

DOC 14

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h-Àrainneachd
Cabinet Secretary for Rural Affairs and the Environment
Ridseard Lochhead BPA
Richard Lochhead MSP



F/T
E:

Fergus Ewing MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Ar faidhle/Our ref: 2010/0015183

27th June 2010

Thank you for your letter to Roseanna Cunningham MSP, on behalf of the Scottish Gamekeepers Association, regarding the tail docking ban in Scotland. I am replying as Animal Welfare falls within my portfolio.

As you may know, the tail docking of dogs is an extremely controversial issue and strong views are held both by those who support the ban and those who think that an exemption should have been made for working dogs, as was the case in England and Wales.

Since there was a lack of robust scientific evidence to show whether tail injuries have increased since the ban, the Scottish Government contributed £10,000 towards a case control study to estimate the risk of tail injury to dogs. The aims were to document the risks of tail injuries in dogs in Great Britain, to evaluate whether docking of tails reduces the risk of tail injury and to identify other major risk factors for tail injury. The study was undertaken by the University of Bristol and the Royal Veterinary College in North Mymms.

The Report of this Study has now been finalised and was published in the Veterinary Record on 26 June. This is the only Study on tail docking to which the Scottish Government has contributed funding and a review of the tail docking issues will now be made based on the results of this Study and other scientific evidence.

I anticipate that this review will be completed by early July.

RICHARD LOCHHEAD

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk

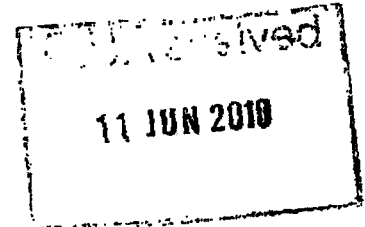


[Redacted]

From: [Redacted] on behalf of Minister for Environment
Sent: 11 June 2010 13:49
To: Ministerial Correspondence Unit
Subject: FW: Scottish Gamekeepers Association re tail docking

For MCS please
Thanks

[Redacted]



[Redacted]
Private Secretary to Roseanna Cunningham MSP
Minister for Environment

[Redacted]

From: [Redacted]
Sent: 11 June 2010 13:45
To: Minister for Environment
Subject: Scottish Gamekeepers Association re tail docking

.....
[Redacted]
[Redacted]
.....

11th June 2010

Roseanna Cunningham MSP
Minister for the Environment

Dear Roseanna,

Re: Scottish Gamekeepers Association – tail docking.

I am writing at the behest of the Scottish Gamekeepers Association in respect of the tail docking issue.

I understand that since the regulations were passed prohibiting the tail docking of puppies in Scotland, a number of arguments have been put forward demonstrating that the absence of tail docking is now exposing and has exposed working dogs to serious injury and in some cases total amputation.

This has emerged from the documents in the Scottish Survey. I understand that this shows

that whilst undocked dogs were uninjured (11%) the remaining 46 (81%) were injured and 24 (52%) required total amputation.

On the basis of this evidence therefore, for working dogs, docking the tails of five puppies could have prevented injury to four of them and prevent the subsequent need for amputation for two of them.

This appears to me to be very strong and scientific evidence which should demonstrate that the lack of the facility to carry out tail docking at a puppy stage – as was formerly the practice for dogs intended to working dogs, has led to unnecessary suffering being experienced by a number of dogs which have had to be undocked in order to comply with the regulations.

I understand that the relevant law is the Animal Health and Welfare Act 2006 and prohibited procedures of protected animal's exemption Scotland Regulations 2007.

I understand that your officials have studied the Scottish Survey and raised various questions. I understand that these questions have however been answered and I am writing to ask that the SGA be afforded the opportunity of a meeting with you in order to discuss the case and the way forward.

Yours sincerely,

Fergus Ewing MSP
Inverness East, Nairn and Lochaber

Burns PD (Phil)

From: [REDACTED]
Sent: 28 June 2010 09:43
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: [REDACTED] Voas S (Sheila); Voas AP (Andrew); Hall S (Simon) (CVO)
Subject: Tail Docking - Publication of final report - Veterinary Record Saturday 26th June 2010

[REDACTED]

The report on "Risk Factors for Tail Injuries in Dogs in GB" was published in the Veterinary Record on Saturday 26th June and, as expected, it concludes that:

- The incidence of tail injuries is low;
- Most injuries are not associated with work;
- Work itself was not a major risk factor;
- 500 dogs need to be docked to prevent one tail injury;
- Most injuries (36%) are sustained in the home;
- 17.5% were out-door related injuries;
- Breed was an important risk factor, with Greyhounds, Lurchers, Whippets, Cocker and Springer Spaniels all at greater risk than Labradors and other retrievers.

The Veterinary Record carried an editorial on the study which concluded:

"Given the low overall risk of tail injury and that the fact that work was not found to be a major risk factor, the study does raise the question of whether the exemption of working dogs from the ban on non-therapeutic docking in England and Wales can be justified. Perhaps more tellingly, given that 500 dogs might have to be docked in order to prevent one tail injury, it raises the question of whether prophylactic docking can be justified at all."

I attach a copy of the published report and the Editorial.



800[1].pdf



812[1].pdf

[REDACTED]

Animal Health and Welfare Division
Saughton House

Ext. [REDACTED]

DOC 16

Rùnaire a' Chaibneit airson Cùisean Dùthchail agus na h- Arainneachd
Cabinet Secretary for Rural Affairs and the Environment
Ridseard Lochhead BPA
Richard Lochhead MSP



F/T: [REDACTED]
E: [REDACTED]

[REDACTED]
Director
Scottish Countryside Alliance
West Mains Cottage
Ingliston
Edinburgh
EH28 8NF

Ar faidhle/Our ref: 2010/0017124
15 July 2010

Dear Mr Montague

Thank you for your email of 7 July 2010 to Richard Lochhead MSP, Cabinet Secretary for Rural Affairs and the Environment, seeking a meeting to discuss the findings of the Bristol Vets research and the Airlie Bruce Jones Report with regard to the tail docking of working dogs.

The Cabinet Secretary fully appreciates how strongly the Scottish Countryside Alliance feels about this subject but does not consider that this is the correct time for such a meeting. The Report of the independent study, which you refer to as the Bristol Vets research, undertaken by the University of Bristol and the Royal Veterinary College in North Mymms and to which the Scottish Government contributed £10,000, has just been published in the Veterinary Record and Mr Lochhead is currently reviewing the findings.

The Cabinet Secretary has asked me to inform you, however, that he will also consider any other scientific evidence available, including the Airlie Bruce Jones Report, which he would be grateful to see a copy of.

Regards

[REDACTED]

[REDACTED]
PRIVATE SECRETARY

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk



[REDACTED]

From: [REDACTED] on behalf of Cabinet Secretary for Rural Affairs and the Environment
Sent: 07 July 2010 14:08
To: Ministerial Correspondence Unit
Subject: FW: FAO CABINET SECRETARY

MCS please - diary.

Thanks

[REDACTED]

[REDACTED]

Private Secretary to Richard Lochhead MSP
Cabinet Secretary for Rural Affairs and the Environment

Tel: [REDACTED]

[REDACTED]

C.U. received
- 7 JUL 2010

From: [REDACTED] >
To: Lochhead R (Richard), MSP
Sent: Wed Jul 07 13:16:10 2010
Subject: FAO CABINET SECRETARY

PLEASE CAN THIS EMAIL TO RICHARD LOCHHEAD MSP BE PASSED ON TO HIM / HIS CABINET SECRETARY OFFICE

Dear Richard

Please can we meet at your convenience to discuss the (already much discussed) subject of tail docking for working dogs.

I hope that we might be able to discuss the findings from the Bristol Vets research and the Airlie Bruce Jones report in the near future, preferably before you have to submit evidence to the Public Petitions Committee if possible / appropriate.

Please advise when you might be free to meet.

Many thanks

[REDACTED]

[REDACTED]
Director
Scottish Countryside Alliance
West Mains Cottage
Ingliston
Edinburgh
EH28 8NF
[REDACTED]

 Please consider the environment before printing this e-mail

Scottish Countryside Alliance
West Mains Cottage
Royal Highland Showground
Ingliston
Edinburgh
EH28 8NF
Website: scottishcountrysidealliance.org
Sign up to the Countryside Alliance Rural Manifesto by clicking the link: <http://www.countryside->

07/07/2010

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h- Àrainneachd
Cabinet Secretary for Rural Affairs and the Environment
Ridseard Lochhead BPA
Richard Lochhead MSP



F/T: [REDACTED]
E: [REDACTED]

Angela Constance MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Ur faidhle/Your ref: [REDACTED]
Ar faidhle/Our ref: 2010/0015803
16 July 2010

Dear Angela

Thank you for your letter dated 17 June 2010 to Roseanna Cunningham MSP, Minister for Environment, concerning the ban on the tail docking of working dogs in Scotland. I am replying as animal welfare falls within my portfolio.

The tail docking of dogs is an extremely controversial issue and strong views are held both by those who support the ban and those who think that an exemption should have been made for working dogs, as was the case in England and Wales.

Since there was a lack of robust scientific evidence to show whether tail injuries have increased since the ban, the Scottish Government contributed £10,000 towards a case control study to estimate the risk of tail injury to dogs. The aims were to document the risks of tail injuries in dogs in Great Britain, to evaluate whether docking of tails reduces the risk of tail injury and to identify other major risk factors for tail injury. The study was undertaken by the University of Bristol and the Royal Veterinary College in North Mymms.

The researchers completed the Study and the Report they produced was 'peer reviewed' and published by the British Veterinary Association (BVA) in the Veterinary Record on 26 June. I am currently considering the Report and the BVA's editorial which relates to the Report, to see whether or not policy changes need to be made in Scotland.

<http://veterinaryrecord.bvapublications.com/cgi/content/full/166/26/812>
<http://veterinaryrecord.bvapublications.com/cgi/content/full/166/26/800>

RICHARD LOCHHEAD

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk





The Scottish Parliament
Pàrlamaid na h-Alba

Angela Constance MSP



Ms Roseanna Cunningham, MSP,
Minister for Environment,
St. Andrew's House, Regent Road,
Edinburgh, EH1 3DG



17th June, 2010.

Ref: [REDACTED]

Dear Minister,

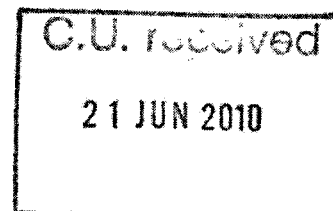
I met recently with a constituent who expressed grave concerns over the health and welfare of working dogs as a result of the total ban on tail docking in Scotland.

It would be much appreciated if you could inform me of the current position on this issue and whether any research has been undertaken since the legislation was passed into the number of accidents to working dogs which can be attributed to the tail docking ban.

I look forward to hearing from you in due course.

Yours sincerely,

Angela Constance MSP



Parliamentary Office

Scottish Parliament
Edinburgh
EH99 1SP
Tel: [REDACTED]
Fax: [REDACTED]

Representing: Addiewell, Bellsquarry, Breich,
Broxburn, Dechmont, East Calder, Ecclesmachan,
Kirknewton, Livingston, Loganlea, Mid Calder,
Polbeth, Pumpherston, Stoneyburn, Uphall,
Uphall Station, West Calder, Wilkieston

Constituency Office

Unit 5, Ochil House
Owen Square, Livingston
EH54 6PW
Tel: [REDACTED]
Fax: [REDACTED]

[REDACTED]

DOC 18

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h- Àrainneachd
Cabinet Secretary for Rural Affairs and the Environment
Ridseard Lochhead BPA
Richard Lochhead MSP



[Redacted]

Mike Rumbles MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Ar faidhle/Our ref: 2010/0017626
1st August 2010

Dear Mike,

Thank you for your letter dated 12 July 2010 on behalf of your constituent, [Redacted] concerning the tail docking of working dogs in Scotland.

As you will be aware, Scottish legislation has prohibited the tail docking of all dogs, including those used as working dogs, since April 2007, whereas tail docking of certain working breeds or breed type dogs is permitted in England and Wales.

At present, there is no prohibition on the tail docking of dogs in Northern Ireland but the recently introduced Welfare of Animals Bill includes a provision which will ban the tail docking of dogs, except as part of medical treatment by a veterinary surgeon or in circumstances to save the life of the dog. There will be no exemption for working dogs. As with Scottish legislation, it will be an offence to take a dog to another jurisdiction to have the tail docking procedure carried out.

The tail docking ban and the differences in legislation within the UK has been a controversial issue, with those opposed to tail docking defending the Scottish position and those in favour of prophylactic docking for working dogs, pressing the Scottish Government to amend its legislation to mirror the position in England and Wales.

A study of tail injuries in dogs was undertaken by the Royal Veterinary College and Bristol University and the Report on "Risk Factors for Tail Injuries in Dogs in GB" was peer reviewed and published in the Veterinary Record on 26 June 2010 (web links below).

<http://veterinaryrecord.bvapublications.com/cgi/content/full/166/26/812>
<http://veterinaryrecord.bvapublications.com/cgi/content/full/166/26/800>

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk



I wished to provide interested organisations with an opportunity to comment on this Report before I make a decision as to whether or not our current policy on tail docking is justified. Consequently, I arranged for my officials to issue copies of the Report to sport organisations such as the Scottish Gamekeepers' Association, the British Association of Shooting and Conservation and the Scottish Countryside Alliance. The Scottish Rural Property and Business Association was also issued with a copy.

The Report has also been sent to veterinary organisations including the British Veterinary Association, the British Small Animal Veterinary Association and the Royal College of Veterinary Surgeons. Animal welfare organisations, including the Scottish Society for the Prevention of Cruelty to Animals, the Dogs Trust and Advocates for Animals have also been forwarded copies.

All comments received on the Report will be analysed and taken into consideration when I make my decision.

Should your constituent wish to comment on the Report, she should send her comments, to arrive no later than 3 September 2010, by email to [REDACTED] or by post to:

Animal Welfare Team
Rural and Environment Directorate
The Scottish Government
Saughton House
P Spur
Broomhouse Drive
Edinburgh
EH11 3XD

I hope this is helpful.



RICHARD LOCHHEAD



The Scottish Parliament
Pàrlamaid na h-Alba

RAE
14 JUL 2010
PRIVATE OFFICE

Mike Rumbles, MSP
(West Aberdeenshire and Kincardine)

12th July 2010

Richard Lochhead, MSP
Cabinet Secretary for Rural Affairs
and The Environment
Scottish Government
Pentland House
47 Robb's Loan
EDINBURGH
EH14 1TY

14 JUL 2010

Dear Richard,

Tail docking

I enclose a copy of an email I have received from my constituent [REDACTED], about tail docking.

I would be grateful if you could let me know if the Scottish Government has any plans to review the legislation in this regard.

Best wishes,

Mike

Mike Rumbles, MSP
(Scottish Liberal Democrats)

Constituency Office: 6 Dee Street, Banchory AB31 5ST

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 30 June 2010 17:44
To:
Subject: Tail Docking

Dear Sir

I wrote to you in oprevious years regarding my concerns about a total ban in Scotland on tail docking of working dogs and to express that there was a need for Scottish law to be brought into line with that of England where there is a workable exemption for working dogs.

I have been told that a recent vet survey has concluded that dogs without docked tails have suffered injury as a result of this ban, a full report can be found here :-

<http://www.cdb.org/News/Veterinary%20Record%20tail%20damage%20report%202010.pdf>

I would like to know when a review of the animal welfare act will take place so that the balance can be readdressed. We have already lost some well known scottish bloodlines of working springer and cocker spaniels and I would hate for that trend to continue.

I look forward to a response in due course

Kind regards

[REDACTED]

[REDACTED]

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h- Àrainneachd
Cabinet Secretary for Rural Affairs and the Environment
Ridseard Lochhead BPA
Richard Lochhead MSP



F/ [REDACTED]
E: [REDACTED]

[REDACTED]
Scottish Gamekeepers Association
By email

Ur faidhle/Your ref: [REDACTED]
Ar faidhle/Our ref: 2010/0020124
August 2010

Thank you for your letter of 17 August 2010, to the First Minister, Alex Salmond MSP, regarding your concerns about [REDACTED] the tail docking of working dogs for rural affairs.

[REDACTED]

The report on "Risk Factors for Tail Injuries in Dogs in GB", following the study undertaken by the Royal Veterinary College and Bristol University was published in the Veterinary Record on 26 June 2010. I decided that interested organisations and individuals should have an opportunity to comment on this report. Therefore, in addition to the Scottish Gamekeepers Association, the report was sent to other organisations including the British Association for Shooting and Conservation, the Scottish Countryside Alliance and the Scottish Rural Property and Business Association.

The report has been sent to veterinary organisations including the British Veterinary Association, the British Small Animal Veterinary Association and the Royal College of Veterinary Surgeons. Animal welfare organisations, including the Scottish SPCA, the Dogs Trust and Advocates for Animals, were also sent copies. Comments have been requested by Friday, 3 September 2010 and I hope that the Scottish Gamekeepers' Association will take this opportunity to respond.

Comments on the RVC/Bristol University Study and the points raised by the respondents will be analysed. This analysis, the report itself and the report from Mr Bruce Jones will be used by me when I consider whether the evidence and the views of respondents could justify any change to the present ban on tail docking of working dogs.

If such a change in policy were proposed, it would be necessary to issue a formal consultation, as it would be necessary to amend the Prohibited Procedures on Protected Animals (Exemptions (Scotland) Regulations 2007, and the amendment would need to be agreed by the Scottish Parliament.

I hope you find this helpful.

RICHARD LOCHHEAD

MCU (GF for Mr Lochhead) 18/8

From: [REDACTED]
Sent: 17 August 2010 10:46
To: First Minister
Subject: [REDACTED] tail docking

C.U. [REDACTED]
19 AUG 2010

Dear Alex ,

Two issues are currently causing our organisation great concern and both could be resolved with the will of your Government.

[REDACTED]

It now seems that Ms Cunningham and civil servants alike have abandoned the idea. Our appeals for information have gone unanswered and therefore I have nothing to tell my committee or the membership. I can't tell you how frustrating that is. My fear is that this apparent backtracking on a deal will lead to a belief that negotiation (and membership of the SGA) is pointless and we will see a return to the bad old days. And that clearly is in no one's interests.

The second issue concerns tail docking. Back in 2007 when you spoke at our annual meeting in Perth you gave us an assurance that you would act on any information that indicated the current ban on tail-docking was having an impact on the health and welfare of working dogs.

We believe that information is now available. A joint report from the University of Bristol and the Royal Veterinary College demonstrates that dogs with docked tails are less likely to sustain injuries. It confirms that cocker and springer spaniels, two of the breeds most often used as working dogs, are especially prone to tail injuries. A separate report by one of Scotland's gundog experts, Airlie Bruce Jones also provides compelling evidence of the need for focused change in the law and has been with the Rural Affairs department for several months. We do not know if Mr Lochhead has seen the report for himself and have had no feedback on his views.

As you know the SGA represents professional land managers whose work is directly affected by injuries to their dogs and we are anxious that you are made fully aware of the latest developments. We hope you will be able to follow through the assurance you gave us.

I look forward to hearing from you.

[REDACTED]

Chairman
Scottish Gamekeepers Association
www.scottishgamekeepers.co.uk

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rùnaire a' Chaibineit airson Cùisean Dùthchail agus na h-Àrainneachd
 Cabinet Secretary for Rural Affairs and the Environment
 Rìdseard Lochhead BPA
 Richard Lochhead MSP



F/T: [REDACTED]

Fergus Ewing MSP
 The Scottish Parliament
 EDINBURGH
 EH99 1SP

Ar faidhle/Our ref: 2010/0022482
 21st September 2010

Dear Fergus,

Thank you for your email dated 15 September 2010 to Roseanna Cunningham MSP, Minister for Environment, on behalf of the Scottish Gamekeepers Association, commenting on the study of tail injuries in dogs undertaken by the Royal Veterinary College (RVC) and Bristol University and the Report on "Risk Factors for Tail Injuries in Dogs in GB" which was published in the Veterinary Record on 26 June. I am replying as Animal Welfare falls within my portfolio.

As you are aware, Scottish legislation has prohibited the tail docking of all dogs since April 2007, including those used as working dogs, whereas tail docking of certain working breeds or breed type dogs is permitted in England and Wales.

The tail docking ban in Scotland and the differences in legislation within the UK has been an extremely controversial and emotive issue, with those opposed to tail docking defending the Scottish position and those in favour of prophylactic docking for working dogs pressing the Scottish Government to amend its legislation to mirror the position in England and Wales.

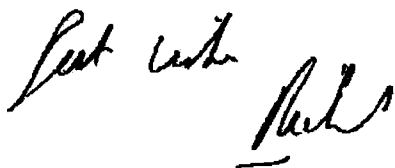
I decided that interested organisations and individuals should have an opportunity to comment on the Report and, consequently, a copy was sent to a number of organisations, including the British Association of Shooting and Conservation, the Scottish Gamekeepers' Association, the Scottish Countryside Alliance and the Scottish Rural Property and Business Association.

The Report was also sent to veterinary organisations, including the British Veterinary Association, the British Small Animal Veterinary Association and the Royal College of Veterinary Surgeons, and to animal welfare organisations.

Continued/...

Comments received on the RVC/Bristol University Study and the points raised by the respondents, including the points raised in your email, are currently being analysed. When the analysis is complete, I will carefully consider whether the evidence in the Report, and other available research, and the views of respondents could justify any change to the present ban on the tail docking of working dogs. Should I decide that a change to the current policy is warranted, it would still be necessary to issue a formal consultation on the issue, however, and any proposed legislative amendment would have to be agreed by the Scottish Parliament.

In the meantime, while the analysis of responses is ongoing, I hope you will appreciate that it would be inappropriate for me to comment on any individual points raised in your email.



RICHARD LOCHHEAD

From: [redacted] on behalf of Minister for Environment
Sent: 15 September 2010 15:25
To: Ministerial Correspondence Unit
Subject: FW: Risk Factors for Tail Injuries in Dogs - SGA

For MCS please

Thanks

C.U. received
15 SEP 2010

[redacted]
Private Secretary to Roseanna Cunningham MSP Minister for Environment

From: [redacted]
Sent: 15 September 2010 15:21
To: Minister for Environment
Subject: Risk Factors for Tail Injuries in Dogs - SGA

[redacted]
[redacted]

FE/RD

15th September 2010

Roseanna Cunningham MSP
Minister for the Environment

Dear Roseanna,

Re: Risk Factors for Tail Injuries in Dogs

I am writing following receipt of representations from the Scottish Gamekeepers Association in connection with the above issue.

I have been provided with a copy of a letter sent by [REDACTED] on behalf of the SGA to [REDACTED] of the Animal Welfare Team in the Scottish Government.

I have read and digested this letter.

Essentially it sets out compelling arguments for the reintroduction of tail docking for working dogs.

It points out that the RVC study, in that it covered all dogs – all dog breeds – not working dogs – has produced a statistic which provides a misleading impression. That statistic is that “approximately 500 dogs would be needed to be docked in order to prevent one tail injury”. Given that this study was based on all dog breeds – rather than simply working dogs – it does appear to be essentially irrelevant and also to run the risk that it can be used for misleading purposes.

By contrast, the SGA refer to the more recent BioSS survey drawing on evidence from working gundog breeds in Scotland.

The SGA also refer to statements made by the First Minister in 2007 at the SGA's 2007 AGM.

I am forwarding this letter to the First Minister's office for his attention.

As the local MSP for Inverness East, Nairn and Lochaber I have long standing connections with those of my constituents who are Game Keepers and who have and continue to consult me regularly on this and related matters. There is strong support for much of the work which the Scottish Government has done from the Gamekeepers community – [REDACTED]

However, there is equally strong support for the view that the Scottish Government are morally bound to implement a reintroduction of tail docking on working dog breeds. I very much hope that that action can now be taken.

Yours sincerely,

Fergus Ewing MSP

Inverness East, Nairn and Lochaber

Burns PD (Phil)

From: [REDACTED]
Sent: 28 September 2010 10:34
To: Cabinet Secretary for Rural Affairs and the Environment
Cc: Minister for Environment; DG Rural Affairs Environment and Services; Russell P (Peter); Hall S (Simon) (CVO); Voas S (Sheila); Voas AP (Andrew); [REDACTED]
[REDACTED] Communications Greener
Subject: Tail Docking Submission - September 2010



Tail Docking
Submission - Se...

[REDACTED]

As requested by the Cabinet Secretary, I attach a submission on the tail docking of dogs. This submission details the issues, outlines the background, stresses the sensitivity of the issue and offers a number of options for the Cabinet Secretary's consideration.

Much of the detail is contained in the Annexes, including the arguments for and against tail docking (in Annex C) and an assessment of the options in Annex D.

Kind regards

[REDACTED]

From: [REDACTED]

Animal health and Welfare Division
28th September 2010

Cabinet Secretary for Rural Affairs and the Environment

TAIL DOCKING OF DOGS**Issue**

1. To seek your views on whether the ban on the tail docking of dogs needs to be reconsidered and, if so, how that review should be undertaken.

Priority

2. Routine.

Background

3 Since April 2007 Scottish legislation has prohibited the tail docking of all dogs, including those used as working dogs, whereas, an exemption has been made to the prohibition on mutilations which allows the tail docking of certain working dogs in England and Wales.

4. A recent study on the "*Risk Factors for Tail Injuries in Dogs in GB*" was undertaken by the Royal Veterinary College (RVC) and Bristol University. The report was peer reviewed and published in the Veterinary Record on 26 June 2010. At your request, the report was circulated to interested organisations and individuals who were asked to comment on its findings. These comments are summarised in Annex A. A further unpublished study undertaken by Airlie Bruce Jones which investigated "*The relationship of tail length to tail tip injuries focused on the working dogs of the Spaniel and European hunt point retriever (HPR) gundog breeds in Scotland*" has been submitted to the Scottish Government and the Public Petitions Committee.

5. The RVC/Bristol University report concluded that the incidence of tail injuries is low; breed was an important risk factor and docked dogs are less likely to injure their tails than undocked dogs. However, the report also concluded that tail injuries are not associated with work and most injuries were sustained in the home. This study covered all dogs, not just working dogs.

6. The study undertaken by Airlie Bruce Jones focused on working spaniels (Cocker and Springer) and working hunt point retrievers and concluded that 80% of spaniels with full tails had sustained a tail injury, 9% of "long docked" spaniels had suffered a tail injury and no "short docked" spaniels had injured their tails during the survey period (August 2008 to July 2009). There was a risk factor for working hunt point retrievers but the data was insufficient to provide a statistically significant result. More information about both studies is given in Annex B.

Sensitivity

7. The tail docking ban in Scotland and the differences in legislation within the UK has been an extremely controversial and emotive issue, with those opposed to tail docking defending the Scottish position and those in favour of prophylactic docking for working dogs pressing the

Scottish Government to amend the legislation to mirror the position in England and Wales. Ministers and officials receive a steady stream of letters urging the Scottish Government to remove the ban on the tail docking of working dogs and there are two petitions presently with the Public Petitions' Committee of the Scottish Parliament seeking the Committee's support for the relaxation of the ban. The argument for and against tail docking are summarised in Annex C.

8. Tail docking was discussed in Parliament when the Animal Health and Welfare (Scotland) Bill was discussed both in Committee and during the Stage 3 debate. At the Stage 3 debate an amendment which would have made an exemption from the tail docking ban for working dogs was defeated by 87 votes to 31. There is no guarantee that any proposal to relax the ban would receive the support of the majority of MSPs and it is fairly certain that a debate on the issue would be called when the full Parliament voted on the amending legislation.

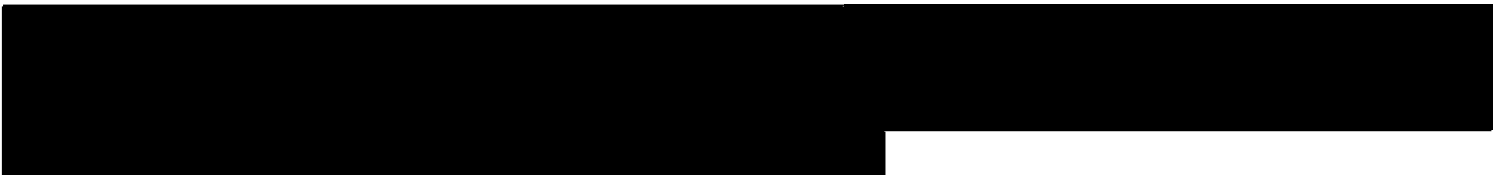
9. A proposal to exempt any dogs from the ban on tail docking would be fiercely opposed by the British Veterinary Association, the British Small Animal Veterinary Association, the Royal College of Veterinary Surgeons, the Companion Animal Welfare Council, animal welfare organisations (including the Scottish SPCA), and the Dogs Trust. It is also worth noting that the animal welfare campaigner, Joanna Lumley, has taken a personal interest having previously commended the Scottish Government for their decision to implement a full ban without any exception for working dogs.

10. However, to take no action will mean that the sport shooting organisations will continue their campaign for an exemption to allow the tail docking of working dogs, and the Council for Docked Breeds and the Scottish Kennel Club will press for any exemption to extend to the tail docking of the breeds of dogs which were traditionally docked.

Position in other parts of the UK

11. In **England** any type of spaniel, terrier, hunt point retrieve breed or their crosses can be docked by a veterinary surgeon as long as the veterinary surgeon has seen evidence that the dog is likely to work in law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control or the lawful shooting of animals.

12. In **Wales**, tail docking is limited to Cocker, English and Welsh Springer Spaniels; Jack Russell, Cairn, Lakeland or Norfolk Terriers; and certain hunt point retrievers (Braque Italian, Brittany, German Long Haired Pointer, German Short Haired Pointer, German Wire Haired Pointer, Hungarian Vizsla, Hungarian Wire Haired Vizsla, Italian Spinone, Spanish Water Dog, Weinmaraner, Korthals Griffon, Slovakian Rough Haired Pointer, Large Munsterlander, and Small Munsterlander). However, it is not permitted to dock cross breeds. Like England, tail docking must be carried out by a veterinary surgeon who must certify that he or she has seen evidence that the dog is likely to work in law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control or the lawful shooting of animals.



14. At present there is no prohibition on the tail docking of dogs in **Northern Ireland**, but the recently introduced Welfare of Animals Bill includes a provision which will ban the tail docking of dogs, except as part of medical treatment by a veterinary surgeon or in circumstances to save the life of the dog. There will be no exemption for working dogs. The Bill is now in Committee and officials have commented that this is the most contentious issue with some committee members seeking an exemption for working dogs.

Legal Position

15. Section 20 of the Animal Health and Welfare (Scotland) Act makes it an offence to mutilate an animal and the docking of a puppy's tail is classed as a mutilation. However, Scottish Ministers can make an Order exempting certain procedures from the general ban. It is a requirement in the Act that Scottish Ministers consult on such proposals before making the Order which must be laid in and approved by a resolution of the Scottish Parliament.

[REDACTED]

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

d. [REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

Minister for Environment					X

DG Rural Affairs, Environment and Services
Peter Russell
Simon Hall
Sheila Voas
Andrew Voas



Comms – Greener

SUMMARY OF RESPONSES AND COMMENTS ON THE RVC/BRISTOL UNIVERSITY REPORT ON "RISK FACTORS FOR TAIL INJURIES IN DOGS IN GB"

30 responses were received from 27 organisations and individuals (3 individuals sent 2 responses).

Organisations responding:

Against Tail Docking	In favour of Tail Docking
SSPCA Advocates for Animals Anti-docking Alliance Dogs Trust League Against Cruel Sports Companion Animal Welfare Council British Small Animal Veterinary Association	Kennel Club Scottish Kennel Club British Association for Shooting and Conservation Scottish Gamekeepers Association Council of Docked Breeds Scottish Countryside Alliance

Arguments supporting an exemption for working dogs and the counter arguments

- **The Report makes it clear that undocked dogs suffer more tail injuries than docked dogs.**

This is undoubtedly true and, as the Report's authors acknowledge, this was to be expected. If there is no tail, it cannot be injured and if the tail has been shortened there is less to injure. The question which needs to be addressed is whether tail docking can be justified in order to prevent tail injuries.

- **Some breeds are more susceptible to tail injuries, e.g. spaniels.**

This is correct. But greyhounds, whippets and lurchers were at a greater risk of tail injury than spaniels. These breeds have never been docked and no one is suggesting that docking should be allowed for these dogs in order to prevent a later injury. However, it can be argued that, if the purpose of tail docking is to prevent injury, then it is illogical to allow the procedure for spaniels, but not for greyhounds.

- **The Report did not concentrate on Working Dogs. Working dogs are only a small proportion of the dogs in the group.**

The study looked at tail injuries in all dogs (all breeds – both working and non-working). 12 dogs (out of 97) in the study group (those with injuries) and 17 (out of 220) in the control group were "working dogs". Thus, there were 25 working dogs (or 7.8%) in the study which was statistically significant. One of the important findings of the study was the clear conclusion that "work" has no effect on the risk of tail injury in spaniels. Most tail injuries occur in the home or in kennels. If an exception were to be made which would allow tail docking there is no logical reason to restrict that exemption to "working dogs".

- **The comment in the Report that one in 500 dogs need to be docked prevent one tail injury applies to all dogs. If restricted to the “Traditionally docked” breeds this would be much smaller.**

This is likely to be true as certain breeds are more prone to tail injuries than other breeds. English Springer Spaniels are 6 times more likely to suffer a tail injury than Labradors (used as the base) and Cocker Spaniels 4.75 times more likely. The study did not specifically examine the number of spaniels which would need to be docked to prevent one tail injury.

- **The study was conducted too soon. The docking ban had only recently been introduced and most “undocked” working dogs would be too young to work.**

There were 19 undocked Spaniels in the case group (injuries) of which 5 were used for work and there were 4 undocked spaniels in the control group. However, the study was quite clear that “work” was not a significant factor in the cause of tail injuries.

- **The study concentrated on England and Wales, thus not valid in Scotland.**

This is not true. 120 of the 281 cases (tail injuries) were from Scotland and of these 120 cases, 48 of the dogs were from urban practices and 72 were from rural practices. Therefore, Scotland was well represented in the study.

Annex B**SUMMARY OF THE REPORT BY THE ROYAL VETERINARY COLLEGE AND BRISTOL UNIVERSITY "RISK FACTORS FOR TAIL INJURIES IN DOGS IN GB"****Background**

1. This research project into the risk factors which cause tail injuries in dogs was jointly funded by the Scottish Government, the Welsh Assembly Government and Defra. This was a case-control study which involved dogs attending veterinary practices in Scotland, Wales and England between March 2008 and March 2009. Information from 52 veterinary practices (15 in Scotland; 22 in England and 17 in Wales) and clinical records for 138,212 dogs which had attended the veterinary practices during the 12 month period were provided. 281 dogs out of the 138,212 had suffered tail injuries. Questionnaires were sent to clients whose dogs had suffered tail injuries and to some of the other clients to establish a control group.

2. Questionnaires were returned for 97 dogs with tail injuries and 222 dogs who attended a veterinary surgery for other reasons. Of the 97 dogs with tail injuries 12 were working dogs.

3. The report of this study was published in the Veterinary Record on Saturday 26th June following a peer review.

Research Results and Conclusions

4. The main conclusions were:

- Tail injuries are rare. Only 0.23% of dogs visiting a veterinary practice were due to tail injuries. There were no significant differences in the rate of tail injury between urban and rural practises, nor between Scotland, England and Wales.
- Most tail injuries occur in the home (36.1%) by knocking the tail against the wall, kennel wall and other household objects. 17.5% of injuries were from undergrowth or fences when exercising or working and 14.4% of the injuries were due to the tail being caught in a door.
- Most tail injuries were treated conservatively (57.7%) but 30.9% of injuries did result in tail amputation.
- Breed is highly significant in tail injuries. Greyhounds, Lurchers and whippets are 6.85 times more likely to injure their tails when compared to Labradors and other retrievers; English Springer spaniels 5.97 times more likely; Cocker spaniels 4.75 times more likely and terriers only half as likely.
- Dogs kept in kennels were 3.6 times more likely to sustain a tail injury when compared with dogs not kept in kennels.
- Dogs with docked tails were far less likely to have a tail injury than undocked dogs.
- Working dogs are at greater risk of tail injury than non working dogs. However, this was found to be non-significant by a separate examination of data restricted to the spaniel subgroup. This indicates that it is breed rather than whether a dog is used for work which is the deciding factor. However, this conclusion is based on very small numbers.
- 500 dogs would need to be docked to prevent one tail injury.
- If no dogs were docked the number of tail injuries would increase by about 11%. (from 1 in 435, to 1 in 392 attending vet practices).

THE AIRLIE BRUCE JONES REPORT “THE RELATIONSHIP OF TAIL LENGTH TO TAIL TIP INJURIES FOCUSED ON THE WORKING DOGS OF THE SPANIEL AND EUROPEAN HUNT POINT RETRIEVER (HPR) GUNDOG BREEDS IN SCOTLAND”.

Background

1. This study was undertaken during 2008 and 2009. It has not been peer reviewed nor published in a scientific journal, however, Biomathematics & Statistics Scotland assisted with the survey form and the protocols.
2. The study used a questionnaire survey form which was issued to owners of working Cocker Spaniels, Springer Spaniels and European hunt point retrievers (HPR). Dog owners were informed of the study via a number of rural organisations, shoot managers and by “word of mouth” these people were issued with questionnaires. Questionnaires were also issued to people who had made inquiries to organisations about the petitions submitted to the Scottish Parliament seeking an exemption from the tail docking ban for working dogs.
3. Dog owners were asked to return the questionnaires for all of their working dogs of the Spaniel and HPR breeds that had worked during the 2008-09 season. Responses were received from over 160 dog workers which provided details on 287 spaniels and 21 HPRs used in the analysis. Dog workers were asked to provide details of all their working dogs, whether that had suffered a tail injury or not.
4. The number of HPRs was too low to provide statistically significant evidence. Therefore, the analysis concentrated on the spaniel breeds.

Research Results and Conclusions

5. The main conclusions were:
 - There were 57 Cocker and Springer Spaniels with undocked tails in the survey of which 46 (80.7%) had sustained a tail injury.
 - Of the 46 Spaniels which had sustained a tail injury, 24 (52%) had a partial amputation to cure the problem. Other owners were expecting their dogs to have an operation due to the repeated occurrence of the injury.
 - Twelve (9%) of the 137 Spaniels which were “long docked” injured their tails during the survey period. Of these, two had an amputation to resolve the problem, 5 had recurring problems and 2 stopped working completely. The remaining 3 dogs were able to continue to working on a reduced or occasional basis.
 - No “short docked” dogs were injured.
 - Undocked Cocker Spaniels were slightly less vulnerable to tail injury than undocked Springer Spaniels. This is likely to be explained by the fact that smaller dogs (cockers) appear to have proportionally shorter tails.
 - The longer the tail the more likely the dog would injure its tail.

ARGUMENTS FOR AND AGAINST TAIL DOCKING

The following organisations are opposed to tail docking, including the prophylactic tail docking of working dogs:

- Royal College of Veterinary Surgeons
- British Veterinary Association
- British Small Animal Veterinary Association
- Moredun Research Institute
- Companion Animal Welfare Council
- Dogs' Trust
- Scottish SPCA
- Advocates for Animals
- Animal Concern
- Animal Aid
- League Against Cruel Sports
- Anti Docking Alliance

The following organisations are in favour of making an exemption to allow the tail docking of working dogs:

- The Scottish Countryside Alliance
- Scottish Gamekeepers' Association
- Scottish Rural Property and Business Association Ltd
- British Association for Shooting and Conservation
- Union of Country Sports Workers
- Scottish Working Dog Association
- Game Conservancy Trust

The Scottish Kennel Club, the Kennel Club and the Council of Docked Breeds are in favour of allowing tail docking for dogs of the traditionally docked breeds.

The case in favour of docking

- Tail docking is painless when performed on very young puppies when they are still in a semi-embryonic state and the nervous and circulatory systems are not fully developed. [*This view is disputed by the veterinary organisations*].
- Tail docking is necessary to protect dogs from serious injury. These injuries occur to dogs who work in thick cover and due to the very vigorous tail action by some breeds, such as spaniels.
- Tail injuries are difficult to avoid.
- Serious tail injuries can be very difficult to heal and, in some cases, the only solution is to amputate the tail or part of the tail, and it is obvious that tail injuries will be avoided if the tail is removed at birth.

- It is wrong to compare spaniels and other working dogs with traditionally docked tails with sheep dogs, Labradors and retrievers as the work is different and they do not work in thick cover. Their tail action is different.

The case against tail docking

- Tail docking is cruel and unnecessary, it is a painful procedure which involves cutting or crushing skin, muscle, nerves, tendons and bone and cartilage connections. This acute pain may not be evident as it is instinct for a young dog not to show this pain as this may have made them more attractive to predators.
- It also causes long-term pain due to pathological nerve activity as a result of tissue damage and the development of neuromas.
- There is evidence that docking weakens the muscles involved in defecation and in maintaining the strength of the pelvic diaphragm, leading to increased risk of faecal incontinence, perineal hernia and urinary incontinence in bitches.
- The removal of the tail deprives the dog of an important means of expression of its intentions and emotions and can lead to misunderstandings with both people and other dogs. The pain and distress caused by docking may also compromise the socialisation process in puppies.
- The number of puppies who need to be tail docked to prevent one tail injury cannot be justified.
- Dogs used in sport shooting receive more injuries to their feet, ears and face than injuries to their tails.
- There is anecdotal evidence of cases where tail docking had led to problems, including wounds which failed to heal.
- There is no evidence to show that tail damage is more of a problem for working dogs compared to other dogs.
- Tail docking is no more than an outdated tradition.
- The lack of a tail can affect a dog's balance and ability to communicate with other dogs. It was suggested that this can lead other dogs to be more aggressive to docked dogs.
- In countries where docking has been banned there is no call from the veterinary profession for the ban to be lifted due to an increase in tail injuries.
- There is anecdotal evidence of working dogs with full tails who are able to work without difficulty.

3 pages and 26 lines redacted exempt.

Doc 13

Rùnaire a' Chaibine / Cabinet Secretary for the Environment, Air and Nature
Ridseard Lochhead BPA
Richard Lochhead MSP



F/T: [Redacted]
E: [Redacted]

Mr John Lamont MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Ur faidhle/Your ref: [Redacted]
Ar faidhle/Our ref: 2010/0008124

24th March 2010

John Lamont

Thank you for your email dated 12 March 2010 on behalf of your constituents, concerning the ban on the tail docking of working dogs in Scotland.

The tail docking of dogs is an extremely controversial issue and strong views are held both by those who support the ban and those who think that an exemption should have been made for working dogs, as was the case in England.

Since there was a lack of robust scientific evidence to show whether tail injuries have increased since the ban, the Scottish Government contributed £10,000 towards a case control study to estimate the risk of tail injury to dogs. The aims were to document the risks of tail injuries in dogs in Great Britain, to evaluate whether docking of tails reduces the risk of tail injury and to identify other major risk factors for tail injury. The study was undertaken by the University of Bristol and the Royal Veterinary College in North Mymms.

The study researchers have now completed the analysis of the returned questionnaires and a draft report, which had to be 'peer reviewed', was prepared.

The peer review has concluded and I understand that the results will be published soon in the Veterinary Record. Only when this Report has been published will the Scottish Government be in a position to decide whether its policy on tail docking needs to be reviewed.

Regards
Richard Lochhead

RICHARD LOCHHEAD

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk



DOC 13

[REDACTED]

From: [REDACTED] on behalf of [REDACTED]

Sent: 12 March 2010 10:42

To: Scottish Ministers

Subject: to Richard Lochhead 080310

.....
This message has been received from an external party and
has been swept for the presence of computer viruses.
.....

Richard Lochhead MSP
Cabinet Secretary for Rural Affairs
Scottish Government

March 2010

Our Ref: [REDACTED]

Constituents have been in touch with me to ask if the Scottish Government has any plans to review the legislation on the tail docking of working dogs. Dog breeders are concerned about how the present legislation impacts on dog welfare.

I would welcome a note of the correct position.

Kind regards.

Yours sincerely

John Lamont MSP
Roxburgh and Berwickshire
Scottish Conservatives

C.U. received
12 MAR 2010