

ENGLAND AND WALES / JUDGMENT

Mark Twigg & Anor v R

Source: caselaw.nationalarchives.gov.uk · Research copy typeset by Esheria. Not court-issued or certified.

Neutral Citation Number: [2026] EWCA Crim 587 IN THE COURT OF APPEAL (CRIMINAL DIVISION) ON APPEAL FROM THE CROWN COURT AT MANCHESTER THE HON MR JUSTICE KERR URN 06PP0193422 Case No: 202503082 B2 & 202503961 B2 Royal Courts of Justice Strand, London, WC2A 2LL Date: 14 May 2026 Before: LORD JUSTICE JEREMY BAKER MR JUSTICE LINDEN and HIS HONOUR JUDGE EDMUNDS KC RECORDER OF KENSINGTON & CHELSEA (Sitting as a Judge of the High Court)

- ----- Between: MARK TWIGG JOANNE BEDFORD

- and – REX

- -----

- ----- First Applicant Second Applicant Respondent Mr Andrew Thomas KC and Miss Sarah Magill (instructed by Forbes Solicitors LLP) for the First Applicant Mr Ian Henderson KC and Mr Ronnie Bergenthal (instructed by (Norcross Lees & Riches Solicitors) for the Second Applicant Mr John Elvidge KC and Mr Daniel Cordey (instructed by Crown Prosecution Service) for the Respondent Hearing date: 1 May 2026

- ----- Approved Judgment This judgment was handed down remotely at 12.00 midday on 14 May 2026 by circulation to the parties or their representatives by e-mail and by release to the National Archives. WARNING: reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice. . Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX Lord Justice Jeremy Baker: 1. 2. 3. On 27 July 2025, in the Crown Court at Manchester, Mark Twigg (“the first applicant”) and Joanne Bedford (“the second applicant”) were each convicted of an offence of being in charge of a dog which caused injury while dangerously out of control, contrary to section 3(1) and (4) of the Dangerous Dogs Act 1991 (“the 1991 Act”). They were both acquitted of manslaughter. On 10 October 2025, the first applicant was sentenced to 2 years and 8 months’ imprisonment, whilst the second applicant was sentenced to 3 years and 6 months’

imprisonment. The first applicant's application for leave to appeal against conviction and the second applicant's application for leave to appeal against sentence have been referred to the Full Court by the Registrar. The offences 4. 5. 6. 7. 8. 9. The first and second applicants had been in a relationship together for many years and by the beginning of 2022 had three children, the youngest of whom, Daniel, was 3 years of age. Normally they lived together at their home in Manchester, but in early March 2022 the applicants went to stay in a property at Carr Farm in Rochdale, together with their three children and three dogs. The owner of the farm was Mathew Brown who had been in a relationship with Deniqua Westwood. Their relationship came to an end and, whilst Ms Westwood left the farm, Mr Brown was remanded in custody. The applicants were friends of Mr Brown and often visited the farm. As a result, when Mr Brown was remanded in custody, he arranged for the applicants to move into the property on the farm at a nominal rent and for the applicants to look after the security of the farm and the dogs. These included Ms Westwood's two dogs, a male Cane Corso called Sid and a female Boerboel called Tiny, which had remained at the farm. Mr Brown's dogs were guard dogs and known to behave as such, often barking and jumping up at people. There were incidents involving the dogs, and neighbours who had moved in next door erected a high fence around their property to protect themselves. The applicants had a history of owning and keeping dogs and other animals. When the children had been born a health visitor had given them a standard warning about not leaving a child alone with dogs. In 2017, a dog which the applicants had been caring for bit their eldest son who was 6, and the wound became infected. On 4 March 2022, an RSPCA officer attended the farm with a police officer who noticed the presence of a number of dogs, including two dogs near the main gate and a third in a kennel which came out and showed aggressive or guarding behaviour. They contacted the first applicant who told them that Mr Brown had not given permission to allow them on to the property to assess the welfare of the animals. 10. The RSPCA officer and a colleague returned to the farm a few weeks later. Daniel was present and appeared comfortable with the dogs, and the dogs comfortable with Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX 11. 12. 13. 14. 15. him. They inspected some of the dogs. One of the dogs that was brought out was barking and snarling. As a result of that behaviour and the size of the dog, the officers told the applicants that they needed to be careful with the children, including Daniel, because even though Daniel seemed ok, it could take just one touch or pull to the ear. They highlighted that Tiny's ear seemed irritated and that she could react badly and bite Daniel. However, the applicants appeared to brush it off and said Daniel had grown up around the dogs and was fine with them. In late March 2022, Mr Brown was released from custody and returned to live at the farm. However, the applicants remained living in the property and continued to look after the dogs when Mr Brown was away from the farm. On 12 May 2022 two social workers visited the farm, they described the yard as being poor, with dog faeces all over it. One of the dogs, likely to have been Sid, was jumping up, barking and foaming at the mouth. The social workers, concerned at the aggression shown by the dogs decided not to go into the property. Instead, the second applicant came outside with Daniel. They discussed the dogs on the premises and the faeces. The second applicant said that they were not

responsible for the dogs, they had three of their own dogs and they planned to return to their own address. One of the social workers gave evidence that the first applicant said, "I won't be held responsible if the dogs bite you". On 15 May 2022, Mr Brown was away, leaving the applicants on the farm. The first applicant left for work at 10.36am, whilst the second applicant gave Daniel a bath and they went downstairs. The second applicant gave evidence that Daniel wanted to play outside, she told him to wait until she got him his shorts and asked her daughter to keep an eye on him. She said she went upstairs, then went to the toilet and heard her daughter screaming that Daniel was in the pen, face down with blood everywhere. The second applicant said she went outside and noticed the gate to the pen was open. The pen was normally secured with a carabiner clip. She went to Daniel and told the dogs, Tiny and Sid, to get away. Sid was standing over Daniel at the time and walked away on command; however, both dogs kept returning. Despite her command for them to go into the shed, the dogs did not listen, and in the end, she asked her daughter to put the dogs in the shed as she called 999, at 1.09pm. The emergency services arrived at 1.24pm and attempts were made to treat Daniel, however he was pronounced dead at the hospital at 3.31pm that day. The police also attended the scene and spoke to the second applicant. She said the dogs belonged to Mr Brown, but that he was away and gave an account that they had all been in the garden when Daniel somehow got into the pen. She explained that the first applicant was at work and the police contacted him and he arrived at the farm shortly afterwards. The applicants followed the ambulance in the police car and the first applicant was heard to ask the second applicant, "How did he get to him?", to which the second applicant replied, "He must have opened the fucking pen Me and Kia were in the garden, and Kia went looking for him, and she found him, it was Sid and Tiny". 16. Body camera footage from the hospital recorded the first applicant, in a telephone call to Mr Brown, saying, "I put them together yeah, because Tiny shot through there, so I put them together. I don't know how Daniel has got in there with them." The first Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX applicant was also recorded talking to a police officer, during which the first applicant said, "I don't even know what happened" and "I know he's a little shit and he opens stuff up himself". Later that evening, both of the applicants spoke to a doctor and a DI Crewe, and told them that Daniel had previously unclipped the gate and been told off for it. 17. 18. A veterinary expert provided a report which concluded that Daniel had 50 puncture wounds to his body, of which 44 were situated in the area around his neck, consistent with being inflicted by a large dog biting and gripping the area. The attack which was involved was described as being ferocious and prolonged over at least several minutes. It was noted that the breeds of dogs involved were strong and powerful and that children ought not to be left unsupervised with such dogs. An animal behaviour expert provided a report which concluded that the attack looked like classic aggressive behaviour of a territorial guarding kind, and from the injuries appeared to be a predatory, as opposed to a fear-based kind. If Daniel had tried to play with Sid, for example, he could have become aroused in play which could have led Sid to aggression very quickly. Having considered the photographs of the pen in which the two dogs were kept, the expert concluded that the conditions that the dogs were kept in were very poor and their basic needs were not being

met. 19. The pen in which the two dogs had been kept was situated at the side of the property in which the applicants and their children were living. The gate to the pen had been secured with a carabiner clip. Court proceedings 20. 21. 22. 23. 24. The trial indictment contained two counts, at count 1 the applicants were charged with gross negligence manslaughter alleging that in breach of the duty of care they owed to Daniel, they allowed him to enter the pen where he could be attacked by the dogs. At count 2 they were charged with the offence of being in charge of a dog which caused injury while dangerously out of control. The prosecution's case on count 2 was that at the material time, namely when Sid was dangerously out of control and fatally attacked Daniel, both of the applicants were for the time being in charge of the dog. The first applicant was in charge because he had general control of the premises and the dogs, their condition and any threats others might cause. He was responsible for the security arrangements, including precautions needed to protect his children from the dogs, because the children could not enter and leave the property in which they were living without walking past where the dogs were kept. He therefore exposed the children to a serious risk of being bitten and did not cease to be in charge of the dogs when he left for work. The second applicant was in charge because she was present with immediate responsibility for protecting the children from the dogs. Therefore, the applicants were both legally responsible for the attack as a result of their acts or omissions, namely, "their failure to adequately secure the gate to the pen and/or to prevent Daniel from entering the pen on his own." Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX 25. 26. At the conclusion of the prosecution's evidential case, the first applicant submitted that he had no case to answer in relation to counts 1 and 2. In relation to count 2, it was submitted that the first applicant was not the person for the time being in charge of the dog, as section 3(1) of the 1991 Act was not capable of extending to a person who had left the property several hours earlier, and in particular having left another person, in this case the second applicant, responsible for ensuring that Daniel was not left unsupervised with the dogs in the pen. It was submitted that this was not a case whereby two people were physically together or close to each other at the material time, and therefore both capable of being found to be in charge for the time being. Rather it was one in which charge of the dog, for the time being, had passed to the second applicant when the first applicant had gone to work. In any event, it was submitted that the evidence was insufficient to prove that since Mr Brown's release from custody the first applicant had any ongoing responsibility for the dogs beyond feeding them. In response, the prosecution submitted that in relation to count 2, both of the applicants were in charge of the dogs at the material time, and that whether a person was for the time being in charge of a dog was a question of fact and degree for the jury to determine. It was pointed out that the authorities showed that more than one person could for the time being be in charge of a dog and it was submitted that a failure to make adequate security arrangements for which the first applicant, alone or with others, was responsible, could be a way of committing the offence under section

3. It was submitted that the prosecution evidence was sufficient for the jury to be sure that not only was the first applicant responsible for such security arrangements but that those arrangements were inadequate and enabled Sid to be dangerously out of control. 27. The trial judge provided a careful written ruling in which he observed that in relation to count 2, “The starting point is the analysis of Pitchford LJ in Robinson- Pierre [2014] 1 WLR 2638, which is not controversial. As he said in that case, while the offence is one of strict liability (subject to the owner’s defence under s.3(2)), there must (see at [43]) be “some causal connection between having charge of the dog and the prohibited state of affairs that has arisen”, i.e. “an act or omission of the defendant (with or without fault) that to some (more than minimal) degree caused or permitted the prohibited state of affairs to come about”. The prohibited state of affairs is, of course, the dog being dangerously out of control, whether or not it injures someone.” 28. The judge reviewed the authorities to which he had been referred, including R v Rawlings [1994] Crim LR 433, (“Rawlings”), L v CPS [2010] EWCA 341 (Admin), and R v Virdee [2023] EWCA Crim 786, (“Virdee”), from which he drew the following matters: i. whether a person is in charge of a relevant dog is normally one of fact and degree for the jury. Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX ii. iii. iv. v. vi. a person can be in charge of a dog without being physically present in the same location as the dog. more than one person can be in charge of a dog at the same time. ceding physical control to another does not necessarily mean ceasing to be in charge of the dog under the statute whether the person ceasing to have immediate physical control of the dog has ceased to be in charge of it is a matter for the jury unless there is only one possible answer inadequate security arrangements can be an omission of the kind contemplated by Pitchford LJ in Robinson-Pierre, which would have prevented the prohibited state of affairs from arising, i.e. would have prevented the dog becoming dangerously out of control. 29. 30. In the event, the judge determined that on the basis of the prosecution’s evidence the first applicant had a case to answer in relation to count 2, as the jury would be entitled to conclude that at the material time he, together with the second applicant, was a person in charge of the dogs. Although the second applicant gave evidence in her defence, the first applicant did not. Following addresses to the jury the judge provided the jury with written directions of law. 31. In relation to count 2, the judge directed the jury as follows: “6. The crown alleges that Joanne Bedford (JB) and Mark Twigg (MT) were in charge of a dog that was dangerously out of control and while dangerously out of control fatally injured Daniel. The offence of being in charge of a dog that caused injury while dangerously out of control is committed in the following circumstances.
7. The relevant dog must be dangerously out of control at any place in England, whether a public or private place. A dog is dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person. The defendants concede that Sid and Tiny were dangerously out of control when Daniel was attacked in the pen, but not at other times.

8. A person who is “for the time being” in charge of the dog is guilty of the offence. The “time being” is the time when the relevant dog is dangerously out of control. To be in charge of the dog, the defendant need not own the dog or be present with the dog. It is a question of fact and degree for your assessment whether either or both of these defendants were in charge of the dog or dogs that attacked Daniel.
9. At any time, a person or more than one person may be in charge of the dog or dogs in question. To prove that a defendant was for the time being in charge of the relevant dog, the prosecution must show that the person did something, or Judgment Approved by the court for handing down. *Mark Twigg and Joanne Bedford v REX* omitted to do something, with or without fault, that to some extent caused or permitted the dog to be dangerously out of control.
10. In making your assessment of whether either or both these defendants were in charge of the dog or dogs that attacked Daniel, you will need to consider separately in the case of each defendant all the circumstances. It is for you, the jury, to consider what circumstances are relevant. You may find it helpful to consider the following matters, but they are not necessarily the only relevant factors:
 - (1) the extent of that defendant’s dealings and interaction with the dog or dogs at the relevant time or times;
 - (2) the extent of that defendant’s responsibility for and involvement in arrangements for [the] care of the dog or dogs at the relevant time or times;
 - (3) what that defendant was doing at the relevant time or times;
 - (4) if that defendant was not present at the relevant time or times, how far from the scene he or she was;
 - (5) if a defendant has left the scene, whether she or he nonetheless remained in charge of the relevant dog or dogs;
 - (6) if a defendant has left the scene, whether another person has become the only person in charge of the dog or dogs, to the exclusion of the person who has left the scene;
 - (7) whether the defendant whose case you are considering was in a position to exercise control over the dog or dogs in question;
 - (8) whether that defendant did or omitted to do something, with or without fault, that to some extent caused or permitted the dog to be dangerously out of control.” 32. As part of those written directions, the judge provided the jury with a route to verdict in respect to each applicant on count 2. In relation to the first applicant the route to verdict was as follows: “(7) When Daniel was attacked on 15.5.22, were there grounds for reasonable apprehension that Sid and/or Tiny would injure any person? It is not disputed that the answer is yes at the time Daniel was attacked. Judgment Approved by the court for handing down. *Mark Twigg and Joanne Bedford v REX*

- (8) When Daniel was attacked on 15.5.22, did MT do something or fail to do something, with or without fault on his part, that to some extent caused or permitted Sid and/or Tiny to be dangerously out of control? If no, MT is not guilty on count
2. If yes, consider the next question.
- (9) Taking into account all the circumstances, do you find, as a matter of fact and degree, that MT was in charge of Sid and/or Tiny when Daniel was attacked on 15.5.22? If no, MT is not guilty on count 2. If yes, MT is guilty on count 2.”

Submissions

33. On behalf of the first applicant, Mr Andrew Thomas KC, who together with Sarah Magill appeared below, seeks leave to advance three grounds of appeal: i. ii. iii. firstly, that the judge was wrong to dismiss the first applicant’s submission of no case to answer; secondly, the directions to the jury were wrong in law and/or inadequate. In particular, the jury should have been directed that if they were satisfied that the second applicant was or may have been in charge of the dogs when the first applicant was not present, he could not also be the person for the time being in charge of the dogs; thirdly, the verdicts of the jury are inconsistent. If the jury were satisfied that the second applicant was in charge of the dogs at the relevant time, they were not entitled to convict the first applicant as well. 34. 35. 36. He submitted that the ordinary and natural meaning of “the person for the time being in charge of a dog” should be taken to referring to the person (or persons acting together) who have immediate control over the dog, and that this phrase does not contemplate that multiple people, in different locations, could simultaneously be the person for the time being in charge of a dog. Mr Thomas accepted that there can be circumstances where two people are jointly in charge of a dog (e.g. a couple who are out walking a dog together), because they are both simultaneously in direct control. But he argued that section 3(1) of the 1991 Act does not contemplate multiple people, in different locations, being simultaneously in charge on different factual bases, namely the first applicant being responsible for the security of the dogs, whilst the second applicant having immediate control of the dogs and ensuring that they were kept separate from the children. He pointed out that the wording of section 3(1) of the 1991 Act is narrower than that used in other legislation, such as section 3 of the Animal Welfare Act 2006, which applies to “a person responsible for an animal whether on a permanent or temporary basis” and section 2 of the Animals Act 1971, which applies to “any person who is a keeper of the animal”. And he submitted that had Parliament intended that the offence Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX under section 3(1) of the 1991 Act apply to all persons who had responsibility for the dog, then it would have used broader language, and that the absence of such language favours a narrower interpretation of the persons covered by section 3(1).
37. Mr Thomas pointed out that in Rawlings, the court accepted that the interpretation of the term being “in charge” in relation to road traffic legislation was relevant to the interpretation of the term under section 3(1) of the 1991 Act. In that regard specific reference was made to

DPP v Watkins [1989] 89 Cr App R 112, (“Watkins”), in which the court had held that a person could relinquish being in charge of a motor vehicle, in two circumstances, namely; (a) where the vehicle has been put into someone else’s charge; or (b) where the person has ceased to be in actual control of the vehicle, and there is no immediate possibility of him assuming control. 38. 39. 40. He submitted that in the present case, the evidence showed that whatever responsibility the first applicant had in relation to the dogs, he relinquished it when he left the second applicant in charge of the dogs and went to work. In these circumstances the judge ought to have acceded to the submission of no case to answer in relation to count 2. In any event, Mr Thomas submitted that the judge misdirected the jury in the course of his summing-up, in that instead of directing the jury that if they found that the first applicant had left the scene and had or may have left the second applicant in charge of the dogs then they should acquit the first applicant of count 2, as this was a complete answer to the offence, the judge misdirected the jury that this was merely a factor which they could take into account when considering whether or not the first applicant remained in charge of the dogs. He pointed out that section 3(2) of the 1991 Act provides a statutory defence for the owner to prove that they had left the dog in charge of a person whom they reasonably believed to be a fit and proper person to be in charge of it. It is submitted that the reason why Parliament did not extend this defence to a person who was in charge of a dog, was because it was unnecessary due to Parliament’s intention that if such a person relinquished being in charge of the dog, then he would no longer be in charge of it.

41. Mr Thomas submitted that the judge’s interpretation of section 3(1) of the 1991 is unprecedented, unsupported by the authorities, and wrong, and that once the jury had concluded that the second applicant was for the time being in charge of the dogs, they should not have been permitted to convict the first applicant of also being for the time being in charge of the dogs. 42. On behalf of the prosecution, Mr John Elvidge KC, who together with Mr Cordey appeared below, submitted that the judge was correct to reject the first applicant’s submission of no case to answer, and that his directions to the jury in relation to count 2 accurately reflect the law.
43. Mr Elvidge pointed out that the prosecution opened the case to the jury on the basis that at the material time both of the applicants were for the time being in charge of the dogs, in that whilst the second applicant was physically present at the scene, the first applicant’s responsibilities in relation to the dogs included their security which was an ongoing duty. The attack upon Daniel was the result of the acts or omissions of both Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX applicants, namely their failure adequately to secure the gate to the pen and/or to prevent Daniel from entering the pen on his own. 44. He submitted that the wording of section 3(1) of the 1991 Act is clear and does not require to be interpreted by reference to other statutory provisions. Moreover, the authorities support the proposition that more than one person can for the time being be in charge of a dog, and that a person can be in charge of a dog even if he is not present at the scene when the dog is dangerously out of control.

45. Mr Elvidge submitted that the first applicant's contention that if a person has left the scene and somebody else has been left in charge of the dog this is not a factor to weigh in the balance, but rather a complete answer to the charge, does not correctly reflect the law or the evidence in this case. 46. In these circumstances, the judge's conclusion and subsequent directions of law to the jury do not herald an unprecedented and impermissible extension of the law, rather the question whether such a person is for the time being in charge of a dangerously out of control dog was a matter of fact and degree for the jury to determine.
47. Mr Elvidge submitted that the directions of law helpfully and accurately set out the relevant matters for the jury to consider when determining whether the first applicant was for the time being in charge of the dogs which were dangerously out of control, and that in the factual context of this case there was sufficient evidence for the jury to convict him of this offence. Discussion 48. Section 3(1) of the 1991 Act provides that, "(1) If a dog is dangerously out of control in any place in England or Wales (whether or not a public place)—
- (a) the owner; and
 - (b) if different, the person for the time being in charge of the dog, is guilty of an offence, or, if the dog while so out of control injures any person or assistance dog, an aggravated offence, under this subsection." 49. Section 10(3) provides that, "(3) For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion on which there are grounds for reasonable apprehension that it will injure any person or assistance dog, whether or not it actually does so, ..." 50. Section 3(2) provides a defence for the owner of a dog which is dangerously out of control, as follows, Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX "(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it." 51. 52. Section 3(4)(b) and (4A)(a) provide that a person who is convicted on indictment of an offence under section 3(1) where a person dies as a result of being injured is liable to a period of 14 years' imprisonment. As the judge appreciated, although the offence under section 3(1) of the 1991 Act is one involving strict liability, it is necessary for the prosecution to prove some causal connection between what the person in charge of the dog either did or omitted to do, and the dog becoming dangerously out of control. 53. This was made clear by Pitchford LJ in Robinson-Pierre, at [42] where, having considered some conflicting authorities on the point, he observed that, "42. The Divisional Court in Greener's case expressed the opinion, obiter, that this court held in R v Bezzina [1994] 1 WLR 1057 that section 3(1) created an absolute liability offence. With respect we disagree. We accept that the court held in R v Bezzina that section 3(1) created a strict liability offence. It is, however, clear the court reserved for another day the question whether liability was created for a prohibited state of affairs that was wholly the responsibility of a third party. On analysis of section 3, we do not consider that it was Parliament's intention to create an offence without regard to the ability of the owner (or someone to whom he had entrusted

responsibility) to take and keep control of the dog. There must in our view, be some causal connection between having charge of the dog and the prohibited state of affairs that has arisen. In our view, section 3(1) requires proof by the prosecution of an act or omission of the defendant (with or without fault) that to some (more than minimal) degree caused or permitted the prohibited state of affairs to come about.”

54. Much reliance has been placed by Mr Thomas upon Rawlings, and in particular the commentary on the decision in the Criminal Law Review [1994] Crim L R (433). It is therefore instructive briefly to consider the facts of that case and what was decided. 55. The case concerned a dog which had been left by its owner with the appellant, who kept it in her house which she shared with another woman. Whilst the appellant was out shopping, the other woman returned and the dog escaped from the house and bit a Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX boy. The trial judge had directed the jury that, as a matter of law, the fact that the appellant was absent from the house at the time did not remove her responsibility for being in charge of the dog. 56. On appeal, this court held that this direction was wrong in law. As Kennedy LJ observed, “There is plainly an issue of fact and although there was powerful evidence to support the prosecution case it was an issue of fact which was for the jury to determine. The learned judge, having, in error, withdrawn that question from the jury, it seems to us that this appeal must necessarily succeed.” 57. In his commentary on the case in the Criminal Law Review, Professor Smith, stated that, “When the owner of the dog handed over control of it to R she must have taken charge of it and remained in charge until she did something, or some event occurred, which divested her of it. Leaving the dog in the house while she went out to work clearly did not terminate her charge of the animal. The arrival in the house of the other woman (W) may, however, be thought to have changed the situation. Actual control of the dog then seems to have passed to W. It was now W who had power to keep the dog locked in, or to take it for a walk (whether or not she was authorised to do so), or simply to let it out to roam about. So it was at least arguable that, as a matter of fact, R was no longer in charge at the relevant time.”
58. With respect, we see nothing, either in what was stated in the commentary in the Criminal Law Review, or by Kennedy LJ in Rawlings, which advances the first applicant’s submissions in this case. As is clear from the commentary, the question as to whether the appellant was still in charge of the dog was a “matter of fact”. Moreover, although the commentary expressed the view that it was at least arguable that the appellant was no longer in charge of the dog at the relevant time, Kennedy LJ considered that there was “powerful evidence” that she did remain in charge of the dog despite having left the property to go shopping.
59. Moreover, although in Rawlings there was reference to the Divisional Court’s decision in Watkins and what Taylor LJ (as he then was) had said about “being in charge” of a motor vehicle for the purposes of sections 5 and 6 of the Road Traffic Act 1972, we do not consider that anything said in either of these cases assists the first applicant. No doubt a person in charge of a motor vehicle may “relinquish” his charge to someone else. However, there is

nothing to suggest that the question as to whether he has done so is not a question of fact. Moreover, in the present case, which, like Judgment Approved by the court for handing down. *Mark Twigg and Joanne Bedford v REX Rawlings*, concerns the issue of being in charge of a dog, more than one person may, at one and the same time, be in charge of the dog. 60. This important distinction was made clear in *L v CPS*, which involved an appellant who was out walking a dog which he did not own. During the course of the walk, the appellant handed the dog lead to a friend of his, Louie, who deliberately let the dog off the lead and encouraged it to bite the complainant. The appellant was convicted of an offence under section 3(1) and (4) of the 1991 Act by the District Judge, who posed the following question to the Divisional Court, “6.....”Was I wrong in law to find that the appellant could remain in charge of the dog despite the transfer of physical control to Louie and to find that both defendants could be in charge of the dog at the relevant time?” 61. In the course of his judgment, Elias LJ observed that this was not an analogous case to *Watkins*, and concluded that the District Judge had been entitled to find that the appellant remained in charge of the dog, despite handing over physical control of the dog to Louie, and that both defendants were in charge of the dog when it was dangerously out of control.

62. We accept that in the course of his judgment, Elias LJ at [7], referred to the appellant’s transfer of physical control of the dog to Louie, as being “short and temporary” and that, “He had the right and power to take the dog back at any time and was able to control the dog.”. However, these were matters which were germane to the factual context of that case, rather than pre-requisites for the existence of liability in all such cases. Indeed, as is clear from *Rawlings*, a person may remain in charge of a dog, despite not being physically present with the dog when it is dangerously out of control. 63. 64. Furthermore, we see nothing in the wording of section 3(1) of the 1991 Act which would cause us to consider that the situation is otherwise, and we do not consider that reference either to the wording of other legislative provisions, or the existence of a defence specifically directed at the position of the owner of a dog under section 3(2), alters the position. In our judgment, the question as to whether a person is for the time being in charge of a dog which is dangerously out of control is a matter of fact and degree for a jury to determine on the basis of the evidence presented to them. Although there will be cases in which the evidence at the close of the prosecution’s case is insufficient to support an offence under section 3(1) of the 1991 Act, such that a submission of no case will succeed, the fact that an accused is not present with the dog when it becomes dangerously out of control, whilst others are present who may also be in charge of the dog, will not of itself justify such a course. Rather, it will depend upon the factual context of the case and the extent to which it can be shown that the accused did something or omitted to do something, with or without fault, which to some extent caused or permitted the dog to be dangerously out of control. 65. In the present case there was evidence that, despite Mr Brown having been released from custody and returning to live at the farm, the first applicant retained some responsibility for the security of Sid and Tiny whilst they were in the pen which was Judgment Approved by the court for handing down. *Mark Twigg and Joanne Bedford v REX* situated next to the property in which he and his

family were living. Moreover, that the first applicant was aware that Daniel was able to gain entry to the pen, despite the existence of the carabiner clip on the gate, and did so on the day of the attack. 66. In these circumstances, we are satisfied that despite the first applicant's absence from the farm and the presence of the second applicant, who was also for the time being in charge of the dogs, the prosecution were justified in presenting their case on the basis that the attack, "...was the result of the defendants' act or omission namely their failure to adequately secure the gate to the pen and/or to prevent Daniel from entering the pen on his own."

67. Moreover, we are satisfied that not only was the judge correct to reject the first applicant's submission that he had no case to answer on count 2, as there was sufficient evidence to enable the jury to be sure that the first applicant did something or omitted to do something, with or without fault, which to some extent caused or permitted the dog to be dangerously out of control, but the judge's directions to the jury on count 2 were correct. 68. In this regard, the judge correctly left it to the jury to determine whether, when the first applicant left the farm, the second applicant became the only person in charge of the dogs, or whether the first applicant remained for the time being in charge of the dogs together with the second applicant.

Conclusion

69. In these circumstances, despite Mr Thomas' able submissions, we do not consider that the grounds of appeal against conviction are arguable and the application for leave is refused. Sentence 70. 71. 72. 73. Prior to the sentencing hearing, the parties had submitted written sentencing notes for the judge. On behalf of the prosecution it was submitted that under the relevant offence specific sentencing guideline, count 2 was a category B culpability offence and that whilst the appropriate starting point was 4 years' custody, the multiple factors indicating medium culpability which were present in this case required an uplift within the category range of between 2 – 7 years. It was submitted that the aggravating factors which were present included the fact that Daniel was a young child and vulnerable, the sustained nature of the attack and the effect upon those witnessing the aftermath of the attack upon him, whilst the mitigating factors included the fact that the second applicant had no previous convictions, the attack caused the death of her son and she was the primary carer for her remaining children. On behalf of the second applicant, it was submitted that count 2 was a category C culpability offence. It was pointed out that no category A factors were present, her responsibility for the dogs was short-lived, and she was unaware that Daniel was able to undo the carabiner clip and enter the pen where the dogs were kept. Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX 74. 75. 76. 77. 78. The aggravating factors identified by the prosecution were accepted, and in addition to the mitigating factors identified by the prosecution, it was pointed out that the second applicant was pregnant at the time of the offence, she had expressed remorse for what had happened and there had been no incidents of concern since the death of her son. There was a psychiatric report concerning the second applicant dated 3 October 2025, which disclosed

that as a result of the death of her son, the second applicant was suffering from PTSD and prolonged grief disorder, the symptoms of which included loss of sleep, intrusive thoughts, and low mood. The pre-sentence report, dated 9 October 2025, said that the second applicant was 37 years of age and had had a normal childhood, before meeting the first applicant when she was in her teenage years, since when they have remained in a relationship and now have three surviving children. The report also noted that the second applicant suffered from some degree of deafness in both ears. In the course of his sentencing remarks, the judge determined that under the offence-specific sentencing guideline, count 2 was a category B offence. As all five factors indicating medium culpability were present to some degree in this case, the second applicant's level of culpability was at or near the top of the category range. The judge accepted that the offence was aggravated by reason of Daniel's vulnerability due to his age. However, he also accepted that there was a considerable amount of mitigation available to the second applicant, including her previous good character, her pregnancy, her deafness, her remorse and the effect of the trauma of having witnessed the immediate aftermath of the attack upon her son. Moreover, it was of significance that she remained responsible for the care of her remaining three children. 79. In the event, balancing those various factors, the judge determined that the second applicant's offending justified a sentence of 3 ½ years' imprisonment.

Submissions

80. 81. 82. On behalf of the second applicant, Mr Ian Henderson KC who appeared below together with Mr Bergenthal, accepts that the judge was entitled to determine that count 2 was a category B offence under the relevant sentencing guideline, and that all five of the factors indicating medium culpability were present in this case. However, he submits that as this was a case in which reflected recklessness on the part of the second applicant, rather than any deliberate or intentional harm, the judge's view that, before any reduction to reflect the mitigation available to the second applicant, an upward adjustment of the starting point at or near the top of the category range was not justified. On the contrary, he submits that if any upward adjustment was required, it was such that when balanced against the mitigation available to the second applicant would have resulted in a period of imprisonment which was capable of being, and should have been, suspended in its operation. Judgment Approved by the court for handing down. Mark Twigg and Joanne Bedford v REX Discussion
83. What happened to Daniel in this case was a tragedy, and we have no doubt about the serious impact which the death of her son has had upon the second, and indeed the first applicant. However, the tragedy was an entirely avoidable one which could easily have been prevented by both applicants taking proper measures to control the dogs which were in their charge.
84. We have no doubt, as is now conceded, that the judge was justified in determining that count 2 was a category B offence under the relevant offence-specific guideline, with an appropriate starting point of 4 years' custody and a category range of between 2 – 7 years.

85. Moreover, we are also satisfied that before any adjustments to reflect the aggravating and mitigating factors in this case, the judge was justified in his view that an upward adjustment of the starting point at or near the top of the category range was required in order to reflect the multiple factors indicating medium harm. These were the second applicant's failure to respond to concerns expressed by others about the dog's behaviour, her failure to act on her previous knowledge of the dog's aggressive behaviour, the lack of safety or control measures which she was aware would have prevented the attack, her failure to intervene in the incident and her failure to ensure the welfare needs of the dog which was connected to the offence.
86. Whilst we accept that there was a significant amount of mitigation available to the second applicant, including the loss of her son in such circumstances and the ongoing care responsibilities for her surviving children, we consider that this was adequately met by the substantial reduction which the judge afforded in this case.

Conclusion

87. 88. In these circumstances, standing back and assessing the second applicant's overall criminality arising from her conviction on count 2, we are satisfied that there are no arguable grounds that the sentence of 3 ½ years is either wrong in principle or manifestly excessive. Accordingly, despite the clearly expressed submissions which were made to us by Mr Henderson, the second applicant's application for leave to appeal against sentence is refused.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://caselaw.nationalarchives.gov.uk/ewca/crim/2026/587>

CASE PAGE <https://chat.esheria.ai/case-law/england-and-wales/mark-twigg-and-anor-v-r-2026>

Prepared on 29 October 2026 · Esheria