

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

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

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). Dogs Trust is the UK's largest dog welfare charity. We have twenty rehoming centres across the UK, through which we care for approximately 15,000 dogs each year. In 2017 we rehomed nearly 900 dogs in Scotland through our two rehoming centres in West Calder and Glasgow. We invest substantial resources in information services, community outreach programmes, and education on responsible dog ownership. Since Dogs Trust was founded in 1891 (formerly National Canine Defence League) we have always campaigned on dog welfare

Please select the category which best describes your organisation

issues. In recent times this has included the creation of a dedicated Scottish Campaigns Team and the extension of our Freedom Project to the central belt of Scotland – this project is a free fostering service for dogs belonging to those fleeing domestic violence. Dogs Trust policies are drafted by the senior management team, calling on relevant expertise within the organisation as required. Policies are then subject to approval from our board of trustees.

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.

Dogs Trust

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?

Partially supportive

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

Dogs Trust has long called for the threshold for licensing dog breeders to be reduced from the current minimum of five litters to anyone producing more than one litter in a 12 month period. This is further than the consultation proposal; our rationale is that whilst we recognise that one accidental litter is possible, a second litter is unlikely to be accidental and in this case licensing is appropriate. We wish to see a more comprehensive licensing system to protect the welfare of the dogs involved. It is important that anybody breeding dogs does so to appropriate standards of animal welfare, for both the breeding adults and the offspring. As such it is necessary that local authorities inspect operations to these standards, to ensure the dogs being bred receive the care, habituation and socialisation they need. We believe that lowering the threshold for licensing will not only help to protect the welfare of the dogs involved, by creating a traceable system that cracks down on those exploiting animals to make a profit, it will also provide HMRC with information on those making money from the breeding and selling of dogs. Through our work uncovering and raising awareness of the illegal importation of puppies into Great Britain for sale, and in our role as Chair of the Pet Advertising Advisory Group, we are well aware of the need to improve the system governing dog breeding and selling. In addition to reducing the threshold for licensing, we also recommend introducing a system of registration for any litters being produced below the threshold for licensing. This should be coupled with a requirement for all forms of advertising, including online, to be required to display the seller's registration or licence number. We strongly believe a comprehensive system is needed to ensure it is fully effective, providing full traceability of puppies. We believe this full traceability will help to support a system of sustainable breeders,

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?

producing well bred, healthy puppies. We do not believe that lowering the threshold for licensing, as well as introducing a system of registration, would be a significant burden for enforcement authorities. Local authorities are able to set appropriate licence fees to allow full cost recovery of inspections. In addition, discussions with local authorities also suggest that the main resource burden is in the identification of unlicensed breeders. On this basis, we believe that the registration or licensing of anyone breeding or selling puppies would be a valuable enforcement tool.

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.

Whilst wanting to make sure that any licensing system introduced is not over burdensome, we strongly believe it is important to create a system that not only brings full transparency to the trade and protects the welfare of the dogs involved, but also does not create any loopholes that unscrupulous traders could use to avoid detection. As such we believe it is important that anyone that is transferring the ownership of a puppy is required to be licensed, as well as anyone supplying puppies in another form, for example someone charging to deliver a puppy rather than charging for the puppy itself as a means of avoiding meeting any business test associated with the breeding or sale of puppies. In order to achieve full transparency, there needs to be registration and/or licensing of all puppies produced or sold in Scotland.

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?

Partially supportive

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

Dogs Trust has long advocated the creation of a registration scheme for anybody falling below the licensing threshold as a means of creating a transparent system which will be a valuable enforcement tool for local authorities. We believe that anyone breeding, selling or transferring the ownership of a single litter of puppies in a 12 month period, regardless of any financial transaction or gain, should be required to be registered. Furthermore, we believe that anyone breeding, selling or transferring the ownership of more than one litter of puppies, regardless of any financial transaction or gain, should require a licence. Therefore, whilst we support temporary registration, our preferred threshold for licensing is lower than has been proposed in the consultation document, our reasons for this are set out in response to question 1. For this registration, we believe that there should be a link-up between individuals and their address so that it is possible to identify possible situations where multiple individuals are evading licensing by individually registering to breed or sell animals on the same premises. We also suggest that in addition to the details required in the consultation document, the registration should include information regarding how many dogs the person has overall. This will help to ensure that a bitch is not bred from on successive seasons by providing the enforcement authority a comprehensive overview of the breeders' breeding stock. Regarding the holding of records, we strongly suggest that local authorities keep the records for more than one calendar year, to provide local authorities

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?

with consistent information about those registering, such as whether they are producing a litter each and every year. We support the proposal that those who require registration must pay a minimal fee for this service and agree the fee should be set to ensure it covers the costs incurred by local authorities in maintaining this system. Registered individuals should be subject to spot inspections as necessary.

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?

Partially supportive

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

We fully support the concept of fining someone who sells or transfers puppies without registering and paying the appropriate fee. As before, we believe registration for one litter, licensing for two or more litters per 12 month period. It is necessary to ensure that any fine is a deterrent, ensuring everybody registers. Currently the risk of a £200 fine could be seen as insignificant in comparison to the prices even just one puppy can be sold for, let alone the money that might be being made from selling a litter of puppies. We urge the introduction of a meaningful fine that can take into account the profit that can be made from selling puppies and act as a disincentive for not registering.

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?

Partially supportive

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

Dogs Trust understands and is supportive of the concept being proposed whereby an obligation is placed on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy or dog, however we question how it will be possible to ensure this obligation has been fulfilled. Would failure to do so be enforced in any way? Having considered the suggested questions set out in the Annex, we believe the questions could be more specific, in line with the questions we ask prospective adopters to answer in our own home finders' questionnaire. Furthermore, unlike adopting a dog from Dogs Trust, without an authority able to actively monitor the answers to these questions, we are still unsure how this will play out in practice. For example, if a prospective owner answers the questions and it is highlighted that they do not have a suitable lifestyle for a dog, how would it be possible for a breeder or seller to necessarily know this is the case unless the person is honest about this matter (yet if they were to be honest they probably would not be attempting to acquire a dog in the first place)? Another element for consideration is how the process would prevent prospective owners from trying another breeder or seller if one refuses to sell them a puppy. For example, if a breeder/seller is looking to sell on a last remaining pup or focused purely on making a sale/profit, they may offer puppies at higher prices because they are willing to waive the need for owners to consider and act upon the questions set out. Whilst we know many prospective owners are responsible and are merely looking to welcome a dog into their family, we are aware that some will try to get around the system put in place. We question how this obligation can be enforced once a breeder/seller has refused to sell someone a puppy. An alternative approach to the obligation could be better education of prospective dog owners through information provided by breeders and sellers and via animal welfare organisations on specific dog breeders.

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?

Partially supportive

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

It is important that breeders and sellers of dogs are involved in the process of informing prospective owners about the commitment they are making by taking on a dog. We know good breeders will ask prospective owners questions about their lifestyle to ensure they are homing their puppies with suitable new owners, but we agree that this is something that all breeders should be undertaking. Whilst we support this concept we question how it will be effectively enforced if it is introduced as an obligation. For example, will there be a penalty for breeders/sellers that do not carry out this obligation? Whilst we appreciate this is suggested with the intention of not placing too much burden on breeders/sellers, it is difficult to enforce a 'should' as we have found with the Pet Advertising Advisory Group's minimum standards.

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

We strongly support the proposal of encouraging prospective owners to check the breeder or seller is registered or licensed. Dogs Trust chairs the Pet Advertising Advisory Group (PAAG) which was created in 2001 to combat growing concerns regarding the irresponsible advertising of pets for sale, rehoming, and exchange. Since its formation PAAG has witnessed a significant increase in the number of pets and animals sold via online advertisements. On some of the bigger sites PAAG engages with, such as Gumtree and Preloved, there are generally at least 20,000 animals being advertised for sale at any one time. The full size of the online trade in animals – through unaccountable sites and areas of sites such as closed groups on Facebook, can only be speculated on, however it seems certain to run in the hundreds of thousands of animals for sale online at any one time. Due to our serious concerns around the sale of dogs, we believe that all forms of advertising, including online, should be required to display the seller's registration or licence number. In conjunction with this, we believe that a centralised, publicly accessible list of registered and licensed breeders and sellers should be kept or facilitated by the Scottish Government to enable websites and buyers to check the legitimacy of breeders and sellers. This would allow a simplified system that would be easily accessible for purchasers to verify where they are buying a dog from in an increasingly online, nationwide marketplace. By promoting the benefits of this system we believe it would be easy to encourage prospective owners to use it, as it will help them to ensure they are acquiring a happy, healthy dog from a registered / licensed breeder or seller.

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				

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

(c) General public (including dog owners)		X				
(d) Police and animal welfare organisations						X

Please explain the reasons for your response.

Local authorities: The introduction of a cost recovery approach to the licensing system means local authorities would be able to run a cost-neutral system for issuing licences and inspecting premises. Currently it is likely that local authorities are making a loss through enforcing the legislation due to the lack of guidance on inspections and fee setting, as well as the need to buy in external expertise. By ensuring that the registration of breeders or sellers is also full cost recovery we anticipate that the introduction of this new system would be positive for local authorities. Dog breeders: The lowering of the licensing threshold would undoubtedly bring more dog breeders into the licensing system, which would result in an increase in cost for these breeders. If, as we propose in response to question 12, a risk-based licensing system is introduced many compliant breeders may ultimately find their costs reduced through this approach to licensing and inspections. Part of assessing the cost impact on breeders will also be based on whether local authorities are already recovering their costs for carrying out this role. General public: For the general public, including dog owners. it is possible that they might see a slight increase in the cost of their pet, particularly if they are purchasing from a breeder or seller that was not previously licensed. Police and animal welfare organisations: If the proposals included in this consultation are taken forward and implemented well we are hopeful that this will result in a reduction in costs for animal welfare organisations as it will lead to prospective owners being properly informed before they acquire their pet, which in turn should result in fewer cases of animals being relinquished. We are unsure of the thinking for including the police in this assessment but believe responsible ownership should be a positive for them in their role of enforcing animal welfare legislation overall.

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

No

Please explain the reasons for your response.

The Bill will be creating a much-improved system for the licensing of the breeding and selling of dogs, which will entail increased cost recovery for local authorities tasked with enforcing this legislation and will result in enhanced welfare conditions for the animals involved, as well as better informed owners. Consequently, we believe the Bill is being cost-effective in achieving its aims.

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)

Please explain the reasons for your response.

As the licensing system is applied based on unrelated criteria we believe it will not have an impact either way on equality.

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?

Yes

Please explain the reasons for your response.

The current licensing system is unsustainable as it does not effectively protect and promote the welfare of the dogs involved. By introducing the proposals detailed in this consultation we believe the system can be easily enforced by local authorities and as a result will be sustainable.

Page 15: General

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

Dogs Trust believes it is of vital importance for anyone inspecting animal establishments to have appropriate training in animal health and welfare for the relevant species. For this reason, we recommend that a central unit of appropriately trained inspectors is developed, which can be utilised by local authorities to carry out inspections of all animal establishments. This inspectorate unit would have to have no profit making commercial interests in order to ensure that the goal is not on profit but on animal welfare. The funding for such a unit could be raised by setting appropriate licence fees.

Such a system would facilitate the thorough informed and consistent inspection of all those breeding dogs in Scotland, with the focus placed on safeguarding the welfare of the animals involved via expert inspectors.

In addition to this we advocate the use of a risk-based assessment for licensing, similar to the system being established under the English Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018, which allows longer licences to be issued to low risk premises. However, we do believe it is essential that inspections are still conducted during longer licence periods as things can change significantly within one year. We therefore support the principle of at least one unannounced visit each year, irrespective of the licence duration.

A risk-based approach to licensing has value, as it may be necessary for inspections of some animal establishments to be carried out more frequently. This would be the case, for example, where concerns are identified. For this reason, it is essential that the local authority works on a cost recovery basis.

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

The Acts governing the breeding and selling of dogs are vastly outdated primary legislation. We feel this work is best served by repealing the old Acts and replacing them with updated secondary legislation under the Animal Health and Welfare (Scotland) Act 2006, as has similarly recently been done in England. To implement a new licensing regime without supporting legislation will not be sufficiently robust to enforce change. As such we believe it is necessary to take this opportunity to develop up to date, informed legislation to tackle the current issues with the licensing regime and the wider concerns with the breeding and selling of dogs.