

Promoting Responsible Dog Ownership in Scotland:

Microchipping and other measures

Consultation response by OneKind

5 March 2014



Consultation Question 1

Are all, some or none of the dogs/puppies in your care already/routinely microchipped?

OneKind is a campaigning animal protection charity and does not have dogs in its care.

Consultation Question 2

Do you offer a microchipping service to the general public? If you do, what geographical range do you cover, how many dogs did you chip in Scotland in 2012 and how much do you charge?

OneKind does not offer a microchipping service.

Consultation Question 3

If you run a rescue/rehoming centre, do you ensure that all, some or none of the dogs are microchipped prior to re-homing? How many dogs did you microchip/arrange to be microchipped in 2012? How many dogs came to you in 2012 that were already microchipped?

OneKind does not run a rescue/re-homing centre.

Consultation Question 4

Do you consider that compulsory microchipping would help to make dog owners more responsible? Please explain and provide any evidence that you may have.

The main reason for universal microchipping and registration is to reunite stray dogs with their owners as quickly as possible. This was accepted as the primary purpose in the original Dog Identification Group report of 2001¹, although the Group did also consider that the direct link between dog and owner would help to ensure that owners took responsibility for their pets' actions and condition.

In general, responsible dog owners already microchip their dogs and it would be hard to say that a stand-alone compulsory microchipping and registration scheme, without additional educational measures, would actually change the attitudes and culture of irresponsible owners. We believe there is a necessity for compulsory measures because there will always be some people who cannot be reached by education and persuasion, and the consequences of their negligence can be serious. OneKind would like to see compulsory measures accompanied by the promotion of responsible dog ownership which prioritises animal welfare and promotes understanding of canine behaviour and needs.

OneKind believes that, if properly enforced, compulsory microchipping and registration would achieve a reduction in the numbers of dogs that are abandoned or negligently allowed to stray. Abandonment is a serious animal welfare problem that persists because it is possible at present to “dump” a dog and abdicate responsibility for its care – or its behaviour – without any risk of being traced and brought to account.

While stray dog numbers are reducing (in 2012-2013 Scottish local authorities received 3,525 stray dogs, a reduction of 22% on the previous total of 4,524 dogs in 2011-2012²), the numbers still represent a heavy toll of animal welfare neglect, potentially out of control animals, and expense for councils.

Around 40% of dogs reunited with their owners in the UK are returned because they are microchipped and registered. Microchipping, of itself, might not increase responsibility among dog owners but it can increase accountability.

¹<http://www.scotland.gov.uk/Resource/Doc/158972/0043201.pdf>

²Dogs Trust Stray Dogs Survey 2012 Report July 2013 <http://www.dogstrust.org.uk/az/s/straydogsurvey/straydog2013.pdf>

Consultation Question 5

Do you consider that compulsory microchipping for dogs would help to deter dog theft? Please explain and provide any evidence that you may have.

As stated in our response to Question 4, the main reason for universal microchipping and registration is to reunite stray dogs with their owners as quickly as possible. Microchipping also facilitates the tracing of an owner and proving that a dog has been stolen and, in time, we believe that this should help to deter theft.

At present microchipping is very helpful where it is suspected that a dog has been dishonestly obtained, but it is not infallible. Reference to the central database may identify the dog's previous owner, but it will still have to be proved that the previous owner has not sold or given the dog to the person found with it. Without a legal obligation to update the register and consistent enforcement of this, a thief could pretend that a transfer had taken place but the paperwork had simply been overlooked.

Requiring new owners to microchip and register their dogs should also make purchasers more cautious about taking on a dog from a dubious source and this may reduce the market for stolen dogs. A mechanism may be necessary to prevent the re-registration of microchipped pets on databases if, when scanned, the pet shows up as being registered lost or stolen.

For optimum effect there would need to be more widespread uptake of routine scanning and reference to the central database by animal welfare organisations, shelters and rescue centres and local authority officials. OneKind believes that compulsory microchipping and registration, which could be implemented by means of a General Dog Licence requiring vendors and purchasers to report transfer of ownership, would have a deterrent effect on dog theft. Please see our responses to Questions 10 and 20.

Consultation Question 6

Do you consider that compulsory microchipping for dogs would help to tackle the issue of puppy farming? Please explain and provide any evidence that you may have.

To some extent. Microchipping puppies at the point of sale, with the breeder required to retain chip numbers and purchasers' details for a period of two years (or more) and to produce these to appropriate authorised persons on request, would enable enforcement agencies and animal welfare organisations to trace the source of puppies that turn out to be sick or stolen, to have behavioural problems or genetic defects, or are simply not the breed that the vendor claimed them to be. Given that some breeders pretend to have fewer litters to avoid licensing requirements or that some disguise the frequency and age at which litters are made to have litters, and at an early age, it would be useful for the authorities to be able to keep track of the number of puppies produced, and monitor animal welfare issues.

The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009 are of specific relevance to puppy farms, where many dogs handled by dealers originate. The Regulations require a written record to accompany a young cat or young dog sold by a licence holder, with details of the dealer and the vet responsible for examining the dog, the origins of the dog, dates of sale and transfer to the new owner, and other information. OneKind believes that the Regulations should also require the animals to be microchipped, as the involvement of other parties (the vet who carries out the chipping and the registration database organisation) would make it much harder to falsify information. Plus, of course, the microchip is permanent and cannot be transferred to another animal in the same way, potentially, as paper records.

The issue is more complicated when puppies are imported to the European Union from puppy farms in Eastern Europe. Caution must be exercised with regard to foreign microchips and registers – the chip alone is no guarantee that the puppy has not come from a puppy farm. Relaxation of the pet passport regulations now permits commercial import of puppies aged 15 weeks, and has been associated with an upsurge in the numbers of very young, puppy-farmed dogs being transported from Lithuania, Hungary, Slovakia and other eastern Member States. They frequently travel in very poor conditions and with severe welfare consequences. Microchipping of puppies is thought to take place at source while they are considerably less than 15 weeks (probably around 7-8 weeks) and registered on local databases^{3,4}. This, along with the generation of forged paperwork, can allow young, sometimes sickly puppies to be introduced to the UK market.

³ http://www.vier-pfoten.eu/files/EPO/Materials_conf/Puppy_Trade_in_Europe/REPORT_EUROPEAN_PUPPY_TRADE.pdf

⁴ <http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232734650750&mode=prd>

Consultation Question 7

Do you consider that compulsory microchipping for dogs would help to address other dog welfare issues, such as abuse/mistreatment? Please explain and provide any evidence that you may have.

OneKind believes that compulsory microchipping, allied with an understanding that a found animal may be scanned at any time and its number checked, would have a deterrent effect on those inclined to abuse, mistreat or abandon an animal.

It is often extremely difficult to trace the owners of repeat strays, dead or injured animals, or abandoned animals. In the most serious cases, enforcement agencies such as the Scottish SPCA have to invest significant resources and time to bring offenders to book.

The ability to establish ownership definitively should also aid enforcement of the Animal Health and Welfare (Scotland) Act 2006. Many of the provisions of the Act, including the requirement to ensure welfare, apply specifically to responsible persons, and an owner is always responsible for his animal. Some people deny that they are the owner of their animals but a person named on the central registration database would find it difficult to deny responsibility through ownership.

As already stated, OneKind sees universal microchipping primarily as a solution to straying, but this can be connected with other animal welfare concerns. If a dog strays once, it allows him to be quickly reunited with his family; if a dog strays repeatedly, the pattern can easily be identified and questions can be asked of the owner.

Consultation Question 8

Do you consider that compulsory microchipping for dogs would help to prevent dog attacks on people/animals, including on assistance dogs? Please explain and provide any evidence that you may have.

It would be hard to make the case that microchipping and registration can directly prevent attacks. While OneKind is fully in favour of compulsory microchipping, it is not a mechanism for changing human or canine behaviour.

Microchipping and registration do make it more feasible to trace and hold to account the owner of a dog involved in an attack, particularly in a public place when the owner is not present or leaves the scene. In time, irresponsible owners would find it more difficult to evade responsibility and be more careful about allowing their dogs to roam.

Consultation Question 9

In the long term, the compulsory microchipping of dogs may require all owners to pay to microchip their dog and to update their details on the commercial database where their dog is registered. Do you think that this would be an unfair burden on any particular sectors? Please explain.

About 60% of the UK's 8m pet dogs are already microchipped and registered⁵.

At £20 to £30 for microchipping by a vet, the cost is not particularly high in the context of the many expenses that a new dog owner must be prepared to take on. There are also a number of animal welfare charities including the Dogs Trust that will provide a free microchip for any unchipped dog at its centres, while the Scottish SPCA and some local authorities also microchip dogs leaving their shelters. There are likely to be further chipping initiatives on introduction of any new legislation.

We are not sure we would describe the burden as unfair but we agree that it might be felt disproportionately in certain sectors including elderly people, users of assistance dogs and homeless people with dogs. Under such circumstances it is quite usual to provide exemptions from specific regulations and these could be considered. If doing so, however, it would be necessary to take into account that keeping a dog is an expensive business and in that context, microchipping is a relatively low cost necessity.

⁵Lord de Mauley, evidence to Environment, Food and Rural Affairs Committee 31 October 2012

Consultation Question 10

When a microchipped animal changes ownership, the registration details on the database must be updated for microchipping to be effective. If microchipping was to be made compulsory, with whom should this responsibility lie: The seller, the buyer, or both? Please explain why and how you consider that the requirement could be enforced?

Both.

Firstly, there must be an obligation on the seller, as the person responsible for the dog according to the central register, to update that register. At present, a person can claim that a dog was sold or given away without any record of the new owner being retained, whereas in fact the dog might have been abandoned, died, or suffered some other fate.

Requiring the vendor to update the register would follow the same model as vehicle licensing, where the vendor is required to inform the DVLA straight away if he sells or transfers his vehicle. Vehicle licensing also requires the vendor to “make sure” the new owner sends in the requisite form to apply for a new registration certificate, and we would support a requirement for the vendor of a dog at least to inform the purchaser of this responsibility.

There should also be an obligation on the purchaser to update the register. If the Scottish Government is minded to introduce a dog licence (see response to Question 20) every dog owner would have to comply with a condition of microchipping and registering any dog owned.

At present, the Petlog database does not accept change of ownership details by email, telephone or via the Petlog web application, but we think that an online form could be easily and securely facilitated.

The current system also requires the new owner to pay a £15 to register ownership. We think that this fee should continue to fall on the new owner. Notification of the change by the vendor would be just that – notification – noted on the dog’s record until a formal change of ownership is received from the purchaser, confirming the new owner’s name and address and the microchip number if known, and accompanied by the fee.

Consultation Question 11

Are you aware of any difficulties due to different microchip companies using different technical specifications regarding scanners etc.? Please explain.

We do not have specific information about this issue but we understand that there are relevant International Standards Organisation standards and that chips should comply with these to avoid difficulties.

Consultation Question 12

Do you think that any regulation being introduced on microchipping should set minimum standards for commercial databases? Why and if so what should they be?

Yes, there should be minimum standards for commercial databases. We are aware that comprehensive codes of practice have been produced by the Microchipping Alliance, in conjunction with the British Small Animal Veterinary Association and the Microchip Advisory Group, and these should be made mandatory to ensure consistent high standards as the uptake of microchipping increases following legislation.

Consultation Question 13

Presently, the dog owner, the microchip implanter, and some animal welfare organisations are able to access current database records, but only enforcement authorities are able to see previous records. Do you think this should remain the same? Please explain.

We appreciate that new owners might wish to trace the history of their dog, but this could lead to many difficulties and we would not recommend it.

Confidentiality and data protection are important and are covered by the code of practice referred to at Question 12. Microchip scanning is a rapid, sometimes emergency response primarily intended to return a lost dog to its owner as soon as possible. It can also be useful for the detection of offences. We see no need for others to see records and we believe there could be both privacy and human rights concerns if this were to be allowed. If new owners thought there was a risk that their details might be passed to commercial users, this could reduce compliance with the requirement to microchip and register and that would be counterproductive.

Consultation Question 14

Do you believe that compulsory microchipping would be easy or difficult to enforce effectively? Why? Can you suggest what approach to enforcement would be most appropriate?

It is difficult to say whether compulsory microchipping and registration would be easy or difficult to enforce as this depends on the mechanism used for implementation, on the effort put into enforcement, especially in the early years, and on the amount of public education that accompanies the measures.

In terms of the mechanism, it would be possible to create a General Dog Licence (GDL) using Scottish Ministers' powers under s.27 of the Animal Health and Welfare (Scotland) Act 2006. Section 27

allows Ministers to prohibit the carrying on, without the authority of a licence, of a specific activity involving animals for which a person is responsible. In this case the specific activity would be the keeping of a dog (or dogs). Consideration could be given to whether this should solely cover dogs in private/domestic keeping, or should extend to other contexts such as military or police dogs.

A General Dog Licence would minimise administration on the part of both owner and licensing authority while creating enforceable conditions, such as microchipping and registration, to provide for the welfare of animals and protection of the public. Please see our response to Question 20.

Consultation Question 15

Do you have any concerns that microchipping could cause health problems in dogs? Please explain.

We have no concerns that microchipping could cause health problems in dogs. Early concerns about adverse reactions and health risks due to chip migration have generally proved to be unsubstantiated⁶.

⁶Swift, S. Microchip adverse reactions, Journal of Small Animal Practice, Vol 41 page 232

Consultation Question 16

Do you believe that compulsory microchipping would have a positive or negative financial or other impact on owners, enforcement agencies, animal welfare organisations/rehoming charities, dog breeders, pet shops, microchip database companies? Please explain.

We believe that compulsory microchipping would have a positive financial effect on all of these sectors as it would reduce the environmental and welfare problems associated with stray dogs. Databases would benefit from increased business.

Consultation Question 17

Do you believe that all dogs in Scotland should be microchipped? Why?

Yes, we believe that all dogs in Scotland should be microchipped in order to reduce the environmental and welfare problems associated with stray dogs.

Consultation Question 18

Do you consider that any sectors of dog ownership (for example rehoming/sanctuary charities, police, armed services, security services, guide/helper dogs, vermin control, sheep dogs, or other sectors) merit exemption from any requirement to microchip? Why?

Microchipping is not an onerous requirement and it must be borne in mind that it offers benefits for all dogs and their owners or keepers. Therefore we believe that any exemptions should be kept to the minimum. None of the categories cited in the question appears to us to have any particular requirement for exemption.

Consultation Question 19

Which of the suggested options for introducing any requirement for compulsory microchipping do you believe would work best? Do you have an alternative option to suggest? Please explain.

We would not support Option 1 (retention of the status quo) as we believe the case for compulsory microchipping and registration has been made.

OneKind would prefer Option 5 (microchipping of all dogs within one year of legislation coming into effect) to ensure prompt compliance with this low-cost, benign animal welfare measure. If it is thought that additional lead-in time is required to introduce new systems and gain public support for these, Option 4 (two-phase approach over two years) would be acceptable, although less desirable.

Consultation Question 20

Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs? Do you have views on how such a dog licensing scheme might operate?

OneKind believes that a dog licensing scheme could provide an appropriate means of encouraging responsible dog ownership, not only with reference to dog control, but also dog welfare.

If the Scottish Government is minded to introduce a dog (or rather, dog owner) licensing system, OneKind would recommend following the model of the General Licences currently provided for purposes such as the movement of cattle, activities affecting wild birds, and import/export trading. These General Licences permit activities that are widely practised, while placing conditions on the conduct of the activity and providing sanctions for breach. They are free to users and the bureaucratic burden is minimal.

Introducing a General Dog Licence (GDL) would avoid the need to apply for individual licences or to renew annually, but would still provide enforceable Conditions. The position would be that all dog owners were covered by the licence unless they did not meet the Conditions.

To take the General Licences for activities involving wild birds as an example: these are published annually on the Scottish Natural Heritage (SNH) website (English Nature publishes the equivalent licences in England). Users are not obliged to have read the licences, as long as they are familiar with and abide by the conditions. There is therefore no prejudice to the interests of persons with literacy or learning difficulties or poor eyesight or who do not have access to a computer.

Persons convicted of wildlife crimes may not use the General Licence for birds although they can still apply to the Scottish Government Rural Directorate for an individual licence. In the case of a GDL, a similar provision could apply to persons convicted of welfare or dog control offences.

A General Licence approach can be very “light touch” and presents no bar to undertaking the activity covered, as long as it is conducted responsibly. Consideration could be given to charging a fee to persons who wished to keep or have care of a larger number of dogs (for example in commercial kennels, home boarding, doggy daycare or dog walking services). For example, keeping four or more dogs might incur a licence fee.

The aim of the GDL would be to create a regime that offers:

- A light touch, low cost approach
- A mechanism for imposing conditions and providing sanctions for breaches
- Ease of access for all users
- More up to date registers/databases
- Improved protection and control of dogs
- A mechanism for promoting responsible dog ownership.

Conditions

Conditions on the licence could include:

- Any dog for whom the holder of the GDL is responsible must be microchipped
- The holder is responsible for ensuring that up to date details including his own name and address are held on the relevant central register
- The holder must notify the register if the dog dies
- The dog must wear a collar and tag when it is not on the owner's property
- The dog must be kept under control ("control" to be defined using the terminology of s.1 of the Control of Dogs (Scotland) Act 2010)
- The holder must not have been convicted of offences under the Control of Dogs (Scotland) Act 2010, the Dangerous Dogs Act 1991, or sections 19 -24, 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006, within the previous ten years.

Other Conditions might be added following discussion with stakeholders. For example, a Condition might be included that the holder must clear up after his dog unless one of the exceptions in s.3 of the Dog Fouling (Scotland) Act 2003 applies. Please see our answer to Question 22.

The legislation could provide for review of the GDL from time to time.

Breaches and penalties

It would be an offence to keep a dog in breach of the GDL i.e. without complying with all the Conditions.

Different levels of sanctions could apply for breaches involving the different Conditions listed above. For example, failure to microchip and register a dog would be a breach but at the lower end of the scale. Persons breaching the Condition could be warned and given time to comply. Continued failure to do so could result in withdrawal of the licence, or a fine (we understand that the proposed maximum fine for failing or microchip in England is £500), or both. Failure to ensure that the dog is wearing a collar and identification tag would be a breach at a similar level.

Serious breaches, on the other hand, would automatically cancel the right to access the licence, effectively preventing the individual from keeping a dog. These would only cover specific welfare or control offences that can already attract disqualification orders, such as a conviction for cruelty or neglect of animals for whom the person is responsible, or a conviction for breach of a dog control notice (DCN) issued under the Control of Dogs (Scotland) Act 2010, or a conviction under the Dangerous Dogs Act 1991.

The current level of convictions under the relevant animal welfare provisions is not so great that losing the GDL would be likely to lead to an influx of dogs to rescue shelters. Only 239 DCNs were issued in the first two years of the Control of Dogs (Scotland) Act 2010, meaning that the number of convictions for breach must be very low⁷. Only 112 persons were convicted under the cited sections of the Animal Health and Welfare (Scotland) Act 2006 in 2012-13⁸ and the Scottish courts are already supposed to consider disqualification following conviction in all such cases. The introduction of the GDL would therefore consolidate an existing provision of Scottish animal welfare legislation and provide an alternative mechanism for implementation.

There could be limited provision for specific licences to be applied for in those cases where withdrawal of the GDL would cause particular hardship, for example by damaging a person's livelihood (working dogs) or particular personal needs (assistance dogs). A person with a conviction under the relevant legislation for cruelty, neglect or material failure to control would have to make the case for being allowed to keep a dog. As this would only apply to a small number of persons each year the administrative burden would be limited.

Administration

As local authorities have a licensing function, as well as providing dog warden services and having responsibility for stray dogs, we suggest that they would administer the GDL. A standard model GDL could be produced for all authorities to publish on their websites along with appropriate information. Enforcement would also fall within the local authority remit but we stress that we see the GDL primarily as a mechanism to assist dog welfare and enforcement of control measures, rather than an additional layer of administration or responsibility for councils.

In cases where the GDL is cancelled and the holder wishes to apply for a specific licence, this could be administered either centrally or by local authorities.

Cost

OneKind wishes to promote the responsible keeping of dogs and their wide acceptance by society. We would not wish to see a financial cost imposed on dog owners above and beyond the expense of acquiring the dog, providing for its needs, ensuring it has veterinary attention and, of course, is microchipped and registered. All these are unavoidable costs – part of the reality of dog ownership – but it would be undesirable to charge people a fee for the GDL as well. The intention would be to create a free scheme with minimum administration costs.

Terminology

We appreciate that the term “dog licence” has become discredited and carries connotations of a previous mechanism that became burdensome, poorly enforced and ineffective.

We have given thought to alternative names for the GDL, given the negative associations of the “dog licence”. Ultimately, however, we feel that the word “licence” is unavoidable. It is important to be clear that, light touch or not, this would be an enforceable mechanism placing obligations on dog owners, with consequences including revocation for serious breaches. There might be some support for calling it a General Dog Owner Licence (GDOL), as this would emphasise the owner's responsibility.

⁷Consultation document, page 29

⁸Source: Scottish Government Criminal Proceedings Database

Consultation Question 21

Do you think muzzling of dogs while in public should be introduced?

No, we do not think that there should be any general provision. Where there are problems with dogs injuring humans or other animals, it is essential to deal with the whole situation including modifying the dog's behaviour through training, ensuring that his welfare is protected and that his owners understand that any dog has the potential to cause injury in certain circumstances and are appropriately vigilant.

Simply placing a muzzle over the face of the dog in public might offer a physical barrier from biting (although not always, with a large strong dog), but that is treating a symptom rather than solving the whole problem. Nor would a requirement to muzzle dogs in public protect children and adults from the sort of events that have recently occurred in the UK, with small infants being killed by dogs in their homes. Muzzling dogs in public is irrelevant to those tragic situations.

As the consultation document notes, requiring a dog to be muzzled whenever it is in a place to which public have access is already a condition that may be included in a Dog Control Notice issued under s.1 of the Control of Dogs (Scotland) Act 2010. Like the Scottish Government, we are not persuaded that a more general system is practical or justified.

Conversely, all dogs – even the most docile – could be adversely affected by having to wear a muzzle while out for exercise and play. Breathing difficulties in brachycephalic dogs might be exacerbated. A requirement to keep a dog muzzled in public would limit his ability to communicate by facial expressions such as showing his front or back teeth – signals which can be interpreted by other dogs and can make a threatening individual back off.

Research into anti-barking muzzles⁹ showed that they did reduce the behaviour while they were being worn, and also reduced the dogs' general activity levels, but this effect disappeared as soon as the muzzle was removed. The dogs were actually more active and barked as much as before. It would appear therefore that the muzzle does not have a generalised effect on behaviour or training.

Finally, people tend to view a muzzled dog as an object of fear and tend to avoid it. Seeing thousands of muzzled dogs on the streets would simply reinforce the view that all dogs are dangerous and would work against public education to help people and dogs live in harmony.

We are aware that many behaviourists and some animal welfare organisations support muzzling in certain situations – to stop scavenging, to protect wildlife, to prevent licking or chewing of a wound, or to allow an injured dog to be treated. There is no reason why promotion of responsible pet ownership should not include encouragement for dog owners to keep a muzzle as part of the battery of dog equipment amassed in most households. However, we believe that moving from occasional discretionary use, when circumstances require, to a legal obligation to muzzle a dog whenever it is in a public place, would be disproportionate and unjustified.

⁹Cronin, GM; Hemsworth, PH; Barnett, JL; Jongman, EC; Newman, EA; McMauleen I (2003) *An anti-barking muzzle for dogs and its short-term effects on behaviour and saliva cortisol concentrations* Applied Animal Behaviour Science 83: 215-226

Consultation Question 22

The Dog Fouling (Scotland) Act 2003 gives local authorities the powers to deal with dog mess. Are you aware that local authorities have these powers? Do you think they are being used effectively in your area? Is there more you think can be done to address this issue effectively?

Yes, we are aware of the provisions of the Dog Fouling (Scotland) Act 2003. Dog fouling is an issue that aggrieves the public and poses a real health risk to communities. Dogs' digestive systems operate in exactly the same way as humans', with the same consequences. The issue is one of disposal rather than physiology and the behavioural problem is human, not canine. As animal advocates, OneKind takes a zero tolerance attitude to owners who do not clean up after their dogs, as this selfish behaviour contributes to negative perceptions of dogs.

Our impression is that some councils are very pro-active in promoting cleaning up after dogs – for example, by providing an online reporting facility and distributing free waste bags and disposal bins.

There is probably more to be done, however: in 2013, the Keep Scotland Beautiful Ditch the Dirt survey¹⁰ of 11,200m of Scotland's green spaces indicated that, on average, five incidents of un-bagged dog fouling occurred on every 100m of surveyed green spaces.

Similarly, we understand that authorised officers in some council areas such as Angus and Aberdeenshire routinely carry out enforcement patrols and issue fixed penalty notices to persons who fail to clear up after their dogs. Follow-up action against a person who persistently offends, or is unlikely to make the payment, may be taken by reporting the person to the Procurator Fiscal with a view to possible court action. We are not aware of the level of reports to Procurators Fiscal overall or the number of cases that actually come to court.

Councils appear to take different views as to the advisability of using the single witness provision as some believe that it is safer for authorised officers to work in pairs.

We believe that community initiatives such as the Rutherglen Nae Messin' campaign are useful and, again, that promotion of responsible pet ownership must cover this issue.

A General Dog Licence (GDL) could include a Condition that the owner must clear up after his dog unless there are pressing reasons that make it impossible to do so. Exceptions are already provided in s.3 of the Dog Fouling (Scotland) Act 2003, so that the offence does not apply to persons in charge of guidance, working, assistance or rescue dogs, or dogs being used on official duties by members of the armed forces, the Customs and Excise service, or the police. The same exceptions could be applied to any "clearing up" Condition on the GDL.

¹⁰<http://www.keepsotlandbeautiful.org/environmental-quality/clean-up-scotland/get-involved/dog-fouling-ditch-the-dirt/>

Consultation Question 23

Do you have any other comments on the possible introduction of compulsory microchipping for dogs in Scotland?

We believe that it is more useful to refer to dog registration rather than microchipping. The connection with a central database is actually the most important element of the scheme and the microchip is the means to that end.

Consultation Question 24

Do you have any other comments on the promotion of responsible dog ownership in Scotland to help improve the safety of our communities from dangerous and out of control dogs?

As explained in the responses to previous questions, OneKind strongly supports compulsory microchipping and registration of dogs in Scotland and we have no difficulty with the concept of the dog licence provided it is free to access. We do feel it is regrettable that the consultation places more emphasis on dogs as a problem, rather than a benefit to society. Considerable space is given to discussion of dog attacks but none to aspects such as companionship, health benefits, therapeutic role and a conduit for the teaching of care, responsibility and compassion to children.

Pet owning in general is associated with improved health, resulting in fewer visits to doctors by pet owners than non-pet owners, and reduced absence from school among pet-owning children. Older people benefit from having an incentive to take more exercise, and the willingness of family, friends and strangers to spend increased time interacting with them, due to the presence of the dog.

For decades, therapists¹¹ have been aware of the particular benefits that dogs provide for children, including

- an outlet for our affection and need for companionship
- a deep affection that continues over time
- the expression of affection appropriate to our individual needs
- learning responsibility through caring for a dog

OneKind believes that the very real problems of out of control dogs must be seen in proportion, addressed constructively and always with due regard to the benefits that dogs provide to people. There is no blanket solution that will solve all of the problems and neither the wider population of dogs, nor the majority of owners who are caring and responsible, should pay the price for irresponsible breeding and inappropriate behaviour by a minority.

The promotion of responsible dog ownership must start by recognising the benefits of canine companionship and promoting excellent care and protection for dogs under human control. We firmly believe however that good animal welfare, based on humane treatment, positive training methods and an understanding of canine behaviour, is a very large part of the solution.

¹¹e.g. Bossard, JHS (1944) The Mental Hygiene of Owning a Dog. *Mental Hygiene*, 28, 408 – 413; Levinson, B. M. (1969) *Pet-oriented Child Psychotherapy*. Charles C. Thomas, Springfield, IL.

Consultation Question 25

Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?

Yes

Consultation Question 26

Do you consider that you had sufficient time to respond to the consultation?

Yes

Consultation Question 27

Do you have any other comments on the way this consultation has been conducted?

No

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