January 2012

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (NI)
CONSULTATION ON THE DRAFT WELFARE OF ANIMALS (DOG BREEDING
ESTABLISHMENTS) REGULATIONS

Joint response from the British Veterinary Association, British Small Animal
Veterinary Association and Northern Ireland Veterinary Association

i) The BVA is the national representative body for the veterinary profession in the United
Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests
of the veterinary profession in this country, and it therefore takes a keen interest in all issues
affecting the veterinary profession, be they animal health, animal welfare, public health,
regulatory issues or employment concerns.

ii) The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It
represents approximately 6,500 members, the majority of whom are in general practice and
have an interest in the health and welfare of small animals, namely dogs and cats.

iii) The North of Ireland Veterinary Association (NIVA) represents vets working in all areas of
the profession in Northern Ireland, and as such they are well placed to provide a consensus
view on issues of concern to veterinary surgeons. NIVA is also a territorial division of BVA.

iv) The BVA, BSAVA and NIVA have worked closely together in preparing this response, with
particular involvement from the BVA’s Ethics and Welfare Group.

v) We are grateful for the opportunity to respond to the Department of Agriculture and Rural
Development (NI) consultation on The Draft Welfare of Animals (Dog Breeding Establishments)
Regulations.

vi) In principle, we are supportive of the draft regulations to control dog breeding in Northern
Ireland. However, we have a number of general comments as well as specific comments on
the questions raised in the consultation paper, which are detailed below.
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

CONSULTATION ON

THE DRAFT WELFARE OF ANIMALS (DOG BREEDING ESTABLISHMENTS) REGULATIONS

PROPOSALS FOR NEW STATUTORY RULE

19 October 2011
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Executive Summary


The 2011 Act places a “duty of care” on anyone responsible for a vertebrate animal, whether on a permanent or temporary basis, to ensure the needs of that animal are met to the extent required by good practice. For the purposes of the 2011 Act an animal’s needs shall include –

(a) its need for a suitable environment;
(b) its need for a suitable diet;
(c) its need to be able to exhibit normal behaviour patterns;
(d) any need it has to be housed with, or apart from, other animals; and
(e) its need to be protected from pain, suffering, injury and disease.

These draft regulations aim to complement these needs, often referred to as the five freedoms, in respect of dogs in commercial dog breeding establishments.

Section 12 of the 2011 Act requires that a person must not carry on certain activities involving animals or their progeny for which they are responsible unless they are licensed. Section 12 (7) provides powers for the Department to make Regulations specifying which activities involving animals must be licensed. While the breeding of dogs for commercial gain is a legitimate business, the welfare requirements of the breeding bitches, stud dogs and their offspring are of paramount importance. Welfare concerns have been raised about “puppy farms” over the last number of years. With the introduction of new powers under the 2011 Act, Regulations can now be made which will improve the standards for these establishments and assist legitimate local breeders in marketing their dogs. Sub-standard breeders will have to comply with revised standards or councils will not issue licences to them.
The main proposals are outlined below:-

- refines the definition of a dog breeding establishment. A breeding establishment will be defined as any premises in which (a) a person keeps 3 or more unsterilised breeding bitches and breeds 2 or more litters of puppies in any 12 month period, (b) an unsterilized bitch is kept by a person, not being the owner of the bitch, for the purposes of breeding or (c) keeps 3 or more breeding bitches which an inspector believes is consistent with commercial breeding. A person who owns three or more unsterilised female dogs and does not breed from any of them or only breeds one litter a year will not be required to have a dog breeding establishment licence;
- introduces an annual licensing system with an application fee;
- provides an exemption for registered hunt clubs;
- introduces microchipping of all dogs in the dog breeding establishment including the microchipping of all puppies before they leave the breeder;
- specifies the minimum and maximum breeding age for a female dog including the frequency of the litters and the maximum number of litters in a lifetime;
- introduces the spaying of breeding bitches and the neutering of stud dogs at the end of their breeding life before being rehomed;
- introduces guidance for Councils, to which Councils must have regard;
- introduces a written enrichment and enhancement programme for bitches and other dogs and a written socialisation programme for puppies, both of which must be approved by the Council;
- specifies the records which must be kept for all dogs, bitches and puppies; and
- removes the requirement for a licensed dog breeding establishment also to hold a block licence.

This consultation give Councils, dog breeders, specialist interest groups and the general public the opportunity to consider all the proposals in the new dog breeding legislation for Northern Ireland. Following closure of the consultation the Department will consider the responses to further refine the policy for dog breeding establishments.

**Consultation**

Under section 12(9), the Department must consult such persons as appear to represent relevant interests before making such regulations.
The draft Statutory Regulations are attached as Annex A. The Department welcomes views on the content and in particular, the list of questions below.

**Regulatory Impact Assessment**

The Department is required to consider the need for a Regulatory Impact Assessment (RIA) to assess the impact of a proposed statutory rule on businesses, charities, social enterprises or voluntary bodies. Such impacts are normally measured in terms of costs, benefits and risks. A partial RIA has been completed and is available on the DARD website. A question has been included in the consultation seeking appropriate evidence-based information on the draft Welfare of Animals (Dogs Breeding Establishments) Regulations regarding the impact it will have on businesses or other bodies.

**Scope**
These regulations will apply in Northern Ireland only.

**Access to consultation documents**

Copies of the consultation documents are available by visiting the consultation section of the Department’s website ([www.dardni.gov.uk/consultations](http://www.dardni.gov.uk/consultations)), by telephoning 028 9076 5850 or by writing to the address below. Alternative formats of the documents are available on request.

**HOW TO RESPOND**

Please send your written responses to:
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028 90524982

The consultation will last for 12 weeks and the closing date for responses is Tuesday 10 January 2012.

Publication
Responses will be used by the Department to determine whether any amendments are required to the draft Regulations which have been prepared. The draft Regulations, as amended where necessary, will subsequently be considered and require approval by the Northern Ireland Assembly.

In line with the Department’s policy on openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Department’s website. The information they contain may also be published in a summary of responses.

If you do not wish your comments to be made public, you must clearly request in writing that your response should be treated in-confidence. Please let us know the reason for your request to enable the Department to consider its validity. However, we must advise that this cannot be guaranteed as any reason must be acceptable under the Freedom of Information Act 2000. Any confidentiality disclaimer generated by your computer or IT system in e-mail responses will not be treated as such a request.

You should also be aware that there might be circumstances in which the Department will be required to communicate information to third parties on request, in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
Draft Welfare of Animals (Dog Breeding Establishments) Regulations

Part I - Introduction

Regulation 2: Interpretation

Draft Regulation 2 contains definitions for the purposes of the Regulation. Amongst other amendments a new definition of a dog breeding establishment has been inserted which will define a dog breeding establishment as any premises—

(a) in which a dog is kept by a person who owns 3 or more unsterilised bitches any of which is used for the purposes of breeding, which breed 2 or more litters of puppies in any 12 month period;

(b) in which an unsterilised bitch is kept by a person, not being the owner of the bitch, for the purposes of breeding; or

(c) keeps 3 or more breeding bitches in premises which an inspector reasonably believes is consistent with commercial dog breeding.

The new definition will therefore exclude small hobby breeders who own three bitches one of which may only breed a litter in a 12 month period. This will allow councils to better target their resources to only those premises on which a commercial dog breeding business takes place.

Question 1(a): Do you agree with the definitions in draft regulation 2?

No.

(b) If no, please state what needs redefined and why.

The definition of breeding establishment is not clear whether it includes charitable/welfare organisations which may have pregnant bitches or puppies turned over to them. Defines a “breeding bitch” as an un-sterilised female dog over the age of 12 months, then defines a “breeding establishment” in terms of ‘unsterilized bitches’ as well as ‘breeding bitches’ and also just ‘bitch’. There is no reason why charities/welfare organisations should not provide the same standards for breeding bitches and puppies as a commercial breeder. However, as they are charitable organisations they could be ‘fee exempt’ as is the case in the regulations in Republic of Ireland. Please see Question 8 b for further discussion.
Regulation 4: Licensing of a dog breeding establishment

The operator of a dog breeding establishment will in future have to obtain a licence from their local council rather than simply to ‘register’ with the council as at present. Registration is a notification that a form of business is in operation. It does not require “approval” by an enforcement body and is often retrospective in its application. The change permitted by Section 12 of the Welfare of Animals Act 2011 will introduce a licensing regime which will ensure that only establishments that meet the conditions for a licence become licensed. Sub-standard establishments will need to be improved before a licence will be issued.

A Block Licence is currently available under Article 8 of the Dogs Order 1983 for any premises where any person has three or more unsterilized bitches any of which is used for breeding purposes. With the introduction of the proposed new dog breeding establishment licence the Department recognises that there is potential for unnecessary dual licensing requirements and it intends that where a person holds a dog breeding establishment licence, they will not require a separate Block Licence. Provision has been made in the draft Regulations to make the necessary amendment to the Dogs Order.

Question 2(a): Do you agree that any person who holds a new dog breeding establishment licence for a premises should no longer require a block licence?
Yes so long as there are no loopholes which enable a person to avoid licensing. Only the more rigorous one should make the other unnecessary.
(b): If not, please detail your reasons.

Question 3(a): Do you agree that a new dog breeding establishment licence should be introduced and replace the current block licence and registration for dog breeding establishments which meet the requirements of the definition?
Yes
(b): If not, why not?

Question 4(a): Do you agree a licence should be issued annually?
Yes
(b): If not, please detail your reasons.
Question 5(a): Do you agree that dog breeders should have to apply for a licence to run a dog breeding establishment and pay a fee to cover the costs of processing the application including visits to inspect the dog breeding establishment?
Yes
(b): If not, please state why.

The new Regulations are intended to apply to commercial dog breeding businesses only and do not apply to individuals who may undertake the occasional breeding of a domestic pet dog even if the pups are sold, or to registered hunt clubs where large numbers of breeding bitches may be kept, some of which may be used for breeding. The exclusion of registered hunt clubs from application of the Regulations is because registered hunt clubs do not take part in commercial breeding. Although a hunt may breed a number of litters of pups each year, no pups are ever sold. If new breeding lines are required pups are “drafted” from another hunt club.

Question 6(a): Do you agree with the definition of a hunt club?
Yes
(b): If not, why and what would you suggest?

Question 7(a): An exemption has been suggested for registered hunt clubs. Do you agree registered hunt clubs should be exempted?
No
(b): If not, why not?
While it may be permissible to reduce or waive the registration fee for non-commercial breeders they should still be subject to regulations to protect the health and welfare of bitches and puppies. We believe all premises where dogs are bred should be covered by the legislation including sanctuaries, hunt kennels and licensed boarding kennels.
Question 8(a): Are there any other groups who should be exempted?

No.

(b): If yes, please state why and include any appropriate evidence.
Charities and welfare organisations should not be exempted from the regulations as there is no reason why they should not provide the same standards for breeding bitches and puppies as a commercial breeder. However, as they are charitable organisations they could be ‘fee exempt’ as is the case in the regulations in Republic of Ireland. These organisations do not encourage or ‘allow’ breeding, but will often have multiple unsterilized bitches present in their facilities prior to neutering, and may also take in pregnant bitches. The complication is predicting how many litters they may have over the course of a year and how many unsterilised bitches will be present on the site at anyone time as it could vary massively. We would not want a welfare organisation with empty kennel spaces to have to turn away a serious welfare case that involved a pregnant bitch because it would put them over their limit on numbers for bitches or litters for that year.
Part II - Issuing of Licences

Regulation 5: Licences

An annual licence will be issued by the Council on written application and subject to a conditional inspection. The 1983 Regulations covered the construction and operation of dog breeding establishments. Whilst fit for purpose at the time, it is recognized that they do not meet the welfare needs today and need to be revised. Schedule 4 covers the minimum conditions that dog breeding establishments should comply with to be licensed.

Question 9(a): Do you agree with the extension of licensing conditions in Schedule 4?
Yes but further guidance will be required to define those areas required to be adequate, appropriate or suitable. Minimum acceptable standards should be specified.
(b): If no, why not?

The draft dog breeding establishment application form (Schedule 1) has been drafted to include the new requirements on microchipping. It also includes a requirement to specify any control conditions on any bitches or dogs which may in force. Schedule 2 prescribes the draft dog breeding establishment licence.

Question 10(a): Is all relevant information which is required to issue a new dog breeding establishment licence (Schedule 2) covered on the application form in Schedule 1?
No
(b): If no, what amendments would you make?
The application should be accompanied by details of the socialization programme for puppies and the enhancement and enrichment programme for bitches, stud dogs and other dogs. Schedule 4, 5 & 6
The name of the veterinary practice with which the breeder is registered should be included on the application form as per Guidance for Enforcement officer. Any change should be notified to the licensing authority.
Question 11(a): Have you any comments on the new dog breeding establishment licence (Schedule 2)?  
Yes  
(b): If so, please state what.  
The license refers to “all dogs” while the application refers to bitches, stud dogs and other dogs. The legislation should be clarified regarding the status of unweaned and weaned puppies and whether these count in the total number of dogs. If not the age at which puppies become eligible to count of dogs should be stated.  
If puppies are not included within the dog count this should be allowed for when considering stocking densities and staffing levels.

Question 12(a): Do you agree with the particulars which the Council should hold in the register of dog breeding establishments (Schedule 3)?  
Yes  
(b) Question: If no, please state why.  
The requirement to display a dog breeding establishment licence has been included. Dog breeders in Northern Ireland should be proud of their product. The display of the licence will show that the dog breeding establishment satisfies the statutory conditions required to gain a licence and therefore aid public confidence in the Industry.

Question 13(a): Do you agree that the dog breeding establishment licence should be displayed?  
Yes  
(b): If not, why?  
The construction and operation provisions in the 1983 Regulations have been updated to reflect the duty of care requirements and the five freedoms in the licensing conditions (Schedule 4). Many commercial breeders will already be operating to these standards or higher. The introduction of these conditions is not intended to penalise legal commercial
breeders or to drive them underground. Instead the aim is to substantially improve the standards in which dogs in sub-standard breeding establishments are kept, and effectively render the intensive breeding of puppies illegal. Guidance for Council Enforcement Officers will be issued which will help clarify the draft licensing conditions.

**Question 14: Have you any comments (either for or against) on licensing conditions 1 - 15 in Schedule 4 and if so what? (Please specify which licensing condition you are responding on.)**

Detailed guidance will be required on what is meant by appropriate (1), adequate (4) and suitable (2, 3).

We agree with the requirements of Condition 11 that “all breeding bitches and other dogs must be identified with a microchip”. This is in line with BVA/BSAVA policy which calls for the microchipping of all dogs.

Condition 7 states “Licence holders shall take all reasonable steps to protect dogs from pain, suffering, injury, and disease.” We would like to see additional inclusion of a section on hereditary disease and responsible breeding. C.f. Question 44a on genetic testing. Or alternatively, as part of condition 7 breeders should be required to have a written policy regarding this issue and what steps they take to address it.

For Condition 3 – Diet – as well as requiring that a dog is supplied with “a suitable quantity and quantity of food for the type and breed of dog”, guidance on nutrition should state that the diet is nutritionally complete for the life stage of the animal as well, irrespective if whether it is a commercial pet food or a home-prepared diet.

Specifically we would like responses on the following questions:

**Question 15(a): - Condition 5 – Do you agree a requirement for a written socialisation programme for pups should be included?**

Yes, we agree a written programme for socialization would be beneficial, especially since it is often the case that dogs were handed over to charities as a result of behavioural problems. Guidance should be given in the form of an Annex on what must be included in a suitable socialisation programme. Socialisation should explicitly include company of other dogs, including adult dogs, and people (and where possible, appropriate children).
It is essential that the socialisation programme for puppies is started and maintained while the pups are in the breeding establishment. This is critical from the age of 28 days to 56 days and even more essential if they remain in the breeding establishment beyond 56 days.

(b): If not, please state why.

Question 16(a): - Condition 6 – Do you agree a requirement for a written enhancement and enrichment programme for bitches, stud dogs and other dogs should be included?
Yes, this should be based on the 5 welfare needs as outlined in The Welfare of Animal Welfare (Northern Ireland) Act 2011. Guidance should be given in the form of an Annex on what must be included in a suitable enhancement and enrichment programme.

(b): If not, please state why.

Question 17(a): - Condition 8 – Do you agree to the mating conditions on a breeding bitch?
No

(b): If not, please state why.
While an initial mating age of 12 months may be acceptable for small dogs it would not be for large / giant breeds which would still be growing at this age. If a blanket age is to be given we would advise 18 months, or that the guidance should differentiate between breeds.

Question 18(a): - Condition 8 – Do you agree a breeding bitch should not be linebred for three generations?
We disagree with any linebreeding. A definition of “line breeding” should be included for clarification purposes – the current definition of two animals that are related to each other does not specify closeness of the relationship. An additional idea would be to prohibit any breeding of dogs that have an inbreeding coefficient greater than, say, 0.1 (10%).
(b): If no, please state why.
Bitches should not be line-bred at all. There is no real justification for it. If necessary, a clause should be included which states it should not be done unless there is a specific justification of why it is necessary.

Question 19(a): - Condition 9 - Do you agree that as currently drafted, the Regulations require that puppies cannot leave the dog breeding establishment until they are at least 56 days old?
(b): If no, please state why.
The regulations require that the licence holder retains ownership of the puppy until at least 56 days. A puppy should not be allowed to leave the premises even if in the possession of the owner unless there are exceptional circumstances that may threaten the health or welfare of the pup.

Question 20(a): - Condition 10 – Do you agree that bitches which have bred the maximum number of litters should be spayed by the breeder before being rehomed?
Yes unless certified by a veterinary surgeon to be inadvisable for health and welfare of that particular bitch. We believe bitches should be neutered when finished breeding, regardless of whether being rehomed.
(b): If no, please state why.

Question 21(a): - Condition 10(b) - Do you agree that stud dogs which are no longer able to be used as stud dogs should be neutered by the breeder before being rehomed?
(b): If no, please state why.
We promote neutering to prevent unwanted litters however this is more controversial and may depend on the specific circumstances. Veterinary advice should be sought for each case.
Question 22(a): - Condition 12 - Do you agree that all puppies should be microchipped before they are 56 days old or before they leave the dog breeding establishment, whichever is the sooner?

This is in line with BVA/BSAVA policy which calls for the microchipping of all dogs. However, there is a contradiction in this condition as the legislation also requires that puppies should not leave the licence holder’s premises before 56 days of age (Condition 9) so “whichever is the sooner” should be removed.

(b): If not, please state why.

Question 23(a): - Condition 13 - Do you agree that the first registration of a puppy should be to the licensed breeder?

Yes

(b): If not, please state why.

Question 24: Have you any comments on the draft guidance for Council Enforcement Officers? (Please specify which section you are responding on.)

1.1 Height of partitions – should be to prevent contact between dogs – 1.2m (4ft) would not be sufficient for many large / giant breeds. Partition walls should be of a size appropriate for the breed of dog (not fixed at 4 feet) and include adequate fencing atop to similar breed requirement.

1.2 Dog size should be defined by weight (or KC breed list) included as an annex without need to refer to another source, and include Giant breeds. The size of accommodation refers to exercise areas for single or small groups of dogs. The needs of a bitch and litter will be different and should allow for growth and increasing activity of puppies during their time at the breeding establishment.

1.7 Accommodation occupied by puppies should have any soiled bedding / material removed at least 4 times daily

1.8 Pest control must present no risk to the dogs.

1.11 When socializing puppies precautions must be taken to prevent the spread of disease, this should include good hygiene and parasite control.
2. Puppies should be introduced to appropriate solid food and weaned before rehoming. Weaned puppies should be provided with suitable food at least 4 times daily at appropriate intervals. Food should be nutritionally complete.

3.1 Exercise should take place in a suitable physical environment and social group.

3.5 Where play items are swapped between runs they should be cleaned and disinfected on each occasion to prevent spread of infection.

4.3 The age at which puppies must be vaccinated if not sold / rehomed should also be included.

4.3 There is no mention of Endoparasite control. It is absolutely essential that a written protocol obtained with Veterinary advice is followed and similar recording made of wormer administration, to all breeding stock and puppies.

4.2 Medicines, 4.4 Health status and 4.7 First aid kit: A written log identifying which dog has received which medicine, first aid attention or been ill/ required Veterinary attention should be available for inspection.

4.8 Fire. Suggest that advice sought from local Fire prevention Officers and report available for inspection. Also Electrical safety testing of heaters and lights deployed in whelping areas and kennels similar to Practice Standards Scheme.

Question 25(a): Do you consider that the proposed Guidance for Council Enforcement Officers is sufficiently detailed enough to enable both enforcement officers and dog breeders to understand the standards to be met at a licensed dog breeding establishment?

(b): If not, please give your reasons in detail?
See responses to Q24

Question 26(a): Do you agree that it should be included in legislation that Councils must have regard to Guidance published by the Department?

Yes

(b): If no, please give your reasons in detail?
Question 27(a): Should dog breeding establishment Regulations and licence state the maximum number of dogs that the dog breeding establishment can have?
Yes

(b): If no, please clarify why not?
There should be clarity about whether pups are included in the number and if not at what age they become eligible for inclusion if not sold or homed.

Question 28(a): Should the sizes of quarters used as accommodation for dogs be specified in the Regulations or should they only be in the guidance for Council enforcement Officers?
Yes

(b): If yes, please specify your reasons?
Minimum sizes should be specified with guidance to allow for variation in breed and litter size.

Question 29(a): Do you agree that a person can apply for a dog breeding establishment licence when they are 16 years of age?
16 should certainly be the minimum age allowed but consideration should also be given to assessing the persons knowledge and suitability of the person applying for a licence as recommended in The European Convention on the Protection of Pet Animals (125) which states that the competent authority shall ensure that “the person responsible has the knowledge and abilities required for the activity either as a result of professional training or of sufficient experience with pet animals” We believe a minimum age of 18 would be more appropriate as this is a big responsibility.

(b): If not, what is an appropriate age?
We believe a minimum age of 18 would be more appropriate as this is a big responsibility.
In order to meet the animal behaviour and socialisation requirements in the licensing conditions in Schedule 4 a suggestion has been advanced that a ceiling, such as a maximum ratio of 20 dogs per full time attendant and up to 10 dogs per part time attendant, should be set on the number of dogs an individual attendant could manage.

The rationale for the ratio is so attendants who must carry out their programme of socialisation of puppies have sufficient time to do so and allow them to attend fully to the welfare needs of each bitch and litter of puppies.

A meeting of key stakeholders were of the opinion that such a ratio was unnecessary as breeders were in the best place to judge the numbers of staff required to meet these needs. Other mitigating factors centered around the fact that some breeders worked a 16 hour day whilst a staffing ratio would be centered around an 8 hour day.

**Question 30: Should a ratio of staff to dog be included in the legislations such as 1 full-time attendant per 20 dogs and 1 attendant to 10 dogs for a part-time attendant, or is it sufficient to allow breeders to determine the number of staff required to ensure that licensing conditions are met? Please clarify your reasons.**

Yes, minimum staffing levels should be included protect the welfare of animals. The number should take account of the time required to care for and socialise puppies and not just apply to adult dogs. BVA and BSAVA supported the recommendations of the Welsh Government Task and Finish Group on dog breeding which were released in 2010 and recommended 1 attendant for 20 dogs as the minimum. However we feel the guidance should give more detailed information about the staff to dog ratio in different circumstances, for example a whelping or nursing bitch requires more attention than a pregnant bitch so the ratio should have more attendants in that situation. We believe that although a maximum ratio of 20 dogs to 1 attendant should be stated in legislation the exact ratio should be determined by the inspector after consideration of factors such as the size and breed of the dogs being bred and the qualifications and experience of the staff, i.e. it could be specified to have a ratio of 15 dogs to 1 attendant. In addition the guidance should clarify whether the ratio includes puppies or dogs over 6 months of age only. There should also be a reference to the time taken to socialise puppies and need for more attendants.
It is intended that all dogs should have a mandatory log book including details on puppies (Schedule 5) for identification purposes which includes details such as Microchip number, Name, Date of birth, etc. A copy of the log book would accompany the dog when it is sold.

**Question 31(a):** Do you agree that a mandatory logbook would assist in identification?
Yes

**(b):** If not, please state why.

The Department is required to complete a regulatory impact assessment for the draft Regulations. The licensing conditions may impose costs on dog breeding establishments to bring dog breeders up to the required standard.

**Question 32:** The draft conditions may incur costs to bring dog breeders up to the required welfare standards. These are referred to in the partial RIA which accompanies this document. If you have any comments please provide appropriate evidence based information.

**Question 33:** Do you agree that the draft regulations do not have any impact on equality of opportunity between the different equality categories such as persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, men and women generally, persons with a disability and persons without and persons with dependants and persons without?
Yes.
The regulations only apply a restriction regarding age but this is already covered by the minimum age of ownership (16 years) imposed by the Animal Welfare Act 2006.

**Question 34:** Have you any other comments on Regulation 5 and if so what?
Regulation 6:
This regulation requires that a person shall not apply for a licence where a Court order made under the 2011 Act or 1983 Order which disqualify persons from keeping animals exists. It has been extended so that it will cover those who have been disqualified previously under other pieces of legislation such as the Welfare of Animals Act (Northern Ireland) 1972. It is also intended that this will cover those persons who have been disqualified under similar legislation in Great Britain or the Republic of Ireland.

Question 35(a): Do you agree with the principles of Regulation 6?
Yes, should ideally include that a licence should not be granted to those disqualified under legislation relating to animal health and welfare in any country.
(b): If no, please specify why.

Regulation 7:
Where a person who holds a licence dies, their licence shall be deemed to have been granted to their representative and remain in force for three months.

Question 36(a): Do you agree that sufficient eventualities have been granted in this regulation?
No
(b): If no, what other aspects should be included.
There may be other eventualities, such as illness or injury, which mean that the license holder is temporarily or permanently unable to be responsible for the animals under his or her care. The appropriate procedure under these circumstances should be detailed in the legislation.

Regulation 8:
This regulation covers the fee the council shall charge on application for a dog breeding establishment licence. It is set on a sliding scale of the numbers of breeding bitches held in the establishment as it may be considered to be unfair to have a set charge which
would be the same for three bitches or three hundred bitches. It would also mean that smaller establishments would pay a proportionally higher fee than necessary for the size of the establishment whilst larger establishments would pay a smaller fee. A fee must be set so that it covers the full cost of the application for the licence (“full cost recovery”). The fee has been set to cover initial and further follow up inspections by a council enforcement officer where an initial inspection has led to cause for concern. It also covers an allowance for depreciation of assets such as a van and all Council and administration costs including travel as well as an element of administrative support.

Question 37(a): Do you agree with the principle of a sliding scale of charges and full cost recovery?
Yes
(b): If no, what fairer system could be considered?
This sliding scale is not linear and as larger establishments are likely to take longer to inspect and could pose greater health and welfare issues, consideration should be given to whether the fees for larger establishments provide sufficient funds to cover the inspection; the smaller establishments relatively large (in comparison) fees may be subsidising the cost. We would suggest that the scale should be a multiple of the number of bitches kept on the premises and owned by the licensee (if multiple sites). In addition, the licence price should ideally be linked to the standard of care. For example, higher staffing levels might decrease the fees. Any failures or re-inspection should incur penalty fees, in addition to recovery of further inspection costs.

Question: 38(a) Do you agree that the proposed fees are reasonable to achieve full cost recovery.
Yes
(b): If not, what would a reasonable cost be? Please provide relevant evidence to support your assertion.
However fees should also include provision for “spot” inspections to ensure there is continued adherence to the license requirements.
Part III – Suspension and Revocation of a licence

Regulations 9 - 14:
Regulations 9 – 14 state the requirements for suspension and subsequent reinstatement or revocation of a licence and the necessary appeal procedures.

Question 39: Have you any comments on the procedures for suspension, reinstatement/revocation and appeal of a licence?

Any procedure for suspension / revocation of a licence should have due regard to the welfare of the animals on the premises. Removal of the licence should still allow right of access if it is reasonably believed that breeding is continuing to occur on a premises.

Suspension and revocation could also be linked to trade descriptions problems as well as failure to fulfil licensing conditions.
Part IV – Miscellaneous Provisions

Regulations 15 - 16:
Regulations 15 and 16 allow for the taking of samples for DNA testing. This requirement is to allow for identification of a breeding bitch, stud dog or pup.

Question 40(a): Do you agree that samples may be taken to allow for identification?
Yes
(b): If no, please state why.

Regulation 17 – 25:
Regulations 17 – 25 cover miscellaneous provisions from powers of entry to enforcement.

Question 41: Do you have any comments on the miscellaneous regulations contained in Regulations 17 – 25. If so, please state which regulation you are commenting on and your comments.
No

Other related issues

Question 42(a): Do you agree that premises which are already registered by persons under the Dogs (Breeding Establishments and Guard Dogs Kennels) Regulations (Northern Ireland) 1983 shall have 6 months to comply with the requirements in these draft Regulations.
Yes
(b): If no, please state what the period should be and why?

Question 43(a): On repeal of the Dogs (Breeding Establishments and Guard Dogs Kennels) Regulations 1983, do you agree the Guard Dogs element of these Regulations should be remade separately.

(b): If no, please state why.
So long as welfare of dogs is equally protected
Question 44(a): Should it be a requirement that genetic testing for defects should be carried out?

Yes. It would need to be specified which tests for which breeds as it may not be necessary to perform every test available – maybe such wording as “appropriate tests” would be suitable. It could be detailed in an Annex for ease of updating, for example, as new tests become available.

(b): If so, please state why.

The EU Convention on the Protection of Pet animals which states that “Any person who selects a pet animal for breeding shall be responsible for having regard to the anatomical, physiological and behavioural characteristics which are likely to put at risk the health and welfare of either the offspring or the female parent.”

CAWC (2006) recommended the following code based on the wording of that convention:

'The selection and breeding of companion animals can result in, or perpetuate, characteristics or inherited conditions that seriously affect the quality of animals’ lives. No one should breed companion animals without careful regard to characteristics (anatomical, physiological and behavioural) that may put at risk the health and welfare of the offspring or of the female parent.'

Alternatively, we would want pets to be under at least as high a level of protection as farm animals, who are protected by The Welfare of Farmed Animals (England) Regulations 2000:

"28. - (1) Subject to sub-paragraph (2), natural or artificial breeding or breeding procedures which cause, or are likely to cause, suffering or injury to any of the animals concerned shall not be practised.

(2) Sub-paragraph (1) shall not preclude the use of natural or artificial breeding procedures that are likely to cause minimal or momentary suffering or injury or that might necessitate interventions which would not cause lasting injury.

29. No animals shall be kept for farming purposes unless it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without detrimental effect on their health or welfare."

This addresses the important and public issue of good breeding practice.  
C.f. comment at Question 14 on Condition 7 of Schedule 4.
Question 45: Should Councils take into account, breeders who are members of an UKAS accredited assured breeders scheme when deciding if an in-year monitoring visit is necessary?

Only if the scheme itself undertakes regular (annual) inspections and maintains standards at least as high as the DARDNI standards. This should not affect the requirement for a license or the licensing fee.

The consultation has asked several questions on the provisions in the draft Regulations. If you have any other related issues which have not been asked/addressed they should be set out below.

Question 46: Do you have any other related issues which have not been asked/addressed in this consultation on dog breeding establishments?

The regulations should be clear about the definition of “dog” and whether this includes puppies. Consideration should also be given to the status and welfare of puppies which remain on the premises after weaning, for example where sale is delayed. Where there is concern about the health and welfare of animals, provision for veterinary inspection should be included.

The BVA generally agrees with the proposed legislation and guidance and supports the DARDNI in its efforts to regulate the puppy farming industry. However, the BVA feels that the current draft regulations miss an opportunity to include responsible breeding in terms of hereditary diseases. There are genetic tests for relatively few conditions and many important hereditary diseases can be detected without genetic tests.

“Dog” and “dogs” need to be clearly defined. Despite definitions for “other dog” and “puppy”, it is not clear whether “dog” means an animal over 6 months old only, or puppies as well as adult dogs.

There is some concern about the possibility of bad breeding practices being pushed into the Republic of Ireland and the need to monitor this if the conditions were introduced.
This guidance should be reflecting “good practice” and no less. DARDNI should consider producing guidance that relates to all breeding practices (including stud dogs, who should also have enrichment), alongside licensing that relates only to larger-scale commercial breeders. The licence, which must be displayed, could serve as a consumer education device, informing them of the number of breeding bitches on the site, the enrichment plan etc. This must be followed with guidance/a Code specifying the details.