

June 2012

## **JOINT BVA-BSAVA-SPVS RESPONSE TO THE CONSULTATION ON PROPOSALS TO TACKLE IRRESPONSIBLE DOG OWNERSHIP**

1. The British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA) and the Society for Practising Veterinary Surgeons (SPVS) welcome the opportunity to comment on these proposals.
2. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns.
3. The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It represents approximately 7,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small animals, namely dogs and cats.
4. The SPVS is one of the largest divisions of the BVA and represents, supports and campaigns on behalf of all practising veterinary surgeons. Their focus is on the quality of life in practice and they promote high standards in business management, client care, animal welfare and ethics. They provide advice, information, training and business support for veterinary surgeons and practice staff and they lobby on behalf of their members whenever matters arise that may affect them.
5. In June 2010, the BVA and BSAVA submitted a detailed response to the Government's consultation on dangerous dogs. Much of the information referred to in our 2010 response is relevant here and this submission should be read in conjunction with that response.
6. As members of the Microchipping Alliance, BVA and BSAVA also support the points raised in the Microchipping Alliance submission.
7. Although we broadly welcome the individual proposals put forward in this consultation, we are concerned that the proposals do not offer any preventive solutions. In our 2010 consultation response, we made it clear that we need a truly preventive approach to increase responsible dog ownership and reduce the likelihood of dog attacks. We support the introduction of dog control notices (such as those introduced in Scotland). We are also aware (via the National Dog Wardens Association) of successful initiatives using acceptable behaviour contracts to deal with first time offenders and believe that these should be considered as a way to prevent irresponsible ownership/poor dog behaviour becoming more serious.

## Question 1

Which of the following options do you prefer and why:

- a. microchip all puppies only; or
- b. microchip all dogs on change of owner only; or
- c. microchip all dogs on change of owner and then after a period of time (suggest length of time) for all dogs to be microchipped; or
- d. microchip all dogs within a year of legislation coming into effect; or
- e. no change to the current situation whereby owners can choose whether or not to microchip their puppies and older dogs.

8. We have long called for the microchipping of all dogs to be made compulsory. We therefore welcome the Government's proposal to introduce such measures in options a to d. Compulsory microchipping is supported by public opinion, and in the previous consultation 84% of respondents stated that they believed that all dogs should be microchipped. Indeed estimates show that the majority<sup>1</sup> of dog owners already have their dogs microchipped. As a further incentive, independent research conducted by the Microchipping Alliance in 2011, of which BVA and BSAVA are members, revealed that the introduction of compulsory microchipping could save the public purse between £20.5 million and £22.8 million per year.
9. Our preferred option is option d, to microchip all dogs (and puppies) within a year of the legislation coming into effect. We believe that this option will be the most effective in reducing the numbers of stray dogs, helping to encourage responsible ownership and dealing with issues surrounding the breeding of dogs.
10. Although we understand that there is an argument that irresponsible dog owners are unlikely to get their dogs microchipped, we believe that option d provides for an opportunity for intervention if a dog is out of control and/or its owner is behaving irresponsibly, and is therefore more likely to allow local authorities to identify irresponsible owners more quickly.
11. In relation to the options a to c, we have a number of concerns which have led us to prefer option d. These are as follows:
  - a. With option a, it would be at least 10-12 years before the legislation were fully effective, meaning that the full welfare benefits of compulsory microchipping would not be realised until this time. We also believe that this option will be difficult to enforce, as once a dog becomes an adult it can be difficult to accurately estimate its age. It will therefore rapidly become problematic to determine which adult dogs should have been microchipped as puppies.
  - b. We believe that microchipping on change of ownership (options b and c) will be very difficult to enforce, especially as without a microchip, it will be difficult to ascertain whether or not the animal had a previous owner.
  - c. While microchipping at change of ownership followed by the introduction of microchipping across the board after a number of years would eventually work, in our opinion, there would still be too long a period before the legislation would be fully effective and the welfare benefits realised.
12. It is important to emphasise that compulsory microchipping will be ineffective without a robust registration system that needs to be well regulated in any legislation. A central reunification mechanism for databases should be established to facilitate access through a single point of entry.

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<sup>1</sup> The Microchipping Alliance estimates that 59% of dog owners have their dogs microchipped, based on figures from Petlog. PDSA estimates that the figure could be as high as 70%.

13. New legislation should also consider how best to deal with the responsibilities of the owner or registered person in keeping their details up-to-date and in allowing their animal to be scanned for a microchip. As the registered keeper will be the person responsible in law for the actions of a dog registered in their name, we believe that updating and maintaining the correct information on the database should be a mandatory requirement with penalties for non-compliance. Owners should be issued with a certificate to show the details registered on the database. The format of the certificate should include a tear-off section to notify changes of ownership to the database.
14. We believe that the primary purpose of microchipping is to enable lost, stolen or stray dogs to be reunited with their owners. Microchipping can also help promote responsible ownership as owners can be readily identified. In this way, introducing compulsory microchipping can impact positively upon the problem of dangerous dogs. However, compulsory microchipping is not a panacea, and we believe that an overhaul of the legislation relating to Dangerous Dogs, in particular with a move towards a more preventive approach, is still required.

## **Question 2**

**What sort of a financial impact (negative or positive), if any, will requiring all dogs to be microchipped have on:**

- a. **Individual owners**
  - b. **Enforcement agencies**
  - c. **Animal welfare/re-homing centres**
  - d. **Dog breeders**
  - e. **Pet shops**
  - f. **Microchip database companies**
15. The costs of microchipping to individual owners are small, especially compared with the other costs associated with dog ownership. Many charities offer discounted or free microchipping and veterinary practices may also include microchipping as part of a wider package of healthcare measures. These costs should be balanced against the decreased cost of reunification, which would be easier and quicker if compulsory microchipping was introduced. As noted in the Microchipping Alliance submission, most vets will charge between £10 and £30 for microchipping, which is the equivalent to about 3 weeks worth of dog food (based on 80 pence per day).
  16. We do not believe that we are in a position to comment on the costs to enforcement agencies other than by noting that the ability to trace owners of stray dogs has the potential to reduce kennelling costs for these dogs and make proving ownership easier.
  17. Similarly, with animal welfare/re-homing centres we believe that the measures should reduce costs in terms of being able to re-unite strays more easily, but could lead to an increase in abandoned dogs when legislation is introduced. Charities that provide subsidised microchipping could be subject to increased costs in the short term, but these should decrease in the long term, with fewer dogs needing microchipping. Rehoming organisations currently spend an estimated £16.4 million caring for and kennelling stray dogs after the statutory 7 days and some charities spend an estimated £176,660 on putting stray dogs to sleep<sup>2</sup>.
  18. In terms of the impact on dog breeders, we envisage that the costs of microchipping will be passed onto purchasers. Depending on the breed, most puppies fetch between £200 and £500, with some pedigree dog breeds fetching upwards of £1,000 per puppy. The PDSA Wellbeing

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<sup>2</sup> Microchipping Alliance Economic Briefing

Report 2011 gives an average cost of purchase as £215, with the lifetime cost of owning a dog between £16,000 and £31,000. The added cost of microchipping is unlikely to make much of a difference, considering these figures. As breeders will have already had puppies microchipped there is unlikely to be an impact on pet shops, although they may have to be involved in the administration necessary to allow for transfer of ownership.

19. Microchip database companies may have to invest initially to ensure that they are able to deal with the increased number of registrations and able to update ownership details. However, having guaranteed income should make this possible.

### **Question 3**

**Do you think that any regulation introduced on microchipping should set minimum standards for commercial databases, e.g. they should be ISO compliant? Why?**

20. We agree that any regulation introduced on microchipping should set minimum standards for commercial databases to ensure harmonisation and maintain confidence in the system. With the increased number of animals travelling in Europe, it would also be sensible for them to be required to register/share data with the Europenet database<sup>3</sup>.
21. In terms of guidance for vets, BVA and BSAVA are currently in the process of developing codes of practice to deal with clients that present with a stray dog or that wish to register a new patient.
22. We feel that a single point of entry to the database system is essential and that this should form a requirement to be included in any minimum standard for commercial databases.
23. Finally, it is vital that all microchip implanters are adequately trained.

### **Question 4**

**For what reasons do you think that the offence, under the Dangerous Dogs Act 1991 of allowing a dog to be dangerously out of control should:**

- a. **Be extended to include all places, including where the dog has a right to be (inside and outside the home); or**
  - b. **Be extended to include places where the dog has a right to be but not inside the dog owner's home; or**
  - c. **Remain as now (only applies to public places and places where the dog has no right to be).**
24. We believe that the offence of allowing a dog to be dangerously out of control should be extended to include all places, including where the dog has a right to be (option a).
25. In our response to Defra's 2010 Consultation on Dangerous Dogs, we pointed to evidence which suggests that most incidences of human directed aggression in dogs occur within the home environment and towards family members or those known to the dog. We therefore believe that extending dangerous dogs legislation to private property is a necessary measure, although to be effective, the Government must ensure that it is enforced.
26. Despite the above, we still believe that in the long-term, aggression shown by dogs towards their owners is better addressed by an educational approach. We welcome Defra's proposals to take forward other work to help promote more responsible ownership, in particular to evaluate and disseminate best practice in community based projects to encourage responsible dog

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<sup>3</sup> [www.europenet.com](http://www.europenet.com)

ownership. As stated above, we believe that a preventative approach should be the Government's main focus in tackling the problems of dangerous dogs. Action should also be taken to educate prospective owners about what a dog's needs are likely to be and the commitment and costs involved, as well as the breeder's duty of care to home puppies responsibly. Initiatives like the AWF/RSPCA Puppy Contract and Puppy Information Pack aim to improve the puppy buying process by educating prospective owners about how to buy a suitable puppy. This would be likely to reduce the impulsive acquisition of a dog which would be unlikely to flourish in that home situation.

27. In addition to extending the law to cover private property, we believe that the law should also be extended to cover attacks on other protected species. We note that the Guide Dogs for the Blind Association (Guide Dogs) recently reported that attacks on guide dogs have increased to a new high, with more than eight guide dogs a month being attacked by other dogs<sup>4</sup>. The stress and trauma that ensues, both to dog and owner, and the costs involved are clearly unacceptable.

#### **Question 5**

**Do you think there would be a financial impact upon the police/court service/ Crown Prosecution Service in the short or longer term? Why? How much?**

28. We do not believe that we are in a position to comment on this question.

#### **Question 6**

**Do you consider that any special provisions should apply if a dog attacks an intruder?**

29. It seems reasonable to count this as a mitigating circumstance under the new Sentencing Guidelines although, as noted in our answer to Question 7, this is a complex issue and one which needs to be considered taking into account all of the circumstances.

#### **Question 7**

**Is it acceptable to exempt the owner of a dog from prosecution even if it appears that the dog was dangerously out of control when it attacked the intruder? Or should it be left to prosecutors to use their discretion in individual cases to decide whether to bring charges against the owner of a dog who has attacked an intruder?**

30. This is a complex issue and we believe that moderation should be shown towards dogs who respond with reasonable force to a legitimate threat such as an intruder. We believe that this is an issue which requires discretion as opposed to a blanket exemption. Clear guidelines should be given as to how this would be implemented. Our predominant concern is that the dog is subsequently dealt with in a manner consistent with its welfare.

#### **Question 8**

**Do you agree that there should be no need to seize suspected prohibited dogs considered by the police to be no threat to public safety between when the case goes to Court and the owner is issued with a Certificate of Exemption? Why?**

31. We do not agree with breed-specific legislation and instead support the principle of 'deed not breed'. We believe that the manner in which a dog behaves is partly as a result of its inherited characteristics, but more importantly the rearing and training provided by the owner. Therefore if breed specific legislation is maintained then there should be discretion regarding seizure, but this should include expert/veterinary opinion in assessment of the dog.

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<sup>4</sup> <http://www.guidedogs.org.uk/news/dog-attacks-on-guide-dogs-increase/>

### **Question 9**

**Do you agree that unnecessarily kennelling dogs could lead to those dogs becoming maladjusted and developing behavioural problems? Why?**

32. This would depend upon the circumstances from which the dog is removed and the circumstances and handling in kennels. However, it is likely to be difficult to meet all the dog's welfare needs where long-term kennelling is carried out and our previous submission to the 2010 Dangerous Dogs Consultation noted that it is widely accepted that long-term kennelling will compromise a dog's welfare (Taylor and Mills 2007). It is important to ensure that applications for a certificate of exemption are processed swiftly to minimise kennelling time for the dog.

### **Question 10**

**Do you think that owners should be able to apply directly to the Courts to have their dogs placed on the Index of Exempted Dogs? Why? How would you ensure there were common standards of assessing banned types of dogs and the danger or otherwise to public safety?**

33. We support an opening up of the Index of Exempted Dogs (IED) to owner-led applications. This would enable owners of prohibited or potentially prohibited breeds to take responsibility for their dogs rather than await prosecution. Standards for assessment of breed/type and behaviour should be set nationally to ensure consistency and assessment should be carried out by practitioners with a suitable level of qualification and experience.

34. We do recognise that the use of the Section 4b process under the Dangerous Dogs Act is similar in practice to the opening up of the IED, and we encourage the use of Section 4b by all parties. Despite this, we still feel that the opening up of the IED to owner-led applications would be a positive step forward in encouraging responsible ownership.

### **Question 11**

**Do you think that the Courts or Police are better placed to deal with contingent Destruction Orders? Please explain your reasons including any relevant experience that has influenced your views.**

35. We are not in a position to comment on this question.

**Questions 12-13 not applicable**

### **Question 14**

**Do you agree that in the circumstances described the application fee be increased to £77 plus VAT? Why?**

36. We agree in principle that the fee should reflect the costs of the scheme and also note that the cost is not onerous compared to the costs of dog ownership. However care must be exercised so that individuals are not deterred from placing dogs onto the Index of Exempted Dogs. Often at puppy stage it is not clear that a dog will turn out to be from a Section 1 breed (particularly in relation to pit bull types).

### **Question 15**

**Do you think reviewing the fee after 3 years is reasonable?**

37. We agree that it is reasonable to review the fee after three years.