Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/parliament.uk/efracom

Committee staff

The current staff of the Committee are David Weir (Clerk), Anna Dickson (Second Clerk), Sarah Coe (Committee Specialist—Environment), Phil Jones (Committee Specialist —Agriculture), Clare Genis (Senior Committee Assistant), Owen James (Committee Assistant), Yago Zayed (Committee Support Assistant), and Hannah Pearce (Media Officer).

Contacts

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# List of additional written evidence

(published in Volume II on the Committee’s website www.parliament.uk/efracom)

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Written evidence

Written evidence submitted by the Staffordshire Bull Terrier Breed Council

I am writing as PRO of the Staffordshire Bull Terrier Breed Council of Great Britain and Northern Ireland. We have studied the initial report from your committee’s consideration of “Dog Control and Welfare” and find ourselves totally in agreement with the general thrust of your committee in calling for firmer control on the ownership of dogs and the need to encourage and indeed enforce responsible ownership. We are not, however, in anyway supportive of the notion of adding more breeds of dog to those covered in the Dangerous Dog Act.

We oppose this on several counts. In the first place the initial legislation has proved ineffective and very costly. If the government add more Breeds to the proscribed list the anti-social people will simply turn to other breeds or start to create new mixed breeds—indeed there seems to be moves in this direction already. Any Breed can produce an aggressive individual and simply choosing to mate human aggressive dogs of whatever breed or no breed at all, together can satisfy their objectives. The Government will be on a never ending roundabout and the money this will entail would be much better spent, we believe, in providing more Dog Wardens and/or specially trained police to enforce the law and to fund educational programmes to promote responsible dog ownership. We firmly believe in blaming the deed not the breed.

We ask that you consider our views when you hold your symposium.

April 2013

Further written evidence submitted by the Staffordshire Bull Terrier Breed Council

1. Having studied the draft amendments to the 1991 Dangerous Dogs Act we, as representatives of the Staffordshire Bull Terrier Breed Council of Great Britain and Northern Ireland would like to make the following observations.

2. We are supporters of the “blame the deed and not the breed” campaign. But at the same time we are fully aware that the general public wish to see a reduction and more protection from the incidence of bad deeds involving dogs.

3. With this in mind we are in favour of many of the ideas put forward in the paper:

(a) We accept the need to extend the act to cover private property, always supposing that an exemption is made for trespass.

(b) We accept the need to treat assistance dogs as exceptional cases.

(c) We heartily agree with a scheme which requires a court to consider whether someone is a fit and proper person to be in charge of a dog. Indeed we have wondered if it would be feasible to have a “proscribed register” which breeders could refer to rather like sex offender registers.

(d) Would it be possible to widen the scope of the Kennel Clubs Assured Breeders scheme in order to improve standards of dog breeding for all types of dog. There is also scope here for more regulation of puppy farms, and internet selling web sites.

(e) There should be more provision through eg Dog wardens or trained volunteers to educate the public about owning a dog.

4 Our problem with the amendments is that they do nothing to restrict any Secretary of State if he sees fit, adding another breed to the proscribed list.

5 We object to Breed Specific Legislation on the following grounds:

(a) It is unjust—it kills the good as well as the bad simply because of the way a dog looks. Absolutely any breed of dog can produce an aggressive individual.

(b) It is ineffectual as 88% of those responding to your initial enquiry tell you.

(c) It is impractical. As fast as the Government would add another breed or type the anti-social amongst us would import or indeed create a new type to take its place.

(d) It is very expensive to enforce and we feel that this money would be better spent on educational programmes and more Dog Wardens on the street.

The Staffordshire Bull Terrier Breed Council of Great Britain and Northern Ireland represents the 18 Staffordshire Bull Terrier Breed Clubs of the United Kingdom.

April 2013
Have now had time to read and digest DEFRA’s latest efforts and despite the number of daft responses I’ve had from them over the last few months I am honestly stunned at their continued lack of understanding and hopeless approach to the problems.

The Amendment does NOTHING to prevent dog attacks—as always they have gone for the “after the horse has bolted” option. How long will it be before a little old dear has her “baby” taken away and destroyed? you know the one—charges down the path and bites the postman every day, total nightmare on walks as it attacks other dogs on sight............. it isn’t just the moronic owners who deliberately turn their dogs into status symbols that have ruined it for the rest of us is it? Will this dog be treated the same as a larger breed? Will the police/wardens have the time to look into the history of the dogs and their owners or will it just be” its bitten once so will do it again?”

Why on earth can’t dog control orders be brought in where a complaint is received and investigated and the owner fined and warned of the consequences if it ever happens again? Gives them the chance to change their dog’s behaviour and the authorities the chance to investigate whether it is a genuine complaint or just a “grudge”—how many innocent dogs will die because two people have issues with each other?

Yes it will take time and money but surely it will eventually cost less than all the cases taken to court—bad owners will have to shape up or face losing their dog and a ban from owning any more. If their dog is one who charges at the postie then the post office can refuse to deliver their mail unless the dog is under proper control. Same goes for other visitors to the house—the meter reader is bitten so makes a formal complaint to the local authority and action is taken against the owner. What it will mean is more work for the councils—what happens at the moment when a complaint is received?

We’ve all said it—the time has come for the authorities to stop punishing the dogs and start taking proper action against the bad and often clueless owners. The large breeds are always shown in a bad light but how many of us have had problems with a “yappy snappy” and done nothing about it? Time we stood up for our dogs—the ones we train and have under proper control yet have to contend with the “he only wants to play” mob. As dog owners they are just as irresponsible as those who deliberately train their dogs to be vicious—I see no difference between no training and the wrong training. How often do you see someone in a public place ordered to put their dog on a lead by someone in authority? How often do you see dogs running riot while their owners stand around chatting not taking a blind bit of notice of their animal?

As always it’s the minority that have ruined it for the rest of us who just want to enjoy the fantastic bond between dog and owner.

Denise Day, Dog Lover and Member of the Dog Rescue Federation

April 2013

I am writing to ask if you could please consider my points as a dog owner as to how a specific amendment to the dangerous dog act is leaving our dogs at risk of destruction for merely acting as a dog, the point is the extension of the act onto private property I understand that postman etc need to be protected but it states that even if someone feels threatened by your dog the police have powers to seize and destroy your dog! We live in a remote area and my dogs have secure fencing but they will bark at walkers going past the property and run along the fence line perfectly reasonable dog behaviour but under the new amendment my dog could be seized and destroyed if someone complained! Also if someone wanders onto our property (we have problems with hare coursers) and my dogs run and bark and defend our land again a seizable offence! So we have to wait for burglars to get in our home before my dog is allowed to protect us! I think you are leaving the British dog owning population in a very precarious position it seems all this will do is allow for dogs who are not a problem or dangerous who are merely on their own property to be destroyed in the hundreds,how does a dog differentiate between someone on your land with or without malicious intent? Again it seems no one has listened we all no who is to blame for the majority of serious dog attacks and we know they don’t care what legislation is brought in because they don’t care they will move on to another dog another breed,were us responsible owners are now left with the chance of having our dogs destroyed for simply being dogs Please please think carefully before passing this legislation we have already had the travesty of family pets destroyed for merely being a type of dog now it seems all our dogs are at risk.

April 2013
Written evidence submitted by Nando Brown

Please take advice from someone that knows about dogs. Your DDA is ridiculous.

April 2013

Written evidence submitted by Operation Neuter

I welcome the fact that there is consultation on the Dangerous Dogs Amendment, but I am concerned that the laws are not going far enough to prevent attacks from occurring in the first place.

Middlesex university recently published their research that dogs are being bred by gangs who want to use them for fighting or for a “hard” image. There are thousands of dogs abandoned each year, including many advertised “free” on sites such as Gumtree and Preloved. I believe that the route cause of the problem is the overbreeding of dogs by irresponsible owners. Rescue centres have to pick up the pieces from a situation which should be preventable from the start.

One way to overcome this, would be a crackdown on owners with their dogs in the community. I believe that Local Authorities should be given more powers to intervene and remove a dog from a potentially dangerous situation; BEFORE the dog has been taught to be aggressive. A key way to save money in the long term is through neutering. Neutered dogs are less aggressive, less likely to roam free and will not be able to produce further litters. If Local Authorities neutered the dogs in their care BEFORE releasing them back to their homes or to new homes, this would be one way of tackling the over-breeding problem. In the same way, if they are alerted to back-yard breeders, they should be given powers to neuter these animals once it is clear they are being bred as status dogs.

Thank you for your time.

April 2013

Written evidence submitted by Pamela Shaw

I understand comments on the recent amendment on the Dangerous Dogs Act are being welcomed and as such I would like to express my thoughts please.

I understand that the whole idea of the reconsideration to the said act is due to the very tragic incident which was covered in the national press. What I am trying very hard to understand is why is so much time and effort is being put into dealing with an event AFTER it has happened and not working toward PREVENTION of an incident? I have had many meetings with Mr Jeremy Brown MP to discuss the problems of dog incidents and responsible dog ownership and yet I am always being quoted that the government and DEFRA are dealing with it. This is a very emotive subject that is in danger of getting out of hand if not dealt with effectively and yet so very simple to solve. Respectfully, the answer is below.

I have been saying for so long that EDUCATION is the key to PREVENTION. All dog owners need to be educated in how to raise their dogs correctly to help them to understand the dog, keep people safe and to have well behaved dogs. Just as we have to become proficient in being allowed to drive a car, with a licence, insurance, so too should dog owners be made to be as responsible. It will bring in revenue and reduce the likelihood of incidences dramatically.

Wasting valuable time and taxpayers money to deal with prosecution AFTER the event whether on private property or not will clearly NOT solve the problems and is simply too little to achieve too much.

For too long now the idea that a dog, purely because of what it “looks” like can be regarded as a danger is nothing short of outrageous. Dogs behave the way they do because of a lack of training by the owner and a lack of education for the owner.....NOT because of its breed. This has been scientifically proven in the states and yet we as a nation continue to believe otherwise. That is like saying all youths who wear hoodies are troublemakers!

I have worked in the field of dog behaviour for eleven years and there has never been a dog’s behaviour that I was unable to help change, by teaching the owner why and how to change things through understanding dog behaviour through the eyes of the dog.

If you should disregard this email as just another person writing to complain, then that is your choice and on your conscience be it, but please do not disrespect the fact I do actually know what I am talking about and have proven it time and time again with the successful results I have achieved with my work.

We choose to have dogs share our lives, they do not have a such a choice and therefore we owe it to them to ensure their owners understand what makes them tick and to raise them correctly and effectively by law. I beg you not to waste valuable time and resources by “playing” at solving the problem. We need to look at this in depth by speaking to respected dog trainers and behaviourists not rescue organisations who most if the time will not even give a dog a chance to be rehabilitated. We also have an obligation to stop the excessive breeding and in turn prevent the thousands of dogs being destroyed each day due to surplus to requirements. The dogs
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deserve better from us. Please consult those who know what they are talking about and can help to reduce these incidents. Making an amendment to a law to what is already seriously flawed is unacceptable.

April 2013

Written evidence submitted by Andrew Wright

I have taken a look at the proposed changes to the DDA Act, and have some definite concerns!

Firstly, at a glance the changes appear to be a step in the right direction, but you are still not addressing the full problem we have here in the UK.

We need to totally abolish BSL, this has never worked and will never work. We have more Pit Bull type dogs here in the UK now, than we have ever had. I do not even agree we should have any breed banned from the UK, this just makes those breeds more desirable to the wrong kind of people. At the end of the day these breeds are NOT the problem, it is the owners. So we really need to see BSL abolished!!

Next, it seems crazy that we have to wait until 2016 to bring in compulsory micro chipping. Bring it in next year!

Finally, while I agree owners should be held accountable if the postman, gas meter man or a neighbour’s child is attacked on your property, I am extremely worried you are favouring burglars/trespassers over a responsible dog owner. While I would take every precaution to make sure nobody could enter my garden or house by mistake, I would make sure I have sufficient fencing and a locked gate. So if anyone does jump the locked gate/_fence into my garden, and is attacked by my dog, whether I am in the house or the garden, or if I am away from my property, and the dog is loose in our secured property/grounds, that person who has jumped the fence, in my eyes is a trespasser, and they should have no rights, and the owner should not be able to be prosecuted at all.

I have spoken to several people about their worry regarding trespassers, the owner should not have to be in the house or even in the garden, and they should have the right to be able to leave their dogs to run free in their secured garden without worry of being prosecuted. I know several people who leave their dogs in the garden while they are at work, so this part of the amendment needs to be thoroughly thought through!!

April 2013

Written evidence submitted by Stephan Toth

Having browsed through these documents, there is only one area of concern that I would like to raise.

10. Subsection (5) extends the rights of enforcement officers (for example, a local authority dog warden) to seize dogs from both public and private places if it appears to such an officer that the dog is dangerously out of control.

I have an issue with this because I have experienced cases where Westminster City Council dog warden along with two special police constables tried to fraudulently issue me with a fixed penalty charge for having my dog off of the lead.

At the time I was clearly outside of the dog control area according to a map on a nearby block of flats and the map on the councils website.

The flippant attitude of the dog warden was for me to accept his fraudulent penalty charge and then sort it out in court.

My highly trained and socialised Belgian Shepherd bitch is my only family and if this same dog warden pulled this unethical stunt again and then tried to seize my (family member) dog, there would most definitely be a subsequent very serious breach of the peace.

Especially if the warden came from a culture or religious background that were commonly known to seriously hate dogs.

I think this power should be reserved for official police officers only and not entrusted to local authority employees who may very well be placed by their employers on an unofficial performance target quota and especially if that service had been contracted out to a private company.
I can see that this clause will cause a lot of controversy and inevitably become very expensive to run when it comes to appeals and claims for compensation.

Also there is a health and safety issue here, if one considers a street thug with a 38 kilo bull mastiff conditioned trained to be aggressive and attack, the dog warden would not be equipped to deal with an ensuing situation where the thug sets the dog on him and then runs off. So the armed police would have had to been called by the warden to deal with the situation anyway.

Yes, the more I consider this issue the more I can envisage unscrupulous dog wardens avoiding the dangerous dogs and targeting Innocent dog owners in order to achieve their targets and causing a lot of upsets and distress to weaker members of society in the process.

April 2013

Written evidence submitted by Stewart Saxton

I write with reference to the above subject. EFRA has stated it would welcome views on the above subject. I therefore submit mine, based on my views as a voting, tax paying, responsible dog owner.

EFRA asked-

Do Defra's draft clauses translate the Government's intentions on dog control into clear, proportionate, and effective legislation?

No they do not. I am only too aware of current ineffective dog legislation, namely the hastily rushed in and much maligned Dangerous Dogs Act 1991 (as amended 1997) and all these particular clauses imply is yet more poorly thought out restrictions that will ultimately NOT reduce dog attacks nor tackle irresponsible ownership. Where are the measures to stop dog fighting, back yard breeding for example? There is nothing in current or proposed legislation that tackles and roots out these problems. Instead, all it does is target people who are already responsible owners and destroy family pets simply based on their looks.

Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?

Not in the slightest. To coin a phrase, "Locking the stable door after the horse has bolted" is an apt description of current and proposed legislation. There is nothing, either in current or proposed legislation that discourages irresponsible ownership. It is all "after the event" eventualities. Does not DEFRA understand that prevention is better than punishment after? There was, and still is, a real chance to make good the last 21 and a half years of the failed DDA 1991, but these proposals are simply not it. If anything, these proposals will probably make more people dump their dogs for fear of prosecution because their dog may bark at an intruder and be perceived as dangerous. These proposals could in fact, bring about more dog cruelty than there is at the moment. Plus a whole host of "compensation" cases by people intent on making a few pounds by simply saying "I feel threatened by their dog barking at me".

If not, which additional measures should be brought into law?

Immediate repeal of the failed, flawed and not fit for purpose Section 1 Dangerous Dogs Act 1991. Any dog can be dangerous, not just the supposedly dangerous current banned types.

Dog Control Orders based on a "Deed not Breed" scheme.

Real effort to educate people about the realities and responsibilities of dog ownership.

A dog ownership test to determine suitability for dog ownership.

Are any of the proposed measures unnecessary or counterproductive?

Yes. The Section 3 extension to private property is worded badly and is very vague and wide open to abuse. It implies that an intruder can quite freely roam around a persons garden, safe in the knowledge he is immune from a dog even so much as barking at him, as all he has to do is say he "felt threatened", despite the fact he should not be there, and the dog and its owner are liable to prosecution.

However, if he should place one foot over the threshold of the property, he is the one at fault and the dog can bark and growl to its hearts content...unless the owners of the residence and dog are not present. Said intruder once again gets away with it. Seeing as most intrusions/burglaries take place when people are out and a dog may be present on the residence on its own this law appears to stack the odds in favour of the criminal element. An intruder intent on harm or theft should have NO protection within the law.

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Written evidence submitted by Mandy McGilchrist

I have read the amendment from DEFRA and it doesn’t appear they have done anything to prevent dog attacks they have just thought about what punishment people could get after an attack by a dog.

It’s all about destroying dogs and nothing about punishing owners which we all know are the problem!

I would have liked to see DEFRA take this opportunity to encourage responsible ownership of dogs.

This new amendment will not stop dog attacks and will allow the killing of thousands of innocent family pets.

All dog attacks should be looked at individually and not blamed on certain breeds. We need a deed not breed way of looking at things.

April 2013

Written evidence submitted by Allie Brophy Reynolds

I have read about the proposed amendment to the DDA and would be grateful if you could please consider an alternative.

I strongly believe that the public would greatly benefit from a campaign to promote education on this subject, not only to owners, but to children and extended family also. I feel very passionately about this, I have been researching this subject for quite a while and have carried out a project to help teach responsibility, safety and awareness to primary school age children and their parents. We need to promote education, awareness and urge owners with little or lack of understanding to do something about it and go and get the help they need for them and their dog and correct any "issues" early on. I really believe this will work. I also feel this will be more effective instead of BSL as each individual owner and dog can be assessed and supported differently as every dog and owner is different and so is their living environment and the example and responsibility set by their owner can be poor on one end of the scale yet immaculate on the other. Every dog is set an example by their owner, and learn from the way they are treated and raised. We need to help the owners on the poor knowledge end of the scale and find out what the more responsible owners do, how they do it, and apply this knowledge to assist the ones who struggle, but they must also be willing to help themselves and if their intentions are genuine towards their dog they will want to and at least try these options if this can help them.

Owners/Parents/Grandparents need to understand fully why they must supervise at all times any dog with a child, not only because the dog could pose a risk to the child, but the child may also pose a risk to the dog, such as tormenting, harming, and even the cries of a child can frighten and confuse a dog who does not understand the situation. It is vital that anyone who has a dog must always take caution and never leave a child and dog alone together and deals with situations responsibly.

Methods which can be implemented to keep visitors to the home separate from dogs can be the use of baby/safety gates, proper fencing, a quiet area of the home where a dog can have peace and space away from people visiting the house and have music on to drown out any noise or distractions in the background which may cause the dog any anxiety. Having a crate with blankets and toys that is big enough for a dog to sit in and move around if someone is calling to the house who is not comfortable around dogs or if the dog does not know them can help also.

I feel schools would benefit from getting involved in an Education Campaign so that children also fully understand to take caution around all dogs, and to understand not to harm or torment them and why, and the consequences of them hurting an animal as well as if they torment one. They need to understand and so do parents/grandparents/owners, to never let a child put their face near any dog’s face, never to try and pick up or squeeze someone else’s dog. Teaching children to respect and show kindness towards animals and allow them their space is also something that I believe can greatly benefit relationships and understanding between children and dogs. I have covered a lot of this in my project and I hope this can be of help to anyone, but I feel the proposed amendment is very unfair on a lot of innocent dogs and owners who do take care and are responsible, and the majority of owners truly love and want to do right by their dog and are prepared to attend training or help with a behaviourist if they have any issues that need addressing.

The problem is some people are too afraid to ask for help, if they won’t go for help we need to bring this to them and educating is a way to get this message across and open the door to those who don’t understand how to care for a dog, who have limited knowledge of a particular breed of dog or how to address and care for their needs. To some a dog is something they have not thoroughly thought about before they took one on, a lot of people wanted a “puppy for the kids”, or because “their friend had one”, yet when their puppy grew and started chewing, leaving toilet mess around, messing up the house and needed walking, training, looking after, some people very sadly just gave up and instead of meeting the needs of their dog they then abandoned or re-homed them. I feel an owner/dog contract would address this as when someone takes on a dog they are committing not only to the dog but also to the responsibility of an owner to others too, to be respectful, courteous and apply caution to situations, and if they do encounter problems such as behavioural issues or aggression they seek help immediately from a proper trainer or behaviourist who can help them with this.
There is always a solution. Humans make more mistakes and cause more problems in the world than animals do but we always give humans a chance to put things right, to learn from their mistakes, and I feel animals need this chance too.

Muzzling dogs in public who have shown cause for concern by their behaviour is also an alternative, and ordering an owner to participate in a “probation style programme” where they must follow a training/behaviour modification programme with an experienced, recognised and established trainer/behaviourist, and full cost of this to be met by the owner. This could be set for a minimum of 3 months upward depending on assessment by the trainer/behaviourist and to do this each owner must apply to the Government and pay a fair and affordable fee to set this up with a list of professional and reputable trainer/behaviourists in their area and to book an assessment with that behaviourist. A programme would then be set up from a period of 3 months upwards and the dog required to be muzzled in public or around children or strangers in the home during the whole period of this programme. Owners are taught as part of the training both for themselves and their dog and at the end of this period must sit an assessment, written and practical.

The assessment would be set by trainers/vets and would cover adequate understanding of caring for their dog, behavioural issues and how to address them, applying caution in different situations such as strangers to the home, children and keeping them separate and supervising at all times, never leave a small child or baby alone with any dog or allow a child to torment or harm a dog or any animal, how to calm a dog if they are anxious, methods of improving wellbeing of their dog and building confidence around people and other animals, how to walk them responsibly and on a short lead, diet and nutrition, general health of their dog and understanding the breed and the needs of their dog, what is a good owner and what a dog needs. This programme would not cost the Government anything as it would be paid for by the owners. The cost would be set via the behaviourist trainer and the Government and there would be a small affordable fee paid to the Government to register an owner and their dog onto this programme. At the end of the period of at least 3 months—12 months depending on the timescale recommended for each owner and dog, the assessment must be sat both written and practical. and the situation reviewed as part of the programme. Owners who are not in a financial position to afford to pay this in full could pay this in instalments maybe on a sliding scale depending on their income. If they really want to make a positive difference to them and their dog they will be happy to do something that could help them both and educate themselves whilst also training and educating their dog. Involving schools in this as a project also and combining animal welfare, scenario situations, and visits to community farms where they can meet animals and gain an understanding that they have feelings too, this can help children to build empathy with animals and understand their needs too, this can also help prepare them as future pet owners and to treat them with kindness. I believe every dog matters as well as every person and they learn from us, and we need to apply caution to situations to ensure that incidents don’t occur and we must look at the whole picture rather than instantly blame the dog.

I would be very grateful if you could please bring up my idea in Parliament and put this for consideration as an alternative. This will cost nothing to the Government but it could be of great benefit to many dogs, owners, parents, grandparents and children, and help turn things around in a more effective and compassionate way. I would be very happy to help with this. This could also help the Government as a small portion of the assessment fee would go towards admin costs for Defra to supply details of local trainers/behaviourists and offer application forms to the public which would then be passed onto the trainer/behaviourist to conduct the assessment, and then recommend how many sessions over a period of time would help both the dog and owner, and these would be implemented into a payment plan and development programme and tailor-made to each individual dog and owner depending on what issues need to be addressed for both. At the end of the programme an assessment is then set for a basic written assessment covering basic knowledge from what they have learned and understood, and a practical assessment for the owner and their dog. I believe that this will work and ask if you would please give this your consideration.

April 2013

Written evidence submitted by the Cavalier Campaign

Do DEFRA draft clauses translate the Government’s intentions on dog control into clear, proportionate and effective legislation?

No. It is not proportionate. There should be no banned breeds. It isn’t a specific breed that is a problem but a breeder’s behaviour in how dogs of a certain temperament are selected for breeding. Within any breed there will be a range of temperament types. It will depend on which dogs are selected to be bred from, how a puppy is socialised in the first 8 weeks of life (responsibility of the breeder) and how the dog is treated later in life (by its owner)

Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?
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— No. The breeding of these dogs has been completely ignored. Traits of dog on dog aggression, dog on human aggression, nervousness or hyper activity can be genetic (therefore care must be taken in selecting which dogs should be bred) and/or the quality of appropriate socialisation in the first 8 weeks of life. These early weeks are crucial in a dog’s development and are the responsibilty of the breeder. To address this problem, all breeders of dogs (whether of one litter or many) should be entered on to a national database. Breeders of more than 2 litters a year should be licensed by the local authority and inspected by local authority animal welfare officers. All who breed should be given guidance in the form of an accepted Standard for Breeding (such as the current Standard for Breeding drawn up by the Advisory Council on the Welfare Issues of Dog Breeding)

— Banning certain breeds is counterproductive and probably actually encourages the illicit breeding of these dog breeds. Becomes part of a sub-culture.

April 2013

Written evidence submitted by Tracey Saxton

I write with reference to the above subject EFRA has stated it would welcome views on the above subject. I therefore submit mine.

EFRA asked:

Do Defra’s draft clauses translate the government’s clear intentions on dog control into clear proportionate and effective legislation?

I do not think they do, I am aware of the current ineffective dog legislation (dangerous dogs act 1991) amended 1997. As it already stands the dangerous dogs act 1991 was hastily rushed in, and hasn’t tackled the REAL problems or irresponsoble owners, back yard breeders, dog fighters/bait and is just another go at the responsible owners and destroys many family pets, solely on how they look.

Do the proposed measures provide a sufficient legislative base to tackle irresponsible ownership?

Not at all, there is nothing in the current or proposed legislation that discourages irresponsible ownership. It’s all “after the event” prevention is better than punishment after, there was an still is a real chance to make good the last 21 years and a half of the failed DDA 1991, I feel these proposal are simply not the answer, If anything these proposals may make owners dump their beloved pets in fear of prosecution in case their dog barked at a person who shouldn’t be on their property and perceived as dangerous. Also how many false claims will be made by just saying their dog barked at me and I felt threatened.

If not, which additional measures should be brought into law?

A repeal of the failed/flawed section 1 of the dangerous Dogs Act 1991 Any dog can be dangerous, not just the supposedly deangerous current banned types.

Dog Control Orders based on a “Deed not Breed.

An education programme to educucate people of dog ownership, responsibility and dog laws.

A test to determine whether you would be suitable or not for dog ownership.

Are any of the proposed measures unnecessary or counterproductive?

Yes, Section 3 extention to private property is badly worded, It also implies that an intruder or any other person could quite freely roam around a persons garden, knowing he/she would be immune from a dog/s even so as barked at him/her all thet would have to say is “they felt threatened”, despite that he/she shouldn’t be there and the propery owner and dog would be liable for prosecution.

However if he/she should place one foot over the threshold and your dog bark/growl you wouldnt be liable for prosecution, but if you weren’t in the property and you dog was, and if an intruder gained entry you could be liable.

April 2013
Written evidence submitted by Nicole Bruck

BSL needs to be repealed immediately. BSL is ineffective, irresponsible and a waste of tax payer money. It does NOTHING to stop the problem of “dangerous” dogs and instead punishes responsible owners and kills innocent family dogs.

Pit bulls are gentle, loving and loyal. And, like any dog raised responsibly, they make great family pets.

— No breed of dog is inherently aggressive or vicious.
— Resident dogs kept for guarding, breeding or fighting are victims.
— All dogs deserve humane care, socialization and training.

In the hopes that you want reliable and factual information on the subject of breed-specific legislation, an excellent five-year study was published in the United States in Cincinnati Law Review in 1982, vol. 53, which specifically considered both Rottweilers and “Pit Bulls” and concluded in part that:

“... the statistics did not support the assertion that any one breed was dangerous. ... when legislation is focused on the type of dog it fails because it is unenforceable, confusing, and costly. ... focusing legislation on dogs that are “vicious” distracts attention from the real problem, which is irresponsible dog ownership.”

In light of this and other studies, we need legislation that renders owners liable for the actions of their pets. The appropriate policy should be “blame the owner, not the dog.” It is not the automobile that kills innocent people; it is the driver of that vehicle. People commit crimes in society, not dogs. The safety of dogs and our children largely depend on the responsible actions of adults. You must make dog owners accountable for the actions of their dogs!

Government needs the guidance of responsible, law-abiding citizens. Otherwise it will be the most reactive elements of society that end up writing the laws.

In temperament tests, the American Pit Bull Terrier scored HIGHER than the Golden Retriever.

For more info please see http://www.atts.org/about.html.

April 2013

Written evidence submitted by Lisa Winnie

I think the changes are positive. It was about time irresponsible owners were targeted and attacks on assistance dogs were seen as assaults by the owners of the dogs who attacked.

But I think the part where the dogs can’t protect the property from intentional trespassers if you aren’t in the property is just ridiculous.

Burglars and dogs thieves will now target properties as they know they can then take the owner of the dog in the property they illegally trespassed to court for compensation. This part really protects burglars.

Any dog would defend their owner and their property. How can you blame a dog for that? The dog is in their own house, someone breaks in, and the dog can’t protect? How is that fair on responsible owners or on anyone for that matter.

Trespassing is illegal, how can you protect an illegal activity? Cause that’s what you’re doing saying that an owner won’t be exempted from prosecution if someone breaks into the property when the owner isn’t there.

No one should have to worry about defending or having their dog defending their own property from trespassers.

Don’t people have the right to feel safe in their own house?

Trespassers should not be allowed to take owners to court if the dog defends the property and/or owner from a trespasser. Now responsible owners of properly trained dogs have to worry if someone breaks in in case the dogs will defend the property. If I am allowed to defend my property shouldn’t my dog be as well?

April 2013
Written evidence submitted by Charles Wells

I heard you talk on the BBC news on the 27th March, following the horrific killing of a young girl by 4 out of control dogs.

You said that the problem was mainly about the owners not training their dogs correctly or not giving them a loving home. In part this is true.

However, I have walked my dog in the local park for the last 12 years and I have seen the number of dangerous dogs in the park increase hugely especially over the last 6 years. These dogs are in the main Staffordshire Bull Terriers (Staffies) and Mastiff dogs.

The reason I am writing to you is to explain that while the owners should be responsible the reality is that these types of dogs are by nature inherently dangerous, they instinctively will attack and kill other dogs and people/children.

The problem is the nature of the dogs; they were bred to be dangerous and you will not resolve this unless you ban completely these breeds of dogs in the UK. How many more deaths are you prepared to accept? Please ban these dogs.

One other solution which all the dog owners I know would be in favour of is bringing back a dog licence, but this time the cost would be high—£100 a year, this would then deter the types of owners who keep dangerous dogs, The licence would have to be on the dog’s collar and if there was no license the person with the dog at the time would be prosecuted as well as the owner.

You must adopt a strong approach to this huge problem—how many more children have to die before government takes action?

April 2013

Written evidence submitted by Sir Richard Storey

I have had Staffordshire Bull Terriers and bulldogs all my life

I was born into a basket of bulldog puppies 76 years ago.

At the moment we have two of the sweetest and gentlest Staffordshire Bull Terriers.

The point is this: it is the owner who is to blame for fierce dogs: I have known fierce Labradors.

April 2013

Written evidence submitted by Ian McParland

1. Author’s Background

I am the founder and previous head of the Metropolitan Police Status Dogs Unit.

I have been a dog legislation officer (DLO) since January 1992 (the first DLO Course).

I have personally been involved in the seizure, retention or prosecution of in excess of 4000 dogs dealt with by the various Dangerous Dogs Acts

I now work independently as an expert, instructed by both defence and prosecution.

I was the course instructor on the most recent Police DLO course held in Derbyshire in March 2013.

2. Do Defra’s draft clauses translate the Government’s intentions on dog control into clear, proportionate, and effective legislation?

The proposed legislation has a number of errors which will cause practical problems for enforcers and lead to problems within the prosecution process.

3. Clause 1 (2) (a) (ii) “or assistance dog” whilst this is welcome, under current case law:


4. The offence of being “dangerously out of control” is one of strict liability with no “mens rea” required and therefore even if the assistance dog launches an attack on another dog first, if the second (victim) dog retaliates or defends itself the owner will have committed an offence. This scenario has happened twice in the last six months to my knowledge.

5. Clause 1 (2) (b)
6. This defence is unnecessarily complicated, the existing legislation is already criticised for being overly complicated and Police Forces have to make arrangements to have an officer (Dog Legislation Officer) especially trained. Do not expect the average foot duty officer to understand this clause in this form.

7. It also fails to meet the average person’s requirements,

8. Example: a burglar breaks in and is bitten by the dog when no one is at home, there is no defence and with current case law the owner will have committed an offence.

9. Example: a householder hears someone breaking into a garden shed and goes into the garden with the dog, the dog bites the burglar, again no defence.

10. From a welfare perspective this may lead people who whilst at home habitually leave doors to gardens open during the summer for their dog to stop doing so. This will have a negative effect on dog welfare.

Those with dog flaps or open doors for the dog to relieve itself when out for some time may no longer provide this facility for their dog.

11. Clause 5 (b)

12. A power of seizure is given, however no power of entry is given, police would therefore have to rely upon existing powers such as S 17 Police and Criminal Evidence Act (saving life or limb or preventing serious damage to property) this may be challenged at Court.

13. As drafted it is also an “at the time” power of seizure,

14. Example: A dog that resource guards it’s meal and has no other aggression problems, if the dog has been eating it’s meal, four year old visitor approaches and dog snaps at child causing a bite to the face. Police are called; arrive 15 minutes later, by which time dog is no longer eating. Dog is laying quietly in its bed having it’s stomach rubbed by owner. The behavioural triggers that led to the bite are now completely non-existent and the dog cannot be said to be “dangerously out of control” at that time. The power of seizure has gone and the officers would need to obtain a warrant from a Magistrate. During which time the owner would be completely at liberty to take the dog and go anywhere they wished with it.

15. This would be resolvable for a nice family and nice dog but consider if the owner was a habitual criminal and the dog had caught the child in a vital artery, same circumstances, same bite just a different bite location and the child has died. Whilst everyone would expect the dog to be seized no power to do so would exist. This owner similarly could leave and the dog may just “run away”. Everyone relies upon the police in these circumstances finding a way to deal with the situation, this is unreasonable.

16. The Clause should be amended to add “or recently have been” after the words “officer to be” in clause 1A

17. Clause 2 (3) What is going to be the test of temperament? What does Parliament mean by temperament? Who is going to carry out the temperament test on behalf of the Court. Will it be a fully qualified behaviorist (very expensive) or perhaps an accredited examiner for the kennel club good citizen scheme? Where will the test take place? In the “secret” police holding kennels? In public? This is a laudable idea but the difficulty of standardising the criteria and assessment is extremely complicated and may slow the prosecution process down (whilst experts are sought) leading to higher costs and poor dog welfare when kennel stays are extended.

18. Clause 2 (4) It is very welcome that the 4B process will be usable in circumstances previously unavailable. However proper safeguards should be put in place to prevent use by police to avoid the Crown Prosecution service being involved. Some Police Forces are now routinely making applications for destruction without prosecution because they simply don’t trust the CPS to deal efficiently with the case (Merseyside police are an example, they have stated they get quicker results and more euthanasia’s using this method for the majority of their cases, other Forces have similar policies)

19. In some Police Force areas this is so prevalent that offenders who by any normal test either public interest or evidentially would be prosecuted (previous convictions for drugs, firearms etc.) are not being prosecuted in order for the Police to save money and short cut the proper system. They simply do not trust the CPS to deal with prosecutions efficiently.

20. Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?

21. No, this legislation continues to be reactive. Additional clauses should be added to allow the police and local authorities to act before an injury occurs. Not all will be prevented, but the ability to issue improvement notices, similar to those under the Animal Welfare Act 2006 would go a great way to dealing with problems before they result in injury.
22. If not, which additional measures should be brought into law?
   As above (21)

23. Are any of the proposed measures unnecessary or counterproductive?
   As above

April 2013

Written evidence submitted by Caroline Wright

I understand that if I send a message there may be a slim chance that someone may read and take note of my suggestions with regard to dogs here in the UK. Firstly just to put you in the picture, I own four Weimeraner dogs, two of which are rehomed. I am saddened and appalled to see so many dogs that are being put to sleep just because of over breeding and inter breeding...some dogs literally are bred, sold and ended up in the wrong persons hands, consequently meaning they are then abandoned, used for dog fighting, abused or kept at the hands of an irresponsible dog owner. Let's be honest here, all dogs are capable of being out of control due to their wild ancestors, however I do believe that with certain standards in place this will inevitably reduce the number of dogs that are being mistreated, bred, abandoned and out of control. Absolutely delighted to hear that all dogs should be tagged...but I also think that dog licences should also be brought back...with four dogs it would be expensive but I am prepared to pay this. Lastly, I also think that breeding licences should be in place in order to make sure that dogs are not being interbred—I think a charge to breed will reduce the amount of breeding people are doing for money.

Thank you for your time and I do hope you read this and take note of what dog owners in the UK are looking for our government to take action on.

April 2013

Written evidence submitted by David Tucker

Proposed Amendments to Section 3 Dangerous Dogs Act 1991 set out in Cm 8601

I have limited my comments to the proposed amendment to section 3 DDA

Parliamentary drafting

In my view the current form of Parliamentary drafting does not produce laws that are easy to find and understand. Tackling on bits is messy and confusing, especially when combined with the practice of phased commencement orders. In a country subject to the rule of law, legislation should as far as possible be in a form that can readily be understood by members of the public affected by it, police officers tasked with investigating and enforcing it, and lay and professional members of the criminal justice system.

These views are echoed in the report “When Laws Become Too Complex” by Richard Heaton First Parliamentary Counsel and Permanent Secretary of the Cabinet Office.

Proposed amendments to section 3 Dangerous Dogs Act 1991 (DDA)

Section 3(1) and (2) DDA will now read:

3 Keeping dogs under proper control.
   (1) If a dog is dangerously out of control in any place in England or Wales (whether or not a public place)—
      (a) the owner; and
      (b) if different, the person for the time being in charge of the dog, is guilty of an offence, or, if the dog while so out of control injures any person or assistance dog, an aggravated offence, under this subsection.

   (2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

In my view there is a fundamental lack of forethought in simply applying section 3 to private places in the way it applies currently to public places.

DDA proceeds on the fundamental basis that a dog is either under control or it is not.

When a dog is in a public place, and likely to come into contact with strangers and other dogs and animals, there is a clear obligation on the owner or person in charge of the dog to exercise control.
When the dog is at home, that is not necessarily the case.

It is important to understand the concept of “control”. What I regard as the relevant definition in the Concise Oxford Dictionary is “the restriction of an activity, tendency or phenomenon.”

Examples of the use of the word “control” can be found in two Acts

1. Forgery and Counterfeiting Act 1981 section 5(1)—it is an offence for a person to have in his custody or control an instrument to which this section applies…

   This Act followed the draft Bill prepared by the Law Commission (Law Com No 55). In the explanatory note to that clause in the Bill, the Commission said:
   “Custody” means physical custody and “control” imports the notion of the power to direct what shall be done with the things in question. The words provide a simpler concept than “possession” which is a technical term of some difficulty.”

2. Sexual Offences Act 1956 section 31—it is an offence for a woman for the purposes of gain to exercise control, direction or influence over a prostitute’s movements in a way which shows she is aiding, abetting or compelling her prostitution.

   In this section, “control” is paired with “direction” and “influence” and the sense of direction underlies the use of the word. The reference later in the section to “compelling” prostitution confirms this.

When I am out walking a dog, I control it by having it on a lead or by having trained it to respond sufficiently to words of command. At all times when the dog is out, it is under my active control—or should be, and section 3 criminal liability will attach to me if I fail to maintain that control. “Sit” and “go fetch” are examples of control of a dog.

The situation at home is very different. I am at home and there are no visitors. I have a dog, and it is resting in its box or kennel. I am not exercising any control over the dog. I have the potential to control it, for instance by calling it to me. Until I do so, it is not under my control. It is secure in the house, but that is not control.

Perhaps a clearer example is this: if I go out and leave the dog alone in the house, it cannot be said that the dog is under my control. The dog is therefore “out of control”.

A domestic pet will be allowed to roam the house or garden or to rest unattended. It is unrealistic to say that the dog is under any control in that situation.

Lawyers sometimes use language and see things differently from lay people. I have been asking dogs owners about the concept of being in control of a dog in a private place. The consistent response is that when the dog is in its box or kennel and the owner is either in the house elsewhere or even out of the house, to describe the owner as “in control” of the dog is not the right language, albeit the owner remains at all times responsible for the dog and its actions.

Scenario: I am out of the house and have left my dog alone. The cleaning lady arrives a day early, comes into the house and the dog bites her. The elements of the proposed widened section 3 offence are made out. Is it right that criminal liability should attach in that situation (which is not covered by the proposed “householder” exemption)?

My conclusion and submission is that often a dog in its owner’s home or garden will not be under “control” and will therefore be “out of control”, but there does not seem to have been much thought given by the draftsman to how the widened offence will impact on what a dog owner is to do to avoid criminal liability when the dog is in a private place.

Scenario: a postal worker, one of the 5,000 or so bitten while delivering post annually, enters my garden where my dog is sleeping in the sunshine. Startled, the dog bites the postal worker. That may be the situation which Parliament intends to prevent and label with criminal liability, but what should the dog owner have done?

The section 3 offence is one of strict liability. The only available defence in the proposed widened section 3 is for an owner to pass the buck to someone else.

A better approach is to create a defence of due diligence, and to couple that with enhanced use of the Defra Code of Practice for the Welfare of Dogs, so that, by analogy with the Highway Code, compliance with guidance in the Code would be evidence of due diligence, and failure to comply would be admissible evidence of lack of due diligence. That way, owners and others would have a clearer idea of what was expected of them.

The existing Code touches only in passing on the need for adequate training and control. This needs to be much enhanced.

In the postal worker case, the Code might require the dog owner to display signage warning that there may be a dog in the garden, and to have a bell at the garden gate so that any delivery worker or other stranger coming to the premises could be received in safety.

Scenario: the owner of a dog goes out for a drink with his wife. They have a baby and employ an adult baby-sitter. The owner puts the dog in an out-building to ensure the safety of the baby sitter and baby, and
tells the baby sitter. The wife, unaware of this, goes to the out-building to get something immediately before they go out, and leaves the door insecure. The dog emerges and attacks the baby, causing injury to the baby and trauma to the baby sitter. On the face of it, there is a section 3 offence by the owner, but a due diligence defence might exonerate him.

One dog owner told me of an incident where he had left the dog secure in the garden, but the gardener had left the gate open and the dog got out. That is the sort of situation where a due diligence defence would be an appropriate piece of law.

Further thought is required on the application of the proposed amendment to guard dogs, working dogs, assistance dogs, and dogs used by police and similar authorities.

The due diligence approach would also bring some pressure to bear on all dog owners to undergo training of both themselves and their dogs, as that would be part of the standard set in the Code.

The “householder case”

Section 3(1A) as proposed reads:

(1A) A person (“D”) is not guilty of an offence under subsection (1) in a case which is a householder case.

(1B) For the purposes of subsection (1A) “a householder case” is a case where—

(a) the dog is dangerously out of control while D is in or partly in a building or part of a building, that is a dwelling or forces accommodation (or is both),

(b) D is not a trespasser at the time the dog is dangerously out of control, and

(c) At that time—

(i) the person in relation to whom the dog is dangerously out of control (“V”) is in, or is entering, the building or part as a trespasser, or

(ii) D believed V to be in, or entering, the building or part as a trespasser.

Section 76(8B) to (8F) of the Criminal Justice and Immigration Act 2008 (use of force at place of residence) apply for the purposes of this subsection as they apply for the purposes of subsection (8A) of that section (and for those purposes the reference in section 76(8D) to subsection (8A)(d) is to be read as if it were a reference to paragraph (c)(ii) of this subsection.

In my view the “householder case” is badly thought out and will lead to inconsistencies and potential injustice.

It is badly named: to be exonerated, D does not need to be a householder. Not all householders would be protected.

Whether D was in drink at the time of an incident would have to form part of a thorough police investigation.

The exemption applies in the case of a building which is a dwelling or forces accommodation—isn’t forces accommodation a dwelling by definition anyway?

People who live in a mobile home or are in a caravan are not covered by the exemption, as I read it.

NB: I cannot find section 76(8B) to (8F) of the Criminal Justice and Immigration Act 2008, although I have searched through subsequent criminal procedure legislation. I take it those provisions are not yet in force.

The obvious intention is to protect the householder who has a dog and receives a visit from a burglar.

The concept of trespass is wider than that and extends to someone who enters with consent but has that consent removed.

The reference to a person entering or being part way into a building appears to derive from the concept that for burglary a person enters as a trespasser as soon as any part of him is inside the building, so an arm through a window is enough.

Does the reference to “enters or is in a building” suggest that a burglar who is on the way out is not covered by the exemption?

Scenario: D owns a dog. D and the dog are roused in the night by a burglar entering through a window of their home. A sense of panic prevails as the owner confronts the burglar and the burglar turns tail and struggles to get out of the window. The dog, without any instruction from the owner, goes for the burglar, and they both get through the window. Once outside the building, the dog bites the burglar. The exemption as drafted does not cover that situation.

If I store valuable items outside a building but on private land—farmer keeps tractor in farmyard for example, or boat owner keeps it on a trailer in the garden—should the owner of a dog be at risk of prosecution after an incident with an intruder, although if the item had been in a dwelling he would not?
I suggest a much simpler and wider-ranging exemption, which would cover the farmer’s tractor as well as the burglar in the house, and indeed also such incidents as a bogus utilities worker who gains entry to a house by deception and is then discovered to be in the house for the purpose of theft. I include offences of violence, thinking of cases of domestic violence where an estranged partner might receive an unwelcome visit from her former partner.

The owner of a dog and any person in charge of the dog is not guilty of an offence under subsection (1) in respect of a person in relation to whom a dog is dangerously out of control if that person is or was immediately beforehand a trespasser on private land or in a building for the purpose of a crime of dishonesty or violence.

This avoids issues of “was the dog owner under the influence of drink” and the example of hot pursuit given above. It is simple. It avoids having to investigate what was in the mind of a dog owner who was faced with an unexpected and unnerving situation. Everyone will know where they stand, including would-be burglars and thieves and those intending violence in the form of aggrivated burglary, the police will find it easy to deal with, and it ought to have public support.

If this proposal is considered too wide, a narrower exemption would be achieved by removing “on private land or in a building” and substituting “in a dwelling”, but beware anomalies—for instance dog’s kennel and valuable property are in an outbuilding which is separate from the dwellinghouse, compared with dog’s kennel and valuable property in a garage which is an integral to the dwellinghouse.

April 2013

Written evidence submitted by the Countryside Alliance

INTRODUCTION

1. The Countryside Alliance welcomes the opportunity to submit evidence to the EFRA Committee’s inquiry into the draft Dangerous Dogs (Amendment) Bill. The Alliance submitted evidence to the Committee’s 2012 inquiry into dog control and welfare and is supportive of action to address the menace of dangerous dogs and irresponsible owners. We also believe that dog welfare with respect to breeding is of the utmost importance. Responsible ownership, proper training of dogs and socialisation of puppies are vital, not just in terms of public safety but also to ensure a dog’s welfare.

DRAFT DANGEROUS DOGS (AMENDMENT) BILL

Extension of Dangerous Dogs Act 1991 to Private Property

2. We welcome the Government’s proposal in the draft Bill to extend the offence of a dog being “dangerously out of control” to private places where the dog is permitted to be.

3. It should be noted that it is already an offence where a dog is dangerously out of control in a private place where that dog is not permitted to be. Moreover, under the 1871 Act action can be taken against any dog in a private place under civil, and not criminal, law.

4. We agree that the law should not be capable of being used against an owner in circumstances where a person was on land or in a building without any implied licence or permission, and as such we welcome the inclusion in the draft Bill of what has been called “a household case”. We would, however, note that the draft Bill limits the exemption to dwellings. We would strongly suggest that this exemption is extended to include outbuildings and possibly the curtilage of such buildings. This would take account of a situation where a dog is kept outside the dwelling house, such as barn, and someone entering as a trespasser. Otherwise a person climbing into a farmhouse at night would not be able to argue a dog was dangerously out of control while someone breaking into a barn to steal machinery could do so.

5. The draft Bill does not indicate any repeals and it may be that it is not the Government’s intention to repeal other existing offences. We would however suggest that there is a good argument that the 1871 Dogs Act offence should be retained so that there remains an option for dangerous dogs to be dealt with under the civil as well as the criminal law in respect of private places. While we accept there are disadvantages to proceeding under the 1871 Act, it is important to note that a civil offence may be preferable where a successful criminal prosecution may not succeed given the higher evidential standard which must be met in criminal cases.

ATTACKS ON ASSISTANCE DOGS

6. We understand why the Efra Committee recommended that an attack on an assistance dog should be equated with an attack on a person and treated as an aggravated offence. As such we welcome the extension of the definition of “dangerously out of control” to include assistance dogs.

7. However, we would take this opportunity to reiterate the dangers of any further extension of the offence to cover animals generally or “protected animals” as defined in the Animal Welfare Act 2006. There are a large number of scenarios where extending the definition of “dangerously out of control” to other “protected animals” could create huge problems for dog owners, especially with the extension of the offence to private places such as gardens or homes. A dog chasing a neighbour’s cat, a family dog killing a pet hamster, a sheep dog nipping...
a sheep, could all fall foul of the law were it to be extended, as has been suggest by some organisations and is currently being consulted on in Wales.

**POWER OF THE COURTS**

8. We welcome the proposed changes which make clear that the court can look at the character of the owner and not just the dog’s behaviour in reaching decisions with respect to destruction and disqualification orders. This is an important recognition that responsible owners are vital to tackling the problems associated with dangerous dogs.

**COMPULSORY MICROCHIPPING**

9. We understand that this requirement will be brought in by regulations and does not form part of the draft Bill. We are supportive of the Government’s decision to introduce compulsory microchipping. However, we remain concerned that while the responsible dog owner will comply, compliance is likely to be less among those at whom the measures are principally aimed, namely irresponsible owners.

10. Microchipping may encourage more responsible ownership and will undoubtedly enable stray, lost or stolen dogs to be returned to their owners more quickly. However, microchipping will only be as effective as the database(s) on which the associated information is stored. We are not convinced that sufficient thought has been given as to how to ensure the databases are accurate and up-to-date. The responsible owner will provide accurate information and keep the record updated. This is less likely amongst those who wish to have a status dog, often of a type which the law already prohibits.

11. The Efra Committee have indicated that responsibility for the accuracy of data held on a dog microchipping database be placed with the owner of the dog being sold or transferred. It is unclear as to how the seller is to verify the information provided by the purchaser. It would seem more sensible to put the responsibility for keeping the information on the database up-to-date on the owner/purchaser, with whom responsibility for the dog will rest.

12. There is also a lack of clarity as to who will be able to microchip dogs. The current Government proposal is that dogs would be microchipped for free by various dog charities. It is hard to see this being a permanent state of affairs. It is vital that suitably trained persons can microchip and that it is not restricted to vets.

**DATABASES**

13. Compulsory microchipping will only be effective if the associated databases are properly managed and the information accurate and up to date. We are concerned about the level of access to databases, which will be available to local authorities, veterinarians, and re-homing centres as well as, we assume, the RSPCA and others. Access should be strictly limited to enable the identification of an individual dog. It cannot be open to being searched in general. Pedigree dogs are of considerable value and being able to search addresses of owners of certain dog breeds or who owns a dog in a given area etc. should not be possible.

14. There is also the issue of cost. We understand that to update a record on the existing, privately owned, databases can cost upwards of £15 each time a record is amended. There is a danger that once microchipping is compulsory there will be many more databases established run by private companies for profit. The costs associated with keeping records up to date should not act as a disincentive to compliance.

**DOG CONTROL NOTICES**

15. While these do not form part of the current draft Bill the Efra Committee has recommended the introduction of Dog Control Notices (DCNs). These have already been introduced in Scotland. The real concern over Dog Control Notices is the question of who will be responsible for issuing them. If they are to be applied properly then there must be proper training for persons appointed. Judgements as to when a dog is, or is not, “dangerously out of control” must be based on an objective assessment of a situation and not just subjective opinion. The fact that someone is frightened by a dog does not mean that dog was “dangerously out of control”. We welcome the Efra Committee’s call for the training of staff enforcing dog control legislation.

16. We are, however, concerned by the apparent assumption by the Efra Committee that the enforcement of the law in this area will be undertaken by agencies other than the police and local authorities. Similarly we are opposed to the suggestion that Defra should assess the cost-benefits of funding dog welfare charities to provide greater support to local authority anti-social behaviour teams and other bodies working at a local level. There is, in our view, a worrying trend towards the use of non-public bodies, who are unaccountable, to act as law enforcers.

April 2013
Written evidence submitted by Gillian Laura Kaloyeropoulos

(1) It should not be a given that owners/keepers/service-users of Assistance Dogs always behave responsibly towards the dogs which they handle or indeed those being handled by third parties.

(2) I have grave concerns regarding the April 2013 proposed draft Dangerous Dogs (Amendment) Bill, in particular the matter of Assistance Dogs, where it is proposed “to make it explicit that an attack on an assistance dog is an offence under the Dangerous Dogs Act 1991 and that any attack on an assistance dog be considered an aggravated attack.”

(3) I have personal experience (evidence has been emailed to the RSPCA and to my MP, Fiona Bruce) of a visually impaired person behaving irresponsibly towards both his assistance dog and thus towards those ordinary dogs being handled by third parties so it must be accepted that there are likely to be other Assistance Dog Users, also capable of similar, irresponsible behaviour. The term “ANY attack” is simply unreasonable.

(4) The irresponsible behaviour of some Assistance Dog Users could provoke attacks from dogs being handled by mature, responsible people like myself.

(5) I am asking the committee responsible for reviewing the proposed amendment to be mindful of the fact that users of Assistance Dogs can be in the wrong and that it would be grossly unfair and unreasonable to consider “any” attack on an Assistance Dog as an “aggravated” attack in law.

April 2013

Written evidence submitted by Pauline Jackson

With reference to the proposed Draft Dangerous Dogs Legislation:

1. I am pleased to see that Assistance dogs are to be given some protection from being attacked by out of control dogs, although the downside that I can see is that it will be difficult to trace the owners of such dogs. Even when microchipping becomes mandatory, the people that are irresponsible enough to set a dog onto an Assistance dog are unlikely to have it chipped.

2. Although I have no real issues with providing protection to Postal workers and other visitors to our private dwellings; I do feel that the use of Dog Control Orders on particular dogs/owners would be a much better way forward than just a blanket policy on dogs in private dwellings/areas being guilty of being out of control. Can you clarify what an “injury” is going to be classed as, and whether the duty of proof is going to be on the alleged injured party or on the owner of the accused dog? This is an area of the DDA that has always concerned me, that the dog and owner are guilty and must prove guilt and opens the dog owner open to a whole host of malicious accusations, which many cannot afford to defend (especially with cuts in Legal Aid Services).

(a) Clarification is required to define injury (scratch, bite, causing anxiety etc).

(b) Clarification is required to define a scale of offenses; a dog that accidentally scratches someone is not a dangerous dog, but could, under this proposed legislation, be found guilty of such an offense. A dog that is provoked by a visitor to bite should not be punished the same as a dog that bites unprompted. Clarification is needed.

(c) Clarification is also required to define “a trespasser”; an adult is aware of being in a private area without permission, but there have been numerous cases of children entering gardens without permission. Dog owners can do their best to protect their dogs in their own homes and gardens, but even locked gates and high fences do not deter some children, and I am concerned about what will happen if a child climbs into someone’s garden (for whatever reason) and a dog then scratches a child. The dog and owner will then find themselves being found guilty of an offense under this Act despite having taken precautions to ensure that the dog is kept safe (6ft fences are no barrier to children, nor are bolted and locked gates). In this instance a dog Control order would be the better option as in each individual case, a management plan could be implemented. Say the child had got in over a fence, then perhaps the householder could be asked to increase the height of the fence, ensure that the dog is not left unattended when in the garden etc. To sentence the dog to death for such an offense would be unfair and unjust.

3. A Dog Control Order would provide much more flexibility regarding the constraints on an offending dog; such as requiring that the dog is securely restrained (such as in a crate or another locked room) when persons need to enter the home (carers, electricians, plumbers etc.) and that an external postal box must be provided in instances when a postal person is worried about their safety. It could also be specified that this postal box has to be fitted on the boundary of the property.

4. Dog Control Orders provide so much more flexibility than the Proposed Draft Legislation and measures could include specifying that a particular dog (and owner) must attend training classes.
and achieve a certain standard, and that if they do, they can have their restrictions relaxed/removed.

5. Removal of the Mandatory death sentence for dogs that are of the “type” and the re-opening of the Register would be positive moves. We all know that there are still Pitbulls and their crosses in the UK, but this does not necessarily make them dangerous. These dogs need to be assessed and then admitted to the register rather than seized and destroyed. The use of Dog Control Orders could help here as well.

6. It is distressing to hear of dogs that have been picked up as strays or handed to rescue that are then destroyed because an expert has deemed them to be “of type” even if they are friendly sociable dogs. This needs to be rectified and again a Dog Control Order could be made to put restrictions on a dog such as it must go to training classes and pass a test in order to have those restrictions lifted. The determination of type using a tape measure is unfair and unjust; the characters of the dog and potential owner are the factors that need to be assessed to ensure public safety.

April 2013

Written evidence submitted by Staffordshire Bull Terrier Welfare

Whilst there is an urgent need for alterations to the existing 1991 DD Act, we would submit that, the act is generally recognised that it has not worked in it's present, (and never has) from its conception. It would seem that the Breed Specific clause has generated more and worse types of dog onto the street. Therefore, our suggestion is that that clause be removed from the act, and that the onus of dog attack be placed upon the owners or breeders of such dangerous dogs, and such punishments should be made far more severe. Blame the owner/breeder, not the breed.

We do feel that that a system of microchipping needs to be nationally set up, to enforce the breeder of any unwanted or dumped animals to be traceable, and made responsible for it. Most of the overbreeding of dogs is down to “backstreet breeders” breeding litters purely for the income it provides, in general, tax free. The suggestion is that persons wanting a litter should apply for a licence to breed, and microchip all puppies, hopefully that would remove those not interested in improving the breed of dog. A licence application is in operation for the breeding of farm stock, so why not dogs? Hopefully, that might result in more responsible breeders could produce better livestock than is being dumped on the streets today, and far less being used a status symbols, only to be thrown out when the owner is tired of a pet.

April 2013

Written evidence submitted by the National Animal Welfare Trust

1. As supporters of promoting responsible dog ownership, NAWT are concerned that the focus appears to be on legislation rather than a combination of legislation and education. By itself legislation will not address the problems unless it is underpinned by a support mechanism to ensure people understand the risks and responsibilities of being a dog owner.

2. Unfortunately the media is fuelling the emphasis on the “bad breeds” with their headlines after any tragic dog attack so people are not considering the story that led up to the attack. It is a recognised fact that young children are the most likely victims of dog attacks and yet in most incidences that hit the headlines the child has been left unsupervised with the dog. Dogs are expected to fit into human family life with little thought or preparation given to how a dog will cope with the arrival of a new baby, a growing toddler or visiting children, and often dogs are expected to perform the dual role of family pet and guard dog—a contradiction in terms!

3. Moreover people seem unaware that a dog has limited means of communication with a human, and its behaviour can escalate from a mild grumble to a bite if it feels it is not being “heard”. Most of the dogs involved in attacks have had previous behavioural issues that have not been addressed and often there is something that has increased their level of arousal just prior to the attack. Dog owners need to be aware of what seemingly minor behaviours can lead to.

4. By moving the emphasis away from the dog or the breed and on to understanding the responsibilities of dog ownership, a combination of legislation and education is the best approach to tackling today’s problems.

April 2013
Written evidence submitted by Stan Rawlinson

I note that despite the majority of people that gave input were against BSL regarding changes to the DDA, it appears that as a committee you ignored those concerns. You actually suggested adding to the four already on the banned. The Mastiff was one of the possible breeds mentioned.

Three of the four on the list already are types of Mastiffs (Also part of the Mollosoid group of dogs).

Your terminology, or may I say the reported terminology. The term Mastiff covers a wide range of dogs that include the Great Dane, British Bulldog, Shar Pei, Newfoundland, Pyrenean Mountain Dog, St Bernard and the Staffordshire Bull Terrier.

There are currently 47 dog breeds that come under the umbrella of Mastiff.

My Concerns come from experience and working within the DDA for some considerable time As yet, no one has managed to prove that genetics alone determines the behavioural outcome of any animal. Therefore stating that nurture/socialisation plays no part must be open to serious question.

Eugenics is the word we sometime use for the atrocities that were carried out by the Nazis in the second world war. They believed that in the name of selective breeding, it was acceptable to wipe out races of people that did not fit their Aryan ideals.

History now shows that this was an evil and misguided regime. Millions lost their life because of their hereditary and genetic background. I fervently hope that in the future the eugenics fostered on breeds of dogs that are deemed to be genetically bad, will be looked on in the same revulsion and horror as that Nazi regime.

By banning specific breeds, the legislators have effectively stated that breed/genetics alone determines the behavioural outcome. If we take that to its logical conclusion, then surely all animals, including humans are born either bad or good, depending on genetics, race or breed.

I am heavily involved with the DDA as an expert witness and assessor. That said, I believe the concept of BSL is intrinsically flawed. Training, socialisation and behavioural manipulation, creates changes in behaviour. That is a fact. I would be redundant as a behaviourist, if that were not the case.

To state that nurture, socialisation, education and training has no impact on an individual or animal, must surely be wrong. The assumption that genetics only determines the outcome of behaviour flies in the face of all known psychological and behavioural studies. That must suggest BSL is based on a totally false premise. If that is the case then the act should be overhauled, rather than just tinkered with, by add-on laws and knee jerk reaction sound bites.

I believe comprehensive “dog bite” legislation, coupled with better consumer education and legally mandating responsible pet keeping practices, and control orders are a better solution than breed-specific legislation to the problem of dangerous dogs. I believe the figures speak for themselves since BSL, the incidence of dog bites have increased.

April 2013

Written evidence submitted by Mrs Lesley McFadyen

I write with reference to the draft clauses on dog control. Like every other concerned person, I do not want to see people being harmed by dogs. Equally I do not want dogs to suffer for their actions if those actions are brought about by irresponsible ownership of the dog. I am Secretary of the East Anglian Staffordshire Bull Terrier Club, a Kennel Club registered breed club since 1973, and our Club has always worked hard to promote responsible dog ownership.

1. The Act should cover private property, but also that it should exempt a dog and owner from any kind of action if it is made towards a trespasser or anyone acting with criminal intent.
2. Assistance dogs should be protected.
3. Each case should be considered according to the dog’s previous reputation and also whether the owner is considered to be capable of looking after the dog in a responsible manner.
4. There should be increased effort to educate the public about responsible dog ownership, which would include responsible breeding. Irresponsible breeders are the ones that then sell their pups to irresponsible owners. Could there be an addition to the school curriculum for responsible pet ownership? The Kennel Club Safe & Sound Scheme, Blue Cross Blue Dog Scheme and Battersea's Batt & Zee Scheme are all good templates. Our Club works very hard to promote responsible dog ownership in the local community and via social networking.
5. Introduce a system whereby dog owners are required to comply with basic requirements to allow them to own a dog, and also for all dog breeding to be monitored and controlled. The Kennel Club Assured Breeder Scheme has recently become UKAS recognised and could be implemented here.
6. We object in the strongest terms to Breed Specific Legislation, which has been proven to be ineffective in stopping dog attacks. Those wishing to own a “certain type of dog” will continue to do so, using misnomers and thus causing problems for legally owned breeds. For this reason we would also like to see the ability for other breeds to be added to the DDA be revoked.

7. Although micro-chipping as a means of reuniting lost and stray dogs, and if it is policed properly and details are legally required to be up to date, it maintains accountability, it doesn’t stop dog attacks.

April 2013

Written evidence submitted by Mrs Joanne King

I am writing with great concern about the new amendments to the current dogs act; I feel yet again the criminals are being protected whilst responsible dog owners again become penalised.

The new law is now stretched to private property giving burglars the powers to sue if they are bitten when breaking and entering. Not only will more and more people dump their dogs through this law through sheer panic of someone breaking in their property and their dog biting, you are shouting to the world that crime does actually pay, which is ridiculous.

I own two dogs. I have signs to warn people they are loose on my property. Should someone come in when invited my dogs are put away in their crates for their safety. If I go out or I am in bed and someone breaks in then I expect they would protect their family. This new law stinks as it will be me going to prison not the actual criminals. If someone broke into your house would you hold the door open for them whilst they walk through with your items that you have worked hard to get? I certainly wouldn’t.

Would you expect your dog to sit and give its paw to the intruders whilst you’re asleep in your bed and they are coming upstairs to where your children sleep? I certainly wouldn’t.

April 2013

Written evidence submitted by DDA Watch

With reference to Efra committees request for written evidence on the proposed draft changes to the Dangerous Dogs Act we respectfully state “no” or “none” to the four questions posed. The legislation is quickly and badly drafted, as with the 1991 Act and as we are still here nearly 22 years later it is clear how that legislation failed the public and dogs.

The government need to start to listen to the general public, welfare organisations and past consultations which clearly show that the continuation of the breed specific aspects of the Act are not effective nor indeed needed. Rather than continue to plough millions of taxpayers money into restricting or killing dogs who have never shown any reason to be dangerous the Government would achieve a much greater result in dog control, the stray population and the rescue and re-homing of dogs if legislators focused on ensuring the right people have the right dogs in the right environment. This mantra is STILL being ignored by the government and the public and the dogs are paying the full price for our neglect.

The public need to be fully aware of the obligations and commitments of owning ALL types of dogs. We need greater regulation on the sale and breeding of ALL dogs. We would be more than willing to meet with any members of the Government to discuss further your proposed amendment, however, at present there are far too many loopholes and vital concerns in this draft and sadly 2,000 words and just two weeks to comment will not do justice to such a serious issue especially when the views of those working and living with dogs are repeatedly ignored. We would like to stress again, that your committees continuously miss evidence from those who work with dogs and owners caught up in legislation, therefore your responses to any evidence is not complete. If you take this matter seriously you would be more than willing to meet to discuss further before pushing through more unworkable legislation which will leave us in the same position in another 22 years.

The question posed should be from the public asking “When will the Government have the courage to tackle the issue and discuss the core points with ALL those who have a strong interest in the situation rather than just those who may agree with them.”

We as usual, await your response.

April 2013
Written evidence submitted by Dr Anne McBride

I am writing with respect to the proposed changes to the law on dangerous dogs. I am an animal behaviour counsellor, and act as an expert witness in criminal and civil cases relating to dog behaviour. I am a member of the Association of Pet Behaviour Counsellors and of the UK Registry of Canine Behaviourists. My comments below are brief as requested, I am however, happy to provide further oral or written evidence if required.

(a) Extending the law to private property

I suggest that this is restricted only to aggravated offences.

If reasonable apprehension is included there is a lot of scope for mis-use, due to:

— either people not understanding dog language… for example the dog that barks in greeting, or the dog that growls in warning. The dog that growls is giving appropriate warning signals that will only lead to injury if the person does not respond appropriately;
— or people using this to “get at neighbours” for example.

(b) It is important that education of owners, public and professionals is intrinsic in the law. This would include veterinary, health and social work professionals to thus be able to advice parents and dog owners alike.

(c) Education of children regarding how to behave around dogs should be an intrinsic part of education, at primary and secondary level. This in conjunction with materials directed at parents would significantly reduce dog injuries. There are several useful sets of such material already developed, see eg The Blue Dog for under 5’s and Keeping Ourselves Safe Near Dogs (free teachers resource for secondary education level) http://asab.nottingham.ac.uk/education/

(d) It is imperative that there is some form of guidance, if not legislation regarding appropriate avenues of advice. There is a lot of inappropriate advice regarding dog behaviour and training which serves to cause or exacerbate aggressive behaviour in dogs. Currently there is no legislation regarding the professionalism of trainers. See Companion Animal Welfare Council (2008) report on the Regulation of companion animal services in relation to training and behaviour modification of dogs http://www.cawc.org.uk/080603.pdf

The Animal Behaviour and Training Council is in the process of producing educational requirements for dog trainers and dog training instructors with the aim of reducing the influence of such ill-informed trainers. It would be a major step forward to direct all to an appropriate source of help and training. http://www.abtcouncil.org.uk/

(e) It should be understood that many owners who have dogs that show aggressive behaviours are not irresponsible, but are mis-informed. Hence point d above.

(f) Law enforcement officers must be trained in dog language. Dogs do not know who is a legal or illegal “intruder”; it is inappropriate that many dogs are seized simply because they behave in the same way to police for example entering property as they would to a burglar.

(g) Such dogs are not necessarily dangerous to the public and early, independent and informed assessment is required for these and all dogs.

(h) Dogs that are charged or seized for aggressive behaviour should be accessible to independent, trained assessors within 72 hours of seizure, at the place at which they are being kept in order for essential behavioural evidence to be collected thereby providing for natural justice and animal welfare. Please see report given to APGAW December 2012 by Dr Anne McBride and Kendal Shepherd, also attached.

(i) In incidents of prosecution ALL evidence must be taken and provided to both sides, including history of the dogs, trainers used and training methods, and how the dog was handled during and post seizure. This needs to be assessed by an appropriately knowledgeable independent person.

(j) There is a need for a register of independent expert dog behaviour assessors that can be called on to assess the dog post seizure/charge, gather any additional evidence and write an expert report which is accessible for both the CPS and Defence and, should prosecution be taken, the report would also be available for the Courts. This process would speed up the assessment of evidence by CPS, and shorten court time, reduce stress to dogs, owners and victims alike and thereby reduce cost to the public purse.

Persons on this register should be contacted by the police at time of/within 24 hours of the incident so timely assessment of the dogs can be done, which can then be incorporated as part of the overall evidence of the incident, and other relevant factors when that is gathered.

(k) Those that keep seized dogs should be required to be educated in how to seize and keep dogs in such a manner as to meet the requirements of the Animal Welfare Act regarding psychological health, in ways that do not compromise human safety. This is currently not the case in all holding establishments.
Written evidence submitted by Gillian Hamilton

Thank you for giving me the opportunity to voice my opinions on the changes to Dangerous Dogs act.

Having invested a lot of time digesting the proposed legislation I feel it is going to be a complete failure on a bigger scale than the original, hastily enacted Act of 1991.

Once again the legislation does NOTHING to prevent out of control dogs. It does not address owner responsibility prior to an event taking place.

It will allow for:

“GRUDGE” complaints (ie, Escalated Neighbour disputes) innocent owners will be criminalized and innocent dogs seized and killed.

Racially driven complaints. The UK is has a much more diverse population, many ppl have been brought up to be afraid of dogs, dogs are an abomination, dogs are dirty etc.

Money Motivated Complaints. People will intentional trespass on a property in order to complain about being “afraid/threatened/attacked” in order to sue the property owner.

Criminally motivated offences. House breaking while the owner is not at home will increase, the criminal will get bitten by the dog protecting the home, then sue the householder. A bite which will cause the dog to be seized and killed and the responsible owner made a criminal.

As the draft is written all of the above will become an issue.

In addition the draft does nothing to address the hugely failed BSL section of the DDA.

Four breeds of dogs are banned. Three by breed name, one by type. The methods of determining “type” are outdated and controversial, depending on looks rather than demeanor. Many innocent families have been torn apart, many law abiding citizens have gained a criminal record, and many innocent animals have been slaughtered solely due to this hastily introduced, ill thought out, poorly worded section of the DDA. The burden of proof being reversed and the refusal of the courts to accept DNA evidence in individual cases.

The new legislation could, and most certainly should address this.

Extending the authority of local Dog Wardens etc. is a mistake, enforcing any new laws should fall within the authority of the local police ONLY.

I would suggest the following changes are considered.

1. Remove the BSL section of the DDA. (View each case on its own merit regardless of breed or look.)
2. Protect responsible dog owners and dogs against, False allegations, Civil/Criminal illegal activity (ie, trespass, illegal entry etc) and complaints based on racial/religious bias. Also protect dogs that are provoked by an intentional act of tormenting/cruelty.
3. Bring forward microchipping to be completed by December 2014. Allow NO dog to be sold, exchanged, or given away prior to being chipped.
4. Force ALL people who breed more than 1 litter per year to purchase a breeders license, and be open to unannounced inspections by the local authority, at any reasonable time. (between 8am–8pm on any day of the year.) Lay down provisions for kennel size, air and light, food and water.
5. Punish proven irresponsible owners (2nd offence) to the fullest extent of the law.
6. Issue warning citations to owners who behave in an irresponsible manner due to ignorance. (3rd warning resulting in hefty fines, life time ban, and possible prison time.)
7. Strengthen animal cruelty laws and sentencing. (Large fines and prison sentences.)
8. Make intentional dog fighting, people using dogs as a weapon, and intentional animal cruelty/torture/neglect, a clear stipulation of a criminal offence punishable by three to five years in prison.
9. Fines (on an increasing scale) for people who allow their dogs to free roam unaccompanied.
10. Leash laws and designated off leash dog areas to included woodland, fields, parks and beaches.

April 2013
Written evidence submitted by Robin Huson

I am writing as a dog owner, the owner of a Staffordshire bull terrier, and as someone who has worked professionally with dog rescue organisations, including ones which take in stray dogs directly from the public. As part of my job, I have experience handling dogs which were deemed by the authorities to be of “pit bull” type.

It is my opinion that basing a decision on how dangerous a dog is purely on its appearance is flawed, and that the current breed specific aspects of the Dangerous Dogs Act are far more likely to cause heartbreak to a responsible owner than to prevent a dog bite. As such, I welcome the amendment which specifies that if a dog is judged to be of an illegal breed, the Court should consider its temperament and history, as well as the character of its owner, when deciding if it poses a threat to the public.

However, I would ask you to look more closely at the premise behind this amendment—that the temperament of a dog and the behaviour of its owner may be more relevant than its breed in determining whether or not it is a danger to the public. In other words, a dog which is of illegal breed may actually pose no threat to the public at all. It is an enormous waste of time and resources to force responsible owners with well-behaved dogs into court, not because any wrong-doing has occurred, but because their dog is an illegal shape. If the genuine intent of this legislation is to protect the public, these resources would be better used targeting known problem dogs—and their owners—in the community, regardless of their breed.

Current UK legislation cannot even properly define what a “pit bull” is, but bases its assessments on a set of observations and measurements which can easily be matched by dogs of legal breed, or crosses between legal breeds. Clearly this is not an effective way to identify a dog which might pose a threat to the public, and the increase in dog bite incidents since the DDA came into effect demonstrates this.

It is a cliche, but legislation needs to tackle the other end of the leash. Dog Control Notices such as are in effect in Scotland enabling authorities to monitor and take action against known problem owners before their dogs become dangerously out of control. Such a measure in England and Wales would show a more pragmatic and less knee-jerk response to tackling problem behaviour.

April 2013

Written evidence submitted by Matthew Vandart

Having read the amendments to the dangerous dogs act I have to say I am very disappointed. Breed specific legislation does nothing to prevent dog attacks. For instance the recent tragic cases of fatal dog attacks were carried out by the exceptions within the breed population rather than the rule. If this were not the case there would be quite literally thousands of fatal dog attacks every year.

What has been the common theme with all these attacks? The same breeds? No there have been a number of breeds involved.

The common denominator in ALL dog attacks is the human both victim and owner.

Education is required not prosecution.

The amendments are not well thought out, badly presented and will not be effective.

Of particular concern is the parts about trespassers entering gardens and what is outlined as aggressive behaviour.

My knowledge of dog behaviour is very comprehensive; I understand drives, temperaments, good breeding practices, good dog training/behaviour modification knowledge, canine management practices etc.

Unfortunately the general public does not.

I’m pretty sure that what you are proposing infringes upon my inalienable and certainly infringes upon the animal rights of the dog “to behave naturally at all times”.

Your intention is to decrease the number of fatal and non fatal dog attacks, which is a right a just crusade, sadly this legislation will not address the problem to any significant degree.

Your focus simply should be on:

Irresponsible breeding programs.
Irresponsible ownership.
Public education (other than the sensationalist media).

The original dangerous dogs act was flawed in that it’s emphasis was to much weighted towards the breed type and not on the individual dog, therefore I would suggest the idea of adding MORE breeds to the list is pointless and flawed also. There is plenty of evidence to suggest that temperament differences vary greater between individuals of one breed, even litter, than between different breed averages.
I am very concerned with the line being drawn at the threshold of the actual dwelling excluding the garden. This is an extremely aggressive reduction of the natural rights of the human involved as is the removal of a dog without the consent of the human. As you are no doubt aware legislation hinges upon consent of the governed so how do you explain this omission of the need for consent?

Removal without consent is theft under COMMON LAW which is not subservient to acts and legislation.

This part also infringes upon the animal rights of the dog to act in a free and natural manner, dogs bark to alert of intrusion, that is one of the main reasons humans domesticated them. Latest studies have suggested that without canines humans may not have advanced as much as we have. This relationship is 35,000 years old and in one day this could be undone, shame on anyone that ruins that relationship.

“Feeling threatened” is a far too subjective basis for action to be taken. An uninformed human could easily mistake “play barking” for serious aggression, I see it everyday.

If you really feel you must legislate to include gardens in an offence I suggest you include it only in the part of the garden that is the main access ie the front approach to the house.

How will this legislation account for puppies?

Puppies need to learn how to behave in the human accepted manner, this takes time, they don’t come out of the box fully socialized and trained.

Where will Police/military/security dogs fit into this legislation?

A big fuss is being made over “dogs trained to bite/be aggressive”, but what these people are doing is not training, it’s uneducated abuse and should be treated as such. There are thousands of police/military/security dogs which are trained to bite/be aggressive yet these dogs are not randomly attacking people everywhere.

An irresponsible media is to blame for this panic situation just as it was back in 1991 and 1997.

I fully understand the pressure you are under to do something about this outcry but please act responsibly yourselves and amend the act or legislate to improve the situation for the public, not just hastily react to keep the public ignorantly appeased.

This is not a dog control issue, it is a human education issue, both of the general public and the irresponsible owner.

It is an issue of dealing with crime in general so these people don’t feel the need to train their dogs in an irresponsible manner.

On that point I would like to ask you is there any evidence that any of the dogs that have killed people have actually been “trained to be aggressive”, or is this just media speculation?

April 2013

Written evidence submitted by the National Dog Warden Association

The National Dog Warden Association has the following comments in relation to the EFRA Committee Sixth Report.

DANGEROUS DOGS

The issue of protecting the public from dog attacks is not as straightforward as simply blaming current Dangerous Dog legislation. What is to blame is a lack of will on the part of the prosecuting authorities whether Police or Local Government to carry out enforcement. There is also a lack of financial will to adequately resource Dog Warden Services although funding was found for more Police Dog Legislation Officer training. There is a culture of passing responsibility whether it be a Local Authority advising a dog owner that the Police are the correct authority to deal with an incident and vice versa down to the almost standardised Police response to a dog that is out of control in a public place that may have attacked another dog as being a “dog on dog” incident. The dog whether or not it has bitten a human being is still out of control in a public place. What needs to be addressed is who deals with what in regard to prosecuting dog related offences. Many Police and Local Authorities have Memoranda of Understanding in place to deal with dog related issues, unfortunately not everyone who is involved on both Local Authority and Police sides will necessarily know what to do. This may simply down to a lack of information dissemination both internally and between both parties.

There needs to be clearer instruction on which authority deals with what legislation, low level incidents by Local Authorities and more serious incidents by the Police is the accepted norm. ACPO guidance was followed by many Local Authorities and Police forces but this guidance has apparently been rescinded?

THE DANGEROUS DOGS ACT 1991

Again a further lack of will by prosecuting authorities to enforce legislation relating to (all) dogs acting dangerously is the main issue and not just prohibited breeds. Local Authorities cannot enforce the Dogs
Microchipping when no funding is available. Local Authorities are already dealing with stray dogs, it was apparent that whatever organisation advised the government on enforcement would be the enforcers of mandatory microchipping, this elicited amusement amongst Dog Wardens. The Act 1990 which DEFRA should at least be aware of.

Some Local Authorities do not have the resources nor finances to offer full Dog Warden/Animal Welfare Services, so the fact that legislation is accessible to all is meaningless if there is no compulsion to enforce it due to a lack of available funding and resources.

Legislation to cover attacks on private land (less for intruders or trespassers) is welcomed. When a murder takes place, the Police do not say it has happened on private land so no charges will be forthcoming.

There should be no opening of the list of prohibited breeds to add any more. As mentioned the Secretary of State already has the discretion to add breeds. By opining on the opening of the list, does this mean the Government is considering adding new breeds. If this is to be, who has decided on what additional breeds are to be added.

**Attacks on Assistance Dogs**

This to be equated with an attack on a person and be unequivocally considered an aggravated attack. Many Police forces currently class dogs attacking other dogs in public as “dog on dog” and therefore do not deal with these incidents? Any attack on an Assistance Dog and especially on Guide Dogs is horrific but surely all dog owners and the general public should be protected from dogs dangerously out of control in public regardless of whether a person, an Assistance Dog or an ordinary dog are attacked? One Police force recently seized a dog that had attacked another dog in a “dog on dog” situation after much publicity on social media sites, why is this not a standard approach across all Police forces.

**Microchipping**

There is an air of “The Emperor’s New Clothes” regarding microchipping, unfortunately the government has only listened to organisations that whilst waxing lyrical on how the microchip is the solution to stray dogs, dangerous dogs and many other animal welfare issues have failed to gauge how enforcement to ensure compliance will be carried out. There was a very poor press release from DEFRA extolling the benefits of the microchip in cutting the number of stray dogs on the streets. It unfortunately painted a picture of packs of stray dogs wandering around the country which is simply not the case. Many stray dogs are out on the street because of accidentally escaping, being wilfully let out to wander or indeed may have been abandoned by an irresponsible owner. It also misguides the public regarding the process of reclaiming a dog that a Local Authority may have seized. Whilst microchipping may indeed result in faster reunification between dog and owner, it glosses over the fact that there will be a statutory charge of £25, kennel charges and possibly other costs that must be paid before a dog is returned. This procedure is enshrined in the Environmental Protection Act 1990 which DEFRA should at least be aware of.

Will the Police really have a role to play regarding microchipping? When it appeared that the Police were going to be enforcers of mandatory microchipping, this elicited amusement amongst Dog Wardens.

When it appeared that Local Authorities would be the proper authority to enforce at no extra cost as they already deal with stray dogs, it was apparent that whatever organisation advised the government on enforcement had little or no actual concept of how the enforcement would actually be carried out. Local Authorities are hard pressed to provide many services at present, will they be able to deliver enforcement of mandatory microchipping when no funding is available.
If a dog owner receives an ultimatum to have their dog implanted within two weeks or face prosecution, if the owner fails to comply, will a Local Authority take that owner to the Magistrates Court or simply ignore non compliance due to a lack of finance to bring a prosecution.

Multiply this scenario by even ten non compliant dog owners and just one Local Authority faces a large legal bill to bring dog owners to Court.

Even free microchips are of no interest to dog owners if they have an objection to having their dogs implanted for some reason. There are some dog owners who do not even have their animals vaccinated because they do not want a needle to be used on their dogs.

It seems the government has been advised to introduce mandatory microchipping but should not be too concerned about the actual enforcement for non compliance. There is already much dog related legislation that is not enforced mainly due to cost implications to the enforcers, why introduce more legislation that will not be enforced fairly across the country thus producing a postcode lottery with enforcement and compliance.

Some Local Authorities have excellent Dog Warden Services that are properly funded, others have an officer who may only deal with dogs as a secondary role due to having a primary non-dog role. There used to be lots of fit for purpose Dog Warden Services between the years 1990–2010 but due to the current economic climate many are now no more which has resulted in some areas having nothing but a collection service for stray dogs. The ancillary but equally important promotion of responsible dog ownership through a combination of education and enforcement has been lost as a result of this loss of services.

THE ACCURACY OF DATA HELD ON A DOG MICROCHIPPING DATABASE BE PLACED ON THE CURRENT OWNER

There are a plethora of reasons why microchips have incorrect details or are not even registered, sometimes due to the incompetence of implanters themselves or the fact that unscrupulous implanters will indeed implant an animal but will never register the microchip. Inaccuracy of data processing can also result in incorrect data being uploaded onto a database. DEFRA are apparently unconcerned about foreign microchip details being recorded on UK databases. If EU citizens come to live and work in the UK surely their animals microchip details should be recorded on a UK database. Anecdotal evidence from Dog Wardens shows that some stray dogs with a non-UK microchip register will have no point of contact within the UK, information for dog owners in Eastern Europe, France, Spain and the United States of America are of little use to a Dog Warden standing in a street in the UK with a dog that is microchipped but has no UK contact details. There also needs to be more support from databases when this happens, on occasion a database will simply give the Dog Warden an email address or telephone number for a European database whilst on the other hand one database will actually contact overseas databases to help the Dog Warden find an owner to contact.

Some microchip implanters expect the dog owner to send the registration paperwork off when a dog has been implanted. It is possible to now upload information from the implanter to the microchip providers database via computer, all microchip implanters should be required to upload owner details to the database of the microchip provider to ensure registration is correctly carried out.

RESOURCING AND TRAINING

DEFRA provided funding for Police Dog Legislation Officers but nothing for Local Authority Dog Wardens. Dog Wardens have to deal with aggressive dogs of all breeds and types in the course of their duties. DEFRA appears to think that all dangerous dogs are solely dealt with by the police. Sometimes the police call in Dog Wardens to assist with aggressive dogs as they carry the appropriate equipment and have knowledge and skills to handle such dogs. The confusion is that the term dangerous dogs in government publications seems to relate to prohibited breeds, in reality it can be any dog of any breed or size that is out of control in a public place. A dog may turn aggressive due to fear, anxiety, distress or mishandling by a finder especially if it is in a situation to which it is not accustomed to.

The National Dog Warden Association has worked with the Kennel Club on devising a training qualification module for Dog Wardens via the Kennel Club Accredited Instructor scheme which has been specifically created to the standards for those who work with dogs professionally. This qualification is currently the only City and Guilds level accreditation available for Dog Wardens and it is hoped that it will be the benchmark to recognise competent Dog Warden skills.

Instead of funding animal welfare charities to work with Local Authority Antisocial Behaviour Teams, the government should provide ring fenced funding for extra Dog Wardens to work with such teams as is the norm in most Local Authorities. Most Dog Warden Services are located with Environmental Protection Departments and provide advice and support regarding, stray dogs, barking dogs, animal hoarding, accumulation of animal faeces, aggressive dogs and general nuisance caused by dogs.

To bring in government funded dog welfare charities into such teams duplicates the work and interaction of current Dog Warden Services. Instead of funding the dog welfare charities who have no enforcement jurisdiction, why not give consideration to providing funding for Dog Wardens.
HOME OFFICE ASB MEASURES & DCN'S

As the current trend is to reduce or even decimate Dog Warden Services for a plethora of reasons where will any expert dog knowledge come from in regard to who will issue DCNs at a Local Authority.

The fact that both the Home Office and DEFRA have separate responsibilities for dog related issues shows that the approach to dealing with dog issues is already diluted and fragmented at central government level.

As mentioned previously a majority of Local Authorities have not adopted the Animal Welfare Act 2006, this negates the effectiveness of this legislation to protect animals at a Local Authority level.

There needs to be one point of contact in Government to provide continuity, leadership and guidance for dog and animal related legislation.

The Local Government Association has on its website best practice notes for Dog Behaviour Contracts (DBC) created by Local Government Officers from Eastleigh Borough Council in Hampshire and now used across Hampshire by other Local Authorities to control dog behaviour where there is a risk to the safety of the public. These Dog Behaviour Contracts are also used by Hampshire Constabulary and as an example of best practice partnership working can be signed by the dog owner and the Police or Local Authority or by all three parties.

Further information on DBC’s can be found at:

http://www.local.gov.uk/web/guest/regulatory-services-and-licensing/-/journal_content/56/10171/3711072/ARTICLE-TEMPLATE

INSURANCE

Both the committee and the government have misunderstood the fact that many dog owners already have some form of specialist dog insurance and some Home Insurance policies may also include third party insurance for dog related incidents. By forcing those dog owners who have no form of insurance to obtain dog insurance as a mandatory requirement, this offers protection for their own dogs and should their dogs cause accident or injury there would be recompense available for victims. It is interesting that NDWA has called since 2009 for a form of licensing connected with a requirement to have at least third party cover and now the Dog Advisory Council and the Dogs Trust are studying data relating to insurance claims.

Dog Breeding

The proposal for those who breed more than two litters per year to be licensed as a breeder is welcomed by the NDWA.

This will address the issue of back street breeders who produce puppies solely for financial reasons with little or no regard for animal welfare. Such people may concentrate on vanity breeds or bull breeds and the over breeding of such dogs can flood an area with dogs, some of these dogs may then be associated with future dog related complaints as they are sold to unsuitable owners.

Again the Government is misled into believing that Local Authorities have adopted the Animal Welfare Act 2006, until Local Authorities are forced to adopt this legislation, there will be no blanket animal welfare cover across the country from Local Authorities.

The person who deals with the licensing of animal boarding establishments and breeding licences at a Local Authority should at least have a knowledge of the subject. Some officers have the primary role of taxi licensing or alcohol licensing, surely there needs to be appropriate training provided for such officers.

Dog Advertising, Selling & Buying

NDWA has worked with the internet site Preloved to address the issue of puppy farmers offering puppies for sale under 8 weeks of age via websites. The owner of the website was enthusiastic about this joint initiative and already had stringent checks in place. Other similar websites approached by NDWA were not interested in partnership working to promote improved animal welfare standards as they were a part of the self regulatory PAAG.

Summary

NDWA has advocated from the very start of its creation that education and enforcement are the best ways to promote responsible dog ownership in society and that Breed Specific Legislation is wrong.

There is a lack of will to enforce legislation amongst Local Authorities and many Dog Warden Services have already been decimated by Local Authorities. Whenever savings have been needed the Dog Warden Service is an easy target although it is one of only two statutory roles in a Local Authority.
Environment, Food and Rural Affairs Committee: Evidence

The idea of funding dog welfare charities to work with ASB teams is an insult to the work of hard pressed Dog Wardens who already work with such teams to promote public safety and animal welfare. Instead of funding a charity that has no enforcement functions, why not fund Dog Warden’s who are legally mandated by legislation to control dogs.

Without clear guidance from whom ever, the Home Office or DEFRA, there will be no standard approach to enforcement of dog related legislation for the benefit of animal welfare and public safety.

NDWA doubts that mandatory microchipping will be robustly enforced, if it is to be, who will enforce it? Will the Police have a role in prosecuting non compliant dog owners? The Police themselves will surely admit that they lobbied for many years to be relieved of their responsibility for dealing with stray dogs, why would they wish to be involved with ensuring dogs have microchips.

The mention of the consideration of returning responsibility for stray dogs to the police is staggering. The Police would surely oppose such a move and some forces actually dismantled their stray dog kennels at Police stations. The Police was first raised NDWA at the time pointed out that the Police were the only authority with the manpower and infrastructure available to deal with stray dogs on a twenty four hour basis due to the very working arrangements of Police forces.

NDWA is disappointed that no Local Government representative involved in front line dog control has been called to give evidence to the EFRA Committee. Sadly apart from the Police officers called to give evidence regarding Dangerous Dogs, the other witnesses are from dog welfare charities and Guide Dogs for the Blind. These witnesses have no involvement with dog control at a Local Authority level and whilst they undoubtedly do great work in the field of dog and animal welfare, they have no enforcement responsibilities but are involved in advising the EFRA Committee and the government on how to introduce legislation and schemes that have a level of enforcement but their staff will not be carrying out any enforcement duties.

NDWA is appalled at the number of attacks on Guide Dogs and other Assistance Dogs but believes that whilst a new offence should be considered, ACPO should offer guidance to its members that the practice of Police forces classing aggressive dogs attacking other dogs as “dog on dog” attacks and taking no action should cease. In many of these situations dog owners and members of the public can become embroiled in trying to stop a fight and during the course of this can be injured. If the Police do not deal with dogs attacking other dogs in public but will prosecute dog attacks on Assistance Dogs, then this becomes selective legislation. There is no legislation that offers prosecution for people who assault one section of society but will not prosecute them if they assault another section of society.

There should be a standardised approach to deal with all incidents of dogs being out of control. If it is too time consuming for the Police then Local Authorities should be appropriately funded to enforce Dog Control Notices to protect public safety or to use Dog Behaviour Contracts which can be issued immediately based upon the dog owner agreeing to abide by the terms of the Dog Behaviour Contract.

An overhaul of how Local Authorities deal with dog control should be addressed and gaps in expertise or service provision be resolved. The ruse of having a minimum dog collection service that has no provision for dealing with dog related enforcement and the promotion of responsible dog ownership fails to address the issues and concerns of irresponsible dog ownership. An example of poor adherence to government legislation was the failure by many Local Authorities to organise Out of Hours Stray Dog Services to replace the gap created by Police relinquishment for responsibility for stray dogs. Once Local Authorities realised that provision was “where practical” as advised by the government, many used the term that it was “not practical” due to lack of funding or resources. Even Acceptance Points are misleading, if the finder of a dog is unable or unwilling to bring the dog to such an Acceptance Point and cannot hold the dog until the next day the dog is invariably let go to wander the streets again. Local Authorities can say they have a facility but should the finder of a dog be unable to bring it on foot or by motor vehicle to the Acceptance Point then it is not the local Authority’s fault.

Any new legislation needs to clearly show who the prosecuting authorities are. Any guidance needs to be written in such a way as to not provide enforcers with options to not have to adopt or comply with their obligations. Without simple legislation that has no ambiguity in relation to what is required from those tasked to enforce or comply, the current patchwork approach that exists across the country will continue.

April 2013
Written evidence submitted by Christine McLean

1. With reference to the change that will enable householders protection from prosecution of there dog defends them against intruders/trespassers in their home whilst they are present:
   1.1 You acknowledge that you have no statistical data on the number of dog attacks that take place on private property or where. Yet on the basis of this lack of evidence you are prepared to amend the law to allow for protection against prosecution only if the home owner is in residence and that the intruder/trespasser is within the house.
   1.2 This is an extremely illogical approach to take, the owner should have the same rights to protection against prosecution whether they are in the house or not. The simple fact is that the intruder/trespasser has no right to be there whether the owner is present or not. The homeowner’s property to include all the property ie to the boundaries, not just the house. There must be right to protection in gardens and outhouses also. If an intruder/trespasser jumps the fence or gate to gain access, the owner nor the dog should be liable if the trespasser/intruder is attacked.
   1.3 The onus should not be on the owner to display signs warning people not to enter private property. The onus must be on the trespasser/intruder not to enter said property in the first place.

2. With reference to proposed amendments to section 3 of the DDA you suggest that this “may act as enough of a deterrent and encourage more responsible dog ownership and more dog owners adequately training their dogs”.
   2.2 There is no definition of responsible dog ownership and therefore this is a broad term which is not measurable and open to manipulation and not enforceable.
   2.3 There is no acknowledgment of what “adequate training for dogs” entails.
      I personally attend dog training from an ex police dog handler weekly with my two Staffordshire bull terriers. I know from first hand experience that by just attending courses does not ensure that the dog is adequately trained. I see many people who attend one six week course and are never seen again. Yet I know of many “responsible” dog owners like myself who have been attending for three years.
   2.4 These two factors of such broad terminology cannot help to reduce the number of dog attacks. This is simply jargon and a play on words.

The Way Forward

A. Immediately repeal the failed, flawed and not fit for purpose Section 1 Dangerous Dogs Act 1991.
B. To target the bull breeds as you have done since 1991 has not worked. Any dog can be dangerous, not just the supposedly dangerous current banned types. Ban breed specific legislation.
C. Control under a DDA must be based on Deed not Breed. You cannot go on murdering innocent dogs based on looks and measurements.
D. It clearly is not an Act that has worked in its present form. It does nothing to control dangerous dogs.
E. Emphasis must be on Deed not breed.

There must be a system that includes a compulsory dog ownership test to determine suitability for dog ownership.

There must be a proved and measurable effort to educate people about the realities and responsibilities of dog ownership.

April 2013

Written evidence submitted by Endangered Dogs Defence and Rescue Ltd

We do not support this Bill and outline reasons why below, we do not believe the Bill will tackle irresponsible dog ownership and do believe that the public should have been given longer than two weeks to respond to this Bill especially in view of the fact that should this Bill become law, it will apply to dog owners of all types of dogs as well as those already persecuted under existing outdated legislation.

This Bill fails to address the need to put the emphasis on the education to encourage responsible dog ownership and help prevent dog bite incidents, the desperate need to remove the breed specific element of the legislation which is causing suffering and mayhem-the repeal of which has been widely supported in previous consultations but totally ignored by government.
DRAFT DANGEROUS DOGS (AMENDMENT) BILL—APRIL 2013

(1) Section 1—Keeping dogs under proper control

Amendment of section three of the Dangerous Dogs Act 1991 (DDA) and the proposal to extend section three to cover any place in England & Wales.

Section Three of the DDA currently creates a presumption that a dog is presumed to be dangerously out of control if there are grounds for reasonable apprehension that it may injure any person, whether or not it actually does so—with an aggravated offence being committed if the dog, whilst out of control, injures any person, regardless of the circumstances, ie, in defence of the dog’s owner/family or home, accidental injury (ie knocking a person over), under provocation, as a natural response to a painful stimulus, in self-defence.

If section three of the DDA were to be extended, responsible dog owners could have their dog(s) seized, be prosecuted and criminalised due to their dog behaving as dogs can naturally do in their own homes—for example barking at someone which could be said to have caused reasonable apprehension (a non-aggravated offence) even through the dog is within the confines of its own home—including their enclosed garden or private land attached to their dwelling.

(1a) Non-aggravated offences & the extension of section 3

Apprehension felt by someone inside the dog’s home would be subjective and differ according to views held; one person’s interpretation could be completely different to another’s, yet it could result in criminal proceedings.

Where there are grounds for reasonable apprehension that a dog may injure a person—how would such a case be prepared for criminal proceedings to the standard of proof required? For example, a person invited into a home to read an electric meter makes a complaint that they believed a dog appeared dangerous and they felt reasonable apprehension, would this constitute evidence “beyond a reasonable doubt” and would a non-aggravated offence under section 3 of the legislation commence with the dog seized by the police? Should those who need to enter a property for example social workers or to read a meter, should be able to access the situation (trained & supported by their employer) before entering—requesting that the resident dog is secured away before entering?

(1b) Aggravated offences & the extension of section 3

As injury can be anything from a serious bite to an accidental scratch or a bump from being knocked over, extending Section Three to cover the inside of the dog’s home could in our opinion lead to more pet dogs seized, held in kennels & their owners criminalised.

If a dog(s) was for example to greet and jump up at someone lawfully inside the owners home and accidentally scratch them (causing injury—an aggravated offence) the dog could again be seized and held whilst the owner has the full weight of criminal law thrown at them.

There is also the issue of independent witnesses—when a dog is accused of being dangerously out of control within the home.

(1c) Section 1 (1B) of the draft Bill—householder case

There is no defence if the owner is not present at the time—if a home is burgled and the owner is not present and the dog defends the home and/or itself from the intruder and in doing so the dog injures the intruder, there is no possible defence defined in this sub-section—an offence is committed if the dog owner is not present.

Only when within the dwelling may legal protection be afforded—what of trespassers and intruders intent on criminal activity in the garden/ private land attached to the home? A dog can act to protect his family from an intruder inside the dwelling (if the owner is present) but is expected to act differently once over the threshold in an enclosed garden?

Also there is the issue of farms, outbuildings & private enclosed land.

Additionally the proposed draft Bill does offer no possible defence for:

— A dog protecting the family/owner/home or itself from a danger due to a person present lawfully.
— A dog which is provoked, treated cruelly, abused.
— A dog reacting instinctively to pain or injury.

(1d) Prevention of dog bite incidents within the home

Following a serious dog attack within a family unit it is often suggested that the DDA is flawed as it doesn’t enable criminal prosecution. We ask what would be the benefits of criminally prosecuting the parents of a child which has been bitten by their own family dog?
Extending section 3 to apply inside the home does not prevent dog injuries—education is needed and is the way forward to prevent the majority of dog injuries inside the home environment and to encourage/promote responsible dog ownership. Scientific data shows that many dog attacks take place inside the home and the victim is usually known to the dog—this is why better education is crucial, prosecuting and criminalising the owners of a dog which has attacked their own child, does not protect children or dogs.

It is far more productive to encourage education to help prevent dog bites within the home than to seek to criminally punish families where their own dogs have transgressed.

Education is the key to responsible dog ownership, education prevents dog bites, it should be compulsory in schools forming part of the National Curriculum.

(1e) Implications of extending section 3 as contained in the draft Bill

An extension of section 3 as contained within the draft Bill would we believe result in an increased number of dogs being seized, an increase in the kennelling and associated costs for seized dogs, welfare implications for dogs held waiting criminal proceedings and an increased number of legal proceedings and of ordinary dog owners receiving criminal records.

(2) Section 1 (5) of the draft Bill—Powers of Seizure

We do not support the power to seize any dog in a place which is not a public place if the dog appears to be dangerously out of control.

As has been mentioned there is a presumption that a dog is presumed to be dangerously out of control if there are grounds for “reasonable apprehension” that it may injure any person, whether or not it actually does, we feel this would lead to unnecessary seizures of pet dogs from their own homes/properties because someone claims they felt reasonable apprehension which could be due to a dog just acting as dogs often do in their own home.

(3) Sections 2, 3 and 4 of the draft Bill—Whether a dog is a danger to public safety

Amending section 1 and section 4 of the DDA.

First of all no amount of tinkering with the breed specific sections of the DDA is of any use or justified—breed specific legislation (BSL) is nonsensical and suffocates possibilities to bring about real change which will actually protect people and dogs because the focus is always on the type of dog.

There is support and evidence for the repeal of BSL, why does the government not move to rid us of an outdated concept from the dark-ages and seek to instead make it even more difficult for responsible dog owners to gain a contingent destruction order (CDO) leading to a certificate of exemption as opposed to a destruction order? This is not tackling irresponsible dog owners but persecuting dogs and responsible owners based mainly on a dog’s physical characteristics.

The draft Bill amends the DDA so that when deciding whether a dog would constitute a danger to public safety, a court must consider; the temperament of a dog and its past behaviour, whether the owner is fit and proper and may consider “any other relevant circumstances”.

What would be the definition of a fit and proper person for the purposes of this Amendment?

How will a dog’s past behaviour affect its chances of survival, what of a dog which has been previously abused, then rehabilitated by the present owner, re-trained, its behaviour modified but fails to pass the “past behaviour” criteria and is condemned to death as there is no other alternative under the law, condemned on its past behaviour and not its present temperament. This leads to the question of who assesses a dog and are they qualified as already stated this is an un-regulated field.

What will constitute “any other circumstances” is also wide open to interpretation; a court may consider that the presence of children in the home, or living in rented accommodation, or a property with or without a garden determines whether the dog is given a destruction order.

Different courts will be applying different criteria, those who are charged with a criminal offence may be granted legal aid, some may be able to afford legal representation, the majority of cases are 4b applications before the courts—there is no legal aid available and owners usually have no legal representation as they can’t afford it, neither can they afford to pay for independent properly qualified canine behavioural assessment (there are no regulations in place as to what qualifies a canine assessor regarding qualification and experience) for the court, reducing their ability to properly defend their dog.

The Sandhu Judgment states that “if a dog is not to be regarded as a danger to the public, then it is prima facie wrong that the dog’s life should be brought to an end” and that “there is no reason why such a dog should, in principle, be destroyed because the whole purpose behind destruction of dogs is that they are or have shown themselves to be by their behaviour, a danger to the public”.
Ev w32  Environment, Food and Rural Affairs Committee: Evidence

It should be remembered that Section 1 dogs have not shown themselves to be a danger by their behaviour—they face possible destruction on account of their physical characteristics, the Amendment of 1997 allows for a court to issue a CDO as an alternative to a destruction order, the draft Amendment will make it even more difficult to obtain a CDO as what constitutes a “danger to public safety” will be wide open to interpretation.

There is no mention of the countless numbers of innocent dogs of good temperament currently being killed as pit bull types in rescue shelters and “dog pounds” as they are unable to be re-homed due to their physical characteristics.

The sensible option is to repeal BSL and focus on the owners and breeders of dogs. The City of Calgary (Alberta, Canada) has introduced non breed-specific legislation which has resulted in a drastic reduction of reported dog bites, the Responsible Pet Ownership Bylaw spends funds on public safety awareness and education programmes, a 70% drop in the overall number of dog bites has been reported.

April 2013

Written evidence submitted by Stuart Mann

Having studied the draft amendments to the 1991 Dangerous Dogs Act I, as a representative of the Staffordshire Bull Terrier Welfare organisation would like to make the following observations and objections.

1. We support the “blame the deed and not the breed” campaign. But at the same time we are fully aware that the general public wish to see a reduction and more protection from the incidence of bad deeds involving dogs due to irresponsible ownership.

2. With this in mind we are in favour of many of the ideas put forward in the paper:
   — We accept the need to extend the act to cover private property, but are concerned that there may be scope for abuse of the legislation or misjudgement during any investigation or trial and that clear guidance needs to be provided.
   — We accept the need to treat assistance dogs as exceptional cases.
   — With respect to licensing of puppy breeding, we accept that the proposals go some way to addressing the issues but are concerned that this does not capture the “back street breeding issues”. In this situation dogs are often treated with little respect and seen as no more that a monetary solution to a desire for some other material possession eg a home improvement or holiday. This is exacerbated by the belief that there is a ready market for a particular type of dog but often leads to the surplus being offered to anyone that will take them without properly assessing the ability to provide a suitable home or, alternatively, rescue organisations. With this in mind we would support an extension to the proposals to require all breeders to apply for a permit for every litter of dogs stating the names of father and mother of any puppies. While this may be of concern to genuine breeders, we would expect that this may deter back street operations with a disingenuous purpose.
   — We support any moves to curb online sales of puppies. However we feel that this may be difficult to achieve with the technology that is now available enabling web sites to be easily and cheaply constructed and the pervasiveness of search engines like Google.
   — We support education of the public and especially children into behaving and interacting correctly with dogs.

3. With respect to Breed Specific Legislation, we object to any changes to the existing legislation that would enable the Secretary of State to add dog types as and when considered necessary and would encourage and support repeal of this specific clause on the following grounds:
   — 88% of respondents state that Breed Specific Legislation is ineffectual.
   — It penalises responsible owners.
   — It creates social stigma towards specific types of dog even if these are well behaved and socialised.
   — Adding types does nothing to stop breeding, especially crosses.
   — Cost of enforcement and kennelling of seized dogs places unfair burden on the tax payer.
   — Considerable evidence from academic studies and foreign government peers to disprove the efficacy of Breed Specific Legislation.
   — Repeal of Breed Specific Legislation by The Netherlands and Italy.

4. With respect to the dangerous dogs legislation in general, we would recommend the following.
   — Education of the general public, especially children, would be more effective. The majority of the general public, especially dog owners would have little knowledge of the existing legislation towards dog ownership. Children can often unwittingly provide provocation to dogs that can initiate uncharacteristic aggressive behaviour. We support education of children using the program initiated by Battersea Dogs and Cats home.
— The existing legislation is not clearly represented to the general public. Any legislation towards dogs need to be written in terms that are easily understandable and awareness needs to be raised among the general public.

5. We support microchipping of all dogs but are concerned that the requirement to have dogs microchipped will be flaunted in the same way as Breed Specific Legislation. We have additional concerns about enforcement:
   — Local councils will set up private enforcement agencies to check that dogs are microchipped.
   — Private enforcement agencies will use any opportunity to issue penalty notices as a method of revenue.
   — Private enforcement agencies act as vigilante organisations and persecute the genuine law observing members of public.
   — Microchips can frequently migrate throughout the body of a dog even though it has been inserted by a trained individual. This could lead to a false identification of an un-chipped dog leading to a penalty notice being issued.
   — Incorrect registration of dog breed or type.

April 2013

Written evidence submitted by Billy de Goede

I am writing to you with regards to the proposed amendments to the Dangerous Dogs Act (DDA). In my opinion, the proposed amendments will do very little to tackle the occurrence of so-called dog “attacks”. A micro-chip will not stop a dog from biting, nor will the inclusion of “attacks” on private property. And while micro chipping dogs will definitely go some way towards reuniting lost dogs with their owners, a micro chip under current law is not a proof of ownership. So anyone wanting to avoid prosecution for their dog’s behaviour can deny ownership of the dog and will walk away from court freely.

It is without a doubt that post deliverers, and others aiming to provide a service to the occupant of a property, should be able to do this without fear of getting hurt by anyone, including an out-of-control animal. The same goes for other, legitimate, visitors to the property.

However, under the proposals it would be acceptable for a dog to defend its owner, when present during a burglary or similar (violent) unlawful act. It would not be acceptable though for a dog to attack a burglar when the owner was not present at the time. This is a hugely unfair proposal for both the dog and the owner. How would a dog owner be expected to stop his dog from behaving dangerously when he is at work and his property, where his dog resides, gets broken into? What about people whose dogs are at home while they are at work during the day? Not everyone has the privilege to work from home while waiting for a burglar to come along. The trespasser is fully aware of the fact that he is breaking the law, yet the dog would face a possible death sentence for defending its owner’s property, as well as possibly its own life? How is that fair?

And where does this leave guard dogs, whose presence is made clear by signs put up on the fencing around a property?

Any UNINVITED trespassing should be excluded from this new proposal.

Breed Specific Legislation is, without a doubt, the most ineffective, cruel piece of legislation ever. A dog is not inherently more dangerous because it’s of a certain breed or because their legs are “X” inches long and their muzzle is “Y” inches wide. Since its inception 22 years ago it has been proven that it does not stop dog “attacks” from happening. It has however caused the deaths of thousands of innocent dogs and immense suffering for their families. The vast majority of dogs, whose owners go to court and fight for their lives, are now deemed not dangerous and allowed to be added to the Register of Exempted Dogs, which just proves how useless this piece of legislation is. It has, however, managed to make so-called “status dogs” more desirable to those people who should not have a dog of any description. Adding more breeds to the list of banned breeds will give these criminals even more breeds to choose from, while even more responsible owners and their well behaved dogs will suffer.

The key to avoiding dog “attacks” is EDUCATION. Dog owners should be held responsible for the way their dog behaves. It is up to them to learn how to train a dog, and avoid putting it into situations in which the dog feels that it has no other option but to defend itself. Children especially should learn how to behave around dogs, to avoid being bitten and to keep themselves as well as the dog safe. Rather than investing more money into developing ineffective legislation, where the owner gets punished and a dog gets destroyed after an incident, money could be spent much more wisely on measures that prevent these incidents happening in the first place.

Another issue that deserves a lot more attention than it’s currently receiving, is that of so-called “back yard breeders” and “puppy farms”. These breeders turn out thousands of puppies every year, for nothing but financial gain. Because dogs are such readily available commodities, they are all too often bought on a whim, with the
owner really having no idea about the needs and requirements of a dog. When the dog then does not behave as expected, or requires more care and attention than the owners are willing to give, they get advertised as “free to good home” or dumped in a rescue or just on the street. As a result the pounds and rescues are all full to the brim, with no end in sight of the scores of dogs in need of a new home.

It is a lack of EDUCATION and taking RESPONSIBILITY that is causing dogs, and their responsible families, in this country to be in the mess that they are finding themselves in. The law should be amended to target dangerous dog OWNERS.

April 2013

Written evidence submitted by the North West Staffordshire Bull Terrier Club

A. We strongly support the campaign for “Punish the Deed and not the Breed” but recognise the desire to see increased protection to all concerned through reducing dog related incidents, especially through irresponsible or criminal ownership, to a minimum.

B. We strongly oppose Breed Specific Legislation for the following reasons:

— To kill a dog of sound temperament on simply its looks it totally unjust, leading to the punishment and criminalisation of responsible law-abiding owners. Aggressive dogs, which may be the result of poor socialisation and rearing as well as a genetic component, may be of any breed as well as mongrels.

— It is totally impractical as criminal and anti-social owners simply import other breeds to satisfy their needs or resort to crossing breeds to produce the types they desire. This renders the Act totally ineffectual as about 90% of previous responders have stated.

— Implementation and enforcement of the Act are expensive and a drain on the public purse, through, for example, dogs of sound temperament being incarcerated in kennels, often to the detriment of their physical and mental well-being, for prolonged periods while their cases are processed and through the courts.

C. We do however support many of the suggestions being made:

— We accept it is necessary to extend the act to cover private property, provided exceptions are made for trespass or committing a crime.

— We accept it is necessary to treat assistance dogs as exceptional cases.

— We support a scheme requiring a court to consider if a person is fit and proper to be in charge of a dog. This could be backed up with a register, to which breeders and other relevant authorities could refer, of individuals who are either banned or are considered unfit to keep animals.

— We feel more emphasis should be placed on education on responsible care and ownership of dogs. This could be done by dog wardens or trained volunteers working in conjunction with schools, youth organisations, etc.

— We consider that increased prominence should be given to the Kennel Club’s Assured Breeder Scheme as this would improve the breeding standards for all dogs. This could lead to improved regulation of puppy farms and internet selling sites.

D. A serious omission in the draft amendments is that there is no provision to limit the powers of a Secretary of State to add other breeds to the proscribed list as he sees fit, or even on a whim.

Dr A. S. Bryden
Chairman

April 2013

Written evidence submitted by Defra

Thank you for the questions below sent last week. I am pleased to let you have the answers in the attached paper which are agreed by Defra Ministers. We have included the text of clause 30 of the Crime and Courts Bill.

Given that the drafting of the provisions on “householders” is dependent on Clause 30 of the Crime and Courts Bill which has not yet received Royal Assent would it be preferable for simplicity to reproduce the relevant descriptive provisions in the draft Dangerous Dogs (Amendment) Bill?

These clauses in the draft Dangerous Dogs (Amendment) Bill have been published for an exercise in pre-legislative scrutiny and, subject to the necessary clearances, will be introduced when Parliamentary time permits. It is envisaged that by the time of such introduction, the Crime and Courts Bill will have received Royal Assent. If for any reason clause 30 of the Crime and Courts Bill does not receive Royal Assent, HMG will have to change the drafting of this clause accordingly. If clause 30 does receive Royal Assent it is
preferable for legislative certainty to refer back to the host provision to ensure that any subsequent changes are captured in the dangerous dogs legislation and future separate amendment will not be required.

1. Can you confirm that the definition of dwelling for these purposes will refer only to the structure in which the individual resides and not ancillary or associated buildings (such as garages/sheds/outbuildings) or areas associated with the dwelling such as gardens, driveways and paths. Has HMG considered insertion of a definition of dwelling for the purposes of the householder case?

The definition of dwelling for these purposes refers to the structure within which a person resides and not ancillary or associated buildings or associated areas such as sheds, outbuildings, gardens and paths. This is subject to specific provision for forces accommodation (which is not always constituted of a single building) and the provisions in clause 30 of the Crime and Courts Bill, regarding parts of buildings which are internally connected constituting a “dwelling” for these purposes. Whether a property is a dwelling is a question of fact which on the advice of Parliamentary Counsel does not require express definition. Further, as “dwelling” has not been defined for the purposes of clause 30 it could create legislative uncertainty for those provisions were HMG to introduce a new definition for the purposes of the dangerous dogs amendments.

2. The wording of draft clause 1 extends exemption from prosecution to a dog owner/keeper who is not a trespasser in a dwelling (ie not only in the dog owners own dwelling but another’s dwelling provided he/she has permission to be there). Is this the intention of this clause?

Yes this is the intention of the clause.

3. Is HMG satisfied that the common law interpretation of trespass is sufficient for these purposes? Ie the intention to trespass is required to be proven however intention need only refer to the voluntary act of taking themselves to another’s property, not that the person intended or even knew that this constituted trespass.

Yes, this question has been considered with Parliamentary Counsel and HMG is satisfied that the common law interpretation of trespass is sufficient for these purposes. In fact, the person may not be a trespasser for the exemption to apply as long as the Defendant reasonably believes them to be a trespasser.

**TEXT OF CLAUSE 30, CRIME AND COURTS BILL**

**Self-defence**

30 Use of force in self-defence at place of residence

(1) Section 76 of the Criminal Justice and Immigration Act 2008 (use of reasonable force for purposes of self-defence etc) is amended as follows.

(2) Before subsection (6) (force not regarded as reasonable if it was disproportionate) insert—

“(5A) In a householder case, the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances.”

(3) In subsection (6) at the beginning insert “In a case other than a householder case,.”.

(4) After subsection (8) insert—

“(8A) For the purposes of this section ‘a householder case’ is a case where—

(a) the defence concerned is the common law defence of self defence,
(b) the force concerned is force used by D while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both),
(c) D is not a trespasser at the time the force is used, and
d) at that time D believed V to be in, or entering, the building or part as a trespasser.

(8B) Where—

(a) a part of a building is a dwelling where D dwells,
(b) another part of the building is a place of work for D or another person who dwells in the first part, and
(c) that other part is internally accessible from the first part, that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is a dwelling.

(8C) Where—

(a) a part of a building is forces accommodation that is living or sleeping accommodation for D,
(b) another part of the building is a place of work for D or another person for whom the first part is living or sleeping accommodation, and
(c) that other part is internally accessible from the first part,
Environment, Food and Rural Affairs Committee: Evidence

that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is forces accommodation.
(8D) Subsections (4) and (5) apply for the purposes of subsection (8A)(d) as they apply for the purposes of subsection (3).

(8E) The fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser for the purposes of subsection (8A).

(8F) In subsections (8A) to (8C)—

‘building’ includes a vehicle or vessel, and
‘forces accommodation’ means service living accommodation for the purposes of Part 3 of the Armed Forces Act 2006 by virtue of section 96(1)(a) or (b) of that Act.”

(5) In subsection (9) (section intended to be clarificatory) after “This section” insert “, except so far as making different provision for householder cases,”.

(6) An amendment made by this section does not apply in respect of force used before the amendment comes into force.

April 2013

Further written evidence submitted by Defra

Defra response to questions from Committee Specialist:

Q1. The use of common law definition of trespasser would include children. What is the Defra expectation of the application of the householder exemption clause to a child who wanders into a home without permission and is attacked by a dog whilst the dog owner is home?

1. If the child does not have permission (either express, or implied) to enter the property they are likely to fall under the common law definition of “trespasser” and the exemption will potentially apply.

Q2. Has Defra considered applying the householder case if the dog owner is not in or partly in the dwelling when their dog attacks a trespasser? If yes, what are the reasons for not taking this approach in the draft clause?

2. Defra has mirrored the approach in Clause 30 of the Crime and Courts Bill on the drafting of the householder exemption for legislative consistency. The “householder case” exemption is intended to enhance the current legal provision on self defence, not stand in place of it. Depending on the circumstances, there may be a defence under the common law defence of defence of property and/or Section 3 of the Criminal Law Act 1967 (use of reasonable force in preventing crime) to any prosecution. The Police/CPS also have a degree of discretion in relation to prosecution decisions, which may come into play in the envisaged scenario.

April 2013

Written evidence submitted by the Royal Mail Group

1. Summary

1.1 Royal Mail Group supports the proposed amendments to apply the Dangerous Dogs Act 1991 to private, as well as public, land. We believe that the Government should include the proposed amendments in the forthcoming Queen’s Speech and ensure that they are progressed as a matter of priority.

1.2 Royal Mail Group would, however, like to draw the attention of the Committee to some issues with the amendments, as currently, drafted. In particular, a potential issue with the “householder case” exemption exists.

1.3 Some of the matters raised in the amendments are complex and require careful legal consideration. We are continuing to deliberate these but wished to submit evidence detailing our current thinking. We will continue to provide additional information to the Committee as our views develop.

1.4 We firmly believe that the proposed amendments need to more effectively protect Royal Mail Group delivery personnel.

2. Royal Mail Group

2.1 Royal Mail Group (RMG) is the operator of universal postal service functions, through the Royal Mail letter post delivery and collection service handling letters, postal packets and high value (registered) packets. It also operates a parcels carrier, Parcelforce Worldwide.
2.2 RMG’s delivery personnel are required under the terms of the Postal Services Order 2012 made under the Postal Services Act 2011, to meet minimum requirements with regard to the frequency of deliveries to the home or premises of every individual or other person in the United Kingdom.

2.3 These obligations naturally involve RMG’s delivery personnel entering onto private property across England and Wales. In performing these functions, RMG estimates that its delivery personnel are currently subject to approximately 3,000 attacks per annum by dogs, despite the measures that RMG has taken to protect its delivery personnel, through training and issuing of protective equipment. RMG considers the vast majority of these attacks not to be the fault of the delivery officer involved and to have been difficult or impossible for staff members to avoid whilst performing their normal duties.

3. Do Defra's draft clauses translate the Government's intentions on dog control into clear, proportionate, and effective legislation?

3.1 RMG welcomes the extension of the Dangerous Dogs Act 1991 (the Act) to all land in England and Wales. RMG takes the safety of its delivery personnel very seriously and recognises the potential in the 1991 Act, as amended, to increase the protection available under the law.

3.2 Clarity is a key consideration for the draft amendments and RMG notes that the creation of the “householder case” exemption creates a potential defence in cases where the victim of the attack is (or was believed to be) a trespasser on the private property.

3.3 RMG considers that, in the course of the usual operation of its business, delivery personnel are not trespassers and an attack on them would not be caught by the “householder case” in proposed new subsections (1A) and (1B).

3.4 This is, however, a potential loophole for dog owners which needs to be addressed if the proposed amendments are to translate into effective legislation.

3.5 For most households and businesses, the potential problem does not arise. Most properties have their letterboxes located on the exterior of the building. The issue we have identified arises where the delivery person has to enter a building (or part of it) in order to fulfil their delivery duties. This could happen, for instance, if they need to enter buildings containing flats or maisonettes. In those circumstances, the “householder case” could apply.

3.6 RMG is currently considering proposed wording of the amendments which would clarify the “householder case” so that it cannot be misused to protect irresponsible dog owners or “justify” dog attacks on our delivery personnel.

3.7 Any potential change would need to remove the potential for dog owners to:

(a) misunderstand the legal basis upon which the delivery person enters their land and believe them to be a trespasser; or
(b) be unaware of the identity of the “trespasser” as a delivery person and of their right to enter onto the land.

4. Proposed actions

4.1 RMG is currently taking advice on the “householder case”. However, we believe that two issues need to be addressed:

(a) How the exemption can be reasonably applied. We understand the value of the protection in some cases but remained concerned about the personal safety of our delivery personnel.
(b) The potential use of guidance from government on the extent of “entry” to buildings. For example, a delivery person’s fingers may enter a building in the course of posting mail through a letter box or their foot may cross the threshold while delivering a parcel requiring the occupier to open the door. Clarification is required on what is, and what is not, allowed.

5. Overall

5.1 RMG believes that this issue needs to be considered if responsible dog ownership is to be promoted.

5.2 We are giving additional consideration to these matters and will revert to the Committee as a matter of priority. We will also continue to feed into the policy-making process.

5.3 We are convinced that the necessary clarification can be provided and that a Dangerous Dogs (Amendment) Bill should be promoted by government and included in the Queen’s Speech as a clear signal of intent and of its commitment to public protection.

April 2013
Written evidence submitted by the NFU

1. The NFU represents more than 55,000 farming and growing members and in addition some 40,000 countryside members with an interest in the countryside and rural affairs.

2. The NFU appreciates the opportunity to provide written evidence with regard to the Draft Clauses and related dog control issues.

3. The NFU welcomes the proposals to consider the previous character of the dog, and its past behaviour, and the owner/the person responsible for the dog when determining whether a dog constitutes a danger to public safety. The NFU believes that this is a proportionate provision, enabling the response to be tailored effectively to the particular situation involved.

4. The NFU appreciates the concerns about attacks by dangerous dogs on private land, and supports, in principle, action addressing that issue. However, many working dogs are kept outside and therefore will be outside the protection offered by the “householder” defence. Working dogs are generally very highly trained and well behaved, and should not be seen as dangerously out of control simply because they are not on a lead, or otherwise restrained. The NFU believes that the “householder case” should be extended to cover all farm yards and buildings. Farm yards and buildings are private locations, often home to the dog and its family. Consequently, a working farm dog involved in an incident with a trespasser on the farm yard should be treated in the same way as a domestic pet involved in an incident with a trespasser in a dwelling. So as in a “householder” case where this operates no offence under sec 3(1) is committed.

5. Further to this draft Bill the NFU would like to strongly support the recommendation that DEFRA look to amend the Dogs (Protection of Livestock) Act 1953 to provide protection to the full range of livestock now farmed, such as camelids. Also we agree with your comments that enforcement agencies must give greater priority to responding to complaints of attacks on livestock and take a more consistent approach to prosecuting offences.

April 2013

Written evidence submitted by the Kennel Club

1. Introduction

1.1 Given the Minister’s commitment to push the Dangerous Dogs (Amendment) Bill through Parliament at the earliest opportunity, the Kennel Club very much welcomes the opportunity to give evidence to this inquiry. To this end, it hopes that the Committee will share the Kennel Club’s views and concerns with Defra in their report in order to ensure that this proposed amendment to the Dangerous Dogs Act 1991 will strengthen and improve current provisions to better protect the public and improve the welfare of dogs.

1.2 The original Dangerous Dogs Act was drafted as an urgent response to a perceived political and social crisis and is cited by many as one of the worst pieces of legislation because it has failed in its attempt to control dangerous dogs and it has made the welfare of dogs worse. This is now the second amendment Bill to the Act and it also appears to continue the theme of legislation drafted with undue haste and the Kennel Club is concerned that if the new proposals are not properly considered, the result would be to compound the original error and continue with ineffective legislation which fails to provide adequate safeguards for the public, responsible owners and innocent dogs.

2. Do Defra’s draft clauses translate the Government’s intentions on dog control into clear, proportionate, and effective legislation?

2.1 The Kennel Club welcomes the general principles contained within the Government’s draft Dangerous Dogs (Amendment) Bill which is intended to deliver their commitment to extending legislation to provide adequate dog control to private property.

2.2 Introducing penalties for keepers of dogs who allow their dog to harm lawful visitors to their home is a positive step in curbing irresponsible dog ownership and encouraging better control of dogs which in turn should go some way towards preventing more serious incidents from occurring. Postal workers, health care assistants, social workers, utility inspectors and other bone fide people regularly visit private properties without necessarily being personally known to the dog or landowner, and each should be able to do so safely.

2.3 At the same time the Kennel Club does not wish to see such protection extended to anyone trespassing or involved in criminal activity. It is important that the emphasis is on the owner’s responsibility to avoid injury to anybody carrying out their lawful activities. To this end, the Kennel Club has some serious concerns regarding the exemptions stated within the Bill protecting homeowners from prosecution should their dogs bite or show aggression towards a trespasser.
2.4 The Kennel Club would stress the need to define a trespasser within the Bill in order to correctly define an unlawful visitor and ensure clear, proportionate, and effective legislation. As such, the Kennel Club would suggest the following definition:

   A trespasser is defined as someone who is present on private land without lawful authority.

2.5 In this regard, the Kennel Club would stress the need to ensure that the dog owners should only be penalised and their dogs seized/destroyed where they are established as acting irresponsibly and certainly not where they and their dog are victims of another's irresponsibility. Questions must be raised, for example whether an owner would be culpable if a child trespasses in a well fenced and signed property.

2.6 Further concerns the Kennel Club would wish to highlight include the lack of provisions within the Bill to provide an exemption from prosecution if the owner is not present at the time a dog injures a trespasser. This fails to protect responsible owners and their dogs in such events as a burglar being bitten inside a property whilst the homeowner is quite reasonably no present in the home. The Kennel Club firmly believes that there should never be a criminal liability for an owner if a dog should injure someone who is in their property without lawful authority. Furthermore, current provisions only apply inside a dwelling, therefore leaving landowners whose dogs injure a burglar, for example, whilst stealing property from a garden or farmyard without protection from prosecution or criminal conviction.

2.7 The Minister Lord de Mauley referred to the Crime and Courts Bill and Defra's intention to provide a similar level of protection within the draft Dangerous Dogs (Amendment) Bill in his accompanying introductory letter to the Bill. The Kennel Club would suggest extreme caution in drawing comparisons between self-defence (and as such the necessary use of force or weapons) by a homeowner and dog bite incidents against an intruder. This could suggest that the Government defines a dog as a weapon which is directly contrary to other pieces of legislation such as the Anti-Social Behaviour Bill currently under consideration from the Home Office. It also ignores the principle that a dog may act instinctively rather than await direction to be used as a weapon. A dog is a companion animal and a sentient being and as such the Kennel Club feels it is misguided to develop the proposed Bill in accordance with such legislation as the Crime and Courts Bill.

2.8 As an alternative to the proposed wording the Kennel Club would suggest the following amendment under Section 1(2)(b):

   after subsection (1) insert—

   "(1A) A person ('D') is not guilty of an offence under subsection (1) in a case which is a householder case.

   (1B) For the purposes of subsection (1A) 'a householder case' is a case where at the time—

   The person in relation to whom the dog is dangerously out of control ('V') is a trespasser."

2.9 Such an amendment in addition to the definition of a trespasser would indeed uphold the Minister's commitment that "a householder will not be prosecuted under the Dangerous Dog Act 1991 should their dog attack a trespasser that has entered or is in the process of entering the home" without the oversight that this would only apply if the householder is at home at the time of the incident. The amendment would also remove the definition that a building must be a "dwelling or forces accommodation" in order for there to be a defence, as the Kennel Club believes that commercial premises such as a place of work or indeed a boarding kennels should be included within the provisions.

3. Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?

   (a) If not, which additional measures should be brought into law?

   (b) Are any of the proposed measures unnecessary or counterproductive?

3.1 As previously stated, the Kennel Club welcomes the principle of a Bill to extend the law to private property to promote responsible dog ownership and the principle that owners should ensure that their dogs are not dangerously out of control in any place. Whilst this may go some way towards encouraging better control of dogs in order to avoid the risk of criminal prosecution should a dog bite a lawful visitor to the home, the Kennel Club does not believe this will have a significant effect on preventing incidents from occurring.

3.2(a) In regards to pre-emptive measures, the Kennel Club has expressed serious concerns regarding the provisions for dogs and their owners within the draft Anti-Social Behaviour Bill. It feels that the suggested proposals fail to adequately address irresponsible dog ownership or introduce genuine preventative measures to effectively reduce the number of dog related incidents and prevent more serious attacks from occurring. Dog Control Notices, as currently enforced in Scotland and under consideration in Wales, would fulfil this role much more appropriately and as such the Kennel Club would recommend that such provisions be considered within the proposed Dangerous Dogs (Amendment) Bill in order to be much more "dog specific" rather than lost within much larger measures relating to general anti-social behaviour. The Kennel Club, together with the RSPCA, Dogs Trust, Blue Cross and Battersea Dogs and Cats Home have written to the Minister of State for Crime Prevention, Jeremy Browne MP to highlight our concerns and our letter is attached to this response.

3.3 Within Defra’s announcement on 6th February 2013, the Minister made a commitment to allow the police discretion to release a suspected prohibited dog where they are completely satisfied that it is in the care
of a responsible owner. Such a provision has not been included within this Amendment Bill to the Dangerous Dogs Act which the Kennel Club believes would be the most appropriate place. We regard this as a serious omission that could otherwise lead to much better enforcement and an improvement in the welfare of the dogs at risk of being seized by the police.

3.4(b) The Kennel Club has raised concerns regarding unnecessary or counterproductive measures within its responses to the previous questions.

3.5 The Kennel Club would seek to clarify Section 2, in which it is proposed that the suitability of the owner of the dog and the consideration of the person as a fit and proper person be considered when determining whether a dog should be destroyed. It would have serious concerns, for example, if the proposed amendment could lead to dogs that are considered to be of good temperament and therefore not a risk to the public being destroyed simply due to the unsuitability of the owner. In such a case, the Kennel Club would strongly recommend the introduction of an ability for a separate “keeper” to be appointed for the dog and details kept on the Index of Exempted Dogs (IED). The same consideration of suitability of the keeper as a fit and proper person would still apply to this new keeper. Where relevant, such an amendment would also allow rescue centres to appoint “keepership” of a dog to a suitable individual, after completing the Court process.

April 2013

Written evidence submitted by Mandy Sullivan

I feel the need to comment on the above amendment. Whilst I agree that the dangerous dogs act needs looking into, I fail to see in what way this new proposed draft helps. From my point of view you are just going to demonise dog owners further.

As expected it will make it an offence for a dog to be “dangerously out of control” in a private place. Dangerously out of control is when a person feels reasonable fear of injury even if the dog does not injure them.

So anyone who does not like dogs just has to report to the authorities that they feel scared & a whole swathe of dogs can be rounded up & destroyed.

Current list of banned breeds. Since these breeds have been banned have the dogs attacks stopped? No! It is not the breed of dog that makes it dangerous but the owner at the other end of the lead.

“In the 70s they blamed Dobermans; in the 80s Rottweilers; in 90s German Shepherds; now they blame Pitbulls. When will they blame the humans?”

Compulsory microchipping should be brought in immediately, along with compulsory dog training, and ban all dog breeding for at least three years so at least we can attempt to bring the current dog population under control.

April 2013

Written evidence submitted by Jaqi Bunn

1. Do Defra’s draft clauses translate the Government’s intentions on dog control into clear, proportionate, and effective legislation?

1.1 Only partially. There has been a failure to bring all dog-related legislation together under one Act, which would have made it much clearer for those not working within the legal profession.

1.2 Thankfully it does appear to have taken into account some of the issues raised in the EFRA consultation, ie the attacks on assistance dogs and forcing the court to consider the temperament and behaviour of a dog as well as the character of the owner before making judgement.

2. Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?

2.1 No, unfortunately the proposed measures fail to provide a sufficient legislative base to tackle irresponsible dog ownership.

2.2 The Government does not appear to have listened to the vast majority of interested parties that believe that breed-specific legislation has not been effective. The proposed legislation will still allow dogs to be seized that are under adequate control and in the ownership of responsible citizens simply because they conform to a certain set of measurements. This is a grave omission, especially as, in the 2012 EFRA Consultation, 88% of respondents did not consider that type-specific legislation was effective at protecting the public and 71% believed that the provisions should be repealed.

2.3 If not, which additional measures should be brought into law?

2.4 The option of Dog Control & Welfare Notices or Orders is missing and should be included in this dog-specific legislation, not elsewhere. It has been universally agreed that education is the key to preventing many
of the dog control and welfare issues we currently have; if officers had the ability to issue notices it would also be an opportunity for education, either from the officers themselves or by recommending issue-specific education such as dog training and behaviour from a certified professional who meets the standards as being laid down by The Animal Behaviour and Training Council.

2.5 Are any of the proposed measures unnecessary or counterproductive?

2.6 Allowing non-police personnel to enter private properties to seize a dangerous dog could be problematic as many local authorities do not currently have the same resources, training or equipment as the police to adequately and safely perform this function and will not be able to find the finances to bring their current staff up to standard.

April 2013

Written evidence submitted by the British Association for Shooting and Conservation

1. This response is submitted on behalf of the British Association for Shooting and Conservation (BASC) by Glynn Evans, Head of Game and Gamekeeping with responsibility for BASC’s gundog programme. BASC was founded in 1908 as the Wildfowlers’ Association of Great Britain and Ireland (WAGBI). Constituted as an Industrial and Provident Society, it is the largest representative body for sporting shooting in the UK, with more than 130,000 members; more than 61,000 of these own one or more working dogs.

2. BASC submitted an initial response to the Environment, Food and Rural Affairs Committee regarding Dog Control and Welfare on 2 July 2012 and welcomes the opportunity to comment further on the proposed draft Dangerous Dogs (Amendment) Bill.

3. BASC is concerned and seeks clarification regarding a “householder case”. Many working dogs will be kept in kennel accommodation and not actually within a dwelling. BASC would recommend that if a dog is secured within its own recognised accommodation or area then a “householder case” should also apply to this situation.

4. BASC cannot see the rationale of the provision that a person responsible for a dog would have to be present for a “householder case” to apply. If a dog were to be securely locked within a dwelling or its own separate secure accommodation whilst its keeper was absent (subject to due regard for its welfare needs), it would be a reasonable assumption, that a trespasser entering the property would have done so with dubious intent. BASC suggests in this scenario it would be reasonable for a dog to act in its own defence. It is estimated that over 50,000 dogs are stolen each year.

5. BASC is concerned at the proposed wording in the draft bill, section (5) (b) “(1A) A constable or an officer of a local authority authorised by it to exercise the powers conferred by this subsection may seize any dog in a place in England or Wales which is not a public place, if the dog appears to the constable or officer to be dangerously out of control” this opens up the possibility that dogs kept securely away from the public could be seized without ever posing a risk to public safety. What criteria/tests and safeguards would apply for such seizure?

6. BASC seeks assurance that working dogs such as gundogs, hounds and terriers are specifically excluded from this provision whilst they are being used in connection with lawful sporting activities. As drafted, individuals biased against field sports or those without sufficient training and specific knowledge, could wrongly determine a dog such as a hound following a scent and barking to be out of control whereas in reality it is not.

April 2013

Written evidence submitted by Susan Harris

I believe the way forward is better education in our schools and home. Most attacks happen in the family home and children need to be taught more about animal behaviour and boundaries regarding all dogs and other animals. Also some form of enforced training when you purchase that cute puppy.

I do not believe that discriminating against certain breeds works to stop dog attacks and only punishes innocent dogs and their owners, most of these dogs have never given any cause for concern and are punished simply because of their, looks and measurements. BSL should be repealed.

Something more needs to be done to regulate back yard breeding and believe breeding should only be done by accredited responsible people and be better controlled. I also believe puppy farming should be ended, these people are churning out litter after litter of often sick puppies the parents being bred time after time in often horrendous conditions. Our rescue centres are overflowing with abandoned and often abused animals.

Increase sentences for people who abuse animals and also do more to end the disgusting practice of dog fighting in the UK. These animals are often kept in horrific conditions pumped full of steroids and forcibly trained to become dog aggressive and other people left to pick up the pieces of their sad lives IF they survive.
Finally while I agree postal workers and delivery, workmen etc should be able to enter your property safely I think the idea that burglars and uninvited people could break into your locked garden or property and be protected by the law if they get bitten by the family dog.

What has happened in the UK? We used to be known as a nation of animal lovers, now it is fast becoming the opposite.

From a concerned responsible dog owner and animal lover.

April 2013

Written evidence submitted by Cats Protection

We welcome the scrutiny by the EFRA Committee of the Draft Dangerous Dogs (Amendment) Bill April 2013.

INTRODUCTION

Cats Protection (CP) is the UK’s leading feline welfare charity. We have approximately 7000 cats in our care at any one time across the UK. Our work is centred on homing, neutering and education and is supported by 252 voluntary branches, and over 8,700 volunteers and supporters. CP has 20 centrally run and staffed Adoption Centres, five staffed Branch Adoption Centres and five unstaffed Branch Adoption Centres. The majority of our Adoption Centres are staffed with the support of volunteers. In 2011 CP re-homed and reunited 48,000 cats.

DOG ATTACKS ON CATS

We are submitting evidence on the specific issue of prevention of, and punishment for, dog owners in the event that their dog attacks a cat causing it serious injury and/or death. This issue is of great concern to CP and its supporters and to the wider cat owning/loving public. There are over 10.3 million owned cats in the UK and 26% of households own more than one cat (UK)—CP commissioned research published in 2010.

Many attacks on cats go unreported so it is hard to be exact about the extent of the problem. We know of no central record of attacks in England and Wales. Evidence is therefore anecdotal or as reported in the press. We suggest however, it is not necessary for there to be high numbers of attacks on cats—every incidence of a serious, often fatal, attack on a cat is a tragedy for the cat and its owner and something we would suggest should be regarded as a criminal offence. Press reports often seem to indicate that where the family pet is attacked so was a person/person(s). An attack on a cat may also be a warning of a potential attack by that dog on a person, particularly on a small “cat size” child.

Cats Protection has been logging press reports of attacks on cats over the past few months which shows (March and April (England only) the following:

— March—kitten savaged to death, Birmingham area—two Rottweilers (a spokesperson for west mid police was reported as saying he “had supported moves earlier this year to make an attack on protected animals by dogs, to include cats a criminal offence”).
— March—cat killed Swindon (dog described as “large staffie type”—off the lead).
— March—fatal attack on a 13 year old cat owned by a pensioner in Basingstoke- dog described as a “pit-bull type”.
— April—report of three cats killed in the Walsall area “savagely set upon” dog described as a lurcher.
— April—two cats savaged in the Lancashire area, dog was a French mastiff.
— April—two cats killed in the Middleborough area by a Staffordshire bull terrier.
— Given there is under-reporting it is concerning that Cats Protection picked up press reports of 10 cats killed by dog attacks over two months in England alone. We also have reports in other parts of the UK for the same period.

CP is not seeking to demonise any breed of dog, many of our supporters are also dog owners/lovers as well as cat owners/lovers. However, we are seeking to ensure attacks on cats by dogs are prevented wherever possible and that there is punishment under criminal law to reflect the seriousness of the crime for the cat and its owner if a cat is seriously injured/killed.

RESPONSE TO COMMITTEE QUESTIONS

The EFRA Committee has issued a call for views on the following issues:

— Do Defra’s draft clauses translate the Government’s intentions on dog control into clear, proportionate, and effective legislation?
— Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?
In response to the Committee questions CP considers that the Draft Dangerous Dogs (Amendment) Bill (April 2013) is not “effective legislation” or “sufficient” with regard to prevention or punishment for irresponsible dog ownership resulting in injury or death to protected animals, including cats. Protected animals are defined in the Animal Welfare Act (2006). We support others, such as the British Veterinary Association, who have pointed out that the proposals have insufficient focus on preventative measures. Our priority is that the new legislation prevents/minimises attacks on cats and other protected animals and introduces criminal liability in the event that a dog attacks a protected animal resulting in injury or death to that animal.

**ANY PLACE/DOG CONTROL NOTICES**

We welcome the Government’s proposal to extend the law on dangerous dogs to include offences that occur in “any place in England and Wales”—not just to public places. This is relevant if a dog attacks a cat in a private place, such as in a garden. However this is of no effect unless the Bill also extends to include “protected animals”—see below.

We support recommendation 13 of the EFRA seventh report of session 2012–13 that the Government legislate to introduce Dog Control Notices using the model as introduced in Scotland. We are disappointed that the Government has not accepted this and do not agree with their contention (response 17 April 2013) that the new flexible powers to tackle anti-social behaviour will be sufficient. We agree with the EFRA recommendation that it will be vital for Defra and the Home Office to work together to give enforcement authorities the flexibility to act swiftly on concerns about a dog and its owner before they lead to aggressive action with devastating consequences for victims. We are seeking to extend the definition of victims to include protected animals. We agree with EFRA that “the use of specific measures such as Dog Control Notices, already introduced in Scotland, could provide a far sharper tool for local authorities and police”. We note that the British Veterinary Association (BVA) have also stated recently in a response to the draft Bill that “current proposals made by the Home Office under anti-social behaviour legislation are inadequate” (press notice 9 April 2013).

In Scotland, the Control of Dogs (Scotland) Act 2010 extends criminal liability to cover dangerously out of control dogs in private as well as public places as do the Defra proposals. Although the Scottish Act does not contain an offence of attacking another animal the aim of Dog Control Notices is preventative (there are also powers to compel micro chipping and neutering). A dog would be regarded as out of control if its behaviour gave rise to reasonable alarm and apprehensiveness to a person or to another animal. We would urge the Committee to refer the Government again to this Scottish precedent.

**PROTECTED ANIMALS, PRECEDENTS**

We note that the draft Bill is now amended to explicitly cover attacks on assistance dogs. We understand the particular arguments in favour of such an amendment relating to the assistance dog representing an extension to the person. However, we would urge the Committee and Defra to give serious consideration to ensuring that the draft clauses in the new Bill are further amended to include reference to protected animals.

We note that during evidence given to the EFRA committee the issue of dogs attacking protected animals was discussed during the oral evidence given by the Association of Chief Police Officers (ACPO). In response to a specific question by the Committee chair there was support by the ACPO spokesperson for a change in the law to include protected animals—extract below.

**Q105 Chair:** “Could I just return to what Barry Gardiner said about cats? What we heard last week from the NFU was about attacks of dogs on livestock. There has been a lot in the press about attacks by dogs on horses. Do you believe that the present provisions of the legislation cover cats, livestock and horses sufficiently, or do you believe that it should be amended?”

**Keith Evans:** “We believe it should be amended. There is some confusion. We have had some successes at court on attacks on horses while they are being ridden. The British Horse Society has seen an increase in the number of people being injured and incidents involving dog attacks on horses. We would want to see the law changed, so that any attack by a dog on an animal, such as a horse or any protected animal, is a criminal offence.”

**Chair:** “That is very helpful, thank you very much.”

The call for protected animals to be included in the Bill was recently reiterated by the BVA who specifically mentioned “protection of assistance dogs to be extended to all protected animals, such as dogs, cats, horses, and others” (press notice 9 April 2013).

We would also refer the Committee to legislation in Northern Ireland. Northern Ireland passed the Dogs Amendment Act (Northern Ireland) 2011 which contains mandatory micro chipping provisions and licensing requirements. The Act contains two relevant offences: it is an offence to set a dog on “any other animal owned by another person”. It is also an offence if a dog attacks and injures any other “animal owned by another
person”. No offence is committed if the animal is trespassing on the dog owner’s/keeper’s/person in charge’s land.

We accept that setting on or urging a dog to attack a “protected animal” would probably qualify as an offence under the Animal Welfare Act (2006) (AWA) by causing unnecessary suffering. However, the AWA creates a requirement to prove:

1. that the suffering was unnecessary; and
2. where the suffering is unnecessary, that the person knew or could be expected to know that an animal would suffer as a result;

This makes achieving successful prosecutions for attacks by dogs on cats (and on other protected animals) ineffective.

CP seeks an amendment to the draft Dangerous Dogs (Amendment) Bill in line with the model of the Northern Ireland offence which appears to remove the need to prove that someone knew or ought reasonably to have known that their actions or omissions would cause unnecessary suffering. An offence would be committed under the Northern Ireland legislation if it was shown that the dog attacked and injured another animal. We see no reason why the Northern Ireland provisions and definition of an offence are not adopted in all UK jurisdictions.

CP also refers the Committee to the recent consultation by the Welsh Assembly on the Control of Dogs (Wales) Bill which closed on 1 March 2013. We understand that one of the aims of the Bill is to amend the Dangerous Dogs Act 1991 Act to make it an offence for a dog to attack another “protected animal” and to extend Dog Control Notices to cover people fearing for the safety of another “protected animal”. CP has written to the Welsh Assembly welcoming and supporting this aim.

The legal principle that dog owners can face criminal rather than civil liability if their dogs attack other animals is well established, for example, in the Dogs (Protection of Livestock) Act 1953. The statutory definition of “livestock” doesn’t, of course, include cats, but the principle of criminal liability is established for England.

RECOMMENDATION

We welcome the extension of the current provision of the Dangerous Dogs Act (1991) to extend it to attacks in “any place”. However the Bill needs to go further and ensure animals such as cats, horses and other dogs are protected in “any place” alongside the protection afforded to persons and assistance dogs.

CP seeks an amendment at Clause 1 (2) (a) (ii) of the Draft Bill.

Insert after “injures any other person” “or assistance dog or protected animal”. (our additional amendment emboldened.

The interpretation sections (clause 6) of the draft Bill would also need to be amended and define “protected animal” in accordance with the Animal Welfare Act (2006).

April 2013

Written evidence submitted by Sophie Joy Zoghbi

Further to your draft legislation published on 9 April 2013 aimed at tackling dangerous dogs I wish to submit the following as evidence/comments on the proposals:

CLAUSE 1—“ASSISTANCE DOGS”

I believe that this is a good amendment as assistance dogs need protection.

CLAUSE 1—KEEPING DOGS UNDER PROPER CONTROL

Regarding the extension of the Act to cover private property and with reference to “a householder case”, the Bill provides for a defence if the owner or person in charge of the dog is attacked by a trespasser in the home and a dog reacts to protect the owner/person in charge. However what happens if the attacker is not a trespasser but someone that lives in the house, (such as a spouse or partner in a domestic violence situation) or an invited guest? If the dog then reacts to protect its owner from a non-trespasser, it appears that there is no defence available. This should be clarified and adjusted to provide a defence in this situation.

It also appears that there is no available defence if an incident happens in the garden, for example, if a dog defends his home against a burglar but this happens in the garden rather than the house. This makes no sense and the Bill should be amended to incorporate a defence for an incident which takes place in the garden as well as in a Building.

Finally with regard to this clause, the defence seems to apply only if a trespasser enters the property whilst the owner is present. The owner or person in charge should also be protected from court proceedings if a
trespasser enters the property whilst the owner is absent. It stands to reason that a large number of break-ins and burglaries occur whilst the owner is out, and if a dog reacts to protect his owner’s property whilst the owner is not there, under this draft it appears that there is no defence for the dog or the owner. This needs to be amended, as it makes no sense to provide for a defence for an attack against a trespasser but with the proviso that the owner must be in the actual building at the time. This seems to go against the spirit of this exemption, and is wholly unfair.

Clause 2—Whether a Dog is a Danger to Public Safety

This amendment says it must be taken into account whether the owner is a “fit and proper person” in order to decide whether or not the dog is a danger to the public. This is inherently unfair and a retrograde step away from the spirit of the 1997 Amendment which sought to eliminate the need for a destruction order on a dog which had done nothing wrong. If the dog has been deemed not a danger to the public then why should he have to die, simply because his owner is not considered fit and proper? This is unnecessary and counterproductive. There is no need to destroy the dog when there is the provision for him to live with a keeper who is fit and proper. If someone is not fit and proper to own a dog then that owner can be disqualified from having a dog: there is no need to destroy an innocent dog.

The next point of concern in clause 2 is (b) “may consider any other relevant circumstances”. This too wide, open to interpretation and could lead to discrimination. An owner could lose their dog (who had already been deemed not a threat to the public) for a reason such as being disabled, having a child, or being unemployed. This is discriminatory, unfair, subjective and open to abuse.

Subsection 4—The Amendment of Section 4B to Enable Civil Proceedings to be Brought in Respect of Dogs Seized under any Enactment

This is good in the sense that someone of previous good character may avoid a criminal record, however it also means of course that legal aid would not be available in the cases where civil proceedings were being brought. I would suggest that legal aid be extended to civil law in these cases. This would otherwise be patently unfair to deny many owners the chance to defend their case as without legal aid, many people would be unable to afford the necessary behavioural experts and lawyers required for their to defence and to save their dog from destruction.

Other Points

There have been no measures announced in this Bill to make unregistered breeding a crime, and neither has there been any move to repeal Breed Specific Legislation. This is disappointing on both counts. It is backyard breeding which is the main cause of irresponsible dog ownership, and no breed is inherently dangerous. Breed Specific Legislation has led to the destruction of innocent family pets whilst dog attacks still continue. And still nothing is done.

I very much hope that you will take my points on board and look forward to your response.

April 2013

Written evidence submitted by BVA and BSAVA

1. The BVA (British Veterinary Association) and BSAVA (British Small Animal Veterinary Association) welcome the opportunity to provide input to the EFRA Committee’s pre-legislative scrutiny of the draft Bill.

2. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country. The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It represents approximately 8,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small companion animals, namely cats and dogs.

3. In preparing this response the BVA has also consulted with its Welsh and Scottish branches.

4. While we support the individual proposals put forward in the draft Bill we do see the package as a missed opportunity to introduce consolidated legislation and preventative measures.

Keeping Dogs under Proper Control

5. We support the proposal to extend the current offence of having a dog that is dangerously out of control in a public place to cover private property (with appropriate protection for householders whose dog attacks an intruder). We also support the extension of the offence to cover attacks on assistance dogs. As mentioned in our previous response to the EFRA Committee on Dog Control and Welfare, consideration should also be given to extending the legislation to cover attacks on other protected animals (as defined by the Animal Welfare Act).
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6. However, we do have some concerns in relation to the wording of the draft Bill and in particular the definition of “a householder case”. As drafted, (1B)(a) suggests that D only has a defence if they were in the building (or partly in the building) when the dog was dangerously out of control towards a trespasser. As many incidents of trespassing occur when the owner/keeper of the dog is away from the property, we feel that D should not have to be present to avail themselves of the defence. Also, (1B) (a) refers to D being in a building or a part of a building and we question whether the defence would apply if D was, for example, in the garden?

WHETHER A DOG IS A DANGER TO PUBLIC SAFETY

7. We also support the proposal that a Court must consider a range of issues including the character of the owner or keeper, as well as the temperament of the dog and its past behaviour, along with any other relevant circumstances when deciding whether a dog should be destroyed due to an offence under section 1 or 3(1) of the 1991 Act.

8. However in those cases where the character/behaviour of the owner/keeper of the dog is found to be a major factor to the dog being a danger to public safety, provision should be made for independent assessment of the dog and its suitability for re-homing before a destruction order is issued.

9. If the owner is found not to be a fit and proper person to be in charge of a dog measures should be put in place to stop them getting another dog.

10. While these proposals may be a proportionate response once a dog behaves dangerously, it is unlikely to be effective as it contains no preventive measures. We would prefer to see the introduction of a range of preventive measures, such as Dog Control Notices.

11. For further information, please find attached at Annex A, a letter signed by the BVA and a number of other welfare organisations in response to the dog control elements of the draft Anti-Social Behaviour Bill.


13. We would also like to refer the Committee to our response to their inquiry on Dog Control and Dog Welfare can be found at: http://www.bva.co.uk/Consultations/Documents/BVA-BSAVA%20response%20to%20EFRA%20Com%20Inquiry.pdf.

April 2013

Written evidence submitted by Pamela Rose

Despite lengthy contributions to the past consultations in particular I was directly involved the case of Sandhu yet by chance found out about this consultation and this Bill. Lawyers and those directly involved with these cases should be included in these consultations and in the circulation of this Bill and given sufficient time to respond. Please and thank you. There has been insufficient time afforded to respond.

1. KEEPING DOGS UNDER PROPER CONTROL

(A) Self defence SHOULD be available for D or anyone in the property with a dog on all occasions including if in or out of the property.

(B) The Criminal Law Act section 3 should also apply as a defence.

(E) Self defence should apply to section 3 in public and private places.

(F) The criminal law should not be extended into the home. This is where there should be privacy.

2. WHETHER A DOG IS A DANGER TO PUBLIC SAFETY

(A) If a person is not a fit and proper person, the court has power to disqualify without ordering destruction of the dog. The Bill appears will provide a means to destroy harmless dogs. This is a major step backwards towards measures that are draconian in killing dogs that’s only act is their appearance which is not their fault. The consultations showed that the majority did not want breed specific legislation! Instead if an offence is committed not by the dog or with the dog.

(B) The dog should not be destroyed on account of the owner not being a fit and proper person.

(C) Sandhu V Isleworth Crown Court was not an adverse decision.

The High Court simply interpreted the statute [which was amended in 1997 to alleviate the draconian nature of the 1991 mandatory destruction orders]. By this Bill one is attempting to destroy dogs that are not a danger to public safety on account of a mandatory inclusion that the court must consider if the owner or person in charge which then extraordinarily can make a nice dog into a dog that is a danger. It can lead to a stream of unreasonable decisions.
(D) There are dire consequences and welfare concerns of nice dogs being seized and kept in kennels whilst the court case reaches its conclusions and the risk of dogs not dangerous in nature being senselessly destroyed. For matters that are not relevant to the dog.

(E) “May consider other relevant circumstances” is opposed. The Act should be concerned with the dog not spurious other considerations.

(F) The Bill will increase issues regarding welfare of dogs that would be increased by seizure and secret kennelling.

(G) The consultation in 2012 spoke of allowing dogs home, there is silence on this, dogs that are not deemed to be a danger to the public to be allowed “home” pending a court hearing, thus saving money. Conditions can be imposed and to deliver up on request in order that dogs deemed non dangerous in nature need not be seized pending deliberation by a court, or pending identification experts seeing the dogs or pending the exemption of the dog.

(H) The Courts should not be given not less discretion or informed what they must take into account, which is what this Bill is doing by making mandatory orders of what they shall consider. We already have criminal and civil laws for people conduct.

(I) on application there should be exemption to place a harmless dog on the register of exempted dogs

3. The Proposals on Extending Civil Proceedings is badly Drafted and is Difficult to Decipher

Legal aid should be extended to the civil sections in the Act. There is total inequality of arms in preparing a case.

The amendment to include assistance dogs is opposed. If there is a serious problem then it should be tackled through penalising the person at the end of the lead and not by punishing the dog enabling seizure or destruction. The 1871 Act exists and measures can be considered to deal with the offender, but not the dog for an assault on a dog.

April 2013

Written evidence submitted by Sandra Getman

Three years ago I bought a computer, whilst surfing the net, I came across this evil law called B.S.L. I was so shocked to read that we are murdering innocent family pet dogs in our supposed animal loving nation.

I have a staffie which I rescued when she was three months old from the RSPCA, I was never told about BSL by them, my vets, never saw it on TV or newspaper, so I had my dog for eight years before I found out about BSL.

We stopped judging people by their colour or creed because it’s wrong, these animals are living life that have similar needs and care as any child, yet you insanely judge them by a tape measure?

How crazy is this, I am one of three children, we all came out of the same womb, yet we are all different shapes and sizes.

All dogs can bite given the right circumstances and you have evidence to prove bull breeds bite less than other breeds its only bull breeds that newspapers highlight.

Please stop this outrageous law, it isn’t controlling dangerous dogs, it’s murdering mainly innocent much loved family pets who have done no wrong.

Other countries are now rejecting breed discrimination because it’s so very wrong up and down the UK thousands upon thousands of people are protesting against this law and there is worldwide protests too. Look at the Lennox case 126 thousand people petitioned to set this dog free to no avail. Please listen to your people.

You need to educate people. Training for people that have never owned a dog microchip every dog, heavy fines for unmicrochipped dogs stop people from breeding at home, dogs to be spayed by six months, this could stop overbreeding which is resulting in thousands of unwanted dogs being pts, introduce expensive licences for those that want to breed.

Fines and imprisonment for those training their dogs to be aggressive.

It breaks my heart every day of the week to see the way we as a nation are being so cruel to living souls and if you have a dog that you are close to, you will know you love them like your children, yet someone can come along and murder your innocent dog who has done no wrong because of its size! Please abolish BSL the pain and anguish it brings to both dog and family is enormous, and I speak as someone who was bitten by an alsatian dog as a child, they are not on the d d list, but I accept all dogs are different just like humans are, this dog was left without water on a very hot day and went mad, again it was the owners fault.
In our country I always thought you innocent till proven guilty, animals are also living life and should be treated with the same respect, we are the first to criticise other countries harming animals yet behind closed doors we are killing thousands every week between BSL, unwanted dogs and cruelty, its time to get our self respect back and follow those countries that are abolishing this wicked law called BSL.

April 2013

Written evidence submitted by Dogs Today

I am responding to the call for views on Defra’s proposed amendment to the Dangerous Dogs Act on behalf of Dogs Today magazine and include some of the worries expressed by our readers.

We absolutely want to see effective legislation that protects people from out of control dogs but we worry that some parts of the proposed amendment go too far, parts not far enough, parts are unnecessary, and others will not make the public any safer.

Extending the Dangerous Dogs Act to private property:

— The wording covering a householder case does not make clear whether or not a home/dog owner would be not guilty of an offence if a dog was dangerously out of control in the garden of a property. We do not think it fair to prosecute an owner if a dog attacks a trespasser in the garden.

— It appears in the householder case that the owner of the dog can be prosecuted if a dog attacks a trespasser when the dog/home owner is not on his property. We worry this means owners who are burgled while they do their weekly shop or are at work, or have left their dog at home for any other reason, may be prosecuted if the dog attacks a burglar.

— There is some query over who is a trespasser. Defra told us there is a distinction between an intentional trespasser, ie a burglar, and an unintentional trespasser, for example a child under the age of criminal responsibility. Up and down the UK, children’s toys have landed in next-door’s garden quite without malice for decades, and we’re sure this will continue. We worry in a situation such as a child coming into a garden where a dog is present to collect a ball without the home/dog owner’s knowledge; an owner may be liable for prosecution. For example, a dog might cause a child fear of injury simply by exhibiting normal canine behaviour, for example barking, or even running over to the child in quite a harmless way. Or, an inquisitive dog might jump up at a child. If the correlation between the size of child and size of dog is such that jumping up causes the child to fall and bang his head, for instance, it seems disproportionate to prosecute the owner.

— We have also been asked by a reader if she would be liable for prosecution in the situation as follows. Our reader has three dogs who spend time in her garden. Her next-door-neighbour’s children frequently climb on their Wendy house, bend over the six-foot high fence and into her garden, and make woofing noises at her dogs. Our reader has repeatedly asked the children’s parents to stop this as it winds her dogs up. Clearly the children mean no harm, but considering our reader’s efforts to make her adult neighbours aware of the problem, if her dogs nipped the children’s fingers, we feel it would be disproportionate to prosecute.

— Some readers who work in dog rescue and re-homing have expressed worry that they may no longer be able to take on dogs who require training and rehabilitation before they are re-homed if they are likely to be prosecuted for a dog undergoing training to cause fear of injury.

Whether a dog is a danger to public safety:

— We are worried that if an owner is taken into account when assessing whether or not a dog will be a danger to public safety, more dogs who pass behavioural assessments with flying colours and could be re-homed away from bad owners will simply be euthanised when a good home could have been found for them.

Further options:

— We are disappointed that no preventative measures, or efforts to encourage education and training have been made. We are seriously unimpressed that Defra thinks its Chip My Dog Facebook page and Twitter hashtag are evidence of appropriate education of Britain’s estimated eight to 10 million dog owners, depending on which study you read. The Chip My Dog Facebook page has 374 “likes” at the time of writing. This clearly fails to reach the vast majority of the dog owning population.

— The £50,000 funding for animal welfare organisations and the police to promote responsible ownership across the whole of the country seems sadly indicative of Defra’s commitment to tackle a real and serious problem.
The support for Dog Control Notices is pretty much across the board, from police to postal unions, and animal welfare organisations. This is an opportunity to provide some level of intervention before things get out of hand in a lot of cases. The Dangerous Dogs Act is badly enforced across the country and further funding should be given to police and local authorities so irresponsible owners can be prevented from allowing their dogs to leave children needing plastic surgery and counselling.

We are also disappointed to see breed-specific legislation retained, but are pleased to see no further breeds will be added at present. Enforcement of the DDA currently focuses on seizing family pets who have never shown signs of aggression just because they look a certain way. We would like Defra to consider how much safer the country would be if the millions spent on kennelling these dogs, taking them through a court process, and killing lots of them was spent on productive, preventative measures.

We seriously think the ease at which people can breed and sell dogs in this country is part of the problem and needs consideration. At least three of the nine children killed by dogs since the DDA was enacted were killed by the dogs of owners who were breeding them. Why are we letting people who clearly have no understanding of canine behaviour and responsible ownership produce dogs and sell them for profit to the public without any restrictions?

April 2013

Written evidence submitted by Kendal Shepherd

Do Defra’s draft clauses translate the Government’s intentions on dog control into clear, proportionate, and effective legislation?

It depends on what legislation is designed to achieve. In terms of prevention of dog bites, legislation alone has achieved and, will achieve, nothing. In terms of creating a criminal offence and punishing offenders as defined in the law, it has achieved lots of court cases, dog seizures, dog destruction and cost to the taxpayer. The amendments as proposed will achieve more retribution in more places, but will do absolutely nothing to prevent dog bites.

Do the proposed measures provide a sufficient legislative base to tackle irresponsible dog ownership?

Before “irresponsible dog ownership” can be “tackled”, “irresponsible” needs to be defined, and, for public information, education and co-operation, the definition transparently shown to be linked to the occurrence of dog bites, both in and out of the home. What exactly does “irresponsible” entail?

— Not vaccinating one’s dog?
— Not taking it training?
— Not having regular veterinary examinations?
— Owning too many dogs?
— Owning too many big dogs?
— Keeping them in the garden?
— Keeping them on lead all the time?
— Letting them off lead all the time?
— Owning a Pitbull look-alike?

All the above factors will be cited as “irresponsible”, yet with no proven connection between any of them and dog bite incidents. We have hardly begun to investigate what the risk factors are for dog bites, and whether the standard media definition of “irresponsible” is sufficient to explain what has happened. Indeed, the very fact that a dog has bitten at all is taken as evidence of “irresponsibility”—this is as superficial an explanation as assuming that every car collision, however minor, must be the fault of a drunk driver, but with no investigation to find out whether this was or wasn’t true.

What is known are the glaringly obvious common factors in child and adult fatalities, both in the UK and US, which are apparently too much of a political and social “hot potato” to even discuss, let alone make public with aim of prevention of such tragedies.

If not, which additional measures should be brought into law?

1. Mandatory and thorough investigation of all dog bite incidents, carried out by those with proven academic and practical expertise in canine behaviour and up-to-date knowledge regarding the dog-human relationship, not to apportion blame but to discover cause.

2. Mandatory education of all primary school children regarding dog behaviour and how to keep themselves safe, in the same way as any other health and safety lessons are taught (food hygiene, dangers of fire, traffic, strangers, sexually transmitted diseases etc).
Are any of the proposed measures unnecessary or counterproductive?

1. It remains to be seen what effect the apparently “adverse” High Court decision on R. v. Sandhu and the proposal that “the character of the owner or keeper, as well as the temperament of the dog and its past behaviour, along with any other relevant circumstances” (quote Lord de Mauley) in deciding whether a dog poses a danger to public safety, will have in terms of public education and reliable assurances.

I was the veterinary and behavioural expert whose evidence regarding the two Sandhu dogs was undisputed by the Prosecution as to the good nature of both, and, as a result of the High Court appeal (which confirmed that a change of keepership was indeed allowed—often disputed in the past by Prosecution representatives), resulted in the dogs finding a caring and responsible home rather than being destroyed. I am also, at present, one of only a handful of “dangerous” dog assessors who routinely insist upon a history of a dog—its past behaviour, its veterinary history, how it has been trained etc—in order to come to a thoroughly informed conclusion about a dog, its owner or keeper, and its prognosis.

The insistence upon assessment of both dog and owner (or keeper) is, on the face of it, eminently sensible as long as such assessments are thoroughly carried out by those both academically and experientially qualified to assess both the behaviour of dogs and the nature of the current, or proposed, dog-human relationship. Knee-jerk assumptions regarding “responsibility” and out-dated views on dog training, will not suffice to keep the public safe. The credentials of any assessors are essential to ensuring accurate analysis, natural justice, and, in turn, public safety.

2. Although I have every sympathy with the owner of any guide dog, whose companion is pounced upon, I do not think the measures—to make an attack upon another dog carry the same retributive weight as an attack on a person—will prevent these occurring, for all the reasons already stated. As far as I am aware, there is no evidence that guide dogs are attacked with any more frequency than any other dog, and even if they are, we are no-where near knowing the cause. Any dog-dog interaction is dependent upon both parties and it is well-recognised that guide dogs are specifically selected for their lack of normal response to other dogs. Until the true causes of such attacks are identified and the causes made public, punishment for them will not prevent them.

3. The extension of criminal liability onto private property as a preventative measure will fail in exactly the same way as it has failed in public. The only positive outcome will be that, as a private property bite will then be a criminal offence, defendants will be eligible for legal aid and thus both they, and the Courts, will stand at least a small chance of gaining properly informed independent behavioural assessment and insight into the incident and the reasons for it. Whether the legal aid system will be able to support the extra drain on its resources is another matter.

4. The proposed exemption of dogs which bite trespassers, or any person present on a property without permission, demonstrates a spectacular ignorance of how dogs perceive the world and their behaviour. It expects that any dog can distinguish the motivations of a person perceived by them to be an intruder and alter their behaviour accordingly. Yet by the same actions—canine aggression—dogs are given the accolade of “hero” on one hand, or condemned as “villain” on the other. By condoning a dog which bites in any circumstance, dog aggression is itself condoned, and all the emotions and experiences which lead to a dog bite (or “attack”) in the first place, predominantly fear and lack of suitable socialization experience. We either have to accept the fact that dogs bite, rationalize it and use our knowledge to prevent it—thereby condoning and mitigating for bites involving all categories of “victim”—or make illegal any dog bite anywhere, regardless of who the “victim” is. We cannot have it both ways and be perceived as rational by our descendants.

April 2013

Written evidence submitted by Trevor Cooper

SECTION 3

Extension to include private land

I doubt that this provision would have the effect of preventing incidents so all it is likely to achieve is to make it possible to punish after the event. The risk of punishment on its own is therefore unlikely to be an adequate preventative measure.

I accept that there should be an offence if a lawful visitor to private land is injured by a dog (or reasonably fears injury from the dog). This would make it an offence for example, if:

— a postal worker was attacked in the garden, or
— a health visitor, friend or family member was attacked inside the home.

However, the Bill is far more extensive than this and seems to extend the offence even for incidents involving unlawful visitors. In my opinion, this isn’t fair on either the dog or the owner/person in charge of the dog. The Householder Case defence as currently drafted does not provide sufficient exemptions as it seems to me that there should never be criminal liability if someone is on private land without lawful authority to be there.
None of the following would appear to fall within the Householder Case defence under the Bill:

— A dog chases a burglar out of the home and into the garden and injures him.
— The owner has gone out and leaves the dog alone inside the home. A burglar enters and the dog injures him.
— A trespasser enters the back garden and the dog injures him.
— A dog injures a trespasser on farmland.
— A dog injures a burglar in farm buildings.

It seems to me that if someone is on private land without lawful authority to be present they must be accepting responsibility for their own actions. It is expecting far too much for a dog owner to be able to predict when a trespasser may come in. How is a dog owner supposed to ensure they do not commit an offence? It is also expecting far too much to assume that a dog will know when it can and when it can’t respond to a trespasser.

Extension for assistance dogs

I entirely accept that something needs to be done regarding attacks on assistance dogs.

Although there is no suggestion that the Bill should extend to all dog on protected animal incidents (in the way that is being proposed by the Welsh Government), I feel I should comment on the existing provisions that apply:

— Section 3 DDA can already apply to any dog on animal incident if during that occasion a person is injured or they reasonably fear injury for themselves.
— There is also the existing Dogs Act 1871 which can be used if a dog is dangerous (eg it poses a danger to other dogs) and not kept under proper control, in which case an order can be made for the dog to be kept under proper control or destroyed. Useage of this Act has declined in recent years and I would strongly encourage prosecuting authorities to make use of their existing toolkit.
— It is already a criminal offence under the Dogs (Protection of Livestock) Act 1953 if a dog worries livestock on agricultural land.

Impact on Insurance

Has the insurance industry been contacted for their views on the proposed changes to Section 3? My understanding is that some pet insurers won’t pay out for compensation if it is ordered by a criminal Court. I suggest that an urgent approach is made to ensure there aren’t unintended consequences as, despite the Bill’s intentions, it might make it more difficult for victims to obtain compensation.

SECTION 1 & 4B

Owner led application for exemption

In DEFRA’s news release dated 9 April 2013 Lord de Mauley says “When a banned breed [sic] is identified, its owners can apply to have it exempted from destruction”. However, the Bill contains no procedure whereby any such application can be made.

This would be a straightforward amendment and would allow responsible owners to come forward and apply to a Court for registration, provided of course that:

— notice is given to the Police, and
— the owner can prove that the dog does not pose a danger to the public, and
— all the conditions of the exemption are complied with.

“Bail”

It had been proposed that the Police would be given power to release a dog back to its owner if they are satisfied that the dog is not dangerous, before the case is concluded at Court. However, the Bill contains no such provision. It seems to me that there are good welfare and cost benefits for this to be done.

Fit and proper person test

This did not form part of the consultation and so it is difficult to gauge the reasoning behind this proposal.

The suggestion is that it is needed because of an “adverse judgement” [sic] in the case of Sandhu. Yet what hasn’t been said is the impact of that judgment in the 10 months since the ruling. I fully accept that if this judgment has led to dog attacks then a change would indeed be justified. However, no such evidence has been provided. Bear in mind that the Court must currently decide that the dog does not pose a danger to the public and, of course, they already have the power to disqualify the offender from having custody of a dog.
A significant benefit of the Sandhu ruling is that it has confirmed that it is permissible for there to be a keeper separate to an owner. This means that a dog that a Court has found poses no danger to the public could be allowed to be kept by someone other than the owner provided that the Index of Exempted Dogs is notified and all the other conditions of the exemption are complied with. However, the proposed Bill does seem to cast doubt on whether that would still be possible as the implication is that a Court would have to find that a keeper is also fit and proper—yet at the time of the hearing it may be that the owner is able to retain the dog and so a keeper would not necessarily be even considered, let alone that they may have someone in mind.

If Parliament decides to impose a fit and proper person test, then a sensible way forward would be to provide for an application to be made to a Court whereby a new keeper could be appointed.

April 2013

Written evidence submitted by Denise Greenfield

I have read the amendment from Defra and it doesn’t appear that it will do anything to prevent dog attacks; they have just thought about what punishment people could get after an attack by a dog. It’s all about destroying dogs and nothing about punishing owners which we all know are the problem. I would have liked to see Defra take this opportunity to encourage responsible ownership of dogs.

This new amendment will not stop dog attacks and will allow the killing of thousands of innocent family pets. All dog attacks should be looked at individually and not blamed on certain breeds. We need a deed-not-breed way to do things. We also need a complete change to the Dangerous Dogs Act, which was brought in with haste, a bit like this one, after the horse had bolted. This Act hasn’t worked; it has taken thousands of pounds of taxpayers’ money for needless kennelling of our pets who are neither dangerous nor a threat. It has cost us our family members, because that is what they are to us. It has cost lives—there have been suicides when the dogs have been seized—and it is costing stray dogs that you deem type there life’s, often with the people that are having to put to sleep crying as they do it because that dog would have made a faithful family pet.

Please take time to rethink the new laws and to abolish this old law of 1991. Let this be the year you start to listen and stop seizing our family and start thinking about the deed, about the action, not our breeds. Adding more to the Act is just ridiculous—any dog can be dangerous in the wrong hands. Make the owners not the dogs accountable. We have to have a licence to drive, tax and insurance, anyone can own a dog. Please think about our dogs. Thank you, bull breed owner all my life.

April 2013

Written evidence submitted by Elissa Gravells

Our German Shepard Cross Angus was taken from us by the Police to Nant-y-corn Kennels near St George in December 2011. We are deeply concerned for his welfare. We have been unable to see Angus for the last year because the rules state that disclosure of the kennel location could pose a risk for owners attempting some kind of criminal behaviour. We understand that the Home Office guidelines indicate that we should be getting regular updates with regard to Angus’ care and well being. Furthermore, the Home Office guidelines state that these cases should be dealt with as a matter of urgency due to the welfare of the animal and the distress caused to the family from whom the pet was taken. This, in our case, has not happened.

Today we are devastated to be told that our next court hearing will be in approximately six months time, which means we may have to wait two whole years or more before we find out whether or not we can secure the safe return of Angus. This case has been extremely delayed due to the fact that it should have been dealt with in Magistrates Court however will be dealt with by the Crown Court due Magistrates not wanting to be the “trend setters” in regard to the new guidelines. Despite the fact Angus may be in the very best kennels that anyone could expect, he will likely be adversely affected by the lack of the family environment he was used to. The longer he is there the worse this may affect him; he may need lengthy training and careful socialising as a result of his captive environment. Therefore the need to return him at the earliest time is of paramount importance for his welfare and our own, not to mention the cost of his care, for which we are still unaware whether it will our responsibility or not.

I would like Angus returning as soon as possible and if there is anything anyone can do to help this process be as quick as possible, please, please, do that, because he is a beautiful and loving dog who does not deserve this distressing experience. His thorough and shining expert report speaks volumes to his good nature and temperament, and in these circumstances I believe there should be an opportunity to have dogs like Angus returned pending court.

In our experience the damage has already been done, we have already been punished through grief, worry, expense and the consequences we may still yet endure. At no time would I accuse any dog owner of lacking compassion towards any party subject to injury by their dog. I suggest change for the sake of future victims of the way the law currently deals with owners of so called “dangerous dogs” under the dangerous dogs act. I
suggest there should be a time limit for assessing dogs and a fit and proper person test, in order that the potential outcome of dogs like Angus can be considered before a lengthy court process. It is important to consider that at present the safe return of the dog could be used as a bargaining chip in the courts process.

It would only be fair if the law consider the infinite number of circumstances by which a savage attack, bite, nip or scare may occur; whether it be by accident or otherwise. Considering all these possibilities to be the sole limited liability of the dog owner and therefore only considering mitigation is unjust. Put plainly it is not acceptable to give a normal law abiding citizen a criminal record.

If government wish to pass laws to control the behaviour of dogs everywhere in the UK, a comprehensive understanding of canine behaviour and acceptable human behaviour around dogs needs full research by experts, in order that appropriate education can be provided at primary school level and upwards in order to bridge the lack of understanding in our society, which arguably should be provided by parents at school age. If, as a society, we decide to go down the path of micromanaging society in this depth, we surely should take responsibility for defining all behaviour expected by the dog, owner and victim.

May 2013