Dear Sir/Madam

Consultation on the Animal Welfare (Dog Breeding) (Wales) Regulations 2011

Thank you for inviting the Farmers’ Union of Wales to comment on the assembly’s proposals to tighten the licensing criteria for the breeding of dogs in Wales. Following an internal consultation with its membership, the following views are submitted for your information.

The FUW fully supports the aims of the proposals, given the historic problems with the proliferation of ‘puppy farming’ in Wales and the poor standards of welfare and animal husbandry associated with some of these establishments.

Whilst the Union fully supports the promotion of good practise and high animal welfare standards for breeding dogs, it is concerned that the proposals, as currently drafted, will do little to improve the welfare of dogs kept at illegal puppy farms, whilst introducing draconian measures on responsible dog owners for whom dog breeding is not the primary objective of ownership.

Given the Assembly’s oft quoted aim of reducing red tape and bureaucracy, the introduction of a three breeding bitch minimum as a threshold for licensing is likely to result in increased red tape for many dog owners and a great deal of extra work and resources for Local Authorities as the regulations impact on a large number of people who hitherto have not been and never would consider dog breeding to be a ‘commercial activity’. In the Union’s view, this legislation is unlikely to impact on illegal puppy farming as these establishments will continue to operate outside the Law.

Without prejudice to the preceding views, the Union submits the following comments on the questions raised in the document.

Question 1: Do you consider that the definition and requirements of a licence holder in the proposed license condition is clear? If not please give your reasons in detail.
The Union is concerned that the requirement for licensing to apply to those owning three or more breeding bitches and producing two litters of pups per year, will result in a large number of non-commercial breeders being caught up in licensing requirements which are disproportionate to the type of breeding undertaken.

Many working farms will have more than three ‘breeding bitches’ as defined by the Regulations (An unneutered female dog over the age of 6 months) on the farm, however, these dogs may be working, being trained and or retired and yet the farm would potentially come under the Regulations should 10 puppies be advertised for sale during a twelve month period.

The FUW believes that the Regulations do not recognise the role of working dogs, and if the Assembly does not raise the threshold on the number of ‘breeding bitches’ that can be kept at one establishment, consideration should be given to excluding them from the Regulations altogether.

Consideration should also be given to raising the number of puppies referred to in the Regulations, larger breeds often have 10 or more puppies and this could result in any breeder being covered by the Regulations even with a single litter of puppies.

Question 2: Do you think the scope of the definition of a licence holder is adequate? If not please give your reasons in detail.

The FUW agrees that the definition of a licence holder is adequate, if not extreme, particularly for those caught up with the requirements, despite dog breeding not being the primary purpose of keeping the dogs.

The Union is concerned that many farms, hunt kennels and indeed small scale breeders will be caught up by these Regulations, whilst the ‘puppy farms’ the legislation intends to cover will continue to operate illegally.

Whilst the Union fully support moves to improve animal welfare, it is concerned that the 10 puppy limit and three breeding bitch threshold will be unworkable, unless there is clear guidelines on what local authorities should consider as being a ‘commercial dog breeding premises’.

Farmers and hunt kennels are already subject to a range of inspections and so increasing the costs and bureaucracy for those businesses for whom dog breeding is not a primary enterprise would be a retrograde step.

The FUW believe that the current license requirement of breeding five or more litters per year should be retained.

Question 3: Do you consider that the proposed Guidance is sufficiently detailed enough to enable both the enforcement officers and dog breeders to understand the standards to be met at a licensed dog breeding
Question 4: Do you consider that the standards set in the proposed Guidance for a dog’s environment, diet and behaviour, companion and health needs are suitable? If not, please give your reasons in detail.

With due regard to the comments outlined above the Union agrees with the standards set in the proposed guidance.

Question 5: Do you agree that the minimum staff: dog ratio of 1 full time attendant per 20 dogs and 1 attendant to 10 dogs for a part time attendant is appropriate? If not please give your reasons in details.

The FUW is concerned that setting a prescriptive figure for minimum dog/staff ratio, does not take into account the needs of different breeds of dog or indeed the size and temperament of the dogs in question.

It could be argued that long haired, large breeds would require more attention than smaller short haired low activity breeds and so there should be some flexibility in the requirements to ensure that unscrupulous breeders cannot exploit the Regulations at the expense of animal welfare.

Question 6: At present, the draft Regulations only require a record for all unneutered females and puppies born after the regulations come into force.
Do you agree? If not please give your reasons in detail.

For those who are breeding puppies on a commercial scale, there should be a requirement to record all breeding stock on the premises, to maintain animal welfare standards

**Question 7:** At present, the Regulations only require unneutered females and puppies born after the regulations to be microchipped. Should there be a requirement to extend this to all dogs kept at a breeding establishment? If not, please give your reasons in detail.

The FUW believes that commercial dog breeding establishments should be required to microchip all breeding stock.

**Question 8:** Do you agree that all puppies should be microchipped before it is 56 days old or before it leaves the premises, whichever is later? If not, please give your reasons in detail.

The FUW has some concerns that given the size of the needle used to insert the microchip, some small breeds may be too small for the process before they leave the breeders care. Care must be taken to ensure that the licence requirements themselves do not compromise animal welfare.

Consideration also needs to be given to the responsibility of purchasers to update the records on the relevant database once the puppy has been rehomed.

**Question 9:** Do you agree that the first registration of a puppy should be to the licensed breeder? If not, please give your reasons in detail.

The Union has no views on this question.

**Question 10:** Are there any premises such as sanctuaries, hunt kennels and licensed boarding kennels that should be exempt from the requirement outlines? If so why? Please give your reasons in detail.

As outlined above, the Union believes that a distinction should be made between those premises who keep working dogs and those who breed puppies commercially.

Welsh farming is heavily dependant on livestock production and the majority of farmers will need working dogs to help them undertake their day to day work. Breeding working dogs is generally undertaken to improve the bloodlines of working dogs and it is only the surplus that are sold on as puppies.

These Regulations are designed to improve the welfare of dogs owned by those businesses whose primary function is to breed dogs for commercial gain, whereas farmers, as previously outlined, could be caught up in the regulations by keeping three working bitches which may never be bred from, but because a domestic pet
at the farm may have a litter of ten or more puppies, the farm would require licensing!

Similarly a hunt kennels may breed to maintain pack numbers and to ensure an even age profile within the pack. Puppies are not sold commercially, as any puppies not needed by the hunt are drafted to other packs, which helps improve and maintain bloodlines.

The FUW believes that unless working dogs are exempted from the Regulations, there will be a greater level of bureaucracy and paperwork on those who do not breed primarily as a commercial enterprise, more local authority resources being utilised to police a large number of ‘new licensed premises’, leaving less time to seek out the illegal puppy farming establishments who should be the focus of these proposals.

Question 11: Do you agree that as currently drafted, the Regulations require that puppies cannot leave the breed premises until they are at least 56 days old? If not give your reasons in detail.

The FUW agrees with this proposal.

Question 12: Do you agree that as currently drafted, dog breeding licenses should be issued for a period of up to 3 years, subject to a local authority considering the frequency of inspections and risk, and be renewed as appropriate?

The FUW believes that whilst three years seems to be a reasonable period for licensing.

Question 13: These proposals might incur costs to bring dog breeders up to the required minimum animal welfare standards. Please provide appropriate evidence based information.

The FUW would welcome a cost benefit analysis of these proposals.

The Union fully supports the Assembly Governments aims of improving the welfare standards of dogs kept solely for commercial breeding purposes; however it believes that the revised criteria will also affect a number of farmers who may well be drawn into the licensing requirement due to the lack of flexibility within the proposals.

The Union believes that working dogs should be exempted from the licensing requirements and would welcome the opportunity to discuss in further detail the implications of these Regulations for farmers.
11 January 2011

Yours sincerely

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