

Cats and the law



What you should know

It is important to remember that, according to the Protection of Animals Act 1911, the cat is a domestic animal and therefore enjoys certain rights under the law.

The Theft Act 1968 acknowledges that all domestic animals, including cats and dogs, are capable of being stolen if taken from their owners unlawfully. Successful prosecutions have been made in the past, for example at Clerkenwell, three men were fined on charges of having possession of nine cats, knowing them to have been stolen and conveying them in such a manner as to cause them unnecessary suffering.

While it is very regrettable that cats are not covered by the Road Traffic Act, their exclusion from the Act in no way detracts from the protection afforded them by the:

- Cruelty to Animals Act 1876
- Abandonment of Animals Act 1960
- Animals Act 1971.

The many acts of Parliament dating back to 1822, passed with the object of protecting animals, are all aimed at the elimination of 'unnecessary abuse of an animal'.



CP Photo library

Cruel act: This cat was thrown at a wall

The law

Under the Protection of Animals Act 1911 as extended by later legislation, any person commits an offence who:

- **cruelly ill-treats, beats, kicks**
- **infuriates, terrifies, tortures**
- **carries or conveys in a manner to cause unnecessary suffering**
- **commits any act that will cause unnecessary suffering to a cat or kitten**
- **abandons or causes to be abandoned a cat or kitten without reasonable cause or excuse under such circumstances as to be likely to cause unnecessary suffering**
- **causes anyone to do any of these things or, being a cat owner, allows someone else to do these things to his cat; an owner is deemed to have permitted cruelty if he fails to exercise reasonable care and supervision in respect of the protection of the cat or kitten from such cruelty.**

On conviction, such a person is liable to a fine or imprisonment or both. The Court may also deprive the offender, if he is the owner, of ownership of the animal. It may also disqualify him from having the custody of animals, for such a period as the Court thinks fit.

Cruelty

Similarly, any person commits an offence who, through cruelty, causes any damage or injury to a cat. Thus a person who destroys or damages a cat belonging to another, may be committing an offence under the Criminal Damage Act 1971. A threat to damage or destroy a cat belonging to a third party may also be an offence.

Painful experiments

Under the Cruelty to Animals Act 1876, any person who conducts painful

experiments on living animals, without the use of anaesthetics, commits an offence. Licences issued by the Home Secretary are required before any such experiment can be carried out. Unfortunately, there is a recognised exception; where the object of the experiment would be frustrated if anaesthetics were administered, then the experiment may be carried out without.

Operations

Under the Protection of Animals Act 1911, any person commits an offence who performs an operation without “due care and humanity”. This includes the castration of any male kitten without an anaesthetic.



Tore Tore by Margaret Hopkins

Abandonment

Under the Abandonment of Animals Act 1960 any person who, being the owner or having control of an animal, abandons it in such a way that the animal suffers, is guilty and becomes liable to a fine and/or imprisonment as prescribed in the Act.

Poisons

Under the Protection of Animals Act 1911, any person who deliberately and intentionally administers any poison to an animal, is guilty of an offence. Equally, a person commits an offence if he knowingly puts poison down in any building or place without taking reasonable precautions to avoid harming cats and kittens in the area.

Boarding establishments

The Animal Boarding Establishments Act 1963 delegates to Local Authorities the control and licensing of all animal boarding establishments within their area. Licences are renewable annually on payment of a fee and the onus for regular inspection placed on the Local Environmental Health Officer. Complaints regarding the conduct of such establishments should, therefore, be brought to the attention of his/her department within the Local Authority concerned. The Act allows the Local Authority to refuse a licence or to withdraw a licence; in such cases, appeal may be made to the Magistrates Court. A conviction of cruelty could result in the cancelling of a licence and the disqualification of a proprietor from having custody of animals.

Pet shops

All pet shops must be licensed by the Local Authority in accordance with the provisions of The Pet Animals Act 1951. Licenses are issued annually following an inspection by the Local Authority's Environmental Health Officer. He/She should be notified if the premises are considered unsatisfactory, overcrowded and/or unhygienic which could result in the loss of the licence.

Trespass

Since cats are excluded from the definitions of 'livestock' and 'cattle' under the Animals Act 1971, they cannot be held guilty of trespass under civil law and, therefore, their owners or keepers cannot be liable for any damage done.

Public health

Under the Environmental Protection Act 1990, there is provision for:

Proceedings to be brought when, in the view of the Local Authority, there is a 'statutory nuisance' caused by 'an animal kept in such a place or manner as to be prejudicial to health or a nuisance.'

In this connection, it is very unlikely that mere straying by a cat could be described a 'nuisance', but it must be pointed out that straying by several cats has, on occasions, resulted in a conviction.

Under the Public Health Act 1936 there is provision for:

A Local Authority to make bye-laws preventing the keeping of animals so as to be prejudicial to health.

Keeping numbers of cats

If a large number of cats are kept in a domestic residence, the Local Authority may decide that the main use has been changed from a private dwelling to a cat sanctuary requiring planning consent.

A change of use depends on various factors including the size and position of the house but, in most cases, planning consent is not needed unless more than 12 cats are kept.

Cat owners should beware of their cats causing a health hazard, for example by



George by Geoffrey Mason

Rabies control: Animals may only enter the UK through one of the approved ports of entry

consistently fouling in neighbours' gardens which could cause problems with the local Environmental Health Department under the Environmental Protection Act 1990, mentioned above.

To avoid this some people fence their gardens or keep the cats in pens.

Both solutions are acceptable but fences must not exceed two metres in height and pens are subject to certain regulations concerning their dimensions. (Headquarters can provide precise details on application).

Rabies

To reduce the possibility of rabies spreading from the continent to the UK, the Rabies (Importation of Dogs, Cats and other Mammals) Order 1974 was issued. This controls the import of dogs, cats and other species and requires import licences to be obtained.



Animals may only enter this country through one of the approved ports of entry. Applications for licences may be made for arrivals in to the UK to:

**MINISTRY OF AGRICULTURE,
FISHERIES AND FOOD (MAFF),
Government Buildings,
(Toby Jug Site), Hook Rise South,
Tolworth, Surbiton KT6 7NF
Tel: 020 8330 4411 Fax: 020 8337 3640**

**DEPARTMENT OF AGRICULTURE,
Northern Ireland, Dundonald House,
Upper Newtownards Road,
Belfast BT4 3SB Tel: 028 9052 4715**

**SCOTTISH OFFICE AGRICULTURE
AND FISHERIES DEPARTMENT,
Animal Health Division R353,
Pentland House, 47 Robb's Loan,
Edinburgh EH14 1TW Tel: 0131 244 6177**

**WELSH OFFICE,
Agricultural Department,
Crown Buildings, Cathays Park,
Cardiff CF1 3NQ Tel: 029 2082 3593**

After landing, the animal must be moved from the point of entry as soon as possible to a quarantine kennel licensed officially by the Ministry. Quarantine is six months and the expense of keeping the

animal falls entirely on the owner. If an animal is brought into the country illegally, it may be put down and the owner prosecuted. Recent cases have resulted in heavy fines and/or terms of imprisonment of up to 12 months.

PETS

The PETS pilot scheme was introduced in February 2000. Under the scheme, pets from qualifying European countries can enter the UK without going through the quarantine procedure. For details phone the PETS Helpline on 0870 241 1710.

Prosecutions

The RSPCA deals with a very large number of cases under the laws to which reference has been made in the preceding paragraphs. Cases of cruelty that come within the meaning of the various acts, supported by reliable and irrefutable evidence, should be reported to the local RSPCA Inspectors or the RSPCA Headquarters at The Causeway, Horsham, West Sussex. In an emergency you may telephone 0990 555 999 (local rate call).

Cats Protection is very grateful to Linda Reeves BA (Hons), Solicitor, who has assisted in the preparation of this leaflet.

Membership form for Cats Protection

Membership Rates

Please enrol me as a:

Life Member £175
Annual UK Member £12
Annual Senior Member £6
Annual Cool Cats Member £5
(Recommended age 16 and under)

Europe £18
USA/Canada \$48
Elsewhere £24

Donation £

Total Enclosed £

Your details:

Membership No. (if known) _____

Mr. Mrs. Miss. Ms. Other (please specify) _____

Name: _____

Address: _____

Postcode: _____ Tel: _____

Date of Birth: _____

All membership includes a free copy of the bi-monthly journal *The Cat*, except Cool Cats members who receive six copies of *Cool Cats* annually

Four ways to pay:

1 By cheque/postal order
payable to **The Cats Protection League**

2 By direct debit
please contact us at the address below
for a full membership leaflet

3 By credit/debit card
freephone hotline:
0800 917 CATS (0800 917 2287)

4 By credit/debit card:

I wish to pay by **VISA/MASTERCARD/DELTA/SWITCH**

Card number:

Card expiry date:

Switch cardholders only:

Issue number:

Start date:

Signature: _____

Please send all forms to **Supporter Services at the address below**

LAW



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West Sussex RH13 5PN
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(Calls charged at national rate)
Fax: 08707 708 265

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