

# Proposed Responsible Breeding and Ownership of Dogs (Scotland) Bill

## Page 1: Introduction

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. The consultation runs from 4 May 2018 to 30 July 2018 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (\*) require an answer All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document Privacy Notice](#)

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

## Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

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".)

*No Response*

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

**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).** This consultation response reflects the expert view of officers within the Trading Standards & Animal Health department of Scottish Borders Council and was signed off by the Service Director of Regulatory Services.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

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.

Scottish Borders Council

Please provide details of 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.

## Page 8: A - Reducing the threshold for a breeding licence to three litters a year

Q1. 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

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

There will be less confusion and more consistency if the threshold for a breeding licence is three litters across the UK. The reduction in the number a litters will reduce overbreeding and hopefully improve animal welfare. The three litter threshold may act as a deterrent to further breeding once a person realises they must comply with licensing conditions. The money associated with breeding bitches and selling puppies is significant. A dog breeder is only considered to be undertaking a commercial activity once the current threshold of 5 litters is reached. Reducing the threshold to three litters in order to make it a licensed activity and a commercial enterprise is the sensible approach as anyone breeding more than three litters is in the vast majority of cases doing so for financial gain.

## Page 9: B - Extending the breeding licence regime to any form of transfer, not only sale

Q2. 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

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

We need to build a licensing model which ensures animal welfare is front and centre. It should not matter if the puppies are sold or given away.

## Page 10: C - Introducing a temporary registration scheme for those that breed fewer than three litters a year

Q3. 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?

Neutral (neither support nor oppose)

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

In theory, we are supportive of this proposal, but in practical terms can not see it being complied with by the breeder of a 'one off' litter nor it being easily enforced by the local authority. If it were to work, the registration requirement would have to be a legal obligation across the UK. This would then ensure websites selling puppies would require the registration code to be submitted before the advert went live to allow prospective purchasers to make relevant checks of the seller. It is also not practicable for each local authority to hold a registration database and it would be resource intensive to maintain. A national registration database would be more applicable and relevant to allow a purchaser to check the sellers details. Most people wishing to buy a puppy are willing to travel and cross local authority boundaries and therefore a national database which the public can easily access as well as allow local authorities to identify those individuals requiring a licence would be more beneficial.

Q4. 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?

Neutral (neither support nor oppose)

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

In theory we are supportive of this proposal and we are making the assumption the fine would be delivered by way of a fixed penalty notice rather than submitting a report to the Procurator Fiscal for a Fiscal fine. However, the fine would need to be fairly significant to cover the investigative cost and officer time. Also, due to time constraints faced by LA officers, we do not feel there would be a proactive undertaking by officers to trawl internet and social media postings to identify those which have not registered their litter in order to serve fixed penalty notices. Instead it would be a rather useful enforcement tool to have at our disposal and only likely used if a complaint is received pertaining to a breeder not registering. In order for the regime to be robust, it would also need to be an offence not to pay the fixed penalty notice rather than attempting to use civil recovery to reclaim the monies owed if the fine is not paid.

## Page 11: D - Ensuring future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog

Q5. 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

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

Purchasing a puppy or a dog should not be an impulse buy and we are fully supportive of the proposal in principle. The question arises as to how this element within the proposed bill will be monitored and enforced to

Q5. 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?

be genuinely effective and if it would make any difference to unscrupulous breeders. An obligation on prospective sellers and owners to ask and answer a hard / physical copy of the set of questions related to their capacity to take on a puppy/dog as part of the contractual sale/transfer of any puppy/dog may be more effective and enforceable.

Q6. 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

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

The breeder/keeper of a dog must check that any perspective owner is aware of and has considered the responsibilities that come with dog ownership. This is required to help ensure the future welfare of the dog. Responsible breeders are likely already undertaking this check but a hard copy of the questions and answers should form part of the contract of sale / transfer of any dog/puppy to prove the dog's welfare has been considered.

Q7. 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

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

Believe this will give consumers added confidence in their purchase of a puppy. Ensuring a seller is registered or licenced also allows the consumer knowledge of whom he is contracting with as the sellers name and address will be provided. This will allow some civil cases to be resolved if there is an issue with the purchase of the puppy.

## Page 12: Financial impact

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Local authorities		X				
(b) Dog breeders		X				
(c) General public (including dog owners)			X			
(d) Police and animal welfare organisations			X			

Q8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

**Please explain the reasons for your response.**

By reducing the threshold for a breeding licence from 5 litters to 3, more people will require a licence. This means more inspections, which may be broadly cost neutral as long as this cost is reflected and recoverable from the licence fee. However, there will be more complaints to investigate from the increase in licensed breeders, complaints surrounding registration and coupled with the responsibility of maintaining the registration database; this will likely be a significant pressure on resource and will have a negative financial impact on the local authority.

Q9. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Unsure

## Page 13: Equalities

Q10. 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, race, religion and belief, sex, sexual orientation?

Neutral (neither positive nor negative)

## Page 14: Sustainability

Q11. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

**Please explain the reasons for your response.**

The officer time and cost associated with introducing, monitoring and providing registration numbers for puppies and dogs maybe ineffective and unsustainable without a national database. There may also be a disproportionate cost to the local authority to actively maintain this database unless there is a fixed charge for registering a litter or dog. The use of fines for failing to register may recover some of the local authority cost but likely not all.

## Page 15: General

Q12. Do you have any other comments or suggestions on the proposal?

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*No Response*

Q13. Could the aims of the Bill be better delivered in another way (rather than by means of a Bill in the Scottish Parliament)?

No

**Please explain the reasons for your response**

People will not comply with the proposed obligations unless it is a legal requirement. There are already codes of practice and advice sheets on responsible ownership available but the people who read them are likely to be responsible dog owners anyway. Those that breed indiscriminately and do not provide for the welfare of dogs need to be legally obliged to be responsible.