

BVA Scottish Branch, BCVA, BEVA, BSAVA, BVPA, GVS, PVS, SVS and VDS Joint response to The Rural Economy and Connectivity Committee call for evidence on the Dogs (Protection of Livestock) (Amendment) (Scotland) Bill

24 August 2020

Introduction

- 1) The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 18,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
- 2) BVA's Scottish Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on Scottish and United Kingdom issues.
- 3) The following species and sector-specific divisions have contributed to and co-badged this response:
 - The **British Cattle Veterinary Association (BCVA)** - BCVA is a specialist cattle division of the BVA comprising 1,250 members, of whom approximately 950 are practising veterinary surgeons working with cattle in farm animal veterinary practice.
 - The **British Equine Veterinary Association (BEVA)** - BEVA serves and leads the equine veterinary profession in the championing of high standards of equine health and welfare and the promotion of scientific excellence and education. BEVA represents some 3,000 members.
 - The **British Small Animal Veterinary Association (BSAVA)** - BSAVA exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 10,000 members.
 - The **British Veterinary Poultry Association (BVPA)** – BVPA is an active non-territorial division of the British Veterinary Association. The objective of the BVPA is to further the knowledge of its members, who are drawn from academia, research, government, commerce and practice, by holding educational and technical meetings. The Association also offers objective science-based advice and comment on issues affecting its members and the poultry industry in general.
 - The **Goat Veterinary Society (GVS)** – GVS is a division of BVA and has approximately 300 members, including veterinary surgeons with a specific interest in goat health and welfare, but also has a significant “non-veterinary” membership including owners and farm personnel from across the entire spectrum of goat keeping in the UK.
 - The **Pig Veterinary Society (PVS)** – PVS a specialist division of the British Veterinary Association. The membership of PVS includes veterinary surgeons and scientists who work in the pig sector, and the Society

aims to assist its members in their professional lives by ensuring they have access to the latest information with regards pig health and production. PVS also represents the membership at a national level, making sure that pig welfare is a priority considering the latest research with regards health and management on farm.

- The **Sheep Veterinary Society (SVS)** - SVS promotes sheep health and welfare as a specialist division of the BVA. While most of its 700 members are vets, many are drawn from all sectors of the sheep industry
 - The **Veterinary Deer Society (VDS)** - The Veterinary Deer Society (VDS) was established in 1981 with the object of aiding those vets interested in deer to exchange information more easily. While the original impetus for the Society came from the growing deer farming industry, many members are more involved with park and wild deer, zoological collections, and involved in research into diseases of deer.
- 4) We welcome the opportunity to contribute to this call for evidence. We are supportive of the aims of the Dogs (Protection of Livestock) (Amendment) (Scotland) Bill, and recognise the serious impact livestock worrying and attacks can have on animal health and welfare.
- 5) The veterinary profession has a key role to play in terms of promoting responsible ownership amongst dog owners to help prevent livestock worrying and attacks. However, we would welcome further clarity as to the proposed role of private vets as set out in the Bill, and the envisaged practicalities of them carrying out examinations of suspected dogs that are implicated in livestock worrying and attacks.
- 6) We are supportive of a cross-stakeholder, multifactorial approach to preventing livestock worrying and attacks. Such an approach should prioritise prevention and address:
- Responsible dog ownership and increased awareness of the negative animal health and welfare impacts of livestock worrying and attacks
 - Proportionate penalties and sufficient resources for improved enforcement of dog control legislation
 - Increased awareness of current dog control legislation and legal responsibilities of dog owners;
 - Improved signage to safe access routes and secure boundaries on agricultural land and to indicate that livestock may be in the vicinity;
 - A definition of livestock that is reflective of modern farming practices in Scotland to provide adequate protections for animal health and welfare.

Q1. What is your experience of livestock worrying? What is the scale of the issue?

- 7) Dog attacks can have a devastating impact on the health and welfare of livestock. It is important to recognise that the impacts of livestock worrying do not always manifest in instant physical injuries eg. abortions in pregnant ewes and stress. When livestock worrying and attacks occur vets are often required treat or euthanase animals that have been attacked. Vets are also consulted by distressed dog owners with dogs who have been out of control, are suspected of worrying/attacking other animals, and sometimes by dog owners whose dogs have been shot by farmers as they were unable to bring the dog back under proper control.
- 8) As noted in the APGAW report [Tackling livestock worrying and encouraging responsible dog ownership](#) and [the summary of consultation responses for the Bill](#), it is difficult to quantify the scale of livestock worrying, due to under-reporting of incidences and lack of a standardized reporting process to inform data collection.
- 9) Anecdotally, our members have indicated that they have had experience of worrying/attacks on sheep, cattle and horses and it would appear that livestock worrying and attacks occur regularly and not just in Scotland:
- In one instance, a vet reported that a calf on a farm was chased to exhaustion and subsequently died.
 - One vet was treating a heifer that had been chased through a hedge, aborted and prolapsed her uterus when another walker came by with a dog off the lead which was running through the herd. When challenged to put the dog on a lead, the owner refused. It was felt that walkers on the footpaths have a sense of perhaps misplaced entitlement and therefore do not feel it necessary to keep their dogs on a lead. This demonstrates the need for a robust education plan and campaign so dog walkers understand the impact of their actions on animal welfare and the livelihood of those who are custodians of the countryside.

Question 2: Does legislation need strengthening in this area? If so – does the Bill do this? Is the Bill the best way to do this?

- 10) As outlined above, we are supportive of strengthening legislation to protect livestock from livestock worrying and dog attacks, as well as emphasising the importance of responsible dog ownership as set out under current animal health and welfare, and dog control legislation. Legislative measures to prevent livestock worrying and attacks

should also form part of a multifactorial, cross-stakeholder approach that tackles prevention as well as proportionate penalties. This should include contributions from the veterinary profession, the Scottish Government, farmers, farmers unions, dog owners, trainers, animal behaviourists and animal welfare organisations.

- 11) As part of a multi-factorial approach, it is important to recognise that allowing dogs controlled access to rural spaces under the right to roam as set out in the Land Reform (Scotland) Act 2003 not only encourages owners to exercise their dogs (with health benefits for both) but also allows for dogs to become habituated to the sights, sounds and smells of the country (which reduces the risk of them becoming stimulated by the presence of livestock), as well as the socialization of dogs with other dogs and humans. However, it is important to reiterate that under the Land Reform (Scotland) Act 2003 and [The Scottish Outdoor Access Code](#) (particularly [the relevant section on dog walking and farm animals](#)), access rights apply to people walking their dogs as long as their dogs are under proper control.
- 12) Further, overuse of restrictions on the walking of dogs in public spaces could result in dogs being segregated from areas of public activity. Isolating dogs to particular areas, might reduce their ability to show a normal range of acceptable behaviours and therefore negatively impact on their welfare. Ultimately this could prove counterproductive, as dogs when frightened or threatened are more likely to show aggression when exposed to unexpected or unknown events.
- 13) Isolating dogs to particular areas, might reduce their ability to show a normal range of acceptable behaviours and therefore negatively impact on their welfare. Ultimately this could prove counterproductive, as dogs when frightened or threatened can show perceived aggression when exposed to unexpected or unknown events

Prioritising prevention

Promoting responsible ownership

- 14) The veterinary profession, alongside animal welfare organisations and the Scottish Government, has a clear role to play in terms of promoting responsible dog ownership. As part of this, education and good quality information are key.
- 15) We would always encourage prospective owners to consult with their local vet if they are thinking about buying a pet. Vets have a role in educating owners on how to meet the five welfare needs of the pet in question, how to source from a responsible breeder or recognised re-homing charity or sanctuary choosing the right pet for their lifestyle, the costs involved in keeping a pet and, importantly in this context, how to meet the legal requirements of being a pet owner eg. compliance with dog control legislation, avoiding aversive training devices, as well as how to interact safely with other people and animals in local environments.

Education and resources

- 16) The further development of standardised resources and educational campaigns to inform the public about responsible ownership should form part of efforts to increase responsible dog ownership and minimise livestock worrying and attacks. There should be wider engagement with the general public on this issue, with a Scottish public campaign to raise awareness, to encourage responsible ownership, promote safe interaction between people, dogs and livestock and increase awareness of the negative impact of livestock worrying and attacks on animal health and welfare. In addition, it should highlight the need for owners to adopt a responsible attitude to dog ownership and understand that if they cannot control or guarantee recall of their dog when off a lead, it must be kept on the lead otherwise there is a resulting tangible negative impact on animal welfare and people's livelihoods.
- 17) Such a campaign could build on the success of the [Scottish Government's Buy a Puppy Safely campaign](#) to unpack other elements of responsible dog ownership supported by relevant stakeholders such as veterinary organisations, animal welfare organisations, trainers, animal behaviourists and farming unions.
- 18) There are already a number of initiatives which could be used as resources upon which to base any such campaign, including [the Blue Dog Programme](#), [Fediaf educational materials](#), [the Kennel Club's Safe and Sound scheme and Good Citizen Dog Training Scheme](#), as well as the [NFUS Control Your Dog on Farmland](#) campaign.
- 19) The APGAW report [Tackling livestock worrying and encouraging responsible dog ownership](#) also sets out several examples of preventative work in England which may be useful, including the 'Traffic lights for dogs' initiative which uses a traffic light approach (green paw signs for off-lead, amber for on-lead, red for no dogs) to give dog walkers certainty where leads were needed due to grazing livestock
- 20) The [NFUS Control Your Dog on Farmland](#) campaign sets out the below four principles to consider when walking dogs on farm land that that it would be useful to draw upon in any education materials or campaign:

- **Be informed** – know your responsibilities under the Code

- **Plan ahead** – know your route, ensure you have poo bags and a lead
- **Control your pet** - keep dogs on a lead around livestock. Know the steps to take if things don't go to plan – cattle charging, dog escapes?
- **Don't leave it hanging** - picking up your dog's poo is not enough, take it with you and put it in a bin, even if on the fringes of farmland. Do not just 'flick it' into the bushes.

21) As part of this, it is also important to recognise that livestock worrying and attacks are also committed by escaped dogs, without owners in close proximity, that have escaped from insecure gardens or homes or are treated as 'latch-key' pets by their owners. With this in mind, it is also important to reinforce messaging about responsible provision of secure home environments for dogs to prevent escapes onto farmland that put in danger both the lives of farm animals and the escaped dogs themselves. It would also be useful to use this as an opportunity to reiterate that dogs should not be left alone or unsupervised for prolonged periods in the home or garden.

22) We would also support the introduction of animal welfare into the national curriculum, and, as part of this, materials on responsible ownership and the safe interaction between people, dogs and livestock.

23) Some education relating to the economic elements of farming could also be worthwhile. In particular, highlighting that farm animals represent a farmer's livelihood and the negative impact on farmers and their families if their livestock are harmed or killed.

Increased awareness of dog control legislation, right to roam legislation and guidance

24) We would support increased public awareness of current legislation relating to dog control, the right to roam, and the reinforcement of the message that owners have a legal responsibility to keep their dog under control. This should span each of the relevant pieces of legislation and guidance, including the proposed Bill:

- Dogs (Protection of Livestock) Act 1953
- Land Reform (Scotland) Act 2003
- Control of Dogs (Scotland) Act 2010
- Dangerous Dogs Act 1991
- Civil Liability
- Land Reform (Scotland) Act 2003 and [The Scottish Outdoor Access Code](#) (particularly [the relevant section on dog walking](#) and [farm animals](#)).

Improved signage and secure boundaries

25) Equally, farmers also have a role to play by ensuring that their boundaries are as secure as possible and that signage (both around the area and on any paths approaching the area) clearly denotes where dogs should be kept on leads, where livestock may be present, as well as safe access, as set out in [The Scottish Outdoor Access Code: Access management guidance](#).

Extending the Dangerous Dogs Act 1991 to cover all 'protected animals'

26) We would also support an amendment to the Dangerous Dogs Act 1991 to provide protection for all 'protected animals' (as defined by section 2 of the Animal Welfare Act 2006) as opposed to just assistance dogs. This would ensure legislative provision to address the trauma inflicted on farmers, horse and pet owners when their animals are attacked by dogs.

27) More widely, we support a complete overhaul of the Dangerous Dogs Act 1991. There should be a move away from breed-specific legislation that bans types or breeds of dogs, towards a more preventive approach. This view is supported by the [House of Commons Efra Select Committee](#), which stated in October 2018 that: "Changing the law on Breed Specific Legislation is desirable, achievable, and would better protect the public" and a wide range of dog welfare organisations, enforcers, and those with an interest in dog-related legislation.

28) Fundamentally, we are supportive of the UK Governments taking a more holistic approach to minimising the occurrence of dog bites through:

- Promoting education on responsible dog ownership and how to achieve safe interactions between owners, family members, the public and dogs;
- Taking measures to address the early signs of aggression in all dogs and tackling irresponsible ownership before it becomes a problem (eg. through control notices and acceptable behaviour contracts);
- Moving towards legislation based on a 'deed not breed' principle, including the compulsory registration of all dogs, alongside a system of specific Dog Control Notices (DCNs) such as that currently employed in Scotland;

- Informing dog bite prevention programmes with evidence generated from further investigation into dog bite incidence. This could be achieved through:
 - Commissioning a comprehensive review of existing research and reports relating to dog bite injuries so as to ensure any proposed measures are evidence-based and suitably targeted to deliver effective societal and economic outcomes in the interest of public health and animal welfare.
 - Establishing a system to support reporting of dog bites to a centralised dog bite database.
 - Encouraging further research into all risk factors for aggression in dogs.

Appropriate terminology and messaging

29) We note that current terminology 'livestock worrying' does not fully capture the often-devastating impact dog attacks have on the health and welfare of livestock. However, it is also important ensure that the terminology and messaging used to describe these attacks captures the fact that the negative impacts of livestock worrying do not always manifest in instant physical injuries eg. abortions in pregnant ewes and stress. We would therefore support a shift in terminology from 'livestock worrying' to 'livestock worrying and attacks", as well as additional public messaging to explain the varied physical and emotional impact livestock worrying can have on farm animals.

Regulation of professional dog walkers

30) We also note that professional dog walkers are currently not regulated through a licensing system, and there may be an opportunity for government to look at whether this could have a positive impact on dog control and reducing incidents of livestock worrying.

Question 3: What are your views on the increased penalties the Bill creates for livestock worrying?

31) As the representative body for veterinary surgeons, BVA does not have expertise in sentencing or penalty policy. However, in consultation with our members the responses indicate general support for the proposals to increase fines and prison sentences for the offence of livestock worrying. In particular, fines and sanctions should be such that they are proportionate to the offence and act as a strong deterrent to new or repeat offenders.

32) As part of current legislation and any future legislative efforts to prevent livestock worrying, it is crucial that enforcing officers receive sufficient training to understand the principles of dog behaviour and ensure existing legislation is appropriately applied.

33) We note that without sufficient resources to enforce increased penalties and investigations, proposed measures are likely to be ineffective in their aims to prevent livestock worrying and attacks. We would therefore advise that learning is taken from [the challenges of the implementation of the Control of Dogs Act 2010](#) and that there is an assessment of the required police resource to effectively enforce and investigate livestock worrying and attacks.

Question 4: Would the proposals to disqualify convicted persons from owning or keeping a dog or taking a dog onto certain types of land, assist in the aim of reducing the number of livestock worrying instances

34) As the representative body for veterinary surgeons, BVA does not have expertise in sentencing or penalty policy. However, in consultation with our members the responses indicate general support for the proposal to give the courts the power to ban anyone who is expected to be 'in charge' of a dog and is convicted of livestock worrying/attack from owning a dog, including for life, subject to periodic review.

Question 5: What is your opinion on extending the types of livestock and type of agricultural land covered by livestock worrying, as described by the Bill?

35) The definition of livestock included in the Bill should be reflective of modern farming practices in Scotland. We are therefore supportive of extending the types of livestock and agricultural land covered by the Bill to include cattle, sheep, goats, swine, horses and poultry, the expanded definition includes camelids (eg. llamas, alpacas), ostriches, farmed deer and deer in enclosed parks, buffalo, and enclosed game birds.

Question 6: What are your views on the powers allowing Scottish Ministers to appoint inspectors, other than police, to investigate and enforce livestock worrying offences?

36) We are supportive of these powers subject to consultation with relevant organisations to ensure they are in agreement. We are conscious that appropriate bodies would need adequate resources and training to ensure that powers can be effectively utilised and enforced

Question 7: Do you have any comments on the expanded powers for police and inspectors to seize dogs, to enter premises and to take a dog to the vet?

37) We note that the Bill sets out that dogs suspected of livestock worrying could be taken to a vet for examination and the purpose of evidence gathering. We would welcome further clarity on how it is envisaged this process is intended to work in practice, particularly with regard to who would remunerate the vet for this service and whether they would be supported to deliver this service through training and/or Standard Operating Procedures.

38) We also note if the vet were to play a role in evidence gathering this would require specialist training in obtaining evidence as part of a legal process with continuity of evidence, how to take and record photos, professional witness status. To gather admissible evidence for prosecution is a forensic exercise requiring specific sampling, handling, etc that needs adequate time to meet the exacting requirements often needed in any evidence-gathering procedure which potentially, is intended to be part of legal proceedings. Therefore it is questionable if the average vet in practice has the time to train for what might be sporadic events. To better manage this, it may be useful to establish a database of suitably qualified vets in practice in a given area who enforcement officers could liaise with as a preferred service provider.

39) Consequently, we would welcome further clarity on how this process would work in practice before we can support this aspect of the Bill, particularly with regard to:

- What would be required as evidence and how this would be obtained. Consideration would also need to be given as to whether the procedures used to collect evidence were in the health and welfare interests of the dog, and, therefore whether the procedure would fall within the RCVS Code of Conduct. Overall, clear parameters are required in outlining the criteria for evidence gathering in relation to any seized dog.
- How vets would be remunerated by the relevant authorities for this service.
- Whether they would be supported to deliver this service through training and/or Standard Operating Procedures.
- Ensuring that vets used for examining/collecting evidence are independent and that there is no professional conflict
- Whether vets would receive specialist training in obtaining evidence as part of a legal process with continuity of evidence, how to take and record photos, professional witness status.
- We would also wish to understand what procedures would be in place to ensure the welfare of the seized dogs is adequately provided for when in police care. This would include suitable transport, holding facilities and daily care.

40) We would be pleased to work with Scottish Government and relevant stakeholders to develop relevant and practical guidelines for the veterinary profession.

Question 8: Does the Bill adequately balance the rights of dog owners and the rights of livestock farmers

41) In general, the Bill is well-balanced in that dog owners should expect to keep their dog under proper control in line with existing dog control legislation, the Land Reform (Scotland) Act (2003) and [The Scottish Outdoor Access Code](#). As outlined above, it could be reiterated that farmers also have a role to play by ensuring that their boundaries are as secure as possible and that signage clearly denotes where dogs should be kept on leads, where livestock may be present, as well as safe access, as set out in [The Scottish Outdoor Access Code: Access management guidance](#).

42) Creating guidance for livestock keepers, in consultation with NFUS, as to how they can manage livestock in areas accessible to dog walkers would also seem as essential part of any strategy intended to manage this issue.

43) While we recognise that in the proposed Bill the seizure of dogs is only intended for a short period of time to

gather evidence or identify an owner, consideration should also be given to the potential negative welfare impact should dogs be seized for an extended period of time.