A proposal for a Bill to improve the health and wellbeing of dogs throughout their lives by strengthening the regulation of the activity of breeding, and of selling or transferring puppies, and by establishing a more responsible and informed approach to acquiring and owning a puppy or dog.

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FOREWORD

As someone who had years of fun and company from a wonderful, daft and loving Irish setter called Roostie and was heartbroken by her death, I know how much a dog can add to someone’s life and a whole family’s experience. Now due to work commitments I cannot have a dog, much though I would love one. To share your life with a dog is enriching for both the dog and the owner but it is important that you know what commitment you must have, the proper facilities, time, how your family is comprised, the cost and so on.

That wide eyed puppy is appealing, but how do you know what its upbringing was? Was it with a reputable dealer or breeder? Did you check? Have you seen it with its mother? And no matter how tempting never purchase from the internet. A puppy or dog is a sentient being, not a fashion accessory, not an impulse buy.

Did you know that in Scotland there are some 550,000 dogs? Did you know that the annual market for puppies is between 70,000 and 190,000 every year? It is big money so there are unscrupulous dealers playing on our well-meaning instinct to acquire a puppy or dog.

Now despite good breeders, dealers, legislation, guidance and advertising campaigns too many puppies and dogs still end up being “rescued”, some very traumatised and neglected.

My proposed Bill seeks to better regulate dog breeding but most importantly for the first time it would also place new obligations on owners as well as breeders, to ensure a more responsible and informed approach to owning a puppy or dog, to reduce the distress to both animals and indeed owners, some of whom may find they have been duped with all the heartache which follows. I also hope that, through placing responsibilities on those acquiring a puppy or dog, it can help tackle the horrors and misery of so-called “puppy farms”, and the inappropriateness of online sales.

Let’s try together to end the misery of some animals, make sure that owner, puppy and dog have a fulfilling life together and reduce this increasingly ruthless trade.

I look forward to hearing your views.

Christine Grahame MSP
3 May 2018
HOW THE CONSULTATION PROCESS WORKS

This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member’s Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament’s Standing Orders which can be found on the Parliament’s website at: http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx

At the end of the consultation period, all the responses will be analysed. I then expect to lodge a final proposal in the Parliament along with a summary of those responses. If that final proposal secures the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member’s Bill. A number of months may be required to finalise the Bill and related documentation. Once introduced, a Member’s Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament’s Non-Government Bills Unit (NGBU) and will therefore comply with the Unit’s good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at:
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Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

An on-line copy is available on the Scottish Parliament’s website (www.parliament.scot) under Parliamentary Business/Bills/Proposals for Members’ Bills/Session 5 Proposals.
1. Aim of the proposed Bill

The proposed Bill aims to improve the overall health and wellbeing of our dog population by stimulating more responsible breeder and owner behaviour. It seeks to:

a) improve the framework within which licensed and unlicensed puppy breeders operate, by lowering the threshold for a breeding licence and ensuring everyone breeding and then selling or transferring puppies is either licensed or registered; and

b) provide a mechanism for ensuring a more responsible and informed approach to acquiring and owning a puppy or dog.

2. Background

The estimated dog population in the UK as a whole has grown over the last 5 years from 8 to 8.5 million. In Scotland there are approximately 550,000 dogs, with 21% of the population, or some 471,000 households, being dog-owners.\(^1\) With a tradition as a dog-loving nation, dogs and puppies remain valued companions for many individuals and families in our society.

Animal welfare legislation has been in existence for many years. Recent developments, such as the Animal Health and Welfare (Scotland) Act 2006 have strengthened further the legal framework to ensure improved animal welfare and protection. At the same time, there are many active animal welfare organisations and charities, with highly visible campaigns and educational and awareness raising activities, devoted to protecting animal welfare and to highlighting and addressing deficiencies in our frameworks and practice.

Despite new laws and the ongoing work of many organisations, serious animal welfare concerns remain, in particular with regard to puppies, for which there is an increasing demand.

Lucy the Chihuahua was brought into the Scottish SPCA’s care in August 2017 at around four to five weeks old after being bought by a member of the public from a car boot for £800. Despite paying this large sum of money, the member of the public soon found herself out of depth when vet bills started piling up. Lucy was consequently signed over to the Scottish SPCA a few days after being bought. Even with extensive vet care and 24 hour supervision from trained staff at the Scottish SPCA Lucy was too ill to survive. Shortly after arriving in the Scottish SPCA’s care it was discovered that Lucy had fluid in her abdomen and an under-developed liver. This was an example of where a puppy farmer/breeder was more concerned with profit than the animal’s welfare by removing Lucy from her mum before she was even fit enough to survive.\(^2\)

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\(^1\) [https://www.pfma.org.uk/dog-population-2017](https://www.pfma.org.uk/dog-population-2017)

\(^2\) Example provided by Scottish SPCA
In November 2017 a Dundonian woman was found guilty of selling puppies without a licence and selling animals in a public car park and given a 250 hour unpaid community payback order following a Scottish SPCA investigation. She did not have a licence to sell dogs but continued to do so over a period of time. A number of these dogs, including a malshee and morkie pup, became ill shortly after going home with their new owner. The canines she sold were found to have had parvovirus, ear infections, kennel cough, worms and diarrhoea. She had bred a few of these pups and trafficked the majority of them from the Republic of Ireland. When trafficked pups reach their new owner via dealers they often develop diseases such as parvovirus and giardia. Often the young dogs die from these diseases which can be extremely distressing for the owners.  

The welfare of puppies can be endangered as a result of the conditions they experience from birth, as very young pups, and how they are cared for in the early formative weeks of their lives. The RSPCA identifies a number of issues, related to how a puppy is bred and reared, which can have a significant impact on its future physical and psychological health. For example:

- Bitches being bred so often as to affect their wellbeing.
- Puppies being separated from their mothers too early, resulting in poor physical and mental health.
- Puppies not being socialized at the correct age, leading to chronic behavioural problems.
- Dogs being kept in unsanitary, unsafe and uncomfortable conditions, resulting in the spread of disease.

At this early stage the health and welfare needs of a puppy are the responsibility of the owner of the bitch that bore the litter. They can be at risk if these responsibilities are neglected or if they are actively ignored.

Once puppies are sold or passed on to an owner, the responsibility for the welfare of the puppy is also transferred. A responsible owner will seek to acquire a puppy or dog from a reputable, responsible and/or licensed breeder or dealer. They will have considered whether they are able to look after the puppy properly, whether they will be able to care for it adequately as it grows up and throughout its life, and whether their home situation is appropriate. Failure to consider these factors related to the immediate and future needs can lead to the welfare of the puppy being put at risk. A puppy’s welfare is also endangered where an owner fails to provide adequately for its daily needs for, for example, food, drink, shelter and exercise, or indeed treats the puppy with other forms of cruelty. A PDSA pet owners survey in spring 2017 reported that, in the UK, 93,000 dogs were never walked, almost 1.2 million dog owners did no research at all before taking on their pet and 1.8 million dogs are left alone for 5+ hours on a typical weekday.

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3 Example provided by the Scottish SPCA.
4 Sold a Pup? Puppy Trade Report, RSPCA, 2016.
3. Current situation

Size of the market

The RSPCA estimates that the annual market for puppies is between 700,000 and 1.9 million animals per year UK-wide. This would give an approximate figure for Scotland of between 70,000 and 190,000 animals per year. Their report states:

“This market is met by a variety of sources including puppies bred in the UK both by licensed and unlicensed breeders, which vary in scale from those producing one litter a year to those producing thousands of puppies a year. In addition, tens of thousands are imported from Ireland and other EU countries.”

They estimate:

- 235,000 of the total for the UK are Kennel Club registered puppies,
- 70,000 per year are supplied by licensed breeders,
- 30,000 are imported from continental Europe,
- 30,000-40,000 are imported from Ireland and
- approximately 400,000 supplied by non-licensed breeders, including those breeding fewer than 4 litters a year.

The RSPCA figures are similar to the results from a national survey of local authorities (England, Wales and Scotland) carried out by Battersea Dogs and Cats Home in 2015. Their report suggests that of the 560,000 puppies estimated to be born each year in Britain, 12% are bred by licensed breeders. The report goes on to show that there were 895 licensed dog breeders in Great Britain, with over a third of local authorities having no licensed breeders. Of those 895, 81 licensed breeders are in Scotland, and 9 Scottish local authorities have no licensed breeders.

OneKind’s report on ‘Scotland’s Puppy Profiteers’ also points to research results indicating around 100 licensed breeders in Scotland, varying in size, some having 4 bitches, with the largest having over 70.

Recent Scottish Government commissioned scoping research points to the difficulty in estimating the value of the puppy trade and the number of pups bought and sold.

“Through the analysis of online advertisement data over a 12-week monitoring period for this project, 1,497 advertisements in Scotland were identified. Approximately 4,074 puppies were for sale. The total value of the puppies advertised is estimated to be a minimum of £3,332,073.00, with the approximate  

7 Sold a Pup? Puppy Trade Report, RSPCA, 2016.
8 Licensed Dog Breeding in Great Britain, Battersea Dogs and Cats Home, 2015, p. 8.
9 Scotland’s Puppy Profiteers, Puppy farming, trafficking, dealing and how the trade affects Scotland, OneKind, November 2017.
average cost of a puppy estimated at £817.88. Extrapolating these figures to cover a full year suggests an approximate minimum of 17,680 puppies being advertised for sale, with a total value of approximately £13 million.\textsuperscript{11}

**What is an unlicensed breeder?**

Clearly, a high number of puppies are bred by unlicensed breeders, which is cause for concern. Unlicensed breeding is not necessarily illegal. The puppy trade has been described in the recent Scottish Government commissioned research as being made up of legally regulated, legally unregulated, illegal and irresponsible breeding and sales, with those profiting from the trade a mixture of individuals selling litters, hobby breeders, and small and large commercial enterprises.\textsuperscript{12}

Under existing legislation, if a person keeps a breeding establishment and carries on a business of breeding dogs for sale, they are required to apply for a licence. In addition, anyone who owns/is responsible for bitches that together produce a total of 5 or more litters in a 12 month period is also required to apply for a licence. This means that someone who is responsible for bitches that produce up to 4 litters in 12 months does not require a licence (unless the puppies were bred for sale), and so the activity is unlicensed but not illegal. Local authorities are responsible for licensing dog breeders and there are specific requirements of those licensed breeders, who must adhere to certain welfare standards.

Some unlicensed breeders are people who breed for a hobby, producing fewer than 5 litters of puppies a year. Many of these unlicensed breeders are very responsible and have high regard for the health and welfare concerns of their dogs and puppies. Some may find themselves accidentally in the category of unlicensed breeder: they own one or more bitches that have litters without it being their intention to breed them.

Then there are others who claim to breed fewer than 5 litters a year to avoid falling under a licensing regime, but often do, making it much more difficult to ensure accountability and traceability when welfare issues arise. Their premises are not inspected and they do not have to comply with the licensing regime. These are often irresponsible breeders, operating outside of the current licensing regime, focused on maximising profit, ignoring animal welfare concerns and the needs of young puppies and selling on animals that often turn out to be sick or psychologically damaged. This is devastating for the puppies and can be very distressing for owners, who may find themselves unable to cope with or look after their pets. They can also face higher costs in vets’ bills, as the puppies may need special care.

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Research\textsuperscript{13} presented at the recent \textit{Impact of Dog Trade on Canine Welfare} conference in November 2017 organised by the Scottish SPCA and the University of Edinburgh underlined that if a puppy is bought from an irresponsible and/or illegal breeder, it is more likely that:

- The puppy will have been taken from its mother too early
- The puppy will not have been socialised with people or family life
- The puppy will not have had required vaccinations or treatments such as worming
- The buyer may not have had much contact with the seller and may not have seen parents or litter-mates
- The seller will not have offered any support following the purchase of the puppy and is unlikely to be contactable
- The microchip/registration does not necessarily relate to where the pup was born
- The puppy will often require veterinary treatment soon after arriving in their new home.

It is important to underline that there will be many unlicensed breeders that are caring well for their dogs and puppies. It is still the case however that they are able to produce 4 litters in a 12 month period without any inspections. With an average litter size of 5, this can represent upwards of 20 puppies.

In keeping with the more general updating of animal welfare legislation underway, and in line with recent legislation in Wales, and draft legislation in England, there is a case for reviewing the threshold for dog breeding licences.

\section*{Accountability and traceability of ownership}

The RSPCA identifies puppies being sold without proper identification as a problem making it impossible to trace puppies back to owners or original breeders if they become sick or suffer from other problems.\textsuperscript{14} Similarly, the scoping research noted that discussions during the research on domestic legislation focused predominantly on the traceability of puppies and licensing of puppy breeders:

``Traceability was identified as central to the successful regulation of the trade, as without this there is limited accountability and enforcement.''

Since April 2016, all dogs in Scotland over the age of eight weeks must be microchipped and no keeper may transfer a dog to a new keeper unless it has been microchipped.\textsuperscript{16} Explanation of how this should work is provided on the Scottish

\begin{thebibliography}{16}
\bibitem{13} The Impact of the Dog Trade on Canine welfare – The current situation and recommendations for policy and practice, Muldoon, J., Williams, J. & Scottish SPCA (2017)
\bibitem{12} Sold a Pup? Puppy Trade Report, RSPCA, 2016
\bibitem{16} Microchipping of Dogs (Scotland) Regulations 2016
\end{thebibliography}
Government’s website.\textsuperscript{17} If a dog is transferred, the existing owner’s details must be up to date prior to transfer, and new keepers must also notify the database of their details.

It follows that licensed and unlicensed breeders are required to have their puppies microchipped before they are transferred to another keeper. The current penalty for failing to comply is a fine of up to £500.\textsuperscript{18}

The legislation sets out the information to be included on the microchip, which includes the name and address of the keeper of the dog and (where the keeper is also the breeder or the dealer) the breeding or dealing licence number and the name of the local authority that issued the licence. It also contains information about the sex, breed and date of birth of the dog.

**Growing demand and trend towards particular ‘designer’ breeds of puppies**

In evidence to the Public Petitions Committee of the Scottish Parliament, related to PE 1640 Action against irresponsible dog breeding, Mark Rafferty (Scottish SPCA) referred to an:

“… unquenchable appetite among the public for some particular breeds of dog, that are defined as either new breeds or designer breeds”.\textsuperscript{19}

The high demand can make the business a lucrative one for some. In oral evidence presented to the House of Commons Environment, Food and Rural Affairs Committee in June 2016, Patrick O’Hara (Metropolitan Police) stated that designer dogs can sell for in excess of £1000 each.\textsuperscript{20}

In his evidence, Mark Rafferty goes on to state that:

“… we live in a culture that is increasingly a consumer culture in which items, including animals, are looked on as commodities. Pups are throwaway commodities for some people. They buy a pup on a Saturday and, a month down the line, they no longer want it and they hand it in. Those designer breeds are being handed in to rescue shelters because people no longer want them - the pups do not fit in with their lifestyle and they have not planned properly for having them”.\textsuperscript{21}

\textsuperscript{17} [Government’s website](http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/AnimalWelfare/microchipping/breedersdealers)

\textsuperscript{18} [Government’s website](http://www.gov.scot/Topics/farmingrural/Agriculture/animal-welfare/AnimalWelfare/microchipping/requirements)


Puppy farms and international trade

The commitment and hard work of many individuals and organisations, such as the Scottish SPCA, have, in recent months and years, uncovered the alarming animal welfare concerns around so-called puppy farms. OneKind define these as places where dogs are bred in large numbers and purely for commercial purposes; not family pets producing the occasional litter, but part of an industrial-scale operation.\(^{22}\)

The issue of puppy farms is often linked to the international trade in puppies. The RSPCA research referred to above estimates the UK puppy market receiving around 30,000 puppies a year from continental Europe and around 30-40,000 from Ireland.\(^{23}\) The cases have been well-publicised.\(^{24}\)

In better regulating the licensing and registration of those breeding puppies it is important to avoid the displacement of activity even further towards online sales. This will require a much stronger awareness by the public of the puppy trade, the consequences of buying from unscrupulous breeders and dealers and their role and responsibility in tackling it, as the scoping research sets out:

“Finally, consumers, are pivotal in the puppy trade, in particular, responses must work to reduce the size of the market, through reducing consumer demand, enhancing consumer awareness and decreasing opportunities for illegal sellers to engage with consumers”.\(^{25}\)

Many animal welfare organisations and charities encourage anyone buying from a breeder to see a puppy interacting with its mother before buying.\(^{26}\) Seeing a puppy with its mother can give an indication of its likely temperament. It is also something that would be more difficult for unscrupulous breeders to facilitate, as many separate puppies from their mother too early.

According to the RSPCA:

“The impulse and desire to buy a puppy, often of a certain breed, seems extremely strong for some prospective owners. This, coupled with the increasing continental trade, suggests that the traditional educational messages around responsible puppy acquisition, issued by animal welfare organisations and others to potential buyers, have undoubtedly failed”.\(^{27}\)

\(^{22}\) Scotland’s Puppy Profiteers. Puppy farming, trafficking, dealing and how the trade affects Scotland, OneKind, November 2017
\(^{24}\) 30 Pups seized at Ferry Port, Scottish SPCA News 29 June 2016; BBC Panorama May 2016 Britain’s Puppy Dealers Exposed; BBC Scotland, The Dog Factory, April/May 2015.
\(^{27}\) Sold a Pup? Puppy Trade Report, RSPCA, 2016
It is clear that as well as a need to revisit how we regulate those breeding puppies in Scotland, consumer behaviour and responsible dog ownership does have an impact on the market for puppies.

The scoping research published by the Scottish Government, which included expert interviews, a stakeholder survey and focus groups, stated:

“… experts recognised the nature of the domestic trade is problematic due to issues of registration, which involve breeding without a licence, breeding excessively and non-compliance with licence and welfare requirements. With specific regard to Scotland, puppy farms and traditional ‘pet shops’ were of less concern, rather the licensing and welfare conditions in which most puppies were bred were seen as inherently problematic, as was the inability to license and regulate all puppy sellers”.

When asked to comment on strategies proposed to change consumer behaviour, survey respondents to the scoping research indicated that those likely to reduce consumer purchases ‘a lot’ were:

“… better traceability of animal from birth to sale, stopping online sales, mandatory registration for all breeders and traders and more effective enforcement of existing legislation and protocols.”

I propose to focus the first part of my Bill on better regulating domestic puppy breeding in Scotland, and in particular the smaller scale breeders. Improving traceability and accountability should ultimately lead to better conditions and healthier puppies and dogs. The second part is devoted to more informed and responsible consumer behaviour. This should also help tackle the supply of puppies coming from illegal and irresponsible breeding practices, whether large or small operations, both inside and outside Scotland. It should also help tackle the online sale of puppies by irresponsible breeders.

4. Current Legislative framework

Animal Welfare legislation

The principal legislation on animal welfare in Scotland is the Animal Health and Welfare (Scotland) Act 2006. Under this Act, animal owners and keepers have a legal duty of care for animals they are responsible for. The Act states that reasonable steps must be taken to ensure that the needs of an animal for which a person is responsible are met, to the extent required by good practice. The duty of care is based on section 24(3) of the 2006 Act, which sets out an animal’s five “welfare needs”:

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

If a person fails to take such steps as are reasonable in the circumstances to ensure the welfare needs of the animal are met, then the person commits an offence.

Breeding

The practice of breeding dogs in Scotland and England is currently regulated by the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999. Currently, if a person keeps a breeding establishment and breeds dogs for sale, they are required to apply for a licence. This involves, amongst other things, the premises being inspected, a number of conditions being met, a fee being paid and records being kept. Anyone failing to comply with the licensing regime is guilty of an offence.

The breeding licence regime covers a second category: those people who are not commercial breeders, but who own or keep bitches at their premises. If these bitches produce five or more litters in a 12 month period, the person keeping the bitches is required to apply for a breeding licence, falling under the same regime as above, unless they can show that none of the puppies bred has been sold during the period.

Rearing

In Scotland, the Breeding of Dogs Act 1973 also applies to a person who keeps a “rearing establishment for dogs” – that is, premises at which the person carries on a

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30 SSI 1999 No. 176 sets out in a Schedule the record to be kept by the licence holder for each breeding bitch, including details of the litter. These records are to be kept at the premises and made available for inspection.
business of rearing dogs for sale (whether by that person or any other person); rearing establishment referring to a place where the pup was not born and is away from its mother.

**Dealing**

The dealing of young dogs is regulated by the [Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations](https://www.legislation.gov.uk/ssi/2009/141/made), SSI 2009/141. Anyone selling young cats or dogs (less than 84 days old), and acquiring a young cat or dog with a view to sale, needs an animal dealing licence. This involves applying for a licence, paying a fee, having the premises inspected and meeting a number of requirements. Not to hold a licence for such activity, or to contravene the conditions of an animal dealing licence, is an offence.

The licensing regime for dealing in young cats or dogs does not apply if the young cats or dogs being sold are the offspring of a pet owned by that person. It also does not apply to anyone that sells no more than two young cats or two young dogs (or one of each) in any 12 month period.

Under this legislation, a written record is to be completed by the licence holder, to accompany a young cat or dog to be sold by a licence holder. The licence holder must retain the record for at least 3 years from date of sale.

**Legislation in other parts of the UK**

In 2014 changes were made to the law regulating dog breeding in Wales. The licensing threshold for breeding puppies was reduced to three or more litters (from five). The change of threshold resulted in bringing approximately 500 additional breeders into the licensing regime. The new legislation also extends the scope to cover the supply of puppies, not only sale. It requires breeders to keep a written record of their breeding bitches and to pass it on if the animals are transferred. It also requires them to keep a written puppy record/logbook with specified details that must be passed on if the puppy is transferred.

The UK Government Department for the Environment, Food and Rural Affairs (DEFRA) consulted from December 2015 to March 2016 on a review of animal licensing in

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31 This does not apply to someone already holding a breeding licence, a pet shop licence or someone selling an animal at an animal sanctuary or rehoming centre.
England. In February 2017 DEFRA published a report with next steps for the future of animal establishments licensing, in which it announced it would develop draft Regulations based on the proposals in the report. On 8 February 2018 a draft statutory instrument was laid before the UK Parliament.


The draft Regulations state that in future a licence will be required for anyone breeding three or more litters of puppies in any 12-month period and/or breeding dogs and advertising a business of selling dogs. They maintain an exemption from licensing obligations for those breeders breeding three or more litters if documentary evidence can be provided that shows none of the puppies has been sold. As explained in DEFRA’s ‘Next Steps’ report in February 2017, it decided not to introduce a process of registration with local authorities for those breeding below the three litter threshold and selling their puppies.

The five welfare needs are set out in Schedule 2 to the draft Regulations, as general conditions for all establishments, followed by a specific set of licence conditions related to breeding dogs. Amongst other things, these conditions state that:

- No puppy aged under 8 weeks can be sold or permanently separated from its biological mother;
- A puppy may only be shown to a prospective purchaser if it is together with its biological mother;
- Any advertisement for the sale of a dog must include the number of the licence holder’s licence, the name of the local authority that issued it, a recognisable photo of the dog and its age.

These recent developments in other parts of the UK are an indication that the existing legislation in Scotland requires updating to better reflect current circumstances. Some of the elements of this proposal, in other words, are about bringing Scotland into line with the changes underway elsewhere in the UK.

Dog and puppy welfare: good practice and guidance documents

In addition to animal welfare legislation, there is a range of information available on the responsibilities of dog owners. A number of guidance and good practice documents

exist both in terms of how to go about finding a puppy, as well as how to look after puppies and dogs.

For example, the Scottish SPCA has recently provided guidance on their website and via social media as to how to buy puppies responsibly as part of its campaign #SayNoToPuppyDealers. Guidance can also be found on the websites of animal charities such as the RSPCA which has published a detailed booklet on How to take care of your dog’ and the Kennel Club, which provides advice on what to consider before getting a dog, as well as how to care for it.

- Puppy Contract (RSPCA, AWF)
  Originally an initiative by the RSPCA and the Animal Welfare Foundation, the Puppy Contract and accompanying Puppy Information Pack (PIP) are widely endorsed and promoted. It comprises a detailed set of information about the puppy and its parents and contact details for the breeder/seller, which are completed prior to purchase; a guidance note that explains why it is important for the buyer to know and understand the information set out in the PIP before buying the animal; and a contract to be signed by both the buyer and seller, confirming (from the seller) that the information contained in the PIP is accurate and (from the buyer) that they understand the information in the PIP and intend to meet the future health and welfare needs of the puppy.

- Kennel club online registration of puppy litters
  The Kennel Club is a UKAS accredited body for certifying dog breeders. As well as providing advice and guidance to those purchasing a puppy, the Kennel Club also runs an Assured Breeder Scheme. This is designed “… to promote good breeding practice and help prospective purchasers to identify those breeders who breed responsibly, with the health of the dogs and puppies a priority, and who take care in ensuring that their puppies go to suitable caring owners.” Those participating in the scheme must “… subscribe to a set of requirements, set out in our Scheme "standard" which is designed to ensure that that the breeder continues to adopt good breeding practice, and subscribe to a set of rules and requirements, all of which are devised to assist the breeder in maintaining the standards set.”

- Scottish Government, Code of Practice for the Welfare of Dogs, 2010
  The Animal Health and Welfare (Scotland) Act 2006 (s.37) provides for the Scottish Ministers to make codes of practice to provide practical guidance. The Scottish Government’s Code of Practice for the Welfare of Dogs, was approved by resolution of the Scottish Parliament on 27 January 2010 and came into effect on 1 May 2010.

The Code of Practice uses the ‘five freedoms’ as the basis for its guidance, developing each in detail with regards to the care of domesticated dogs.

38 [https://www.saynotopuppydealers.co.uk/](https://www.saynotopuppydealers.co.uk/)
39 [https://www.thekennelclub.org.uk/getting-a-dog-or-puppy/](https://www.thekennelclub.org.uk/getting-a-dog-or-puppy/)
40 [https://puppycontract.rspca.org.uk/home](https://puppycontract.rspca.org.uk/home)
41 The Kennel Club, Assured Breeders’ Scheme, Scheme Requirements and Recommendations
- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need it has to be housed with, or apart from, other animals, and
- Its need to be protected from suffering, injury and disease.

It also sets out the relevant sections of the applicable animal health and welfare legislation and signposts other legislation that affects the way a person keeps their dog.

“Although the Code does not have legislative effect it is intended to promote and give examples of good practice. Failure to comply with a provision of this Code, whilst not an offence in itself, may be relied upon as tending to establish liability where a person has been accused of an offence under Part 2 of the Act. Equally, compliance with a provision of the Code may be relied upon as tending to negate liability by a person in any proceedings for an offence under Part 2 of the Act.”

Despite the existence of these documents and guidelines, we still face an unacceptably high number of cases where puppies are being bought from irresponsible and illegal breeders, are being abandoned or handed into rehoming centres after owners realise they are not able to take care of them.

There is a need for a process that makes those intending to acquire a puppy think twice and consider carefully what the undertaking would imply and the responsibilities they would have for the future health and wellbeing of the puppy. I believe we need to take this further than the current guidance that exists, by setting questions out in law that they should consider prior to acquiring a puppy or a dog.

Improving the health and welfare of puppies means addressing both the supply and the demand sides. It requires both tightening the legislation regulating the breeding of dogs, and helping achieve a shift in social practice with a much greater awareness of how to acquire a puppy responsibly in a more informed way.

5. **Detail of proposed Bill**

I am not sure we can ever eradicate the problems set out above completely and there will always be unscrupulous individuals who will try to avoid the law. However, there is scope to improve existing legislation and further reduce the room for manoeuvre of those breeding puppies irresponsibly. We must also encourage a shift in the way people understand both the health and welfare needs of puppies, and their own responsibilities as dog owners. Perhaps the strongest means we have to tackle irresponsible breeding is through the responsible actions of those seeking to acquire a puppy. We need to find ways to raise awareness of this and to create the conditions within which they can help achieve it.

My proposal therefore comes from two distinctive perspectives; both aim to better ensure the future health and welfare needs of puppies. It starts with the responsibilities of the breeders (licensed and unlicensed). Here it is about improving the framework within which the breeders and suppliers of puppies operate, and the traceability of puppies. The second focuses on the responsibilities of potential dog owners, both in terms of how they acquire a puppy and ensure its ongoing wellbeing.

Achieving a step change in responsible acquisition will affect directly the market for those attempting to circumvent the regimes in place and/or those breeding irresponsibly.

This is why I believe a package of measures is needed, which, when taken together, will help us make a significant step forward in animal welfare, improved puppy health and wellbeing and encourage responsible breeding and ownership. In consulting on these proposals I would welcome your views on how best to implement the proposals to make them as effective as possible.

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### A – Reducing the threshold for a breeding licence to three litters a year

The current threshold for requiring a dog breeding licence is 5 litters in any 12 month period. At the minimum, therefore, we are already talking about a considerable number of puppies, around 25 if the size of an average litter is 5 puppies. I believe that anyone breeding at least 3 litters (and an average of 15 puppies a year) should be licensed, thus ensuring that the premises are adequate and that sufficient checks are in place to ensure there are no animal welfare concerns.

My proposal therefore is to lower the threshold in terms of how many litters can be bred in a 12 month period before the person is considered to be carrying on a business of breeding. Under this proposal, anyone breeding three or more litters in a year would fall under the licensing regime.
Importantly this will bring legislation governing breeding in line with recent changes in Wales and planned changes in England.

I accept that this will mean more breeders will fall under the licensing regime and will therefore require processing, inspections and, eventually, enforcement. The current legislation allows local authorities to charge fees to recover reasonable costs incurred by them in processing the applications and inspecting premises.44

A range of different approaches are taken currently in different local authority areas. Regardless of the approach taken, this change in licensing threshold should not impact negatively on local authorities in financial terms, as they are able to recover the costs of processing applications and inspections. I believe it is essential that the proposals are cost-neutral for the local authorities that must carry out this work.

B – Extending the breeding licence regime to any form of transfer, not only sale

I am also proposing to extend the licensing regime covering the breeding of dogs to cover any form of transfer or supply, not only the sale of puppies.

The existing legislation related to dog breeding includes an effective exemption from the licensing regime for those who are not commercial breeders, but who have five or more litters in any 12 months, if they can show that they have not sold any of the puppies.

If we are taking animal welfare concerns seriously, then whether or not money changes hands makes no difference. It is about the puppies, the conditions in which they are kept and how their complex needs are met in those very formative first few weeks of their lives.

C – Introducing a temporary registration scheme for those that breed fewer than three litters in 12 months but wish to sell or transfer puppies.

Tightening the existing licensing regime is only part of the equation. To ensure more responsible breeding practices more generally, a greater degree of accountability and traceability needs to be introduced into the system. Even if we reduce the threshold from five to three litters, as explained above, there will still be a significant number of puppies being born to unlicensed breeders. This will include people who find themselves breeding ‘accidentally’ and others who are breeding with some intention to supply.

44 Breeding of Dogs Act 1973
My proposal is to find a proportionate way to ensure they are also accountable and their puppies can be traced back to them by introducing a lighter system of temporary registration with the local authority. This would apply to anyone with a litter from a bitch for which they are responsible and who wishes to transfer ownership of a puppy to someone else. It will apply to all those falling under the threshold of the licensing regime for dog breeders, and again, whether or not money changes hands.

A number of animal welfare organisations support some form of registration for those breeding below the threshold for a breeding licence.

OneKind’s ‘Scotland’s Puppy Profiteers’ report calls for every commercial sale to be subject to licence or registration, with the threshold for dog breeding licences set at two litters in a year and anyone selling a single litter to require registration for a temporary licence.  

In its response to the DEFRA consultation in March 2016, repeated in a submission to the Scottish Parliament Public Petitions Committee (related to PE 1640 Action against irresponsible dog breeding) the British Veterinary Association recommended that in addition to a lower threshold for licensing, all those breeding from a dog should have to register with their local authority, preferably online.

“This would mean that the local authority had a list of contact details for all dog breeders in their area, aiding enforcement bodies and ensuring that dog breeders were aware of the legal requirements.”

A Dog’s Trust submission to the Public Petitions Committee of the Scottish Parliament in August 2017 also calls for anyone breeding, selling or transferring the ownership of a litter, regardless of any financial transaction or gain, to be required to be registered. They are also in favour of licenses for anyone breeding more than one litter.

If we can make it more difficult to pass on a puppy without being registered, and that from the third litter in a 12 month period, a fully licensed regime would kick in, then we are closing down the options of those behaving irresponsibly.

**How might this work?**

Under this proposal, someone with a litter, who is not a licensed breeder and does not intend to breed more than two litters in 12 months, but who would like to sell or transfer the puppies, would need to register temporarily. Basic information would be provided through an online form to the local authority. This could include the name and address

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45 Scotland’s Puppy Profiteers. Puppy farming, trafficking, dealing and how the trade affects Scotland. OneKind, November 2017;  
46 British Veterinary Association (BVA) Scottish Branch and British Small Animal Veterinary Association (BSAVA) joint submission of 8 August 2017 to Scottish Parliament Public Petitions Committee  
48 http://external.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202017/PE1640F_Dogs_Trust.pdf
of the person with responsibility for the bitch and wishing to transfer or sell the litter, the age of the bitch, the size of the litter and whether any other litters are under the person’s control.

The person would pay a minimal fee. This must be sufficient for local authorities to recoup any costs incurred in maintaining the database.

A separate registration would be needed for each litter. The person would receive a registration number for each litter. This is the number that would be provided to anyone considering acquiring a puppy so they could check, via a quick online search that the registration number corresponds to the name of the person with whom they are in contact.

The registration is temporary and would only last as long as it takes for the litter to be passed on/sold. It would be the responsibility of the owner to inform the local authority that the last of the litter had been sold or passed on.

The local authority would maintain a record of each registration for as long as is reasonable, which could be for 12 months.

This should act as a mechanism to help identify anyone registering multiple times in a 12 month period, and potentially unaware of the need for a licence or even attempting to avoid the need for a licence.

The imposition of a fine of, for example, up to £200,⁴⁹ could be considered for someone that was found not to have registered when they should have (following for example an enquiry made to the local authority by a member of the public who had tried to acquire a puppy from the person).

In keeping with current practice and legislation on dog breeding, dealing and microchipping, the name of the owner of the bitch would be included on the puppy’s microchip prior to sale/transfer.

As more and more people wishing to acquire a puppy become aware of their responsibility to check the breeder is licensed or registered, this will act as a check on those trying to transfer puppies without registering, as it will become more difficult for them to sell or pass on the animals.

Since the aim is to improve traceability, responsible ownership and overall animal welfare, then I believe this temporary registration measure is a crucial link in the chain.

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⁴⁹ Based on the lower end of the standard scale as set out by the Criminal Procedure (Scotland) Act 1995.
Ensuring future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog

Many breeders are of course acting responsibly and take the welfare and needs of their dogs and litters extremely seriously. I’m also looking to them to help achieve better outcomes by helping ensure puppies find a good home.

The final dimension of the bill is about improving the awareness of prospective owners of their responsibilities and the realistic implications for them of taking on a puppy, or a dog, in the long term.

This is arguably a more complex proposition. However it is clear that improving responsible acquisition of puppies is key to tackling the challenge of irresponsible and illegal breeding. I would therefore welcome your feedback on how this could be achieved.

I would like to see, set out in legislation, a set of questions based on existing animal health and welfare requirements and good practice. Anyone thinking about getting a puppy or a dog would have to have considered the questions before the point of sale/transfer.

With the help of committed animal welfare organisations and charities, ideally supporting a public information campaign on the new legislation, it would become widely known that new legislation was coming into force that was placing obligations on the prospective owner.

This measure should help increase awareness of the implications of taking on a puppy or dog and the responsibilities for ensuring their future health and welfare.

I propose to build on the good practice that exists already, including the Scottish Government Code of Practice and the Puppy Contract, to develop a checklist to form the basis of a responsible puppy transaction.

How might this work?

If acquiring a pup from a breeder, a prospective owner should check that the breeder they are dealing with is either licensed or registered.

I realise that it may not be possible for the proposed new approach to cover situations where the breeder of the dog being acquired is outside Scotland. However, already ensuring these checks were being made for puppies being acquired in Scotland would, I believe, present progress.

When buying a puppy from a breeder, it should also be mandatory for the prospective owner to have seen the puppy with its mother. This is similar to the draft English
Regulations that state that a puppy may only be shown to a prospective purchaser if it is together with its biological mother.\(^{50}\)

Any prospective dog/puppy owner would have to consider a list of questions ahead of buying/acquiring the animal.

I would like to see the questions set out as a checklist in a schedule to the Bill. They will prompt consideration of issues that any responsible dog-owner should be asking themselves before they take on the commitment of a new puppy or dog. Possible questions can be found in the Annex (p27).

At the point of sale/transfer, as far as is practicable, there should be a face-to-face conversation between the two parties.

The breeder (in the case of a puppy), or current keeper of the dog being sold/transferred, should also check that the prospective owner is aware that they should have considered the questions.

On the basis of the exchange, if either party was not satisfied (for example, if the lack of due process makes the acquirer question whether the breeder is responsible, or if the transferor doubts that the acquirer is an appropriate match for the puppy) then the sale/transfer wouldn’t take place.

The presumption in law would be that the questions have been considered. This would not prejudice existing standards and obligations on animal welfare as set out by law.

Failure to comply with the new provisions might be relied upon in the context of a case being brought against someone under other animal-related legislation.

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\(^{50}\) DRAFT Statutory Instrument, Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
6. Potential impacts of the Bill

For breeders

Those breeders currently producing three or four litters a year will come under the new licensing obligation. They will have to apply for a licence, undergo an inspection, pay a fee and meet a number of licensing conditions to ensure animal health and welfare.

Those who produce one or two litters a year will be required to register temporarily with the local authority if they intend to give away or sell puppies from the litters. They will incur a small fee. If they are found not to have registered when they should have, they may be liable for prosecution and a fine.

The proposed Bill will further reduce the possibilities open to unscrupulous and irresponsible breeders to sell puppies. With a lower licensing threshold and the new temporary registration requirement, it will be more difficult for them to carry on their activities undetected.

Breeders will have to demonstrate to anyone seeking to acquire a puppy that they are either licensed or registered. A responsible purchaser will insist on checking this out.

Breeders should also check that the prospective owner is aware of their responsibilities, as set out in the questions in the schedule to the Bill.

For prospective dog owners

Those acquiring a puppy or dog will have new obligations by law:

When acquiring a puppy from a breeder:
- to check whether the breeder is licensed or registered (assuming the breeder is in Scotland)
- to see the puppy with its mother prior to purchase

When acquiring any puppy or dog from a breeder or keeper:
- to have considered a number of questions (set out as a checklist in the legislation) as regards current and future health and wellbeing needs of the dog and their ability to provide adequately for them.

The proposed Bill should help improve the overall health of Scotland’s puppy and dog population and for prospective dog owners this should also mean less risk of the puppies suffering from physical or psychological health issues. This in turn should mean lower veterinary bills. They will also avoid the emotional distress often experienced when having to deal with such situations.
For puppies and dogs
The health of the puppy and dog population should improve as the room for manoeuvre of unscrupulous breeders is reduced. Fewer breeders will be able to operate outside the licensing regime, and will find themselves subject to proper inspections, which together with the temporary registration system should improve traceability and accountability.

Puppies will also benefit from more responsible and better informed dog ownership. Prospective owners will be more aware of their responsibilities and as a result better prepared to take on a puppy/dog, and better matched to the puppy/dog they do end up with.

For local authorities
The assumption is that the proposed Bill will lead to more breeders coming under the licensing regime. Local authorities will therefore have the responsibility of processing a higher number of applications, providing for the accompanying inspections, administering the related fees and addressing any subsequent enforcement issues.

The proposed Bill also introduces a local authority-run database for temporary registration of litters in the case of breeders who breed fewer than 3 litters a year and with to sell or give away the puppies.

It is essential that the changes brought about by the proposed Bill are cost-neutral for local authorities. In terms of dog breeding licensing, the current legislation allows local authorities to charge fees to recover reasonable costs incurred by them in processing the applications and inspecting premises.\(^1\) This should continue to be the case. They should also be able to charge a small fee for each litter that is registered under the temporary registration scheme. This should cover the cost of maintaining the database.

New offences
The proposed bill could introduce a new offence for anyone found to be transferring or selling puppies from one or two litters in a 12 month period without completing a temporary registration with the local authority. Someone failing to register may be liable to pay a fine of, for example, up to £200.\(^2\)

Financial implications
- As stated above, the current dog breeders licensing scheme allows local authorities to recover reasonable costs. The new system of online temporary registration should also function on this basis. The cost of setting up the database should also be taken into account in the cost-recovery calculations. There should therefore be no significant financial implications for local authorities.

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\(^1\) *Breeding of Dogs Act 1973*
\(^2\) Based on the lower end of the standard scale as set out by the Criminal Procedure (Scotland) Act 1995.
• Additional resources may be required from local authorities to follow up reports of non-registered or non-licensed breeders selling/transferring puppies, which could be a result of more informed and mobilised prospective owners.

• There will be potential savings to dog owners on vet’s bills if the overall health of the puppy population improves.

• Effective implementation of the new measures contained in the proposed Bill would require a public information campaign clearly setting out the new legal obligations on breeders and prospective owners. It is hoped that this could be implemented in partnership with a range of supportive animal welfare organisations and charities.

Sustainable development
The outcome of an initial sustainable development impact assessment suggests that the proposed Bill can be sustainably delivered. In addition, it may improve some of the factors connected to sustainable development issues, such as wellbeing and equity.

Whilst my Bill is primarily focused on the welfare of dogs, it will also have a positive impact on people. For example, by encouraging more responsible dog breeding, it will minimise the distress experienced by those owners acquiring puppies that have physical and psychological issues due to irresponsible breeding and ill treatment.

The proposed Bill should make a contribution towards fairness and equity as it will be more difficult for breeders to pass on puppies without being able to prove they are registered or licensed, making it more difficult for those breeding irresponsibly to evade the system. This will be fairer on responsible breeders that are currently following their legal obligations and guaranteeing the welfare of the pups.

The proposed Bill should also contribute to good governance, by increasing the ability of local authorities to have an overview of all those breeding puppies, which could have positive implications for the protection of the welfare of puppies and dogs, by increasing the number of breeders that come under the statutory licensing regime and by introducing a temporary registration scheme for the others. It should be easier to trace puppies back to their breeders in the event of subsequent welfare issues.

By encouraging a more responsible and informed approach to acquiring a puppy, the proposed Bill should help reduce the supply of puppies coming from irresponsible or illegal breeders, and could contribute to reducing criminal activity.

Equalities
There have been no particular positive/negative impacts of the proposal identified on any of the protected groups (under the Equality Act 2010) at this stage.
Annex

Possible questions for prospective puppy and dog owners to consider prior to acquiring their pet

- Is your home environment suitable to accommodate a dog? For example, is there enough space; is there a quiet area for the dog to rest?
- Have you considered how the dog will fit into the composition of your household? For example, do you have other animals or small children? How would they interact with a new dog?
- Do you have enough time and energy to walk, exercise and play with your dog regularly? Do you spend a large amount of time away from your home during the day, limiting the time you can spend exercising your dog?
- Have you considered the financial implications of owning a dog? For instance, can you afford food, bedding, vet bills and insurance for your new dog on an ongoing basis?
- Are you committed to caring for you dog throughout its life (a dog lives until age 12 on average)? For example, will you be able to groom your dog regularly and take it to regular vet appointments?
- Is the breed of dog suitable for you and your family? Some breeds require more space, exercise and care than others.

53 These examples draw on and have been inspired by a number of existing good practice documents and websites.
QUESTIONS

ABOUT YOU

1. **Are you responding as:**
   - [ ] an individual – in which case go to Q2A
   - [ ] on behalf of an organisation? – in which case go to Q2B

2A. **Which of the following best describes you?** (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)
   - [ ] Politician (MSP/MP/peer/MEP/Councillor)
   - [ ] Professional with experience in a relevant subject
   - [ ] Academic with expertise in a relevant subject
   - [ ] Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. **Please select the category which best describes your organisation:**
   - [ ] Public sector body (Scottish/UK Government or agency, local authority, NDPB)
   - [ ] Commercial organisation (company, business)
   - [ ] Representative organisation (trade union, professional association)
   - [ ] Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
   - [ ] Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).
3. **Please choose one of the following:**

- [ ] I am content for this response to be published and attributed to me or my organisation
- [ ] I would like this response to be published anonymously
- [ ] I would like this response to be considered, but not published (“not for publication”)

**Please give a reason why you have requested anonymity or asked for your response not to be published:**


4. **Please provide your name or the name of your organisation.**
   (This will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise, this is the name that will be published with your response.)

   Name:

   Please provide a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

   Contact details:

   [ ] I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used
YOUR VIEWS ON THE PROPOSAL

Aim and approach

A - Reducing the threshold for a breeding licence to three litters a year

1. Which of the following best describes your view of reducing the threshold for a breeding licence from five to three litters in a twelve month period?

☐ Fully supportive
☐ Partially supportive
☐ Neutral (neither support nor oppose)
☐ Partially opposed
☐ Fully opposed
☐ Unsure

Please explain the reasons for your response, including any advantages or disadvantages.

B - Extending the breeding licence regime to any form of transfer, not only sale

2. Which of the following best describes your view of requiring people to be licensed as breeders even if they do not sell their puppies, but transfer them/give them away?

☐ Fully supportive
☐ Partially supportive
☐ Neutral (neither support nor oppose)
☐ Partially opposed
☐ Fully opposed
☐ Unsure
Please give reasons for your answer, including any advantages or disadvantages.

C - Introducing a temporary registration scheme for those that breed fewer than three litters a year.

3. Which of the following best describes your view of introducing a temporary registration scheme for those breeding one or two litters in a 12 month period, who wish to sell or transfer their puppies?

- [ ] Fully supportive
- [ ] Partially supportive
- [ ] Neutral (neither support nor oppose)
- [ ] Partially opposed
- [ ] Fully opposed
- [ ] Unsure

Please explain the reasons for your answer, including any advantages or disadvantages.
4. Under the proposal, someone with only one or two litters in a 12 month period found to be selling or transferring puppies without completing an online temporary registration would be committing an offence and may be liable to pay a fine. Which of the following best describes your view on this?

- [ ] Fully supportive
- [ ] Partially supportive
- [ ] Neutral (neither support nor oppose)
- [ ] Partially opposed
- [ ] Fully opposed
- [ ] Unsure

Please give reasons for your answer, including any advantages or disadvantages.

5. Which of the following best describes your view of creating an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog?

- [ ] Fully supportive
- [ ] Partially supportive
- [ ] Neutral (neither support nor oppose)
- [ ] Partially opposed
- [ ] Fully opposed
- [ ] Unsure

D - Ensuring future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog.
Please give reasons for your answer, including any advantages or disadvantages.

6. Which of the following best describes your view of placing an obligation on the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions?

- [ ] Fully supportive
- [ ] Partially supportive
- [ ] Neutral (neither support nor oppose)
- [ ] Partially opposed
- [ ] Fully opposed
- [ ] Unsure

Please give reasons for your answer, including any advantages or disadvantages.

7. Which of the following best describes your view of obliging anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered?

- [ ] Fully supportive
- [ ] Partially supportive
- [ ] Neutral (neither support nor oppose)
- [ ] Partially opposed
- [ ] Fully opposed
- [ ] Unsure
Please give reasons for your answer, including any advantages or disadvantages.

Financial implications

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Local authorities
- Significantly increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(b) Dog Breeders
- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) General public (including dog owners)
- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure
(d) Police and animal welfare organisations

☐ Significant increase in cost
☐ Some increase in cost
☐ Broadly cost-neutral
☐ Some reduction in cost
☐ Significant reduction in cost
☐ Unsure

Please explain the reasons for your response.

9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

☐ Yes
☐ No
☐ Unsure

Please explain the reasons for your response.

Equalities

10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?
Positive  
Slightly positive  
Neutral (neither positive nor negative)  
Slightly negative  
Negative  
Unsure

Please explain the reasons for your response.

Sustainability

11. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes  
No  
Unsure

Please explain the reasons for your response.
General

12. Do you have any other comments or suggestions on the proposal?

13. Could the aims of this bill be better delivered in another way (rather than by means of a Bill in the Scottish Parliament)?

☐ Yes
☐ No
☐ Unsure

Please explain the reasons for your response.
HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via online survey, please follow this link: http://www.smartsurvey.co.uk/s/ResponsibleBreedingandOwnershipofDogs

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above, or at the end of this document.

Smart Survey’s privacy policy is available here:

https://www.smartsurvey.co.uk/privacy-policy

Electronic or hard copy submissions

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

Christine.Grahame.msp@parliament.scot

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

Christine Grahame MSP
Room Q2.01,
Scottish Parliament
Edinburgh EH99 1SP
Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy, please include written confirmation that you have read and understood the Privacy Notice (set out below).

You may also contact my office by telephone on (0131) 348 5729

**Deadline for responses**

All responses should be received no later than **Monday 30 July 2018**. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

**How responses are handled**

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than “not for publication” responses) on my website [http://christinegrahame.com/](http://christinegrahame.com/). Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament’s Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member’s Bill). The Privacy Notice (below) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than “not for publication” responses) to the Scottish Parliament’s Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

**Requests for anonymity or for responses not to be published**

If you wish your response to be treated as anonymous or “not for publication”, please indicate this clearly. The Privacy Notice (below) explains how such responses will be handled.
Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The Privacy Notice (below) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person’s consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: www.ico.gov.uk.

Freedom of Information (Scotland) Act 2002

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

Further information about Freedom of Information can be found at: www.itstpublicknowledge.info.
Privacy Notice

This privacy notice explains how the personal data which may be included in, or is provided with, your response to a MSP’s consultation on a proposal for a Member’s Bill will be processed. This data will include any personal data (including sensitive or special categories of personal data) that is included as part of your response (i.e. in your answers to consultation questions), and will also include your name and your contact details provided with the response (but separately from your answers to consultation questions).

Collecting and holding Personal Data

The Scottish Parliamentary Corporate Body (the SPCB) processes any personal data you send to it, or that the MSP whose consultation you respond to shares with it (under a data-sharing agreement) according to the requirements of the General Data Protection Regulation (EU) 2016/679 (the GDPR), the Data Protection Act 1998 (the DPA) and any Acts that replace the Data Protection Act 1998. Personal data consists of data from which a living individual may be identified. The SPCB will hold any personal data securely, will use it only for the purposes it was collected for and will only pass it to any third parties (other than the MSP whose consultation you respond to) with your consent or according to a legal obligation. Further information about the data protection legislation and your rights is available here:

https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/

Sharing Personal Data

The data collected and generated by Smart Survey will be held by the Non-Government Bills Unit (NGBU), a team in the Scottish Parliament which supports MSPs progressing Members’ Bills, and shared with the MSP who is progressing the Bill and staff in the MSP’s office. Data submitted by other means (e.g. by email or hard copy) will be held by the MSP’s office and shared with NGBU for the purpose of producing a summary of responses to the consultation. The MSP and NGBU are joint data controllers of the data. Under a data-sharing agreement between the MSP and the Scottish Parliament, access to the data is normally limited to NGBU staff working on the Member’s Bill/proposal, the MSP and staff in the MSP’s office working on the Member’s Bill/proposal; but data may also be shared by NGBU with the Scottish Parliament’s solicitors in the context of obtaining legal advice.


**Publishing Personal Data**

“Not for publication” responses will not be published and will only be referred to in the summary of consultation responses in the context of a reference to the number of “not for publication” responses received and, in some cases, in the context of a general reference that is considered by you to be consistent with the reasons for choosing “not for publication” status for your response.

Anonymous responses will be published without your name attached, your name will not be mentioned in the summary of consultation responses, and any quote from or reference to any of your answers or comments will not be attributed to you by name.

Other responses may be published, together with your name; and quotes from or references to any of your answers or comments, together with your name, may also be published in the summary of consultation responses.

Contact details (e.g. your e-mail address) provided with (but not as part of) your response will not be published, but may be used by either the MSP’s office or by NGBU to contact you about your response or to provide you with further information about progress with the proposed Bill.

Where personal data, whether relating to you or to anyone else, is included as part of your response (e.g. in your answers to consultation questions), the MSP’s office or NGBU may edit or remove it, or invite you to do so; but in certain circumstances the response may be published with the personal data still included.

Please note, however, that references in the foregoing paragraphs to circumstances in which responses will not be published are subject to the Parliament’s legal obligations under the Freedom of Information (Scotland) Act 2002. Under that Act, the Parliament may be obliged to release to a requester information that it holds, which may include personal data in your response (including if the response is “not for publication” or anonymous).

**Use of Smart Survey software**

The Scottish Parliament is licensed to use Smart Survey which is a third party online survey system enabling the Scottish Parliament to collect responses to MSP consultations, to extract and collate data from those responses, and to generate statistical information about those responses. Smart Survey is based in the UK and is subject to the requirements of data protection legislation.

Any information you send by email or in hard copy in response to a consultation on a proposal for a Member’s Bill (including personal data and sensitive or special category
personal data) may be added manually to Smart Survey by the MSP’s office or by NGBU.

The privacy policy for Smart Survey is available here:

https://www.smartsurvey.co.uk/privacy-policy

While the collected data is held on SmartSurvey, access to it is password protected. Where the data is transferred to our own servers at the Scottish Parliament, access will be restricted to NGBU staff through the application of security caveats to all folders holding consultation data.

**Access to, retention and deletion of personal data**

As soon as possible after a summary of consultation responses has been published, or three months after the consultation period has ended, whichever is earlier, all of your data (i.e. your response to the consultation and the personal data provided with it) will be deleted from Smart Survey. If, three months after the consultation period has ended, a summary has not been published, then that response (but not the personal data provided with it) may be downloaded from Smart Survey to SPCB servers and retained until the end of the session of the Parliament in which the consultation took place. If the MSP lodges a final proposal, he/she is required to provide a copy of your response (unless it was “not for publication”), together with your name (unless you requested anonymity), but not the other personal data provided with it, to the Scottish Parliament Information Centre (SPICe), where it may be retained indefinitely and may be archived.

**Purpose of the data processing**

The purpose of collecting, storing and sharing personal data contained in consultation responses is to enable Members to consider the views of respondents to inform the development of the Bill, with the support of NGBU. Personal data contained in consultation responses will not be used for any other purpose without the express consent of the data subject.

**The legal basis**

The legal basis for collecting, holding, sharing and publishing your personal data is that the processing is necessary for the performance of a task carried out in the public interest. The task is the support of Members seeking to introduce Members’ Bills to the Parliament.

**Your rights**

Data protection legislation sets out the rights which individuals have in relation to personal data held about them by data controllers. Applicable rights are listed below,
although whether you will be able to exercise data subject rights in a particular case may depend on the purpose for which the data controller is processing the data and the legal basis upon which the processing takes place. For example, the rights allowing for erasure of personal data (right to be forgotten) and data portability do not apply in cases where personal data is processed for the purpose of the performance of a task carried out in the public interest. The right to object to the processing of personal data for the purpose of a public interest task is restricted if there are legitimate grounds for the processing which override the interest of the data subject. This would be considered on a case by case basis and depends on what personal data is involved and the risks further processing of that data would pose to you. As described above, the collection, storage, sharing and publishing of personal data contained in consultation responses is a task carried out in the public interest, which means that these three data subject rights do not apply here or only in a restricted scope.

**Access to your information** – You have the right to request a copy of the personal information about you that we hold.

**Correcting your information** – We want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards.

**Objecting to how we may use your information** – Where we use your personal information to perform tasks carried out in the public interest then, if you ask us to, we will stop using that personal information unless there are overriding legitimate grounds to continue.

**Restricting how we may use your information** – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply where this is no longer a basis for using your personal information but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out in the *Contact information and further advice* section if you wish to exercise any of these rights.

**Changes to our privacy notice**

We keep this privacy notice under regular review and will place any updates on this website. Paper copies of the privacy notice may also be obtained using the contact information below.
This privacy statement was last updated on 22 March 2018.

**Contact information and further advice**

If you have any further questions about the way in which we process personal data, or about how to exercise your rights, please contact:

Head of Information Governance

The Scottish Parliament

Edinburgh

EH99 1SP

Telephone: 0131 348 6913 (Text Relay calls welcome)

Textphone: 0800 092 7100

Email: dataprotection@parliament.scot

**Complaints**

We seek to resolve directly all complaints about how we handle personal information but you also have the right to lodge a complaint with the Information Commissioner’s Office:

- Online: [https://ico.org.uk/global/contact-us/email/](https://ico.org.uk/global/contact-us/email/)

- By phone: 0303 123 1113.