

DARD Consultation on the Draft Docking of Working Dogs' Tails (Certification and Identification) Regulations

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 regulations may require the Department of Agriculture and Rural Development (DARD), the veterinary profession or the public to seek assistance from the College.
3. It is important to note that whilst the RCVS is opposed to the docking of puppies' tails and considers that the docking of all breeds of dogs should be banned other than for veterinary medical reasons, it does, however, understand that some of its members may choose to dock tails within the legal limitations. As the statutory regulator of the veterinary profession, the RCVS should be considered to be a key stakeholder in the development of the Docking of Working Dog's Tails Regulations, the RCVS was surprised therefore not to be included in the consultee list. This omission was especially concerning given the fundamental role that veterinary surgeons will be expected to play in identifying and certifying dogs that are presented to them for docking.

Question 1: Do you agree with the definition in draft Regulation 2?

4. The College notes that regulation 2 does not provide a definition of a veterinary nurse and strongly urges DARD to incorporate the definition of a veterinary nurse used in the Veterinary Surgeons Act 1966:

"veterinary nurse" means a nurse whose name is entered in the list of veterinary nurses maintained by the Royal College of Veterinary Surgeons

5. The College has no comment on the other definitions provided in draft Regulation 2.

Question 2 (a): Do you agree that the dam of the dog must be seen?

6. Whilst the College is broadly supportive of the requirement that the dam of the dog presented for docking must be seen before the veterinary surgeon can certify that the dog is one that is permitted to have its tail docked, the College notes that there are circumstances where this may not be possible, for example, where the dam died whilst or after giving birth. In such circumstances, provisions could be put in place to allow the presentation of certificate of death of the dam, signed by a veterinary surgeon, as acceptable evidence.

Question 2 (c): Do you agree that the list of evidence provides a reasonable assurance to show a dog is likely to work?

7. Anecdotal evidence from England and Wales points to a number of cases where dogs being docked do not go on to become working dogs, nor in some cases was it the intention of the owner/breeder presenting the dog for docking that it would ever become a working dog. Such anecdotal reports suggest that the evidence that veterinary surgeons are required to be shown before certifying that a dog is one permitted to have its tail docked does not provide adequate assurance that a dog is likely to go on to work.

Question 3: Do you agree microchipping is the best way of ensuring the unique identification of the certified dogs?

8. The College considers that microchipping represents the most accurate and efficient means currently available to permanently identify dogs and notes that the unequivocal identification of dogs is an essential part of correct certification.
9. In general terms the RCVS supports the compulsory permanent identification of all dogs, on the grounds that the accurate identification of dogs has a positive impact on animal welfare.
10. The RCVS is broadly supportive of the proposals to address the problem of cases noted in England and Wales where the pup that is presented for microchipping is not the same as the pup that has had its tail docked, by reducing the time period between docking and microchipping from three months to eight weeks and by the addition of the requirement that the same veterinary practice must perform the docking and microchipping. The College notes, however, that there may be circumstances when the latter requirement may not be possible. The certificate in its present form only provides provision for circumstances where a pup could not be docked and microchipped at the same practice because the practice had closed between docking and microchipping.

Question 4: Does the proposed certificate provide all necessary information?

11. Whilst the College does not seek to provide comment as to whether the certificate provides all necessary information, the College has identified a number of problems with the draft regulations, and the certificate and certification process.
12. The draft regulations and certificate note that microchipping following docking must be undertaken by 'a veterinary surgeon or veterinary nurse acting under the supervision of a veterinary surgeon'. The College considers, however, that the term 'supervision' is inadequate in this context and should be substituted for the phrase 'direct and continuous supervision'. In relation to veterinary students, the College interprets 'supervision' to mean that the veterinary surgeon is present on the premises and able to respond to a request for assistance if needed, and 'direct and continuous supervision' to mean that the veterinary surgeon is present and giving the student his/her undivided personal attention. For the purposes of certification, the College maintains in the *Twelve Principle of Certification*, a document drafted in conjunction with the British Veterinary Association and the then Ministry for Agriculture Fisheries and Food, that '*a veterinarian should be asked to certify only those matters which are within his own knowledge, can be ascertained by him personally*'. Unless, therefore the veterinary nurse performing the microchipping was working under their 'direct and continuous supervision', the veterinary surgeon would not be in a position to

certify that the veterinary nurse had microchipped the pup. Moreover, in the *Twelve Principles*, the College goes on to note that: '*matters not within the knowledge of a veterinarian and not the subject of such a supporting certificate but known to other persons, e.g. the farmer, the breeder or the truck driver, should be the subject of a declaration by those persons only*'.

13. The College also has concerns that the term 'breeds commonly used' which is used in the certificate could be difficult for the certifying veterinary surgeon to interpret.
14. The regulations and certificate appear to use the terms 'specified types of work' and 'activity specified' interchangeably. The clarity of the regulation and certificate could be improved by adopting a consistent wording throughout.
15. Paragraph 1 of the certificate currently incorrectly refers to the activity specified in paragraph 5. In the current draft the certificate does not contain a paragraph 5 and the specified types of work are referred to in paragraph 4. Similarly, paragraph 3 refers to the breeds specified to in paragraph 6, which also currently does not exist.

Question 5: Do you think that the breeder should be responsible for microchipping the pup?

16. The College is supportive of the proposal that breeders must have pups microchipped, by a veterinary surgeon or veterinary nurse working under the 'direct and continuous supervision' of the certifying veterinary surgeon, before the pup is aged eight weeks or before the pup changes ownership or is sold.
17. The College notes, however, that there are difficulties associated with a system whereby the decision to dock the tail of a pup is made by the breeder before it is known with certainty that the pup will go on to be used as a working dog by the buyer.

Question 6: Do you agree that information, on whether the dog is a working dog and if its tail has been docked, should be provided at the time of licensing?

18. The College supports the proposal that to further control the docking of working dogs there will be a requirement to provide information as to whether the dog is working and if it has a docked tail at the time of licensing.
19. If you require clarification on the above comments, please do not hesitate to contact me. Alternatively, representatives from the RCVS would be happy to meet with you to discuss and expand upon our position.