

Burns PD (Phil)

From: [redacted] on behalf of Cabinet Secretary for the Environment, Climate Change and Land Reform
Sent: 02 May 2017 11:18
To: Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); [redacted] Voas AP (Andrew); [redacted]; [redacted]
Subject: RE: Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Thanks Phil.

Ms Cunningham has:

- Approved the laying of the regs
- Signed the BRIA (we will forward that on); and
- Agreed that the laying date should be delayed by a week so that the regulations are now laid on 12th May.

[redacted]

[redacted] | PS to Cabinet Secretary for Environment, Land Reform and Climate Change | 2N.08 | St Andrews House | Edinburgh | EH3 1DG | T: [redacted]

From: Burns PD (Phil)
Sent: 28 April 2017 13:51
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); [redacted]; Voas AP (Andrew); [redacted]; [redacted]; Communications Rural Economy & Environment; [redacted]
Subject: Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

[redacted]

Please find attached submission seeking the Cabinet Secretary's approval to:

- the laying of the above regulations under affirmative procedure; and
- the presentation of the Policy Note (near final draft) and Business Regulatory Impact Assessment, attached at Annexes A and B respectively, with the draft regulations.

Separately attached is a copy of the Business Regulatory Impact Assessment for Cabinet Secretary's signature if agreed. I'd be grateful if the signed copy could be returned to me in PDF.

Thanks

Phil

<< File: Tail Docking Submission to Lay Regs April 2017.docx >> << File: BRIA for Submission.doc >>

Phil Burns
AFRC – Animal Health & Welfare
P Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

T: [REDACTED]
[REDACTED]

CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM TO ADDRESS THE SGA AGM, PERTH.	
TIMING	09:50 – 10:30 Friday, 3 March 2017
ATTENDEES	Official(s) in attendance: [REDACTED]
AGENDA	No set agenda – you have been invited to address the SGA AGM, please see Annex A for the suggested speaking note.
ATTENDEES	[REDACTED] Chairman, SGA - The event will be attended by approximately 100 members of the SGA, including the Committee of the organisation.

BRIEFING CONTENTS:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- **Item 4 – Tail docking of working dogs**
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

BACKGROUND

Performing the Exempt Procedure and Certification

- The Scottish Government is proposing the use of a simplified form which will not be prescribed by regulations. The form will be discussed with the regulatory for the veterinary profession in the UK.
- The certificate will contain all of the necessary information whilst being shorter than the form used in other UK administrations. This will also facilitate any subsequent changes to the breeds of dogs which might be docked where new evidence suggests that will benefit animal welfare.
- We also expect that it will become common usage for the form to be passed on any new owner in order not to expose that person to potential criminal liability for mutilation under section 20 of the Animal Health and Welfare (Scotland) Act 2006.
- In order for a veterinary surgeon to be able to perform an exempted procedure he/she will have regard to:
 - Assessment of the puppy as being of a breed exempted by The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010, as amended, and not more than 5 days old;
 - Consideration of the likelihood of the dog being used in connection with legal field sports. Indicators of this are likely to be knowledge of the owner and dam of the puppy and their involvement in such pursuits; and
 - Consideration of the puppy's later working environment as exposing them to heightened risk of serious tail injury.

Background on Consultation

- Ran between 10 February and 3 May 2016, attracting 906 responses which were independently analysed.
- Individuals involved in field sports were almost unanimous in their agreement to the tightly defined exemption; whereas individuals with an interest in animal welfare were unanimous in suggesting that the ban should remain. However a significant minority suggested that a greater length of tail should be removed and that other breeds, such as terriers, should also be included – this was not supported by the research and is not being taken forward. The small number of individual veterinary surgeons who responded to the consultation were divided as to whether shortening should or should not be allowed.
- Field sports stakeholders and breeders' organisations supported the tightly defined exemption; whereas animal welfare groups supported retention of the ban on docking.

- BVA and BSAVA did not consider the Glasgow University research sufficiently robust to support a relaxation of the docking ban. Reasons given for that were then low number of responses and participating vet practices.
- In strictly numerical terms, 92% of all respondents considered that shortening should be permitted – probably partly due to 77% of the respondents identifying themselves as being involved in field sports to some extent. 52% of respondents agreed that shortening should be limited to the end third of the tail, and that the procedure should be carried out by any qualified veterinary surgeon (82%) who should be the same veterinary surgeon that later microchips the dogs (58%).

Scottish Gamekeepers Association Response to the Consultation

- Considered the evidence presented by Glasgow University research supported the tightly defined exemption proposed by the SG. Did not suggest other breeds for shortening.
- Agree to limit shortening to the end third of the tail, allowing a full range of expression and communication.
- Stated that all vets should be able to shorten, but are comfortable that some vets will have their own reasons for refusing to carry out the procedure.

Lines to take

- **Tail docking for dogs remains unlawful, except for the purpose of medical treatment, under section 20 of the Animal Health and Welfare (Scotland) Act 2006.**
- **Scottish Ministers announced on 4 October 2016 that legislation would be changed to permit the shortening of the tails of Spaniel and Hunt Point Retriever puppies where a vet believes they are likely to be for use as a working dog and risk serious tail injury in later life. That decision was taken following public consultation on the findings from research commissioned by the Scottish Government from University of Glasgow.**
- **Regulations amending the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 are currently being drafted and are estimated to be laid before the Scottish Parliament in May 2017.**
- **Veterinary Surgeons will be required to complete a certificate to the effect that they have considered both the likelihood of a puppy working and risking serious tail injury as a result of working.**

**SUGGESTED
QUESTION(S)**

Doc 33

Cabinet Secretary for Environment, Climate Change and Land Reform
Roseanna Cunningham MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [REDACTED]
E: scottish.ministers@gov.scot

Mr John Swinney MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Our ref: 2017/0008929
24 March 2017

Dear John,

Thank you for your e-mail of 3 March 2017 on behalf of your constituent [REDACTED] about the introduction of the legislation relaxing the ban on tail shortening for working spaniels and hunt point retrievers.

The Animal Health and Welfare (Scotland) Act 2006 provides the Scottish Ministers with the power to make regulations; and requires that such regulations made under its powers are laid before, and approved by resolution of, the Scottish Parliament. It is expected the regulations to relax the ban on tail shortening will be presented to the Scottish Parliament by the end of May 2017 for scrutiny and approval. The relaxation of the ban will affect only spaniels and hunt point retrievers and will only allow the removal of up to one third of the end of the tail. An additional safeguard will be that shortening will only be allowed where carried out by a veterinary surgeon that is of the professional opinion that a dog will be used for working and is likely to be at risk of serious tail injury in later life.

Under this affirmative procedure both the Devolved Powers and Law Reform Committee and the Environment, Climate Change and Land Reform Committee will have the opportunity to comment on any regulations prior to them being placed before the Scottish Parliament for approval. [REDACTED] may wish to follow the progress of the regulations after their laying on the Scottish Parliament website at <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/99948.aspx> and from the official reports for the Chamber and the Committees at <http://www.parliament.scot/parliamentarybusiness/ormain.aspx>.

I hope this reply is helpful.

Yours
Roseanna

Roseanna Cunningham

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



From: [REDACTED]
Sent: 06 March 2017 09:50:40
To: Public Engagement Unit
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: FW: John Swinney MSP - constituent issue

Hi,

One for MACCS please, MR

Kind Regards

[REDACTED]

[REDACTED]

Assistant Private Secretary
Roseanna Cunningham, MSP Cabinet Secretary for Environment, Climate Change
and Land Reform
2N.08 - St Andrews House - Regent Road - Edinburgh - EH1 3DG

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 03 March 2017 17:57
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: John Swinney MSP - constituent issue

Dear Ms Cunningham

Ref: 2016/0036307 and 2016/0037236

John Swinney MSP has been contacted once more by his constituent [REDACTED]
[REDACTED]

[REDACTED] would like to know how the government will take forward the order to amend the legislation on tail docking of hunting dogs. He is keen understand what type of order will be used and to follow the process as it comes to the parliament.

Mr Swinney would appreciate your assistance in replying to his constituent and looks forward to hearing back from you.

Kind regards
Pam Muir
Assistant to John Swinney
Perthshire North Constituency Office
17-19 Leslie Street
Blairgowrie
PH10 6AH
[REDACTED]

MEETING BETWEEN CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM AND BRITISH VETERINARY ASSOCIATION	
TIMING	13:15 to 14:00, Tuesday 16 May at the Scottish Parliament 2017.
ATTENDEES	<p>[REDACTED] President BVA Scottish Branch [REDACTED], Junior Vice President BVA Scottish Branch [REDACTED] President BVA</p> <p>Official(s) in attendance: Sheila Voas, CVO Scotland</p>
AGENDA	<ol style="list-style-type: none">1. [REDACTED]2. [REDACTED]3. [REDACTED]4. Tail shortening legislation5. [REDACTED]6. [REDACTED]7. [REDACTED]8. [REDACTED]

ITEM 4	Tail shortening legislation
BACKGROUND	<p>Top line</p> <p>The Scottish Government announced on 4 October 2010 that there would be a relaxation on the shortening of the tails of working dogs. Affirmative secondary legislation presented to the Scottish Parliament on 5 May 2017 for consideration and approval.</p> <p>Background</p> <p>The issue of tail docking in working dogs is both controversial and difficult, with strong views being held by those on both sides of the debate. All parties profess to have the welfare of dogs in mind.</p> <p>SG has always agreed that if evidence came to light that suggested the ban compromised the welfare of working dogs then we would review the current position. Research commissioned from the University of Glasgow was published in April 2014 that provided data on the incidence of tail injuries in working dogs.</p> <p>Consultation in 2016 elicited 914 responses. Replies were polarised with 77% contributed by those involved in field sports – 92% in favour of tail shortening.</p> <p>After external independent analysis of responses Scottish Ministers decided to permit the docking of tails, of up to a third in length, to offer welfare benefits to working Spaniels and Hunt Point Retrievers.</p> <p>Legislation will permit the shortening of the tails, by up to the end third of length, of working spaniels and hunt point retrievers. An additional safeguard will be that shortening will only be allowed where carried out by a veterinary surgeon that is of the professional opinion that a dog will be used for working and is likely to be at risk of serious tail injury in later life. Veterinary certification is to be provided within a format to be decided in discussion with RCVS.</p> <p>Phil Burns Ext [REDACTED]</p>
SUGGESTED QUESTION(S)	[REDACTED]

Cabinet Secretary for Environment, Climate Change and
Land Reform
Roseanna Cunningham MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

[Redacted]
E: scottish.ministers@gov.scot

Mr Willie Rennie MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref: [Redacted]
Our ref: 2017/0006792
8 March 2017

Dear Willie,

Thank you for your letter of 10 February 2017, on behalf of a constituent, about when the ban on tail shortening for working spaniels and hunt point retrievers will be relaxed.

The Scottish Ministers took an evidence-based decision in order to promote the welfare of those working dogs most at risk of tail injuries. The relaxation of the ban on tail shortening will affect only spaniels and hunt point retrievers and will only allow the removal of up to one third of the end of the tail. An additional safeguard will be that shortening will only be allowed where carried out by a veterinary surgeon that is of the professional opinion that a dog will be used for working and is likely to be at risk of serious tail injury in later life.

It is expected that legislation to permit the shortening of the tails of working spaniels and hunt point retrievers, on the terms mentioned above, will be presented to the Scottish Parliament by the end of May 2017 for scrutiny and approval.

I hope this reply is helpful.

Yours

Roseanna

Roseanna Cunningham





The Scottish
Parliament

Willie Rennie
Member of Scottish Parliament, North East Fife
Leader of the Scottish Liberal Democrats

Roseanna Cunningham MSP
Minister for Environment, Climate Change & Land Reform
St. Andrew's House
Regent Road
Edinburgh, EH1 3DG

10 February 2017

Ref: [REDACTED]

Dear Roseanna

Re: Docking of Working Terriers' Tails

Thank you for your letter dated 1 February regarding the above issue. I have since had the opportunity to discuss your response with my constituent, who feels that some issues remain outstanding.

My constituent is a breeder who, like many others, hopes to breed his bitch who is currently six years old. As you may be aware, the Kennel Club deems it unethical to breed English springer spaniel bitches older than eight years old, and so for many breeders, their ability to breed their dogs has only a limited time left, after which their businesses will suffer and the breeding lines they have established will cease to continue. It is for this reason that my constituent is very concerned to know what timescale the Scottish Government is considering to introduce the exemption of some breeds in legislation to prevent the docking of dogs' tails.

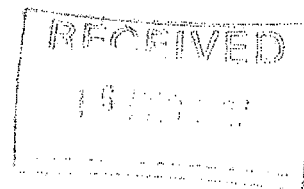
My constituent tells me that over 60% of respondents to the consultation were aware of people buying working dogs from outside of Scotland, where this legislation does not apply, and they feel that this has a negative impact on their ability to sell dogs to the working market.

I would be grateful if you could provide some details of the timescale in which the Scottish Government expects to bring these changes into law.

Yours sincerely

Willie Rennie

Liberal Democrat Member of the Scottish Parliament for North East Fife



RECEIVED 20 FEB 2017

RCB

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Burns PD (Phil)

From: [REDACTED] on behalf of Cabinet Secretary for the Environment, Climate Change and Land Reform
Sent: 02 May 2017 11:22
To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Burns PD (Phil)
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); [REDACTED] Voas AP (Andrew); [REDACTED]
Subject: Communications Rural Economy & Environment; [REDACTED]
RE: Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Hi Phil

Attached is the signed BRIA.



Signed Final
BRIA.pdf

Thanks,

[REDACTED]
Deputy Private Secretary to Roseanna Cunningham MSP | Cabinet Secretary for Environment, Climate Change & Land Reform | Scottish Government | 2N:08, St Andrew's House, Regent Road, Edinburgh, EH1 3DG | Tel: [REDACTED]
[REDACTED]

From: [REDACTED] **On Behalf Of** Cabinet Secretary for the Environment, Climate Change and Land Reform
Sent: 02 May 2017 11:18
To: Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); [REDACTED] Voas AP (Andrew); [REDACTED]
[REDACTED] Communications Rural Economy & Environment; [REDACTED]
Subject: RE: Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Thanks Phil.

Ms Cunningham has:

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- Signed the BRIA (we will forward that on); and
- Agreed that the laying date should be delayed by a week so that the regulations are now laid on 12th May.

[REDACTED] PS to Cabinet Secretary for Environment, Land Reform and Climate Change | 2N.08 | St Andrews House | Edinburgh | EH3 1DG | T: [REDACTED]

From: Burns PD (Phil)

Sent: 28 April 2017 13:51

To: Cabinet Secretary for the Environment, Climate Change and Land Reform

Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); Gallego J (Jesus); Voas AP (Andrew); [REDACTED]

[REDACTED] Communications Rural Economy & Environment; [REDACTED]

Subject: Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

[REDACTED]

Please find attached submission seeking the Cabinet Secretary's approval to:

- the laying of the above regulations under affirmative procedure; and
- the presentation of the Policy Note (near final draft) and Business Regulatory Impact Assessment, attached at Annexes A and B respectively, with the draft regulations.

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Phil

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Phil Burns
AFRC – Animal Health & Welfare
P Spur
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

T: [REDACTED]
[REDACTED]

Final
Business and Regulatory Impact Assessment

Title of Proposal

The Prohibited Procedures an Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

[30 lines redacted exempt.]

Burns PD (Phil)

From: Burns PD (Phil)
Sent: 28 April 2017 13:51
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
Cc: Cabinet Secretary for the Rural Economy and Connectivity; DG Economy; Mitchell E (Elinor); Voas S (Sheila); [REDACTED]; Voas AP (Andrew); [REDACTED]
Subject: Communications Rural Economy & Environment; [REDACTED]
 Tail Shortening Regulations - The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Tracking:	Recipient	Delivery	Read
	Cabinet Secretary for the Environment, Climate Change and Land Reform	Delivered: 28/04/2017 13:51	Read: 28/04/2017 13:56
	Cabinet Secretary for the Rural Economy and Connectivity	Delivered: 28/04/2017 13:51	Read: 28/04/2017 13:53
	DG Economy	Delivered: 28/04/2017 13:51	
	Mitchell E (Elinor)	Delivered: 28/04/2017 13:51	
	Voas S (Sheila)	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	
	Voas AP (Andrew)	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	Read: 28/04/2017 14:09
	[REDACTED]	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	
	Communications Rural Economy & Environment	Delivered: 28/04/2017 13:51	
	[REDACTED]	Delivered: 28/04/2017 13:51	
	[REDACTED]		Read: 28/04/2017 14:10

Please find attached submission seeking the Cabinet Secretary's approval to:

- the laying of the above regulations under affirmative procedure; and
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Thanks

Phil

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From: Phil Burns
ARE: Animal Health & Welfare
28 April 2017

Cabinet Secretary for Environment, Climate Change and Land Reform

THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2017

Purpose

1. To seek the Cabinet Secretary's approval to:
 - the laying of the above regulations under affirmative procedure; and
 - the presentation of the Policy Note (near final draft) and Business Regulatory Impact Assessment, attached at Annexes A and B respectively, with the draft regulations.

Priority

2. **Urgent.** The current date for laying the draft Regulations is 5 May 2017, allowing the issue to be decided by the Scottish Parliament before summer recess 2017. Laying might be delayed until 12 May 2017 to help manage the Cabinet Secretary's diary commitments regarding possible appearances at the ECCLR Committee, although attempts will be made to ensure parliamentary consideration before summer recess 2017.

Effect of the Regulations

3. The Regulations will relax the ban on non-medical tail docking by permitting the docking by up to one third in length of the tails of spaniel and hunt point retriever breeds likely to be used as working dogs. Docking may only be performed by a veterinary surgeon who certifies that he/she is satisfied with evidence showing that the dog is likely to be used in connection with the lawful shooting of animals; and that the dog is five days old or less.

Background

4. The Cabinet Secretary announced, on 4 October 2016, that the Scottish Government would introduce legislation to permit the shortening of the tails of Spaniel and hunt Point retriever puppies where a vet believes they are likely to be for use as a working dog and risk serious tail injury in later life. The draft Regulations implement that commitment.

5. The decision to relax the ban on non-medical tail docking was taken following full public consultation between 10 February and 3 May 2016 which attracted 906 responses. The majority of the 873 responses from individuals were from those involved in field sports and were supportive of docking. The 33 organisational responses were

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polarised between support for docking from the field sports sector and opposition from the animal welfare sector.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Recommendation

9. Cabinet Secretary is recommended to:

- Approve the laying of The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017;
- Confirm the desired date of laying;
- Agree that the Policy Note and BRIA (Annexes A&B) accompany the draft Regulations at time of laying; and
- Sign the separately attached BRIA for laying with the Scottish Parliamentary Information Centre.

PHIL BURNS

Are: Animal Health & Welfare
X49240

28 April 2017

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cabinet Secretary for Rural Economy					X

DG Economy
Elinor Mitchell, Director ARE
Sheila Voas, Chief Veterinary Officer

[REDACTED]

[REDACTED]

Andrew Voas, Veterinary Adviser

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[REDACTED]

Comms Economy, Rural Economy and Environment

[REDACTED]

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ANNEX A
THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS)
(SCOTLAND) AMENDMENT REGULATIONS 2017
POLICY NOTE
S.S.I. 2017/XXXX

[3,5 pages redacted exempt.]

ANNEX B (Note 21)

THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS)
(SCOTLAND) AMENDMENT REGULATIONS 2017

Final

Business and Regulatory Impact Assessment

Title Proposal

The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment
Regulations 2017

[2 pages tabulated redacted exempt.]