



THE KENNEL CLUB
Making a difference for dogs

Responsible Breeding and Ownership of Dogs Bill

Kennel Club and Scottish Kennel Club view on the Responsible Breeding and Ownership of Dogs Bill

The Kennel Club and Scottish Kennel Club wholeheartedly support the objectives of 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.

We agree fully with the explanations of problems related to irresponsible breeders set out in the consultation document. We were pleased to see some recognition given to responsible breeders – including those who may be unlicensed hobby breeders - as being good sources of pets. We know that many breeders do breed dogs responsibly and it is our view that more should be done to help prospective puppy buyers distinguish between responsible breeders and puppy farmers.

We note that the first part of the Bill proposes to focus on better regulating the domestic puppy breeding market and in particular smaller scale breeders. This is an area the Kennel Club would be able to assist with significantly as we run the Assured Breeder Scheme, and most of the members of that scheme are indeed smaller scale breeders. Further information about the Assured Breeder Scheme and the role it could play in the breeding licensing regime are set out in our enclosed report: “Collaboration is Key – the way forward for Scottish breeding regulations”.

Whilst we fully agree with the proposal set out in the draft Bill to reduce the litter licensing threshold from 5 litters a year to 3, we do have concerns that some of the other proposals put forward in the consultation may be either harder for local authorities to enforce (rendering them impractical), or do not adequately address the problem that we would like to see solved i.e. the increasing supply of puppies from irresponsible breeders and dealers. We explain this further in our answers to the questions set out in the consultation. We have also set out other areas we would like the Bill to address including a more collaborative and effective enforcement process and third party sales.

Consultation questions and answers

About us

1. We are responding to this consultation on behalf of the Kennel Club and Scottish Kennel Club.
2. The Kennel Club is a not for profit organisation. Although we do operate as a business (with any profit going directly to the benefit of dogs), we would place ourselves in the third sector category.

3. We are content for this response to be published and attributed to the Kennel Club and Scottish Kennel Club.

I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

Views on the Proposal

Aim and approach

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? Please explain.

We are fully supportive of reducing the litter licensing threshold from 5 litters per year to 3 litters per year. This would bring the licensing thresholds in Scotland, in line with those of Wales and England. This consistency is not only useful for public messaging about buying a dog responsibly, but we hope it would go some way to ensure more dog breeders would be inspected. We do have some concerns around the practicalities of enforcement as a result of the lower litter licensing thresholds (as it would mean that already stretched Scottish local authorities would have considerably more breeders to inspect), however we have proposed how the Kennel Club could assist with this and make the additional enforcement achievable in our enclosed report.

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? Please explain

We are fully opposed to the proposal requiring people to be licensed as breeders even if they do not sell their puppies but transfer/give them away as this proposal is not targeted at either small scale or volume puppy farmers and therefore is not addressing the problems set out in the consultation document such as imports, rogue breeders, and public education. Although there is an argument that money changing hands shouldn't be relevant to how well a dog is bred, if there is no exchange of money, it makes it automatically less likely that the breeder of that puppy is a puppy farmer or irresponsible breeder as those breeders prioritise profits over welfare and are often operating lucrative businesses.

Although in an ideal world, breeders who gave away puppies would be inspected, as stated previously, we have concerns that local authorities are already stretched in terms of their resources and that their priority should be tackling larger scale breeders or indeed unlicensed smaller scale breeders operating at high profit margins. Although this may pose a slight risk to welfare (as breeders operating over the threshold and giving dogs away would not be inspected) on balance, those breeders may well be more responsible breeders and a source of good puppies. If they were to have to pay for a licence fee, this may deter them from breeding and cut off a source of good puppies for prospective buyers.

The purpose of this Bill should not be to license every breeder but to find better ways of tackling irresponsible ones.

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? Please explain

We partially support the principle of introducing a temporary registration scheme for those that breed fewer than 3 litters per year. Providing that the process to do so is quick and straightforward, and the cost is minimal (£10) then it is unlikely to deter hobby breeders,

breeding under the licensing threshold from registering. It could mean that there is also a requirement for all breeders to display a registration number when advertising puppies online. It would then be a 'red flag' to potential buyers if there were no licence number displayed.

Again, we do have concerns as to how this proposal would be enforced. Whilst the Kennel Club would assist in the enforcement of a licensing regime with a lower litter threshold, we could not assist with the enforcement of ensuring all low volume/hobby breeders registered their details on a temporary register. We therefore suspect it would be likely that many simply would not do this, and would be able to sell their puppies anyway because many will have waiting lists and will not be reliant on online advertising (the most obvious means of spotting if breeders have a registration number). Even if those breeders were to advertise online, it is unlikely the online advertisers would effectively enforce this requirement – it would be up to the public to be aware of it. We also have concerns that higher volume breeders may use the temporary register to get around the regulations i.e. they may fill in falsified details on a temporary register to mask the fact that they would be breeding many more litters.

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? Please explain

We are opposed to the proposal that a breeder who breeds only 1 or 2 litters in a twelve month period who is found to be selling puppies without completing an online registration would be being classed as committing an offence and have to pay a fine. This is because it is important that low volume, hobby breeders are encouraged to breed – very often it is these breeders who are the best source of puppies and there are not enough of them to fill the demand – thus pushing puppy buyers towards irresponsible breeders. More than 70 percent of breeders who register puppies with the Kennel Club do so only once and therefore it is important to strike the right balance. We would recommend that rather than automatically imposing a fine, those breeders first receive a letter to explain that they must register, and then if they fail to register when they have another litter of puppies at any time after that point, they would be classed as committing an offence and have to pay a fine.

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? Please explain.

We are opposed to the proposal but we agree that more needs to be done to ensure prospective dog owners fully consider whether they are able to take on a dog and care for a dog throughout its life. Whilst we do not agree that this can be done via regulations (as a generic questionnaire would simply not work) we do agree that the sector should come together to distribute uniform information on the 'do's and don'ts' of puppy buying. Very often a large segment of the welfare sector ignores the very large proportion of people who want to buy a puppy from a breeder as opposed to a rescue centre. We believe that a lack of information from these credible sources about where to go to get a well-bred dog is partly responsible for why people unknowingly purchase puppies from irresponsible breeders and dealers. Recent 2017 Puppy Awareness Week survey results show 20% of puppy buyers suspect their puppy could have come from a puppy farm and that 38% said they would not be confident that they could spot the signs that a puppy had been bred by a responsible breeder before buying.

The Kennel Club and Scottish Kennel Club are the only welfare centric organisations which actively encourage responsible breeding. Our view is that if more dogs were bred well and

people were signposted to where these breeders were or what to look out for, then there would be fewer dogs in rescue (as a result of bad breeding which leads to health and socialisation problems) and there would be less demand for poorly bred dogs (as there would be more likelihood of people being able to differentiate between a good breeder and a bad one).

Via the Kennel Club website prospective puppy buyers can fill in information about themselves to find out which breeds of dog would best suit their lifestyle, and we recommend that people buy dogs only through Assured Breeders (who must carry out mandatory breed specific health testing and who have a commitment to re-home the dogs if necessary). We believe that more needs to be done to signpost puppy buyers to good breeders, as well as to rescue centres, by other organisations and the Scottish Government.

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? Please explain

We believe it is good practice, as laid out in the Assured Breeder Scheme requirements, that breeders carefully vet potential buyers and commit to rehoming the dogs if necessary. If Assured Breeders fail to do this, then the Kennel Club is able to investigate this with a view to suspending their membership of the scheme. However we are opposed to making this a legal requirement as it may make even the most responsible breeders nervous that if anything were to go wrong in the future with regards to the set-up of the dog's new home, that they would be legally liable in some way (even if they wouldn't be) which we believe could deter them from breeding.

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? Please explain.

Again, we do agree that puppy buyers should check that breeders are licensed or registered before purchasing a puppy from them but we have concerns about making this a legal requirement and so would oppose this proposal. Irresponsible breeders/puppy farmers are already used to getting around the law and will continue to try and do so. It may be easy for them to trick potential puppy buyers into thinking they are licensed or registered (or even registered when they should be licensed), and it would be unfair for puppy buyers to take the blame for this.

That aside, many people buy puppies from bad breeders as a means of 'rescuing' them - once they see a poorly bred puppy, or even an obviously sick puppy, they very often listen to 'heart over head' and purchase the puppy despite knowing they shouldn't. This is why we believe that better education of puppy buyers, and more knowledge of where to go to source a well-bred puppy is crucial.

Financial implications

Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on: local authorities; dog breeders; general public; police and welfare organisations? Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Dog breeders - We would expect that if regulations to lower the licensing threshold to 3 litters from 5 litters were to be introduced, in addition to the other proposed regulations, there would be an increased financial cost to some dog breeders who currently do not pay a licence fee. However it may be that as a result of the new regulations they will breed fewer

litters, and thereby only require temporary registration, or that the increased cost could be offset if they were a member of the Assured Breeder Scheme and the scheme were incorporated into the new system (explained in more detail in the enclosed report).

Puppy buying public - We would envisage that if the regulations were successful and more breeders were inspected, the puppy buying public may have to pay slightly more for a puppy, but the cost would be offset by the peace of mind that they were buying a dog which was bred responsibly (provided that the licensing standards are also amended – details below). This would more than offset any additional charge that a breeder may pass on. Insurance company data has revealed that in relation to Assured Breeders who must meet requirements to ensure they breed puppies with full regard to their health and welfare, their dogs are 23% less likely to need to visit a vet and when they do, cost an average of 18% less in veterinary fees. Dogs over five are 34% less likely to need to visit a vet and when they do, cost 27% less in veterinary fees.

Local authorities - As a result of having to carry out significantly more inspections and also investing resources into uncovering breeders operating outside of the licensing/registration regime we would expect the financial burden (and human resource burden) to increase significantly. This is an area which the Kennel Club Assured Breeder Scheme may be able to assist with.

We have developed a proposal that we hope addresses the concerns raised; incorporates the inherent advantages of a scheme run by a body accredited by UKAS; and removes the disincentives of being regulated by both a UKAS accredited body and a local authority. The proposal is as follows:

- **Step 1** – Routine inspections of establishments belonging to members of the Assured Breeder Scheme (more generally, schemes regulated by UKAS accredited bodies) would be conducted by the scheme's trained and accredited assessors. These inspections would gather the required evidence to demonstrate compliance to the local authority licensing conditions (model licensing conditions), alongside any additional requirements specific to the Assured Breeder Scheme (or alternative schemes regulated by other UKAS accredited organisations).
- **Step 2** – The completed inspection report would then be submitted to the relevant local authority with a 'general administration fee' assuming compliance to licensing conditions had been met, and then the local authority would grant an establishment a licence, in accordance with the risk category the establishment fell into.

In the event that an ABS member was disqualified or left the scheme, the Kennel Club would alert the local authority in order that they were aware that they had responsibility for inspecting that breeder and in the unlikely circumstance where an ABS member was disqualified for breach of local authority licensing requirements, this would be flagged to the local authority so they would have the evidence to take immediate and appropriate action.

In the event that a complaint was made to a local authority about an ABS member, the local authority could alert the Kennel Club in order that an ABS assessor could inspect. However as the local authority would remain the licensing authority, they would retain enforcement powers and the right to inspect establishments.

This would save the local authorities and responsible breeders time and money, allowing local authorities to target non Assured Breeders. More information on our proposals is detailed in the enclosed report.

Other comments

The Assured Breeder Scheme

There was some information about the ABS provided in the consultation document. Our enclosed report explains more about the scheme and scheme requirements. Essentially the scheme is a register of breeders who must be inspected prior to breeding and who breed puppies with full regard to their breed specific health and welfare. It is a different database of breeders to those who simply register puppies with the Kennel Club.

The need for a risk based model

The recommendation in the draft Bill which we agree with is the need to reduce the litter licensing threshold from 5 litters per year to 3. We believe this is achievable provided that a new risk based model, which incorporates the Assured Breeder Scheme (thereby making use of the scheme's inspectors), is established in Scotland. This is explained in detail in our enclosed report.

In Wales, there is no formalised risk based element to the regulations and as a result they are not having their desired effect. When the regulations were passed we estimated that, based on Kennel Club registration data, there should be a threefold increase in the number of licensed breeders in Wales. However, we are disappointed that three years on, Freedom of Information based research has revealed that there has been little over a 10% increase in the number of licensed dog breeders. Based on 2017 Kennel Club registration data, it is estimated that there are 960 dog breeders in Wales requiring a licence, yet only 212 have one – less than a quarter of those who should. Moreover, only one dog breeding licence has been revoked since 2015.

We are pleased that in England, Defra will be introducing a risk-based star-rating system recognising Assured Breeders. The regulations stipulate that membership of a UKAS accredited or certified scheme such as the Assured Breeder Scheme ensures that members of that scheme who have been accredited for a period of 3 years or longer are considered lower risk breeders and therefore benefit from a longer licence period and associated reduction in licence fees and that even those who have been accredited for less than three years are assumed to have the higher standards and receive a four star rating. This is because members of the Assured Breeder Scheme are inspected by the Kennel Club prior to breeding. Secondly, if dog breeders are members of the Assured Breeder Scheme, they and their local authority may benefit from the new licensing framework which will allow for local authorities to request inspection reports from ABS inspectors as an alternative to duplicating inspections. This is because the Assured Breeder Scheme is certified by UKAS which provides an assurance that our processes conform to specified requirements.

Third party sales

The Kennel Club and Scottish Kennel Club believe that the continued practice of puppies being sold via third parties must stop in order to effectively tackle the problem of puppy farming and larger scale breeders. Although we note that the draft Bill is mainly aimed at the smaller scale breeders, it is our view that the problematic end of the market lies with larger scale breeders, importers and third party sellers. It is our view that responsible breeders do not sell to third parties, that it is very difficult to sell and transport puppies under 8 weeks old

for resale responsibly and that this practice should be banned. As a result Assured Breeders are prohibited from selling to third parties and if we suspect breeders registering puppies on our Kennel Club database sell to third parties and we have proof of this, then registration is refused.

The Puppy Contract

The Puppy Contract was referenced throughout the consultation document. Assured Breeders are obliged to provide a contract to new owners, and as the Kennel Club played a leading role in the development of the Puppy Contract, we provide this as a template for them to use. However, the use of the Puppy Contract by a breeder alone is not enough to ensure a puppy buyer receives a healthy puppy. For those breeders who are outside of the Assured Breeder Scheme and rely solely on the Puppy Contract, a costly, time consuming and stressful court case would need to be brought forward against them by the puppy buyer which will often not be feasible or desirable.

Other aspects of breeding regulations

As well as reducing the litter licensing threshold from 5 litters per year to 3, the Bill should consider the breeding standards which licensed breeders are required to meet. Currently there are instances of puppy farmers having obtained a licence.

Standards should ensure puppies are not separated from their mother until they are at least 8 weeks of age, can always be seen with their mother, that puppies are properly socialised, and that there is an adequate staff to dog ratio.

We hope our views on this consultation, along with our enclosed report, have been useful.