



PUBLIC PETITION NO.

PE01544

Name of petitioner

Olivia Robertson

Petition title

Increasing the maximum sentence for convictions under the Animal Health and Welfare (Scotland) Act 2006

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to increase the maximum sentence for those convicted under the Animal Health and Welfare (Scotland) Act 2006.

Action taken to resolve issues of concern before submitting the petition

I contacted the MSPs for Dundee West. I had a written reply from Alison McInnes who then went on to write to the Scottish Government asking if it had any plans to review the legislation. In response to Alison McInnes' letter, the Cabinet Secretary for Rural Affairs, Food and the Environment, Richard Lochhead, wrote to say that the Scottish Government takes the issue of animal cruelty very seriously, and the sentence is proportionate to the crime committed and that the courts must remain to have the discretion on sentencing.

I agree that it is important for the courts to have the discretion on sentencing as not all cases are identical and there are always other factors to consider, but to say that the sentencing is proportionate is something I (and everyone I have spoken to) do not agree with in the slightest. It was disheartening to learn that someone in power feels that way. The point of the sentence should act as a deterrent to the crime and, at the moment, a one year imprisonment is not an effective enough deterrent, which is why there are so many cases of animal abuse and why it needs to be increased. I have spoken to many people about this and have not found one person who disagrees that the sentence should be increased. This is why I strongly feel that this petition is needed in order to convey how the public feels on the matter and build public pressure.

I contacted MSPs who were members of the Delegated Powers and Law Reform Committee, the Public Petitions Committee, and the Rural Affairs, Climate Change and Environment Committee. Many responded and conveyed their sympathies on the matter, and advised me that due to Parliamentary rules, they were unable to discuss the matter with me. Others advised me to start a petition on the Scottish Parliament website.

Whilst I have been waiting for this petition to be approved, I have gained 920 signatures for my petition on change.org:

<https://www.change.org/p/scottish-government-increase-the-maximum-sentence-for-animal-abuse>

Petition background information

Referring to the Animal Health and Welfare (Scotland) Act 2006, it states under section 19 that a person commits an offence if they cause a protected animal unnecessary suffering by an act, and the person knew, or ought to have reasonably have known, that the act would have caused suffering or be likely to do so.

As reference, a protected animal is described under section 17 as an animal which is commonly domesticated in the British Islands, under the control of man on a permanent or temporary basis, or not living in a wild state.

Now, the penalties for causing an offence under sections 19 (unnecessary suffering) and 23 (animal fighting) is imprisonment not exceeding 12 months or to a fine exceeding £20,000 or both. The penalty for causing an offence for any other parts (covering mutilation, cruel operations, and administer of poisons etc) is imprisonment not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.

Mutilation, cruel operations and administer of poisons etc is still causing an animal unnecessary suffering. To half the penalty because the suffering has been brought about in a different way is illogical.

Psychological studies have revealed that animal abuse is often a warning sign of serious emotional disturbance which can develop into extreme violence. It was found that 5% of U.S children had intentionally caused harm to an animal, compared to 10-25% of children at mental health clinics. It is also often the first sign of serious disturbance amongst killers. Councillors evaluated inmates for levels of aggression, it was found that amongst the most violent, 70% had serious and repeated animal abuse histories, compared to just 6% of those deemed as non-violent. (Melson G, Ph.D, 'Do Mass Killers Start Out by Harming Pets?')

The punishment in place for causing an offence under this Act is insufficient for the level of crime committed. There are harsher punishments for lesser crimes. The maximum sentence does not discourage people to commit the offence, and judging by the amount of video footage of animal abuse acts being carried out on websites such as Facebook, the amount of animals in rescue centres who have been abused and/or used in dog fighting rings, as well as dogs being stolen for dog fighting; this is an ongoing problem. It was reported that 2013 was the busiest year for the SSPCA, due to people abusing and neglecting their pets.(The Scotsman, SSPCA: 2013 'busiest year ever for animal charity)

By not punishing animal abusers sufficiently, it is putting a potential risk on members on the public as many go on to commit violence on people. I therefore urge the Scottish Parliament to call on the Scottish Government to amend the Animal Health and Welfare (Scotland) Act 2006, recommending that 12 months sentence be a minimum, and not a maximum. It may also be an idea to rehabilitate offenders as there is strong evidence to suggest that it is a deep rooted problem. It is not only important to protect animals, but to protect people.

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/animalcrueltypunishment>

Related information for petition

<http://www.psychologytoday.com/blog/why-the-wild-things-are/201302/do-mass-killers-start-out-harming-pets>

<http://www.legislation.gov.uk/asp/2006/11/contents>

<https://www.change.org/p/scottish-government-increase-the-maximum-sentence-for-animal-abuse>

<http://www.scotsman.com/news/scotland/top-stories/sspca-2013-busiest-ever-year-for-animal-charity-1-3310174>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

920

Closing date for collecting signatures online

18 / 12 / 2014

Comments to stimulate online discussion

What actions do you think should be taken to tackle the problem of animal cruelty?

What do you think the maximum sentence should be for those convicted under the Animal Health and Welfare (Scotland) Act 2006?

Do you agree that animal abuse is a sign of emotional disturbance?