



# **Briefing Paper: In Support of Ruby's Law**

**PROTECTING PETS IN FAMILY LAW IN ENGLAND AND WALES**

**12 February 2025**



## **Introduction: Ruby's Law**

Ruby's Law is a campaign that seeks to address the often-overlooked role of pets in the cycle of domestic abuse and provide survivors with the confidence to seek safety without fearing for their animals.

Research conducted by Refuge4Pets in 2021, in partnership with the Dogs Trust, found that 90% of households experiencing domestic abuse reported that animals were also abused by the perpetrators. In 12% of these households, the pet was killed.<sup>1</sup>

Gaps in family law in England and Wales mean that abusers can cause harm to family pets, use pets to coerce and control their human victims, and prevent victims from leaving abusive environments.

The Ruby's Law campaign is advocating for the following:

- Recognition in law that pets are part of the household affected by domestic abuse.
- Legal mechanisms to ensure the safety and welfare of pets in abusive situations.
- The establishment of clear responsibilities for courts when making decisions regarding pets.

To achieve the above, Ruby's Law is seeking the following legislative amendments:

- Expand Non-Molestation Orders (under Section 42 of the Family Law Act, 1996) to explicitly allow non-molestation orders to cover pets.
- Expand Occupation Orders (under sections 33–38 of the Family Law Act, 1996) to include provisions for the court to decide who

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<sup>1</sup> <https://www.vetclick.com/news/new-research-shows-scale-of-abuse-against-animals-in-domestic-abuse-cases-p7885.php> (accessed February 2025)



retains care of the pet and ensure the pet's safety when determining occupation orders.

- Broaden the understanding of domestic abuse by introducing language which recognises that harm to pets can be used as a form of coercion or control, linking this to the broader understanding of domestic abuse under the Domestic Abuse Act 2021.

This briefing paper outlines our proposed legislative amendments in more detail, and the reasons why we believe these changes will enhance the protection of victims of domestic abuse.

## **Proposed Legislative Amendments**

Ruby's Law proposes amendments to the Family Law Act 1996 to ensure that pets are protected from domestic abuse when seeking non-molestation and occupation orders. The following specific amendments are proposed:

### OBJECTIVE ONE

#### **1. Amend Section 42 (Non-molestation orders):**

In subsection (1), after paragraph (b), insert:

“(c) provision prohibiting the respondent from molesting, harming, or threatening to harm any animal that is owned or kept or cared for by the applicant or a relevant child.”

#### **2. Amend Section 62 (Interpretation of Part IV):**

In subsection (2), after the definition of "non-molestation order," insert:

““animal” means any domesticated creature, including pets, that is owned or kept by a person;”

### OBJECTIVE TWO



### **3. Amend Section 33 (Occupation orders where applicant has estate or interest etc.):**

In subsection (3), after paragraph (g), insert:

“(h) a provision requiring the respondent to allow the applicant to retain possession of any animal owned or kept by the applicant or a relevant child and to refrain from harming or threatening to harm such animal.”

### **4. Amend Section 36 (Occupation orders where neither party entitled):**

In subsection (5), after paragraph (f), insert:

“(g) a provision requiring the respondent to allow the applicant to retain possession of any animal owned or kept by the applicant or a relevant child and to prohibit from harming or threatening to harm such animal.”

These amendments aim to explicitly include the protection of pets within the scope of non-molestation and occupation orders under the Family Law Act 1996, thereby safeguarding animals from harm in situations of domestic abuse.

### **Impact beyond the Family Law Act, 1996:**

The proposed amendments to the Family Law Act 1996 to include protections for for cared for animals, pets, and animals situated in a domestic setting in non-molestation and occupation orders will have several consequential effects on the Domestic Abuse Act 2021:

#### OBJECTIVE THREE

### **1. Potential Amendments to the Domestic Abuse Act 2021**

To align with these changes, the Domestic Abuse Act 2021 could be amended to:

- Explicitly reference pet abuse as a form of controlling or coercive behaviour under Section 1.



- Expand the definition of economic abuse to include withholding access to pets as a control mechanism.
- Ensure that Domestic Abuse Protection Orders (DAPOs) cover harm or threats to pets.

## **Auxiliary Impact of Legislative Changes**

### **Impact on the Prosecution of Breaches of Orders Under the Family Law Act 1996**

The proposed amendments, explicitly including pets in non-molestation and occupation orders – will have significant effects on the prosecution of breaches under the Family Law Act 1996, particularly under Section 42A, which criminalises breaches of non-molestation orders.

#### **1. Increased Scope of Breach Offenses**

Currently, breaching a non-molestation order is a criminal offense under Section 42A, punishable by up to five years' imprisonment.

The amendments would:

- Allow prosecution where the respondent harms, threatens, or removes a pet in violation of the order.
- Make coercive control involving pets explicitly enforceable under these protective orders.
- Reduce legal ambiguity, making it easier to prosecute abuse cases where pet harm is involved.

**Example:** If an abuser threatens to kill a pet as retaliation after an order is issued, this would constitute a breach and could lead to criminal prosecution.

#### **2. Strengthening Evidence for Prosecution**

- The amendments would ensure police and prosecutors take pet-related breaches seriously by providing clear legal grounds to prosecute.



- Veterinary records, witness testimony, and digital evidence (texts, emails, CCTV) involving threats or harm to pets would be admissible in court as evidence of a breach.

**Example:** A perpetrator sends threatening messages saying, “I’ll hurt your dog if you don’t come back.” This would now be a clear breach, rather than an indirect form of intimidation.

### **3. Higher Conviction Rates for Domestic Abuse Offenses**

- Many domestic abuse victims do not report breaches due to fear of retaliation against their pets.
- Legal protection for pets will increase reporting and prosecution rates, leading to higher conviction rates for domestic abuse-related offenses.
- Prosecutors will have a stronger basis for pursuing coercive control and psychological abuse cases where pets are used as leverage.

### **4. Harsher Sentencing Considerations**

- Judges may consider pet abuse as an aggravating factor in sentencing, potentially leading to longer custodial sentences for breach offenses.
- Courts could impose stricter bail conditions, including prohibiting contact with the victim’s pets.
- Offenders may be required to attend behavioural intervention programs addressing the link between animal cruelty and domestic violence.

### **5. Enhanced Police and Prosecutor Training**

- Police and Crown Prosecution Service (CPS) guidance would need updating to ensure officers recognise pet-related breaches as criminal offenses.
- Domestic abuse training programs would expand to include the role of pet abuse in coercive control.



- Officers would be encouraged to proactively check on pets during welfare visits or risk assessments.

## **In Summary: Why We Need Ruby's Law**

### **1. Strengthening the Domestic Abuse Act 2021**

- The Domestic Abuse Act 2021 currently defines domestic abuse to include coercive control, which can involve threats to harm pets.
- These amendments to the Family Law Act 1996 reinforce this definition by explicitly recognising harm to animals as a form of domestic abuse within protective orders.
- This strengthens the legal recognition of the link between animal abuse and domestic abuse.

### **2. Increased Protections for Victims**

- Victims may feel safer leaving abusive relationships if they know their pets are also protected under non-molestation and occupation orders.
- The psychological abuse tactic of threatening pets to control victims would be explicitly addressed in legal orders, reducing barriers to leaving abusive situations.

### **3. Broader Enforcement Powers**

- Law enforcement and courts would have clearer powers to issue orders prohibiting harm or threats to animals as part of domestic abuse protections.
- Breaching a non-molestation order by harming a pet would become a criminal offense under Section 42A of the Family Law Act 1996.

### **4. Impact on Perpetrator Rehabilitation and Sentencing**

- Courts may consider animal abuse as an aggravating factor in sentencing and risk assessments of perpetrators.



- Domestic abuse prevention programs may expand to include education on the link between domestic abuse and animal cruelty.

## **Conclusion**

The legislative changes proposed by Ruby's Law would significantly improve justice outcomes for domestic abuse victims while reinforcing the seriousness of pet-related coercion and harm in family law.

By explicitly including pet-related abuse in non-molestation and occupation orders, the amendments would strengthen prosecution efforts by removing legal grey areas. The proposed amendments would increase reporting and conviction rates for domestic abuse-related offenses, ensure stricter enforcement and harsher penalties for perpetrators, and enhance victim protection, making it easier to leave abusive situations without fear for their pets' safety.