

John F. Robins, Secretary, Animal Concern Advice Line (ACAL), c/o Animal Concern,
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Animal Concern Advice Line (ACAL) is a recognised Scottish charity: No. SC030982.
Animal Concern Advice Line was established in 2001 to take on the charitable work of Animal
Concern which was founded as the Scottish Anti-Vivisection Society in 1876.
E-MAIL: acal@jfrobins.force9.co.uk Website: <http://www.adviceaboutanimals.info>

Michael Matheson MSP,
Cabinet Secretary for Justice,
The Scottish Parliament
Edinburgh EH99 1SP

Dear Cabinet Secretary,

I write concerning maximum sentences available to our Courts when dealing with criminals convicted under cruelty to animals legislation.

I am ashamed to say that if it was not for the recent excellent initiative of Battersea Dogs Home to highlight the disparity between sentences available to Courts in Northern Ireland and those in England and Scotland I would not have known that our system lags so far behind that in N. I. .

Under the Animal Health and Welfare (Scotland) Act 2006 the maximum jail term is just one year. The equivalent law in N.I. gives Courts the option of jail terms up to five years. I urge you to take what action is required to bring sentencing powers in Scotland into line with those in N. I. .

Until you close this vast gap in sentencing power I urge you to ask Police Scotland to be extra vigilant in combatting crimes such as badger baiting, cock fighting and dog fighting. Now that the difference in sentencing powers is public knowledge it is likely that Scotland will become an even more favoured venue for illegal bloodsports enthusiasts crossing the Irish Sea.

In addition to increasing sentencing powers with regards to jail terms and perhaps fine levels I ask you to look at one of the most important powers available to Courts, the power to ban people from keeping animals. This power is not used often enough and it needs to be better defined. There is no point of banning someone from owning or keeping animals if they can simply claim that any animals in their household belong to someone else in that household. I suggest that people convicted of cruelty to animals should be banned from owning, keeping and having contact with animals.

It is a known fact that people who are cruel to animals often go on to be cruel and abusive to people, especially vulnerable people and children who, like animals, cannot defend themselves or easily ask for help. I urge you to consider introducing an animal offenders register similar to that used to monitor sex offenders.

Please find below a link to a newspaper article regarding the “Ayrshire Ark” court case. I was first made aware of concerns about this “sanctuary” in September last year. I was told that the local authority (East Ayrshire Council), the Scottish SPCA and Police Scotland had all been informed of possible welfare problems at Ayrshire Ark. However it was not until November, after the Scottish Sun on Sunday published photographs they had taken which showed terrible conditions and dead dogs rotting on the floor of the semi-derelict building being used as a rescue centre, that action was taken which resulted in a successful prosecution.

I request that you order an investigation into how this case was handled to determine why, weeks if not months after the proper authorities had been alerted, it required a newspaper to obtain and publish evidence of horrendous neglect and cruelty before action was taken.

I look forward to your reply in due course.

Yours sincerely,

John F. Robins,
For Animal Concern Advice Line

PS I have copied this e-mail to your colleague Cabinet Secretary Cunningham who I believe is currently working on producing legislation to license and govern animal rescue centres.

<https://www.thescottishsun.co.uk/news/scottish-news/1489617/ayrshire-frozen-dogs-remains-found-ayrshire-ark-animal-death-reaches-16/>