

30 July 2018

JOINT BVA SCOTTISH BRANCH AND BSAVA CONSULTATION RESPONSE TO PROPOSED RESPONSIBLE BREEDING AND OWNERSHIP OF DOGS (SCOTLAND) BILL

- 1) BVA is the national representative body for the veterinary profession in the United Kingdom and has over 17,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
- 2) BVA's Scottish Branch brings together representatives of the BVA's territorial and specialist divisions, government, academic institutions and research organisations in Scotland. The Branch advises BVA on the consensus view of Scottish members on Scottish and United Kingdom issues.
- 3) The British Small Animal Veterinary Association (BSAVA) exists to promote excellence in small animal practice through education and science and is the largest specialist division of BVA representing over 11,000 members.
- 4) We welcome the opportunity to comment on the proposals for inclusion in a Responsible Breeding and Ownership of Dogs (Scotland) Bill. We strongly support intentions to strengthen the regulation of breeding, selling and transferring puppies, and encourage the informed choice and responsible ownership of all animals, including puppies. We always recommend that anyone considering buying a puppy only buys directly from a reputable breeder (this would include members of the Kennel Club Assured Breeder Scheme, those using the [BVA/AWF/RSPCA Puppy Contract](#)) or considers giving a home to a rescue dog from a recognised UK rehoming charity.
- 5) With this in mind, we welcome the proposals to improve the legislative framework within which licensed and unlicensed puppy breeders operate and provide a mechanism for ensuring a more responsible and informed approach to pet procurement and ownership.
- 6) We strongly support the overarching principles of these proposals, and that any proposed regulation should, as far as is reasonably possible, be aligned with the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, whilst taking into consideration the unique circumstances and challenges specific to Scotland. Alignment where possible will assist consolidated understanding of regulatory requirements for local authorities, veterinary surgeons and cross-border coordination.
- 7) Question 1: Which of the following best describes your view of reducing the threshold for a breeding licence to three litters a year?

Fully supportive.

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BVA CONSULTATION RESPONSE JULY 2018

We agree that dog breeders whose animals produce three or more litters per year should be required to be licensed and it would be helpful to have this clarified, and brought into line with The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 and the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. There should be clarity as to whether the proposed license would apply to persons or premises, we consider that the licence holder for an establishment should be responsible for all dog breeding activities in that household or premises.

We strongly support that any proposals to strengthen responsible breeding and ownership of dogs are cost neutral and based on cost-recovery to cover the costs of administering and enforcing licenses ie. processing applications, inspection, training and paying for vet inspections or enforcement visits. It may be appropriate to engage with stakeholders in the pet vending industry to explore the possibility of regulatory costs, in time, being absorbed into the routine cost of selling a pet, to make the system self-funding.

Fees and charges should be set by local authorities, supported by guidance from the Scottish Government for local authorities on setting reasonable charges and fees in order to ensure consistency and transparency. Income from fees should be ring-fenced, in particular if any excess fees are generated, and used to improve the service or enforcement resources.

We also strongly support the need for an agreed minimum age for when puppies may be sold, and agree with incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations that 8 weeks is a sensible cut off, which will tie in with other legislation, such as that relating to microchipping and transportation. We also suggest that this age limit should be applied to any form of transfer of ownership, not just sales albeit consideration will need to be given to charities, sanctuaries and re-homing centres to ensure they are not unnecessarily hampered by this requirement for example when dealing with abandoned litters of young puppies.

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

Fully supportive.

We would strongly support that breeder licensing is applied to any form of transfer of ownership to safeguard the complex health and welfare needs of puppies in their early stages of life, simultaneously increasing accountability and traceability.

- 9) Question 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.

We would support the introduction of a registration scheme for those breeding one or two

BVA CONSULTATION RESPONSE JULY 2018

litters in a 12-month period, who wish to sell or transfer their puppies. A simple online registration system which automatically generates a registration number on submission of details and alerts a Local Authority to the registration, would support identification and monitoring of breeders and sellers with minimal impact on Local Authority resources. For breeders, should the threshold of three or more litters per year be met, this would trigger a dog breeding licensing inspection. If there were other concerns or complaints in the meantime, then a visit could be carried out under the Animal Welfare Act 2006 or other relevant legislation. We would also welcome the establishment of a minimal fee to facilitate cost-recovery for local authorities with regard to the maintenance of the database of temporary registrations. However, we would question why this should be a temporary register as more long-term permanent records have the potential to be of value for prosecutions eg. repeat offenders, and could also support benchmarking and illustrate trends thereby potentially assisting local authorities in targeting their resources more effectively.

In addition, we would support a publicly available national list of dog breeders (in line with current data protection regulations), to provide intelligence for enforcers and allow the public to check the list.

- 10) Question 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 views on this?

Partially supportive.

We would be supportive of this proposal; however, consideration should be given as to how this would be effectively enforced. In addition, we would question if £200 is an adequate deterrent or would cover the costs of a prosecution being brought. Given some breeds of puppy can sell for well over £1,000 per puppy, a £200 fine for a litter of perhaps eight puppies is minimal. We would suggest that any fine should be proportionate to a standard percentage of the value of a sale and that this should be of a level that acts as a robust deterrent. Income from fines should be ring-fenced and used to improve the licensing service, enforcement resources and legal proceedings related to a prosecution.

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

Fully supportive.

We would support the creation of an obligation on prospective owners to carefully consider a set of questions related to their capacity to take on a puppy/dog. We would strongly recommend that these questions should be framed around an owner's ability to meet the five welfare needs of the puppy or dog they are intending to purchase. The requirement for owners to consider how they will meet the welfare needs of the animal is reflected in the BSAVA position statement on [Responsible Pet Ownership](#). We also currently advise that anyone looking to buy the puppy uses the [BVA/AWF/RSPCA Puppy](#)

BVA CONSULTATION RESPONSE

JULY 2018

[Contract](#) with a responsible breeder.

We are aware that many owners carry out no research before taking on a pet ([PDSA Animal Wellbeing \(PAW\) report 2018](#)) and would therefore agree that it should be a legal requirement for prospective owners to undertake a period of reflection to prevent impulse purchases. We understand that Pets at Home asks customers questions to ascertain their husbandry knowledge, using iPads, before they allow customers to purchase an animal. In parts of Switzerland and Germany, dog owners are required to undertake compulsory training courses before they may purchase or adopt a dog. The Companion Animal Welfare Council cites PDSA research (PAW 2012) that 65 per cent of veterinary professionals, 65 per cent of children and 47 per cent of the public felt that prospective owners should pass a test before taking on a pet. (The CAWC website is currently unavailable but we have a copy of this research 'Opinion on Communicating the Duty of Care 2013' which we would be happy to share). This would also reflect the important consideration that the purchase of a companion animal is a privilege, not a right, and therefore it should be expected that the owner can afford to prepare appropriately for the acquisition, which is often not the case currently ([PDSA Animal Wellbeing \(PAW\) report 2017](#)).

Further, we always advise the public and prospective owners that puppies should only be bought if the mother is present and that anyone considering buying a puppy only buys directly from a reputable breeder (this would include members of the Kennel Club Assured Breeder Scheme, those using the [BVA/AWF/RSPCA Puppy Contract](#)) or considers giving a home to a rescue dog from a recognised UK rehoming charity. With this in mind, consideration should also be given to ensuring the development and provision of clear, consistent guidance for prospective owners as to how to verify that the bitch prospective owners are presented with is the true mother of the puppy in question eg. is there evidence that the bitch is interacting with the puppies or does the bitch show signs that she has whelped. '

We broadly support the possible questions that are set out in the Annex of this consultation document. To ensure the checklist has the most meaningful impact with prospective dog owners and positively influences responsible pet purchasing decisions more broadly, we would suggest the following additions:

- The language framing the checklist, introductory text or title should make specific reference to the context of an owner's ability to adequately meet a dog or puppy's five welfare needs. Embedding the concept of the five welfare needs at the start of the purchasing process will hopefully encourage owners to take decisions within the welfare needs framework throughout a dog's life course.
- Prospective owners should be encouraged to visit their current or prospective vet, as experts in animal health and welfare, for a pre-purchase consultation to discuss which breed of dog would be the most suitable for their lifestyle, home and family.
- When asking about suitable breeds of dog, the question should also ask if the prospective owner has considered whether the breed they are considering suffers from any breed specific health issues or whether they should have received any relevant health tests.

BVA CONSULTATION RESPONSE

JULY 2018

- Where prospective owners are asked whether they have considered the financial implications of owning a dog, it would be useful as part of any supporting, separate guidance to give an indication of average yearly spend to give a realistic benchmark and provoke meaningful reflection against owners' own budgetary considerations. It would also be sensible to also include mention of grooming costs and kennelling/boarding costs. The PDSA provide useful advice on projected minimum lifetime costs for dogs, cats and rabbits and how to address cost considerations with prospective owners in their [Which Pet? Framework](#).
- Where prospective owners are asked whether they have considered the time implications of owning a dog, it would be useful to give an indication of average time spent caring for and exercising a dog to give a realistic benchmark and provoke meaningful reflection as to the projected time spent caring for a dog against owners' own time management considerations
- In any official documentation, these questions should also be accompanied by signposting to further useful, more detailed information such [as to the Scottish Government's Code of Practice for the Welfare of Dogs](#), the [BVA/AWF/RSPCA Puppy Contract](#) or the Companion Animal Sector Council (CASC) materials that are currently under developed (see below).

Further consideration should be given as to how the checklist and meeting the five welfare needs of dogs will effectively be communicated to prospective owners and breeders who will be responsible for assessing if an owner is aware of their responsibilities. It may also be useful to provide breeders with guidance as to how to assess whether or not prospective owners have duly considered how to meet the five welfare needs of their puppy or dog.

Other potential resources and approaches

The Companion Animal Sector Council (CASC) is currently in the process of developing suitable educational material that is intended to be freely and publicly available online, representing an expert, proportionate and economically sustainable resource.

The CASC website could be a centralised source of reliable approved information on husbandry requirements for specific species, for both vendors and prospective purchasers. Links could also be provided to the [RCVS Find a Vet](#) page, as well as more advanced pet care information.

BSAVA PetSavers leaflets also provide advice to potential pet owners. PetSavers is a BSAVA charity dedicated to improving the health of pets. [These leaflets are currently available free to the public online.](#)

Further, for sales over the internet there could be a requirement to complete a short online questionnaire based on the proposed checklist to demonstrate that the owner understands the responsibilities of pet ownership and how to meet the welfare needs of the dog they are taking on. If well designed these could be educational across species and help the purchaser to make a good decision in terms of pet selection. As an example, see the questionnaire developed by the Advisory Council on the welfare aspects of dog breeding on [Buying a Puppy](#).

BVA CONSULTATION RESPONSE JULY 2018

Online testing could potentially be incentivised by trade, with the online charge being deducted from the cost of the animal by the trader at the point of sale. Proof of completion of the online test could be required before the purchaser was allowed to take an animal home. We acknowledge that there could be some hurdles in terms of enforcement and other practicalities to cross before such a system could be put in place.

Two-pronged approach to responsible and informed pet ownership

Ensuring that prospective owners have considered the welfare needs of their prospective pets through the proposed checklist should form part of a two-pronged approach to responsible and informed pet ownership. All those selling animals should also be legally required to provide new owners with written information detailing their responsibilities as an animal owner and how to meet the five welfare needs of the animal, as set out in the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations. At a minimum, any regulations should incorporate the specific conditions on pet care and advice for prospective owners that is set out on incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations, as outlined below:

Prospective sales: pet care and advice

3. (1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—

(a) feeding,

(b) housing,

(c) handling,

(d) husbandry,

(e) the life expectancy of its species,

(f) the provision of suitable accessories, and

(g) veterinary care.

(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

Not least, it would seem essential that any change to the current requirements should be accompanied by a communications plan by Scottish Government to promote the changes and raise awareness for those who breed, sell, transfer or buy puppies.

- 12) Question 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.

BVA CONSULTATION RESPONSE JULY 2018

We support requiring the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions during the purchasing interaction. This could take the form of talking the prospective owner through the checklist or, as outlined above, there could be a requirement to complete a short online or paper questionnaire based on the proposed checklist to demonstrate that the owner understands the responsibilities of pet ownership and how to meet the welfare needs of the dog they are taking on. If well designed these could be educational across species and help the purchaser to make a good decision in terms of pet selection. As an example, see the questionnaire developed by the Advisory Council on the welfare aspects of dog breeding on [Buying a Puppy](#).

Proof of completion of the test could be required before the purchaser was allowed to take an animal home. We acknowledge that there could be some hurdles in terms of enforcement and other practicalities to cross before such a system could be put in place

13) Question 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, however consideration would need to be given as to how this would be enforced.

We always recommend that anyone considering buying a puppy only buys directly from a reputable breeder (this would include members of the Kennel Club Assured Breeder Scheme, those using the [BVA/AWF/RSPCA Puppy Contract](#)) or considers giving a home to a rescue dog from a recognised UK rehoming charity.

We would support encouraging anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered. Requiring all breeders to register with their local authority (preferably online) will enable the generation of a national and local list of registered and licensed breeders that should be made publicly available for prospective owners to be encouraged to check and aid enforcement bodies.

In addition, to make the verification of licensed or registered breeders as easy as possible for prospective owners, we recommend that any advertisement (whether online or elsewhere) for the sale or supply of pet animals or services, such as animal boarding, relating to animals should be legally required to include the registration or licence number. These details should be provided at point of supply or sale too. This would help purchasers to identify licensed and reputable vendors/ service providers and improve traceability.

**BVA CONSULTATION RESPONSE
JULY 2018**

14) Concluding remarks

We strongly support these proposals to strengthen the regulation of dog breeding, sales and transfer in Scotland, as well the encouragement of a more informed and responsible approach to pet ownership. Fundamentally, any proposed regulation should be aligned as far as is reasonably possible with the incoming Animal Welfare (Licensing of Activities Involving Animals) (England) (2018) Regulations whilst taking into consideration the unique circumstances and challenges specific to Scotland. Further consideration should also be given as to how to effectively enforce these proposals and deter unscrupulous practices to ensure maximum impact and incorporating the concept of meeting an animal's five welfare needs into the proposed checklist.