



Minister's Office  
Clare House  
303 Airport Road West  
Belfast BT3 9ED  
Telephone: 028 905 24722  
Email: [shauna.rodgers@daera-ni.gov.uk](mailto:shauna.rodgers@daera-ni.gov.uk)

**FROM: SHAUNA RODGERS  
DEPARTMENTAL ASSEMBLY  
LIAISON OFFICER**

**DATE: 27 MARCH 2024**

**TO: DR. JANICE THOMPSON  
AERA COMMITTEE CLERK**

**PET ABDUCTION PRIVATE MEMBER'S BILL: LEGISLATIVE CONSENT MOTION**

**Business Area:** Animal Health and Welfare Policy

**Issue:** To consult the Committee on the principle of creating a new pet abduction offence in Northern Ireland (NI) and including the legislative provision needed to give effect to it in a Private Members' Bill which is currently making its way through Parliament. As the provision would relate to a devolved matter, it would require a Legislative Consent Motion (LCM) to be agreed by the Assembly and the views of the Committee are sought in principle on the tabling of such a motion

**Restrictions:** N/A

**Action Required:** To note

**Officials Attending:** N/A

*Sustainability at the heart of a living, working, active landscape valued by everyone.*

If you are deaf or have a hearing difficulty you can  
contact the Department via the Next Generation Text  
Relay Service by dialling 18001 + telephone number.

## Background

A Pet Abduction offence was previously included in an Animal Welfare (Kept Animals) Bill, following a recommendation on the matter from the Pet Taskforce which the UK Government had established to investigate the reported rise of pet theft in England and Wales during the Covid-19 pandemic (see detail below). The previous DAERA Minister had agreed at that time that this offence should extend to NI, subject to the approval of the relevant LCM in the Assembly. However, the Animal Welfare (Kept Animals) Bill was later withdrawn, due to it running out of time in Parliament.

The UK Government is now supporting a Private Members' Bill (PMB) which will create a specific offence for the abduction of cats and dogs. In the absence of ministers and a sitting Executive, DAERA officials were unable to provide agreement to the inclusion of Northern Ireland in the Bill. Officials did, however, complete much of the necessary preparatory work to allow a decision to be taken by an incoming Minister and a returning Assembly, including working with the Departmental Solicitor's Office and Department of Justice (DoJ) officials on the NI provisions to create this new offence and the Bill.

The PMB, as introduced to the UK Parliament on 6 December 2023 (attached at **Annex 1** and Explanatory Notes at **Annex 2**) does, however, extend to NI. As this is in relation to a devolved matter, inclusion of these NI provisions will require approval of Legislative Consent Motion in the Assembly.

## Detail

The PMB creates specific offences for the abduction of dogs and cats to recognise that pet animals are not mere property but sentient beings. It includes an enabling power to extend the offences to other species of pet, subject to certain conditions. It seeks to enhance criminal justice data reporting and monitoring of pet abduction cases to better understand and tackle the issue.

Consideration of a pet abduction offence followed a recommendation on the matter in a report published in September 2021 by a Pet Taskforce, which the UK Government had established to investigate the reported rise of pet theft in England and Wales during the Covid-19 pandemic. The report pointed to a small increase in pet theft in England since the start of the Covid-19 pandemic, potentially associated with an increase in demand for dogs due to their monetary value, but assessed the risk of dog theft in England to be low.

Nevertheless, it highlighted the emotional impact of pet theft on owners and the impact of pet theft on animal welfare and recommended that a new offence for pet abduction should be created.

The current position in NI on pet theft is broadly the same as in the rest of the UK; the Theft Act (NI) 1969 (the 1969 Act) makes the theft of property, including that of a pet animal, a criminal offence. DAERA has no evidence to suggest that pet theft increased in NI during the Covid-19 pandemic and the Police Service of Northern Ireland (PSNI) has not highlighted it as an issue of concern. That said, it is doubtful that the emotional impact of losing a pet on owners here would be any less than that found in England and Wales.

*Sustainability at the heart of a living, working, active landscape valued by everyone.*

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

**INVESTORS IN PEOPLE®**  
We invest in people Standard

## *Offence*

The Bill provides that someone commits an offence if they take or detain a cat or dog without lawful authority or reasonable excuse. The proposed maximum penalty on conviction on indictment for the offence is 5 years imprisonment or a fine or both. While maximum penalties under the Theft Act are higher, for example for theft it is 7 years in England or 10 years in NI, sentencing for offences under this Act would consider the financial loss. A bespoke new pet abduction offence would sit outside of offences in the Theft Act and would be agnostic to how a pet was taken. Courts would 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.

The maximum penalty for child abduction in both jurisdictions is 7 years; it would therefore be difficult to justify a higher maximum offence for pet theft in comparison. The proposed maximum penalty of 5 years imprisonment or a fine or both would also align with penalties currently within the Welfare of Animals Act (NI) 2011.

The offence would not apply in cases of disputes between persons in the same household containing the animal (e.g., marital disputes or disputes between co-habitants and former co-habitants that jointly care or cared for the animal). The offence would therefore not apply to the taking or detention of an animal from a person where that person and the person taking or detaining the animal lives or had lived in the same household before the animal was first brought into the household.

A “reasonable excuse” exception is intended to allow the court the discretion to determine on a case-by-case basis whether the taking or the detention of the animal is unlawful (e.g. a person looking after a stray dog until ownership can be established or a neighbour that allows a cat to enter their premises now and again). The burden of proving that such a taking or detention was committed without lawful authority or reasonable excuse will rest with the prosecution.

If the Bill receives Royal Assent, the provisions to create the new pet abduction offence in NI would not come into force until the introduction of a commencement order by the Department.

## *Position in other jurisdictions*

The UK Government had offered to ensure the provisions were extended to the devolved administrations. While the Welsh Government previously indicated that it wished pet abduction provision within the Animal Welfare (Kept Animals) Bill to extend to Wales, it was not able to take up the offer to be included in the PMB due to resource pressures required to secure the necessary LCM.

The Scottish Government intends to deal with the matter through updated guidance rather than legislation. There are of course different laws for theft in Scotland, which operates under a different criminal framework. However, it is possible that similar measures could be introduced in both Scotland and Wales at a later date.

By way of additional context, there is currently no specific offence for pet theft in Ireland. A motion had been proposed by a TD to amend the Criminal Justice (Theft and Fraud Offences) (Amendment) Bill 2020 to reflect that pets are more than property, to act as a deterrent against the theft of companion animals. This amendment was not, however, carried at that time. Officials

***Sustainability at the heart of a living, working, active landscape valued by everyone.***

If you are deaf or have a hearing difficulty you can  
contact the Department via the Next Generation Text  
Relay Service by dialling 18001 + telephone number.

**INVESTORS IN PEOPLE®**  
We invest in people Standard

have consulted with their counterparts in Ireland on this matter and it is their understanding that there are currently no plans to introduce a similar offence at this time.

### *Consultation and assessments*

Due to extremely tight legislative pressures in securing the necessary LCM, it was not possible to carry out a public consultation on this matter in NI. However, no part of the UK has formally consulted on the contents of this PMB. Previously, UKG officials engaged with the Royal Society for the Prevention of Cruelty to Animals (RSPCA), a UK wide organisation, as part of the work of the Taskforce. In any event, it is anticipated that that introduction of this provision will be universally popular as pet theft is a very emotive issue.

In accordance with its duty under section 75 of the Northern Ireland Act 1998, and the DAERA Equality Scheme, the equality implications of the Pet Abduction PMB have been assessed. It is the Department's assessment that there are no equality, human rights or good relations issues associated with the provisions in the Bill. No Convention Rights are engaged. A Rural Needs Impact Assessment has confirmed that there would be no differential impacts.

### *Timing Issues*

It is normal practice for an LCM to be provided on Bills in advance of them reaching Report stage in the House of Commons. This is the last stage at which amendments can be made before a Bill would progress to the House of Lords. The Bill is scheduled for Report stage on 19 April and, while it will not be possible to secure an LCM before this date, approval as soon as possible is sought. In any event, the initial views of the Committee on progressing an LCM is requested prior to 19 April to enable the Bill sponsor to consider whether to proceed to the House of Lords with the Bill as currently drafted.

It would be preferable for Executive agreement to have been provided, prior to consulting the Committee on this matter. However, due to the delay in securing time for Executive discussion of this matter and also time pressures to provide the necessary consent, this has not been possible. Therefore, the Committee's views are without prejudice to the Executive's decision on the LCM.

### *Devolved issues*

While this is clearly a devolved matter that should really be dealt with by the NI Assembly, there are some advantages to agreeing to extend this offence to NI as part of the PMB. To take this legislation forward locally within the NI Assembly would require a Bill for the primary legislation to be introduced. Despite only containing one or two provisions, this Bill would need to complete all the necessary legislative stages and it could be at least 1 or 2 years before NI would have a pet abduction offence equivalent to England on the statute book. It would also entail significant resources within the Department to progress this Bill.

***Sustainability at the heart of a living, working, active landscape valued by everyone.***

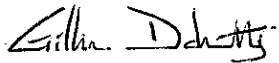
If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

**INVESTORS IN PEOPLE®**  
We invest in people Standard

## Next Steps

It is anticipated that the Executive will also consider this matter at the Executive meeting on 11 April. Subject to Executive approval and the Committee's view on this new offence, it is intended to lay a Legislative Consent Memorandum required in the Assembly within the next two weeks. The LCM is expected to be debated in the Assembly in early May and the Committee will have an opportunity to consider and report on the matter before then.

Yours sincerely,



PP

**Shauna Rodgers**  
**Departmental Assembly Liaison Officer**

## ATTACHMENTS:

**Annex 1: Pet Abduction Bill**

**Annex 2: Explanatory Notes**

***Sustainability** at the heart of a living, working, active landscape valued by everyone.*

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

**INVESTORS IN PEOPLE®**  
We invest in people Standard