

Animal Welfare Team
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Submission from the Howard League for Penal Reform to the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill

The Howard League for Penal reform welcomes the opportunity to submit evidence to the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill 2018

About us

Founded in 1866, the Howard League is the oldest penal reform charity in the world. We have some 12,000 members, including lawyers, politicians, business leaders, practitioners, prisoners and their families and top academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

The Howard League works for less crime, safer communities and fewer people in prison. We aim to achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. Since 2002 the Howard League has provided the only legal service dedicated to representing children and young people in custody. The Howard League's objectives and principles underlie and inform the charity's work.

Key points:

Our response is focussing on questions 17 and 18, the proposal to increase the maximum penalty for specified animal welfare offences from six months to five years' imprisonment.

We do not agree with the new maximum sentence of five years for specified animal welfare sentences.

There is no published evidence which shows that increasing the maximum penalty for animal welfare offences to five years imprisonment will act as a deterrent or lead to fewer offences. As the Prison Reform Trust (PRT) state in their own submission to this consultation, the majority of people found guilty of committing animal cruelty offences currently receive a non-custodial disposal. Only five people sentenced by the courts for animal cruelty offences received the current maximum sentence of six months custody, according to data from the Ministry of Justice.


We are concerned that increasing the maximum penalty to five years imprisonment will lead to sentence inflation and an increase in the prison population.

We agree with PRT that it is incorrect to assume that an increase in the maximum prison sentence will lead to no change in sentence distribution. The Sentencing Council published revised guidelines on sentences for animal cruelty less than a year ago in April 2017. It is highly likely that if the guidance is revised to take account of a higher maximum penalty, it will also revise the category ranges and lead to sentence inflation across the board, resulting in greater use of prison. Increasing the maximum term of imprisonment is likely to drive up sentences for other offences.

Sentence inflation is already happening. There has been a significant growth in the average custodial sentence length for all offences from 12.4 months in 2007 to 16.5 months in 2017. Adults are now more likely to receive a custodial sentence according to the Ministry of Justice criminal justice system statistics 2017.

We recognise that animal cruelty is a distressing offence. However no evidence has been presented to show that a tenfold increase in the maximum term of imprisonment is necessary. The unintended consequences of increasing the maximum term do not appear to have been fully considered despite the fact that it will lead to an increase in the prison population as well as increasing the pressures and depleting the resources in our already overcrowded prison system.

Yours sincerely



Frances Crook
Chief Executive