice, the process of obtaining a disposal order from the court under section 34 of the Act can be excessively time-consuming, particularly in cases where the owner of the animal is facing prosecution.

Animals that are the subject of a court case can remain in the care of animal welfare organisations for an extended period because of the often complicated circumstances surrounding these cases. This can delay the sale or rehoming of animals.

While animal welfare organisations provide a good level of basic care, it is generally not in the best interests of animals to remain in the limited environment of a rescue centre for long periods of time. It is important that they find homes which provide for all of their welfare needs.

An example of this is dogs taken into possession following an investigation of illegal breeding. Puppies taken into possession by an inspector or police officer and put into the care of a rescue centre (or puppies born in the care of a rescue centre) may remain there for many months before a court order can be obtained allowing them to be rehomed.

By the time the puppies are eventually rehomed, they may have spent most of their lives in the rescue centre and lack the normal socialisation of puppies to a domestic environment. This can limit their suitability for rehoming and affect their welfare for the rest of their lives.

It is also generally not in the best interests of farm animals taken into possession to be kept in temporary care for longer than necessary to allow them to be assessed, treated as appropriate, and sold to competent keepers.

Lengthy stays in care are extremely costly for animal welfare organisations and local authorities. The Act provides that expenses reasonably incurred by an inspector or constable in consequence of taking the animal into possession are to be reimbursed by the owner or person responsible for the animal. However, recovery of expenses is rare in practice. Previous keepers can be unable or unwilling to pay the expenses and the costs incurred can exceed the value of the animal recovered through sale.

In practical terms, taking possession of animals under section 32 can seriously limit the capacity of the enforcement organisations to help other animals in need by blocking facilities for an extended period and using up significant financial resources.

## CONSULTATION PROPOSALS

### Increase the maximum available penalties for serious animal cruelty offences

The Scottish Government proposes to increase the maximum prison sentence available to the courts for the most serious animal welfare offences under the Act. In particular, the Scottish Government proposes that the maximum prison sentence for offences under sections 19 (unnecessary suffering) and 23 (animal fights) of the Act, including but not limited to those involving service animals, be increased from twelve months to five years. The Scottish Government also proposes to remove the upper limit (£20,000) on the fines available for such offences.

As a related measure, the Scottish Government proposes to change the rules that specify the court procedures to be used for prosecuting offences under sections 19 (unnecessary suffering) and 23 (animal fights) of the Act. Offences under the Act must currently only be prosecuted using a form of court procedure known as “summary procedure” (which is available in both the sheriff and justice of the peace courts). This rule is contained in the Act and is appropriate for the maximum penalties currently available for such offences.

As a consequence of the requirement to bring prosecutions by way of summary procedure, the time limit for bringing a prosecution under section 19 (unnecessary suffering) is six months from the date of the offence. This time limit is set out in the Criminal Procedure (Scotland) Act 1995<sup>1</sup>. Such a time limit does not apply to offences that may be prosecuted using “solemn procedure” (which is available in both the sheriff courts and the High Court). Special rules regarding the time limits for prosecuting offences under 23 (animal fights) are set out in section 44 of the Act.<sup>2</sup>

In keeping with the proposals to increase the maximum penalties for the offences under section 19 (unnecessary suffering) and 23 (animal fights), the Scottish Government proposes that the Act be amended to specify that such offences may be prosecuted using either summary or solemn procedure. By doing so, the current statutory time limit (six months from the date of the offence) for bringing a prosecution under section 19 (unnecessary suffering) would no longer apply in relation to that particular offence, unless a fixed time limit for bringing a prosecution under section 19 is introduced.

The Scottish Government does not presently propose to introduce such a new time limit. As an additional measure, it is proposed that the statutory time limits for bringing prosecutions of the offence under section 23 be entirely removed from the Act.

The combined result of the proposals above would be that no statutory time limit would exist for bringing prosecutions under either section 19 or section 23. It is not proposed that these

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<sup>1</sup> Section 136 (time limit for certain offences) of the Criminal Procedure (Scotland) Act 1995 provides that proceedings in respect of any offence triable only using summary procedure and consisting of the contravention of any enactment must be commenced within six months after the contravention occurred (or, in the case of a continuous contravention, within six months after the last date of such contravention) unless the enactment fixes a different time limit.

<sup>2</sup> Section 44(1) of the Act extends the default statutory time limit of six months from the date of the offence by providing that an offence under section 23 may be brought within the period of six months from the *date on which evidence sufficient in the prosecutor’s opinion to justify proceeding came to the knowledge of the prosecutor*. Section 44(2) limits this period by providing that no proceedings may be brought more than three years after the commission of the offence (or three years after the last date on which the offence was committed in the case of continuous contravention).

changes would apply to offences committed before the date these proposed changes come into force.

A benefit of these proposals is that prosecution would become possible in circumstances in which sufficient evidence to prosecute an offence under section 19 or section 23 came to light over six months after such an offence had been committed. The existing statutory time limit (six months from the date of the offence) for prosecuting other offences under the Act would remain in place.

### **Introduce fixed penalty notices for less serious animal welfare offences**

The Scottish Government considers that there is a need for an additional level of enforcement that does not require the intervention of the Scottish courts, but provides a meaningful penalty for those breaching animal welfare rules made under the Act.

We consider that police officers and inspectors should be allowed to issue fixed penalty notices in relation to appropriate animal welfare offences (e.g. those arising in relation to identification and licensing rules).

We anticipate that such fixed penalties would be set at an amount that provides a proportionate but effective deterrent.

There is currently no provision in the Act which specifically gives the Scottish Ministers the power to make regulations providing for the use of fixed penalty notices. The Scottish Government proposes conferring such a specific power on the Scottish Ministers in relation to animal welfare offences. This could be used to make appropriate regulations permitting the use of fixed penalty notices. The power could also be used to update such regulations in future. Such fixed penalty notices would provide an alternative to prosecution of various specified offences.

Fixed penalty notices are widely used by local authorities in other circumstances out with the context of animal welfare legislation and can be a valuable enforcement tool.

It is expected that fixed penalty notices would achieve the following:

- allow minor and technical offences to be dealt with quickly and proportionately;
- reduce the likelihood of re-offending, whilst providing a proportionate deterrent when prosecution in court and any resulting criminal record may be excessive;
- improve standards and encourage compliance;
- speed up the process of dealing with offences (persons issued with a fixed penalty notice would not have to wait to appear in court);
- reduce the number of cases being dealt with by the Crown Office and Procurator Fiscal Service, the court system, welfare enforcers and animal keepers; and
- give more flexibility to local authorities by providing them with an enforcement option as an alternative to issuing care notices or prosecution in the criminal courts.

## **Introduce a power to quickly make the best arrangements for animals taken into possession**

The Scottish Government is considering the introduction of measures to speed-up the process of making permanent arrangements for animals after they have been taken into possession to protect their welfare under section 32 of the Act.

These measures would only apply to animals kept in relation to business activities (such as farming, breeding or puppy dealing); they would not apply to animals held as pets or companion animals.

In particular, the Scottish Government is considering the possibility of creating a new power to make any of the various arrangements for animals that are currently available under section 34 of the Act but without the need to obtain a court order.

Using this power, animals could be sold or otherwise rehomed, given specified treatments, or (where a vet considers that it would be in the interests of an animal) humanely killed.

The power would be available regardless of whether the previous owner or keeper of the animal was subject to any criminal prosecution in relation to the welfare of the animal.

We would consider giving such power to the following persons:

- inspectors appointed or authorised as an inspector by the Scottish Ministers;
- inspectors appointed by the relevant local authority (i.e. the local authority in which the animal was taken into possession);
- any police officer who took the relevant animal into possession under section 32 of the Act;
- any police officer who is caring for, or has arranged for the care of, the relevant animal under section 32 of the Act; and
- bodies approved by Scottish Ministers for this purpose; such as APHA, local authorities and Scottish SPCA

It is anticipated that the power would be exercised by serving a notice on the owner and/or person previously responsible for the animals. The notice would include the following information:

- a description of the animals concerned;
- the decision taken regarding the intended arrangements for those animals; and
- an explanation of the procedure for appealing the decision taken in relation to the animals (including the deadline for doing so).

There would be a specified time period of three weeks from service of the notice before the intended arrangements could be implemented. We are considering the possibility of giving the owner of the animals (or other persons appearing to have sufficient concern for the animals) the opportunity to appeal against the decision to a specified body (e.g. a court or appropriate tribunal) and thereby seek to prevent the proposed arrangements being implemented. It would not be possible to implement the proposed arrangements unless the appeal was refused.

There would be a procedure for the owner of the animal to claim compensation for the financial value of the animals (less any expenses reasonably incurred by an inspector or a constable in consequence of acting under section 32 and any additional costs as a consequence of an unsuccessful appeal against the decision by the owner).

We are also exploring the possibility of including a rule that any compensation due to the owner must be held pending the outcome of any prosecution of that owner for an animal welfare offence in relation to the circumstances that led to the animal being taken into possession under section 32 of the Act. This would allow for payment to be sought from the owner of any fines imposed following conviction before any compensation is paid to the owner.

During the period of notice, the owner of animals, or any other person appearing to have sufficient concern for the animals, would continue to be able to apply to the relevant court for a release order under the existing section 33 of the Act.

A court may order that animals taken into possession under section 32 be given up to a person specified in the release order. This existing right enables the owner or other concerned party to make specific arrangements for the care of the animals after they have been taken into possession under section 34.

The creation of these powers and procedures would be an innovative approach to dealing with animals taken into possession and has not been adopted by any other administrations in the UK.

Such a power would serve the welfare needs of commercially kept animals whilst also recognising the property rights of their owners. Any relevant convention rights and international obligations would need to be taken into account when creating such a power.


**RESPONDENT INFORMATION FORM**
**Amendments to the Animal Health and Welfare (Scotland) Act 2006  
 Consultation**

**Please Note** this form **must** be completed and returned with your consultation response.

To find out how we handle your personal data, please see our privacy policy:  
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes       No

## ANNEX B:

### CONSULTATION QUESTIONS

Respondents should take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

You are invited to answer all the questions. However, if you are unable to answer any question then please feel free to move on to the next.

If you intend to email or post your consultation response please ensure you complete a Respondent Information Form ([Annex A](#)). This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

#### **Sector and Origin**

It would be helpful for our analysis if you could indicate which of the sectors you most align yourself/your organisation with for the purpose of this consultation  
(Please tick ONE which is MOST APPLICABLE to you):

- |                                  |                          |  |                          |
|----------------------------------|--------------------------|--|--------------------------|
| Veterinary Profession            | <input type="checkbox"/> | Enforcement agency / officer           | <input type="checkbox"/> |
| Animal Welfare Organisation      | <input type="checkbox"/> | Member of the General Public           | <input type="checkbox"/> |
| Local Authority                  | <input type="checkbox"/> | Agricultural business / organisation   | <input type="checkbox"/> |
| Animal breeder / dealer          | <input type="checkbox"/> | Person with commercial interests (e.g. | <input type="checkbox"/> |
| Animal sanctuary / rescue centre | <input type="checkbox"/> | dog walker)                            | <input type="checkbox"/> |

Other (please specify)

#### **Question 1:**

**The Scottish Government proposes that the maximum penalties for the most serious animal welfare offences should be strengthened. Do you agree?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 2:**

**Do you agree that the maximum prison sentence available for offences under section 19 (unnecessary suffering) and section 23 (animal fighting) should be increased from twelve months to five years imprisonment?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 3:**

**Do you agree that there should be no upper limit on fines for offences under section 19 (unnecessary suffering) and section 23 (animal fighting)?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 4:**

**Other than increasing the maximum penalties for unnecessary suffering; should we amend legislation in any other ways, in regard to attacks on service animals?**

Please explain the reasons for your answer and what you would propose.

**Question 5:**

**Do you agree that there should be no statutory time limit for prosecuting offences under section 19 (unnecessary suffering) and section 23 (animal fighting)?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 6:**

**Do you agree the introduction of proportionate fixed penalty notices would improve the enforcement of animal welfare offences?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 7:**

**Do you agree that there is a need to speed up the process of making permanent arrangements for animals taken into possession under section 32 of the Act?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 8:**

**Do you agree that the ability to make suitable permanent arrangements for animals taken into possession (using a court disposal order) after service of a notice and after lapse of a specified period will benefit the welfare of animals?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 9:**

**Do you agree that the ability to make suitable arrangements for these seized animals after a short period will free up resources of the relevant enforcement authorities and animal welfare charities; allowing them to help a greater number of animals?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 10:**

**Should such a new power to make permanent arrangements for animals that have been taken into possession apply to all animals, or only to commercially kept animals; such as puppies in breeding facilities, puppies for sale and livestock?**

Yes (all animals)

No (only commercial animals)

Don't Know

Please explain the reasons for your answer

**Question 11:**

**Do you agree that the owner or previous keeper should have an opportunity to appeal against permanent arrangements being made within a short time period?**

Yes

No

Don't Know

Please provide views and supporting evidence on other considerations that might apply

**Question 12:**

**Do you agree that three weeks is a reasonable period of notice before making suitable permanent arrangements for animals taken into possession?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 13:**

**Do you agree that the previous keeper should be able to apply for compensation based on the commercial value of these animals, less reasonable costs?**

Yes

No

Don't Know

Please explain the reasons for your answer

**Question 14:**

**Do you have any practical suggestions about how to value commercially kept animals other than farm livestock?**

**Question 15:**

**Please provide any further comments or suggestions on the proposed new system for making permanent arrangements for animals.**

**Evaluation**

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published).

**Question 16:**

**How satisfied were you with this consultation?**

- Very dissatisfied
- Slightly dissatisfied
- Neither satisfied nor dissatisfied
- Slightly satisfied
- Very satisfied

Please enter comments here

**Question 17:**

**How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?**

- Very dissatisfied
- Slightly dissatisfied
- Neither satisfied nor dissatisfied
- Slightly satisfied
- Very satisfied
- Not applicable

Please enter comments here



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