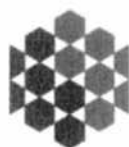


FROM THE OFFICE OF THE JUSTICE MINISTER



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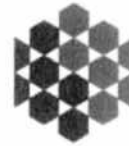
23 November 2015

Dear Christine ,

JUSTICE (No. 2) BILL: PROPOSED AMENDMENTS TO THE WELFARE OF ANIMALS ACT (NI) 2011

Thank you for your letter of 13 November, in which you requested further information and sought the views of the Department on proposals to amend the penalties provided for in Section 31 of the Welfare of Animals Act 2011 ("the 2011 Act") by way of amendments to the Justice No.2 Bill.

The Justice Minister recently agreed to a request from the Minister of Agriculture and Rural Development to increase the statutory maximum penalties in the Welfare of Animals Act (NI) 2011. The proposal arose out of the joint DARD and DOJ review into the implementation of the 2011 Act, established by Minister O'Neill last year following an Assembly debate on animal cruelty.



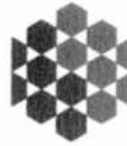
An interim report of that review (published earlier this year) included a number of recommendations aimed at strengthening the approach to animal welfare. This included a recommendation that the maximum penalties under the 2011 Act should be increased. This received broad public support in the consultation exercise which followed and given the importance of this matter both Ministers agreed to accept the recommendation to allow the increase in maximum penalties to be introduced as soon as possible.

In considering the proposal DOJ has considered the wider sentencing framework and also the penalties which are available in neighbouring jurisdictions for animal welfare offences. The Minister of Justice believes that, in light of some of the extreme cases of animal cruelty that have occurred since the introduction of the 2011 Act, increasing the maximum penalties in this way is appropriate and will send out the message that animal cruelty will not be tolerated. The move will ensure Northern Ireland has some of the toughest penalties for animal cruelty of any jurisdiction on these islands.

While DARD has policy responsibility for animal welfare it did not have a suitable legislative vehicle to bring forward the necessary amendments in the current mandate. Rather than delay the proposed changes the Justice Minister agreed to Minister O'Neill's request to bring forward the required legislative amendments in the Justice (No. 2) Bill.

The text of the draft amendments, which increase the maximum prison sentence available for those found guilty of the more serious summary offences from six months to twelve months, and the maximum fine from £5,000 to £20,000; and increase the maximum prison sentence for those found guilty on indictment from two years to five years (the maximum unlimited fine would remain unchanged) is attached at **Annex A**.

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In conjunction with increasing the maximum penalties available the Committee will also be aware that the Minister has agreed, in principle, to add animal cruelty offences to the Unduly Lenient Sentencing Scheme, which he believes will further strengthen the law around animal cruelty.

I trust this is helpful, and please do not hesitate to get in touch if you have any queries.

D Graham
RP **TIM LOGAN**
DALO

New Clause

Before **Clause 41** insert—

“Penalties for animal welfare offences

40A.—(1) In section 31 of the Welfare of Animals Act (Northern Ireland) 2011 (penalties), in subsection (1) (summary-only offences), omit “8(3),” and “, 33(9), 40(7)”.

(2) After that subsection insert—

“(1A) A person guilty of an offence under section 4 or 8(1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £20,000, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or both.”

(3) In subsection (2) of that section (hybrid offences)—

(a) omit “4,” and

(b) for “and 8(1) and (2)” substitute “, 8(3), 33(9) and 40(7)”.

(4) In that subsection, in paragraph (b), for “2 years” substitute “5 years”.

(5) In each of the following provisions of that Act, for “8(1) and (2)” substitute “8”—

(a) section 32(1) (deprivation);

(b) section 33(10) (disqualification);

(c) section 36(1) (destruction in interests of animal).

(6) In each of the following provisions of that Act, for “8(1) or (2)” substitute “8”—

(a) section 36(6) (destruction in interests of animal);

(b) section 37(1) (destruction of animals involved in fighting offences);

(c) section 38(1) (reimbursement of expenses relating to animals involved in fighting offences).

(7) In Article 29(1) of the Magistrates’ Courts (Northern Ireland) Order 1981 (right to claim trial by jury subject to exceptions), after sub-paragraph (o) insert—

“(p) section 4 or 8(1) or (2) of the Welfare of Animals Act (Northern Ireland) 2011 (unnecessary suffering; fighting).”.

Clause 47, Page 33, Line 19

After "Part 3" insert "(other than section 40A)".