

## DARD Consultation on the draft Welfare of Animals (Dog Breeding Establishments) Regulation

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 Department of Agriculture and Rural Development Northern Ireland, councils, inspectors, the veterinary profession or the public to seek assistance from the College.
3. The RCVS welcomes the proposal by the Northern Ireland Assembly to use the powers under the Welfare of Animals Act (Northern Ireland) 2011 to introduce a new licensing regime for dog breeding establishments, which will recognise developments in the understanding of animal health and welfare requirements and ensure the appropriate socialisation of pups before they are sold to become companion animals.
4. The RCVS has significant concerns relating to the definitions of a breeding establishment used in the draft regulations. The College considers that these definitions are over complex and could lead to significant difficulties in enforcing the regulations.
5. Furthermore, it is the opinion of the College that clause 2(a) of the definition of breeding establishments is fundamentally flawed:

*'breeding establishment means any premises – in which a dog is kept by a person who owns 3 or more unsterilised bitches any of which is used for the purposes of breeding, which breed 2 or more litters of puppies in any 12 month period'*

If this clause were to be interpreted literally, then, for example, a person who kept any dog at their home would need to register their home as a breeding establishment, if they owned 3 or more unsterilised bitches used for breeding purposes, even if these bitches were kept at entirely separate premises. Thus entirely the wrong premises, where no breeding was taking place, would end up requiring to be licensed as a breeding establishment.

6. Clause 2(c) appears to contain a drafting error and currently reads 'breeding establishment means any premises – keeps 3 or more breeding bitches in premises...'.  
7. Clauses 2(a) and 2(b) refer to 'unsterilised bitches' whereas clause 2(c) refers to 'breeding bitches', which are defined earlier in the draft legislation as 'un-sterilised female dog[s] over the age of 12 months'. The College questions the need for the extra definition of a 'breeding bitch' and whether the legislation could be clearer and easier to enforce if the term 'unsterilised bitch' was

used throughout, or if the term 'breeding bitch' was used but with the age requirement removed from the definition.

8. It is vital that clear and useable definitions of a breeding establishment are developed, as without such definitions the regulations will be unenforceable or will not apply to those establishments that they were brought into force to regulate.
9. The RCVS recognises why key stakeholders may have been of the opinion that breeders were in the best position to assess staffing requirements and that proposals for minimum staffing ratios should be omitted from the regulations. To this end, the College notes that there is perhaps no other species in which there is such a variation of size and temperament between the various breeds. Consequently, whilst one attendant might be able to attend to the needs of 20 dogs of one particular breed, one attendant could be grossly inadequate to attend to the needs of 20 dogs of a different breed. The College does, however, have significant concerns that if minimum staffing ratios are not included in the regulations then it may be very difficult for inspectors to enforce appropriate levels of staffing. The College would therefore support the inclusion of minimum ratios in the regulations.
10. Irrespective of whether a minimum staffing ratio is included in the regulations, the College considers that the guidance for inspectors should include detailed information on best practice regarding appropriate staffing ratios for different breeds of dogs, to ensure the health, welfare and socialisation of dogs and puppies, in such breeding establishments
11. The College also considers that it is essential that any attendants should be competent and have undergone appropriate training. Standards for such training should be developed with the advice of the veterinary profession and at levels specified by the relevant Sector Skills Council, Lantra.
12. The RCVS strongly supports the proposal that all puppies must be microchipped before they reach the age of 56 days or before they leave the licence-holder's premises with a view to change of ownership, whichever may be sooner. The College also supports the proposal that microchips should be registered to the licence-holder before the puppy moves off the premises with a view to change of ownership. Microchipping puppies, in this way, prior to sale or change of ownership, could assist in identifying where dogs were bred and help to reduce the poor breeding practices that can lead to inherited defects and diseases. Furthermore, the 'indelible identification' of all puppies by 'microchip or other such equivalent system as may be developed' was one of the recommendations of the Independent Inquiry into Dog Breeding (2010) led by Professor Sir Patrick Bateson.
13. The RCVS is aware that poorly implanted chips can lead to severe injuries during implantation and increased risks of microchip migration. The College therefore considers that appropriate standards of training for those charged with implanting microchips must be developed, through a process of thorough consultation with the veterinary profession.
14. The College is also supportive of the proposal that licence-holders must complete a logbook for each breeding bitch, which contains detailed information on the bitch, including her health status and mating details, and which provides similar information on each of her puppies together with the name and address of those who take ownership of such puppies.

15. 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 and Ministers to discuss and expand upon this statement.

RCVS  
January 2012