Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h- Àrainneachd
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**The Scottish
Government**
Riaghaltas na h-Alba

LEGACY 2014
XX COMMONWEALTH GAMES
SCOTLAND

Mr William Powell AC/AM
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

70th March 2013

Dear William,

Thank you for your letter dated 27th February 2013 regarding a petition that your Committee is considering that calls for an animal offenders register.

You specifically asked whether Scotland is considering a similar provision, which would require a central database holding the names, addresses and convictions of people convicted of any form of animal cruelty, and make it an offence for such people to purchase animals, or for vendors to sell animals to such people. As there is no offence for animal cruelty *per se* it is not clear from your letter whether the register is intended only for the more serious offences of unnecessary suffering and animal fighting, or for any animal welfare offence. However, I can confirm that we are not currently considering any such provisions in Scotland.

Under current legislation in Scotland, unless a person has been banned from keeping animals there is no legal way of preventing them buying or keeping another animal. The decision of whether to ban the keeping of animals when convicting a person of an animal welfare offence is for the Courts to make based on the nature and severity of each individual case. Where courts in any administration impose a ban on keeping animals, this applies throughout GB. However, many welfare breaches arise due to lack of education, or personal problems, and if the situation is resolved appropriately, a ban may be disproportionate. In addition, any bans imposed would not apply to other members of a household – unless they were also convicted.

The enforcement of any ban in Scotland is the responsibility of the Local Authority, and there might be some merit in considering a central database of current bans to aid that enforcement. However, consideration would need to be given as to whether such information could, and indeed should, be released to third parties such as pet vendors, bearing in mind data protection legislation and the personal safety of those people convicted and others in their household.

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INVESTOR IN PEOPLE   POSITIVE ABOUT DISABLED PEOPLE

In terms of prison sentences and fines, which your petitioner suggests should be increased, maximums in Scotland are set under the Animal Health and Welfare (Scotland) Act 2006. Most welfare offences under the Act attract maximum penalties of imprisonment for up to 6 months and/or a fine up to level 5 on the standard scale (currently £5,000). Offences relating to unnecessary suffering or animal fighting, taking account of their very serious nature, attract maximum penalties of up to 12 months imprisonment and/or a fine of up to £20,000. These maximum penalties are considered proportionate; however, again, it is for the Courts to decide on the precise penalties issued in relation to individual cases.

I note that your petitioners also mention a link between animal cruelty and domestic violence and murder. They may already be aware of the work of the LINKS group, a multi-agency group Chaired by Dr Freda Scott Park that works to break the link between animal abuse, child abuse and domestic violence. Further information can be found at http://www.thelinksgroup.org.uk/index.htm. While I am aware that there is increasing research and clinical evidence suggesting inter-relationships between the abuse of children, vulnerable adults and animals, the precise nature of that link and how consistent it is remains, it appears, a matter for debate. I would suggest that any decision on whether or not to put in place an animal offenders register should be made on the basis of what is in the best interests of animal welfare, taking into account the potential impact on those people concerned, and data protection and human rights legislation.

I hope that this information is of help.

RICHARD LOCHHEAD