

BVA and BSAVA position on canine breeding services

Overview of canine breeding services

Since 2015 there has been a boom in commercial businesses offering canine breeding services (CBS) in the UK. While there was only one known establishment carrying out canine breeding services in 2015¹ it is estimated that the number has risen to more than 300 establishments in England, around 30 each in Scotland and Wales, and 9 in Northern Ireland^{2,3}.

The procedures advertised by such businesses, if carried out by unqualified laypersons, pose potential dangers to canine health and welfare through the risk of injury and infection, and are often unnecessary. However, many providers of CBS are operating without Royal College of Veterinary Surgeons (RCVS) registered veterinary surgeons or nurses on their staff. In 2022, the BVA Voice of the Veterinary Profession survey found that 93% of respondents expressed concern about canine breeding services taking place without the involvement of a veterinary professionals. Separately, 55% of vets working in clinical practice considered the irresponsible breeding or sourcing of animals as the most pressing animal health and welfare issue across the UK.

The surge in the number of businesses has been driven by an increased demand for puppies⁴, with a significant proportion of businesses offering canine breeding services that focus on the provision of services for the most popular dog breeds. Many of those have well known breed-related health issues. For example the popular flat-faced and bull breeds⁵ suffer from Brachycephalic Obstructive Airway Syndrome (BOAS) which can lead to severe respiratory distress and associated lifelong health problems for the affected dogs⁶. They can also suffer from abnormal spinal conformation and hereditary skin diseases. Hip and elbow dysplasia, where the conformation of the joints is abnormal, is a common concern for some or mitral valve disorders in some breeds including Cavalier King Charles Spaniels or dilated cardiomyopathy in many of the large canine breeds. These conditions are hereditary, and for some of them pre-breeding health screening programmes are available^{7,8}. The programmes, like the BVA Canine Health Schemes have been established to offer owners and breeders the opportunity to screen their dogs for a range of inherited diseases, to prevent them from being passed on to potential offspring. However, this requires an assessment to be carried out by a veterinary surgeon, often not routinely offered by those clinics.

In addition, enforcement authorities have confirmed that individuals who are known to be involved in organised crime are linked to some of these establishments⁹.

Animal welfare concerns related to canine breeding services

¹ <https://www.bmj.com/company/newsroom/sharp-rise-in-canine-fertility-clinics-but-not-always-staffed-with-vets/>

² <https://www.vettimes.co.uk/news/more-measures-necessary-to-clamp-down-on-fertility-clinics-says-charity/>

³ Figures made available by Naturewatch in April 2023

⁴ Data to be inserted

⁵ The two most popular dog breeds advertised for sale on online market place Pets4Homes in 2022 were French bulldogs and American bullies: https://docs.google.com/presentation/d/e/2PACX-1vSczVyH5n3QTP4FbEPuxejPC7Taz48vN6290EJNbF6KcEru4smoJiUmbrocruhkmXrGhvuV4YCFmQ2/pub?start=false&loop=false&delayms=5000&slide=id.ge5a3238fb4_1_149

⁶ <https://www.bva.co.uk/media/3122/bva-policy-position-on-extreme-conformation-september-2018.pdf>

⁷ <https://www.thekennelclub.org.uk/health-and-dog-care/health/health-testing-and-screening/>

⁸ <https://www.bva.co.uk/canine-health-schemes/>

⁹ <https://www.cheshire-live.co.uk/news/chester-cheshire-news/cheshire-gangster-exposed-panorama-sting-26057351>

Providers of canine breeding services offer a range of services¹⁰, including semen collection and analysis, blood sampling for progesterone testing, artificial insemination, vaginal cytology and ultrasound scanning. Most providers of such services are operating without direct veterinary involvement or supervision despite advertising procedures that are considered to be acts of veterinary surgery under current UK legislation. Section 19 of the Veterinary Surgeons Act (VSA) 1966¹¹ specifies that only a qualified veterinary surgeon registered with the RCVS or in some cases qualified and RCVS registered veterinary nurses under the supervision of a veterinary surgeon can carry out acts of veterinary surgery in the UK. Other advertised procedures can be carried out by laypersons but pose an increased risk to animal welfare if performed without an initial veterinary assessment and ongoing advice or supervision.

Dog breeders should ensure the health and welfare of the dogs in their care as well as their offspring. This includes selecting dogs for breeding that are fit and healthy, with good temperaments, and which have been assessed for inherited health problems. Poor breeding practices carry the risk of significant detrimental impact on the health and welfare of dams and their litters. A recent BBC Panorama investigation¹² into dog breeding has also highlighted potential welfare concerns for sires in some systems. Dogs were being kept in isolation from other dogs and underwent multiple semen collection procedures within a short period of time. The potential for a negative impact on animal welfare increases significantly when invasive procedures are carried out without adequate training or meeting approved standards. Dogs and bitches undergoing procedures that are carried out incorrectly, in a non-sterile setting or performed with inappropriate or unsafe equipment are at risk of suffering physical injury, being exposed to infection, and experiencing emotional distress which can lead to long-term behavioural issues.

Overview of welfare risks and legal status of procedures and services offered by canine breeding services

The following table sets out procedures that are frequently advertised by providers of canine breeding services and the potential risks to canine health and welfare associated with them.

Table A

Procedure	Description	Nature of Associated Health/Welfare Concern	Qualifications required to carry out the procedure legally
Semen collection and analysis	Usually carried out manually and used to assess semen quality and diagnose infertility.	Injury or trauma for the stud dog if carried out by untrained personnel and without sufficient care.	Layperson
Progesterone testing	Intact female dogs typically come into heat twice a year. Test helps to determine optimal timings for a female dog to mate. Requires intravenous blood sampling.	Risk of: - infection - inflammation	Taking of the sample: Veterinary Surgeon (VS) or Veterinary Nurse (RVN) under direction of VS. Interpretation of progesterone levels: VS
Vaginal cytology	Test can help to determine optimal timings for a female dog to mate. Procedure involves the collection of cells from the vagina for examination to monitor for hormonal changes.	The RCVS considers this procedure to be invasive with the potential to cause harm. Risk of: - infection - injury to the urethra and vagina and other tissue damage.	VS or RVN under direction

¹⁰ <https://www.rcvs.org.uk/document-library/standards-committee-papers-9-may-2022/>

¹¹ <https://www.legislation.gov.uk/ukpga/1966/36>

¹² 'Dogs, Dealers and Organised Crime' (2023). Available at: <https://www.bbc.co.uk/iplayer/episode/m001hjbw/panorama-dogs-dealers-and-organised-crime>

Intravaginal artificial insemination	<p>Semen is inserted into the vaginal channel via a pipette and placed in front of the cervix.</p> <p>Fresh and fresh-chilled semen can be used for this procedure which is considered to be the least invasive form of canine AI.</p>	<p>Risk of:</p> <ul style="list-style-type: none"> - infection - damage to tissue - inappropriate use of the procedure in cases where it not necessary. 	VS and RVN under direction/supervision of VS
Trans-cervical artificial insemination	Semen is inserted directly into the uterus using an endoscope, usually under sedation.	<p>Risk of:</p> <ul style="list-style-type: none"> - infection - damage to tissue - inappropriate use of the procedure in cases where it is not necessary. 	VS
Surgical artificial insemination	Involves an incision being made to place semen directly into the uterus. The procedure is carried out under general anaesthesia.	The procedure is illegal under the Animal Welfare Act 2006 as it is considered a mutilation ¹³ , ie a procedure which interferes with sensitive tissue or bone structure.	It is illegal for anyone to carry out this procedure including a VS.
Ultrasound scanning	Carried out to confirm pregnancy.	Misinterpretation of image can result in a serious medical condition like a malignant growth being missed.	The diagnosis of any abnormality can only be carried out by a VS. Collection and interpretation of ultrasound images for confirmation and of pregnancy can be carried out by laypersons.
Caesarean sections (C-sections) ¹⁴ :	A procedure carried out under general anaesthesia and involving an incision in the dog's uterus.	<p>Risk of:</p> <ul style="list-style-type: none"> - haemorrhage (bleeding) - endometritis (inflammation and infection of the uterus) - wound infection - peritonitis (infection within the abdomen) - higher risk from anaesthesia due to pregnancy related physiological changes - death. 	VS

Most of the tests and procedures listed in Table A can, in certain circumstances, play a legitimate role in canine breeding. However, without veterinary oversight there are grounds for concern that they are being used when not appropriate or carried out incorrectly by individuals without adequate knowledge and training and without the ability to exercise professional judgement.

¹³ <https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/miscellaneous/>

¹⁴ <https://bvajournals.onlinelibrary.wiley.com/doi/10.1136/vr.m394> (an allegedly illegally performed caesarean section is part of a current court case in Scotland and we can refer to it once the details have been made public).

Some clinics advertise that the staff carrying out the procedures have completed accredited training courses¹⁵ qualifying them to do so, including artificial insemination, despite the procedure being legally restricted to veterinary surgeons and nurses acting under supervision of veterinary surgeons. None of those courses for laypersons are accredited by the RCVS or linked to it in any way.

Use of Artificial Insemination (AI)

Risks and concerns

A particular concern around the recent increase in canine breeding establishments is their advertising of the use of artificial insemination (AI) as a standard procedure. Commonly there is no need for the use of AI in canine breeding. As a species dogs are not considered to have issues with mating naturally. The veterinary professions' concern is that the more widespread use of AI is driven by a demand for specific breeds and especially for features considered to be desirable for cosmetic reasons eg coat colour and quality (eg no hair, longer hair) or for specific behavioural traits within a breed. Such reasons are no justification for the use of AI, particularly to overcome a dog's physical inability to procreate naturally due to innate health problems, or to breed from dogs who are otherwise unsuitable for breeding due to health or temperament. The procedure is also used to exert more control over the mating and breeding process.

There are three methods used for AI in dogs as set out in Table A. Only two of them are legal in the UK, and these can only be legally performed by a veterinary surgeon registered with the RCVS. Pharmaceutical manipulation of the bitch's hormonal cycle is not required in the same way as common in other species. This reduces the degree of veterinary intervention required and therefore makes it easier to avoid veterinary assessment of the animal undergoing the procedure. However, given the risks associated with artificial insemination, it should either be carried out by a qualified veterinary surgeon or under their guidance.

Potential benefits

Assisted reproduction involving ovulation monitoring to determine the best time for insemination (which may involve the use of artificial insemination) can play a positive role in dog breeding, and if used correctly can result in improved dog health and welfare by:

- widening the genetic pool of some breeds by introducing semen from studs based in a wider number of locations.
- ensuring high quality semen is used to achieve a pregnancy, which carries potential benefits for the bitch as well as the health of the puppies.
- allowing easy access to semen at the optimal time of the bitch's fertility.
- overcoming failures to mate between bitch and stud within a given timeframe or due to behavioural issues related to inexperience.

Careful selection of breeding stock to achieve specific features considered to be desirable in dogs for societal benefits can sometimes also be made easier by the use of artificial insemination as the two dogs involved do not need to be in the same location. The Guide Dogs breeding programme, for example, sets out to "produce a wide and diverse range of guide dogs to suit all the needs of our clients¹⁶". It will try to effect natural mating wherever possible but on its website states that "at times it is necessary to artificially inseminate".

Legislative status of artificial insemination

The possibility of appropriately trained and qualified laypersons carrying out artificial insemination in dogs has been considered by the RCVS.

In 2017 RCVS Standards Committee considered that canine intravaginal AI should be classified as an act of veterinary surgery, however the committee members considered it was a minor procedure and therefore suitable for an exemption order (EO) under the VSA, which would legally permit the procedure to be undertaken by non-veterinary surgeons under the Act.

¹⁵ <https://cpduk.co.uk/courses/coast-k9-fertility-courses-canine-fertility>

¹⁶ <https://www.guidedogs.org.uk/about-us/guide-dogs-centres/what-the-national-centre-does/>

In 2019, as part of a review of minor procedures regime by an RCVS working party¹⁷, the Standards Committee expressed the view that intravaginal artificial insemination in dogs was an Act of Veterinary Surgery as it was invasive with potential to cause harm¹⁸. The Canine and Feline Sector Council had issued advice to the RCVS working party that “laypersons or technicians could carry out both intravaginal and trans-cervical AI safely following suitable training”, however ‘it did not believe there was a public interest in exempting trans-cervical AI due to its close association with the need to use surgical AI’¹⁹.

The RCVS Standards Committee made the recommendation to the Department for Environment, Food and Rural Affairs (Defra) for intravaginal artificial insemination to be included within an exemption order (EO) but requiring individuals covered by the EO to meet certain criteria²⁰. This recommendation was renewed by the RCVS in 2022. In the meantime, it was agreed that the RCVS would maintain the status quo as regards its advice that laypersons might carry out the procedure without the involvement of a veterinary surgeon.

In May 2023, as an exemption order (or other legislative measure) did not appear to be forthcoming, the RCVS could not indefinitely maintain its position that laypersons are able to undertake canine intravaginal AI when there is no legal basis to do so. The interim period where laypersons were not specifically prohibited from undertaking this procedure has therefore come to an end, and the procedure is now clearly reserved for veterinary surgeons (or veterinary nurses under direction)²¹. However, should an exemption order allowing other trained and or qualified individuals to offer this service under veterinary oversight be made in the future, the RCVS Standards Committee is unlikely to object.

Caesarean sections

Caesarean sections also pose an area of significant concern with regard to the activities of canine breeding establishments. Most dogs are able to whelp naturally, however there is a body of evidence showing that certain dog breeds are more likely to require a caesarean section²². Several of the breeds that fall into this category are those more commonly treated at canine breeding establishments. Some of those advertise caesarean sections as part of their services. However, caesarean-sections cannot be treated as a normal procedure for dogs and there must always be veterinary assessment to determine whether it is the appropriate birthing method in a specific clinical situation. Caesarean sections can only be carried out by a veterinary surgeon. Canine breeding establishments are known to routinely advise their clients that dog breeds known to have difficulty giving birth (dystocia) require a caesarean section. This can lead to situations where veterinary professionals experience intimidation from dog owners who demand that they carry out this procedure in the belief that it will result in more viable pups, even if the clinical assessment does not support this.

Regulation of canine breeding services

There is no one overarching piece of legislation that covers all the activities offered by canine breeding services which pose a potential risk to canine health and welfare particularly those operating without veterinary involvement. They rather come under a range of regulations and laws depending on the qualifications of the person undertaking the procedure, the type of procedure, how it is promoted and the quality of execution. There is also no single enforcement authority that has the necessary powers to deal with all breaches of the legal framework related to the activities of canine breeding services. Enforcement action frequently requires a multi-agency approach, which can include the police, local authorities, trading standards, RSPCA/SSPCA and veterinary regulators like the RCVS and VMD. Successful enforcement activity is made more difficult by inadequate penalties, a lack of resources, access to evidence, and lack of training and knowledge of enforcement staff. Enforcement approaches, including training and qualification requirements for enforcement staff also vary significantly between individual local authorities and between UK regions.

¹⁷ <https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/>

¹⁸ <https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/>

¹⁹ <https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/>

²⁰ <https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/>

Annex E

²¹ [Standards & Advice update: June 2023 - Professionals \(rcvs.org.uk\)](https://www.rcvs.org.uk/standards-and-advice-update-june-2023-professionals/)

²² <https://bvajournals.onlinelibrary.wiley.com/doi/full/10.1136/vr.104944>

BVA has also experienced problems with advising veterinary surgeons and members of the public on the most appropriate route to report concerns as this depends on the details of every individual case. In a 2022 survey of BVA members, 78% of respondents were not aware of routes for reporting such establishments. This lack of awareness is likely to discourage the reporting of businesses for suspected illegal activities. BVA has also, itself, experienced problems when advising veterinary surgeons and members of the public on the most appropriate route to report concerns as this depends on the details of every individual case.

Regulatory framework

- [Veterinary Surgeons Act 1966](#): Schedule 19 of the Act specifies that only a qualified veterinary surgeon registered with the RCVS, or a layperson acting under a specific Exemption Order²³ can carry out acts of veterinary surgery in the UK. Veterinary surgeons as individuals are regulated by the RCVS. Veterinary practices are not regulated by the RCVS but do have to be registered for the supply of veterinary medicines. The RCVS has also only limited powers to take action against a layperson or unregistered qualified veterinary surgeons in breach of the Act, but it can assist with investigations. The main deterrent under the VSA is the threat of loss of licence to practice, for individually registered veterinary surgeons and nurses, whereas the maximum financial penalty for a layperson contravening the Act is £100, which is an inadequate deterrent. As of April 2023, the RCVS has been trialling a new protocol for launching private prosecutions through the criminal courts against unqualified individuals breaching the Veterinary Surgeons Act²⁴. The trial is time limited for 12 months.
- [The Veterinary Medicines Regulations 2013](#): The Veterinary Medicines Directorate (VMD) is responsible for regulating the retail supply, advertisement, possession and administration of veterinary medicines and can take enforcement action against anyone in breach of the regulations.
- [Animal Welfare Act 2006 \(and equivalent Acts in the devolved nations\)](#): Enforcement action under the Act requires evidence of breach of welfare which can be difficult to establish to meet the legally required standard that will be accepted by the Crown Prosecution Service (CPS). Breaches of animal welfare legislation are usually investigated by RSPCA in England and Wales and SSPCA in Scotland, and DAERA / local councils in Northern Ireland. However, they will often have to rely on assistance from police or other enforcement authorities, for example to enter premises where the owner refuses access or to seize evidence.

Some of the procedures offered by providers of canine breeding services which do not fall under the VSA may still constitute breaches of existing animal welfare legislation. This applies in particular to the breeding of animals for conformation which negatively impacts on the health and welfare of the animal.

- [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(LAIA\) and \(Wales\) Regulations 2021 and \(Scotland\) Regulations 2021](#): Dog breeding is a licensed activity and the licensing regime is operated by local authorities (LAs). The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA) prohibit breeding “from any dog if it can be reasonably expected on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health and welfare of its off-spring”²⁵. A similar restriction is included in The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021²⁶. The Canine Feline Sector Group’s (CFSG) dog Conformation Guidance outlines some of the key health

²³ An Exemption Order permits unqualified persons to perform minor acts of veterinary surgery, subject to conditions laid out in the Order.

²⁴ <https://www.rcvs.org.uk/news-and-views/news/rcvs-council-approves-trial-for-private-prosecutions-protocol/>

²⁵ https://www.legislation.gov.uk/ukdsi/2018/9780111165485/pdfs/ukdsi_9780111165485_en.pdf

²⁶ https://www.dbrg.uk/uploads/5/5/5/6/55561953/scotland_local_authority_guidance_-_2021_animal_licensing_regulations_1.pdf

issue that can result from poor breeding practices²⁷. Establishments offering assisted canine breeding services currently fall outside the licensing regime, although the owners of some of the dogs treated at the establishments may be covered by it if they meet the requirements for holding a breeding licence.

- [Consumer Protection from Unfair Trading Regulations 2008, the Consumer Protection Act 1987 and other consumer protection legislation](#): Providers of canine breeding services have to comply with consumer protection legislation. It can be used to bring enforcement action where establishments are in breach of fair-trading legislation either because of false advertising eg when advertising procedures that fall under the VSA but are not carried out by veterinary surgeons, as well as failing to provide a service consistent with the reasonable expectation of an average consumer. Importantly, Trading Standards Officers have the power to enter premises, powers of inspection and powers to secure or seize material that might be required in evidence.
- [Fraud Act \(conspiracy to defraud\)](#): recognising the link between canine AI establishments and other criminal activities, this requires a multi-agency approach including HMRC and police. Investigations and prosecutions carried out using the legislation have to date proven to be the most successful enforcement route, underlining the role organised crime plays in this industry. The offence of fraud by false representation under the Fraud Act 2006²⁸ carries a custodial sentence. The evidence collected as part of the investigations has also enabled successful prosecution under the Animal Welfare Act.

Overview of potential offences under the legal regime and enforcement options

Table B

Offence	Relevant Law
Breaches of animal welfare legislation	Animal Welfare Act The Animal Welfare (Licensing of Activities Involving Animals) Regulations
Unqualified personnel carrying out veterinary procedures	VSA Trading standards (if false advertising is involved)
Procedures carried out to an unsatisfactory standard or when unnecessary	VSA if veterinary procedure Animal Welfare Act The Animal Welfare (Licensing of Activities Involving Animals) Regulations Consumer protection regulations
Misleading advertising eg where veterinary procedures are carried out by a layperson	Consumer protection regulations
Dispensing and use of restricted veterinary medicines without veterinary supervision	Veterinary Medicines Regulations

Proposals to strengthen regulation of establishments offering canine breeding services and related activities

²⁷ <https://www.cfsg.org.uk/wp-content/uploads/2021/07/CFSG-Dog-Conformation-Guidance.pdf>

²⁸ <https://www.legislation.gov.uk/ukpga/2006/35/contents>

Penalties

The penalties for those in breach of the Veterinary Surgeons Act, including non-veterinarians or unregistered veterinarians carrying out acts of veterinary surgery, should be increased to provide an effective deterrent. Provision should be made for automatic increases to the level of financial penalties in line with an appropriate financial index. This would also encourage the relevant enforcement authorities to carry out investigations and prosecutions. A review should also consider whether custodial sentences should be included in the Act.

Recommendation 1: Penalties for breaches of the Veterinary Surgeons Act by laypersons should be increased and enforcement strengthened.

Licensing

As part of the current review of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 a licensing regime should be introduced for establishments where canine breeding services are carried out. Similar requirements should be introduced in the devolved nations.

The introduction of a licensing regime should include mandatory inspections carried out by trained local authority personnel to obtain and keep their licence to operate. This would allow greater scrutiny of the named license holder and would facilitate further investigation where criminal activity is suspected. It would also infer powers of entry to LAs in cases where there are reasonable grounds for believing a relevant offence has been committed. It would also allow for penalties for relevant offences to be imposed, such as breaching a licence condition or carrying on the activity of operating a fertility clinic without the authority of a licence.

A licensing regime, to include assurances regarding the quality of laboratory results should also provide for businesses which offer the services of a visiting vet who might carry out certain procedures including blood sampling for progesterone testing.

Recommendation 2: The Animal Welfare (Licensing of Activities Involving Animals) Regulations (and corresponding legislation in other parts of the UK) should be amended to make operating an establishment where canine breeding services are carried out a licensable activity.

Qualifications

Non-surgical assisted breeding procedures can have an important role in breeding programmes, but they should always be carried out under the advice and supervision of a vet and in the interests of canine health and welfare. It is important to note that assisted canine reproduction services are currently available, carried out by qualified veterinary surgeons in line with animal welfare considerations.

The RCVS standards committee has issued guidance²⁹ stating that intravaginal artificial insemination of bitches is an act of veterinary surgery which should only be undertaken by a veterinary surgeon or a professional with a relevant exemption, such as a registered veterinary nurse under direction. The statement also clarified that the previous dispensation that allowed a layperson to undertake this procedure has come to an end, and the procedure is reserved for veterinary surgeons (or veterinary nurses under direction). The RCVS proposed an Exemption Order for intravaginal AI for canines in its 2019 report to Defra on the review of minor procedures regime³⁰ but to date this has not been granted and therefore is not enshrined in law.

Similar EOs are already in place for both bovine and equine AI. However, veterinary surgeons are required retain closer involvement in those processes. Contrary to that, canine AI in the UK is now mostly carried out without any veterinary involvement or supervision at unlicensed canine breeding establishments. The enforcement role played by the RCVS has previously been limited to the activities of registered veterinary surgeons and nurses and not laypersons unless acting under a specific Exemption Order which is currently lacking for canine AI.

The enforcement role played by the RCVS has previously been limited to the activities of registered veterinary surgeons and nurses and not lay persons unless acting under a specific Exemption Order which is currently lacking for canine AI. However, it is currently trialling a new protocol for launching private prosecutions through

²⁹ [Standards & Advice update: June 2023 - Professionals \(rcvs.org.uk\)](https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/)

³⁰ <https://www.rcvs.org.uk/document-library/report-to-defra-on-the-review-of-minor-procedures-regime-and/>

the criminal courts against unqualified individuals breaching the Veterinary Surgeons Act³¹. The trial is time limited for 12 months.

Recommendation 3: An Exemption Order for intravaginal AI in canines (similar to that / those for other species) should only be granted if the regulatory and enforcement regime for establishments offering canine breeding services has been proven to be successful at addressing the current issues in the sector and improving animal welfare.

Enforcement

Issues around enforcement of existing animal welfare legislation have been highlighted by in a report by the All-Party Parliamentary Group for Animal Welfare (APGAW)³². Local Authorities (LAs) currently have a significant role in enforcing animal welfare. However, the approach to enforcement varies widely between local authorities due to a lack of resources and a varying approach to the application of existing regulation. It would therefore be beneficial to develop a framework that allows for data sharing and consistent application of enforcement activities as well as specified training and qualifications for staff involved in such activities.

It should also be considered whether the licensing regime should be extended to bring more dog breeders under its scope. Currently anyone breeding three or more litters in any 12-month period is required to be licensed. Additionally, a 'business test' is applied which extends the licensing regime to anyone breeding dogs and advertising a business of selling dogs. However, the application of the business test is not consistently actioned across LAs which should be addressed by the creation of standards and guidelines and improved data sharing. According to evidence provided by Dogs Trust to Parliament's Environment, Food and Rural Affairs (Efra) Committee inquiry into pet welfare and abuse, 90% of dogs in the UK are from unlicensed breeders³³.

Recommendation 4: Explore options to strengthen Local Authorities' (and other relevant bodies across the UK)'s enforcement capacity and improve data sharing by establishing a framework for consistent application of regulation for animal welfare including qualifications for animal welfare inspectors.

Regulatory gaps

The keeping of stud dogs is currently not covered by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations which has the potential to impact both the welfare of stud dogs specifically, and also the welfare of domestic canines more widely. There are no restrictions with regard to the number of litters a single sire can father which could significantly impact overall breed health. The Kennel Club highlights the risk of this in its statement on the use of AI in dogs and states that 'Overusing a stud dog may spread unseen genetic faults throughout the breed and will have an impact on genetic diversity and inbreeding'³⁴. It also creates a lucrative route for profit generation without regulatory supervision and is therefore known to be used by individuals with a criminal background.

The current licensing regime applies where an individual breeds three or more litters of puppies in any 12-month period - unless they can prove that none of the puppies have been sold as puppies or adults, or where the individual is classed as a business under the regulations. However, it is currently possible to circumvent the licensing regime by making use of a co-owning agreement with another individual who will take ownership of the dog while it is pregnant. The review of the regulations should close this loophole.

Recommendation 5: The Animal Welfare (Licensing of Activities Involving Animals) Regulations and equivalent legislation in other parts of the UK should be amended to include stud dogs under the dog breeding licensing regime and address the current loopholes related to ownership of breeding bitches.

Role of veterinary profession

Currently only a small number of veterinary surgeons in the UK are actively engaged in offering assisted breeding services to dog owners. It is worth noting that the emergence of establishments offering canine

³¹ <https://www.rcvs.org.uk/news-and-views/news/rcvs-council-approves-trial-for-private-prosecutions-protocol/>

³² <https://apgaw.org/wp-content/uploads/2022/08/Improving-Animal-Welfare-Enforcement-Report.pdf>

³³ <https://committees.parliament.uk/oralevidence/13459/pdf/>

³⁴ <https://www.thekennelclub.org.uk/dog-breeding/first-time-breeders/artificial-insemination-in-dogs/>

breeding services without veterinary supervision or involvement appears to be a unique situation in the UK³⁵. The growth in those establishments indicates that there is demand for such services. Greater engagement of the veterinary profession with assisted canine breeding services should therefore be encouraged. Further work should be carried out to develop the role of the vet led team in the provision of canine breeding services and the associated veterinary skills and knowledge to build a field of specialism in this area of veterinary medicine.

Recommendation 6: Engage / Encourage the profession to build a field of specialism in this area of veterinary medicine and develop the role of the vet led team in the provision of canine breeding services.

³⁵ According to conversation with pan-European canine assisted breeding specialist