



JUDICIARY OF
ENGLAND AND WALES

Northamptonshire Magistrates' Court sitting at Northamptonshire Crown Court

23 November 2012

Before:
District Judge (Magistrates' Court) David Chinery

Regina
-v-
Bobby Roberts

Sentencing remarks

Bobby Roberts, I have convicted you of three charges under the Animal Welfare Act in circumstances which I hope I have made plain do not represent your normal level of care for the animals under your control.

You are a man who has not previously been convicted of any offence and it is to your credit that you have cared for and managed animals for the greater part of your seventy years without criticism from any quarter.

When I consider the question of sentence I bear in mind a number of factors. As you know only too well there are vast swathes of the public who have publicly voiced their views on what should happen to you. I regard this as deplorable and I hope that in the remarks which I made earlier I have done my best to try and set the record straight. My approach is first of all to look at the sentencing guidelines to which I must have regard.

I agree with your counsel that this offending is at the lower end of the scale. No cruelty was administered by your own hand. The chaining I regard as serious but the real cruelty it seems to me was inflicted by your groom, a man whom you had entrusted with the care of Anne, behind your back and without your knowledge.

There are aggravating features identified by the sentencing council namely the fact that Anne was an animal kept for your livelihood and you were in a position of responsibility. Against that there are factors which indicate less culpability, particularly your lack of knowledge.

As a result of what has happened your business is effectively at an end. You have lost everything which you have built up over the last five decades. I am told that you have no funds at all.

The starting point as identified by the sentencing guidelines is a fine. I feel able to depart from the guidelines for the following reasons. Firstly you have an exemplary record of animal husbandry; secondly you have suffered enough punishment over the last eighteen months; thirdly it is unlikely that you will ever be seen in the Criminal Justice system again.

For those reasons I propose to discharge you on condition that you commit no offence for the next three years. The effect of this is that if you commit no offence in the next three years you will hear no more of this offence. Conversely, if you do re-offend then you may be sentenced in a different way for these offences.

I have regard to your financial circumstances and impose no order for costs. In making that decision I am in no way critical of the Crown Prosecution Service.

I have to consider whether you should be disqualified from keeping animals in future; I agree with your counsel that in the light of your past record and your continued involvement with the circus business that it would be disproportionate for me to make such an order and I decline to do so.