

BVA Scottish Branch and BSAVA joint response Scottish Government Discussion Paper – The Criminal Law Dealing with Dangerous Dogs

23 April 2021

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, 2226 residing in Scotland, 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 British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing nearly 11,000 members of which 1,133 represent the Scottish region.
- 4) We welcome the opportunity to contribute to this discussion paper. We recognise the complexity surrounding the issue of dog control and are supportive of the Scottish Government's aims to promote responsible dog ownership and protect the public and other animals from dog attacks.
- 5) Summary of our position
As the representative bodies for veterinary surgeons, BVA and BSAVA do not have expertise in criminal law or criminal liability therefore we would defer to others with greater expertise in this area. Whatever the model for criminal liability falling on dog owners or keepers, it is paramount that they are aware of their legal responsibilities under Section 3 of the Dangerous Dogs Act, and any changes in criminal liability are effectively and clearly communicated to the wider public.
- 6) In terms of animal behaviour it is important to emphasise that animals can behave aggressively without warning, and most animals can behave aggressively in certain circumstances eg. if they are frightened or in pain. Therefore, the context in which aggressive behaviour occurs should be taken into account.
- 7) We also recognise that it may be necessary for authorities to seize and retain dangerous dogs to ensure public safety pending the outcome of a case, or where a court is considering an application for a destruction order. However, it is important to recognise that seizure and long-term kenneling can have multiple significant negative impacts on dog welfare and behaviour. To safeguard dog welfare it is paramount that seizure is performed by trained individuals in a considerate and calm manner, and that time spent in kennels is minimised as much as possible.
- 8) Fundamentally, we consider that the Scottish Government should take a more holistic approach to reducing irresponsible dog ownership and dog attacks through:
 - Repealing Section 1 of the Dangerous Dogs Act (1991);
 - Effective enforcement and consolidation of existing dog control legislation;
 - Commissioning additional research into human and dog-associated risk factors for canine aggression and dog biting incidents along with establishing a centralised dog biting incident database; and
 - Promoting safe dog-human interactions and responsible ownership through education and campaign programmes.

Q1. Do you think option 1 or option 2 is the preferred model for criminal liability falling on dog owners/persons in charge of a dog in the area of dangerous dogs?

- 9) As the representative bodies for veterinary surgeons, BVA and BSAVA do not have expertise in criminal law or criminal liability. It is therefore outside of our remit to comment on the proposed models. Nevertheless, in terms of animal behaviour it is important to emphasise that animals can behave aggressively without warning, and most animals can behave aggressively in certain circumstances eg. if they are frightened or in pain. Therefore, the context in which aggressive behaviour occurs should be taken into account.
- 10) We also note that the Dangerous Dogs Act is predominantly associated with the prohibition of specific breed types (Section 1), and there may be a lack of awareness that Section 3 applies to any dog, regardless of breed or type, that becomes dangerously out of control. Available data suggests that dog biting incidents have increased across all breeds since the introduction of the Act.^{1,2, 3,4, 5} We are therefore concerned that owners are unaware of their responsibilities under Section 3 of the Act, and that Section 3 of the Act is not being effectively enforced.
- 11) Whatever the model for criminal liability falling on dog owners or keepers, it is paramount that they are aware of their legal responsibilities under Section 3 of the Dangerous Dogs Act, and any changes in criminal liability are effectively communicated to the wider public. Alongside this penalties and sanctions should proportionate to any breaches of the legislation and act as an effective deterrent.

Q2. Do you think new powers should be provided for seizure of dogs in respect of where a court is considering whether a destruction order is being sought and/ or in other situations involving dangerous dogs?

- 12) We recognise that it may be necessary for authorities to seize dogs to ensure public safety pending the outcome of a case, or where a court is considering an application for a destruction order. However, the new proposed powers are likely to increase the time that dogs may be kept in kennels, which may impact animal welfare.
- 13) Seizure and kenneling can negatively impact on dog welfare. As the RSPCA's 2016 report [Breed Specific Legislation: A Dog's Dinner](#) highlighted, this process may negatively impact on the welfare of seized dogs in several ways:
- **Seizure** – can be stressful for dogs, resulting in anxiety and a potential increased risk of aggression towards those trying to seize the animal.⁶
 - **Kennelled environments-** research has shown that many animals find kennelled life challenging and it is difficult to sufficiently meet the welfare needs of dogs in long-term kennelled environments. In addition, studies have shown that specific aspects of this environment eg. noise levels, lack of environmental enrichment and small kennel sizes may negatively influence dogs' behaviour patterns and social interactions which in the long-term could adversely affect their ability to reintegrate into normal life.^{7,8,9} The length of time it takes for the courts to process cases can serve to exacerbate the impact of kenneling meaning that potentially the dog may not be suitable for re-homing and may have to be euthanased even if there is no case found against the owner.
- 14) It is therefore paramount that if dogs are seized this is performed by trained individuals in a considerate and calm

¹ Klaassen B, Buckley JR, Esmail A. Does the dangerous dogs act protect against animal attacks: a prospective study of mammalian bites in the accident and emergency department. *Injury*. 1996 Mar;27(2):89-91. doi: 10.1016/0020-1383(96)83411-5. PMID: 8730379.

² BBC, 2015. Rise in dog bite admissions. Available at: <http://www.bbc.co.uk/news/uk-32912084>

³ HSCIC statistics www.hscic.gov.uk/catalogue/PUB17615/prov-mont-hes-admi-outp-aeApril%202014%20to%20February%202015-toi-rep.pdf cited in RSPCA, 2016. Breed Specific Legislation: A dog's dinner. Available at: https://www.rspca.org.uk/webContent/staticImages/Downloads/BSL_Report.pdf

⁴ Westgarth et al, 2018. How many people have been bitten by dogs? *Epidemiol Community Health*. Available at: <https://jech.bmj.com/content/jech/early/2018/01/08/jech-2017-209330.full.pdf>

⁵ Office for National Statistics (ONS) Deaths from dog bites, England and Wales, 1981 to 2015. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/adhocs/006077deathsfromdogbitesengland1981to2015>

⁶ Shepherd, K. (2011). Handling and restraining aggressive dogs. *Veterinary Record*. 359-360.

⁷ Shepherd, K. (2010). Behavioural, legal and welfare implications of the DDA in the UK – a case history. *Journal of Veterinary Behaviour* 5, 39-40.

⁸ Hiby, E.F., Rooney, N.J. & Bradshaw, J.W.S. (2006). Behavioural and physiological responses of dogs entering rehoming kennels. *Physiology and Behavior*. 89, 385–391, and Rooney, N.J., Gaines, S.A. & Bradshaw, J.W.S. (2007). Behavioural and glucocorticoid responses of dogs (*Canis familiaris*) to kennelling: Investigating mitigation of stress by prior habituation. *Physiology and Behavior*. 92, 847–854.

⁹ Gaines, S.A. (2008). Kennelled dog welfare – effects of housing and husbandry. University of Bristol, PhD thesis. Taylor, K.D., Mill, D.S. (2007). The effect of the kennel environment on canine welfare; a critical review of experimental studies. *Animal Welfare*. 16, 435-448.

manner, and that time spent in kennels is minimised as much as possible. With regard to the latter, and to expedite matters, it may be possible to consider prioritising these cases or allocating increased funding.

Q3. Do you think relevant legislation should be consolidated? Please provide any further views on the criminal law and dangerous dogs below.

Consolidation of relevant legislation

- 15)** To ensure public safety, prevent dog biting incidents and safeguard dog welfare, we support an evidence-based, 'deed-not-breed' approach to dog control legislation. The legislative framework for a 'deed-not-breed' approach in Scotland already exists with Section 3 of the Dangerous Dogs Act, The Control of Dogs Act (Scotland) Act 2010, Dogs (Protection of Livestock) Act 1953 (including the recently passed Dogs (Protection of Livestock) (Amendment) (Scotland) Bill). We would strongly support the consolidation of these pieces of legislation to simplify enforcement for local authorities and ensure that targeted dog control provisions in legislation eg, Dog Control Notices or other proportionate deterrents, are effectively utilised.
- 16)** In addition, there is a need for greater awareness amongst dog owners of their legal responsibilities under Section 3 of the Dangerous Dogs Act, The Control of Dogs Act (Scotland) Act 2010, Dogs (Protection of Livestock) Act 1953 (including the recently passed Dogs (Protection of Livestock) (Amendment) (Scotland) Bill). Consolidation of this legislation could help to clarify responsibilities for dog owners and should be supported by a government-led education campaign and dissemination of education materials. As part of this, consideration should also be given to clarifying the definition of 'dangerously out of control' as specified in Section 3 of the Dangerous Dogs Act.
- 17)** As part of this consolidation, dog biting incidents and canine aggression should be recognised as complex public health issues, which require a 'One Health'¹⁰ collaborative approach.¹¹ In some cases, aggression in dogs may be indicative of wider issues within a household or their use as status or weapon dogs¹² and dogs or their owners may need to be removed from a household in order to safeguard the dog's own health and welfare.^{13,14} In addition, the fact that socio-economic factors play a part in the incidence of dog bites is underpinned by research which indicates that the incidence of dog bites in deprived areas is higher than in less deprived areas.¹⁵ With these complexities in mind, social services, local authorities, police forces and welfare organisations should work collaboratively to identify early animal health and welfare risk factors, as well as wider human health and social care issues. This would require knowledge exchange and training, as well as clear channels of communication and reporting between social services, local authorities and police forces and animal welfare organisations to ensure the early identification of both animal and human health and welfare risk factors.

Section 1 of the Dangerous Dogs Act

18) Breed specific legislation

We do not support breed-specific legislation. We consider that the breed-specific legislation contained within the Dangerous Dogs Act (1991) has been ineffective in delivering its stated aims and Section 1 of the Dangerous Dogs Act should therefore be repealed.

- 19)** If Section 1 of the Dangerous Dogs Act were to be repealed, this would present an opportunity to ring fence and redirect resources that would have been used to enforce breed-specific legislation towards:
- The effective enforcement of Section 3 of the Dangerous Dogs Act, the Control of Dogs Act (Scotland) Act 2010, and the Dogs (Protection of Livestock) Act 1953 (or relevant consolidated piece of dog control legislation if consolidation is pursued);
 - Provision of appropriate training in dog behaviour for enforcement officers; and
 - The central collection of data on how dog control legislation is being implemented to permit ongoing assessment of its effectiveness.
 - Government-led education campaigns to reinforce the legal responsibilities of dog owners and support responsible dog ownership.

¹⁰ [BVA One Health in Action Report](#).

¹¹ Orritt, R., 2015. Dog bites: a complex public health issue *Veterinary Record* **176**, 640-641.

¹² [Harding, S., 2012. *Unleashed: the Phenomena of Status Dogs and Weapon Dogs*. The Policy Press, Bristol, UK. ISBN 9781447300274](#)

¹³ The Links Group. Available at: <http://www.thelinksgroup.org.uk/>

¹⁴ Grant, D., 2011. Political and practical problems with dangerous dogs *Veterinary Record* **168**, 133-134.

¹⁵ HSCIC, 2014. Dog bites: hospital admissions in most deprived areas three times as high as least deprived. Available at:

<http://webarchive.nationalarchives.gov.uk/20180328131950/http://content.digital.nhs.uk/article/4722/Dogbites-hospital-admissions-in-most-deprived-areas-three-times-as-high-as-least-deprived>

20) Lack of scientific evidence to support Section 1

There is limited scientific evidence to support breed-specific legislation as an effective tool in tackling canine aggression and dog biting incidents. Given the multiple factors involved in the development of canine aggression (socialisation, rearing and training, environmental circumstances and human-associated risk factors), research has indicated that the aggressive potential of dogs should be evaluated at an individual level.^{16,17, 18}

21) Whilst some studies have identified particular breeds as having a higher risk of causing bite injury, or displaying aggression, there is a lack of consistency in findings between studies.^{19,20,21, 22} No studies suggest an increased incidence of aggression or biting injury in breeds listed in the Dangerous Dogs Act (1991) Section 1, nor in other 'fighting' or 'bull' type breeds.^{23,24,25} Whilst Pit Bull Terrier types may be argued to cause considerable damage should they bite, there is no evidence from hospital data that this is any more the case than for any other breed of dog of a similar size.

22) The lack of consistency in findings between studies that have tried to identify breeds with an increased risk for aggression, together with the greater consistency between studies in identifying environmental and human-behavioural risk factors, indicate that breed-specific legislation, and in turn Section 1 of the Dangerous Dogs Act (1991), is not an evidence-based, effective approach to preventing canine aggression and dog biting incidents.

23) Identifying breed type

Several studies have brought into question the validity of determining breed identity based on appearance^{26,27}, highlighting a key limitation of Section 1 of the Dangerous Dogs Act.

24) According to UK case law, breed type is an animal which approximately amounts to, near to, or has a substantial number of characteristics of a dog as described by a particular standard. Identification of prohibited breed types is therefore based on a subjective assessment of appearance against a particular standard, as opposed to the sharing of genetics with a specific breed. Dogs are assessed on their physical characteristics, measured against a 100-point scale, of which only 10 points are allocated to the dog's attitude and behaviour. This subjectivity has the potential to prolong legal disputes about what is or is not a Section 1 dog despite any inputs from experts who may not always be in agreement.

25) Further, the UK Kennel Club does not recognise the pit bull terrier as a breed and therefore does not have a breed standard to assess against. Dog Legislation Officers therefore have to assess appearance against the American Dog Breeders Association standard of conformation as published in the Pit Bull Gazette in 1977. To be considered 'of type' the dog must meet a substantial number of characteristics so that it is 'more' of Pit Bull Terrier type than any other.²⁸

26) Notably, in a Home Office circular from 1991, it was recognised that: "identification of pit bull terriers is not straightforward and it may be most easily confused with the Staffordshire bull terrier, which is smaller."²⁹ In

16 Collier, S. (2006). Breed-specific legislation and the pit bull terrier: Are the laws justified? *Journal of Veterinary Behavior*, 1, 17-22.

17 Luescher, A.U. and Reisner, I.R. (2008). Canine aggression towards familiar people: a new look at an old problem. *Veterinary Clinics of North America: Small Animal Practice*, 38 (5), 1107-1130.

18 De Keuster, T. and Jung, H. (2009). Aggression toward familiar people and animals. In: *BSAVA Manual of Canine and Feline Behavioural Medicine*, 2nd ed. Horwitz, D.F. and Mills, D.S. pp 182-210.

19 Cornelissen, J.M.R. and Hopster, H. (2009). Dog bites in the Netherlands: A study of victims, injuries, circumstances and aggressors to support evaluation of breed specific legislation. *The Veterinary Journal*, doi: 10.1016/j.tvjl.2009.10.001

20 Fatjo, J., Amat, M., Mariotti, V.M., de la Torre, J.L.R. and Manteca, X. (2007). Analysis of 1040 cases of canine aggression in a referral practice in Spain. *Journal of Veterinary Behavior*, 2, 158-165.

21 Ott, S.A., Schalke, E., von Gaertner, A.M. Hackbarth, H. and Mittmann, A. (2008). Is there a difference? Comparison of Golden Retrievers and dogs affected by breed specific legislation regarding aggressive behaviour. *Journal of Veterinary Behavior: Clinical Applications and Research*, 3, 134-140.

22 Schalke, E., Ott, S.A., von Gaertner, A.M., Hackbarth, H. and Mittmann, A. (2008). Is breed specific legislation justified? Study of the results of temperament test of Lower Saxony. *Journal of Veterinary Behavior: Clinical Applications and Research*, 3, 97-103.

23 Pegram, C., Wonham, K., Brodbelt, D. C., Church, D. B. & O'Neill, D. G. 2020. Staffordshire bull terriers in the UK: their disorder predispositions and protections. *Canine Medicine and Genetics*. doi.org/10.1186/s40575-020-00092-w

24 Collier, S. (2006). Breed-specific legislation and the pit bull terrier: Are the laws justified? *Journal of Veterinary Behavior*, 1, 17-22.

25 Kuhe, F., and Struwe, R. (2006). Dangerous dogs in Berlin in comparison to the dog population – ways to reduce the dangerousness of dogs. *Berliner und Münchener Tierärztliche Wochenschrift*, 119, 445-455.

26 Hoffman CL, Harrison N, Wolff L, Westgarth C. Is that dog a pit bull? A cross-country comparison of perceptions of shelter workers regarding breed identification. *J Appl Anim Welf Sci*. 2014;17(4):322-339. doi:10.1080/10888705.2014.895904

27 Voith, V.L., Ingram, E., Mitsouras, K. and Irizarry, K. (2009). Comparison of adoption agency breed identification and DNA breed identification of dogs. *Journal of Applied Animal Welfare Science*, 12, 253-262.

28 Department for Environment, Food and Rural Affairs. Dangerous dogs law: Guidance for enforcers. 2009. <http://archive.defra.gov.uk/wildlife-pets/pets/cruelty/documents/dogs-guide-enforcers.pdf> [Google Scholar]

²⁹ <https://webarchive.nationalarchives.gov.uk/20130402172715/http://archive.defra.gov.uk/wildlife->

addition, vets in practice see pit bull and Staffordshire bull terrier crosses which would be caught by case law. Ultimately, this can result in bull breeds or terrier cross breeds being identified as a prohibited type.

27) Increase in numbers of prohibited breed types

Data on the number of dogs registered on the Index of Exempted Dogs (IED) is held by Defra and is not readily available. However, responses to Freedom of Information requests^{30,31} and Defra’s written evidence to [the Efra Committee inquiry on controlling dangerous dogs in 2018](#), shows a clear increase in the total number of prohibited breed types registered on the Index of Exempted Dogs between 2014 and 2020.

28) Figure 1 shows the total number dogs registered on the IED in 2014, 2018 and 2020 and breakdown by breed type. With the exception of the Fila Brasileiro, numbers of each breed type registered on the IED have increased, with the largest increase seen in Pit Bull Terrier types. A degree of caution is likely needed in interpreting the reasons underpinning the increase as it may be dependent on various factors such as better compliance with the legislation or more dogs of that breed or the number of non-registered dogs has fallen in this time period.

Figure 1: Breakdown of dogs registered on the Index of Exempted Dogs in 2014, 2018 and 2020 broken down by breed type.

Prohibited breed type	Number of dogs on the IED in 2014 ³²	Number of dogs on the IED in 2018 ³³	Number of dogs on the IED 2020 ³⁴
Pit Bull Terrier	2652	3514	3556
Dogo Argentino	4	13	19
Fila Brasileiro	0	0	0
Japanese Tosa	2	3	3
Total:	2658	3530	3578

29) Notably, numbers Pit Bull Terrier types, the most commonly owned breed type on the IED, have increased by around a third, and the number of Dogo Argentinos, while far less in total, has increased nearly five-fold.

30) No reduction in the incidence of aggressive behaviour and dog-biting incidents

A post-implementation review five years after the implementation of the Dangerous Dogs Act (1991) found no significant reduction in dog bites.³⁵ In fact, a study published in 2021 found that adult hospital admission rates for dog bites tripled in England between 1998-2018, and incidence of dog bites in children had remained consistently high.³⁶ The study looked at the incidence and sociodemographics of patients admitted for dog bites to National Health Service (NHS) hospitals in England (1998–2018) and estimated their annual direct health care costs. The incidence of dog bite admissions rose from 6.34 per 100,000 population in 1998 to 14.99 admissions per 100,000 population in 2018. In terms of cost, between the financial years 2009/2010 and 2017/2018 the total estimated direct costs of dog bite admissions to hospitals were £174,188,443.

31) In Scotland, emergency admissions to Scottish hospitals after a dog attack rose 80% in 10 years. NHS figures demonstrated that there were 363 cases in 2005-2006, compared with 652 admissions in 2014-2015.³⁷

32) Further, research estimates that only a third of those suffering a dog bite subsequently sought medical treatment³⁸, suggesting that the total number of dog biting incidents are likely to be significantly higher than hospital admissions figures suggest.

[pets/pets/cruelty/documents/ddcircular67.1991.pdf](#)

³⁰ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food-and-rural-affairs-committee/dangerous-dogs-breed-specific-legislation/written/83473.pdf>

³¹ Defra response to FOI request submitted by BVA requesting up-to-date data on the number of dogs on the Index of Exempted Dogs and breakdown by breed type. Response received via email from on 23 December 2020.

³² <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food-and-rural-affairs-committee/dangerous-dogs-breed-specific-legislation/written/83473.pdf>

³³ Defra’s written evidence to [the Efra Committee inquiry on controlling dangerous dogs in 2018](#)

³⁴ Defra response to FOI request submitted by BVA requesting up-to-date data on the number of dogs on the Index of Exempted Dogs and breakdown by breed type. Response received via email from on 23 December 2020.

³⁵ Klaassen B, Buckley JR, Esmail A. Does the dangerous dogs act protect against animal attacks: a prospective study of mammalian bites in the accident and emergency department. *Injury*. 1996 Mar;27(2):89-91. doi: 10.1016/0020-1383(96)83411-5. PMID: 8730379.

³⁶ Tulloch, J.S.P., Owczarczak-Garstecka, S.C., Fleming, K.M. *et al.* English hospital episode data analysis (1998–2018) reveal that the rise in dog bite hospital admissions is driven by adult cases. *Sci Rep* 11, 1767 (2021). <https://doi.org/10.1038/s41598-021-81527-7>

³⁷ <https://www.bbc.co.uk/news/uk-scotland-38925705>

³⁸ Westgarth *et al.*, 2018. How many people have been bitten by dogs? *Epidemiol Community Health*. Available at: <https://jech.bmj.com/content/jech/early/2018/01/08/jech-2017-209330.full.pdf>

33) In addition, in its submission to the [2018 Efra Committee inquiry on the control of dangerous dogs](#), Defra indicated that dog attack fatalities in England and Wales have unfortunately also increased since the introduction of the Dangerous Dogs Act (1991). While exact figures are not clear due to different reporting metrics and sources, Defra reported that there had been 31 fatalities involving dog attacks since 2005, and data from the Office for National Statistics (ONS) recorded a total of 67 fatalities following dog attack incidents between 1991 and 2015, with 37 fatalities occurring between 2005 and 2015.³⁹

34) It is not clear from this data whether an analysis has been carried out to see if the number of incidents is proportionate to any increase in the dog population as a whole or represents a real rise in incident numbers.

35) Causing misconception

In addition, defining particular breeds as “dangerous” can create the misleading assumption amongst the public that canine aggression and dog biting incidents are inherently related to breed type, and consequently that breeds not listed within legislation are “not dangerous” and will not exhibit aggressive-type behaviour.

36) Research has shown that the ability of the public to identify banned breeds of dogs is generally poor, suggesting that public understanding of dangerous dogs is poor, and that this may impact societal perceptions of dogs more widely.⁴⁰

37) Negative welfare impacts for dogs of prohibited breed types

Consideration must also be given to the potential negative welfare impacts of Section 1 of the Act on dogs of, or suspected to be of, prohibited breed types. Under Section 1 of the Act, dogs suspected to be of a prohibited type are usually seized and placed in police-appointed kennels where a qualified expert will determine its breed type and whether or not it is prohibited under Section 1 of the Act. If the dog is then placed on the Index of Exempted Dogs, its owner must comply with certain conditions, including:

- the dog is neutered and microchipped;
- the owner purchases third party insurance; and
- the dog is leashed and muzzled in public.

38) As the RSPCA’s 2016 report [Breed Specific Legislation: A Dog’s Dinner](#) highlighted, this process may negatively impact on the welfare of seized dogs in several ways:

- **Seizure** – can be stressful for dogs, resulting in anxiety and a potential increased risk of aggression towards those trying to seize the animal.⁴¹
- **Kennelled environments-** research has shown that many animals find kennelled life challenging and it is difficult to sufficiently meet the welfare needs of dogs in kennelled environments. In addition, studies have shown that specific aspects of this environment eg. noise levels, lack of environmental enrichment, small kennel sizes may negatively influence dogs’ behaviour patterns and social interactions.^{42,43,44}
- **Conditions of exemption posing risk** – dogs on the Index of Exempted Dogs must comply with a series of conditions such as being muzzled and on a lead when in a public space. Keeping a dog on a lead at all times in public or isolating dogs to particular areas is likely to reduce their ability to show a normal range of behaviours and therefore negatively impact on their welfare. Ultimately, whilst understanding the need to muzzle a dog that is potentially unsafe for humans or other pets, this could prove counterproductive as dogs are more likely to show aggression when exposed to unexpected or unknown events.⁴⁵ Muzzling can also

³⁹ Office for National Statistics (ONS) Deaths from dog bites, England and Wales, 1981 to 2015. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/adhocs/006077deathsfromdogbitesengland1981to2015>

⁴⁰ Catherine A. Webster & Mark J. Farnworth (2019) Ability of the Public to Recognize Dogs Considered to Be Dangerous under the Dangerous Dogs Act in the United Kingdom, *Journal of Applied Animal Welfare Science*, 22:3, 240-254, DOI: [10.1080/10888705.2018.1476864](https://doi.org/10.1080/10888705.2018.1476864)

⁴¹ Shepherd, K. (2011). Handling and restraining aggressive dogs. *Veterinary Record*. 359-360.

⁴² Shepherd, K. (2010). Behavioural, legal and welfare implications of the DDA in the UK – a case history. *Journal of Veterinary Behaviour* 5, 39-40.

⁴³ Hiby, E.F., Rooney, N.J. & Bradshaw, J.W.S. (2006). Behavioural and physiological responses of dogs entering rehoming kennels. *Physiology and Behavior*. 89, 385–391, and Rooney, N.J., Gaines, S.A. & Bradshaw, J.W.S. (2007). Behavioural and glucocorticoid responses of dogs (*Canis familiaris*) to kennelling: Investigating mitigation of stress by prior habituation. *Physiology and Behavior*. 92, 847–854.

⁴⁴ Gaines, S.A. (2008). Kennelled dog welfare – effects of housing and husbandry. University of Bristol, PhD thesis. Taylor, K.D., Mill, D.S. (2007). The effect of the kennel environment on canine welfare; a critical review of experimental studies. *Animal Welfare*. 16, 435-448.

⁴⁵ BVA, 2017. Policy position on dogs in public amenity spaces. Available at:

compromise welfare by limiting the ability to interact with dogs and people, and preventing dogs from visibly expressing important facial communication signals, reducing another dog or human's ability to read body language and react appropriately. Overall, kennels need to be such that they have a minimal adverse impact on the dog's welfare and as part of this, the length of time a dog needs to be kept in a kennelled environment needs to be minimised as far as possible.

39) Although we recognise the need to ensure the welfare of animals is upheld, it needs to be balanced against any risk the animal might pose to people. Vets in practice have indicated that historically when dealing with 'pitbull-type' dogs, whilst some can appear friendly, they can turn aggressive without warning. In effect, the escalation of signs a dog usually exhibits prior to becoming defensive or aggressive are not observed. However, vets in practice have also indicated that other breeds such as rottweilers can display similar behaviours and in addition, are a challenge to control due to their size and strength yet they are not classified as 'dangerous dogs'. It should also be remembered that smaller dog breeds can bite and cause damage but perhaps are tolerated better. Overall, where required, it is important that a dog's behaviour and potential to cause harm is assessed by a suitable expert and decisions are not made on the basis of breed alone.

40) Failure to protect public safety and animal welfare

Consequently, we consider that the Dangerous Dogs Act (1991) has failed to protect public safety and poses risks to animal welfare. Particularly with regard to Section 1 of the Dangerous Dogs Act (1991), the 2018 [Efra Committee inquiry on controlling dangerous dogs](#) concluded that:

"The Government has maintained that the breed ban is essential to public safety, arguing that these prohibited dogs pose an inherent risk. Our inquiry found insufficient evidence to substantiate this claim. We agree with the Government that it would be irresponsible to amend the breed ban immediately without adequate safeguards. That does not mean that the Government should continue to sit on its hands. Changing the law on Breed Specific Legislation is desirable, achievable, and would better protect the public. The Government's lack of action on this front shows a disregard for dog welfare."

- 41)** To ensure public safety, prevent dog biting incidents and safeguard dog welfare, the UK government should therefore repeal Section 1 of the Dangerous Dogs Act (1991), and prioritise an evidence-based, 'deed-not-breed' approach to dog control.
- 42)** In addition, we would suggest that it may be worthwhile looking at the statistics for the number of dog bite or attack incidents in those countries where legislation similar to the DDA has not been introduced to see if they are higher or lower than those for the UK.
- 43)** To support any revised or new measures that might be introduced, it would be pertinent to reiterate to dog owners their obligation to assume a certain level of responsibility for their pet's behaviour and actions. This could be by means of a Government campaign or dissemination of educational materials.

Additional research and a centralised database

- 44)** To ensure that future dog control policy is informed by a robust, up-to-date evidence base, there should be further research into human and dog-associated risk factors for canine aggression and dog biting incidents.
- 45)** As part of this, it is necessary to better understand the prevalence of dog biting incidents amongst the UK's dog population, as well as amongst humans that have experienced a dog biting incident. A centralized dog biting incident database should therefore be established to record all incidents that result in medical treatment. Given that dog biting incidents are a complex public health issue, such a database should collect as much relevant information about the dog biting incident as possible, including the severity of the bite, breed type, type of treatment (eg. GP visit, accident and emergency visit, or long-term hospitalisation), the age of the victim, postcode, and relevant circumstances leading up to the incident.^{46,47,48} This would enable the analysis of both human and dog-associated risk factors for dog aggression to inform future prevention strategies eg. whether dog biting incidents are more prevalent across certain breed types, amongst certain socio-economic groups, in specific

https://www.bva.co.uk/uploadedFiles/Content/News_campaigns_and_policies/Policies/Companion_animals/Policy%20position%20on%20dogs%20in%20public%20amenity%20spaces.pdf

⁴⁶ Oxley, J. et al, 2010. Contexts and consequences of dog bite incidences. *Journal of Veterinary Behavior* Volume 23, January–February 2018, pp. 33-39. Available at:

<https://www.sciencedirect.com/science/article/pii/S1558787817301168>

⁴⁷ Mannion, C. and Graham, A., 2016. Dog bite injuries in hospital practice *British Journal of Hospital Medicine* 2016 77:Sup10, C165-C168. Available at: <https://www.magonlinelibrary.com/doi/abs/10.12968/hmed.2016.77.10.C165?journalCode=hmed>

⁴⁸ HSCIC, 2012. HES on dog bites and strikes. Available at: <https://files.digital.nhs.uk/publicationimport/pub06xxx/pub06338/hes-on-dog-bite.pdf>

social situations or following certain human behaviours. ⁴⁹

Promoting safe dog-human interactions and responsible ownership

- 46) Alongside legislation, it is paramount that education programmes are effectively utilised to reduce the risk of human-directed aggression in dogs, encourage responsible dog ownership and promote safe interactions between humans and dogs.⁵⁰ For example, research found a significant change in the behaviour of young children in a potentially risky situation with a dog after watching the 'Blue Dog' education CD as part of the Blue Dog Programme to promote safe relationships between children and dogs.⁵¹
- 47) There are already a number of initiatives delivered by animal welfare organisations that could be built upon, including the, [Fediaf educational materials](#), [the Kennel Club's Safe and Sound scheme](#) and the [AWF/RSPCA Puppy Contract and Puppy Information Pack](#). However, as noted in the 2018 [Efra Committee inquiry on controlling dangerous dogs](#), there is currently no national requirement for schools to make use of these materials, resulting in fragmented and piecemeal educational interventions across the UK.
- 48) In collaboration with the veterinary profession, animal welfare organisations and dog behaviour experts, Scottish Government should develop a nationwide education initiative and awareness campaign to educate the public about safe dog-human interactions and responsible ownership.
- 49) Scottish Government should place particular emphasis on developing educational interventions for children^{52,53,54} that promote safe dog-human interactions from an early age, including:
- Introducing animal welfare to the national curriculum; and
 - Developing standardised educational materials on safe dog-human interactions, which are made readily available in all schools.
- 50) We note that dog bite prevention strategies have mainly focused on children or those who come in close contact with dogs as part of their work eg. postal workers. However, evidence published in 2021 also indicates that the incidence of dog bites resulting in hospital admissions for adults in England has tripled in the 20-year period between 1998-2018, with that of children remaining stable but high.⁵⁵ In addition, it would be useful to ascertain how many dog bite incidents involving children have occurred in a place where an adult had responsibility for supervising the dog. In effect, there is perhaps more work needed to educate and promote safe dog-human interactions in adults and children alike. Ideally this should include an element of understanding canine body language to minimise dog bite incidents.

⁴⁹ Total number of hospital admission episodes for dog bites and strikes in England from December 2015 to April 2016, by age group. Available at: There is already evidence on this in relation to age <https://www.statista.com/statistics/297523/dog-bite-victims-occurrences-in-england-by-age/>

⁵⁰ De Keuster T, Lamoureux J, Kahn A. Epidemiology of dog bites: a Belgian experience of canine behaviour and public health concerns. *Vet J*. 2006 Nov;172(3):482-7. doi: 10.1016/j.tvjl.2005.04.024. Epub 2005 Jul 1. PMID: 15996492.

⁵¹ Meints, K. and de Keuster, T. (2009). Brief Report: Don't Kiss a Sleeping Dog – The first assessment of "The Blue Dog" bite prevention programme. *Journal of Pediatric Psychology*, 34 (10), 1084-1090.

⁵² Reisner, I.R., Shofer, F.S. and Nance, M.L. (2007). Behavioral assessment of child-directed canine aggression. *Injury Prevention*, 13, 348-351.

⁵³ Bernado, L.M., Gardner, M.J., O'Connor, J. and Amon, N. (2000). Dog bites in children treated in a paediatric emergency department. *Journal of the Society of Paediatric Nurses*, 5 (2), 87-95.

⁵⁴ Kahn, A., Bauche, P., and Lamoureux, J. (2003). Child victims of dog bites treated in emergency departments. *European Journal of Pediatrics*, 162, 254-258.

⁵⁵ Tulloch, J.S.P., Owczarczak-Garstecka, S.C., Fleming, K.M. *et al*. English hospital episode data analysis (1998–2018) reveal that the rise in dog bite hospital admissions is driven by adult cases. *Sci Rep* 11, 1767 (2021). <https://doi.org/10.1038/s41598-021-81527-7>