



EXPLANATORY NOTES

Pet Abduction Act 2024

Chapter 16

£8.14

PET ABDUCTION ACT 2024

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Pet Abduction Act 2024 which received Royal Assent on 24 May 2024 (c. 16).

- These Explanatory Notes have been provided by the Department for Environment, Food and Rural Affairs (“The Department”) in order to assist the reader of the Act in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Pet Abduction Act 2024 (“the Act”) 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.
- 2 The Act also introduces an enabling power to amend the Act to apply or replicate the offences through secondary legislation to other species of animal commonly kept as pets, when certain conditions are met.

Policy background

- 3 The 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 was a cross-government initiative including the Home Office, the Department for Food, Environment and Rural Affairs and the Ministry of Justice. The Taskforce sought input from experts, law enforcement and animal welfare organisations to develop a clear evidence base.
- 4 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, 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.
- 5 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 1968, depending on the circumstances of the crime committed. The Taskforce 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 is intended to contribute to.
- 6 The Taskforce recommended that the scope of a pet abduction offence should include dogs, but that the applicability to other animals should be considered as the policy is developed. The Department considered further views expressed by stakeholders during the policy development and cats have been included into the scope of the offence introduced by the Act. The Department recognises that sufficient evidence to extend the offences to other pet species may be present in the future and the Act allows for such eventuality.
- 7 In contrast to the core offence of theft under the Theft Act 1968, the new offences introduced by the Act do not require the prosecution to prove an intention to permanently deprive the other of the pet.

Legal background

- 8 As set out in paragraph 4, in England, it is an offence under the Theft Act 1968 to steal a pet. The Theft Act 1968 makes it an offence for a person to dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it. The term “property” includes kept animals of all descriptions whether kept as pets, livestock, working animals etc.

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- 9 The Theft Act (Northern Ireland) 1969 provides for a similar offence in Northern Ireland.
- 10 Other legislation referred to in the Act (see section 1) is as follows –
 - a. The Environmental Protection Act 1990 sets out what a person must do if they find and take possession of a stray dog in England. Any person who takes possession of a stray dog must either return the dog to its owner or take it to the local authority for the area in which the dog was found forthwith.
 - b. The Dogs (Northern Ireland) Order 1983 sets out what a person must do if they find and detain an unaccompanied dog in Northern Ireland. Any person who detains a dog must give notice to the police or to the district council for the district in which they reside. An officer of the district council must make arrangements for the collection of the dog.
- 11 There are currently no statutory provisions in England or Northern Ireland requiring lost, abandoned or stray cats to be dealt with in a particular manner.

Territorial extent and application

- 12 Section 5 sets out the territorial extent of the Act, which describes the jurisdictions in which the Act forms part of the law. The territorial extent of the Act is England and Wales and Northern Ireland.
- 13 Sections 1 to 3 make it clear that these provisions of the Act apply in relation to England and Northern Ireland only. Section 4 extends to and applies in Northern Ireland only.
- 14 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of the Act

Section 1: Dog abduction

- 15 Subsection (1) of this section establishes an offence in relation to the taking or detaining of a dog for actions that take place in England and Northern Ireland. It provides that it is an offence for a person to take a dog so as to remove it from the lawful control of any person, or to detain a dog so as to keep it from the lawful control of any person who is entitled to have lawful control of it.
- 16 Subsection (2) provides that no offence is committed where the conditions in (a) to (d) of that subsection are met, and therefore the offence does not apply in certain cases involving persons who previously lived together in the same household with the dog.
- 17 Subsection (3) sets out that it is a defence for a person to show that they had lawful authority or a reasonable excuse to take or detain the dog.
- 18 Subsection (4) provides a specific defence in relation to stray dogs in England where the person has taken all reasonable steps to comply with section 150(1) of the Environmental Protection Act 1990, which is the legislation dealing with stray dogs. Subsection (5) provides a similar defence in relation to unaccompanied dogs in Northern Ireland where the person has complied with Article 24 of the Dogs (Northern Ireland) Order 1983.
- 19 Subsection (6) provides that the defendant is under an evidential burden of proof in relation to the defences in subsections (3), (4) and (5), so that if sufficient evidence of the defence is provided, the burden is then on the prosecution to prove beyond reasonable doubt that the defence is not true.
- 20 Subsection (7) sets out the penalties for offences under this section, which include, on conviction on indictment, a maximum of five years imprisonment, a fine, or both.
- 21 Subsection (8) includes definitions of “taking” and “detaining” for the purposes of this section.

Section 2: Cat abduction

- 22 Subsection (1) of this section establishes an offence in relation to the taking of a cat for actions that take place in England and Northern Ireland. It provides that it is an offence for a person to take a cat so as to remove it from the lawful control of any person.
- 23 Subsection (2) provides that no offence is committed where the conditions in (a) to (d) of that subsection are met, and therefore the offence does not apply in certain cases involving persons who previously lived together in the same household with the cat.
- 24 Subsection (3) sets out that it is a defence for a person to show that they had lawful authority or a reasonable excuse to take the cat.
- 25 Subsection (4) provides that the defendant is under an evidential burden of proof in relation to the defences in subsection (3), so that if sufficient evidence of the defence is provided, the burden is then on the prosecution to prove beyond reasonable doubt that the defence is not true.
- 26 Subsection (5) sets out the penalties for the offences under this section, which include, on conviction on indictment, a maximum of five years imprisonment, a fine, or both.
- 27 Subsection (6) includes a definition of “taking” for the purposes of this section.

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Section 3: Abduction of other animals commonly kept as pets

- 28 Subsection (1) confers powers on the appropriate national authority to make regulations to amend the Act to apply or replicate the offences in section 1 or 2, with or without modifications, to further species of animal. “Appropriate national authority” is defined in subsection (6).
- 29 Subsection (2) sets out when the power in subsection (1) may be exercised: if the appropriate national authority considers that animals of the species are commonly kept as pets, and that there is evidence that the number of incidents involving the unlawful taking or detaining of animals of that species is significant or rising significantly.
- 30 Subsection (3) has the effect that regulations replicating or applying the offences to further species of animal can provide for the offences to have different exceptions or defences.
- 31 Subsection (4) ensures that regulations replicating or applying the offences cannot alter the penalties applicable.
- 32 Subsection (5) requires the appropriate national authority to consult appropriate persons prior to making regulations under this section.
- 33 Subsection (6) defines “appropriate national authority” in relation to each of England and Northern Ireland for the purposes of this section.
- 34 Subsections (7), (8) and (9) set out the procedure for making regulations under this section in the UK Parliament and in the Northern Ireland legislature.
- 35 Subsection (10) sets out that regulations under this section may make different provision for different purposes, as well as consequential, supplementary, incidental, transitional or saving provision.
- 36 Subsection (11) provides specific authority for regulations making consequential, supplementary, incidental, transitional or saving provision to amend the Magistrates’ Courts (Northern Ireland) Order 1981.

Section 4: Sections 1 and 2: consequential provision

- 37 This section 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 section 1 or 2 cannot claim trial by jury.

Section 5: Extent

- 38 This section sets out the territorial extent of the Act (see also Annex A).

Section 6: Commencement

- 39 Subsections (1), (2) and (3) of this section set out when or how each provision in the Act comes into force.
- 40 Sections 1 (Dog abduction) and 2 (Cat abduction) come into force so far as they extend to England and Wales at the end of the period of three months beginning with the day on which the Act is passed.
- 41 Sections 1 (Dog abduction) and 2 (Cat abduction), so far as they extend to Northern Ireland, and section 4 (Sections 1 and 2: consequential provision) come into force by order on a day appointed by the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

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- 42 Sections 3 (Abduction of other animals commonly kept as pets), 5 (Extent), 6 (Commencement) and 7 (Short title) come into force on the day on which the Act is passed.
- 43 Subsections (4) and (5) provide powers for the Secretary of State and the Department for Agriculture, Environment and Rural Affairs in Northern Ireland to make transitional or saving provisions in connection with commencement.
- 44 Subsection (6) sets out that regulations or an order under this section may make different provision for different purposes.
- 45 Subsections (7) and (8) establish how the power of the Secretary of State or Department for Agriculture, Environment and Rural Affairs in Northern Ireland to make regulations or an order under this section is exercisable.

Section 7: Short Title

- 46 This section provides that the short title of the legislation is the Pet Abduction Act 2024.

Commencement

- 47 Section 6 makes provision about when and how the provisions of the Act come into force.

Related documents

- 48 The following documents are relevant to the Act and can be read at the stated locations:
- Pet Theft Taskforce Report, September 2021:
<https://www.gov.uk/government/publications/pet-theft-taskforce-report>

Annex A – Territorial extent and application in the United Kingdom

49 The Act extends to England, Wales and Northern Ireland, and applies in relation to England and Northern Ireland.

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1 Dog abduction	Yes	No	No	Yes
Section 2 Cat abduction	Yes	No	No	Yes
Section 3 Abduction of other animals commonly kept as pets	Yes	No	No	Yes
Section 4 Section 1 and 2: consequential provision	No	No	No	Yes
Section 5 Extent	Yes	No	No	Yes
Section 6 Commencement	Yes	No	No	Yes
Section 7 Short title	Yes	No	No	Yes

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Annex B – Hansard References

50 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Commons</i>		
First Reading	6 December 2023	Vol 742 Col 381
Second Reading	19 January 2024	Vol 743 Col 1164
Public Bill Committee	31 January 2024	Pet Abduction Bill: Public Bill Committee, Col 1
Report and Third Reading	19 April 2024	Vol 748 Col 545
<i>House of Lords</i>		
First Reading	22 April 2024	Vol 837 Col 1267
Second Reading	10 May 2024	Vol 838 Col 350
Order of Commitment Discharged	24 May 2024	Vol 838 Col 1272
Third Reading	24 May 2024	Vol 838 Col 1272
Royal Assent	24 May 2024	Vol 838 Col 1375

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