

mail

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



[Redacted]

Mr David Stewart MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Ur faidhle/Your ref: [Redacted]  
Ar faidhle/Our ref: 2012/0028773  
20<sup>th</sup> September 2012

*Dear David,*

Thank you for your letter of 27 August 2012 regarding the research being carried out by Glasgow University on the tail docking of working dogs.

The Scottish Government expects to receive this report within the next couple of months. A draft version of the report will first be circulated to members of the research project steering group, which includes representatives of the Scottish Gamekeepers Association and other bodies concerned with country sports as well as veterinary organisations. After being accepted, it will become a public document so will be available to members of the Scottish Parliament. It is anticipated that the results of the project will also be published in peer-reviewed scientific papers which are expected to be submitted for publication in the next few months. We will consider the issue further once the work has been peer reviewed.

I hope this is helpful.

*Respect,  
Richard*

**RICHARD LOCHHEAD**



The Scottish Parliament  
Pàrlamaid na h-Alba

Richard Lochhead MSP  
Cabinet Secretary for Rural Affairs & Environment  
The Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

**RAE**  
30 AUG 2012  
PRIVATE OFFICE

M.C.U.  
30 AUG 2012  
Received

Please quote ref: [REDACTED]

27 August 2012

Dear Richard

**Tail Docking of Working Dogs**

I have recently had approaches from gamekeepers and other concerned with country sports seeking the repeal of the ban on tail docking of working dogs. To them, this is not an issue of breed specification for show purposes but one of animal welfare.

I note that Glasgow University is carrying out research on this topic, on behalf of the Scottish Government, and was due to publish its final report in June 2012. I understand that this final report has not yet been received.

When does the Scottish Government expect to receive this report and how long after that does the Scottish Government expect to make it available to the Members of the Scottish Parliament?

Best wishes

Yours sincerely

*David*

David Stewart, MSP

**ROAD SAFETY PARLIAMENTARIAN OF THE YEAR 2010**

David Stewart  
Member of the Scottish Parliament for the Highlands & Islands  
Please reply to:

Parliamentary Office  
The Scottish Parliament, Room M1.05  
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Regional Office  
PO Box 5717  
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[www.davidstewart.org.uk](http://www.davidstewart.org.uk)

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

[Redacted]

Mr Stewart Stevenson MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Ar faidhle/Our ref: 2013/0004335  
28<sup>th</sup> February 2013

*Dear Stewart,*

Thank you for your letter of 14 February 2013 on behalf of your constituent [Redacted], on the issue of tail docking of working dogs.

The Scottish Government takes the issue of animal welfare very seriously, and the welfare of protected animals, is provided for in the Animal Health and Welfare (Scotland) Act 2006 which includes the ban on mutilations under which the tail docking of dogs is prohibited. I note your constituent's apparently regular activity of taking dogs across the border to give birth so that the puppies can be legally docked, and agree that this is not ideal and must be stressful for both the dog and the puppies. However, this activity, which seems to go against the spirit of current legislation banning the movement of animals elsewhere for mutilations, would appear to be his personal choice in connection with what he describes as a hobby.

The decision to ban the tail docking of all dogs was not taken lightly and has been the subject of considerable consultation: in March 2004, when outline proposals on new animal welfare legislation were first issued; again in May 2005 when the draft Animal Health and Welfare (Scotland) Bill was published, and again in October 2006, after the Animal Health and Welfare (Scotland) Act 2006 came into force, when draft Regulations (The Prohibited Procedures (Exemptions) (Scotland) Regulations) were consulted on.

Responses relating to tail docking were received from a wide selection of organisations representing the farming industry, animal welfare, countryside sports, veterinary surgeons and dog societies. Strong views were held by both sides and robust arguments were presented for and against tail docking for all dogs and whether any exception should be made for working dogs.

/However...



However, much of the evidence provided was anecdotal and, following a detailed analysis of the arguments for and against, the Scottish Government decided to uphold the decision not to exempt working dogs.

However, the Scottish Government has agreed that should evidence come to light which suggests that the ban on tail docking compromises the welfare of dogs, we would review the position. To this end, we helped fund a case control study by the University of Bristol and the Royal Veterinary College, aiming to document the risks of tail injury, and to identify other major risk factors for tail injury. The research was conducted during 2008/2009 and the resultant report was published in the Veterinary Record on 26 June 2010. Unfortunately, the study was not suitably robust enough to provide guidance on whether or not working dogs should be exempted from the ban. This was due to the limited number of available undocked working dogs at that time.

With regard to updating your constituent, the ban on tail docking has now been in place in Scotland for several years, and significant numbers of undocked dogs have now been trained and worked. In order to acquire a greater insight into the situation, the Scottish Government commissioned a further research project from the University of Glasgow, to examine the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. The study should hopefully provide clear evidence regarding the impact of the ban on tail docking in Scotland, and enable an objective review of current legislation. I'm sure your constituent will be interested to know that this research has now finished, and it is anticipated that the results of the project will be published shortly in peer reviewed scientific papers which are expected to be submitted for publication soon. The Scottish Government will consider the issue of tail docking further once the work has been peer reviewed.



I hope this is helpful.

*Best wishes*  
*Richard*

**RICHARD LOCHHEAD**



The Scottish Parliament  
Pàrlamaid na h-Alba

Stewart Stevenson MSP  
Banffshire & Buchan Coast  
Stiùbhart MacSteafain BPA  
Siorrachd Bhanbh agus Oirthir Bhùchainn

13 February/An Gearran 2013

Richard Lochhead MSP  
Cabinet Secretary for Rural Affairs and the Environment  
Scottish Government  
St Andrew's House  
Regent Road  
EDINBURGH, EH1 3DG

RAE  
14 FEB 2013  
PRIVATE OFFICE

M.C.U.  
14 FEB 2013  
Received

Dear Richard

[REDACTED]  
I am writing regarding my above-named constituent, who has been in contact with my office. I enclose a copy of a self-explanatory email.

My constituent advises me that he is seeking an update on an exemption for working dogs from the ban on tail docking. I understand from my constituent that he runs cocker spaniels in field trials and that he works with his dogs as a hobby, and not for monetary gain. [REDACTED] informs me that he is concerned that he has to drive 500 miles to have his bitches mated, return home and then carry out the same journey, in order to have the litters born and docked within the seven week legal time limit. My constituent advises me that he believes that the whole process of having his dogs' tails docked puts an undue strain on his dogs.

It would be appreciated if you could please provide me with an update on the Scottish Government's plans for a possible exemption for working dogs from the ban on tail docking.

I thank you for your assistance in this matter and look forward to hearing from you soon.

Yours sincerely

STEWART STEVENSON MSP

Please address all  
correspondence to:

Constituency Office  
Unit 8  
Burnside Business Centre  
Burnside Road  
Peterhead  
Aberdeenshire  
AB42 3AW

[REDACTED]  
Office Open  
Monday to Friday  
9.00am to 5.00pm

Also at:

The Scottish Parliament  
Edinburgh, EH99 1SP

e-mail:  
[REDACTED]

----- Forwarded message -----

From: [REDACTED]  
Date: 6 February 2013 18:06  
Subject: Tail Docking exemption for working dogs Scotland  
To: [REDACTED]

Dear Stewart,

I am writing to you in the hope that you can give me some information or an update on the situation regarding a Tail docking exemption for working dogs in Scotland. I have spoken with Alec Salmond personally at his home and have sent him further letters on the subject and was assured by him that he would be pushing for the exemption. I run Cocker Spaniels in field trials held by the kennel club and recently ran in the Cocker Championship at Sandringham with a bitch I have bred, trained, qualified and made up to a field trial champion myself. I was one of only two scottish competitors to qualify last year. I work with my dogs as a hobby not for money, and therefore find myself still in the position of having to drive 500 miles to have my bitches mated and then return to take them home, only to have to take them south again to have the litters born and docked legally in 7 weeks time. As I and most of the breeders of top lined pedigree cocker spaniels only breed one or two litters a year for trials or working I feel we are seriously been held at a disadvantage to other breeders who breed dogs just for moneym i.e

[REDACTED]  
[REDACTED] I honestly cannot understand why, for the life of me, Scotland still has no exemption for working dogs as the whole of the UK, now with Irelands exemption being passed, are able to dock working dogs. I seriously have to wonder if this is about animal welfare or not? Surely two seconds to dock the pups at 3-5 days old will give the mother and pups less stress than being taken from their comfortable home surroundings 400 or 500 miles south in a car to have the pups, then have the procedure done, and a week later drive back home again. The stress the bitch must go through must be immense. Some animal welfare act !! What is worse? After I breed my pups any of the trainers of working cockers in the UK who would give the pups a chance to do what they are bred for would never buy an undocked pup. They will just go south to England, Wales or Ireland, therefore rendering my pups the same as the puppy farmers who have no concern for their dogs welfare! Only the money! To which you have to question Is this correct? I was in parliment last year with Eilidh Whitford and discussed this with her in depth. This is just my personal situation and, as all other working dog breeders in Scotland are finding, any man who works his dog regularly on shoots or in the field will not buy a pup undocked solely for the costs that are involved with the reacuring visits to the vet with tail injuries. Vets will tell you once they get damaged it is very difficult to heal as tails are always moving and the huge vet bills incurred the working man can ill afford. I would appreciate any information on this matter or if there is going to be a vote any time soon .

[REDACTED]

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



Mr Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Ar faidhle/Our ref: 2013/0006081  
14<sup>th</sup> March 2013

*Dear Fergus*

Thank you for your email of 5 March 2013 to the Minister for the Environment and Climate Change Paul Wheelhouse MSP, on the issue of tail docking. I am replying as I have portfolio responsibility for animal welfare.

As I am sure you may be aware, the Scottish Government commissioned a research project from the University of Glasgow in 2011 to look at the incidence of tail docking in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. The research I understand has now been completed, though it would not be appropriate to consider changes to current legislation until that research has been peer reviewed and published.

I would like to thank you for providing me with a copy of the Northern Ireland Assembly Debate on the issue of tail docking. I note with interest the emphasis placed by the assembly on the importance of keeping dog owners and breeders informed about changes to legislation, and the agreement between DARD officials and the Dogs Trust to work together to inform vets and the public. I know my animal welfare team will also find the debate of particular interest, and I have made copies available to them.

I hope this is helpful.

*Yours truly  
Richard*

**RICHARD LOCHHEAD**

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG  
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**[19 lines redacted exempt.]**



**QWelfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** I beg to move

*That the draft Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 be approved.*

Go raibh maith agat, a LeasCheann Comhairle. The aforementioned statutory rule will, subject to the Assembly's approval, set out the procedure to be followed for the breeder of a future working dog to apply for an exemption from the tail docking ban. Before I go into the detail, I will explain briefly to Members the background to the regulations.

making it an offence to dock a dog's tail unless it is removed by a veterinary surgeon for the purpose of medical treatment or to save the dog's life. The Act makes it an offence to take a dog outside the North of Ireland to have its tail docked, unless it is for medical treatment by a veterinary surgeon. The Act also provides the power to exempt certified working dogs that are not more than five days old from the tail docking ban.

The Act specifies that a dog is a certified working dog if a veterinary surgeon has certified it in accordance with the regulations made by the Department. The veterinary surgeon must also have seen evidence that the dog is likely to be used, as specified in the Act, for work in connection with law enforcement, lawful pest control or the lawful shooting of animals and is of one of the following breeds: a spaniel of any breed or combination of breeds; a terrier of any breed or combination of breeds; any breed commonly used for hunting or any combination of such breed; any breed commonly used for pointing or any combination of such breeds; and any breed commonly used for retrieving or any combination of such breeds. The Act also makes it an offence to fail to identify the dog in line with the regulations before it is eight weeks old.

Tail docking was one of the most contentious issues when the Assembly debated the Welfare of Animals Bill, as it went through the legislative process. However, it is important to remember that we are not here today to reopen the debate on the pros and cons of tail docking. That was decided by the Assembly last year. Today's debate is purely about the procedure to be followed and the evidence that must be produced to a veterinary surgeon to allow a pup of a breed specified in the Act to be certified as a working dog and thus exempted from the tail docking ban. The draft regulations specify the evidence that must be produced by the breeder to a veterinary surgeon and set out the certification and identification process that the veterinary surgeon must follow to certify the pup as a future working dog.

A 12-week public consultation was undertaken with stakeholders last year. Over 690 stakeholders and interested parties were consulted, and the Department received 30 responses. The consultation sought feedback on specific questions on the certification and identification process to determine whether any amendments should be made to the draft regulations. Overall, the draft regulations were welcomed by stakeholders, and there was significant support for the majority of the proposals in them. In the consultation responses, a number of stakeholders, including the Royal College of Veterinary Surgeons, expressed their disappointment that an exemption for working dogs had been included in the Act. One stakeholder proposed that a non-veterinarian should be able to dock a pup's tail and questioned the need for the certification process for working dogs. These issues were outside the remit of the consultation, as they were already specified in the parent Act that had been approved by the Assembly. Hence, these views and suggestions have not been reflected in the draft regulations before the House.

A small number of stakeholders, in response to the consultation, questioned the need to present the dam of the pups to the veterinary surgeon at the time of docking the pup's tail. However, the veterinary profession sees this requirement as crucial to allow it to comply with the Act when deciding whether the pup is of a breed specified in the Act. In addition, a small number of stakeholders questioned the need for the pup to be microchipped by the veterinary surgeon and asked why it had to be microchipped at the same veterinary practice at which its tail had been docked. In including these requirements in the regulations, I have tried to close loopholes identified in similar exemption schemes already in place for working dogs in England and Wales. The RSPCA, which has enforced the legislation in England and Wales since 2007, has advised that, in its experience, the pup presented for microchipping is not always the pup that has had its tail docked. It is critical that, in putting in place an exemption for genuine working dogs, we do not open the door to unscrupulous breeders who want to continue the cosmetic docking of their pups. I believe that the certification scheme for working dogs detailed in the regulations will allow the breeders of working dogs of the breeds specified in the Act to continue to have their pups' tails docked while ensuring that cosmetic docking is not legitimised by the back door.

I am pleased to say that the Agriculture and Rural Development Committee, as part of its scrutiny role, thoroughly examined the certification process in May and June of this year. Initially, the Committee was concerned not about the certification process but that there might not be a sufficient number of veterinary surgeons in the North of Ireland prepared to dock pups under the exemption for working dogs, given that there is no legal obligation on any veterinary surgeon to dock a pup's tail under the exemption. However, that was not the understanding that my officials had obtained from working with

Northern Ireland Assembly - 15 October 2012

from the two veterinary associations, I am happy to say that the Committee and I are assured that an adequate number of vets will be prepared to dock future working dogs' tails under this exemption. At the Committee meeting on 26 June this year, the Committee indicated that it was content for the regulations to be brought before the Assembly.

My officials have also assured the Committee that there will be a campaign to educate dog breeders and the public on the change in the law on tail docking. I fully support this, and I think that educating the public is critical so that cosmetic docking becomes socially unacceptable and people will not want to buy docked pups. To allow time for this campaign, I intend to delay the commencement of the new regulations until 1 January 2013. In addition, my officials will work with the veterinary profession to help it to understand the certification process and both its and breeders' responsibilities under the exemption for working dogs.

Investigations of any breaches of the new regulations will be undertaken by councils' animal welfare officers as part of their enforcement responsibilities for non-farmed animals under the Welfare of Animals Act. My officials have been in regular contact with the five lead councils for animal welfare and will continue to work with them in the run-up to the commencement of the regulations so that they will be ready to enforce any breaches of the ban on tail docking. I am grateful to the Chair and members of the Agriculture and Rural Development Committee for their support for the regulations, and I commend the motion to the House.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I welcome the opportunity to contribute to the debate. The motion seeks to affirm the Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012. The statutory rule will commence the final provision of the Welfare of Animals Act (Northern Ireland) 2011. When the Act was commenced on 11 July 2011, the majority of its provisions were also commenced, and further parts were brought into law on 2 April 2012. That left one important provision from section 6 on the docking of working dogs' tails. When commenced, it will ban the tail docking of dogs unless the whole or part of a dog's tail is removed by a veterinary surgeon for the purpose of medical treatment or to save the dog's life when it is not practical to have the whole or part of the tail removed by a vet. The rule, however, provides for an exemption for certified working dogs that permits tail docking for working dogs such as spaniel, terrier or hunt, point and retrieve breeds involved in law enforcement, lawful pest control or the lawful shooting of animals.

As part of the Committee's scrutiny process of the legislation, the Department of Agriculture and Rural Development first presented the pre-consultation to the Committee at its meeting on 28 June 2011. The regulation returned to Committee at SL1 stage on 8 May 2012, at which stage the Committee had no issues with the merits of the policy. It was considered again on three further occasions at SR stage, when issues with the certification of a working dog by a vet caused some concern and prompted the Committee to seek clarification from the Department.

Several vets contacted Committee members advising that they had concerns with the docking of tails for certified working dogs. The parent Act sets out specific elements that a vet must certify a dog as a working dog before it is five days old. The responsibility to provide evidence that the dog meets the requirements of the regulations is on the owner. However, vets raised concerns about the next step in the process, which involves microchipping. The pup must be presented to the same vet before it is eight weeks old to confirm that it is the same pup that had its tail docked seven weeks earlier. Once this is confirmed, the pup will be microchipped. The role of the vet at that stage is to certify that they are microchipping a dog that the owner claims is the same dog that was docked previously. The owner, not the vet, does the certification.

The exemption was subject to a 12-week consultation period. The Department advised that, whilst the Royal College of Veterinary Surgeons is opposed to the docking of dogs' tails, it acknowledges that some of its members may choose to dock tails within the proposed legal framework. Under both the Veterinary Surgeons Act 1966 and the proposed regulations, there will be no legal obligation on any vet to dock a dog's tail. Therefore, it will be an ethical decision for the individual vet to make.

issues with the regulations. The Department advised that it has been working closely with councils and enforcement officers to educate them about the forthcoming regulations. That has given some assurance to vets that there will be enough education for dog owners about the requirements of the new legislation. Committee members were content with the explanation provided by departmental officials and commend them for their active intervention with the vets to resolve the issue.

The final issue of concern to the Committee was about some form of public information. The Committee felt that it was vital that the general public were made aware of the new law. We are glad to note that the Department agreed with this position and initially agreed to delay commencement to allow it to inform the public and veterinary professionals. The Minister confirmed that today. For the record, the Agriculture and Rural Development Committee agreed at its meeting on 26 June 2012 that the statutory rule should be affirmed by the Assembly.

**Mrs Dobson:** As Ulster Unionist Party agriculture spokesperson, I welcome the fact that the regulations have reached the Floor of the House. The issue has been the subject of lively debate since 2009, and concerted pressure from Committee members in the previous and current mandate, alongside consultation responses, has resulted in the exemption in the Bill for working dogs. Some in the agriculture community may well ask why so much time has been devoted to one issue. However, I acknowledge the excellent debate in the House last week on the farming crisis and that we are focusing on matters of greater importance to farmers, the wider agriculture industry and rural communities.

The exemption for working dogs will avoid unnecessary suffering and improve their welfare throughout their working life. If an adult working dog sustains an injury to its tail, amputation is a major act of veterinary surgery. It requires anaesthetic and an extended period of recovery, all of which could simply be prevented shortly after birth by a small procedure. However, it was no small procedure to bring the Department of Agriculture and Rural Development to the position that it is in today. It has been forced into an about-turn on its initial position of a complete ban on tail docking.

#### **12.45 pm**

During the previous mandate, in February 2011, Members debated the Consideration Stage of the Bill. The Minister's predecessor spoke of the unnecessary suffering and acute pain that is caused by tail docking and said that she wanted to impose a complete ban. In response, the Committee highlighted the total reluctance of the Department to listen to alternative views, its dismissal of the evidence and its refusal to listen to the voice of the rural community. The result is evident in the final regulations that are before us, proposals in which the voice of the rural community of Northern Ireland is acknowledged.

Committee members have been told that, following five years of a similar tail docking exemption in England and Wales, the legislation there is operating relatively well. Perhaps in her response, the Minister will tell the House whether the number of illegal tail docking incidents has reduced in those jurisdictions as a result. We would all welcome that occurring in Northern Ireland.

Now that the proposals have reached their final form, the Department, from today, has a duty to educate the public. It is vital that everyone knows their roles and responsibilities. Dog owners and breeders will need to know exactly how the new regulations will affect them. It is therefore vital that the Department increases awareness of the documentation required to avoid confusion or delays when people arrive at the vet.

I welcome the agreement between DARD officials and the Dogs Trust to work together to start the process of informing vets and the public of the changes to the legislation. The Dogs Trust does fantastic work increasing public awareness of changes in regulations, and I commend it for its involvement in helping people to understand the changes that were brought in last year on the microchipping of dogs.

I also welcome the assurances that have been given by the Department to the Committee that it will work directly with vets. It must give vets the right level of advice and guidance to make sure that they are fully aware of their role under the new legislation. It is critical that vets do not find the new regulations overly complicated or bureaucratic. We certainly do not want to make a decision that could, in any way, lead to an increase in illegal tail docking. The legislation leaves it as an ethical decision for a vet whether or not to dock a working dog's tail. I hope the Department recognises that, if a significant number of vets

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-12-13/15-October-2012/> 04/03/2013

greater risk to the welfare of pups. The Department must work alongside vets to ensure that that does not happen.

I also urge the Department not to instigate a witch-hunt against the owners of dogs that have had their tail docked. We must recognise that, for the next 10 to 15 years, there will be owners of dogs whose tails have been docked, quite legitimately and legally, under the present provisions. I would welcome the Minister's assurances that the Department will not stigmatise those owners.

We welcome the proposals before the House, and I would further welcome the Minister's assurances on the points that I have raised.

**Mr Byrne:** As Deputy Chairperson of the Committee and spokesperson for my party, I support and welcome the motion on the docking of working dogs' tails. The consultation between the Committee and stakeholders has meant that we have better legislation before us, and that will be more beneficial in the long term.

I ask the Minister to make sure that the Department issues clear guidelines to dog owners, the dog wardens of district councils and animal welfare officers to make sure that there is no ambiguity. Vets were very concerned that they were almost being expected to dock tails at the request of owners. However, the onus is on the owner to ensure, certify and guarantee that the animal will be used as a working dog if the exemption is to be obtained. I support the motion, and I hope that the Minister can give those guidelines to the necessary stakeholders.

**Mr McCarthy:** I agree with the Chairman and other members of the Committee on this very important issue. I express my appreciation to the officers and staff who serviced the Committee and continue to work with us. I also thank the people and organisations and the staff from the Department who came to the Committee to make representation and give us advice.

The issue has provoked many worries and concerns, and, as a Committee, we were sympathetic. However, decisions have to be made, and I hope that the compromise that is arrived at will serve the community as we move forward. Let us remind ourselves that a dog is supposed to be and always has been a man's and a woman's best friend. The least that we, as humans, can do is ensure that those animals are well treated at all times.

I welcome the Minister's statement and our intention to do what is necessary to inform and educate everyone involved in this important topic. I recall representations from the dog-showing fraternity. Its concerns were genuine, and it suggested to the Committee that revenue could be lost to our economy if restrictions were imposed. Only time will tell whether that has been the case.

The exemption for working dogs is welcome. I sincerely hope that no attempt will be made by anyone to undermine the regulations. I support the motion.

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who spoke, particularly the Committee Chair, for their comments. I will pick up briefly on a few of the points that were raised. I think that everybody recognises that we need a campaign of information and education for everybody, and that is why we have delayed the implementation until January so that we can have the time that we need to do that.

Jo-Anne Dobson talked about figures in other areas, particularly Britain, where legislation has been in place before now. No figures are available, so I cannot give her any details from Britain. She talked about a witch-hunt of people who had their pup's tail docked previously. Obviously, that will not be the case. Any dog that was docked before 1 January 2013 will have been done by a vet under the current situation. So, I hope that that assures Members.

*Question put and agreed to.*

*Resolved:*

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



Ms Margaret Burgess MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



LEGACY 2014  
XX COMMONWEALTH GAMES  
SCOTLAND

Ar faidhle/Our ref: 2013/0007451  
28<sup>th</sup> March 2013

*Margaret*

Thank you for your correspondence of 18 March 2013 on behalf of your constituent on the issue of tail docking. I am replying as I have portfolio responsibility for animal welfare.

The Scottish Government takes the issue of animal welfare of very seriously. Tail docking has been prohibited in Scotland since 2007; this decision was not taken lightly. The issue of tail docking is both controversial and difficult, and has been the subject of considerable consultation, in March 2004, when outline proposals on new animal welfare legislation were first issued; again in May 2005 when the draft Animal Health and Welfare (Scotland) Bill was published, and again in October 2006, after the Animal Health and Welfare (Scotland) Act 2006 came into force, when draft Regulations (The Prohibited Procedures (Exemptions) (Scotland) Regulations) were consulted on.

Responses relating to tail docking were received from a wide selection of organisations representing the farming industry, animal welfare, countryside sports, veterinary surgeons and dog societies. Strong views were held by both sides and robust arguments were presented for and against tail docking for all dogs, and whether any exception should be made for working dogs. However, much of the evidence provided was anecdotal and, following a detailed analysis of the arguments for and against, the Scottish Government decided to uphold the decision not to exempt working dogs.

However, the Scottish Government has agreed that should evidence come to light which suggests that the ban on tail docking compromises the welfare of working dogs, we would review the position. To this end, we helped fund a case control study by the University of Bristol and the Royal Veterinary College, aiming to document the risks of tail injuries in dogs in Great Britain, to evaluate whether tail docking reduces the risk of tail injury, and to identify other major risk factors for tail injury.

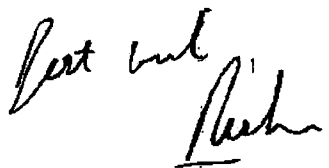
/The...



The research was conducted during 2008/2009 and the resultant report was published in the Veterinary Record on 26 June 2010. Unfortunately the study was not suitably robust enough to provide guidance on whether or not working dogs should be exempted from the ban. This was due to the limited number of available un-docked working dogs at that time.

As the ban on tail docking has been in place in Scotland for several years now, significant numbers of undocked dogs have now been trained and worked. To obtain clearer insight into the situation the Scottish Government commissioned a further research project from the University of Glasgow. The research project sought to examine the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. I understand that the study has now been completed and papers from the research are currently being prepared. The papers should be submitted to a peer review journal soon; however the Scottish Government has no control over the timing of publication, or of the publication process. The University of Glasgow study should provide clear evidence regarding the impact of the ban on tail docking on working dogs in Scotland and should therefore enable an objective review of the current legislation. However, it would not be appropriate to propose changes to the current legislation until the research papers have been peer reviewed and considered robust.

I hope this is helpful.



**RICHARD LOCHHEAD**

From: [REDACTED]  
Sent: 18 March 2013 13:57:05  
To: Scottish Ministers  
Subject: Tail Docking

Good afternoon,

Margaret has been contacted by a constituent regarding tail docking.

There is an exemption down south for tail docking for working dogs in order to prevent injury. Can you please advise what the Scottish Government's position is on tail docking for working dogs and if there are any plans to bring in an exemption for working dogs?

Kind regards

[REDACTED]  
Constituency Caseworker  
Office of Margaret Burgess MSP  
14 Eglinton Street  
Irvine  
KA12 8AS  
[REDACTED]

\*\*\*\*\*  
\*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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



Ms Angela Constance MSP  
 The Scottish Parliament  
 EDINBURGH  
 EH99 1SP



LEGACY 2014  
 XX COMMONWEALTH GAMES  
 SCOTLAND

Ar faidhle/Our ref: 2013/0006487  
 28<sup>th</sup> March 2013

*Dear Angela,*

Thank you for your email of 4 March 2013 on behalf of your constituent [REDACTED] concerning the tail docking of working dogs.

Tail docking has been prohibited in Scotland since April 2007, including tail docking of working dogs. This decision was not taken lightly and has been the subject of considerable consultation. The issue of tail docking is both controversial and difficult, with strong views held by those on both sides of the argument. The Scottish Government helped fund research by the University of Bristol and the Royal Veterinary College on the issue of tail injuries in working dogs which was conducted during 2008/2009, and published in 2010. The research did not provide sufficient information about tail injuries in working dogs in Scotland to justify a change in present policy.

In 2011, further research was commissioned from the University of Glasgow, which should provide clear evidence regarding the impact of the ban on tail docking on working dogs in Scotland, and enable an objective review of current legislation. I understand that the research has now been completed and papers are currently being prepared. The papers should be submitted to a peer review journal soon; however the Scottish Government has no control over the timing of publication, or of the publication process. It would not be appropriate to propose changes to the current legislation until the research papers have been peer reviewed and published.

I hope this is helpful.

*Best wish  
 Richard*

**RICHARD LOCHHEAD**

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





DOC 39

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



Mr John Swinney MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



LEGACY 2014  
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SCOTLAND

Ur faidhle/Your ref: JS/EW  
Ar faidhle/Our ref: 2013/0006912

28<sup>th</sup> March 2013

*Dear John,*

Thank you for your correspondence of 7 March 2013 on behalf of your constituent [REDACTED] in the issue of tail docking of working dogs.

I was very sorry to hear of your constituent's dog Tia's injury, and fully appreciate the distress that this must have caused to both dog and owner. I am pleased that Tia was able to recover from her ordeal. As I am sure you will be aware, the Scottish Government takes the issue of animal welfare of very seriously. Tail docking in Scotland has been prohibited since 2007. This decision was not taken lightly. The issue of tail docking is both controversial and difficult, and has been the subject of considerable consultation, in March 2004, when outline proposals on new animal welfare legislation were first issued; again in May 2005 when the draft Animal Health and Welfare (Scotland) Bill was published, and again in October 2006, after the Animal Health and Welfare (Scotland) Act 2006 came into force, when draft Regulations (The Prohibited Procedures (Exemptions) (Scotland) Regulations) were consulted on.

Responses relating to tail docking were received from a wide selection of organisations representing the farming industry, animal welfare, countryside sports, veterinary surgeons and dog societies. Strong views were held by both sides and robust arguments were presented for and against tail docking for all dogs, and whether any exception should be made for working dogs. However, much of the evidence provided was anecdotal and, following a detailed analysis of the arguments for and against, the Scottish Government decided to uphold the decision not to exempt working dogs.

/However...

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www.scotland.gov.uk



However the Scottish Government has agreed that should evidence come to light which suggests that the ban on tail docking compromises the welfare of working dogs, we would review the position. To this end, we helped fund a case control study by the University of Bristol and the Royal Veterinary College, aiming to document the risks of tail injuries in dogs in Great Britain, to evaluate whether tail docking reduces the risk of tail injury, and to identify other major risk factors for tail injury. The research was conducted during 2008/2009 and the resultant report was published in the Veterinary Record on 26 June 2010. Unfortunately the study was not suitably robust enough to provide guidance on whether or not working dogs should be exempted from the ban. This was due to the limited number of available undocked working dogs at that time.

As the ban on tail docking has been in place in Scotland for several years now, significant numbers of undocked dogs have now been trained and worked. To obtain clearer insight into the situation, the Scottish Government commissioned a further research project from the University of Glasgow. The research project sought to examine the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. I understand that the study has now been completed and papers from the research are currently being prepared. The papers should be submitted to a peer review journal soon; however the Scottish Government has no control over the timing of publication, or of the publication process. As you will appreciate, it would not be appropriate to propose changes to the current legislation until the research has been peer reviewed and considered robust.

I hope this is helpful.

*Best wishes  
Richard*

**RICHARD LOCHHEAD**

DOC 39



The Scottish Parliament  
Pàrlamaid na h-Alba

Richard Lochhead MSP  
Cabinet Secretary  
For Rural Affairs and the Environment  
Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

Ref: JS/EW

RAE  
11 MAR 2013  
PRIVATE CH. 55

M.C.U.  
12 MAR 2013  
Received

7<sup>th</sup> March 2013

*R. Lochhead*

[Redacted]

I have been contacted by one of my constituents, [Redacted] of the above address, regarding the issue of tail docking for working gundogs.

My constituent has highlighted the recent injury that her dog suffered to its tail and its subsequent amputation. [Redacted] is of the view that the docking of her dog's tail would have been more humane. I enclose a copy of some self explanatory correspondence from my constituent, in which she sets out her concerns.

I would be grateful if you were able to reflect on these points and inform me of your views and of any assistance you can give. I look forward to hearing from you in order that I may respond to my constituent.

*John Swinney*

**JOHN SWINNEY**  
*Member of the Scottish Parliament for Perthshire North*

*Parliamentary Office:*  
The Scottish Parliament  
Edinburgh, EH99 1SP

*Constituency Office:*  
35 Perth Street  
Blairgowrie, PH10 6DL

[Redacted]

[Redacted]

Email: [Redacted]

Website: [www.johnswineymsp.com](http://www.johnswineymsp.com)



5<sup>th</sup> March 2013

Dear Mr Swinney,

I am writing to you following the Scottish Gamekeepers Association AGM regarding tail docking in working gundogs.

I moved to Scotland 5 years ago and have bred working Cocker spaniels since a young age. Previously to the move, I have had no problems with my dogs' tail since they were docked at a few days old.

Currently I have a 2 year old Cocker spaniel called Tia who unfortunately had her tail amputated in September 2012. She had only worked 3 days in the previous shooting season and one day in August 2012 on the grouse moor. She was not working the day she sustained the injury to her tail and from a young age, her tail was banged against everything whilst being wagged. I work in a veterinary practice so took her to see the Veterinary Surgeon and on closer inspection the tip of tail had split which would have become necrotic if repeatedly injured. Therefore Tia underwent a General Anaesthetic to have her tail amputated. It took over 2 weeks to heal. During this period, both Tia and I were very distressed and had to fight against infection which involved a prolonged recovery. All this could have been avoided if she had been docked as a puppy.

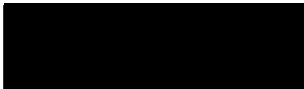
In my view I see no difference to a puppy having dew claws removed at a few days old, a lamb having a rubber ring on the tail or a calf being castrated/dehorned which are still currently carried out. So why can we not dock our dog's tail. It is for their benefit in the long run. Five years ago, Alex Salmon attended the SGA AGM regarding this matter and still we are no further, why has this taken so long?

Tia is still very conscious of her tail and does not like it being looked at or touched due to the pain and distress she encountered.



I look forward to hearing your response to this matter.

Yours sincerely,



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



Mr John Swinney MSP  
 The Scottish Parliament  
 EDINBURGH  
 EH99 1SP



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 SCOTLAND

Ar faidhle/Our ref: 2013/0006931

28<sup>th</sup> March 2013

*John Swinney*

Thank you for your correspondence of 12 March 2013 on behalf of your constituent, [REDACTED] on the issue of tail docking.

The Scottish Government takes the issue of animal welfare of very seriously. Tail docking has been prohibited in Scotland since 2007; this decision was not taken lightly. The issue of tail docking is both controversial and difficult, and has been the subject of considerable consultation, in March 2004, when outline proposals on new animal welfare legislation were first issued; again in May 2005 when the draft Animal Health and Welfare (Scotland) Bill was published, and again in October 2006, after the Animal Health and Welfare (Scotland) Act 2006 came into force, when draft Regulations (The Prohibited Procedures (Exemptions) (Scotland) Regulations) were consulted on.

Responses relating to tail docking were received from a wide selection of organisations representing the farming industry, animal welfare, countryside sports, veterinary surgeons and dog societies. Strong views were held by both sides and robust arguments were presented for and against tail docking for all dogs, and whether any exception should be made for working dogs. However, much of the evidence provided was anecdotal and, following a detailed analysis of the arguments for and against, the Scottish Government decided to uphold the decision not to exempt working dogs.

However, the Scottish Government has agreed that should evidence come to light which suggests that the ban on tail docking compromises the welfare of working dogs, we would review the position. To this end, we helped fund a case control study by the University of Bristol and the Royal Veterinary College, aiming to document the risks of tail injuries in dogs in Great Britain, to evaluate whether tail docking reduces the risk of tail injury, and to identify other major risk factors for tail injury.

/The...

The research was conducted during 2008/2009 and the resultant report was published in the Veterinary Record on 26 June 2010. Unfortunately the study was not suitably robust enough to provide guidance on whether or not working dogs should be exempted from the ban. This was due to the limited number of available un-docked working dogs at that time.

As the ban on tail docking has been in place in Scotland for several years now, significant numbers of undocked dogs have now been trained and worked. To obtain clearer insight into the situation the Scottish Government commissioned a further research project from the University of Glasgow. The research project sought to examine the incidence of tail injuries in working dogs in Scotland, specifically spaniels, hunt point retrievers and terriers. I understand that the study has now been completed and papers from the research are currently being prepared. The papers should be submitted to a peer review journal soon; however the Scottish Government has no control over the timing of publication or of the publication process. The University of Glasgow study should provide clear evidence regarding the impact of the ban on tail docking on working dogs in Scotland and should therefore enable an objective review of the current legislation. However, it would not be appropriate to propose changes to the current legislation until the research papers have been peer reviewed and considered robust.

I hope this is helpful.

*Best wishes  
Richard*

**RICHARD LOCHHEAD**



From: [REDACTED]  
Sent: 12 March 2013 13:41:25  
To: Ministerial Correspondence Unit  
Subject: FW: Ban on Tail Docking of Working Dogs.

For maccs please

[REDACTED]  
Deputy Private Secretary - Richard Lochhead MSP - Cabinet Secretary for Rural Affairs and the Environment

[REDACTED]

[REDACTED]  
Sent: 12 March 2013 13:38  
To: Cabinet Secretary for Rural Affairs and the Environment  
Subject: FW: Ban on Tail Docking of Working Dogs.

Dear Mr Lochhead

John Swinney has been contacted by his constituent [REDACTED] regarding the ban on tail docking.

[REDACTED] informs Mr Swinney that he is becoming increasingly concerned to see working dogs with illegally docked tails that are damaged beyond repair. [REDACTED] believes that the ban is not working. I attached his detailed email for your information.

Mr Swinney looks forward to hearing back from you.

Kind regards

[REDACTED]  
Assistant to John Swinney  
Perthshire North Constituency Office  
35 Perth Street  
Blairgowrie  
PH10 6DL  
[REDACTED]

From: [REDACTED]  
Sent: 11 March 2013 09:32  
To: Swinney J (John), MSP  
Subject: Ban on Tail Docking of Working Dogs.

Dear Mr Swinney,

I am writing regarding the ongoing issue of tail docking. It is now five years since Mr Salmond promised that if there was any evidence that working dogs tails were being

damaged then the ban would be repealed. I am involved in the shooting industry and have seen with my own eyes the damage caused to some dogs tails. It appears, however, as we are the practitioners and not the experts our views and observations do not count and the matter rumbles on.

If I want a working spaniel then I have two choices buy one bred in Scotland and take the risk that in two years time the dog will have to undergo major and expensive surgery to remove the damaged tail or go south of the border and buy a legally docked dog. No wonder the dog breeders in the North of England are laughing whilst the Scottish working bloodlines are being lost.

We are told it is in the interest of animal welfare yet, I believe, if I am a lamb I can lose both my tail and testicles in case I suffer fly strike or interbreed with the flock. Now I appreciate the NFU are a very powerful body but can someone explain why such procedures are allowed to prevent potential injury to one species and not another?. The lamb's problems do not end up there. Depending who is going to eat me will govern the method of my slaughter. I thought that a Government concerned with animal welfare would ensure that the most humane method of slaughter was employed whoever the end customer was. Why then do some animal have to be stunned before their throats are cut and others do not?

Currently I can take my newly born son to have a certain part of his anatomy snipped of for cultural or religious reasons or my infant daughter to have holes punched in her ears to fit bits of metal. This has no medical or welfare reason and can be achieved without pain or psychological damage in later years but removing my spaniel's tail cannot. Can someone please explain why?

Last but not least we have the scientific papers that tell us of the damage docking causes to our dog's social interactions. Views or opinions on a subject can be formed through practical hands on experience, through reading about it or a combination of both. Learning solely from a book views are clouded by the authors standpoint and if literature on the subject is limited the same erroneous views and conclusions will be perpetuated. I presume that the authors of these papers have carried out one to one interviews or focus group studies with these dogs to learn of the trauma they have suffered or is this just another theory. Of course there are peer group reviews. How did the peer group become experts in the subject, by reading the same books and listening to the same lecturers at University?

I am not an academic but given the number of contradictory scientific papers that are published week in week out I suspect the majority of these papers have more to do with furthering the academic career of the author than increasing the sum of human knowledge.

Finally we seem to have forgotten why we want working dogs docked. It is not for cosmetic reasons it is to prevent injury. I do not care what my spaniel looks like, I want it to be able to work with minimal risk of injury. Why would I want to carry out a procedure that affects its balance, ability to swim or social interaction with other dogs, it would defeat the purpose of having a good working dog. (That said in the nearly 60 years that I have been about spaniels I have never noticed the length of tail to be one of the areas of interest when examining that end of a new found acquaintance maybe it's the company I keep!!!!!!)

Can we have some movement on this please and either end this senseless ban or explain why it is to be retained, ending the procrastination in the matter and giving the shooting industry a clear indication of the SNP's stance on the matter.

Regards,

**5 lines redacted exempt.**