Problems with irresponsible dog breeding
FROM THE PUBLIC AFFAIRS DEPARTMENT

KEY FACTS...

★ The Adjournment debate on 4th September 2014 provides an excellent opportunity to raise concerns about the breeding of puppies and urge the Government in Westminster to take action.

★ We are expecting new legislation in Wales on this issue later this year and hope the Westminster Government will follow the Welsh Government’s lead.

★ The RSPCA is concerned about the effectiveness of current legislation concerning the breeding of dogs but believes it should also cover the international trading and dealing in puppies too.

★ In particular whether it adequately protects the health and welfare of breeding dogs and their offspring, or addresses the many different practices from puppy farms, indiscriminate or back street breeding, through to responsible licensed breeders.

★ We believe a number of things are needed:
  - Tighter limit on the number of litters produced before a licence is required
  - Proportionate and consistently enforced pet policies and tenancy agreements
  - More emphasis on ensuring health and welfare of all dogs, including both adults and puppies at breeding establishments
  - Ensure there are sufficient, adequately trained staff to ensure the needs of the dogs
  - Selection of healthy breeding stock
  - Traceability of all dogs back to their breeder
  - Improved guidance and training (including resources) for enforcers

Current estimates of the UK dog population vary, and depending on who you speak to it is estimated there are between 8-10 million dogs in the UK at present. The way people obtain and sell puppies has changed over the years and the RSPCA has seen a rise in the number of individuals who produce litters of puppies, often on a regular basis, from their homes to supplement their income but often with little concern for the welfare of the puppies (or breeding dogs). Some have little concern for the health and welfare of these dogs and many of them fall below the radar of the current licensing system, meaning that there is no record of the dogs being produced and no minimum standards of welfare being enforced.

A vote on new new dog breeding Regulations for Wales is anticipated in the autumn. After concerns were raised by the Constitutional and Legislative Affairs Committee, an earlier vote was postponed and the Welsh Government is currently considering options for the legislation over the summer, which is set to repeal section 1(1) of the Breeding of Dogs Act 1973. Proposals are anticipated to amend the interpretation of dog breeding, meaning anyone with three or more breeding bitches meeting certain criteria must be licensed. Additionally, breeders in Wales will be required to produce draft socialisation and enrichment programmes when applying to the local authority for a licence. Though the RSPCA has expressed concern about some elements of the proposed Regulations, including the inclusion of a staff-to-dog ratio which excludes puppies, they look set to act as an important step forward in improving dog welfare, particularly given the plethora of breeding establishments which exist across Wales.

With a focus on dog control issues and a need to ensure better traceability of animals to their owners the RSPCA believes that the Government in Westminster should take a holistic approach and tackle irresponsible dog breeding as part of its work looking at dog control. The Backbench debate on 4th September sponsored by Rob Flello MP provides an excellent opportunity to debate these issues and encourage the Government in Westminster to take action.

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Current legislation
There are various pieces of animal welfare and dog legislation that are relevant here. Firstly the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999 which set out a licensing regime for local authorities to license dog breeding establishments within their jurisdiction. The legislation pays little attention to animal welfare requirements and does not currently contain all of the provisions we would expect to be included in order to meet the welfare needs of dogs. In addition, one of the major criticisms of it by enforcers is its lack of clarity over what constitutes a licensable breeding establishment. These pieces of legislation were due to be considered for review and update as Regulations under the Animal Welfare Act when it was passed in 2006 however unfortunately this has not happened to date.

The Animal Welfare Act 2006 (AWA) is also relevant as it sets out a legislative framework for not only preventing cruelty to animals but also ensuring good animal welfare through the introduction of the five welfare needs in section 9. Furthermore, regulations and codes of practice under this can set out greater detail on how certain activities should be controlled or advice for ensuring good welfare, for example the dog welfare code of practice.

Main problems and potential solutions
The RSPCA has identified a number of key areas concerning dog breeding where we believe that improvements should be made to ensure better welfare for adult dogs and puppies at breeding establishments. They are as follows:

- **Tighter limit on the number of litters produced before a licence is required**
  At present, anyone producing less than five litters in any period of 12 months does not require a licence. From an animal health and welfare perspective we believe this is too high and should be lowered to two litters. We believe that all breeders should be able to meet the minimum standards, but do understand that licensing everyone who breeds one litter could cause enforcement issues. One litter can be a genuine ‘accident’ or ‘one off’, however this is very difficult to argue for the second litter, so a licence should then be required to ensure better protection for the animals concerned. This would ensure that those who indiscriminately breed their ‘pet’ dogs or ‘back street’ breeders can be subject to inspections and tighter controls and would go some way to address animal welfare problems starting to be identified.

- **Proportionate and consistently enforced pet policies and tenancy agreements**
  Local authorities and social housing providers can assist here in ensuring they have clear and proportionate pet policies and tenancy agreements that address the issue of breeding and selling from their properties. The RSPCA has produced a good practice guide\(^1\) on this with examples from housing providers who have won awards for our annual Community Animal Welfare Footprints scheme. However it is essential that they have the staff to enforce these policies consistently.

- **More emphasis on ensuring health and welfare of all dogs, including both adults and puppies**
  The current legislation and licensing conditions are outdated and not inline with the requirements of the AWA. As a result they do not contain all of the provisions we would expect to see in order to ensure the welfare of all dogs at breeding establishments. For example, the welfare needs ‘company’ and ‘behaviour’, as defined in the 2006 Act are not included as separate needs in the current licensing conditions. This means that the needs of the dogs to be housed with, or apart from other animals, and the need to be able to exhibit normal behaviour patterns are not addressed within the legislation.

- **Ensure there are sufficient, adequately trained staff to ensure the needs of the dogs**
  The RSPCA believes that sufficient, adequately trained staff should be available every day to carry out and meet all the interactions and procedures with dogs, in addition to routine care and management. Those working in breeding establishments have a wide range of duties and tasks to carry out to ensure the welfare needs of the dogs they care for, including but not limited to the routine care and management, cleaning and the provision of food as well as other duties such as showing potential new owners the puppies that are

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\(^1\) [http://www.politicalanimal.org.uk/area/local-government/pets-in-housing](http://www.politicalanimal.org.uk/area/local-government/pets-in-housing) (accessed 22.08.14)

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available and explaining the needs of the puppies. All this takes time and it is vitally important that sufficient time is spent with each animal, all of whom will have different needs. For example, it is particularly important to ensure the puppies are properly socialised.

- **Selection of healthy breeding stock**
The RSPCA believes that all those who breed dogs should prioritise health, welfare and temperament over appearance when choosing which animals to breed, in order to protect the welfare of both the parents and offspring. In many cases current practices see little consideration for these important issues and we are extremely concerned that the welfare of many dogs, of numerous breeds, is compromised as a result of exaggerated physical features and/or inherited disease, in some cases for a large proportion or even all of their lives. For example, it is essential that the appropriate health screening tests are carried out and that matings should be avoided if the test results indicate that the parents are likely to carry or have an inherited disease and should not be bred from. In addition, we believe it would also be extremely important to advise against breeding from dogs who have exaggerated features that the puppies are also likely to inherit that could cause health and welfare issues for the puppy.

- **Traceability of all dogs back to their breeder**
To ensure better accountability of dog breeders and dog owners it is vitally important every dog (including puppies, except those which are very small or underweight) is microchipped by a person trained to do so. This enables traceability of animals if they are lost, or in this instance if a puppy is sold inappropriately or is passed on in an unfit condition then the original breeder can be traced and action may be able to be taken against them. Fortunately this is an area Defra is taking forward through the requirement of compulsory microchipping of all dogs in England from 2016 (Wales will bring this in from 2015).

- **Improved guidance and training (including resources) for enforcers**
Despite how good any legislation may be the issue that is most important is enforcement of it - consistent and effective. If it is not enforced then it will not be able to deliver the important improvements to animal health and welfare the RSPCA is calling for. Local authorities play a key role and are best placed to license breeding establishments but they urgently need the training and resources to be able to do this. Furthermore, effective guidance notes that set out clearly what the minimum requirements should be are necessary to ensure a more consistent and effective approach to licensing and enforcement.

**Conclusion**
With increasing concerns about the health and welfare of dogs, in particular pedigree dogs and the apparent lack of control over irresponsible dog breeders who are bringing more dogs into an already overcrowded market the RSPCA feels it is time that breeding legislation is brought up to date and addresses a number of key issues as well as ensures better dog health and welfare.

With the Welsh Government addressing this important aspect of dog legislation and the EFRA Select Committee holding an inquiry into dog issues including breeding the RSPCA believes that the Westminster Government should address breeding as part of their work on dog control.

For further information and other resources please see the following:
- RSPCA briefing on dealing and trading in puppies and dogs
- Case studies of illegal imports of dogs and puppies since 2012
- RSPCA overview brief of puppy and kitten trade adjournment debate on 04.09.14
- Joint briefing on key issues from major welfare organisations

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