



RSPCA response to the Defra consultation questionnaire

The answers below are the opinion of the RSPCA. You must answer the survey according to your own opinion. However, you may wish to refer to the answers below for guidance on some of the issues.

Q1. Do you think that the Dangerous Dogs Act 1991 should be extended to cover all places, including private property where a dog is permitted to be? Why?

- Any dog control legislation providing criminal offences should cover all places, both public and private.
- Most dog bites happen in the family setting at home.
- Research suggests that there is a substantially greater injury and fatality rate for children when compared with adults.
- Male children are injured and killed more often than female children, and there is a prevalence of owned family dogs involved in bites and fatalities.
- The Communication Workers Union has highlighted the lack of protection afforded their members when delivering/visiting private places and it would seem illogical for any law aimed at protecting public safety not to provide comprehensive protection.
- However it is important to recognise that extending the law to private places, on its own will not protect the public any further or achieve a reduction in bites, merely provide the mechanisms for irresponsible owners to be prosecuted.
- This needs to be done in conjunction with a better understanding of why some dogs attack and also increase awareness of the public on how to be more responsible dog owners.

Q4. Do you think that breed-specific legislation, in its current form, is effective in protecting the public from dangerous dogs? Why?

- In short no.
- Breed specific legislation (BSL) is unfair and unjustifiable and government should adopt an approach that recognises that any individual dog, irrespective of breed or type, can display aggression towards people, and that responsibility for this lies with the owners.
- Acknowledge that the Government has a real challenge in taking forward and implementing any measures relating to such a sensitive high profile subject.
- The initial and main purpose of section 1 of the Dangerous Dogs Act 1991 (DDA) was to control the number of Pit Bull Terriers (PBTs) in circulation, public protection.
- In the UK the DDA bans four types of dogs traditionally bred for fighting. Fighting types have been selected for specific physical and temperamental attributes which means that the consequences are more severe if they do show aggression.
- Yet there is no specific evidence to demonstrate that breeds with a fighting past are more aggressive towards people than other dogs.
- A dog bite of the same force, administered by the same jaw configuration, could be more injurious when delivered to a victim's head and neck than when delivered to the torso or extremities.
- There are a number of different factors which impact on the extent of injury aside from size and power.
- A PBT in a responsible owner's hands poses little or no risk. whereas a PBT in an irresponsible owner's hands could pose significant risk to public safety (and also that of other animals' welfare).
- BSL does not and cannot effectively protect the public from 'dangerous dogs' - i.e. dogs that pose a risk to the public and this is especially the case when the current law has been poorly enforced many police forces to date.
- An approach that bans specific breeds or types completely overlooks the critical developmental and environmental influences upon individual dog behaviour.
- BSL does not take into account that any dog, irrespective of breed or type, could display aggression towards people.

Q5. Do you think that breed-specific legislation should be extended to include other breeds or types of dogs? If yes, why?

- In short no. See answer to Q4.

Q7. Do you think that breed-specific legislation should be repealed? Why?

- Do not believe that BSL is effective in tackling the problem of dangerous dogs and protecting the public.
- Any dog can be dangerous in the wrong hands - the focus of any legislation should be about encouraging responsible dog ownership and the actions of the owner rather than the breed or type of dog.
- Government needs to decide their primary reasons for BSL - is it to protect the public or to control the circulation of certain types of fighting dogs?
- If it is to remain it needs consistent and effective enforcement - something that has not been seen to date.
- The great variety in breeds identified in different studies tends to suggest that no individual breed has a stronger risk of showing aggressive behaviour than others.
- Trends in popularity of dog breeds and types varies over time - this is something seen with the different breeds and types of dogs that come into RSPCA care (for example at present there is a trend for bull breeds and mastiff-type dogs).
- The current trend in many cities is for 'status dogs' whereby owners are actively encouraging large powerful dogs (some of which may be PBTs) to be human aggressive. This trend has significant welfare concerns for the dogs themselves and also other animals that are victims of such irresponsible ownership.
- In October 2009 alone, 22 dogs were brought into the RSPCA Harmsworth hospital for treatment for wounds sustained from dog attacks.
- Often during the identification process, dogs thought to be of 'type' (i.e. to be a PBT) are removed from their home environment and kennelled. Research has shown this can be stressful.
- The financial implications and welfare impacts on the dogs due to long-term kennelling need to be addressed.
- Since 1991 10 out of 22 countries in Europe have adopted legislation on dangerous dogs and have implemented a prohibited breeds list largely modeled on the UK law. However there have been few studies on its effectiveness in reducing numbers of dog bites.
- As a PBT is not recognised as a breed but as a dog type in the UK identification is difficult. A fact compounded by owners misrepresenting the breed or type.
- Recognise the complexity of the issue and that the dog welfare or the social issues surrounding it cannot be seen or dealt with in isolation of each other. This is a multi-faceted issue that needs addressing by all the partners; police, local authorities, housing providers, etc.
- Also acknowledge the fact that many politicians and police forces believe BSL should remain in place to provide some form of protection for the public.
- The Government's goal should be to consolidate and update current legislation that takes a more preventative, rational and evidence-based approach to deal with the risk posed by out of control dogs (and their owners).
- It is essential there is sufficient infrastructure at a local level through local authorities to allow repeal of section 1 of the DDA to ensure sufficient public protection as well as good animal welfare.
- At present resources are significantly stretched and are barely able to provide the statutory provisions let alone sufficient proactive preventative measures that would be needed should BSL be repealed. Thus there is a reliance on having reactive measures to fall back on.
- This is not an effective strategy for tackling irresponsible ownership, however until local authorities and the police have significant resources, for example through an effective dog licensing scheme the situation is unlikely to change.

Q10. Do you think that the exemption introduced by the 1997 amendment should be removed? Why?

- If BSL is to remain then the exemption introduced by the 1997 amendment should not be removed as it provides an effective mechanism for genuine 'accidental owners' of well-socialised, well looked after dogs to keep those dogs as family pets which pose little or no threat to public safety.
- The exemption process is an effective and independent one using the courts to arbitrate.
- have strong welfare concerns about the requirement for dogs to be tattooed as it is a painful procedure which appears unnecessary given there is a requirement for microchipping.

Q12. Do you think that introducing an alternative monitoring system to the index introduced in 1997 amendment would improve the current situation regarding dangerous dogs? Which system would you consider best?

- A more fundamental approach is needed if the government wishes to tackle this and other dog welfare problems more effectively and comprehensively.
- In January 2010 an independent report on dog breeding and welfare, chaired by Professor Patrick Bateson concluded that there was a need for a more robust system of licensing of breeders and that all puppies should be identified.
- It is important there is a joined up strategy on dogs to address social and animal welfare problems related to dog ownership. This strategy should be underpinned and funded by an affordable dog licensing scheme.
- A comprehensive, affordable and well enforced dog licensing scheme could be run to pay for social costs arising from dogs, currently funded by central and local government.
- 23 countries in Europe have a dog licence or registration scheme. In those where it operates it is considered an essential part of a successful stray control strategy and in some countries such as Germany, Slovenia and the Netherlands, dog control provisions have controlled reproduction and dog overpopulation, and reduced the risk from dog-borne diseases.
- In a recent poll the RSPCA found that 76% of people asked are in favour of a dog licence. In addition, 66% of dog owners are in favour of a dog licence. Of the people asked 78% also thought that dog owners should pay for the social costs incurred by their dogs, e.g. NHS bills for treating dog bites, road traffic accidents involving dogs, farming costs for livestock injured or killed by dogs and local government costs to run a stray dog programme.

Q16. Do you think that dog control notices might be an effective preventative measure for tackling dogs, which are not properly controlled?

- Believe that the dog control notices (DCNs) proposed in the RSPCA, Association of Chief Police Officers and the National Dog Wardens Association draft Bill are the most effective mechanism for tackling this.
- Problems must be tackled before they escalate to more serious ones so that any legislation can have a genuine preventative effect.
- Taking action before it becomes more serious can save time, money and potentially in this instance lives and suffering.
- A DCN should be viewed as a tool for early intervention and education of irresponsible dog owners.

Q21. Who do you think should be responsible for dog control notices, if they were to be introduced?

- It should only be appropriately trained personnel from the police and local authorities, e.g. dog wardens or animal welfare offices or dog legislation officers.

Q29. Do you think that all dogs should be microchipped? Why?

- Compulsory microchipping for dogs (and other animals) is the right thing as traceability is a key element in terms of enforcing the law and encouraging responsible pet ownership.
- However, a one off microchipping of a dog without a requirement to keep the database up to date with information, even if it is an offence not to microchip a dog will have little impact on any of the dog issues needing addressing.
- Irresponsible dog owners will not suddenly become more responsible because they have had their dog microchipped.
- Furthermore, any money raised as part of such a scheme will not be ploughed into local services but to private companies and so communities blighted by irresponsible dog ownership are unlikely to see any real benefit.
- Thus the only way forward is through a properly funded licensing scheme which includes an annual fee and updates and then you can start to see a real improvement in dog welfare problems.

Q36. Do you think that all legislation relating to dangerous dogs should be consolidated into a single piece of legislation? Why?

- All dog control legislation should be updated and consolidated and the draft Bill submitted by the RSPCA, ACPO and the NDWA is a good way forward.

Q37. Do you think that more effective enforcement of current legislation would improve the current situation regarding dangerous dogs? Why?

- More effective enforcement of current legislation would improve the situation.

- Current legislation is reactive to complaints and incidents and if we truly want to try and provide better protection for people and animals then a proactive and preventative approach is needed that is tied in with an effective public education programme, which encourages people to be more responsible dog owners in the first place.

Q38. Do you think further training for police officers to become dog legislation officers would improve the current situation regarding dangerous dogs?

- Training for police officers with experience in handling and training dogs to become dog legislation officers is essential to ensure better protection for the public and animal welfare.

Q39. Do you think the government needs to do more to raise public awareness of the existing law and what to do if you are aware of a possible breach?

- There is a real need to increase public awareness of either the existing law or the new law if it is updated and consolidated.
- Education must be part of the solution, especially for children, their parents and owners of large dogs.
- Any government campaign needs to carefully tailor the message to ensure take up from all the different audiences.
- Such awareness raising should focus on increasing the public's awareness of safety around dogs, increasing owner understanding about dog behaviour and educating them to be more responsible so that dogs (and owners) in society can integrate more effectively rather than all being tarred with the same brush due to an irresponsible minority.