

SHG Press Release

Legal Aid changes deny a defence to people prosecuted by the RSPCA

FOR IMMEDIATE RELEASE

26th June 2007

Animal Welfare prosecutions are a very specialist area of the criminal law which are usually strongly contested and hinge on expert evidence, often lasting several days or even weeks

The current legal aid changes will lead to increased delays, miscarriages of justice and higher costs as more RSPCA cases go to appeal, claim the **Self Help Group for Farmers Pet Owners and Others experiencing difficulties with the RSPCA** (the SHG).

“The RSPCA fields specialist solicitors experienced in Animal Welfare Law and barristers who travel across England and Wales to undertake private prosecutions in the Magistrates Courts. The RSPCA also have a select number of expert witnesses who consistently travel to wherever they are required.” Said Ernest Vine of the SHG

“The people the RSPCA are prosecuting are being denied the Equality of Arms they were promised in the Human Rights Act. They are being told by the Legal Services Commission that they must use solicitors who are local to them irrespective of that solicitor having any experience in defending Animal Welfare Prosecutions.”

Anne Kasica of the SHG said “On top of the normal stress involved with an RSPCA prosecution the government have added the despair of being unable to access specialist solicitors or even being able to fund a defence at all.”

“The Legal Services Commission is failing to understand the problems people are faced with when up against a private prosecutor for whom money is no object.” (Over £5 million spent on prosecutions in 2005)

“This is happening at the same time as the Animal Welfare Act 2006 is increasing the numbers of prosecutions. Despite the concerns raised by the SHG, the government did nothing to ensure that private prosecutions brought by the RSPCA should be subjected to the same quality controls imposed on the police by subjecting all prosecutions to the scrutiny of the Crown Prosecution Service. And now the government are ensuring that people prosecuted by a charity which has no independent complaints body or ombudsman cannot even access the specialist legal advice that is necessary to defend themselves.”

Quotes from people calling the SHG Helpline:

“I’ve never been in court for anything before. I don’t understand why this is happening to me. We’ve worked all our lives, but now we can’t afford a solicitor or an expert to defend ourselves. Each night I go to sleep I hope and pray that I won’t have to wake up. Ever again.”

(A woman who had just been told that she would not qualify for means tested legal aid)

“What they’re saying is that the solicitor who has defended lots of RSPCA prosecutions and knows how to fight the case and says I have a good chance of winning can’t represent me, but the one who says Plead Guilty and who couldn’t even find an expert witness until you (the SHG) gave me some is the only one they’ll pay. We’re guilty before we start. We might as well just go in and speak to the magistrates ourselves. We’re going to appeal it all the way. We’ve already lost everything so what else can they do to us?.”
(A couple referred to a specialist solicitor who can no longer take cases out of area on Legal Aid.)

“I’ve rung all the numbers that help line (LSC find a solicitor) gave me but the only one who said he would look at it rang me back and said he couldn’t take the case. The others didn’t really seem to know anything about RSPCA cases anyway. I’ve had two adjournments from the court to let me find a solicitor. What do I do now?”
(An elderly farmer who has been struggling to represent himself in court.)

*I have been involved with an RSPCA prosecution and without the legal aid I was given would never of been able to fight my case and successfully win.
My solicitor was a specialist in animal welfare cases and also my barrister was very experienced in this particular field, both were situated over 350 miles away from my home. I am positive that if I had used a local solicitor my case against the RSPCA would of been lost.*

My experience with the RSPCA was two years of hell for myself and my family and if it wasn't for the skilled experienced solicitors and barristers that I found with the help of legal aid, I am sure I would not of won my case.

(A winner thanks to Legal Aid. Willing to talk to the press but requests anonymity.)

Notes to Editors: -

Please note that the petition to the Prime Minister for a public Inquiry into the policies and running of the RSPCA now has over 1900 signatures and can be seen and signed at
<http://petitions.pm.gov.uk/rspcainquiry/>

References

SHG response to Legal Aid Consultation

<http://the-shg.org/Consultation%20responses.htm>

The Law Society – What Price Justice?

<http://www.lawsociety.org.uk/newsandevents/news/majorcampaigns/view=newsarticle.law?CAMPAIGNSID=306046#support>

or

<http://tinyurl.com/2xcoxc>

For further comment please contact Anne Kasica on 01559 371031 or Ernest Vine on 01559 370566. Mobile 07719 367148. e-mail: shg@the-shg.org

The SHG was officially formed in June 1990 and has been helping people to defend themselves and their animals from the RSPCA ever since. The national help line number is **08700 72 66 89**

A copy of this and previous press releases from The SHG are online at <http://www.the-shg.org/SHGPressReleases.htm>

Background information on the Self Help Group for Farmers Pet Owners and Other Experiencing Difficulties with the RSPCA can be found at <http://www.the-shg.org>

Details of further criticisms of the RSPCA can be found at the RSPCA-Animadversion website: <http://cheetah.webtribe.net/~animadversion>

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