



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

The Welfare of Animals (Dog Breeding
Establishments) Regulations (NI) 2012:
DARD Briefing

3 July 2012

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture and Rural Development

The Welfare of Animals (Dog Breeding Establishments) Regulations (NI) 2012: DARD Briefing

3 July 2012

Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Ms Michaela Boyle
Mr Thomas Buchanan
Mr William Irwin
Mr Kieran McCarthy
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

Mrs Kate Davey	Department of Agriculture and Rural Development
Mr Andrew Kell	Department of Agriculture and Rural Development
Mr Paddy McGuckian	Department of Agriculture and Rural Development

The Chairperson: I welcome Kate Davey, finance director; Andrew Kell, assistant secretary; and Paddy McGuckian, divisional veterinary officer. You are very welcome to the Committee again, Kate. This is the third week running, is it?

Mrs Kate Davey (Department of Agriculture and Rural Development): I think it is.

The Chairperson: Is that a record?

Mrs Davey: I do not know. If it is, it is one that I will try not to break.

The Chairperson: OK. I take it you have a presentation for us?

Mrs Davey: Yes. Thank you very much for giving us the opportunity to update you on the responses to the 12-week consultation on the draft dog breeding establishment and guard dog kennels regulations. Before I go into the detail of the consultation, it may help if I first briefly explain why the Minister is bringing forward the draft regulations, the current legislative position and the purpose of the new dog breeding establishment regulations.

Prior to the Welfare of Animals Bill being introduced to the Northern Ireland Assembly in June 2010, there were calls from elected representatives and members of the public for new legislation to stop so-called puppy farming. In addition, during the passage of the Bill through the Assembly, there were calls from a number of MLAs to stop puppy farming and to specify the welfare standards for dog breeding establishments in the Bill. However, the level of detail that would have been required to do

that was considered excessive for primary legislation. Therefore, the previous Minister, Michelle Gildernew, gave an assurance to the Assembly that one of the first pieces of subordinate legislation to be made under the new Welfare of Animals Act would be about dog breeding establishments. The draft Welfare of Animals (Dog Breeding Establishments) Regulations honour that commitment.

The current legislation on dog breeding establishments is the Dogs (Breeding Establishments and Guard Dog Kennels) Regulations 1983, which were made under the 1983 Dogs Order and not under animal welfare legislation. The 1983 regulations set out the information that must be supplied to a council for the registration of a breeding establishment and for guard dog kennels. They specify the conditions under which those establishments must be constructed and operate. While those regulations provide basic welfare accommodation standards, they contain no specific welfare controls for breeding bitches or pups. There is also no fee to register with the council as a breeding establishment.

The purpose of the new dog breeding establishment regulations is to regulate the commercial breeding of dogs to ensure their welfare. Commercial dog breeding, irrespective of whether it is large or small scale, is a legitimate business, and the draft regulations will not place any legal limits on the size of any breeding establishment or the number of breeding bitches that can be held there. They aim to provide commercial breeders with clear minimum standards that must be met and maintained to ensure the welfare of all breeding bitches, stud dogs and pups in the establishment. The regulations also provide enforcement officers with clear standards and strong powers to enforce the requirements. The regulations are not intended to cover individuals who breed the odd litter of pups from a pet, show dog, working dog, gun dog or sheepdog and are not intended to cover organisations such as hunt clubs that, while breeding dogs for hunting, do not sell pups.

Before the Department drafted the regulations, to help inform the development of the policy, my team and I visited a number of registered breeding establishments across Northern Ireland. They ranged from small breeding establishments with fewer than 10 breeding bitches to a large breeding establishment with 400 to 500 breeding bitches. Standards in those establishments varied considerably from what could be described as a Rolls-Royce model to one that barely met the minimum standards of the 1983 regulations. Those visits were very informative and helped improve the team's understanding of the issues that needed to be addressed and the difficulties faced by breeders. I recommend that members of this Committee visit a number of breeding establishments before your stakeholder event in September this year.

The consultation on the regulations, which ran from October 2011 to 10 January 2012, issued to over 2,000 stakeholders, including 1,214 block licence holders and 243 registered breeders. The Department received 610 responses to the consultation, 90 of which were substantive responses, and 520 were letters in support of the substantive response submitted by Canine Breeders Ireland.

A wide spectrum of opinion was expressed in the consultation responses, with many conflicting views. Overall, the draft regulations were welcomed by the majority of the 90 substantive responses, and there was significant support for many of the proposals. However, Canine Breeders Ireland's response expressed concern generally about the legislative proposals and the draft guidance for council enforcement officers. It stated its opposition to the new regulations, preferring to keep the current 1983 regulations made under the Dogs Order and build upon and reinforce them rather than introduce new regulations under the Welfare of Animals Act. It did not agree with the proposals to license a breeding establishment and the associated fee but suggested that the current block licence arrangements be retained. It also expressed its opposition to many of the proposed conditions of a licence, such as the whelping facilities; socialisation of pups; mating conditions; microchipping, in particular of pups going for export; first registration by the breeder of the pups on the microchip database; the records kept by breeders; and the suspension and appeal procedures.

The Department considered all the points raised by stakeholders and, where practicable, tried to address as many concerns as possible. In trying to address stakeholders' concerns, however, we had to ensure that the new regulations would still set out the minimum standards that breeding establishments needed to adhere to. As a result of the consultation, the Department proposed to make the following changes to the draft regulations.

In the consultation, a breeding establishment was defined as:

"any premises in which (a) a person keeps 3 or more unsterilised breeding bitches and breeds 2 or more litters of puppies in any 12 month period, (b) an unsterilized bitch is kept by a person, not

being the owner of the bitch, for the purposes of breeding or (c) keeps 3 or more breeding bitches which an inspector believes is consistent with commercial breeding."

Most stakeholders did not agree with that proposed definition. Some proposed an increase from two to three litters before premises required a breeding establishment licence. Others questioned the rationale behind requiring someone to obtain a licence if they kept someone else's dog to breed from. Some councils were concerned by the term "an inspector reasonably believes".

To take account of stakeholders' comments and close potential loopholes, the Department proposed to amend the definition of breeding establishment to ensure it covers a breeder who breeds at one or more premises, or premises where a number of dogs are claimed to be owned by different people. In addition, we propose to increase the number of litters that can be bred without a breeding establishment licence from two to three in a 12-month period. That is in line with the current proposals in the draft regulations in Wales.

We also propose to remove the second and third conditions, which I read to you, in respect of having someone else's dog and where an inspector reasonably believes premises to be a breeding establishment. We intend to add to the definition to take account of people advertising or supplying three or more litters of pups for sale in a 12-month period, or generally advertising a business of running a breeding establishment or selling pups.

Mr Swann: Sorry, Kate, if I may just ask, how will you monitor advertising litters for sale?

Mrs Davey: The implementation of that will be undertaken by councils, and I know that councils at this point in time actively monitor. That is quite similar to the current definition and councils tend to monitor that. They look at papers and internet site and, if there is a consistent pattern and number, they will investigate those complaints. So, it will be done through investigation.

Mr Swann: Thanks.

Mrs Davey: The consultation proposed that a person who holds a new dog breeding establishment licence should no longer require a block licence under the Dogs Order. There was widespread support for that proposal. However, some councils were concerned that dogs owned under a breeding establishing licence would, under the Dogs Order, no longer be required to wear a collar and licence tag. Although that is the case, other proposals in the draft regulations to introduce microchipping for all dogs in commercial breeding establishments will address the identification concerns of councils. In addition, most dogs in breeding establishments are confined to the establishment and are not normally in public places where a collar and tag would be beneficial for identification. We are still of the view that a double licensing system should not be introduced for those establishments, and block licences should no longer be required. Therefore, we propose to include consequential amendments to the Dogs Order in the draft regulations to remove the need for a block licence if you have a registered breeding establishment. There will be no duplication.

Block licences will continue under the Dogs Order for owners of multiple dogs where they have three or more dogs registered with the Kennel Club or other organisations, and they are not a breeding establishment. There is still the facility for others there.

Mr McMullan: Could you tell me again the difference between the two breeding establishments?

Mrs Davey: Are you talking about the licences?

Mr McMullan: Those that are registered with the Kennel Club and those that are not.

Mrs Davey: Currently, under the Dogs Order, a person must have a block licence if they are a registered breeding establishment, and there is no fee to be registered. A person who is not running breeding establishments, for example, if they had three or more dogs registered with the Kennel Club, can acquire a block licence as a multiple dog owner. Our proposal will not do away with block licences for multiple dog owners. Our proposal is that a person who has to have a breeding establishment licence is no longer required to have a block licence. We are doing away with that element of duplication, but we are still leaving it for others with multiple dogs who are not registered breeders.

The Chairperson: Kate, please conclude your presentation. Members, please ask your questions at the end so that Kate can conclude her presentation. You will get time to ask all your questions because, unlike the Minister, Kate can stay here all night. She is not restricted to the hour, like the Minister.

Mrs Davey: Time is not of the essence for us. We are fine.

I will move on to microchipping. There is a lot of detail, and I do not want to inundate members with the details unless they have a query. In the consultation, we proposed that all pups must be microchipped by the breeder before they are 56 days of age. That proposal was widely supported by stakeholders. However, Canine Breeders Ireland was opposed to microchipping pups that were going to export. In March this year, the Committee agreed that microchipping of pups held under a block licence under the Dogs (Licensing and Identification Regulations) Order would be introduced from April 2012 for all pups over 12 weeks of age, and that age would reduce to eight weeks from 1 January 2013. To provide a consistent approach across all legislation, we propose to replicate those licensing requirements in these regulations.

With regard to exemptions, in the draft regulations we had included a proposal to exempt hunt clubs from the new breeding establishment licensing requirements, as the regulations are only intended to apply to commercial dog-breeding businesses, and we understand that hunt clubs traditionally do not sell dogs. However, there were mixed views from stakeholders on this response. Some were of the view that no one should be outside the regulations; others supported the proposal, because hunt clubs do not sell dogs. Although the regulations will not apply to hunt clubs, the provision in the Welfare of Animals Act in respect of unnecessary suffering and a duty of care will still apply to hunt clubs. If there is a need for action, it can be taken under the Act, and that will allow councils to act. We, therefore, propose, in the draft regulations, to continue to exclude hunt clubs but to strengthen that exemption to make it a requirement that a hunt club does not sell a dog or a pup. If it does, it has to immediately become a licensed breeder.

In responses to the consultation, some stakeholders suggested that registered charities should be added to the exemption as they do not generally breed dogs but sell pups that have been rescued or born on the premises from rescued dogs. We propose to exempt registered charities from the regulations.

I will turn to the period for compliance with the new requirements. Although we believe that the majority of existing dog breeding establishments will already meet the standards specified in the regulations, we are proposing that there is six months to comply with the requirements. There were mixed views on that. Some were of the view that six months was too long, and others were of the view that it was too short. Some thought that it should be five years. However, we have looked at all those concerns and still intend to take forward the exemption of six months. So, people have six months to comply.

Line breeding and genetic testing were listed in the consultation document, and we sounded ideas on that. In the draft regulations, we included a proposed provision to stop line breeding between related dogs such as, for example, mating between a father and his female offspring. Comments were received during the consultation that indicated support for that. However, there was a lot of concern that the issue was still very much developing, as was the issue of genetic testing, and that the science was not there to support the issues at this time. At this point, we, therefore, propose to remove both those elements from the regulations.

I will move to licensing conditions, particularly in the area of mating. The draft regulations contain conditions that must be met to comply with a dog breeding establishment licence. In the consultation, condition 8 on mating proposed that a bitch cannot be bred until she is 12 months of age, can give birth to no more than one litter in 12 months and six litters in her lifetime, and cannot be bred after eight years of age. While a wide range of stakeholders supported those conditions, valid concerns were raised by dog breeders that they were too restrictive and not financially viable. For example, greyhounds can be raced until they are five or six years of age, and, under these proposals, could only breed two litters before they reach eight years of age. In a bid to try to take account of stakeholders' comments and still protect the welfare of the breeding bitch, we propose to make amendments to the conditions. Instead of one litter in 12 months, we are proposing to change it to three litters in three years. You may say that that is the same, but it is not quite the same, because it allows bitches to be bred if they come into heat earlier than 12 months and allows a bitch to be bred after eight years of age on condition that, on each occasion, a veterinary surgeon certifies that the bitch is in good health to breed. We are trying to take account of concerns.

In addition to the changes to the draft regulations, as a result of stakeholder comments, we propose to make two other changes in the area of fees. We had proposed in the draft regulations to require breeders who increase the number of bitches during the 12 months of their licence to pay the extra fee. We are removing that from the regulations. We find that it would be too onerous and difficult to enforce.

We have also put in a slightly amended appeal procedure. The appeal to the council was directly to the court, and we felt that that was too onerous. So, if there is a dispute between the council and the breeding establishment, it has a right of appeal first to the council before it goes to court, and we feel that that will reduce the number of cases going to court, and those will be resolved at council level.

I will move on to the guidance for enforcement officers, which was also consulted on. There was a lot of concern about the guidance among stakeholders. We have substantially changed the guidance and made it less prescriptive, while still trying to provide sound advice for enforcement officers. For example, we have removed the paragraph specifying the kennel sizes and stated that kennels should have sufficient space to allow all dogs room to lie down and move about etc, without specifying specific sizes. The guidance is now more reflective of that in the South of Ireland and the proposed guidance in Wales. I understand that members have seen a version of the guidance with the changes tracked. Hopefully, that quickly highlighted the changes that we have made.

The consultation also proposed to remake the guard dog kennels regulations that were unchanged under the Dogs Order. There was widespread support for that. Subject to the Committee's agreement, the Department proposes to make that legislation later in the year using the negative resolution procedure under the Dogs Order.

In conclusion, while some MLAs and members of the general public have called for stronger legislation to stop puppy farming, it is important to define what puppy farming is. The Department sees puppy farming as the breeding of dogs for financial gain to the detriment of their health and welfare. The size of the breeding establishment is irrelevant. The Department appreciates that these regulations alone will not stop so-called puppy farming. It will take a concerted effort by members of the general public, future dog owners, good breeders and enforcement agencies to work together to identify breeders, whether licensed or unlicensed, who put financial gain before the welfare of their dogs and pups. However, these regulations will clearly set out the welfare standards, which all commercial breeders must comply with, and will provide powers to allow action to be taken when a breeder does not meet those standards.

Officials are aware that the Committee will hold its own stakeholder event on these draft regulations in mid-September. In the coming weeks, we will advise stakeholders of the proposed changes to the regulations that the Department plans to make. That may help at your stakeholder meeting. The Department will, of course, be happy to take any suggested amendments that the Committee may have after the stakeholder event.

The Chairperson: Kate, thank you very much for your presentation. Before I open it up to members, I advise and remind the members that, following earlier lobbying from the Afghan Hound Society, Canine Breeders Ireland and the Countryside Alliance, the Committee decided to hold a stakeholder event in respect of this legislation. We will get the Committee Clerk to talk us through that stakeholder event, but I just want to remind members that that event will take place.

Ms Boyle: Thank you for your presentation, Kate. I have two questions. I looked through the guidance for the enforcement officers. Perhaps you could speak a wee bit about that. I was pleased to see that some of the criteria relating to the size of the environment that dogs are kept in has been changed. We talk about good breeders as opposed to those who are in it for financial gain. I cannot help thinking that some of the criteria and measures will put good breeders off breeding puppies.

I appreciate that animal welfare is of paramount importance; that goes without saying. However, the criteria on adequate staffing, security, outdoor and indoor environments, and what you should and should not have will put breeders under financial pressure. Not all breeders are in it for financial gain. Some do it as a hobby because of their passion for and love of dogs. I am concerned that those measures could be a problem for some good breeders and that they will eventually give up a passion and something that they have been doing for a long time.

Mrs Davey: I should clarify at the outset that the Department has no difficulty with people breeding dogs for financial gain. That is a legitimate business. The concern is when they breed dogs for financial gain to the detriment of the dogs' health and welfare. First and foremost, the Department supports the commercial breeding of dogs because it is a legitimate business. With the guidance, however, we removed any specification of staff numbers. We are of the view that the number of staff is irrelevant if the condition of the dogs is correct. Owners can, and more often than not do, work longer hours than paid staff. So, it is about the condition the dogs are living in and their condition.

Those specifications have been removed and I am not sure what specific areas the member has concerns about but there are no numbers of staff or anything such as that in the guidance or the legislation. It is basically about providing the right level of care to the dogs, and they can do that with one or 10 people, depending on how many they decide they need.

Ms Boyle: I was just thinking of dog kennels and their adequate staffing.

Mrs Davey: Yes, but we have not specified a number. If they do not have adequate staff, basically the bottom line is that the welfare of the dogs will suffer. However, we have not got to the stage of specifying that number.

Ms Boyle: Hunt clubs are exempt. There may be a conflict of interest for some people who hunt and association with breeders. I think a member alluded to that. How would you manage and police that to ensure that there is no conflict of interest?

Mrs Davey: There is a clear definition for a hunt club. It is not just any hunt club. The legislation clearly sets out the terms for a registered hunt club, and those are pretty tight. It is not about just two or three people getting together and calling themselves a hunt club. That is not a hunt club. There is a clear definition in the legislation of what is meant by a hunt club. A hunt club is a club that is registered with a national hunting association and is a member of the Hunting Association of Ireland. The legislation specifies a number of things, and we have strengthened that and said that if a hunt club sells dogs or pups, which we understand that clubs registered at that level do not do, then they must ultimately become a registered breeding establishment.

We are exempting those clubs because what we were trying to do with this legislation was to regulate commercial breeding. We did not see those organisations as commercial breeders. Hence, the proposal to exempt them.

Ms Boyle: Yes, OK. Thank you, Kate.

Mr Swann: Kate, I am impressed with the number of changes you have made to the original draft. You obviously have listened. There are a couple of points that I am still slightly concerned about. I am glad that you removed the number of staff needed but paragraph 3-2 in the guidance, entitled "Supervision", specifies an age limit of 16 years of age. I would be concerned that, if families were involved in dog breeding and not as a full-time business, that age restriction could take out the family input.

Mrs Davey: We are not suggesting that younger people do not help out. They cannot be left on their own with responsibility. There is nothing to stop a child from working in a family business, but they cannot be left in sole charge if they are under 16. We linked that age very much with that for dog licences. You cannot hold a dog licence if you are under 16 years old. However, there is nothing to prevent a nine-, 10- or 11-year-old working in the family business. That is not what that is about.

Mr Swann: I want to go back to part 4 of the guidance. You were talking about line breeding. You said earlier that the DNA testing or the science was not there to get into the genetics. Why are we retaining point 15, which is the power to take samples of saliva or hair from a dog or puppy for DNA testing?

Mrs Davey: Those are purely welfare issues. We sometimes take those samples for identification purposes if there are welfare issues so that, if you come back, you know that you are looking at the same dog, and it can be marked. It is about identification, rather than genetic testing.

Mr Swann: My final point is about socialisation and the written programme. I know that you have changed this section as well with regard to what is required. It states:

"A written programme on the socialisation of puppies shall be made available to the council inspector for approval."

My question is about the necessity or the detail of written programmes. Sometimes, in businesses, work procedures and all the rest of it are produced and printed and left on the shelf.

Mrs Davey: That is true. It is about putting something practical in place. It has been shown that the proper socialisation of dogs that are bred for pets make better responsible pets later. It is about trying to ensure that the pups are prepared for future life as a pet. Obviously, councils will have to approve those programmes. We are not asking for Rolls Royce models: we are asking for practical arrangements that work to show that the pups have been well handled and that they have been socialised before they are transferred to a domestic environment.

Mr Swann: Is that not more evident in the behaviour of the dog than in having a written socialisation programme.

Mrs Davey: The behaviour of the dog is only part of it. You can have a dog that is exceptionally well behaved, and you can have nervous, anxious pups that have never been handled. You must have your pups prepared for their future as a domestic pet.

Mr Swann: I fully agree with you. However, I do not see that having a written procedure will help. An irresponsible breeder could have the best written socialisation policy on this island but still not practice it.

Mrs Davey: I fully accept that. The problem is that an inspector can only go along and visit the establishment and see the procedures that are in place. Good breeders will comply, and good breeders tend to welcome the fact that they can demonstrate to their customers, not just to the inspector, how they have prepared their pups for future life as a pet. I accept that some breeders will draw up socialisation programmes and will not implement them, but good breeders will.

Mr Swann: I am thinking that we are going to the enforcement now. Could we get to a stage where there is the possibility that an overzealous council inspector could go in and demand evidence that those socialisation programmes have been followed?

Mrs Davey: What we have planned for enforcement — it is not even enforcement: it is about approval of the application. There will be a visit by a council inspector who will initially approve the licence. On that visit, the inspector may decide that he wants to make a monitoring visit throughout the year or he may decide that he is quite happy. I cannot see an overzealous approach being taken. However, if a welfare complaint comes in about the registered breeding establishment, it will be investigated and, based on the circumstances of the complaint and what is found on the ground, a welfare officer will investigate that.

Mr Paddy McGuckian (Department of Agriculture and Rural Development): A socialisation policy allows an enforcement officer a benchmark for that establishment. It gives that officer a chance to see the output of the breeding establishment, how the pups are behaving and how that measures up with the socialisation policy. It puts the enforcement officer in a better position to take enforcement procedures eventually.

Mr Swann: The practice of socialising a dog will be more so in the policy than in actually delivering the evidence.

Mr McGuckian: The important thing for the enforcement officer is to see the output. The socialisation policy drives home the message to the person who is running the business that he needs to consider seriously the socialisation issue. Most of the consultees felt that it was important to do that, and, from the veterinary perspective, it is important to do that. We would be wrong not to take that forward at this point.

Mr Swann: I am not arguing against it. It is about the delivery and putting it into practice more than anything else. It is the same as with the training plan and the standard operating procedures.

Mrs Davey: It is about setting out the standards of how the breeding establishments operate because, as Paddy says, it sets a benchmark that allows the inspector to realistically know whether it will work as a breeding establishment and whether the animals will be cared for. It is all about improving the welfare of bitches, dogs and pups in the establishment. It sets the benchmark that can be used to see if it is working.

Mr Swann: Is there an implementation time of six months for all those things?

Mrs Davey: The proposal is six months. Some people felt that that was too long, and some felt that it was too short. We are not talking about something that will create a massive amount of work for breeders. Many breeders already have the policies in place. We do not feel that they will be a substantial burden on breeders.

Mr McMullan: Thanks for your presentation; it was very interesting. I do not have a problem with the whole thing, and I can see it working, but I have a couple of queries. There seems to be an element to allow inbreeding for a definitive breed. With some breeds of animals, you can go into the same line twice and sometimes three times, but, to keep that definitive breed clear, you can go in twice with dogs. You are taking a chance with the third time. How does the Kennel Club define the purity of a breed if we drop the standard from a breeding establishment to somebody who is just breeding two bitches but not as a breeding establishment? I have not read in here how we can protect a breed in the system of going back in again that you have allowed. I also do not see anything about inducements to breeding. As you know, you can induce a bitch to breed twice a year. There is no mention of that. An unscrupulous breeder will do that, and it shortens the life of a bitch if you allow two litters in a calendar year. You can induce that within that cycle.

Mrs Davey: We have not addressed the question about inbreeding and line breeding at all in the regulations. It is not currently addressed in any regulation in England, Scotland or Wales. We have left it with the breeders to address, and registered breeders who register with the Kennel Club will already have addressed that, because the Kennel Club has its own controls on that. We feel that, at this point, it is one step too far and there are bigger welfare issues out there without trying to address issues of inbreeding. The science is not yet right to do that.

The second question was about induced seasons for the bitch. We have controls in there. In the initial consultation, we proposed that a bitch could only be bred once in any 12-month period. That was a requirement. We have changed that slightly to allow a bitch to be bred three times in any three-year period. So, you cannot breed a bitch every six months or, if you do that three times in 18 months, you will not be breeding her for the next 18 months. We relaxed that slightly to try to accommodate breeders who felt that, if a bitch came in season at 11 months, they could not breed her because they had already bred her 11 months earlier. Allowing only three litters in three years is still quite tight control, and that will stop the induced breeding that you spoke of.

Mr McMullan: So, chemically inducing the bitch does not come into it?

Mrs Davey: The legislation does not cover that point, but it covers the number of litters a bitch can breed within a period.

Mr McMullan: I would not argue on that, and I take your view on that, but I would like to think that the chemical inducements should be taken into consideration for the welfare of the dog and purity of the breed. I understand what you are saying, but I am thinking of the customer who buys a dog of a certain breed, quite often paying big money, and finds out afterwards that it is not.

Mr McGuckian: We would encourage the breeder's veterinary surgeon to be involved of any prescription of drugs that would induce the bitch's cycle. That is the way it is done, but it is, as Kate says, in the context of three litters in three years.

Mr McMullan: As long as that is borne in mind. You can buy those chemicals yourself to induce; they are not prescribed. You can buy them quite easily.

Mrs Davey: If that is a point the Committee wants us to pursue, we can certainly look at that.

Mr McMullan: I think so. It is for the welfare, even if it is only being looked at. I do not expect you to have a magic wand, but if it is in there, it has been looked at. You know better than I that there are

dogs that can breed large litters and dogs that can breed only small litters. If you induce those dogs too much, it has a health effect on the bitch itself. I know that when you induce one, you put their whole cycle up in the air, and, at that cycle, a bitch goes for a least two years. In some breeds, inbreeding can be defined by the colour of the pup.

Mrs Davey: OK.

Mr McMullan: I think you would agree on that point. You see some breeds there with some strange colours, but you can define a breed by the colour, and the colour code will come through if you are breeding the defined breed together.

What is the number of dogs allowed to be kept?

Mrs Davey: There is no restriction.

Mr McMullan: There is no restriction. Would that not determine how many people work in a premises or look after those dogs? If you have no restrictions, and you could keep 100 dogs, that would say to me that you would need reasonably adequate cover for those 100. I am only using 100 as a flippant number.

Mrs Davey: Without doubt, but we have not specified a number because there was very much a view that people who own breeding establishments do not necessarily work from nine to five. So, although we could specify that they have three people, we cannot specify their working hours. It is more about the condition that the dogs are kept in.

Mr McMullan: A fair point.

Mrs Davey: If the condition of the dogs is good enough, they have adequate staff without us specifying a number of employees against a number of dogs. There are proposals in Wales to do that. We felt that it was not the best way for us and that it can be very much judged on the condition of the dogs. Staff may work part-time and some may work long hours, and owners will work long hours, so we felt that it was not necessary to put that in. However, enforcement officers still have enough power to enforce without having a number. They have only to look at the dogs, and if they are in poor condition and in a bad state of welfare, it is irrelevant how many staff the breeders have. The offence has been committed. You could have all the staff in the world but your dogs are still not in the right welfare condition.

Mr McMullan: Someone could turn round and say to you, "You haven't told me how many people it takes to look after these dogs, and I am trying my best here," and it would be very hard to take a case against them if they are arguing according to your policy.

Mrs Davey: No; ignorance of the law is not an excuse. It not for us to define to a commercial breeder how many employees he should have. They are in the business of breeding dogs and should know how many people they need to have their dogs meet the standards of the legislation, I would argue.

Mr McMullan: OK, you and I could argue on it. I will not pursue that any longer. The one thing that worries everyone who buys pups, even when they go to good establishments, is whether they are getting the breed that they are told they are getting. That is the main worry. People do not mind paying the money if they are getting the good pup. Where are the Kennel Club or the people who monitor the breeding? We talked about different breeds, and those are monitored very closely.

Mrs Davey: Again, that is commercial transaction. When a person buys a pup, that person enters into an agreement with the seller. We cannot regulate for that. That is a transaction that happens in any walk of life. If a buyer is unsatisfied because he or she has bought a dog of a breed that was not specified to them, it is between that person and the seller. That is not something that we can legislate for.

Mr McMullan: I find that very worrying. If we are allowing breeding establishments to be set up —

Mr McGuckian: If I may interject, that is a different issue. That is a caveat emptor, the buyer beware, issue. It is not what the Department is about here at all. It is a totally separate issue.

Mr McMullan: No, but there has to be some protection for the public as well. If we are watching for inbreeding — and I commend you for including that — we have to protect the public as well.

Mrs Davey: We have only primary power to protect welfare. If it is not a welfare issue, we have no power to regulate for it in these regulations.

Mr McMullan: Fair enough.

Mrs Davey: I suggest that that is not a welfare issue.

Mr McMullan: Right, OK. Lastly, is there any guarantee that a pup that leaves the establishment has had its full health check and injection at six to eight weeks and is fully wormed, vaccinated and everything else? That is when a lot of pups die.

Mrs Davey: Again, we have left it very much up to breeders to develop their standards of what they do in a commercial sale. We have not gone to the depth of specifying that. It is between the breeder and the buyer. It is up to the buyer to ensure that he or she knows exactly when the pup was wormed, if the pup was wormed and if it has had its vaccinations. We have not gone down the line of specifying all that. We have not gone to that depth.

The Chairperson: There are no further questions for the officials. Thank you very much for your attendance today. This will be an ongoing issue, and you know very well about the stakeholder event. The Committee will be across this in the coming months.