

LEGISLATIVE CONSENT MEMORANDUM

PET ABDUCTION BILL

Draft Legislative Consent Motion

1. The draft motion, which I propose to table, is:

“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions within the Pet Abduction Bill, as introduced in the House of Commons on 6 December 2023, dealing with pet abduction.”

Background

2. This memorandum has been laid before the Assembly by the Minister of Agriculture, Environment and Rural Affairs under Standing Order 42A(2). The Pet Abduction Bill (“the Bill”) was introduced in the House of Commons on 6 December 2023. The latest version of the Bill can be found at:

<https://publications.parliament.uk/pa/bills/cbill/58-04/0159/230159.pdf>

Summary of the Bill and its policy objectives

3. 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. The bespoke new pet abduction offences would sit outside of offences in the Theft Act (Northern Ireland) 1969 and would be agnostic to how a pet was taken. Courts would therefore have more freedom to consider the total level of harm to the owner and animal by treating them as a sentient being and therefore sentencing would not just be based on the monetary loss, which for an individual pet may not be significant.
4. 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.
5. The Bill comprises 7 clauses:
 - Clause 1 establishes an offence in relation to the taking or detaining of a dog and sets out the conditions where the offence will not apply, as well as providing for specific defences or reasonable excuses.

- Clause 2 establishes an offence in relation to the taking of a cat and sets out the conditions where the offence will not apply, as well as providing for specific defences or reasonable excuses.
- Clause 3 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. For Northern Ireland, the appropriate national authority, means the Department of Agriculture, Environment and Rural Affairs.
- Clause 4 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 sets out the territorial extent of the Bill.
- Clause 6 sets out when or how each provision in the Bill comes into force; provides powers to make savings or transitional arrangements in connection with commencement; and establishes how the power to make regulations is exercisable.
- Clause 7 provides that the short title of the legislation is the Pet Abduction Act 2024.

Provisions which deal with a Devolution Matter

6. 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.
7. All clauses within the Bill extend to Northern Ireland and therefore require the Assembly's legislative consent.

Reasons for making the Provisions

8. The UK 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 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 and Theft Act (Northern Ireland) 1969, 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.

9. 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, depending on the circumstances of the crime committed. It therefore 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.
10. While the Taskforce recommended that the scope of a pet abduction offence should include dogs, it noted that the applicability to other animals should be considered as the policy is developed. As a result of further views expressed by stakeholders during the policy development, cats have been included into the scope of the offence introduced by the Bill. While there is not sufficient evidence to extend the offences to other pet species at this time, the Bill allows for such eventuality.

Reasons for utilizing the Bill rather than an Act of the Assembly

11. It would be possible to enact the provisions as set out above by means of an Act of the Assembly. However, it would obviously take longer to enact specific Northern Ireland primary legislation and would be a disproportionate use of resources. Despite only containing a few provisions, this Bill would need to complete all the necessary legislative stages and it could be at least 1 or 2 years before Northern Ireland would have a pet abduction offence equivalent to England on the statute book.
12. A legislative consent motion, is, therefore, considered to be the most timely, reasonable and proportionate way forward in the circumstances.

Consultation

13. There has been no specific public consultation in Northern Ireland on the creation of new offences for the abduction of cats and dogs in Northern Ireland. However, no part of the UK has formally consulted on the contents of this Bill. Previously, UK Government officials engaged with the Royal Society for the Prevention of Cruelty to Animals, a UK wide organisation, as part of the work of the Taskforce.
14. While it is anticipated that that introduction of this provision will be universally popular, as pet theft is a very emotive issue, targeted consultation will take place with key stakeholders prior making a Commencement Order to introduce the provisions in this Bill in Northern Ireland.

Human Rights and Equality

15. The provisions of the Bill are compatible with the European Convention of Human Rights. No adverse impact on any of the groups listed under section 75 has been identified.

Financial Implications

16. There are no public expenditure implications for the Northern Ireland devolved administration if the relevant provisions in the Bill are implemented.

Summary of Regulatory Impact

17. There is no impact on business and the voluntary sector.

Engagement with the Committee for Agriculture, Environment and Rural Affairs

18. The Committee for Agriculture, Environment and Rural Affairs was informed on 11 April 2024 of the intention to extend this Bill to Northern Ireland and of the need for a legislative consent motion.

Conclusion

19. It is my view that in the interests of good government, in so far as the provisions of the Bill deal with a devolution matter, they should be considered by the UK Parliament.

Minister of Agriculture, Environment and Rural Affairs

19 April 2024