



Mr Paul Frew
Chairperson, Committee for Agriculture and Rural Development
Room 243
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

02 October 2012

Dear Mr Frew,

Re: Welfare of Animals (Dog Breeding Establishment) Regulations (NI) 2012

On behalf of BASC Northern Ireland, I write to express our thanks for the opportunity to attend the recent stakeholder event at Stormont where the Welfare of Animals (Dog Breeding Establishments) Regulations (NI) 2012 was discussed in detail.

BASC is grateful to have a further opportunity to respond to the Committee for Agriculture & Rural Development on behalf of our members, to highlight our remaining areas of concern with the proposed regulations.

BASC has a membership of approximately 130,000 members with over 61,000 members owning one or more working dogs. BASC has for many years worked to set and promote high standards of working dog ownership, training and use through our Codes of Practice. BASC therefore welcomes the Minister's attempt to address the issue of puppy farming and increase animal welfare standards.

Definition of a breeding establishment

BASC acknowledges that the Department has revised the definition of a 'breeding establishment' from what was in the original draft regulations and has increased the number of litters produced to 3 or more. However, the revised definition still has the potential to encompass many BASC members who own and use working dogs but who do not breed for commercial gain.

The re-drafted definition, which uses the words '3 or more litters', in practice only allows for 2 litters before a premises could be regarded as a breeding establishment. There will be a large number of BASC members who will, for a variety of reasons find themselves with more than 2 litters in a 12 month period.

Shooters, gamekeepers and farmers will often need to keep a variety of different breeds of dogs for different tasks, such as terriers for pest control, spaniels and retrievers for flushing and /or retrieving shot quarry and pointers, often used for sporting purposes and to assist with bird counts, for species such as grouse. Such people may not breed a single litter for 3 or 4 years. However, when the owner of working dogs does choose to breed, they can often encounter problems, for example; a bitch may not have a regular oestrus cycle or perhaps the last litter only produced one pup which

may have been the wrong sex, therefore, there may be a need to produce more than 2 litters in a 12 month period. Furthermore, many will wish to produce litters outside of the shooting season so as not to lose their working dogs which are essential for finding and recovering shot quarry. Many people will wish to breed during the spring / summer months which are more favourable in terms of weather and daylight hours. Breeding during spring/summer is very much preferred as it can assist with the socialisation and exercise programme of puppies. It is therefore, entirely reasonable and practical for many owners of working dogs to produce 3 or 4 litters within a 12 month period and that being the case we would urge the Committee to consider these issues.

As in our original consultation response document, BASC feels strongly that the definition of a 'breeding establishment' should be based on the number of litters produced in an establishment, within any given 12-month period, rather than the number of breeding bitches present and that the qualifying number of litters produced within any given twelve month period should be set at more than 4. This would permit small scale non-commercial breeders, such as our members, to own a variety of working dog breeds and types e.g. retrievers, spaniels, pointers and terriers to breed from each of those dogs in order to maintain working breed lines.

It is disappointing that the Consultation does not recognise the fact that there is a very significant difference between puppy farming, clearly done for commercial gain and the ownership and small scale breeding of working dogs carried out to maintain bloodlines.

BASC feels that such low level, non-commercial breeding, where the main focus is on developing and maintaining the ability of working dog blood lines, should not be caught by the proposed definition of a breeding establishment. BASC would therefore propose that the limit before licensing is required, is set at more than 4 litters in a 12 month period.

In relation to the proposed revised definition of a 'breeding establishment' as set out in the 'Proposed Welfare of Animals (Dog Breeding Establishments) Regulations – Outcome of Consultation (Dated 24 July 2012) –

'Breeding establishment' means one or more premises –

- (a) at which 3 or more unneutered bitches are kept, any of which is used for the purposes of breeding, which breed 3 or more litters of puppies in any 12 month period;
- (b) from which 3 or more litters of puppies are advertised for sale in any 12 month period;
- (c) from which 3 or more litters of puppies are supplied in any 12 month period; or
- (d) from which the breeding or selling of puppies is advertised.'

BASC seeks urgent clarification on the following:

- (1) In order to be classed as a 'breeding establishment', does a premises have to meet all four of the criteria (a - d) as set out above or just one of them? If the answer is 'just one', then BASC would be greatly concerned that the regulation will affect a significant number of our members.
- (2) Advertising – can the department clarify its definition of advertising? If, as in point (1) above, a person meeting one of the above criteria is considered to be operating a breeding establishment, are we correct to assume that an individual who places a £5 advert in their local paper, stating they have puppies for sale, will now be classed as a breeding establishment?

Micro-chipping

While BASC believes that micro-chipping has benefits, we feel that its use should be down to individual choice and not a mandatory requirement.

BASC believes that while it is reasonable for owners to pay a small one-off initial micro-chipping and database registration fee, any additional changes to a database should be free of charge, as compulsory micro-chipping is pointless if current or future owners do not keep their database details up-to-date. Charging dog owners to update micro-chip database records will discourage such people from doing so and in turn will lead to databases holding inaccurate and outdated ownership details.

BASC seeks clarification in relation to whether or not the initial owner of the puppies will be required to supply details of the new owner e.g. 'notification of sale' in an attempt to provide traceability if a new owner fails to update the database?

BASC also seeks clarification in relation to whether or not there will be a penalty system for new owners who do not update database records within a certain timeframe?

Furthermore, BASC questions the requirement for databases, when details of micro-chips and licences etc. (which are linked) are already held by local councils as required by the current NI Dog licensing system. Does the current licensing system not already serve as a database?

Need for block Licences and fees

BASC agrees in principle that genuine dog breeding establishments should have to pay a fee to cover the costs of processing an application including visits to inspect the dog breeding establishment, however, the fee must be sensible, justifiable and appropriate.

BASC feels that the system of fees should be based on the number of litters produced in any 12 month period rather than the number of breeding bitches. Under the current proposals, a small hobby breeder of 3 litters would pay the same as a commercial breeder of 10 litters. This highlights the reasoning behind BASC's proposal that the criteria for licensing should be based solely on more than 4 litters.

Exemptions

As per our original consultation response, BASC's view is that the definition of a dog breeding establishment should be amended and defined solely on the basis of the number of litters produced within any 12 month period, which BASC feels should be more than 4 litters, then there would not be a requirement for an exemption for working dog owners.

We would be happy to discuss the proposals put forward and any other aspect of the consultation should the Committee need any further clarification.

Yours sincerely,



Director

BASC Northern Ireland