

UK CENTRE FOR ANIMAL LAW

RESPONSE TO GOVERNMENT CONSULTATION DOCUMENT:

“A FAIRER END TO RELATIONSHIPS”

10th August 2026

1. This response is submitted by the UK Centre for Animal Law, hereinafter referred to as ‘A-LAW’. A-LAW is led by lawyers – predominantly practising solicitors and barristers – and works closely with legal academics. We seek to be a source of objective, independent legal analysis on animal protection law issues. We are registered as a charity in England and Wales (1113462) and are politically neutral. In addition to publishing legal analyses and resources to inform public debates, we provide animal protection organisations with access to high quality legal support to assist their work. We also promote the teaching of animal law in UK universities. This response was prepared by Marcia Hyde, a barrister with 30 years of experience practising in family law, with specialism in animal law, with input by our team of experts in animal law. For further information about us, visit alaw.org.uk or email info@alaw.org.uk.
2. This response holds in mind the Government’s commitments to:
 - a. Strengthening the rights and protection of women;
 - b. To halving violence against women and girls;
 - c. Protection against domestic abuse;
 - d. Placing children’s welfare at the centre of decision making.
3. This response is also underpinned by the rationale embodied in the Animal Welfare (Sentience) Act 2022 that the government should have all due regard to whether any of its policies might have an adverse effect on the welfare of animals *as sentient beings*.
4. Given the Government commitments set out above, this response addresses what A-LAW submits is a pressing need to reform the law in such a way as to bring it into line with current contemporary values, ethics and government policies by:

- a. Shifting the legal definition of animals as property/chattels to one which recognises an animal as a sentient being with species specific welfare needs, and
 - b. Reflect the widespread public recognition of a companion animal as being ‘a member of the family,’ and
 - c. Reflect the wealth of research which links animal abuse to human abuse especially within a domestic setting and primarily against women and children; and
 - d. Recognises the ‘weaponisation’ of the animal within financial litigation proceedings; and
 - e. Reflect General Comment 26 made under the UN Convention of the Rights of the Child which states that children must be protected from all forms of violence including violence inflicted on animals.
5. This response specifically addresses some matters in Part 1 of the Consultation: ‘Reforming the Law of financial remedies on divorce and dissolution’. A-LAW submits however, that **these responses to Part 1 are equally relevant and should be reflected in any changes to the law in respect of cohabitants on separation.** This is simply because the link between animal abuse and human abuse, especially domestic abuse, pertains whatever legal status the domestic/family relationship has.

Reforming the Law of financial remedies on divorce and separation

Response to Question 9: Needs and Sharing

6. A-LAW submits a key requirement of reform should be to redefine the family pet (“the companion animal”) and give such a distinct and separate legal identity to that of ‘property’ or ‘chattel’ with separate and distinct welfare considerations determining what should happen to the companion animal on divorce or separation.
7. A-LAW submits this should be reflected in a checklist of factors that the court must consider when applying the needs and sharing objective.

8. The above approach reflects other jurisdictions (Canada, Australia, Spain, Latin America and many American States) who have enacted divorce/financial remedy laws reflecting that such an animal is a sentient being.
9. This approach in turn reflects both the developments in theories of sentience based on research which is reflected in the Animal Welfare (Sentience) Act 2022,¹ as well as the overwhelming public view that the companion animal is a member of the family.
10. The recognition of sentience is at the root of the emotional ties and bonds that humans have to their companion animals and opens a door to both protective and abusive behaviours. These behaviours are reflected in rising numbers of disputes in financial proceedings as to ‘who gets to keep the companion animal’ and in a rising number of couples entering into ‘pet nups.’ In addition, practitioners report that ‘custody’ of the companion animal is increasingly being used as an emotional bargaining tool to gain advantage in any division of assets in financial proceedings.
11. In this jurisdiction there is already a move in practice to recognise sentience. In the case of FI V DO [2024] EWFC 384(B) the Judge indicated that:

“At times it seemed to me that I was in the realms of a Children Act application which featured the dog” and;

“It was clear that when the dog ran back to the family home the dog considered that to be a safe place where she belonged” and;

“The dog’s home is with the wife, and she should stay there. It would be upsetting for both the dog and the children were those arrangements to alter.”
12. In order to properly reflect that a companion animal is sentient and that such animals are increasingly the source of dispute within financial proceedings, A-LAW proposes that the Matrimonial Causes Act 1973 is amended by insertion of new section 23A thus:

¹ See: Sentience: Donald M. Broom, In: Encyclopaedia of Animal Behavior, 3rd Edition, ed. Brown C., 4 pages. Elsevier doi.org/10.1016/B978-0-443-29068-8.00003-9 Pre-publication copy. ; The sentience shift in animal research, Heather Browning & Walter Veit (2022) The sentience shift in animal research, The New Bioethics, 28:4, 299-314, DOI: 10.1080/20502877.2022.2077681. ; 3. Birch, Jonathan (2017), Animal sentience and the precautionary principle in Animal Sentience Journal16(1) DOI: 10.51291/2377-7478.1200 ; 4. Birch, J., et al., 2021. Review of the evidence of sentience in cephalopod molluscs and decapod crustaceans. LSE consulting [online].

“23A Orders in respect of companion animals in connection with divorce or separation

- (1) An ‘animal’ in this section has the same meaning as in Section 5 Animal Welfare (Sentience) Act 2022;
- (2) A ‘Companion animal’ is an animal kept by the parties to a marriage or relationship or either of them, primarily for the purpose of companionship, but does not include:
 - a. An assistance animal;
 - b. An animal kept for agricultural purposes; or
 - c. An animal kept under the Scientific Regs.
- (3) On making a divorce or judicial separation order or at any time after making such order the court may make any one of the following orders (including an interim order) in respect of the companion animal –
 - a. An order that the Companion animal shall live with one party to the marriage/relationship;’
 - b. An order that the Companion animal shall spend time with one party to the marriage/relationship;
 - c. An order specifying what financial (or other) contribution either party will make to the future care and welfare of the companion animal;
 - d. Any other order in respect of the Companion animal that the court considers is just and equitable in the circumstances.
- (4) In considering what order should be made under this section the court shall take into account the following considerations:
 - a. The welfare needs of the Companion animal shall be the paramount consideration when making determinations in relation to the care of the animal, where ‘needs’ are given the same definition as in Section 9(2) Animal Welfare Act 2006;
 - b. Any history of actual or threatened cruelty or abuse by a party towards the Companion animal;

- c. Any cruelty or abuse of the companion animal by one party who has used such cruelty or abuse to control or coerce the other party;
- d. Any domestic abuse to which one party has subjected or exposed the other party;
- e. Any attachment by a party or a child to the marriage/relationship to the companion animal;
- f. The demonstrated ability of each party to care for and meet the needs of the companion animal in the future without support or involvement of the other party;
- g. Any other fact or circumstance which in the opinion of the court, the justice of the case requires to be taken into account.”

Response to Question 11: Domestic Abuse

13. A-LAW submits that domestic abuse as a form of misconduct should be taken into account in the court’s determination of the distribution assets in both financial remedy and cohabitation proceedings.

14. A-LAW submits that any reform of the law should reflect the research and statistics which demonstrate that within the family setting, if a companion animal is abused it is highly likely that a child or a partner to the relationship is also abused.² Animal abuse within a family is now considered by child domestic abuse protection professionals as a red flag for domestic abuse and child abuse.

15. In particular, domestic abuse in the forms of economic abuse and of controlling and coercive behaviours, has long term negative economic and emotional/psychological consequences by:

² Animal abuse in the context of adult intimate partner violence: A systematic review 2021, Michelle Cleary, Deependra K. Thapa, Sancia West, Mark Westman, Rachel Kornhaber, Aggression and Violent Behaviour 61 (2021) 101676 ; Randall Lockwood and Frank Ascione, 1998: The Link between animal Abuse and human violence: Lockwood R, Asione FR: Cruelty to animals and Interpersonal violence: Readings in research and application: in Purdue University Press. 1998 ; Jegatheesan B, Enders-Slegers M-J, Omer4od E, Boyden P. Understanding the link between animal cruelty and Family violence: The Bioecological Systems Model. International Journal of Environmental Research and Public Health; 2020; 17(9): 3116.

- a. Negatively impacting the victim's ability to acquire and use money and property;
- b. Limits the victim's confidence and emotional stability and therefore compounds the above.

16. Further, all domestic abuse including through controlling and coercive behaviours by way of animal abuse, causes emotional and psychological harm to the victim and children of the family who experience it.³

17. There is increasing evidence that the abuse of the companion animal as a form of controlling and coercive behaviour is a chosen and specific strategy used by an abuser to coerce, control and trap their victim as well as coerce them into illegal behaviours.⁴

18. The government through DEFRA currently funds research at the University of Bristol into the use and abuse of animals in domestic abuse-related deaths. This indicates the gravity of the link between animal abuse and domestic abuse, see:

<https://refuge4pets.org.uk/research/>

19. Research shows that abuse of companion animals and threats to abuse companion animals as a form of controlling and coercive behaviour very often entails conduct which relatively easily meets the current test set by case law of 'obvious and gross' under MCA 1973 S25(2)(g). Examples of such abuse include burning, stabbing, drowning, starving, throwing and kicking of the companion animal.

³Flynn, C. P. (2000a). Battered women and their animal companions: Symbolic interaction between human and nonhuman animals. *Society and Animals*, 8(2), 99–127. <https://doi.org/10.1163/156853000511032> ; Flynn, C. P. (2000b). Woman's best friend: Pet abuse and the role of companion animals in the lives of battered women. *Violence Against Women*, 6(2), 162–177. <https://doi.org/10.1177/10778010022181778>

⁴ Fitzgerald, A. J., Barrett, B. J., Stevenson, R., & Cheung, C. H. (2019). Animal maltreatment in the context of intimate partner violence: A manifestation of power and control? *Violence Against Women*, 25(15), 1806–1828. <https://doi.org/10.1177/1077801218824993> ; Loring, M. T., & Bolden-Hines, T. A. (2004). Pet abuse by batterers as a means of coercing battered women into committing illegal behavior. *Journal of Emotional Abuse*, 4(1), 27–37. https://doi.org/10.1300/J135v04n01_02 ; Wakeham, M. Animal abuse as a strategy of coercive control, *Journal of Gender-Based Violence* • vol XX • no XX • 1–22 • © Author 2025 Print ISSN 2398-6808 • Online ISSN 2398-6816 • <https://doi.org/10.1332/23986808Y2025D000000076>

20. Research into the link between the sexual abuse of animals and of women and children is known and developing.⁵
21. Even when such extreme forms of abuse of the companion animal are not used, the threat of such causes emotional and psychological damage to the victim and any child of the family. Such threats within a pattern of controlling and coercive behaviours limit the ability of the victim to work, become financially independent and crucially, have the economic means and the emotional/ psychological strength to escape the abusive relationship.
22. The research shows that many victims of domestic abuse do not leave, or delay leaving, the abusive relationship because of concern and fear for the welfare of the companion animal if left with the abuser.⁶ Most domestic abuse refuges do not allow the victim to bring their companion animals with them. Research points to the emotional harm this causes the victim and any child of the relationship.
23. The law recognises that any child who is exposed to domestic abuse is also a victim of domestic abuse and suffer the emotional and psychological consequences of such.
24. There are also however other life-long negative outcomes for children who experience animal abuse as children. Children who witness animal abuse are 3-8 times more likely to

⁵ Kristin Diemer, David Gallant, Nicolas Mosso Tupper, Kate Hammond Ashrita Ramamurthy, and Cathy Humphreys: Exploring the Linkages between Animal Abuse, Domestic Abuse, and Sexual Offending: A Scoping Review. Health & Social Care in the Community, Volume 2024, Article ID 1170505, 19 pages <https://doi.org/10.1155/2024/1170505>

⁶ Lockwood R, Church A. Deadly serious: An FBI perspective on animal cruelty, 1996.; Ascione, F. R. (1997). Battered women's reports of their partners' and their children's cruelty to animals. *Journal of Emotional Abuse*, 1(1), 119–133. https://doi.org/10.1300/J135v01n01_06 ; Strand, E. B., & Faver, C. A. (2006). Battered women's concern for their pets: A closer look. *Journal of Family Social Work*, 9(4), 39–58. https://doi.org/10.1300/J039v09n04_04 ; Barrett, B. J., Fitzgerald, A., Peirone, A., Stevenson, R., & Cheung, C. H. (2018). Help-seeking among abused women with pets: Evidence from a Canadian sample. *Violence & Victims*, 33(4), 604–626. <https://doi.org/10.1891/0886-6708.VV-D-17-00072> ; Cavazos, A. M., Jr., & Faver, C. A. (2007). Animal abuse and domestic violence: A view from the border. *Journal of Emotional Abuse*, 7(3), 59–81. <https://doi.org/10.1080/10926798.2007.10766832> ; Boat, B. (1999) Abuse of children and abuse of animals. Using links to inform child assessment and protection. In: Ascione, F.R. and Arkow, P. (eds) Child abuse, domestic violence, and animal abuse. Linking the circles of compassion for prevention and intervention. West Lafayette: Purdue University Press.

abuse animals,⁷ and children who abuse animals are more likely to become abusers in the community, at school and in the family.⁸

25. A-LAW therefore submits that within the context of domestic abuse and the abuse of companion animals as a form of such, any reform of the law should reflect that under the UN Convention of the Rights of the Child General Comment 26, paragraph 35, all children must be protected from all forms of violence including violence inflicted on animals.

26. A-LAW does not believe that it should be necessary, as it is currently under case law, to link these types of abusive behaviours to a clear financial impact because such are too complex and subtle to be measured in such a simple formulaic way. Further, requiring such a link does not assist in protecting victims of domestic abuse who are predominantly women or the children of the family.

27. A-LAW submits that given the prevalence of domestic abuse and its impact both financially and psychologically on women and children, it should generally be considered within financial remedy or cohabitation proceedings.

28. A-LAW submits that this would better protect women and children from domestic abuse alongside giving protection to the companion animal as a sentient being who is also often a source of emotional comfort and protection to both adult and child victims of domestic abuse.⁹

29. To reflect the above, A-LAW submits that MCA 1973 is amended to insert new sections thus:

“25(2A) As regards the exercise of the powers of the court under section 23, 24, 24A, 24B, and 24E where the conduct referred to in section 25(2)(g) amounts to domestic

⁷ Kaufman KL, Hilliker DR, Daleiden EL. Subgroup Differences in the modus operandi of adolescent and sexual offender, *Child Maltreatment*, 1996; 1:17-24.

⁸ McDonald SE, Collins EA, Nicotera N et al. Children’s experiences of companion animal maltreatment in households characterised by intimate partner violence. *Child Abuse and Neglect*. 2015; 50: 116-127

⁹ Newberry, M. (2017). Pets in danger: Exploring the link between domestic violence and animal abuse. *Aggression & Violent Behavior*, 34, 273–281. <https://doi.org/10.1016/j.avb.2016.11.007>; Taylor, N., Riggs, D. W., Donovan, C., Signal, T., & Fraser, H. (2019). People of diverse genders and/or sexualities caring for and protecting animal companions in the context of domestic violence. *Violence Against Women*, 25(9), 1096–1115. <https://doi.org/10.1177/1077801218809942>

abuse perpetrated by either one of the parties against the other, the court shall have particular regard to:

- i. Any economic abuse;
- ii. Any controlling or coercive behaviours;
- iii. Any form of domestic abuse which has been witnessed or heard by the child of the family;
- iv. The length of time which such domestic abuse occurred.

25(2B) Domestic abuse in section 25(2A) and this section has the same meaning as in Section 21 of the Domestic Abuse Act 2021 and for the purposes of this Act, includes any abuse or threat of abuse towards any companion animal as defined under section 23A of this Act.”

Response to Question 16: Misconduct generally

30. Litigation misconduct can be another form of controlling and coercive behaviours. There is increasing evidence to suggest that during the litigation process, an abuser will exploit the victim’s emotional ties to the companion animal in order to gain a better financial settlement.

31. A-LAW submits that litigation misconduct involving this type of controlling and coercive behaviours should be taken into account by the court in both financial remedies and cohabitation claims and be reflected in the remedies available to the court to make.