



15 May 2019

BVA SCOTTISH BRANCH, BEVA, BSAVA, BVPA, GVS AND SVS JOINT RESPONSE TO PROPOSED PROTECTION OF LIVESTOCK (SCOTLAND) BILL

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

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BVA CONSULTATION RESPONSE MAY 2019

owners and farm personnel from across the entire spectrum of goat keeping in the UK.

- The **Sheep Veterinary Society (SVS)** promotes sheep health and welfare as a specialist division of the BVA. While most of its 700 members are vets, many are drawn from all sectors of the sheep industry.

Introduction

- 4) We welcome the opportunity to respond to this consultation. We are supportive of the aims of the proposed bill and recognise the serious impact livestock worrying and attacks can have on animal health and welfare.
- 5) The veterinary profession has a key role to play in terms of promoting responsible ownership amongst dog owners to help prevent livestock worrying and attacks. However, we would welcome further clarity as to the proposed role of vets in conducting examinations of suspected dogs that are implicated in livestock worrying and attacks that is set out in these proposals.
- 6) We are supportive of a cross-stakeholder, multifactorial approach to preventing livestock worrying and attacks. Such an approach should address:
 - Responsible dog ownership and increased awareness of the negative animal health and welfare impacts of livestock worrying and attacks
 - Proportionate penalties and sufficient resources for improved enforcement of dog control legislation
 - Increased awareness of current dog control legislation and legal responsibilities of dog owners;
 - Improved signage to safe access routes and secure boundaries on agricultural land and to indicate that livestock may be in the vicinity;
 - A definition of livestock that is reflective of modern farming practices in Scotland to provide adequate protections for animal health and welfare.

Aims and approach

- 7) 1. **What is your view of the proposal to increase penalties and provide additional powers to investigate and enforce the offence of livestock worrying?**

Supportive.

As the representative body for veterinary surgeons, BVA does not have expertise in sentencing or penalty policy. However, in consultation with our members the responses indicate general support for the proposals to increase fines and prison sentences for the offence of livestock worrying.

- 8) As part of current legislation and any future legislative efforts to prevent livestock worrying, it is crucial that enforcing officers receive sufficient training to understand the principles of dog behaviour and ensure existing legislation is appropriately applied.
- 9) We note that without sufficient resources to enforce increased penalties and

BVA CONSULTATION RESPONSE MAY 2019

investigations, proposed measures are likely to be ineffective in their aims to prevent livestock worrying and attacks. We would therefore advise that learning is taken from [the challenges of the implementation of the Control of Dogs Act 2010](#) and that there is an assessment of the required police resource to effectively enforce and investigate livestock worrying and attacks.

- 10) We also note that the proposals set out that dogs suspected of livestock worrying would be taken to a vet for examination and the purpose of evidence gathering. We would welcome further clarity on how this process would work in practice, particularly with regard to who would remunerate the vet for this service and whether they would be supported to deliver this service through training and/or Standard Operating Procedures. We also note if the vet were to play a role in evidence gathering this would require specialist training in obtaining evidence as part of a legal process with continuity of evidence, how to take and record photos, professional witness status. Further, consideration should be given to the fact that these proposals may cause some professional conflict if either the dog owner or the livestock owner were the client of the vet that is required to conduct the examination/collect evidence. We would therefore advise that the proposals should ensure that independent vets are used. We would be pleased to work with Scottish Government and relevant stakeholders to develop relevant and practical guidelines for the veterinary profession.
- 11) **2. What other measures could be taken (either instead of, or in addition to, legislation), to achieve the aims of the proposal?**

It is important to recognise that allowing dogs to access rural spaces under the right to roam as set out in the Land Reform (Scotland) Act 2003 not only encourages dogs to exercise and socialise but can also be beneficial for the health of their owners.

- 12) Further, overuse of restrictions on the walking of dogs in public spaces could result in dogs being segregated from areas of public activity. Isolating dogs to particular areas, might reduce their ability to show a normal range of behaviours and therefore negatively impact on their welfare. Ultimately this could prove counterproductive, as dogs when frightened or threatened can show perceived aggression when exposed to unexpected or unknown events.
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- 14) Measures to prevent livestock worrying and attacks should therefore form part of a multifactorial, cross-stakeholder approach that tackle prevention as well as penalties. This should include contributions from the veterinary profession, the Scottish Government, farmers, farmers unions, dog owners, trainers, animal behaviourists and animal welfare organisations. BVA would be pleased to suggest relevant stakeholder organisations
- 15) Promoting responsible ownership

BVA CONSULTATION RESPONSE MAY 2019

The veterinary profession, alongside animal welfare organisations and the Scottish Government, has a clear role to play in terms of promoting responsible dog ownership. As part of this, education and good quality information are key.

- 16) We would always encourage prospective owners to consult with their local vet if they are thinking about buying a pet. Vets have a role in educating owners on how to meet the five welfare needs of the pet in question, how to source from a responsible breeder or recognised re-homing charity or sanctuary choosing the right pet for their lifestyle, the costs involved in keeping a pet and, importantly in this context, how to meet the legal requirements of being a pet owner eg. compliance with dog control legislation, as well as how to interact safely with other people and animals in local environments.
- 17) Education and resources
The further development of standardised resources and educational campaigns to inform the public about responsible ownership should form part of efforts to increase responsible dog ownership and minimise livestock worrying and attacks. There should be wider engagement with the general public on this issue, with a Scottish public campaign to raise awareness, to encourage responsible ownership, promote safe interaction between people, dogs and livestock and increase awareness of the negative impact of livestock worrying and attacks on animal health and welfare. Such a campaign could build on the success of the [Scottish Government's Buy a Puppy Safely campaign](#) to unpack other elements of responsible dog ownership supported by relevant stakeholders such as veterinary organisations, animal welfare organisations, trainers, animal behaviourists and farming unions.
- 18) There are already a number of initiatives which could be used as resources upon which to base any such campaign, including [the Blue Dog Programme](#), [Fediaf educational materials](#), [the Kennel Club's Safe and Sound scheme](#) and the [NFUS Control Your Dog on Farmland](#) campaign.
- 19) The [NFUS Control Your Dog on Farmland](#) campaign sets out the below four principles to consider when walking dogs on farm land that that it would be useful to draw upon in any education materials or campaign:
1. Be informed – know your responsibilities under the Code
 2. Plan ahead – know your route, ensure you have poo bags and a lead
 3. Control your pet - keep dogs on a lead around livestock. Know the steps to take if things don't go to plan – cattle charging, dog escapes?
 4. Don't leave it hanging - picking up your dog's poo is not enough, take it with you and put it in a bin, even if on the fringes of farmland. Do not just 'flick it' into the bushes.
- 20) Regarding point 4 of the NFUS guidance, we would expand that the 'stick and flick' method that is advocated by some organisations instead of using poo bags should be avoided in the vicinity of pasture or farmland to avoid transmission of the Neospora and

BVA CONSULTATION RESPONSE MAY 2019

other infections.

- 21) As part of this, it is also important to recognise that livestock worrying and attacks are also committed by escaped dogs, without owners in close proximity, that have escaped from insecure gardens or homes or are treated as 'latch-key' pets by their owners. With this in mind, it is also important to reinforce messaging about responsible provision of secure home environments for dogs to prevent escapes onto farm land that put in danger both the lives of farm animals and the escaped dogs themselves. It would also be useful to use this as an opportunity to reiterate that dogs should not be left alone or unsupervised for prolonged periods in the home or garden.
- 22) We would also support the introduction of animal welfare into the national curriculum, and, as part of this, materials on responsible ownership and the safe interaction between people, dogs and livestock.
- 23) Some education relating to the economic elements of farming could also be worthwhile. In particular, highlighting that farm animals represent a farmer's livelihood and the negative impact on farmers and their families if their livestock are harmed or killed.
- 24) Increased awareness of dog control legislation
We would support increased public awareness of current legislation relating to dog control and the reinforcement of the message that owners have a legal responsibility to keep their dog under control. This should span each of the pieces of legislation as set out in the consultation document:
- Dogs (Protection of Livestock) Act 1953
 - Land Reform (Scotland) Act 2003
 - Control of Dogs (Scotland) Act 2010
 - Dangerous Dogs Act 1991
 - Civil Liability
- 25) Improved signage and secure boundaries
Equally, farmers have a role to play in ensuring that their boundaries are as secure as possible and that signage clearly denotes where dogs should be kept on leads, as well as safe access routes and that there may be livestock in the vicinity.
- 26) Extending the Dangerous Dogs Act 1991 to cover all 'protected animals'
We would also support an amendment to the Dangerous Dogs Act 1991 to provide protection for all 'protected animals' (as defined by section 2 of the Animal Welfare Act 2006) as opposed to just assistance dogs. This would ensure legislative provision to address the trauma inflicted on farmers, horse and pet owners when their animals are attacked by dogs.
- 27) Appropriate terminology
As the consultation document sets out, the current terminology 'livestock worrying' does not fully capture the often-violent impact dog attacks have on the health and welfare of livestock. However, it is important also that as part of terminology captures that the negative impacts of livestock worrying and attacks on animal health and welfare do not

BVA CONSULTATION RESPONSE MAY 2019

always manifest in instant physical injuries eg. abortions in pregnant ewes. We would therefore support a shift in terminology around this issue from 'livestock worrying' to 'livestock worrying and attacks'.

Penalties

- 28) 3. **What best expresses your view of increasing the maximum penalty for livestock worrying/attack to level 5 on the standard scale (currently £5,000) or imprisonment for up to six months (or an equivalent community penalty i.e. community service)?**

Partially supportive.

As the representative body for veterinary surgeons, BVA does not have expertise in sentencing or penalty policy. However, in consultation with our members the responses indicate general support for the proposals and improved enforcement of the offence on livestock worrying as a deterrent and are proportionate to the severity of attacks or incidents and impact not only on animal health and welfare but also the impact on the livelihood of the farmer.

- 29) 4. **Which of the following best expresses your view of giving the courts the power to ban anyone convicted of livestock worrying/attack from owning a dog, including for life, subject to periodic review?**

Partially supportive.

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

Evidence gathering

- 30) 5. **Which of the following best expresses your view of providing police officers with powers to require a person to take their dog, within a 24-hour period, for examination to a vet for the purpose of evidence gathering; or for a police officer to have the power to seize the dog and take it to a vet themselves?**

Unsure.

As outlined at point 10, we understand that this proposal sets out that dogs suspected of livestock worrying would be taken to a vet for examination and the purpose of evidence gathering. We would welcome further clarity on how this process would work in practice, particularly with regard to:

- What would be required as evidence and how this would be obtained. Consideration would also need to be given as to whether the procedures used to collect evidence were in the health and welfare interests of the dog, and, therefore whether the procedure would fall within the RCVS Code of Conduct.

BVA CONSULTATION RESPONSE MAY 2019

Overall, clear parameters are required in outlining the criteria for evidence gathering in relation to any seized dog.

- Whether vets would be remunerated by the relevant authorities for this service
- Whether they would be supported to deliver this service through training and/or Standard Operating Procedures.
- Ensuring that vets used for examining/collecting evidence are independent and that there is no professional conflict (see paragraph 10)
- Whether vets would receive specialist training in obtaining evidence as part of a legal process with continuity of evidence, how to take and record photos, professional witness status.
- We would also wish to understand what procedures would be in place to ensure the welfare of the seized dogs is adequately provided for when in police care. This would include suitable transport, holding facilities and daily care.

31) **6. Which of the following best expresses your view of giving Scottish Ministers the power to delegate powers to investigate and enforce the offence to an appropriate body (such as the SSPCA)?**

Fully supportive. Our view is subject to consultation with relevant organisations to ensure they are in agreement. We are conscious that appropriate bodies would need adequate resources and training to ensure that powers can be effectively utilised and enforced.

Definitions

32) **7. The 1953 Act defines “livestock” as including cattle, sheep, goats, swine, horses and poultry. Which of the following best expresses your view of extending this definition to include camelids (alpacas and llamas) and other farmed species, such as ostrich or deer?**

Fully supportive.

We agree that the definition of livestock should be reflective of modern farming practices in Scotland in order to adequately safeguard animal health and welfare. In addition, game birds should be included in this definition, as well as small holdings of poultry eg. 'back yard' poultry and small-scale commercial operations. We would welcome further clarity as to whether the proposed Bill would cover owned ornamental birds, as managed animals residing in public spaces eg. parks etc.