

Defra consultation: Tackling irresponsible dog ownership

1. The following response is made on behalf of the Royal College of Veterinary Surgeons (RCVS). The RCVS is the regulatory body for veterinary surgeons in the UK. The role of the RCVS is to safeguard the health and welfare of animals committed to veterinary care through the regulation of the educational, ethical and clinical standards of veterinary surgeons and nurses, thereby protecting the interests of those dependent on animals, and assuring public health. It also acts as an impartial source of informed opinion on relevant veterinary matters.
2. As a regulatory body, the RCVS will limit its comments to those areas where there are clear indications of relevance to the College's role and where the new policy may require the Government, the veterinary profession or the public to seek assistance from the College.

Proposal 1: A requirement that all dogs are microchipped

3. The RCVS strongly supports the compulsory microchipping of all dogs and welcomes proposals to legislate for its introduction.
4. The RCVS considers that compulsory microchipping has a role to play in the control of potentially dangerous dogs, on the grounds that the accurate identification of an animal and its owner is crucial to the enforcement of legislation and to achieving successful prosecutions. Moreover, the RCVS considers that permanent identification would have a positive impact on animal welfare. Enclosed with this response is the RCVS position statement on the 'Compulsory Microchipping of Dogs' which provides further background as to the views of the RCVS on the benefits of compulsory microchipping.
5. The RCVS is disappointed, however, that Defra's preferred policy is for the introduction of compulsory microchipping in England by a phased approach, whereby all puppies must be chipped before they are sold or gifted, thus giving current owners of dogs the choice as to whether or not they wish their dogs to be chipped.
6. The microchipping of a dog is not an onerous requirement and a high proportion of dogs in the UK are already microchipped. Furthermore, microchipping provides benefits to the owner and animal alike. The potential of such benefits, however, will only be fully realised if legislation requires that all dogs are microchipped. This approach was successfully adopted in Northern Ireland, where, from April 2012, it has been compulsory for all dogs to be microchipped.
7. In order to be effective, any legislation requiring the compulsory microchipping of dogs would need to be both enforceable and enforced. The RCVS has real concerns relating to the role of veterinary surgeons in enforcing any policy of compulsory microchipping, and it does not consider that veterinary surgeons should be expected to 'police' any such policy, as this could have a negative effect on animal health and welfare.
8. The RCVS considers that it is important that any legislation for the introduction of compulsory microchipping should set minimum standards for the operation of commercial databases. Moreover, it is imperative that there is a central point of contact which can be accessed 24 hours a day, seven days a week, from which the information held on all of the databases can be accessed.

9. Whilst there are applicable ISO standards for microchips and microchip scanners, there are no ISO standards directly relevant to the running of the microchip databases. The RCVS would therefore support a requirement that databases must sign up to codes of practice on the operation of such databases. The Microchipping Alliance, of which the RCVS is a member, has undertaken considerable work to develop guidelines on minimum codes of practice for database operators, together with those involved in supplying and implanting chips. The Microchipping Alliance will be submitting these guidelines as a part of its response to this consultation exercise and the RCVS lends its support to the introduction of codes based upon these guidelines.

Proposal 2: An extension of criminal law to all places, including private property

10. The RCVS supports proposals for the extension of section 3 of the Dangerous Dogs Act 1991, so that it covers private property.
11. The RCVS requires practising veterinary surgeons to take steps to provide 24-hour emergency cover for the care of animals of those species treated by the practice during normal working hours. Provision of such cover and other veterinary activities will inevitably require veterinary surgeons to make house calls and to undertake work on private property. Whilst veterinary surgeons may be better placed to know how to deal with potentially dangerous or out of control dogs, it is important to recognise that certain groups of people including veterinary surgeons must enter private property to undertake their work and that they should be afforded the protection of the law.
12. Whilst the College supports the proposal to extend section 3 of the Dangerous Dogs Act, the College considers that it will only provide a limited level of protection to the public and those required to enter private property in the course of their work. In order truly to provide protection for the public, the RCVS considers that the Government should consider the introduction of proactive and preventative measures that would allow action to be taken where a dog was known to be out of control or had been trained to be aggressive, before such a dog had attacked someone.

Proposal 3: Allow owners of dogs seized as suspected dangerous dogs or prohibited types to retain possession of their dog until the outcome of court proceedings

13. The College supports proposals that a dog suspected of being a banned breed, should not have to be seized and kennelled between when it goes to Court and when the owner is issued with a Certificate of Exemption in circumstances where the police consider that it poses no threat to public safety.
14. When developing legislation in relation to irresponsible dog ownership, public safety should always be the first priority, but the College supports this proposal on the grounds that unnecessarily kennelling a dog for long periods of time can lead to an otherwise healthy and well-behaved dog becoming maladjusted or developing behavioural problems, and this had an adverse impact on animal welfare and society. Furthermore, kennelling a well behaved dog, purely on the grounds that it is suspected of being of a banned breed is costly and diverts resources from other areas where it could be used more effectively to protect the public from irresponsible dog ownership, whilst ensuring the health and welfare of dogs.
15. For the above reasons, the College also considers that owners should be allowed to apply directly to the Courts in circumstances where they believe that their dog is of a banned breed.

16. The College considers that whilst these proposals are a step in the right direction the Dangerous Dogs Act 1991 is neither an efficient nor an effective piece of legislation and that it does not adequately serve to protect the public against dogs that are dangerously out of control.
17. The RCVS considers that the fundamental problem with the Dangerous Dogs Act 1991 is that it is breed-specific legislation. There is no compelling evidence that the breed-specific approach provides an effective means to protect the public from dangerously out-of-control dogs. Breed specific legislation, such as the Dangerous Dogs Act, is extremely difficult to enforce, largely because identifying that a dog is one of the breeds or types specified under the Act is notoriously difficult, and enforcement requires the use of considerable resources in terms of kenneling dogs during trials and appeals, and such kenneling has significant animal welfare implications.
18. The RCVS supports the repeal of the Dangerous Dogs Act 1991 and the removal of all breed-specific references from the legislation relating to dangerous dogs.
19. The College considers that new legislation that adopts a 'deed' rather than 'breed' approach to the control of dangerous dogs should be introduced. This approach would allow resources to be effectively used and targeted at the real causes of dangerous dogs, irresponsible owners that allow their dogs to be dangerously out of control and those that have deliberately trained their dogs to be aggressive.
20. A 'deed not breed' approach to legislation is also supported by the British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA), and the Federation of Veterinarians of Europe (FVE). Moreover, 88% of those who responded to the 2010 Defra consultation on Dangerous Dogs considered that the current breed-specific legislation was not effective in protecting the public.
21. If clarification on the above comments is required, please do not hesitate to contact the College. Representatives from the RCVS would be happy to meet with officials to discuss and expand upon this evidence.