

50.6a *Judicial guidance*

Barker and Williamson v RSPCA 2018 EWHC 880 (Admin), 2 Cr App R (S) 13 (p 92) B and W pleaded at the Magistrates' Court to two charges of failing to ensure the needs of their dogs were met (section 9). An RSPCA inspector visited their 'utterly squalid and utterly chaotic home' and found a 10-year-old King Charles spaniel and her five offspring. The dogs had a heavy flea infection and were let out from their crates for 2-3 hours a day. The inspector gave advice. Later a vet called to neuter and spay the dogs and the RSPCA refused to return the dogs as the treatment advised had not been effective. B and W had disability and mobility issues. [There was significant mitigation and the full facts are not listed.] The Court imposed a 7-year animal disqualification order only. The two appealed the orders at the Crown Court, which upheld them save that B and W could keep terrapins. B and W then appealed to the High Court. Held. para 48 There can be an 'all animals' order. A person's treatment of a dog may, in principle, shed light on his or her likely treatment of a cat or a parrot. There can be an order covering some kinds of animal but not others. There can be an exclusory order, that is to say an order prohibiting the ownership etc. of all animals except those of certain kinds, which is the order the Crown Court made. para 51 Under [Animal Welfare Act 2006 s 34\(5\)](#) it is not permissible to prohibit the ownership etc. of individual animals; e.g. owning animals except for one particular terrapin. The prohibition must be framed by reference either to all animals or to kinds of animal, by reference to their genus or species. para 52 The disqualification orders were not oppressive or harsh. 7 years was not too long. Appeal dismissed.