

PE1396/E

Rural and Environment Directorate

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Alison Wilson
Public Petitions Committee
Scottish Parliament
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Edinburgh
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30 September 2011

Dear Ms Wilson,

CONSIDERATION OF PETITION PE1396

Thank you for your letter dated 8 September asking for our consideration of petition PE1396 on the over breeding and abandonment of Staffordshire bull terriers, submitted by Ian Robb. You asked for our views on the specific issues raised in the petition itself, those raised during the discussion on the petition, and the specific written questions to the Scottish Government. I shall respond to all these points within the framework of the written questions posed.

What are your views on the issues raised in the petition?

On the basis of the evidence presented, the Scottish Government agree that there is currently a significant welfare issue arising from the irresponsible breeding, ill care and abandonment of Staffordshire bull terriers. The humane destruction of animals is not strictly a welfare issue in itself; having to put down healthy dogs is understandably distressing but is preferable to dogs being placed with owners who cannot care for them. However we accept that this may be of concern on moral or ethical grounds.

The Scottish Government recognises that dog fighting and abandonment are serious welfare issues. There is already robust legislation in place to deal with these activities. Section 23 of The Animal Health and Welfare (Scotland) Act 2006 makes dog fights, and other animal fights, illegal. It is a serious offence to be involved in animal fighting. Section 29 makes it illegal to abandon an animal by taking it somewhere and leaving it. It is also an offence to leave an animal unattended and failing to make adequate provision for its welfare.

We also recognise that inappropriate rearing and training can also be a significant welfare issue. Again, legislation is already in place to deal with this. Section 19 of The Animal Health and Welfare (Scotland) Act 2006 makes it an offence to cause unnecessary suffering, either by taking action which causes unnecessary suffering, or by failing to take steps to prevent unnecessary suffering. Suffering includes mental as well as physical and suffering.

Furthermore, legislation is also already in place to control the breeding and sale of dogs, including a requirement for dog breeders to be licensed, a suggestion raised in the petition. The Breeding of Dogs Act 1973, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999, regulates the commercial breeding of dogs in Scotland. Under these Acts, no

person is permitted to keep a breeding establishment for dogs except under licence. Licences for breeding establishments are issued by local authorities following an inspection by a veterinary surgeon. Any person breeding more than 4 litters of puppies in a year without a licence has committed an offence.

The petitioner suggests that Staffordshire bull terriers should be treated as a special case and that further legislation is required. The Scottish Government do not consider it appropriate to give special welfare status to any one breed. As was noted during the discussion, there are other breeds with equally deserving welfare issues, for example greyhounds, and breed-specific legislation would not prevent a similar problem shifting to another breed in the future. Dogs of all breeds have the potential to become problem dogs or welfare cases if they are not reared or trained appropriately, and particular breeds are likely to continue to go in and out of fashion with particular sectors of society. While there may be some merit in considering whether the legislation controlling dog breeding in general could be tightened or, as suggested during the discussion, a levy introduced, this would take significant time to investigate, develop and implement and would ultimately impose additional burden on both enforcement bodies and legitimate businesses. At present there is no clear evidence that such developments would have any additional welfare benefit.

The suggestion was made that bringing back dog licenses and introducing compulsory microchipping and registration might help solve the Staffordshire bull terrier issue. The Scottish Government agrees that microchipping is an effective method of identifying animals and this is reflected in Section 5.12 of the Scottish Government's Code of Practice for the Welfare of Dogs, which recommends microchipping. However, the cost of setting up and maintaining a national dog database would be significant and we consider that the decision to microchip should be a voluntary one. Furthermore, any dog licensing scheme would have to be financially self supporting. One of the main reasons that dog licences were abolished in the 1980's was that the cost of the scheme was greater than the revenue raised. The potential cost of administering and enforcing any such scheme would require people to pay a substantial amount of money for a dog licence; this would be exacerbated by the addition of compulsory microchipping and a national database. The licence fee required would be disproportionate and unfair on people with lower incomes. At present the Scottish Government has no evidence to show that reintroducing a dog licence or making microchipping compulsory would tackle welfare issues and we are therefore not considering introducing these measures at present.

The Scottish Government cautiously agrees with the suggestion by the petitioner during the discussion to target those causing the problem. We suggest that care must be taken when making judgements about unregistered breeders. While clear evidence was presented of the large number of Staffordshire bull terriers currently in rescue centres, there was no evidence presented as to the source of those dogs – the breeding and sale of animals seems an ambitious and lengthy route to funding an addiction. However, if we assume for the moment that drug addiction is a factor behind the problem, then helping addicts to kick the habit would seem to be a useful approach. The Scottish Government takes the problem of drug addiction in Scotland very seriously and we are working hard to tackle the issue. Ongoing action includes: record investment in drug treatment services (£107.8m, 2008/09 - 2011/12, and a 20% increase since 2007/08); increased investment to reform local delivery to strengthen and support the role of communities to come together to tackle drug misuse (£8.7m to ADPs 2008/09 -2010/11); and bringing down drug treatment waiting times to a maximum of three weeks by March 2013. More and more people are coming in to treatment (35,430 recorded entries into treatment, 2007/08 – 2009/10 – the estimated prevalence of problem drug users is 55,000) and recovery is becoming a reality in Scotland.

The Scottish Government agrees with the petitioner's suggestion that enforcement of existing legislation and policies by local authorities is a key tool in alleviating the current problem with Staffordshire bull terriers. We suggest that, rather than looking at further legislation, a more effective way of targeting limited resources would be to investigate the potential for improved enforcement mechanisms. The petition mentioned an approach taken in Angus, appointing a constable to deal with the issue at a local level; this would seem to be a useful mechanism that could potentially be adopted more widely across Scotland. The Scottish Government does not direct the police; Chief Constables are entirely responsible for operational matters for their force; however, it may be appropriate for the petitioners, or the Committee, to raise this issue with ACPOS or the Scottish Police Forces.

We also agree with the suggestion made during the discussion that the public should be made aware of the plight and good nature of Staffordshire bull terriers in order to remove some of the current barriers to re-homing the dogs. We suggest that relevant welfare bodies and breed societies would be best placed to take this forward. As an example, details of relevant work already being undertaken by the organisation 'Staffie Support' can be found at <http://www.staffiesupport.co.uk/our-aims/>.

Will you investigate the issue of over breeding and abandonment of Staffordshire bull terriers, and, on completion of the investigation if you determine that there is a problem, will you take steps to prevent and problems continuing?

The evidence presented in the petition and during the discussion on the petition makes it clear that there is an urgent issue with Staffordshire bull terriers. The Scottish Government does not consider further investigation a necessary or appropriate use of resources. As discussed above there appears to be no clear action that the Scottish Government could take that would effectively solve the immediate problem; many of the suggestions offered are for others to take forward and amending legislation is too slow a process to solve the current situation. However, it may be appropriate to investigate how similar issues might be prevented on a wider basis in the future.

Do you have any plans to extend or amend the Control of Dogs (Scotland) Act 2010 in relation to over breeding of Staffordshire bull terriers or any other breed?

The Scottish Government has no plans to extend or amend the Control of Dogs (Scotland) Act 2010 in relation to the over breeding of Staffordshire bull terriers or any other breed. This Act is not the appropriate legislative vehicle to control the breeding of dogs. The focus of the Act is to address irresponsible dog ownership leading to a dog becoming out of control and dangerous and it focuses on the deed not the breed. As discussed above, there is other legislation already in place to deal with the control of breeding.

I hope that this information is helpful to the Committee in their further consideration of the petition on Staffordshire bull terriers. The background information provided in the petition and the discussion held raised a wide range of issues that has been difficult to go into in great depth here. Should the Committee require further information on any specific issue, please feel to ask me for more detail.

Yours sincerely

Dr Beverley Williams
Animal Welfare Team Leader