

PE1544/A

**Public Petitions Clerks
Room T3 40
The Scottish Parliament
Edinburgh
EH99 1SP**

13 March 2015

PETITION PE1544 lodged by Olivia Robertson

The Scottish SPCA would like to thank the Public Petitions Committee for asking the Scottish SPCA to provide comment on the above petition.

As you will be aware qualified Scottish SPCA Inspectors are individually authorised by the Scottish Minister to enforce the welfare provisions of the Animal Health and Welfare (Scotland) Act 2006.

The 2006 Act replaced the Protection of Animals Scotland Act 1912 and consolidated several other animal related Acts and Orders.

The maximum penalties under the Protection of Animals (Scotland) Act 1912 were fines of up to £5000.00 and or 6 months imprisonment, provision was also available to impose a ban on ownership of animals. These penalties applied to all aspects of the Act.

The Animal Health and Welfare (Scotland) Act 2006 increased the maximum penalties (for certain offences) to a fine of up to £20,000.00 and or 12 months imprisonment. The Scottish SPCA agrees with the petitioner that the maximum penalties allowed should be extended to other aspects of the Act.

Obviously, as an Animal Welfare organisation we would support greater penalties but we do recognise that the potential penalties have been increased within the last decade.

The petitioner makes a very good point about the deterrent value of penalties; however, this has never really been tested, as with both the 1912 and 2006 Act's, I cannot recall any of the maximum penalties having ever been applied in any case within my 29 years of service.

The Scottish SPCA is pleased to note that there has been an increase in the number of disqualification and banning orders imposed by the Courts, however, the Scottish SPCA would recommend that a ban on ownership or custody of animals for anyone who pleads or is found guilty of a cruelty offence should be assumed by the Court.

Ownership of an animal is a privilege and not a right, so from a prevention point of view it is quite simple that if a person is banned from ownership or custody of an animal, the chances of another animal suffering at those people's hands are greatly diminished.

The Scottish SPCA would also recommend that the Courts seriously consider a term of imprisonment for any person who breaks a Court deprivation or banning order.

There is a very broad spectrum of offences covered by the Animal Health and Welfare (Scotland) Act 2006, most suffering is caused by ignorance or neglect but there is still an unacceptable amount of deliberate cruelty being inflicted on animals. Some of the more barbaric aspects of cruelty are relatively rare, but dog fighting and badger baiting is still present in Scotland and the Scottish SPCA works very well with Police Scotland to combat these issues.

It is up to Parliament to decide the appropriate levels of penalties applicable to each piece of legislation, but the Court must be allowed to interpret the legislation and pass a sentence that is fit for the offence that has been committed.

The Scottish SPCA does not always agree with sentences that are imposed but the Scottish SPCA recognises that Courts must have discretion with regard to the individual circumstances of each case and the background of the individual involved.

One of the clear points that concern the Scottish SPCA and many members of the public is the lack of consistency in sentences handed out by the Courts. Very similar cases can have widely different sentences imposed by different Sheriffs.

Mr MacAskill was correct in the meeting of the 17th of February 2015, the Scottish SPCA did have a problem with the time delay in a case being called before the Court, where an animal had been seized, and not relinquished by the owner, resulting in the animal having to spend a considerable period in our care until the case was determined. I am pleased to report that the Crown Office has taken steps to address this issue.

As an aside, the petitioner recognised the importance of education; the Scottish SPCA has one of the largest free outreach Education programmes in Scotland that meets the curriculum of excellence.

In 2014 our Education Officers, Animal Rescue Officers and Inspectors delivered the education programme to over 317,000 primary school children throughout Scotland.

The Scottish SPCA agrees with the request of the petitioner, but the public may have more faith in the current level of penalties if they were fully utilised by the Courts.

As requested, I have attached a summary of our Inspectors workload for 2014 (Annex A)

Yours sincerely

Michael Flynn
Chief Superintendent

ANNEX A

INSPECTORATE DEPT.

Number of telephone calls received in 2014 was 209,475 (195,108 in 2013)

148 Cases lodged with the Procurator Fiscal with a view to prosecution – (157 lodged in 2013)

SSPCA: 121 Domestic Animal Cases, 8 Farm Animal Cases, 10 Wildlife Cases:
Joint Police: 3 Domestic Animal Cases, 6 Wild Animal Cases

Case Results Obtained	2014	2013
SSPCA:	164	102
Domestic Animal Cases	140	86
Farm Animal Cases	8	6
Wildlife Cases	16	10
Joint Police:		
Domestic Animal Cases	1	1
Farm Animal Cases	0	0
Wildlife Animal Cases	0	1
TOTAL	165	104
Resulting in: -		
Acquitted	0	2
Admonished	15	8
Cases Deserted	6	0
Compensation Order	£1100.00	£1,200.00
Deprivation Order	7	8
Fines Totalling	£23,195.00	£14,270.00
Given Community Service	35	17
Given Probation	0	0
Not Proven	3	0
People Banned	63 (12 Life)	58 (12 Life)
People Fined	56	51
People Sent to Prison	1	1
PF Warning	5	4
Supervision Order	2	2