



The Scottish Parliament
Pàrlamaid na h-Alba

ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

AGENDA

16th Meeting, 2017 (Session 5)

Tuesday 30 May 2017

The Committee will meet at 9.45 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.
2. **Subordinate legislation:** The Committee will take evidence on the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft] from—

Dr Tim Parkin, School of Veterinary Medicine, University of Glasgow;

and then from—

Melissa Donald, Scottish Branch President, British Veterinary Association;

Jim Dukes, Recommended by the Scottish Gamekeepers Association,
Dukes Vet Practice;

Runa Hanaghan, Deputy Veterinary Director, Dogs Trust;

Alan Marshall, Scottish Committee Member, British Association for
Shooting and Conservation;

Dr Tim Parkin, School of Veterinary Medicine, University of Glasgow.

3. **Subordinate legislation:** The Committee will consider evidence heard earlier in the meeting.

Lynn Tullis
Clerk to the Environment, Climate Change and Land Reform Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5240
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The papers for this meeting are as follows—

Agenda item 2

Tail shortening cover note

ECCLR/S5/17/16/1

PRIVATE PAPER

ECCLR/S5/17/16/2
(P)

Environment, Climate Change and Land Reform Committee

16th Meeting, 2017 (Session 5)

Tuesday 30 May 2017

**The draft Prohibited Procedures on Protected Animals (Exemptions)
(Scotland) Amendment Regulations 2017 cover note**

Purpose

1. The draft [Prohibited Procedures on Protected Animals \(Exemptions\) \(Scotland\) Amendment Regulations 2017](#) would permit the shortening, by up to a third and by a vet, of the tails of spaniel and hunt point retriever puppies where a vet believes they are likely to be used as a working dog and possibly risk serious tail injury in later life.

Background

2. The draft Scottish Statutory Instrument (SSI) was laid on 12 May 2017 and has been designated to the Environment, Climate Change and Land Reform Committee for scrutiny. The Committee has 40 days to consider the instrument.

Current approach in Scotland

3. Tail shortening of dogs has been prohibited in Scotland since 2007 under [section 20 of the Animal Health and Welfare \(Scotland\) Act 2006](#). It is also an offence to take a protected animal from Scotland to a different regulatory regime for the purpose of having its tail docked in another country.

Approaches across the UK

4. In England and Wales, [section 6 of the Animal Welfare Act 2006](#) also makes tail docking an offence but does allow for an exemption for docking the tails of certain working dogs. Northern Ireland also permits, under [section 6 of the Welfare of Animals \(Northern Ireland\) Act 2011](#), an exemption to a ban on tail docking of breeds used for hunting, pointing or retrieving if intended to be used for that work.

Development of proposals to make an exception to the ban in Scotland

5. Following the ban in Scotland there were calls from groups involved with working dogs for a similar exemption to allow the docking of certain working dogs in Scotland as currently applies in England, Wales and Northern Ireland. They said that undocked spaniels and hunt point retriever breeds were susceptible to a high incidence of tail injuries, which caused more suffering than shortening their tails within a few days of birth.

6. In 2013 the Scottish Government funded two studies by the University of Glasgow ([Lederer et al](#) and [Cameron et al](#)) to look at the incidence of tail injury in undocked working dogs. Both studies concluded that tail docking of spaniels and hunt point retrievers may be appropriate, with Lederer et al writing that it would “significantly decrease the risk of tail injury sustained while working”. The abstracts of the two studies are available in **Annexe A**.

7. Following publication of the research, in April 2014 the [Scottish Government announced](#) that it had asked key organisations with an interest in the issue to consider the findings and comment on whether they merited consideration of a possible exemption to the ban on tail docking for specific working dogs. A [letter to the then Rural Affairs Climate Change and Environment Committee](#) from the Cabinet Secretary for Rural Affairs, Food and the Environment in October 2015 summarised the responses of organisations consulted. It concluded by saying that:

“Therefore, on the basis of the arguments presented, and provided effective safeguards could be designed, the Scottish Government would be willing to formally consult to ascertain whether this proposed course of action – a tightly defined exemption regime – would be supported or whether the current position of an outright ban should be maintained.”

Scottish Government consultation

8. The Scottish Government published a [consultation paper](#) in February 2016 which sought views as to whether to introduce a tightly-defined exemption to Scotland’s dog tail docking ban. An [analysis of the 906 responses](#) was published on 4 October 2016 and in summary said:

“Those involved in field sports were generally supportive of introducing an exemption to the current total ban; those not involved in field sports – and particularly animal welfare organisations and members of the general public – tended to argue against a change in legislation.”

9. The analysis also summarised the key arguments for the introduction of a tightly defined exemption as:

- the pain of tail docking for a puppy is much less than the pain caused by injury in later life
- docking is a less invasive and painful process than tail amputation(s) in later life; and
- there is a high risk of tail injuries for undocked dogs.

10. The key arguments against a tightly defined exemption were summarised as:

- tail docking causes distress and pain to a puppy;
- the tail is an essential form of communication and expression for dogs; and
- it cannot be assumed that a puppy will become a working dog.

11. All 906 submissions are also [available online](#).

Scottish Government decision

12. On the same day as the consultation analysis was published, the Cabinet Secretary for Environment, Climate Change and Land Reform wrote to the Committee to announce that:

“Scottish Ministers have agreed to permit the shortening, by up to a third in length, of the tails of Spaniel and Hunt Point Retriever puppies that are likely to be used for working in their later lives. This will allow individual veterinary

surgeons to use their professional judgement about whether shortening the tail of a puppy is justified by the possible avoidance of more serious injury in later life.”

Committee consideration

Oral evidence

13. The Committee has agreed to take evidence on the instrument from a range of stakeholders. These are:

Panel 1

- Dr Tim Parkin, School of Veterinary Medicine, University of Glasgow (who was one of the authors of both University of Glasgow studies)

Panel 2

- Melissa Donald, Scottish Branch President, British Veterinary Association
- Jim Dukes, Dukes Vet Practice, recommended by the Scottish Gamekeepers Association (Mr Dukes is a practicing veterinarian)
- Runa Hanaghan, Deputy Veterinary Director, Dogs Trust
- Alan Marshall, Scottish Committee Member, British Association for Shooting and Conservation (Mr Marshall is also a practicing veterinarian)
- Dr Tim Parkin, School of Veterinary Medicine, University of Glasgow (Dr Parkin will remain at the table for the second panel)

14. The Committee has received written submissions from the British Veterinary Association, Scottish Gamekeepers Association, Dogs Trust and the British Association for Shooting and Conservation. These are all included in **Annexe B**.

15. At its meeting on 13 June 2017 the Committee will hear from the Cabinet Secretary for Environment, Climate Change and Land Reform on the instrument before considering the Scottish Government’s motion to approve the Regulations. Whichever decision the Committee makes, a similar motion will subsequently be considered at a full meeting of the Scottish Parliament.

Written evidence

16. The Committee has also issued a [call for written evidence](#) on the instrument. The deadline for responses is **12 noon on Thursday 1 June 2017**. Evidence received after this deadline will be published on the Committee’s website but will not be considered by the Committee as part of its scrutiny of the draft Regulations.

SPICe briefing

17. For further information on this issue, the Scottish Parliament Information Centre (SPICe) has also [published a briefing on tail shortening](#).

Delegate Powers and Law Reform Committee consideration

18. The [Delegated Powers and Law Reform \(DPLR\) Committee](#) has also scrutinised the instrument to ensure that it is within the Scottish Government’s powers as well as whether it is accurate, achieves the intended policy and that the

drafting is clear to the end user. In this case the DPLR Committee [has raised no points in relation to the instrument](#).

Clerks

Environment, Climate Change and Land Reform Committee

Annexe A

Abstracts of the two University of Glasgow studies

The abstract of the study by [Lederer et al](#) (2014):

“Working dog owners in Scotland were invited to take part in an internet survey regarding the 2010/2011 shooting season, which was designed to estimate the prevalence of tail injuries; assess the risk of tail injuries in docked and undocked working dogs; and identify risk factors for owner-reported tail injuries. Of 2860 working dogs, 13.5 per cent sustained at least one tail injury during the 2010/2011 shooting season. Undocked spaniels and hunt point retrievers (HPRs) were at greatest risk of tail injury with 56.6 per cent of undocked spaniels and 38.5 per cent of undocked HPRs sustaining at least one tail injury during the season. There was no statistically significant difference in the risk of tail injury in dogs with tails docked by one-third, half or shorter. To prevent one tail injury in one shooting season, between two and 18 spaniels or HPRs would need to be docked as puppies. The authors believe that this work provides the best available evidence on which to base a consultation for changes to the legislation on tail docking in working dogs in Scotland. Docking the tails of HPRs and spaniels by one-third would significantly decrease the risk of tail injury sustained while working in these breeds.”

The abstract of the study by [Cameron et al \(2014\)](#):

“The aim of this paper was to estimate the prevalence of tail injuries that required veterinary examination in different breeds of dog in Scotland. The study population included all dogs that had visited one of 16 veterinary practices located in Scotland between 2002 and early 2012. The overall prevalence of tail injuries in dogs visiting one of the 16 veterinary practices was 0.59 per cent. The prevalence of tail injuries in dogs of working breeds was estimated to be 0.90 per cent. Working dog breeds that were examined by a veterinary surgeon were at a significantly greater risk of sustaining a tail injury than non-working breeds ($P < 0.001$). To prevent one such tail injury in these working breeds approximately 232 dogs would need to be docked as puppies. To prevent one tail amputation in spaniels, 320 spaniel puppies would need to be docked. Spaniels presented after January 2009 were 2.3 times more likely to have a tail injury than those presented before April 29, 2007 (date of the legislation that banned tail docking in Scotland). Given the results of this and the accompanying paper it may be appropriate to consider changes to the current legislation for specific breeds of working dogs.”

Annexe B**Written evidence has been received from:**

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Written submission from the British Association for Shooting and Conservation

The British Association for Shooting and Conservation (BASC) has over 11,000 members in Scotland. We know that approximately 50% of them have at least one working gundog. Many of our members will therefore have either spaniels or Hunt Point Retrievers and a considerable interest in tail shortening.

As an organisation we have lobbied to seek the reintroduction of tail shortening in Scotland for the past ten years, including organising the first public petition on this subject. We have advised Scottish Government on the research that it has funded, following on from our petition, and worked with others, including veterinary surgeons, who have lobbied for repeal. We support the introduction of The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 and believe that they are essential in ensuring the welfare of working dogs in Scotland.

BASC strongly believes that the evidence presented in a number of studies, in particular Lederer, Bennett and Parkin (2014), confirm that the pain of shortening of the tails of HPR and spaniel puppies is outweighed by the avoidance of more serious tail injury later in life. In fact, the authors of the above paper state: "Docking (shortening) the tails of HPRs and spaniels by one-third would significant decrease the risk of tail injury sustained while working in these breeds."

This position is supported by a significant number of veterinary surgeons, in particular those working in rural locations, who are regularly exposed to serious/chronic tail injuries in undocked working dogs of these breeds. It is also supported by the many owners of working dogs who have experienced the repeated injury and subsequent amputation of unshortened tails. Tail amputation in adult dogs is a significant and painful operation requiring a full anaesthetic that carries a high risk of infection and often results in further procedures. This is entirely preventable when a simple tail shortening procedure is carried out at birth.

It should be noted that the pain associated with the shortening of puppies' tails has been seen as comparable with that associated with microchipping a dog – now a legal requirement in Scotland.

Lederer, Bennet and Parkin (2014)* clearly demonstrate that there is no evidence of any benefit of extending tail shortening to more than the end third of the tail of spaniels and HPRs. This corroborates earlier work that surveyed working gundog

owners in Scotland that showed that tail shortening by more than a third was unnecessary (Bruce-Jones, pers. comm.).

When tail shortening was permitted in Scotland “short-docking” of tails was more commonly associated with the cosmetics associated with breed standards for showing rather than for prophylactic reasons for working dogs. “Short-docking” is clearly not needed, nor is it desired by those with working dogs.

While BASC is supportive of allowing all veterinary surgeons to shorten tails of working gundog puppies we recognise that many may chose not to do so, as is the case in England, Wales and N. Ireland where tail shortening is permitted. We respect the fact that some veterinary surgeons already choose not to undertake certain procedures.

We are generally supportive of requiring veterinary surgeons who have shortened dogs’ tails to carry out both microchipping (at an appropriate age) and registration of these dogs. However, there may be situations that arise (for a variety of reasons) when one veterinary surgeon carries out the tail docking and another would then be expected to carry out microchipping and registration. It will be sensible to ensure that this is not too prescriptive and we support the current proposal contained in the The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017.

It is clear to us, from the many comments that we have received from members and from the support that our petition on tail shortening received, that the greatest financial impact has been on breeders trying to sell undocked litters of working spaniels, HPRs etc. Many of them have stopped breeding working dogs because their previous clients now seek tail shortened dogs from England, Wales or Ireland.

Others have gone to considerable expense to have their dogs sent to England to have the litters born there and the tails legally shortened. This has been a cost on both commercial breeders and those breeding from their pet working gundog. This cost, both financial and in animal welfare terms, has not been quantified but we believe that it has been substantial. If tail shortening was to be permitted this cost would disappear, as would the suffering caused to adult working dogs who repeatedly injure their unshortened tails.

*Lederer, R; Bennet, D and T Parkin: Survey of tail injuries sustained by working gundogs and terriers in Scotland. Veterinary Record. Published online April 4, 2014.

Dr Colin Shedden
Director Scotland
British Association for Shooting and Conservation
22 May 2017

Written submission from the British Veterinary Association

[**Note:** This is based upon the British Veterinary Association's joint submission with the British Small Animal Veterinary Association to the Scottish Government's consultation on the proposal to permit tail docking of working Spaniels and Hunt Point Retrievers]

Question 1: Should the Scottish Ministers allow vets in Scotland to dock Spaniel and Hunt Point Retriever puppies if they believe on the evidence presented to them that they are likely to be used for working in future and that the pain of docking is outweighed by the possible avoidance of more serious injuries later in life?

We are opposed to the docking of puppies' tails and therefore do not agree with the Scottish Ministers' proposal to change the existing legislation to allow vets in Scotland to dock Spaniel and Hunt Point Retrievers puppies.

For the purposes of this consultation we define docking to be the amputation of the tail of a puppy under the age of 5 days without anaesthetic.

We consider that puppies suffer unnecessary pain as a result of docking and are deprived of a vital form of canine expression. Chronic pain can arise from poorly-performed docking. We would like to reiterate that surgical operations should not be undertaken unless necessary for therapeutic purposes and that docking should be banned as a procedure, for all breeds of dog.

Tail-docking involves the cutting through or crushing of skin, muscles, up to seven pairs of nerves, bone and cartilage. '*A review of the scientific aspects and veterinary opinions relating to tail docking in dogs*', commissioned for Defra's animal welfare division in 2002¹ concluded that:

'The arguments put forward by those who wish docking to be continued are unsound from a scientific viewpoint, are contrary to accepted standards for the welfare of the dog(s) and serve only to contribute to artificial physical breed standards. This review of the literature allows the following statements to be made with reference to tail docking in dogs:

- The removal of a tail, whole or in part, from a breed or type of dog that is born with a full tail, deprives the dog of a major body appendage and can result in behavioural changes in individual dogs;
- Tail docking definitely causes pain in neonatal puppies; neither anaesthetics nor post-surgical analgesics are routinely used'

Bennett (2003) concluded that 'all available evidence reviewed thus far is consistent with the claim that docking causes acute pain to those dogs under-going the

¹ A review of the scientific aspects and veterinary opinions relating to tail docking in dogs <http://www.cdb.org/defra/awbillconsulttaildocking.pdf>

procedure. In contrast, no evidence could be found to support the counter claim that newborn pups do not experience any pain at the time of docking'².

Docking also impacts on the primary socialisation period, causing pain during a time when puppies should be developing appropriate social skills.

The docking of neonates is a greater welfare concern than the reported percentage of tail injuries. Docking is painful and often carried out without analgesia in the neonatal period. Studies in human babies³ and laboratory animals suggest that infants retain a "memory" of a previous painful experience and their response to a subsequent painful stimulus is altered. There is no reason to believe this to be any different in cats and dogs who may thus be sensitised to painful experiences for the rest of their lives. This consequence seems to be unique to the neonatal pain experience.

Following a review of the evidence presented in the recently published papers^{4 5} we found no reason to change our stated position and we cannot support lifting the ban in Scotland.

While we acknowledge that the evidence presented in the papers show that Spaniel and HPR dogs were those most likely to be reported to suffer tail injuries we note that the prevalence of tail injuries in these breeds, overall, is still low and many of these tail injuries were not sufficiently serious to require veterinary treatment.

While it is clear that removal of part of a tail will reduce injuries to the tail we would like to highlight the fact that the papers reported that the number of tails that would need to be docked to prevent one tail injury requiring veterinary examination (pointer/setter, HPR or spaniel) is between 81 and 135 and the number of puppies that would need to be docked to prevent one amputation (spaniel) = 320 (in section: The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland, entitled 'Numbers Needed to Treat').

In making decisions about any change to the legislation it is important to weigh the potential for reduction in the risk of injury through docking the tail of a puppy with the pain during and after docking inflicted on a large number of puppies.

We were pleased when a complete ban on docking was secured in Scotland in 2007. Any concession would be a retrograde step for Scotland when prior to now it has always been cited as a key example of the Scottish lead on animal welfare.

² Tail docking in dogs: A review of the issues (2003)

https://www.researchgate.net/publication/8623409_Tail_docking_in_dogs_A_review_of_the_issues

³ Whitfield MF, Grunau RE. Behavior, pain perception, and the extremely low-birth weight survivor. Clin Perinat 2000;27:363-379

⁴ Survey of tail injuries sustained by working gundogs and terriers in Scotland

<http://veterinaryrecord.bmj.com/content/174/18/451.short>

⁵ The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland <http://veterinaryrecord.bmj.com/content/174/18/450.short>

Question 2: If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you agree that such tail docking should be limited to the end third of the tail?

We do not support a change in legislation as we do not support tail docking in working dogs. Even in the breeds most frequently affected by tail injuries the harm benefit analysis does not provide evidence that docking of the last third of the tail bears any welfare benefit to the dogs. An overall incidence of 4.4% of tail injuries as listed in the cited paper, which does not give any indication of the severity of the injuries, does not justify that 95.6% of dogs need to undergo a painful surgical procedure.

A recent study in piglets⁶ demonstrated neuroma formation (a growth or [tumour](#) of nerve tissue) in up to 64% of docked tails with implications for chronic pain experience. No difference in neuroma formation was found in different tail lengths (75%, 50% or 25% of original length). Studies in lambs have also demonstrated neuroma formation, therefore it's likely that dogs may develop neuromas and possibly associated chronic pain regardless of docking length.

We consider that the dog should retain its natural tail - one potential benefit of increasing tail length is in behavioural communication. However, if the decision was made to permit limited tail docking, consideration should be given to the results published by Lederer, Bennett and Parkin⁷ which suggest that, in Spaniels and HPRs, there did not appear to be any additional protection against tail injury by docking by more than one third.

Finally, if the tail is to be shortened, then minimising the length to be amputated may at least allow for some level of normal intraspecific communication.

Question 3: If the Scottish Ministers decide, after consultation, to permit limited tail docking for Spaniels and Hunt Point Retrievers, do you think the following would help effectively restrict the exemption to future working dogs?

	Yes	No	Don't Know
Permit all veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Permit only specially approved veterinary surgeons to dock on evidence to their satisfaction that dogs are likely to work in future	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Require veterinary surgeons that have docked dogs likely to work in future to carry out the microchipping and registration of that dog	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁶ Effects of tail docking and docking length on neuroanatomical changes in healed tail tips of pigs (2015)
<http://www.ncbi.nlm.nih.gov/pubmed/25482535>

⁷ Survey of tail injuries sustained by working gundogs and terriers in Scotland
<http://veterinaryrecord.bmj.com/content/early/2014/03/27/vr.102041.full>

Based on the experience of England, Wales and Northern Ireland, we consider it is difficult to genuinely restrict tail docking to puppies that later go on to be working dogs ([Veterinary Record, Feb 24 2007](#)). Even if it were possible, we would be unable to support a change in legislation as we do not support tail docking in working dogs, and as outlined in Question 2 above, in the breeds most frequently affected by tail injuries a large number of puppies have to be docked to prevent a single serious tail injury. Where there are exemptions to the ban for certain working breeds, the rules are being abused and we believe it is impossible to genuinely restrict docking to working dogs.

If tail docking is to be permitted in Scotland, it should be done so on the basis of evidence, there should be a requirement for evidence that puppies from previous litters have been used as working dogs. This should include details of the precise number from each litter which went on to be used as working dogs, in order to build a picture of the authenticity of the breeder as a breeder of working dogs. To support this, there should be a central register of legally docked dogs for traceability. However, if Scottish Ministers did decide to permit limited tail docking for spaniels and hunt point retrievers, we believe that this should only be performed by a veterinary surgeon.

There are divergent views on whether all veterinary surgeons or only approved veterinary surgeons should be allowed to dock if the law is changed to permit tail docking in Scotland. While we do not consider it necessary for veterinary surgeons to be “approved” to carry out the procedure, there is no doubt that some veterinary surgeons are unwilling to dock puppies tails as they consider that the procedure is an unnecessary mutilation and inflicts significant welfare harms on the puppy.

Therefore, we would support any veterinary surgeon who does not wish to carry out the procedure. If the law is changed in Scotland to permit tail docking the answer may be to allow veterinary surgeons who are willing to carry out the procedure to sign up to a list so that breeders wishing to have their puppy docked can locate a veterinary surgeon willing to carry out the procedure.

In terms of microchipping, it is important that if docking is allowed, then the member of the veterinary practice that carries out the docking should also be responsible for microchipping the puppy, to ensure that certification in respect to identification of the puppy is accurately completed. In the case where the veterinary surgeon microchipping is different to the one who carried out the tail docking, they should be members of the same practice in order to ensure access to client records, correct identification of the puppy and accurate certification.

Question 4: Do you have any additional suggestions that you think might help to effectively restrict tail docking to future working dogs.

If tail docking is going to be allowed then there must be a legal requirement for documentary evidence to be produced at the time of docking, similar to that required in [England](#) and [Wales](#). Under this legislation, evidence of the dam must be presented, as well as a certificate including a completed statement signed and dated by the owner/representative and further approved evidence from one of a number of specified groups involved with working dogs.

However, we believe that this system is open to abuse and that it is impossible to genuinely restrict docking to working dogs. It is impossible to assess the suitability of a dog for a working role at 5 days old or less ([Alder, 2007](#)). We are therefore unable to make any specific suggestions as to how an exemption could be enforced and believe that any declaration of intent by an owner/breeder, however well supported by evidence at the time, could not reasonably be checked or followed up after the event, particularly if sold on to a new owner, as the majority of puppies will be.

Question 10 – Do you have any other comments on whether Scottish Ministers should introduce a tightly defined exemption to the ban on tail docking for working Spaniels and Hunt Point Retrievers?

We would be disappointed if the Scottish legislature reacted to any pressure to enact legislation that was not evidence based.

Dog welfare and veterinary associations agree that the docking of dogs' tails cannot be justified. For that reason, we would urge Scottish Government to stand firm on existing legislation, which exemplifies Scotland's commitment to animal welfare. Any concession would be a retrograde step.

In relation to the research via an online survey completed by owners of working dogs recruited through three major country sports associations (membership 17,500) – the results relate to a self-selecting sample of 1005 respondents and 2860 dogs. We do not believe that the conclusions drawn from this element of the study support a claim for a change to the legislation for the following reasons:

- The response rate in the study of owners was extremely low relative to the number of owners to whom it was advertised and we note that the authors admit that the low response rate may have resulted in an overestimation of the risk of injury, as owners of dogs which have had tail injuries may have been more likely to complete the survey.
- Although 29% of those completing the survey reported that one or more of their dogs had sustained a tail injury during the survey period (8/8/2011-3/10/2011) only 103 dogs (4.4%) received a tail injury which required veterinary treatment.
- The evidence gathered was anecdotal and owners were not required to provide evidence to support their claims, again, potentially leading to an overestimation in the risk.
- Although the authors conclude that these results suggest a clear potential benefit to be gained from docking (at least by one-third) in spaniels and HPRs, this does not take any account of the pain or distress inflicted by docking puppies.

British Veterinary Association and the British Small Animal Veterinary Association

Written submission from Dogs Trust

Background

Dogs Trust is the UK's largest dog welfare charity. We have twenty rehoming centres nationwide, including two in Scotland (Glasgow and West Calder). We have rehomed approximately 1,000 dogs in Scotland in the last year alone.

We are firmly opposed to the docking of puppies' tails, believing that puppies suffer unnecessary pain as a result of docking, and are deprived of a vital form of canine expression. We believe that surgical operations should not be undertaken unless necessary for therapeutic purposes, only with anesthetic, and therefore, that other than for veterinary medical reasons, the current ban on tail docking should remain for all breeds of dog.

Dogs Trust lobbied heavily for a complete ban to be introduced on tail docking in Scotland in 2007 and we were delighted when Scotland led the way for dog welfare and banned tail docking for all breeds. Whilst we accept that legislation must be reviewed from time to time, we do not believe that the research conducted by Glasgow University on behalf of the Scottish Government, which formed the basis of the recent Scottish Government consultation, is scientifically robust enough to warrant a review of the existing legislation.

We continue to call on the Scottish Government to leave the current legislation in place, to protect the welfare of all dogs.

Our concerns – Scottish Government commissioned research

Dogs Trust has reviewed the research papers used to inform the Scottish Government's decision to introduce an exemption for working spaniel and hunt point retrieve breeds of dog. Our assessment of both studies is set out below:

Research paper 1 – Survey of tail injuries sustained by working gundogs and terriers in Scotland (Lederer et al, 2014)

Dogs Trust is concerned that this paper reports on an online survey completed by owners of working dogs recruited through 3 major country sports associations (membership 17,500). The authors acknowledge that this community is known to have been clearly critical of the complete tail docking ban and so this may have increased the prevalence of tail injuries reported. Furthermore, only 6% of these members responded and may have been incentivised to do so because their dog had a tail injury, thus skewing the findings. The authors admit that the low response rate may have resulted in an overestimation of the risk of injury.

Dogs Trust is concerned that the surveys relied on owner reporting of tail injuries and those reported were not verified by following up with the dog's veterinary practice. This is concerning because tail injuries can vary from minor abrasion to severe laceration with significantly different effects on the welfare of the dog. Although 317 dogs were reported to have sustained at least one tail injury, only 103 dogs were

reported to have required veterinary treatment. Furthermore, 8% of the tail injuries reported were not related to work.

Based on the response to this survey, between 18-108 working breed puppies and 6-36 spaniel puppies would need to be docked to prevent a single veterinary treatment. Given the limitations of the study outlined above, this is likely to be an underestimation of the amount of puppies needing to be docked to save just one injury.

Research paper 2 – The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland (Cameron et al, 2014)

This paper reports on tail injuries presented at 16 veterinary practices in Scotland using records available between 2002 and 2012. The evidence provided by this study suffers from the low number of practices participating and the low prevalence of tail injuries in dogs, as only 8 practices were able to provide data to allow the comparison of prevalence of tail injuries before and after the ban on tail docking was introduced.

Based on this survey, 232 working breed puppies would need to be docked to prevent a single veterinary treatment; this increases to 323 for spaniel puppies alone. These figures are significantly higher than the figures in research paper 1 and therefore raise concerns over the reliability of the data from this research. The prevalence of tail injuries requiring veterinary treatment in this paper was 0.9% for working breeds, whereas in paper 1 owners reported a 4.4% rate for their dogs. This considerable difference also casts doubt on the reliability of the data in paper 1.

Dogs Trust is concerned that there is no attempt in these research papers to relate the frequency of tail injuries to injuries to other parts of the dogs' bodies from the same activity, or to quantify the severity of the injuries to tails.

Our concerns – other peer-reviewed research

The results of the two studies commissioned by the Scottish Government are also brought into question by research published by Diesel et al. (2010). This study compared data from veterinary practices on dogs that had sustained a tail injury to randomly selected control dogs which had not sustained a tail injury. This study estimated that the 'number needed to treat' to prevent one tail injury was 500 dogs. This figure is significantly higher than the figures in the first research paper funded by the Scottish Government.

Diesel et al. also looked into risk factors for tail injury. They found that 'work' in itself was not a major risk factor and characteristics such as tail wag angle and whether the dog was kept in a kennel were more important factors associated with tail injury. The overall risk of injury was low and trauma not associated with working accounted for the majority of injuries seen.

There is good evidence to show that the act of docking causes pain. Noonan et al. (1996) studied the behaviour of 50 puppies during and after the procedure of tail

docking. They found that all puppies struggled and vocalised intensely and repeatedly (shrieking vocalisations) at the time of amputation of the tail.

Dogs Trust strongly believes that the results from the research submitted as evidence for the docking of working spaniel and hunt point retriever puppies' tails in Scotland is not robust enough for valid conclusions to be drawn. Conversely, other peer-reviewed research suggests that the overall risk of tail injury is low and that the procedure of docking is painful for puppies. We would not support any changes to the legislation on this basis and believe that Scotland should maintain the best welfare standards possible in this area, especially as this is often cited as a key example of how Scotland has led the way on dog welfare issues.

Our concerns – draft regulations

Dogs Trust has considered the Draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 and believes that the way they are currently drafted allows for significant loopholes. Specifically, we note the following points of concern:

Unlike in the Welsh and English Regulations, the proposed Regulations for Scotland do not specify the evidence that would be required to show the puppy is likely to go on to be a working dog. Both the Welsh and English Regulations specify specific evidence that should be provided to vets, such as a current shotgun or firearm certificate. By way of comparison, the Scottish Regulations would only require a vet to sign a certificate, without such supporting evidence. Dogs Trust has serious concerns about permitting tail docking under such conditions, as this is likely to result in full litters of spaniels and hunt point retrieve breeds being docked, which may never go on to work.

The Welsh and English Regulations also require a declaration from the owner to confirm that the dog is intended for working, in addition to a certificate signed by a vet. Dogs Trust is concerned by the lack of onus on an owner to prove that a puppy will go on to be a working dog.

The term hunt point retriever covers a variety of breeds of dog and the proposed Regulations do not specify exactly which hunt point retrieve breeds will be allowed to be docked. The Welsh Regulations specify the hunt point retrieve breeds being referred to. Without specifying breeds, the proposed Regulations provide a significant loophole for people to exploit- specifying breeds would help to limit the number of breeds included and dogs affected. The same can be said of the reference to 'a combination of these breeds'. Without specifying what is an acceptable combination it seems possible within the Regulations that cross breeds could be docked, therefore opening up further swathes of dogs to having their tail docked. In addition, both Wales and England require proof of the dam of the dog before docking any puppy.

Conclusion

The examples above highlight our concerns about the enforceability of the Regulations and potential loopholes that could be exploited. We strongly believe that

these Regulations pose a serious concern to the welfare of the dogs likely to be impacted by this legislation. Dogs Trust does not believe the introduction of these proposed Regulations will help to protect the welfare of the dogs involved and maintains that the Scottish Government should keep the current complete ban on tail docking unless for therapeutic reasons and in this instance under general anesthetic.

We call on the ECCLR Committee to reject the Draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

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Written submission from the Scottish Gamekeepers Association

The SGA believes an exemption to permit vets to shorten the tails of working Spaniels and Hunt Point Retrievers, by up to a third, within the first 5 days of life, is a progressive, evidence-based step for animal welfare.

- Glasgow University research showed, by shortening the tail by up to one third as a 2-5 day old pup, these animals would be **15 to 20 times less likely to suffer tail injury in later life**. Later life injuries typically result in prolonged pain, often involve repeated re-injury and, in a significant number of cases, adult tail amputation, a far more complex procedure.
- Working Spaniels and HPRs are bred to retrieve. In retrieving for the larder, they are irreplaceable to the game food industry. No one else can assume this role. Working dogs often operate in undergrowth, making them more susceptible to tail tip injury than other dogs or pets. **These dogs, therefore, are a unique sub-set of Scotland's canine population requiring specific provisions for their welfare**. Police search and rescue dogs, working in enclosed vehicles, often have their tails shortened to protect them from wagging injuries, whilst scenting.
- An exemption in Scotland would be a progressive step. In England, Wales and Ireland exemptions exist for all working breeds. **In Scotland, it would be two breeds only**, founded on the best available evidence (Glasgow University research) which showed that, in one season, 57 percent of Spaniels (**over 1 in 2**) and 39 percent of HPRs (**over 1 in 3**) suffered one or more injury, when tails were not shortened. The exemption protects the welfare, therefore, of only the most vulnerable sub-set of dogs, statistically proven by research to be highly susceptible to tail injury.
- In our view, the various sides of this debate should not be viewed in 'opposition'. There is broad agreement on many welfare aspects. Our view is that, **for these 2 working breeds exclusively**, the law, as it stands, has **not provided adequate protection**. The people best qualified to make a decision about a working dog's welfare- the individual vet caring for that dog- should be free to do whatever they believe to be in the animal's best interest over its lifetime; something currently prohibited.

An exemption on welfare grounds: The proposed exemption to existing legislation will give individual vets the freedom to exercise professional judgement as to what is in the best long term interest of a working animal in their care.

If an individual vet believes that shortening a working pup's tail at 2-5 days old will confer a welfare benefit over its lifetime, it should not be illegal for the vet to do what is deemed necessary to bring about betterment. Similarly, if a vet chooses that a tail shortening of a Spaniel or Hunt Point Retriever by one third within the first 2-5 days of its life would not be in its best interest, that vet is within his or her right to make that decision.

An exemption permits flexibility currently missing. We have known of cases where owners have undertaken extensive round trips from islands to the mainland with suffering dogs because the local vet was unsure if they were legally allowed to operate on a damaged tail. This is not in the best interests of that animal.

We are aware that some veterinary bodies are not in agreement with tail shortening for any dogs, and we respect this opinion. However, there are a significant number of rural vets in Scotland who are members of the BVA (a representative body of vets, not an animal welfare organisation) who disagree with the body's central stance and feel that tail shortening of working pups would be a progressive step for animal welfare. The proposed exemption would respect both standpoints in the overall interest of animal welfare.

Alex Hogg
Chairman
The Scottish Gamekeepers Association
May 2017