



Department
for Environment
Food & Rural Affairs

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Promoting more responsible dog ownership

Summary of responses to consultation and way forward

February 2013

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Introduction

This document provides a summary of responses to Defra's public consultation exercise on promoting more responsible dog ownership which ran from 23 April to 15 June 2012. It analyses the 27,339 responses including 19,100 responses on survey monkey.

Background

A more detailed background can be found in the consultation document, which can be found at: www.defra.gov.uk/consult/2012/04/23/dangerous-dogs-1204/

An earlier consultation by Defra in 2010 sought views on proposals to change some of the legislation in England relating to dogs. That consultation included a proposal to require that all dogs are microchipped and at that point 84% (1,875 responses) agreed with the proposal. The latest consultation (2012) sought views on the method of introduction of compulsory microchipping. Overall support for compulsory microchipping has increased to 96% (of 26,849 responses). The 2010 consultation also sought views on extension of the Dangerous Dogs Act 1991 to cover all places, including private property where a dog is permitted to be. At that point only 37% (3,215 responses) supported this proposal but the same question in the 2012 consultation received a positive response from 70% (of 17,798 responses) with only 30% favouring no change in the law.

The consultation sought views on four proposals:

1. A requirement that all dogs are microchipped
2. An extension of criminal law (i.e. section 3 of the 1991 Act) to all places, including private property.
3. Allow owners of dogs seized as suspected dangerous dogs or prohibited types to retain possession of their dogs until the outcome of court proceedings
4. Increase the application fee for dogs to be placed on the Index of Exempted Dogs

Headlines

- Overall support for compulsory microchipping has increased from 84% to 96% (based on 26,849 responses in 2012) in the last two years.
- Most recently, 10% supported the Government's favoured option of microchipping all puppies only while 76% supported microchipping all dogs within a set period of the legislation coming into effect.
- 70% of all responses supported extending the criminal law (i.e. section 3 of the 1991 Act) to include private property, up from 37% two years ago. In the latest consultation 48% of that 70% supported extending the act to include inside the owner's home and 22% supported extending the act to include private property where a dog has a right to be but not inside the owner's home.

List of organisations that responded

4Children

Animal Behaviour and Training Council

Animal Concern

Association of British Insurers

Association of Chief Police Officers of England, Wales and Northern Ireland

Association of Pet Behaviour Counsellors

Battersea Dogs & Cats Home

Bayer PLC

Blue Cross

British Association for Shooting & Conservation

British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA) and the Society for Practising Veterinary Surgeons (SPVS) Broadland District Council

City of London Open Spaces Dept

COAPE Association of Behaviourists and Trainers (CAPBT)

Communication Workers Union

Countryside Alliance

Coventry City Council

Dartmoor Livestock Protection Society

Dogs Trust

Dog Rescue Federation

East Hampshire District Council

Essex Animal Welfare Forum (EAWF)

Gravesham Borough Council

Greater Merseyside Dog Welfare Forum

Guide Dogs for the Blind

Humane Society International/UK (HSI UK)

Humberside Police

Kennel Club

Lewisham Borough Council

Local Govt Association

London Borough of Newham Council

Mayor of London

Microchipping Alliance

National Animal Welfare Trust

National Dog Tattoo Register

National Farmers Union

National Working Terrier Association

Naturewatch

NHS Protect

Peabody

People's Dispensary for Sick Animals (PDSA)

Peterborough City Council

PETGEN

Petplan

Plymouth City Council

Rochford District Council

Royal College of Veterinary Surgeons

Royal Mail

Royal Society for the Prevention of Cruelty to Animals

Salford City Council

Sheffield City council

SHG

Tenant Farmers Association

The Dog Hub Camden

Trades Union Congress

Union of Construction, Allied Trades and Technicians (UCATT)

Union of Country Sports Workers

Union of Shop, Distributive and Allied Workers (USDAW)

UNISON - public services union

Unite - the Union

Universities Federation for Animal Welfare

West Midlands Unitary Animal Welfare Group

Wood Green, The Animals Charity

All responses to individual questions

The following summary provides:

- (i) the answers to each question represented as percentages of all responses;
- (ii) total number responses to each question asked in the consultation document;
- (iii) examples of the most popular reasons for each answer; and
- (iv) random quotes from responses (main headline questions only).

Proposal 1: A requirement that all dogs are microchipped

Q1: Which of the following options do you prefer and why? (26,849 responses)

- (a) microchip all puppies - 10%**
- (b) microchip all dogs on change of owner only - 2%**
- (c) microchip dogs on change of owner and then after a period of time (suggest length of time) for all dogs to be microchipped - 8%**
- (d) microchip all dogs within a year of legislation coming into effect - 76%**
- (e) no change to the current situation whereby owners can choose whether or not to microchip their puppies and older dogs - 4%**

96% of those who responded to this question favoured compulsory microchipping. This compares to 84% who responded positively in the 2010 consultation.

Yes (options a, b, c, d) -

- Would improve welfare by making it easier and quicker to reunite owners with lost dogs
- Would improve accountability of owners

No change -

- Is unenforceable - Irresponsible owners will not comply
- Concerned that microchipping may be harmful to dogs/puppies
- Tattooing should be an alternative option

Preference for option (d)-

- ensures that all dogs are microchipped within a defined period and so gives enforcers certainty
- Re-homing centre costs savings and other benefits will be realised sooner
- a, b, c harder to enforce (e.g. option (a) would take 10 – 12 years before all dogs are chipped)

Note: A number of responses that advocated compulsory micro-chipping within a defined period but that did not stipulate one year have been included in the total for option (d)

Quotes:

Support for compulsory microchipping –

“Microchipping is proven to be the most effective way of ensuring lost dogs are returned to their owners. However, of the estimated 8.2 million pet dogs currently in the UK, more than a third remain unidentifiable by a permanent means of identification. According to recent independent economic research carried out by Dogs Trust on behalf of the Microchipping Alliance, if Government were to introduce compulsory microchipping it could save the public purse between £20.5 and £22.8 million per year. If more dogs were microchipped, more could be returned to their owners and in a timelier manner. As such the cost to local authorities would be vastly reduced. Dogs Trust is aware that the LGA believes voluntary microchipping is working. However, despite years of endless education and free microchipping offers from charities, only an estimated 59% of the dog population is currently microchipped and stray dog figures for the UK continue to rise year on year, last year being at over 126,000.” Dogs Trust

“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...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” Royal College of Veterinary Surgeons (RCVS)

Supporting option (c):

“We need some means of effecting the mandatory registration of all dogs in order to be able to identify and deal with irresponsible owners and their dogs; to effect more immediate return of strays, thereby reducing their number with a concomitant reduction in local expenditure. 2 years gives a more manageable lead in time for the micro chipping companies and to ensure all relevant authorities and bodies have scanners and use them.

Policing the change of ownership requirement needs attention.” COAPE Association of Behaviourists and Trainers (CAPBT)

Supporting option (d):

“Based on a cost impact analysis undertaken by the Microchipping Alliance, the Kennel Club considers Option D to be by far the most beneficial in terms of costs savings. The cost analysis looked at implementation costs, enforcement costs, cost savings and the total estimated cost. The calculated annual cost savings relating solely to dog welfare would amount to £20.8-£23.2million in the first year of introducing Option D in legislation. Option D would also allow all dog owners sufficient time to get their dogs microchipped

which would ensure that should any dog get lost or stray, the chances of their reunification with the owner are higher and kennelling time lower.” The Kennel Club

Supporting option (d) but 24 months not 12:

“As with our partner agencies, while preferring option d out of those offered, for pragmatic reasons and to allow time for compliance, we suggest a slight variation so that the requirement should be that all dogs are microchipped within two years of the legislation coming into effect.” Guide Dogs Opposing option (a):“We believe that focussing on the microchipping of puppies will not resolve the numbers of unidentifiable strays in the short or long term and it would take over ten years to achieve the microchipping of all dogs....Option A is unenforceable. We would question how an enforcement officer would be able to determine the age of a dog. If there is no identifying record of birth, there would be no way of telling who should be complying, a loophole which could be easily exploited.” Battersea Dogs and Cats Home

“...by only micro-chipping puppies, it will take an incredibly long time (the Government's own estimate is 10 - 12 years) for the entire dog population to be micro-chipped. Throughout this period a large proportion of dogs will remain un-chipped meaning that the benefits outlined above would only be derived in the medium to long term.” Dog Rescue Federation

“...this option alone would not be immediately effective in securing both the welfare and economic benefits associated with microchipping all dogs without efforts to ensure existing adult dogs are also included.” The Kennel Club

Opposing option (b):

*“If **option b** was adopted by Government, Dogs Trust believes that this would have very little welfare or financial benefits as the majority of dogs in the UK will never change hands and hence will never be microchipped.” Dogs Trust*

Supporting option (e):

“...not all dogs should be microchipped because the costs across the industry would be disproportionate to Defra’s intended benefit. The NFU believes that microchipping of a dog should still be carried out voluntarily by the owner. As a point of principle, regulation should not be applied to all when it is a small minority who do not abide by society’s laws. The NFU still feels that targeted enforcement action should be taken.” National Farmers Union (NFU)

”The vast majority of dogs are harmless pets and these proposals would mean that every responsible and legitimate dog owner will pay for the problems caused by a minority. Compulsory chipping could simply be a

burden on law abiding owners and would not address the issue relating to dangerous dogs. The Mayor is concerned that the owners and breeders of dangerous and/or illegal dogs are highly unlikely to comply with microchipping laws. A microchip will not make a dog less dangerous, nor will an irresponsible dog owner suddenly become more responsible because they have had their dog microchipped.” Mayor of London

Q2: What sort of financial impact (negative or positive) if any, will requiring all dogs to be microchipped have on:

	Positive	Negative	No Change
Individual Owners	29%	51%	20%
Enforcement Agencies	72%	13%	15%
Welfare/re-homing centres	58%	32%	10%
Breeders	52%	27%	21%
Pet Shops	0	0	0
Microchip database companies	92%	2%	6%

Note: Whilst around half of respondents felt that there would be a negative financial impact on individual owners, in many cases the comments declared that the cost would be negligible.

Quotes on impacts on :

Individual Owners:

“The costs of microchipping to individual owners are small, especially compared with the other costs associated with dog ownership. Many charities offer discounted or free microchipping and veterinary practices may also include microchipping as part of a wider package of healthcare measures. These costs should be balanced against the decreased cost of reunification, which would be easier and quicker if compulsory microchipping was introduced. As noted in the Microchipping Alliance submission, most vets will charge between £10 and £30 for microchipping, which is the equivalent to about 3 weeks worth of dog food (based on 80 pence per day).” Joint BVA-BSAVA-SPVS response.

From individuals’ responses:

“the cost of shipping and registering puppies will encourage responsible ownership”

“the one off cost is insignificant to the cost of caring for a dog”

“people will be unable to afford to chip which will lead to more strays”

Enforcement agencies:

“ The benefits of a microchipped dog with details being to date would mean speedier and cheaper costs to be paid if a dog goes missing” Salford City Council

“If animals are microchipped there should be a drop in abandoned and straying animals...these agencies should already have access to equipment to scan and trace animals but may have to purchase other machines. To cope with demand” Peterborough City Council

“The LGA acknowledges that compulsory microchipping will help some stray dogs be returned to their owner more rapidly, hence promoting welfare standards and reducing the extensive and increasing kennelling costs incurred by councils . However the benefits still remain limited as many stray dogs have already been chipped on a voluntary basis and councils are already working hard to ensure stray dogs are returned to their owners as quickly as possible. Unfortunately microchipping will not resolve the increasing trend of individuals abandoning dogs because they have been unable to cope with the full responsibility of dog ownership. A trend that is increasing as economic pressures on families continue to grow.” Local Government Association

Animal Welfare/Re-homing Centres

“The majority of larger re-homing centres already have in place the policy of microchipping all dogs so the financial impact would be limited. Whilst smaller establishments may see an impact from the implantation of microchips this should be recouped through the reduced pressure on resources to house and re-home stray dogs as reunification numbers will increase.” Wood Green, the Animals Charity

“Battersea believes that the costs associated with the kennelling of dogs will be reduced with the compulsory microchipping of dogs as dogs will be identifiable and returned to their owner, thus having a beneficial effect on enforcement agencies.” Battersea Dogs Home

Dog Breeders:

“..the majority of responsible dog breeders already microchip their puppies prior to sale – for example the Kennel Club Assured Breeders Scheme...The cost to breeders of paying for microchipping should be minimal. Indeed many may elect to be trained in microchipping to further reduce the impact. Any cost should be offset by the cost of selling the puppies.” The Dogs Trust

Pet Shops:

“the breeder would have been responsible for micro-chipping the puppy before it came to the pet shop”. Gravesham Borough Council

Microchipping database companies:

“...may benefit ... as more chips will have to be purchased, supplied and registered and a database maintained. There may also be an increase in the number of people wishing to be trained to implant their chips thus increasing their revenue further”. Lewisham Council “If there is an increase in demand for chargeable services requiring for instance, additional staffing, we assume that the additional business and income generated will cover the additional costs to the business.” Guide Dogs

“What needs to be monitored very closely is any price change. The companies producing and selling the Microchips could increase the cost of the chip to increase profits given that it will be compulsory to have a microchip” Peterborough City Council

Q3: Do you think that any regulation introduced on microchipping should set minimum standards for commercial databases e.g. they should be ISO compliant? (17,147 responses).

Minimum Standards – 90%

No change - 10%

Minimum Standards

-

- Should comply with ISO standards, Data Protection and all other UK and EU legislation
- To maintain public trust/protect against misuse & profiteering
- To ensure consistency

No change -

- Concern over potential misuse of data
- Do not agree with microchipping

Quotes:

Yes -

“Any change in the law that necessitates the public to undertake a course of action at their personal expense should be subject of minimum standards. To require the public to undertake the microchipping of their dog at their expense, yet offer them no protection or reassurance in law would be unfair. There would also be a risk of an inconsistent service being provided not only to the public, but to enforcement and welfare agencies also. Using such a body as the International Organisation for Standardisation (ISO) would ensure that any organisation or individual using commercial databases would have the reassurance that the services provided was of a consistently high standard.”

Association of Chief Police Officers

Proposal 2: An extension of criminal law (i.e. section 3 of the 1991 Act) to all places, including all private property

Q4: Do you think that the offence, under the Dangerous Dogs Act 1991, of allowing a dog to be dangerously out of control should:

- (a) be extended to include all places, including where the dog has a right to be (inside and outside the home)**
- (b) be extended to include places where the dog has a right to be but not inside the owner's home**
- (c) remain as now (only applies to public places where the dog has no right to be)**

(a) 48% (b) 22% (c) 30% 17,798 responses

Reasons for -

(a)

- Dog owners should be responsible at all times**
- To protect public workers who have to lawfully enter the private property. Many dog attacks occur inside the home/provides protection for children, family members and postal workers etc**

(b)

- It is the responsibility of those entering a home to risk assess the situation**

(c)

- All dogs need exercise – wrong to impose restrictions on private land**
- May lead to an increase in the reporting of dogs where no offence has actually been committed (i.e. farmers' dogs not on a lead)**

Quotes

(a)

“dog control legislation should be extended to cover all places to ensure people are provided with a means of legal redress regardless of whether they are on public or private property at the time of the attack. We believe that an owner has a duty to ensure that their dog does not pose a threat to public safety in all places not just public places and we support option a.” RSPCA

“..there would be operational benefits if the provisions of the Act were extended to any place where a dog has a right to be. The public and families affected by tragedy expect the Police to be able to take effective action. There are horrific and all too frequent examples of where the Police have limited or no means to take appropriate action. Victims and their families must have the ability to hold to account those responsible for attacks causing injury. Often where there are extremely serious attacks on private property (10 in the past 7 years) the owners of the dogs are effectively immune from criminal prosecution.” Association of Chief Police Officers

“At the moment there are no legislative powers to deal with any incident concerning a dog when it occurs within the home environment. A number of serious and deadly incidents have occurred and legislation is required that will establish the owner of the dog liable for the safety of the occupants within private property, the exception being persons injured without permission to be on premises (i.e. Burglars).” Humberside Police. The Communication Workers Union (CWU), who represent post workers, supported an extension of the law and 189 individual CWU members or their supporters wrote to support this proposal. The CWU campaign was also supported by the Trades Union Congress (TUC) and a number of TUC affiliated unions including the larger of the unions representing NHS staff.

“70% of [dog] attacks on Postal Workers take place on private property where owners are immune from prosecution.” CWU

The Royal Mail Group also support the CWU campaign: *“Dog attacks are a significant hazard faced by our employees in the course of their daily deliveries; we record between 3,000 to 4,000 dog attacks on our staff each year....In total over 4,100 working days have been lost as a result of the injuries suffered since April 2011, costing Royal Mail approximately £400,000. This is an ongoing problem, involving substantial financial costs.”*

“The Mayor strongly advocates that the offence of allowing a dog to be dangerously out of control should be extended to include private property and has been campaigning for this for over four years. Current data reveals that the majority of dog assaults and injuries are sustained either in the family home, private gardens or on private land. Extending the current law would provide legal redress and some form of protection for service workers, family members, children, and invited guests from being attacked by dogs on private property.”

Mayor of London

(b)

“ It is the responsibility of the person entering the home for example social workers and police, post man, parents (who this legislation aims to afford more protection) to risk assess the situation before entering the home. Requests made to the owners to secure the dog before entering the premises. I do believe however that a fatal injury

as result of a dog attack does warrant action through the Courts, no matter where the offence takes place.” Peterborough City Council

(c)

“..farmhouses, agricultural buildings and farmland would be included under private property. The NFU’s concern is that working dogs are generally well behaved and farmers are generally responsible dog owners. Working dogs on a farm are not normally on a lead but this does not mean they are “dangerously out of control”. The NFU is concerned that members of the public seeing working dogs not on a lead may be concerned and could report farmers to the police in respect of the dog, when no offence has in fact been committed” NFU.

Q5: Do you think that there would be a financial impact upon the police/court service/Crown Prosecution Service in the short or longer term?

Police 68% Court Service 68% CPS 68% 24,544 responses

Comments –

- **Increase in prosecutions will lead to an increased financial impact to police and courts in the short and long term.**
- **Eventually the number of incidents should decrease as owners are encouraged to keep their dogs under control**
- **Will save money over time**

Quotes

“...the expectation is that incidents involving irresponsible dog ownership will decrease as owners are encouraged to keep their dogs under control, therefore having a positive financial impact with fewer cases involving police, court service or Crown Prosecution Service.” The Kennel Club

“There would inevitably be an impact on costs to the Police in the short term in particular consequent on an extension to all places including where the dog has a right to be... a proportion of this increase may be balanced by a reduction in seizure/retention of dogs due to other proposals within the consultation, and individual police service policies balancing public safety against costs as is necessary in the current financial context...There would inevitably be an increased workload for the Crown Prosecution Service and the Courts, but this is not sufficient reason to decline to address what is a public safety and animal welfare imperative. There are options available that would allow a quicker resolution of cases in the Courts and it is imperative that these issues are addressed.” Association of Chief Police Officers

Q6: Do you consider that any special provisions should apply if a dog attacks an intruder?

Yes 82% No 18% 17,806 responses

Comments –

- **Discretion should apply when a dog attacks an intruder**
- **A dog cannot make an informed decision as it acts on instinct if it feels threatened and therefore could not tell the difference between an intruder and someone else entering the property lawfully such as the police.**

- **Circumstances of attack need to be investigated by police before any action is taken.**
- **A person with criminal intent should have no protection in law against injury or other consequence.**

Quotes

“...an owner should not be prosecuted if the victim was an intruder or otherwise present unlawfully. If the victim chooses to break the law in this way, they do so at their own risk and should not be granted the same protection as a lawful visitor.” The Dogs Trust

Q7: Is it acceptable to exempt the owner of a dog from prosecution even if it appears that the dog was dangerously out of control when it attacked the intruder? Or should it be left to prosecutors to use their discretion in individual cases to decide whether to bring charges against the owner of a dog who has attacked an intruder?

Yes 68% No 32% 17,724 responses

Yes -

- **Not acceptable if habitually out of control**
- **Must be made on a case by case basis. Guard dogs need to be a good deterrent.**
- **Prosecutor would decide on each case**

No -

- **No evidence of need to change the law.**

Quotes

“Each case will be highly individual and up to the judge’s discretion with the help of an independent assessment from a qualified animal behaviourist.”

The Association of Pet Behaviour Counsellors (APBC)

“A person who enters private property where they have no lawful right to be either by implied licence or by invitation should not be able to prosecute under these circumstances. Account also needs to be taken of the situation where a dog defends itself or its owner against attack whether from a person or another animal. There is no reason, however, why the authorities should not be able to take action if they consider that in all the circumstances the dog has acted in such a way as to suggest that it may pose a threat to public safety. However, this should require some evidence that it has shown dangerous behaviour in ordinary circumstances and not just when confronted by an attacker or intruder. It is also worth noting that the provisions of the Animals Act 1971 may apply.” Countryside Alliance

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

Q8: Do you agree that there should be no need to seize suspected prohibited dogs considered by the police to be no threat to public safety between when the case goes to court and the owner s issued with a Certificate of Exemption?

Yes – 85% No – 15% 16,067 responses

Yes-

- **Dogs not a threat – innocent until proven guilty – should not be placed in a kennel**
- **Dogs in kennels are placed under more stress – animal welfare issues**
- **Should stay with the owner if the police say dog is safe**
- **Cost implications against placing dogs in kennels**

No –

- **Owners could relocate their dog if it was not placed in a kennel**
- **Police do not have the expertise to make decisions for kennelling**

If the dog is dangerous it should be placed in a kennel

Quotes

Yes –

“The welfare of the dog would be improved if it could be kept with the owner for as long as possible. This would of course only be permissible if the owner could be classed by the police as ‘responsible’ and if it was considered that the dog posed no threat to the general

public.

In order to adopt a more common sense approach the police would require more discretion. It is harmful to dog welfare and expensive for the public purse when such dogs, if they pose no risk, are seized and kennelled whilst waiting for a court decision to be made.

The un-necessary' seizing of a loved family pet will also cause distress to family members and a feeling of resentment towards the enforcer when on a number of occasions this is not regarded as an action that is deemed to be necessary." Greater Merseyside Dog Welfare Forum

"ACPO supports this proposal, however, many Forces may use it cautiously as there will be risks in leaving a dog with its owners. It will be for individual Chief Officers to determine the balance in their Forces and for operational officers to make assessments in good faith. This is an issue of risk assessment and some Forces will probably not change their current practices.... Considering that all dogs are in the possession of the Police from the time of their initial identification as potentially being of Pit Bull Type, any potential saving as a result of a "leave at home" policy would be increased. This would be due to the fact that it may take anything from 1 to 3 weeks for a Section 4B to be listed at court, a period of time not considered within the consultation document.

Many prohibited dogs are sociable, well cared for animals, owned by responsible individuals. These dogs are often rightfully returned to their owners once placed onto the Index of Exempted Dogs, and go on to live out their lives adhering to the conditions of the IED without further incident. To retain these dogs within kennels pending the decision being made at court to place the dog onto the IED is an unnecessary expenditure." Association of Chief Police Officers

"This year to date, kennelling seized dogs has cost the Metropolitan Police Service £1.9m in London alone. Dogs have been known to be kennelled for over two years, and there is anecdotal evidence that lengthy periods of kennelling can have a negative impact on the welfare and behaviour of dogs that are not use to such environments away from their owners and domestic home setting. Implementation of the above proposal will ease costs to the police service. It will permit the police to impose certain conditions e.g. muzzling and keeping a prohibited dog on a lead when in public before a trial, instead of seizing and retaining the dog in kennels. Allowing the dog to be exempted from seizure in these circumstances will strike the right balance between protecting the public from prohibited dogs and ensuring that safe and properly looked after dogs are not unnecessarily removed from their homes." Mayor of London

No –

"How can a dog be risk assessed properly without it being first in a controlled environment?

Such animals will be evidence and ownership is prohibited under the DDA – this will send out the wrong signals.

The issue is to speed up the court process so cases can be dealt with as quickly as possible." London Borough of Newham Council

Q9: Do you agree that unnecessarily kennelling dogs could lead to those dogs becoming maladjusted and developing behavioural problems?

Yes – 90% No – 10% 16,137 responses

Yes –

- Stressful environment for the dog
- Lack of socialisation
- Separation from owner
- Lack of care/habits/routine
- Pick up bad habits

No –

- Dog is already maladjusted before going into the kennel
- Depends on kennel standards/ length of time in kennel

Quotes

Yes –

“Any breed of dog will experience a great deal of distress when subjected to the kennel environment. This is due to a variety of reasons, including being isolated from people or other animal companions, lack of exercise and mental stimulation, and lack of opportunities to carry out normal and essential behaviour patterns. Kennels can be noisy, barren, unpredictable and a frightening environment for dogs to be in.

The main welfare concern for a social species like the dog is the fact that he or she

has been removed from the family group. Being part of a social group is essential for any dog to function normally and along with the inability to carry out other natural behaviour his or her quality of life will be extremely poor, compromising welfare considerably.” Blue Cross for Pets

“Kennelling is stressful for most dogs and particularly high energy ones like many of these for the following reasons:

- Many do miss their owners and old routine and go through a process similar to grieving*
- The amount of exercise in any private boarding kennels is usually quite limited so dogs find other outlets for their pent up energy*
- The boredom of kennel life can lead to the development of stereotypic behaviours*
- Kennelling can, over time, escalate behaviours that were minor such as dog aggression and guarding behaviour as the dog gets a chance to ‘practice’ these each day*
- It can take time for the dog to adjust to normal life again and often they take their learned behaviours from the kennel with them” National Animal Welfare Trust*

No –

“Many working dogs (probably the majority) are housed in kennels throughout their natural life and without any such problems occurring. Similarly there are many pet dogs living indoors which are far less fortunate. In our view a far more significant contributing factor is the type and level of attention a dog receives, rather than where they are housed. We are mindful of the example of the stray dog which starved to death whilst in police care and died due to a lack of even the most basic of attention. There are already laws in place which dealt with this most adequately; they just need to be adhered to properly.” National Working Terrier Association (NWTa)

Q10: Do you think that owners should be able to apply directly to the Courts to have their dogs placed on the Index of Exempted Dogs?

Yes – 79% No – 21% 15,416 responses

Yes –

- **Would enable owners to take responsibility rather than to await prosecution.**
- **Common standards of assessment needed**
- **Would save police time**

No –

- **Should remain sole responsibility of the police**
- **It is likely that fewer owners will apply to have their dogs on the index without the police being involved**

Quotes

Yes –

“We support an opening up of the Index of Exempted Dogs (IED) to owner-led applications. This would enable owners of prohibited or potentially prohibited breeds to take responsibility for their dogs rather than await prosecution. Standards for assessment of breed/type and behaviour should be set nationally to ensure consistency and assessment should be carried out by practitioners with a suitable level of qualification and experience.” The British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA) and the Society for Practising Veterinary Surgeons (SPVS)

No –

“..it is essential that the police stay involved and that owners are not able to apply directly to Courts. Agreeing completely that it is likely that fewer owners will apply to have their dogs on the index without the police being involved.” National Farmers Union (NFU)

Q11: Do you think that the Courts or police are better placed to deal with Contingent Destruction Orders?

Courts – 33% Police – 67% 14,622 responses

Courts –

- **Wrong to require police to be investigator, judge and jury**
- **Necessary to retain confidence in police impartiality**

Police –

- **Courts have never disagreed with police recommendation**
- **Cost saving**

Quotes

Courts –

“The RSPCA believes that the Courts are best placed to require Contingent Destruction Orders as it is their role to examine the evidence presented to them, consider the community impacts and pass a judgment accordingly. From a rule of law perspective it would be wrong to require the police to be investigator, judge and jury on this. This would confuse their skill and role and remove important judicial oversight to a process that is already quite controversial.” RSPCA

Police –

“The Kennel Club would support the approval of Index applications, issuing of CDOs and power to extend the 2 month CDO deadline upon valid owner application to be carried out by the Police as opposed to the Courts.

Whilst the consultation outlined a possible risk of individuals evading or not complying with CDO requirements in the mandatory timeframe if the powers were moved solely to the police, the Kennel Club does not believe this is any more likely than under the current process with court involvement. The Kennel Club would stress that it would not support the removal of involvement by the Courts in cases where an application is being made for the dog to be destroyed. The Kennel Club feels that in such cases a Court involvement is an essential part of the democratic process.” The Kennel Club

Q12: (For the police only) How many private kennels are

used to house banned types of dogs awaiting issue of Contingent Destruction Orders

Comments –

- Relatively small numbers

Q13: (For Kennel Operators) What do you see as the likely impact on businesses if these dogs no longer need to be kennelled? Why?

No comments received by anyone identifying themselves as kennel operators. Of the general comments received, all bar two from survey monkey (2,879 responses):

- 20% Would lose Money
- 7% Loss of income would be minimal
- 11% Not lose money (Kennels are busy anyway)
- 9% Kennels would choose/have more time to develop other areas i.e. taking care of rescue dogs
- 10% Welfare of animals is more important
- 3% Kennels should not rely on dangerous dogs for business
- 12% Other (including comments on kennelling in general)
- 28% N/A or don't know

Quotes:

“Battersea expects those kennelling facilities, which help kennel Section 1 dogs at present during court cases, to have an impact on their business if dogs are permitted to remain with the owner.” Battersea Dogs and Cats Home

Proposal 4: Increasing the application fee for dogs to be placed on the Index of Exempted Dogs

Q14: Do you agree that in the circumstances described the application fee be increased to £77 plus VAT?

Yes – 53% No – 47% 14,818 responses

Yes –

- **Weed out irresponsible owners**
- **Cover costs**
- **Discourage people keeping these dogs**

No –

- **People on low income may not be able to pay**
- **Too many costs already e.g. microchipping**
- **Lead to more abandoned dogs**
- **Too cheap – does not cover costs**

Quotes –

Yes –

“Based on the knowledge we have in Lewisham, by increasing to £77 plus VAT more people may choose to have their dogs destroyed as they do not have the financial means to get their dog back. Further, increasing the fee may also deter people coming forward voluntarily to register their dogs. Having said that, if changes to legislation are going to take place, these need to be funded and if people have chosen, knowingly or unknowingly, to have a prohibited breed then they should be prepared to pay it. It may well be that measures have to be put in place for those people who genuinely can't afford to pay e.g. phased payments.” Lewisham Council

“Given that the amount of money available to support of animal welfare initiatives is limited, we feel that any move to reduce the financial burden on the Government is desirable. Indeed a fee that allows full cost recovery would be preferable, in that it would make more money available to spend on other areas of animal welfare concern.” Universities Federation for Animal Welfare (UFAW)

No -

We understand the need to increase the fee but if the object of the changes is to encourage more compliance with the law then a 385% increase in the fee is more likely to reduce compliance than increase it. It would also act as a major disincentive if individuals were able to apply directly to the courts rather than wait to be picked up by the authorities. Countryside Alliance

Q15: Do you think reviewing the fee after 3 years is reasonable?

Yes – 87% No – 13%

Quotes –

Yes –

“The group believes that the fee for administering the Index of Exempted Dogs should realistically reflect the time spent in considering any application. the group would support reviewing the fee every 3 years so as to ensure it remains realistic.” West Midland's Unitary Animal Welfare Group

No –

“..the only result would be a fee increase.” Self Help group for Farmers, Pet Owners and Others experiencing difficulties with the RSPCA

Responses by Key Interested Parties to Headline Questions (Qs 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15,)

This section summarises the responses of key interested parties to the headline questions in the consultation.

In deciding what is a “key interested party” we have tried to identify those organisations which have a direct involvement in the consequences of irresponsible dog ownership. We accept that others may disagree with our choice of key interested parties but the intention behind this part of the summary is to allow people to see the responses of organisations, who are close to the issue, to some of the big questions.

The figure in brackets against each answer is the percentage of all responses, including the public.

Some of the answers given were not necessarily clear cut and many “yes” or “no” replies came with caveats. For details of the full replies given, please refer to the individual responses available from the Defra library.

List of key interested parties:

Association of Chief Police Officers (ACPO)
Battersea Dogs & Cats Home (Battersea)
Blue Cross
British Veterinary Association (BVA), the British Small Animal Veterinary Association (BSAVA) and the Society for Practising Veterinary Surgeons (SPVS)
Communication Workers' Union (CWU) (responses from the Trades Union Congress, Unite – the Union, UNISON, UCATT, and USDAW were identical to/supported the CWU response)
Dogs Trust
Humberside Police
Kennel Club
Local Government Association
Local authorities (** that have responded and are identified separately)
Mayor of London
National Animal Welfare Trust (NAWT)
National Farmers Union
NHS Protect
PDSA (People's Dispensary for Sick Animals)
Royal College of Veterinary Surgeons (RCVS)
Royal Mail
Royal Society for Prevention for Cruelty to Animals (RSPCA)
Wood Green, the Animals Charity

Responses of the key interested parties to the headline questions:

Proposal 1: A requirement that all dogs are microchipped

Q1: Which of the following options do you prefer and why? (26,849 responses)

- (a) microchip all puppies
- (b) microchip all dogs on change of owner only
- (c) microchip dogs on change of owner and then after a period of time (suggest length of time) for all dogs to be microchipped
- (d) microchip all dogs within a year of legislation coming into effect
- (e) no change to the current situation whereby owners can choose whether or not to microchip their puppies and older dogs

(a)	Peterborough City Council; Plymouth City Council; (10%)
(b)	Nil (2%)
(c)	ACPO; Gravesham Borough Council; NAWT; Plymouth City Council; (8%)
(d)	Battersea; Blue Cross; BVA/BSAVA/SPVS; CWU; Dogs Trust; East Hampshire District Council; Kennel Club; Lewisham Council; London Borough of Newham Council; Rochford District Council; Royal Mail Group; RSPCA; Salford City Council; Sheffield City Council; Wood Green (76%)
(e)	Mayor of London; NFU (4%)

Q3: Do you think that any regulation introduced on microchipping should set minimum standards for commercial databases e.g. they should be ISO compliant? (17,115 responses).

Yes	ACPO; Battersea; Blue Cross; BVA/BSAVA/SPVS; Dogs Trust; Guide Dogs; Kennel Club; Lewisham Council; LGA; London Borough of Newham Council; NAWT; NFU; Mayor of London; Peterborough City Council; Plymouth City Council; Rochford
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	District Council; RCVS; RSPCA (90%)
No	Nil (10%)

Proposal 2: An extension of criminal law (i.e. section 3 of the 1991 Act) to all places, including all private property

Q4: Do you think that the offence, under the Dangerous Dogs Act 1991, of allowing a dog to be dangerously out of control should:

- (a) be extended to include all places, including where the dog has a right to be (inside and outside the home)**
- (b) be extended to include places where the dog has a right to be but not inside the owner's home**
- (c) remain as now (only applies to public places where the dog has no right to be)**

17,798 responses

(a)	ACPO; Battersea; Blue Cross; BVA/BSAVA/SPVS; CWU; Dogs Trust; East Hampshire District Council; Gravesham Borough Council; Guide Dogs; Humberside Police; Kennel Club; Lewisham Council; LGA; London Borough of Newham Council; Mayor of London; NAWT; NHS Protect; Plymouth City Council; RCVS; Rochford District Council; Royal Mail Group; RSPCA; Sheffield City Council; Wood Green (48%)
(b)	Peterborough City Council; (22%)
(c)	NFU (30%)

Q5: Do you think that there would be a financial impact upon the police/court service/Crown Prosecution Service in the short or longer term?

Police	ACPO; Blue Cross; Battersea; Dogs Trust; Lewisham Council; London Borough of Newham Council; Mayor of London; Peterborough City Council; Plymouth City Council; RSPCA (68%)
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Court Service	ACPO; Blue Cross; Battersea; Dogs Trust; Lewisham Council; London Borough of Newham Council; Mayor of London; Peterborough City Council; Plymouth City Council; RSPCA (68%)
CPS	ACPO; Blue Cross; Battersea; Dogs Trust; Lewisham Council; London Borough of Newham Council; Mayor of London; Peterborough City Council; Plymouth City Council; RSPCA (68%)
No or positive Impact	East Hampshire District Council;
Q6: Do you consider that any special provisions should apply if a dog attacks an intruder?	
Yes	ACPO; Battersea; Blue Cross; BVA/BSAVA/SPVS; Gravesham Borough Council; Guide dogs; Dogs Trust; East Hampshire District Council; Humberside Police; Kennel Club; Lewisham Council; London Borough of Newham Council; Mayor of London; NAWT; NFU; Rochford District Council; RSPCA; Wood Green (82%)
No	Nil (18%)
Q7: Is it acceptable to exempt the owner of a dog from prosecution even if it appears that the dog was dangerously out of control when it attacked the intruder? Or should it be left to prosecutors to use their discretion in individual cases to decide whether to bring charges against the owner of a dog who has attacked an intruder?	
Exempt	Dogs Trust (68%);
Discretion	Battersea; BVA/BSAVA/SPVS; Guide Dogs; Kennel Club; Lewisham Council; London Borough of Newham Council; Mayor of London; NAWT; Peterborough City Council; Rochford District Council; RSPCA; Wood Green (32%)

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

Q8: Do you agree that there should be no need to seize suspected prohibited dogs considered by the police to be no threat to public safety between when the case goes to court and the owner s issued with a Certificate of Exemption?

Yes	ACPO; Battersea; Blue Cross; BVA/BSAVA/SPVS; Dogs Trust; East Hampshire District Council; Kennel Club; Lewisham Council; Mayor of London; NAWT; NFU; Peterborough City Council; RCVS; Rochford District Council; RSPCA; Sheffield City Council; Wood Green (85%)
No	London Borough of Newham Council; (15%)

Q9: Do you agree that unnecessarily kennelling dogs could lead to those dogs becoming maladjusted and developing behavioural problems?

Yes	ACPO; Battersea; Blue Cross; BVA/BSAVA/SPVS; Dogs Trust; East Hampshire District Council; Kennel Club; Lewisham Council; London Borough of Newham Council; Mayor of London; NAWT; Peterborough City Council; Rochford District Council; RSPCA; Wood Green (90%)
No	Nil (10%)

Q10: Do you think that owners should be able to apply directly to the Courts to have their dogs placed on the Index of Exempted Dogs?

Yes	BVA/BSAVA/SPVS; Dogs Trust; East Hampshire District Council; Kennel Club; Mayor of London; Plymouth City Council; Rochford District Council; Wood Green 79%
No	ACPO; Battersea; Blue Cross; Lewisham Council; London Borough of Newham Council; NAWT; NFU; RSPCA 21%

Q11: Do you think that the Courts or police are better placed to deal with Contingent Destruction Orders?

Courts	ACPO; Blue Cross; East Hampshire District Council; Guide Dogs; London Borough of Newham Council; NFU; Rochford District Council; RSPCA (33%)
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Police	Humberside Police; Kennel Club; Plymouth City Council; (67%)
Courts & Police	Battersea; Dogs Trust; NAWT

Proposal 4: Increasing the application fee for dogs to be placed on the Index of Exempted Dogs

Q14: Do you agree that in the circumstances described the application fee be increased to £77 plus VAT?

Yes	ACPO; Blue Cross; BVA/BSAVA/SPVS; Humberside Police; London Borough of Newham Council; Plymouth City Council; Rochford District Council; (53%)
No	Dogs Trust; East Hampshire District Council; Kennel Club; NAWT; RSPCA (47%)

Q15: Do you think reviewing the fee after 3 years is reasonable?

Yes	ACPO; Blue Cross; BVA/BSAVA/SPVS; Dogs Trust; Kennel Club; Lewisham Council; London Borough of Newham Council; NFU; Plymouth City Council; Rochford District Council; (87%)
No	Nil (13%)

The Way Forward

The Government is determined to tackle irresponsible dog ownership, particularly in the light of the public concern shown in the consultation which attracted over 27,000 responses. The proposals set out below are the legislative changes that taken with other, non statutory measures, form part of the package of measures to address the issue. The package as a whole will greatly help to educate dog owners in responsible ownership which will in turn help reduce incidence of straying and welfare problems. It will also help to reduce the numbers of dogs causing nuisance in communities, or becoming dangerous and attacking people or other animals, including assistance dogs.

Proposal 1: Microchipping

Compulsory microchipping of dogs is supported by 96% of respondents. Only 10% favoured Defra's preferred option of microchipping all puppies. The 10 – 12 year delay before all dogs would be microchipped was considered far too long to wait for the full benefits of compulsory microchipping to be realised and for enforcers to have certainty as to whether any dog should have been microchipped.

The vast majority, 76% instead favoured the option of compulsory microchipping of all dogs after a defined period. The consultation suggested one year. However nearly 40% of those in favour of this option felt a lead in period of more than one year would be required. Some key stakeholders have also come to this view since the consultation closed.

This would help offset the drawbacks of microchipping dogs within one year of legislation coming into effect identified in the consultation package e.g. great pressure on implanters and microchip databases in chipping and registering an estimated 2.9 million dogs in a short space of time. A longer lead in period would make this pressure more manageable whilst still giving enforcers certainty after a fairly short time. It would also help realise the full benefits from being able to re-home stray dogs much more quickly than the puppies option. A three year lead time from 2013 to 2016 is proposed.

Respondents considered that compulsory microchipping would have positive benefits for enforcement agencies, welfare/re-homing centre's breeders and databases. A very small majority (51%) thought that microchipping would have a negative effect on owners but the majority of these recognise that the impact would be very small in comparison with the cost of buying a dog and its lifetime care. Indeed many welfare organisations offer free or low cost microchipping.

On balance, therefore, Defra plans to introduce Regulations requiring all dogs to be microchipped in England from 6 April 2016. Those regulations would require owners to microchip a dog and register it on an authorised database; owners would have to register the details of any new owners prior to transfer of ownership of a dog and require owners to keep their contact details up to date on the microchip databases.

Defra is working with database providers and chip suppliers to ensure minimum standards of service for commercial databases and standards of microchips, supported by 90% of consultees, updated implantation guidance and training and work towards a one-stop enquiry point for microchipped lost and found dogs.

Proposal 2: Private Property

There has been a big sea change in opinion on extending the Dangerous Dogs Act 1991 to include places where a dog has a right to be – from 37% to 70%. There were also considerably more responses to the latest consultation (17,710 responses as against 3,215 to this question in 2010).

Of the 70% who favoured extending the law to private property, more than two thirds of this figure (48%) and 44 out of 47 stakeholders responding agreed that the law should be extended to cover all private property including inside the home. 22% of all respondents including one stakeholder felt that the law should be extended to private property but not inside the home.

A very clear majority felt that owners should not be prosecuted if their dog attacks an intruder who has no legal right to enter the owner's home. The detailed responses often accepted the complexities of this issue. 82% of respondents considered there should be special legislative provisions in this regard so that they were not prosecuted if for example the dog attacked an intruder in defence of itself, its family or because provoked. When asked separately if an owner should be exempted from prosecution even if their dog was dangerously out of control 68% agreed, with 32% saying the courts should decide. However, looking at the comments made by stakeholders and individuals in favour of a full exemption, there was a clear message that an exemption should not apply where dogs were habitually out of control, that an exemption should apply to responsible owners and that cases would be complex.

Defra is of the view that owners of dogs should be responsible for their dogs and answerable whenever and wherever those dogs may be dangerously out of control. Friends and family in homes and anyone legitimately on premises such as social services, health professionals and utility workers should be protected by the law, as should anyone delivering to the door such as postal workers.

Defra proposes to extend the scope of the Dangerous Dogs Act 1991 (as amended) to all places with an amendment to the Act when Parliamentary time permits. In doing so the intention is to judge cases on their merits, protecting householders but not to protect burglars or other intruders trespassing on private property. This level of protection however would not extend to situations where a child goes into a garden to retrieve, say, a lost ball.

Defra believes that Dangerous Dogs Act should apply to any part of private property so that all cases of dog attacks can be investigated by the police and appropriate action taken against irresponsible owners who allow their dogs to be dangerously out of control.

Most respondents considered that an extension of legislation would have some financial impact on police, courts and Crown Prosecution Service but that this would decrease or save money over time.

Defra will now work towards extending the Dangerous Dogs Act 1991 (as amended by the Dangerous Dogs Act 1997) to cover all places.

Proposal 3: Kennelling Dogs

A large majority (85%) agreed with the proposal to allow owners of dogs seized as suspected dangerous dog types to retain possession of their dogs (if considered by the

police to be no threat to public safety) until the outcome of court proceedings. Most (90%) agreed that kennelling dogs unnecessarily could lead to dogs becoming maladjusted and developing behavioural problems.

Defra proposes to introduce an Order giving the police discretion to allow dogs they do not consider a threat to public safety to remain with their owners whilst waiting to be placed on the Index of Exempted Dogs, subject to conditions. The amended legislation will NOT allow dogs considered dangerous to remain with their owners until court proceedings have been completed and those dogs will continue to be kept in kennels until a Court rules they are no threat to the public or a destruction order is executed.

The change will benefit dog welfare. It is better and less stressful for dog and owner if the dogs can stay in their familiar surrounding if at all possible so that behavioural problems do not develop later as a result of kennelling. Such problems can lead to dogs becoming dangerous when they were not before. The change will also benefit the police who will be able to save some money on some of their kennelling costs.

The consultation also sought views on whether owners of banned breeds should be able to apply directly to Courts to have their dogs placed on the Index of Exempted Dogs (instead of the police seizing the dogs and seeking Contingent Destruction Orders (CDOs) through the Courts to place the dogs on the index as at present) and whether the Courts or Police are better placed to issue those CDOs (at present it s the Courts).

Although there were 79% of respondents in favour of moving to owners applying directly to Courts and 67% in favour of moving responsibility for issuing CDOs to the police, it has been decided that there will be no change in the present arrangements, a position that the police endorse.

It is felt that the Courts must be the final arbiters in deciding whether a banned type is dangerous or not based on the evidence of both the police who have assessed the dog and any conflicting evidence put by the dog owner. There would be a risk of lack of balance in owner led applications were the police excluded, which might lead to a dangerous dog being allowed onto the index rather than being destroyed in the public interest.

Proposal 4: Index Fee

A majority of 53% agreed with the increase in the application fee from £20 + VAT to £77 + VAT. A fee increase is never going to be popular, but the fee has not been increased since 1997 hence the large difference. Also, as the Consultation Document pointed out, this is not full cost recovery as Government rules dictate that only the costs of enforcing the Index can be recouped and not the cost of monitoring it. The Government is therefore continuing to contribute to the cost of administering the Index of Exempted Dogs.

The risk of some owners of banned types of dog not coming forward as a result of the increase is recognised, particularly those who may have limited income and have

inadvertently bought a dog that turns out to be a banned type. The Government will seek to work with dog interests to educate owners further both in the law and to help avoid buying a banned type of dog so that owners are not placed in this position. Defra is now working with Welsh and Scottish Governments to introduce the revised fee in Great Britain. This will be done through a fees order under secondary legislation.