



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Welfare of Animals Bill: Dogs Trust

19 October 2010

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr P J Bradley
Mr Willie Clarke
Mr Pat Doherty
Mr Simpson Gibson
Mr William Irwin
Mr Kieran McCarthy
Mr Francie Molloy
Mr George Savage

Witnesses:

Mr Chris Laurence) Dogs Trust

The Chairperson (Mr Moutray):

We move on to the oral evidence session from the Dogs Trust on the Welfare of Animals Bill. I welcome to the Committee Mr Chris Laurence, head of the veterinary division of the Dogs Trust. At the end of your presentation, there will be an allocated time for members' questions.

Mr Chris Laurence (Dogs Trust):

Thank you for inviting me. This is an important Bill from a welfare point of view, and the Dogs Trust is very supportive of it. Essentially, we think that it is, in general, an excellent Bill. It takes the best bits of the existing legislation in England, Wales and Scotland and puts them together in an excellent format. However, I have a few points to raise and one major issue that you may not be surprised to hear about.

Schedule 1 lists a number of procedures that may be undertaken by someone other than a veterinary surgeon. We note that that list of procedures does not include microchipping. As microchipping involves the implantation of a transponder and, therefore, the insertion of a chip into the dog's sensitive tissues, we suggest that microchipping should be specifically added to schedule 1. As an aside, given my trusteeship of the Feline Advisory Bureau, I know about the ear-tipping of cats, which is used to mark feral cats that have been neutered. That is not necessarily done by a veterinary surgeon and may be done under veterinary direction. I suggest that that too goes into schedule 1 as a specific item.

One of the major failures of the legislation in England, Wales and Scotland has been the failure to introduce regulations and codes. The Acts themselves are good, but, without the regulations and codes, they are largely toothless, and I urge the Assembly to put in place regulations and codes at the earliest possible opportunity.

The other issue that has been raised about the codes in England and Wales is their relationship with prosecution. If one looks at the codes of practice for England, Scotland and Wales, one will note that they are very different. The Scottish and Welsh codes are quite detailed, although they do not go into huge detail. However, they give very good guidance to people who own specific species on how they should keep their animals. The English code is much briefer because the Department for Environment, Food and Rural Affairs (DEFRA) decided that codes that could be used to either support or deny a prosecution had to be very brief for the benefit of the court. We argue that that is not the case and that the Scottish and Welsh codes are vastly superior documents.

We note that the maximum licence period is three years. We would like assurance that that does not mean that inspection will happen every three years, because, obviously, that leaves a lot of scope for changes during that three-year period.

Another issue with the legislation in England is that, where there is a breach of licence conditions for a pet shop or a dog-breeding establishment, the licence can only be removed as a result of prosecution. That makes life very difficult for local authorities, most of which are unwilling to prosecute because it is an expensive process. Therefore, many licensed operations are left to continue in an unsatisfactory state for the remainder of the licence period. Therefore, we want the Bill to include a specific provision that allows the removal of a licence after a breach of licence conditions. We are very supportive of the guidance on inspectors, because the competence of inspectors of those establishments is absolutely critical to the effective functioning of the legislation.

Lastly, I will come to the really controversial bit, namely tail docking. I am aware that the Committee has heard a variety of evidence on that. There are three issues with tail docking: pain at the time of docking and subsequent to it; the long-term effects of docking; and the effect on the dog's behaviour. Pain is subjective. Another person cannot tell me how much something hurts me and vice versa. Therefore, when considering pain in circumstances such as tail docking, it is necessary to look at the scientific evidence. It is not easy to relate what is happening to an animal to its physiology at the time. However, we can look at the structures that are able to sense pain and see whether they are intact and joined up. If they are, one has to assume that the animal is capable of feeling pain.

There is very good evidence that neonatal puppies have the sensors to feel pain, that those sensors are joined to the nervous system and go all the way to the brain. Therefore, one has to assume that puppies will feel pain from docking.

If you want anecdotal evidence of that, ask yourself why puppies scream when they have their tails cut, if they do not feel pain. I can assure you that up until the mid-1990s, when tail docking was controlled by the Royal College of Veterinary Surgeons, I routinely docked puppies in the UK. I did so, because I would rather do it properly than have some amateur not do it properly and cause long-term consequences for the dog. So, I have docked a lot of puppy tails, and I can assure you that all puppies scream when it happens.

One of the odd things about pain sensation is that you can modify the amount of pain that you feel. If you rub your hand for a couple of minutes, you will find that it gets less sensitive as time goes on. There is a pain suppression system that works on a loop all the way up to the brain. If you have ever watched a horse being injected, you will probably have noted that the vet gives the horse a couple of slaps before sticking the needle in. The couple of slaps are to suppress the pain instinct that results from the needle going in.

There is very good evidence that that pain suppression system is not yet functional in puppies; in other words, puppies will feel more pain from docking than adult dogs. So, there is very good evidence that puppies feel pain when they are docked.

The bottom line is that, where there is doubt about such things, the animal should be given the benefit of the doubt. That is enshrined in other legislation, notably the Animals (Scientific Procedures) Act 1986.

So, pain exists in docking. It is impractical to anaesthetise a puppy, and it is impractical to use local anaesthesia, because you would not be able to get it into the bone of the tail. Anaesthetising three-day-old puppies would be, to put it politely, risky; there would probably be a significant death rate as a result. So, the pain is there, and it is virtually impossible to suppress it.

You will also be told that the pain is quick and that it is over and done with in a few minutes. There is good evidence that that is not the case. The natural instinct for a puppy is to lie quiet and still, because in the wild — dogs still have many of their wild instincts — if you make a noise, you open yourself up to predators and attract them to the nest. Therefore, puppies that are in pain do not necessarily continue to vocalise their distress. Just because the puppy lies quiet afterwards, you should not assume that the pain is not continuing.

Quite a lot of research has been done into the use of rubber rings on lambs, and there is very good evidence from their behaviour that the pain goes on for at least three weeks. Lambs are a bit more physically developed, so it is easier to assess their behaviour. So, there is good evidence that the pain is there at the time of docking and that it continues for some time afterwards.

The second issue is the long-term physical effects of docking. There is good evidence that docking has a number of other long-term effects. Many puppies that are docked end up with bits on the ends of their tails where the bone is very close to the skin, and that makes the tail much more sensitive. Very often, the tip of a docked dog's tail is hairless as a result of chronic inflammation. Anecdotally, from my practice days, an awful lot of docked dogs have very sensitive tips to their tails.

Again, there is evidence from other species that that is likely to be the case. Some experimental work was done using neonatal rats, which are very similar in state to neonatal dogs. That involved putting a caustic substance on one rear foot of a rat and testing pain reactions as the rat grew and matured. It was evident that the foot that had had experienced a pain response when

the rat was neonatal continued to have greater sensitivity to pain for the rest of the animal's life.

There is also good evidence that the lack of a tail to wag affects the musculature at the base of the tail. That leads to increased incidence of urinary incontinence, particularly in bitches. Those muscles are very much involved in continence. Bitches with docked tails are four times more likely to be incontinent than bitches that have not got docked tails. Therefore, there is good evidence about the long-term effects of docking.

The final issue that relates directly to docking is behaviour. In the paper that I have just handed out, I make the point that, when you look down at a dog, it is obvious whether it is wagging its back end. However, that is not obvious to another dog that is looking at it on the same level. I liken the removal of a tail to the removal of a person's ability to smile or frown, because the way that a tail is held and wagged is a critical element of a dog's behaviour and the way that its body language relates to another dog. Therefore, tail docking has significant long-term effects.

I have also given you a summary of a recent paper from research that was commissioned by DEFRA, the Welsh Assembly and the Scottish Government to look at the likelihood of tail injuries in dogs. The bottom line from that research is that there is a one-in-500 chance of a dog damaging its tail. Therefore, you have to dock 500 puppies' tails to prevent a tail injury in a puppy that would otherwise have had its tail docked.

We believe that there is strong evidence that docking has significant consequences, not only at the time of docking, but also in the long term. Legislation that is in place in England and Wales is difficult to implement because contains exceptions. Legislation in Scotland is clear and precise. We urge you to go down the Scottish route and ban tail docking. Thank you.

The Chairperson:

Thank you for your presentation. I will open the discussion now to give members the opportunity to ask questions. I will lead. In your paper, you state that there are three reasons to impose a total ban on docking, namely the extent of pain; the impact on communication; and the potential long-term side effects. However, last week, Veterinary Northern Ireland (VetNI), which is supported by the British Veterinary Association (BVA), told us that the pain is equivalent to that of an injection — or, as the paper that you submitted to the Committee in March stated, the pain from a burn that might cause you to utter a word such as, "Ouch". We also heard that the tail is only one form of communication, with smell and the dog's stance being much more important. Indeed, Mr Thompson from VetNI stated that:

"Half-docking a tail will not affect a dog's communication levels significantly."

He went on to say that long-term side effects of incontinence, for example, are associated with, rather than caused by, tail docking, and that there is no doubt that the percentage of dogs with docked tails that develop tumours is small and is not a major factor. Do you agree with those contentions?

Mr Laurence:

The issue of behaviour is subjective. The problem is that it is difficult to get hard scientific evidence on such issues because there are so many variables that affect dogs' behaviour. Therefore, one invariably uses supposition rather than good science to support those concepts. Indeed, tail position and use is one means of communication, but it is a significant one for dogs. If you spent any time around dogs, you would know that you can infer what a dog is thinking not only from the position of its tail but from the way that it is wagged. Yes: there are facial

expressions and other body language. However, tail wagging is a significant part of behaviour expression.

As regards pain, it is difficult to assess how much something hurts. If I were to amputate your thumb, which is pretty much equivalent to cutting your tail off, you would probably say rather more than, "Ouch".

In May, I was daft enough to do the Three Peaks Challenge, which involves climbing Ben Nevis, Scafell Pike and Snowdon in 24 hours. When I had finished, my big toenails were black and blue, and they hurt quite a lot for a couple of days. I could have shown you my big toenail, and I will spare you the embarrassment of showing you now. They still look black and blue and horrible, and one of them has fallen off, but they do not hurt in the slightest. How could you assess how much that hurts me? It comes back to the precautionary principle on this: the issue is not of how much pain is felt but of whether pain is felt. If pain is felt, you cannot assess the severity of that pain. If you accept that there is pain, the precautionary principle says that you should not impose it on sentient beings.

Mr W Clarke:

Thank you for your presentation. At a number of evidence sessions, we have heard the argument about the damage caused to the tails of working dogs, particularly springer spaniels and cocker spaniels, in the undergrowth. The argument is that more pain is caused that way than is caused by docking. What do you say to that?

Mr Laurence:

I go back to my argument of how the level of pain, either from an injury or from docking, can be assessed. Clearly, neither is desirable, and, if you can avoid tail injuries, you should do so. However, dogs injure not only their tails but their feet, ears and various other body parts. Therefore, why should the tail be singled out for amputation when no one is suggesting that they should have their ears or their feet cut off? Those injuries happen; they are a fact of life for a working dog. If you put a working dog into very rough cover, it is more or less inevitable that it will come out with scratches on it. Why is the tail more significant as somewhere to get a scratch than ears, feet, legs or flanks? I do not see the argument that one should single out the tail as a specific issue.

The Chairperson:

You will appreciate the difficulty that faces the Committee. As you have just stated, assessment of pain and communication is very subjective. We have received a communication from VetNI, on which I want you to comment. It came in to the Committee since we met that organisation last week. It states:

"We still maintain that all four factors (pain, communication, long term side effects, no long term benefit) are relevant but the most convincing argument for a total ban is that we cannot justify removing the tails of 100% of working dogs when only a small proportion of those will ever work and also the fact that it has been banned" —

in several countries

—"for many years and in none of these countries has there been any move to amend or remove that ban."

Mr Laurence:

I absolutely agree. There has been a ban in Sweden for decades, and there has been no clamour to reintroduce docking. I agree with all of that.

The Chairperson:

So, in effect, you are saying that you agree with the total ban, not because of the pain, but because only a small number of working dogs are affected.

Mr Laurence:

No, those are additive issues, not alternatives. The whole Bill is about preventing cruelty and infliction of pain. How can one then conceivably justify deliberate infliction of pain on three-to-five-day-old puppies? It does not fit with the Bill's ethos. They are additive issues. Pain is a major issue, the long-term consequences are a major issue and the number of dogs that you have to dock to prevent one injury is quite out of proportion.

The Chairperson:

How can we prevent the amputation of a dog's tail following injury, which could have been avoided had the tail been docked at the start?

Mr Laurence:

What about the other 499 dogs that have not injured their tails and, therefore, do not need their tails amputating? That is the relationship — 500:1. Amputation of a tail in an adult dog is done under anaesthetic and post-operative analgesia, which is very effective these days. If you are amputating the tail in an adult dog, you can, at least, control the short-term and long-term pain. You cannot do that in a neonatal puppy; no licensed medicines are capable of doing that. You are, therefore, balancing the deliberate infliction of pain that you cannot control in a neonatal puppy with the one-in-500 chance of an undocked dog being injured and, subsequently, the chance of that dog requiring amputation. Not all tail injuries require amputation. Many of those injuries will heal satisfactorily if they are properly and promptly treated.

The Chairperson:

Is it still not the case that we cannot assess the level of pain, because it is subjective?

Mr Laurence:

No, you cannot. I go back to the fact that deliberate infliction of pain is against the whole ethos of the Bill. We should not deliberately inflict pain on animals.

The Chairperson:

Thank you for your presentation and for attending this afternoon's Committee meeting carried out.