
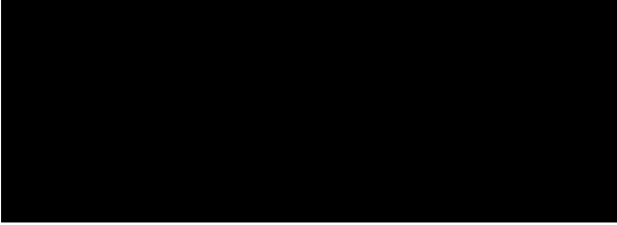


Mikudi Tibetan Terriers



Stella McArdle
Clerk to the Committee for Agriculture and Rural Development
Room 243
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

1 October 2012

Dear Ms McArdle

PROPOSED WELFARE OF ANIMALS (DOG BREEDING ESTABLISHMENTS) REGULATIONS

First of all many thanks for the facility to attend the workshop on Tuesday 18th September, it was much appreciated. I understood from Mark O'Hare that all the attendees were to be e-mailed a summary of the feedback from the three groups, but I have not received that yet, and as you wished to receive our further views within two weeks I thought I had better put pen to paper.

I and a colleague, Ms. Caroline Reynolds attended under the labels of 'hobby breeders' and 'Show Dogs Ireland'. As well as our spoken contributions we also handed out a joint written submission, which was accepted by officials on my table but not on Ms. Reynolds table. That written submission is enclosed herewith. One other 'hobby breeder' Mrs. Elza Margrain (Afghan Hound Society of Northern Ireland) was also present. Although our views are similar, I am writing this letter under my own signature and am not pretending to represent the others precisely. Just to clarify the categorization of ourselves as 'hobby breeders' – we do not breed as a hobby, but rather our hobby is showing dogs, and we tend to breed only when we want the next generation for showing.

In making our submissions to you we have tried to identify where the proposed Regulations have, in our opinion, substantial weaknesses. This was the approach requested by the ARD Committee Chairman Paul Frew in his earlier letter. Our written submission that was handed out still stands, but after listening to the various views, I would wish to add further comments as follows.

1 Definitions.

- (a) One point that we had missed in our written submission that was brought up at the workshop was the definition of a breeding bitch which in the proposed regulation is 'an unneutered female over 6 months', yet the regulation also says that a bitch must not be bred until she is 12 months of age. It is a weakness not to have both ages the same i.e. a breeding bitch should be defined as 'an unneutered female over 12 months of age'. There was a consensus on my table that a bitch of a larger breed should be 18 months old before she is bred, because from a welfare point of view larger breeds mature both physically and mentally at a later age.

- (b) The Chairman on my table suggested that 'breeders' and 'sellers' of puppies should be defined separately. In my opinion this is a red herring by the MLA based on a lack of knowledge of breeding practice. The breeder is always the first seller of pups.
- (c) The maximum frequency of breeding a bitch was one litter per year in the original draft regulation. It was then changed after consultation to not more than 3 litters in 3 years because of the commercial interests of the greyhound industry. This means that a bitch could be bred at three consecutive reproductive seasons (heat periods), for example now, then six months later and again six months after that. This is totally unacceptable on welfare grounds because it does not allow the bitch sufficient recuperation time between litters. The regulation should revert back to the maximum breeding frequency being one litter per year, with year defined as any 12-month period not as calendar year. I would also emphasise that this regulation is about welfare, and welfare should never come second to commercial interests, whether they be of the greyhound industry, Canine Breeders Ireland, hunt clubs or charities. Welfare should be paramount at all times, and every breeding establishment (as defined) should be subject to inspection.
- (d) A general consensus emerged that the NI regulation should be aligned to the ROI's regulation i.e. a breeding establishment should be defined as one which breeds 6 or more litters in any 12-month period.

2. Quality of breeder.

There were suggestions from the MLAs in the feedback session that because a breeder was licensed, that should automatically be a form of recognition of the licensed breeder as a reputable breeder which should entitle the breeder to sell puppies with a 'kite mark'; and in order to show to the public such a good reputation the breeder's licence number should be quoted in advertisements; and the public should be educated so that they buy from a licensed breeder. This suggestion did not come from the stakeholders, and it was my understanding that the purpose of the workshop was to hear stakeholder views. This suggestion should be dismissed, as it demonstrates ignorance of the ARD Committee about quality schemes that are out there in the wider world. I would suggest, with all due respect, that the ARD Committee familiarises itself with the Kennel Club's Assured Breeder Scheme, the 'Standard for Breeding Dogs' as produced by the Advisory Council on the Welfare Issues of Dog Breeding, and the DEFRA Code of Practice for the Welfare of Dogs if it wants to understand what constitutes a quality dog breeder.

3. Puppy farms.

Large scale commercial breeding units, often referred to as 'puppy farms' because of their scale, should be outlawed. The regulation as it stands is allowing breeding units with 200 or more breeding bitches. There can be no other word for it than these establishments are farms, farming dogs in buildings in much the same way as pigs are farmed. However there is one big difference between pig farms and puppy farms. Puppy farms of scale cannot possibly provide the welfare needs of bitches and puppies because dogs are playful, sociable animals and they enjoy playing with people and other dogs. Dogs are intelligent animals, and can suffer from boredom. Dogs that are bored and do not have enough to do are likely to engage in inappropriate behaviour. Dogs need and enjoy company, and puppies that are deprived of such stimulation and are deprived of opportunities to develop social behaviour can become withdrawn, anxious and aggressive as adults. These then become the dangerous, problem dogs of society. This is the issue that legislators should recognise and attempt to control – that dogs are not a species that can be farmed on a large scale like normal farm animals because it is impossible to provide for the socialisation of bitches and pups with such numbers. To allow large scale puppy farming is a grave mistake and a major weakness of the proposed breeding establishment regulations.

The attitude to welfare in these large commercial units was amply demonstrated by the stand taken by Canine Breeders Ireland (CBI). This organisation uses phrases such as "their industry", "a profitable industry", "bringing jobs to your area", and "we need half a million pups a year to keep up the existing UK dog population", which clearly demonstrates it regards dog breeding as an industry, which is abhorrent to most right-minded people in society. CBI also argued at the workshop, and also does on its website (www.caninebreedersireland.com), that the regulation is wrong to require bitches to be neutered before they are re-homed, because the commercial breeders will not spend the £150 per bitch on neutering, but will instead euthanase retired bitches because it only costs £20 per bitch. Such disrespect for dogs is quite

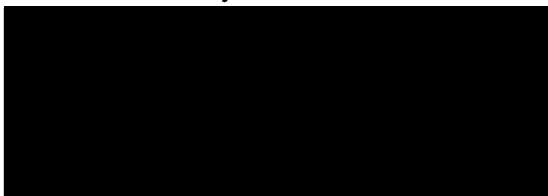
horrendous. These breeders will have bred a bitch to her lifetime quota of 6 litters as allowed by the regulation, and at a modest litter size of 5 pups per litter, one bitch will have produced 30 puppies in her lifetime. Again at a modest sale price per puppy of £500, the bitch will have produced a gross income in her lifetime of £15,000 for these breeders. It is sickening that Canine Breeders Ireland object to the spending £150 of this on having the bitch neutered at the end of her breeding life. The threat from this organisation that the new regulations pose risks to the lives of thousands of dogs is indeed not a hollow threat. They also threaten that the licence fees and neutering charges will drive dog breeding underground. If this is true than these commercial dog breeders are not worthy of being referred to as dog breeders – they are simply commercial puppy farmers who as stated above are more likely to produce dogs that become dangerous through lack of socialisation. It is therefore a weakness of the proposed legislation that it does not adequately tackle the issue of puppy farming, or what the maximum acceptable size of a dog breeding establishment should be (one suggestion at the workshop was that it should be a maximum of 20 litters per year).

4. Other ad hoc points.

- (a) “There should be a more equitable fee scale for breeding establishments proportionate to the number of litters bred in a year.” My response to this is that it should be with the proviso that large scale units should be outlawed (see above).
- (b) “Council inspectors should be fully trained and monitored by DARD independent vets.” My response is that this assumes the DARD vets are competent in regard to dog breeding – the Kennel Club can offer advice and training on this.
- (c) “There was a clear agreement that the socialisation requirements were necessary, but the proposed written requirements were bureaucracy gone mad and all that should be needed was a method statement and checklist.” My response is that socialisation is the key to breeding well adjusted dogs and everything possible should be done to ensure socialisation is adequate.
- (d) “The proof is in the looking not in the paperwork”. My response is that MLAs seem devoid of any knowledge of normal dog behaviour as detailed in the DEFRA Welfare Codes for Dogs; devoid of any knowledge of assured breeding standards as operated by the Kennel Club; and devoid of any knowledge of reports such as the Bateson Independent Inquiry into Dog Breeding. This lack of knowledge meant that they raised several red herrings which contradict accepted wisdom on dog welfare.
- (e) “There should be guidance notes for breeders as well as for inspectors.” Guidance notes for breeders are given by the Advisory Council on the Welfare Issues of Dog Breeding in its ‘Standard for Breeding Dogs’.

I would urge the ARD committee to remedy its deficiencies in knowledge as detailed above and then seriously consider how it can remedy the weaknesses in the proposed breeding establishment regulations before it goes to DARD to tell DARD what the Committee really wants to see in the new regulation. I would urge you to put welfare above all other considerations.

Yours sincerely



**SUBMISSION TO COMMITTEE FOR AGRICULTURE AND RURAL DEVELOPMENT
ON DOG BREEDING ESTABLISHMENT REGULATIONS
AT STAKEHOLDER EVENT, 18th SEPTEMBER 2012**

from [REDACTED] (Hobby Breeders)

The following weaknesses are identified in the proposed regulations:

1. The definition of a “dog breeding establishment” (Part 1, Paragraph 2 Interpretation) at (d) is unnecessary as it has already been covered in (b) and (c). As (d) is written it means that if a hobby breeder advertises the breeding or the selling of pups, no matter how infrequently that breeder breeds, then that breeder is defined as running a breeding establishment and requires to be licensed as such. Such definition does not sit with the statement in the 24 July 2012 DARD letter to consultees on the outcome of the consultation which says that “any person who has 3 or more unsterilized bitches but only breeds 1 or 2 litters of pups in a 12 month period will no longer be regarded as a breeding establishment”. The proposed regulation appears to be saying that a breeding establishment licence is not needed to breed and supply 1 or 2 litters per year, but as soon as you advertise such (no matter how few or infrequent the litters are) you need a licence! Definition (d) therefore needs to be removed or rephrased to read “from which the breeding or selling of 3 or more litters of puppies is advertised”.

This was pointed out by this author on 5 August 2012 to the DARD Welfare of Animals Act Team, for whom Andrew Kells replied on the 9th August: “Thank you for raising your concerns over the breeding establishment definition. As written, the definition does appear to inadvertently bring hobby breeders who advertise into the frame for requiring a breeding establishment licence. This was not our intention. The proposed Regulations should only apply to commercial breeders, not hobby breeders that only breed a litter or two a year, even if they advertise. You will be aware that the draft Regulations are being considered by the ARD Committee and they are planning a workshop in mid/late September to seek the views of stakeholders. In the meantime, we will consider amending the definition of breeding establishment to address the point you raised. Many thanks for drawing this to our attention. It is greatly appreciated.”

2. The definition in the proposed regulation of a dog breeding establishment as one in which 3 or more litters are bred in any 12 month period, is a weakness in the regulation due to the fact that it differs from the Republic of Ireland’s legislation (with which the previous and present Northern Ireland Ministers of Agriculture have repeatedly said they wish to align NI with) and with the present GB legislation. In the Republic of Ireland “not less than six litters per year” is regarded as a breeding establishment (Dog Breeding Establishments Act 2010, Paragraph 2 Definitions), and in England & Scotland a total of “one bitch giving birth to a litter of pups, and four or more other litters” i.e. five or more litters in a 12-month period, constitutes a breeding business (Breeding and Sale of Dogs (Welfare) Act 1999, Paragraph 7 Definition 4A Breeding

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Establishment). The weakness is that any hobby breeders who are not be as scrupulous as the majority, will simply move a breeding bitch to another jurisdiction to circumvent the NI regulation. This circumstance will be possible if the bitch has not been retired because she has not exceeded her 6-litter lifetime maximum, but if she was bred in the current 12-month period it would take the hobby breeder over the 3 litters in 12 months maximum. The weakness of the proposed NI regulation is therefore that it is providing a circumstance which is likely to act against animal welfare, when its purpose should be to provide circumstances that improve welfare.

3. In the draft regulation, the original proposal was to allow a bitch to have no more than one litter in 12 months. This is sound animal welfare. However after the stakeholder consultation this was changed to allow a bitch to have 3 litters in 3 years, which means that a bitch could have more than one litter in any 12-month period. This is poor animal welfare as, according to the Welfare Advisory Council, it does not allow sufficient interval for full recovery after a litter of the significant drain of pregnancy and lactation on metabolic resources. The change was made at the behest of the commercial interests of the greyhound industry. The proposed regulation is therefore extremely weak on this point because it allows commercial interests to predominate over animal welfare, and therefore contradicts the ethos of the proposed regulation which is headed "Animal Welfare, The Welfare of Animals (Dog Breeding Establishments) Regulations". Furthermore the recently proposed 'Standard for Breeding Dogs' published by the Advisory Council on the Welfare Issues of Dog Breeding includes a requirement that "Bitches may not have a litter within 12 months of their previous litter". It is therefore a weakness of the proposed NI Regulation to legislate against this, and to legislate to allow a bitch to have six litters in its lifetime when the Welfare Advisory Council propose a requirement for no more than four litters.
4. The draft regulation is extremely weak because it permits breeding establishments of over 200 bitches (see Paragraph 8 Fees). Establishments of this scale cannot possibly provide for the welfare of all bitches and puppies on the premises, and should be banned. These establishments are the puppy farms that cannot provide adequate opportunities for socialisation of puppies. The DEFRA Code of Practice for the Welfare of Dogs states: "Puppies that are deprived of opportunities to develop social behaviour (with people, dogs and other animals) can become withdrawn, anxious and aggressive as adults."
5. The proposed regulation has a further weakness in the proposed scale of fees (Paragraph 8). The fee for a breeding establishment with 200 bitches and therefore 200 litters of pups per year is £350 or a mere £1.75 per litter. The contrast with a breeder of 3 litters per year paying a licence fee of £150 i.e. £50 per litter, is a gross and grotesque distortion. This does nothing more than encourage puppy farming whilst penalising small scale hobby breeders.