

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).

Blue Cross is an animal welfare charity dedicated to improving animal welfare standards in the UK. Our mission is to find happy homes for abandoned or unwanted pets, and we keep pets healthy by promoting welfare and providing treatment. Our services in Scotland include:

- Behaviour: We help pets who arrive at Blue Cross with behavioural issues and offer ongoing support to anyone who rehomes a pet from us. Our Behaviour Team carried out 3,582 consultations, assessments, telephone calls and site visits in 2015.

Please select the category which best describes your organisation

Education: We promote animal welfare to the pet owners of the future by giving talks and offering advice. Last year we reached more than 86,000 children and young people. • Pet bereavement Our Pet Bereavement Support Service is available 365 days a year to help people who are struggling to cope with the loss of a pet. Our trained volunteers handled over 8,000 confidential calls a year. We also provide other services including: • Rehoming: We find homes for unwanted cats, dogs, small pets and horses across the UK and our tailor-made service lets us help each pet find the right home. We help around 8,000 homeless pets each year. • Clinical: Our four animal hospitals and network of clinics treat sick and injured pets when their owners cannot afford private fees. We treat over 27,000 pets each year.

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.

Blue Cross

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.

Blue Cross is partially supportive of reducing the litter threshold from five litters to three in a twelve month period. Ultimately we believe the only way to improve the myriad of issues with breeding and sale of puppies is by ensuring that the threshold is set to 1 with anyone in the business of breeding or selling animals through any means; from home breeders, to large scale breeding establishments, pet shops and online sellers being subject to a system of registration or licensing. This is the only way to bring the much needed visibility and traceability to the trade, improving the situation not only for consumers but also for enforcers. We would like to see a risk based system requiring more stringent requirements and a greater level of inspection depending on the type of premises and the inherent risk rating of the activities carried out there. A scheme that requires anyone breeding or selling any pet to have a licence and meet set standards when it comes to welfare is vital. This needs to go hand in hand with a national database accessible by both local authorities and members of the public. Not only will this make it easier to identify unlicensed sellers, it will also help HMRC identify potentially large amounts of missed income. A compulsory system of registration will make it harder for those selling animals to hide profits, which can reach tens of thousands of pounds – often falling into the hands of criminals. Whilst we believe that lowering the litter threshold will bring more individuals into the licensing regime and deliver some benefits it does not go far enough. It still leaves a loophole that can be exploited by unscrupulous individuals. Research undertaken by Blue Cross in 2016 showed that 31 investigations were

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?

carried out by Scottish local authorities into premises (licensed under either the Pet Animals Act 1951 or Breeding of Dogs Act 1973) suspected of needing a licence in 2015. 15 local authorities in Scotland did not carry out a single investigation that year. We believe that a system of registration and licensing would bring more visibility and therefore make it easier for local authorities to identify sellers that are essentially 'invisible' under the current framework. These sellers can easily masquerade as individuals who have bred from a family pet which makes it harder for local authorities to identify who they should be investigating. However, a framework where everyone requires a registration or licence would quickly identify individuals who are not complying and could improve a local authority's ability to act. Research undertaken this year by Blue Cross showed that in 2017, over 40,000 ads were posted on three classified websites (Gumtree, Preloved and Pets4Homes) for dogs in Scotland. The rise in online sales of pets has changed the nature of dog breeding and sales. Sellers without visible high street premises are no longer clearly identifiable to those looking to enforce dog breeding and selling legislation, meaning that many online sellers are circumventing the law. We believe that if there was a system of registration and licensing and that each advertise had to display his or her registration or licence number, it would significantly improve traceability for local authorities and consumers.

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 are fully supportive of requiring people to be licensed as breeders even if they don't sell their puppies but transfer them or give them away. In our view the numbers of people who legitimately transfer puppies or give them away would be a limited and therefore creating some sort of loophole for these few numbers of people would be unnecessary and in fact could end up being exploited by unscrupulous breeders or dealers. We believe a system of registration and licensing which covers everyone is the most workable system and would not only prove to be less burdensome on local authorities but also ensure there are no loopholes which can be exploited. It is essential that any system is easily understandable to both enforcers and consumers in order to be effective. Creating additional loopholes will add unnecessary confusion to the system.

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?

Fully supportive

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

Blue Cross is fully supportive of a system of registration and licensing which we feel is the most effective way to tackle the issues with irresponsible breeding and sale of puppies. In order to make the system workable and not over burdensome for either local authorities or very small scale/one off breeders the idea of a temporary registration seems sensible. Whilst we are fully supportive of temporary registration as a concept we do have some questions about how it would work in practice. Firstly how long would a temporary registration last for? We wouldn't want a situation where someone was granted a temporary registration for a set period of time and then was able to breed further animals without a need to upgrade to full licence. Secondly any system would

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?

need to ensure that local authorities were able to share data on who has a temporary registration; this would ensure that people couldn't apply for temporary registration in multiple LA areas to cover up the scale of their breeding. Our third question as with any system is how we can ensure that local authorities are able to enforce this legislation and ensure high welfare standards. Obviously a temporary registration implies a fairly light touch approach to enforcement and potentially a lack of physical checks of the premises. Our report found welfare issues at licensed premises so registration and licensing is not necessarily a guarantee of good welfare, even with small scale breeders. We therefore would caution against a total lack of inspections for those premises applying for temporary registrations. We also believe that there should be a centralised list of all premises both those with full licences and those with temporary registrations that is available to consumers, we believe this would help to empower consumers to do more research pre purchase and to feel confident that they were buying from a legitimate breeder.

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?

Fully supportive

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

Blue Cross would be fully supportive of making it an offence for someone to sell or transfer puppies without a temporary registration or licence and offence. Failure to make non-compliance an offence would potentially suggest to those irresponsible breeders who don't wish to comply with new legislation that it would not be viewed seriously. It must be made very clear to all breeders and sellers across Scotland that they have a responsibility to comply with any new legislation and failure to do so will result in a fine.

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.

Blue Cross believes putting the onus on the prospective owner to consider a set of questions prior to making a purchase of a puppy or dog is a good concept but we have some concerns about how it would work in practice, for this reason we are only partially supportive of this as proposal. Firstly we have concerns about what the list of questions would be and who would define them. Defining what makes a responsible purchase and what makes a responsible owner is something that has been debated within the animal welfare sector for a long time, it is difficult to come to one set agreement on a short and publically accessible definition and therefore we believe it may be difficult to come up with a list of concise questions. We also have concerns that such a system would not allow for changes in circumstances. For example although someone may start out as a responsible owner we know that changes in their circumstances such as having children, or changing jobs can lead to them having less time for their animal and therefore not always being as responsible an owner as they could be. A test at the start of ownership doesn't necessarily prove that a person will be a responsible owner for the full lifetime of that pet. We also have concerns about the practicality and enforcement of this proposal, how would the test work, how would you ensure all new owners participated and who would check and administer the results.

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

As pointed out in the above answer we are supportive of the concept of this but have some concerns about its enforceability. How would local authorities ensure that breeders were checking each prospective new owner had considered the questions? Would it be the breeder's responsibility to check the prospective new owners answers to any questions? Would increasing this burden on breeders encourage them to be more responsible in the way they sold animals or would it be more likely to make them try to sell behind closed doors where they weren't subject to such strict conditions. Again as we have said above we do believe there is something positive about getting prospective owners to answer pre purchase questions however we believe more research is needed to ensure any proposal is workable for all parties, whether consumers, breeders and/or local authorities.

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

Blue Cross is supportive of this proposal but believes for it to work effectively there needs to be a centralised national database of all breeders and sellers. It is also worth pointing out that having a licence is not necessarily a sign of good welfare. Whilst it is a good idea to get prospective owners to check this they need to be made aware that a licence isn't a stamp of approval and they will need to look out for other warning signs etc to ensure they get a well-bred and well socialised puppy. We also would like more details on how this will be enforced, it is difficult to see how it would be feasible to check that every purchaser is checking to see whether their breeder is licenced or registered so essential you are relying on new owners just doing it. This may well work with responsible purchasers but we know there are purchasers out there who want to make a purchase on a whim and are unlikely to comply with this legislation if it were in place.

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		

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

No

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?

Yes

Page 15: General

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

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