

Doc 40

**Burns PD (Phil)**

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**From:** Burns PD (Phil)  
**Sent:** 07 June 2017 16:11  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew); [REDACTED]  
**Cc:** DG Economic Mitchell E (Elinor); Voas S (Sheila); [REDACTED]  
**Subject:** Tail Shortening - Briefing for ECCLR Committee - 13 June 2017

[REDACTED]

Please find attached briefing pack (introductory speech, briefing and Q&A) for Ms C's appearance before the ECCLR Committee on Wednesday 13 June 2017.

Andrew Voas (Animal Health & Welfare) and Judith Brown (SG Legal Directorate) will support Ms C at the Committee. [REDACTED]

Best wishes

Phil  
[REDACTED]



Tail Shortening -  
Briefing for...

ANNEX A

**BRIEFING NOTE FOR CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM**

**Appearance before Environment, Climate Change and Land Reform Committee  
- 11.00-12.30 Tuesday 13 June 2017**

**Environment, Climate Change and Land Reform Committee**

	Party	Personal focus from Stakeholder Evidence meeting of 30 May 2017
Graeme Dey (Convenor)	SNP	Veterinary skills to carry out a procedure that has not been carried out for a decade, and concern that skills may have been lost.
Maurice Golden (Deputy Convenor)	Con	
Alexander Burnett	Con	
Angus MacDonald	SNP	
Claudia Beamish	Lab	Lack of detailed statistics on the number of working dogs in Scotland to whom the exemption on tail shortening might apply Tail injuries received in working kennels and how these could be avoided.
David Stewart	Lab	
Emma Harper	SNP	Management of pain caused by shortening procedure Use of alternative tail protection (e.g. Vaseline, hair trimming, tail wrapping or covers).
Finlay Carson	Con	Lack of detailed statistics on the number of working dogs in Scotland to whom the exemption on tail shortening might apply
Kate Forbes	SNP	Sought information on the research statement of 'a clear potential benefit' to shortening. [on the basis of the research figures spaniel and HPR were 20 times less likely to suffer a tail injury in the shooting season researched]
Mark Ruskell	Grn	Use of a full tail as a means of communication; and how communication might be modified by removal of one third of the tail. Queried the number of dogs to be docked in order to prevent a tail injury
Richard Lyle	SNP	Low prevalence of tail injuries taken to a vet suggests 'inflicting pain on puppies for something that is not happening routinely'
<b>Substitutes</b>		
Andy Wightman	Grn	Non-attendee
Colin Smyth	Lab	Non-attendee
Joan McAlpine	SNP	Non-attendee
Peter Chapman	Con	Veterinary skills to carry out a procedure that has not been carried out for a decade, and concern that skills may have been lost.

ANNEX B  
BRIEFING NOTE FOR CABINET SECRETARY FOR ENVIRONMENT, CLIMATE  
CHANGE AND LAND REFORM  
Appearance before Environment, Climate Change and Land Reform Committee  
-11.00-12.30 Tuesday 13 June 2017  
Introductory Remarks

**[1 PAGE redacted exempt.]**

## ANNEX C

### **BRIEFING NOTE FOR CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM**

**Appearance before Environment, Climate Change and Land Reform Committee  
- 11.00-12.30 Tuesday 13 June 2017**

#### **Background Briefing**

Draft amending regulations were presented to the Scottish Parliament on 12 May 2017 under affirmative procedure, after an evidence-based decision by Scottish Ministers to promote the welfare of those working dogs most at risk of tail injuries. This evidence was gathered from research commissioned by the Scottish Government from Glasgow University published in 2014 and from a 12 week period of public consultation between 10 February and 3 May 2016.

The evidence suggested that only certain breeds of working dogs - working spaniels and hunt point retrievers - were at significantly increased risk of tail injury in later life. The relaxation of the ban on tail docking will affect only those two types of dogs and will only allow the removal of up to one third of the end of the tail. The procedure will also only be exempt from the ban where it is carried out for the purpose of animal welfare. An additional safeguard will be that docking will only be allowed where carried out by a veterinary surgeon who is satisfied that there has been produced evidence showing that a dog is likely to be used for working. In addition, the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 require that in order to be exempt, the procedure must be carried out in hygienic conditions; in such a way as to minimise pain and suffering; and in accordance with good practice.

The draft regulations include these safeguards and are designed to permit veterinary surgeons to shorten, by no more than the end third, the tails of spaniels and hunt point retrievers intended for use as working dogs to reduce the number of tail injuries suffered in later life.

The ECCLR Committee took evidence from Researchers and veterinary practitioners on 30 May 2017 on the draft regulations; and will take evidence on this topic from the Cabinet Secretary for Environment, Climate Change and Land Reform on 13 June 2017.

#### **Current position**

- The process of tail docking involves the removal of part of a puppy's tail without anaesthetic between two and five days old - only vets are permitted to dock tails.
- Banned in 2007 for all dogs except for the purpose of medical treatment. General support for a ban on "cosmetic" docking of all dogs for welfare reasons as it is an unnecessary painful mutilation but opinion was divided on whether there should be an exemption for working dogs. Vote on 31 May 2006 at Stage 3 of the Animal Health and Welfare (Scotland) Bill: 87 to 31 were against an amendment allowing an exemption for tail docking for working dogs to be included in the Bill on the basis that this would be subject

## ANNEX C

to further consultation and consideration when the secondary prohibited procedures legislation was taken forward. This secondary legislation (which did not allow an exemption for working dogs) was approved by the Environment and Rural Development Committee on 6 March 2007, when Ross Finnie gave an assurance that the position would be reviewed if new veterinary evidence became available. It was then approved by Parliament on 14 March 2007 by 70 votes to 25 (with 20 SNP abstentions)

- allowed for working dogs in rest of UK – exemptions were allowed when cosmetic docking was banned in 2007. Many thousands of working dogs have been docked in that time and although opinion remains divided, the position is generally accepted by stakeholders – there is no active campaigning on this and no indication that the legislation will be changed.
- Glasgow University research published in 2014. The Chief Veterinary Officer then did further work to clarify the practicality of restricting docking only to puppies that would be used for working and the experience of applying the legislation in the rest of the UK.

### Key facts/research findings

- Approx. 650K dogs in Scotland
- Approx. 60K working dogs, 30K of these spaniels or hunt point retrievers, 15K labradors (never docked) and 15 K terriers
- In one shooting season 57% of undocked **working spaniels** and 39% of Hunt Point Retrievers experienced a tail injury of any sort. **(including minor injuries not requiring veterinary treatment)**
- To prevent one tail injury of any sort to a **working dog** of these breeds between 2 and 18 puppies need to be docked (depending on the numbers of puppies from a litter that went on to be used as working dogs.)
- **One per cent** of all dogs of working breeds receive **veterinary treatment** for tail injuries each year but higher for **actual working spaniels/hunt point retrievers** - **probably a few hundred** (does not include minor injuries treated by owner).
- To prevent one tail injury that resulted in **veterinary treatment** to any pointer/setter, spaniel or Hunt Point Retriever, between 81 and 135 puppies would need to be docked.
- Value of shooting to Scotland:
  - 640,000 gun days in Scotland with 120,000 participants
  - 4.5m Hectares of Scottish land influenced
  - Shooting supply chain supports 8,800 FTE jobs.
  - £200m gross value added (compared with over £500m that Visit Scotland says was spent by hikers in 2009 and an estimate of £127m for wildlife tourism from Scottish Natural Heritage).

### Key arguments for allowing docking

- Would benefit welfare of the proportion of dogs that would have a more serious injury later in life if not docked
- Would allow individual vets to use their professional judgement on what is best for animal welfare in this difficult area as they do in England and Wales. (BVA officially oppose docking but does not represent all vets and some individual vets

## ANNEX C

disagree with BVA stance – there would be no obligation for vets to dock if they do not wish to)

- Would avoid working dog owners who want docked dogs having to go to breeders in England and Wales, so supporting Scottish breeders.

### **Key arguments against docking**

- Hard to restrict to dogs that will be used for working/shooting purposes
- Enforcement is problematic
- Causes pain to a large number of puppies, not all of whom will benefit in the future.

### **Stakeholder views**

- **In favour** of allowing docking : British Association for Shooting and Conservation (BASC), Scottish Gamekeepers' Association (SGA), Scottish Association for Country Sports (SACS), Scottish Countryside Alliance (SCA) and the Kennel Club.
- **Against** : British Veterinary Association (BVA), Scottish Society for the Prevention of Cruelty to Animals (SSPCA), League Against Cruel Sports, One-Kind, Dogs Trust: but divided opinion within membership of some groups.

### **Timeline**

2007 – all tail docking banned in GB, but exemptions allowed for working dogs in England and Wales. Commitment to review evidence in Scotland if evidence of injuries here.

2010 – Bristol University research on tail injuries in all breeds - not relevant to working dogs in Scotland. Continued campaigning by SGA/BASC.

2011 - Glasgow University commissioned to do research.

2014 – Glasgow research published. CVO provides further evidence on the practicality of restricting docking only to puppies that would be used for working and the experience of applying the legislation in the rest of the UK.

2017 (May 12th) – draft regulations presented to Scottish Parliament

ANNEX D

BRIEFING NOTE FOR CABINET SECRETARY FOR ENVIRONMENT, CLIMATE  
CHANGE AND LAND REFORM

Appearance before Environment, Climate Change and Land Reform Committee  
-11.00-12.30 Tuesday 13 June 2017

Question and Answer

**[1 PAGE redacted exempt]**

**ANNEX E**

**BRIEFING NOTE FOR CABINET SECRETARY FOR ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM**

**Appearance before Environment, Climate Change and Land Reform Committee  
- 11.00-12.30 Tuesday 13 June 2017**

**Proposal to approve Regulations**

**I refer to the comments that I have made, and**

**I move**

**That the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 be approved**



Doc 5b

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

[REDACTED]

Chief Superintendent  
Scottish SPCA  
Kingseat Road, Halbeath  
Dunfermline  
KY11 8RY

Our ref: 2017/0022046 and 2017/0021838  
6 July 2017

[REDACTED]

Thank you for your letters of 20 June 2017 to Nicola Sturgeon MSP, First Minister, and me about the Scottish SPCA's opposition to the recent legislation, approved by the Scottish Parliament on 21 June 2017, relaxing the ban on tail shortening for working spaniels and hunt point retrievers. The regulations came into force on 28 June 2017 and a copy can be found at <http://www.legislation.gov.uk/ssi/2017/226/contents/made>

I accept that this is a divisive issue, and I appreciate the concerns of those opposed to the measure. However, the Scottish Ministers believe that the legislation will strengthen animal welfare provision.

We 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 permit the removal of up to one third of the end of the tail, thereby minimising any effect on the dog's ability to communicate using its tail. An additional safeguard will be that shortening will only be allowed where carried out by a veterinary surgeon who 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 surgeons have a professional duty to protect the welfare of animals in their care and are under no obligation to shorten a tail if they do not believe it will help protect the welfare of the dog.

I hope this reply is helpful

*Yours*

*Roseanna*

Roseanna Cunningham

From: [REDACTED]  
Sent: 22 June 2017 13:38:04  
To: Public Engagement Unit  
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform  
Subject: FW: SSPCA Taildocking

Attachments: SSPCA Taildocking.pdf

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: 22 June 2017 13:21  
To: Cabinet Secretary for the Environment, Climate Change and Land Reform  
Subject: SSPCA Taildocking

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

[REDACTED]  
[REDACTED]

RECEIVED

22 JUN 2017

Roseanna Cunningham  
Cabinet Secretary  
63 Glasgow Road  
Perth  
PH2 0PE

20 June 2017

**Scottish SPCA opposes proposed changes to tail docking legislation**

Dear Cabinet Secretary,

In February 2016, the Scottish Government launched a consultation document on the proposal to introduce legislation to permit the docking of spaniel and hunt point retriever puppies which are intended to be used as working dogs.

The tail docking of dogs in Scotland was banned in 2007, under the Animal Health and Welfare (Scotland) Act 2006. The only exception to this is where tail docking is required for the purpose of medical treatment of an animal. The Scottish Government was applauded worldwide for taking this stance and putting animal welfare first.

To reverse or reduce the ban would not only go against the Scottish Government's commitment to animal welfare, but also fly in the face of the huge opposition of such a change by the vast majority of veterinary surgeons and their governing bodies, the Scottish SPCA and many others.

The Scottish SPCA, Scotland's animal welfare charity, is opposed to all procedures that compromise animal welfare and are carried out for cosmetic reasons or simply to suit the convenience of humans.

The Society fully supports the ban on tail docking in Scotland except on the grounds of immediate veterinary need and opposes the government's current position to amend legislation to shorten tails on specific working dogs.

The Scottish SPCA stated that it would accept any robust veterinary scientific evidence that proved the case to tail dock certain breeds, and would have a profound improvement in animal welfare. The Government funded research provided simply does not supply that.

The two surveys that have been included within the consultation, do not justify a return to the routine docking of spaniels and hunt point retrievers.

The veterinary practices survey had a very low number of surgeries participating, which would indicate that the other surgeries approached did not view this as a serious issue. From

08000 999 999  
info@scottishspca.org

the participating surgeries records of over 99,000 dogs were analysed over a 10-year period and the overall prevalence of tail injuries amounted to only 0.59%. There is no indication that these injuries were associated with dogs injured whilst actually working in the field.

Out of 2,356 dogs recorded by the second survey used in the consultation, only 103 were deemed serious enough to warrant veterinary treatment whilst another 196 were reported as seriously injured but no professional treatment was sought. Again, the survey does not indicate which injuries were associated specifically with dogs working in the field.

The study was not statistically representative as the main respondents were linked to the user groups or individuals associated with countryside enthusiasts.

Neither study truly examined the cause of the injuries reported. Dogs can sustain injuries in kennels or during transport, however this was not explored. The research also failed to identify any other alternatives, such as tail guards.

Tail docking is associated with a number of negative health impacts and the process itself can cause great distress to puppies that undergo the procedure at just five days old. The healing process may take some time and depending on the animal, there may be consequent health problems later on in life.

Furthermore, if the legislation were to be changed, there is no guarantee that all puppies with docked tails will become working dogs. From one litter alone, it is almost impossible to guarantee that even one of those five day old pups will succeed at becoming a working dog.

Just as important is the fact that dogs use their tails as a vital tool for communication to let people, and other dogs, know when they are happy, scared or submissive. Removing their tail deprives them of the ability to communicate as effectively as they would otherwise be able to.

Around 80 five day old pups would require their tail docked to prevent potentially one dog undergoing the veterinary procedure as an adult.

The Scottish SPCA firmly believes that any change to the current legislation would be a backwards step for animal welfare and the veterinary profession in Scotland and strongly opposes the proposed changes to tail docking legislation in Scotland.

If you require any further information please do not hesitate to get in touch by calling [REDACTED] or emailing [REDACTED]

Yours sincerely,

[REDACTED]  
[REDACTED]  
Chief Superintendent

**Burns PD (Phil)**

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**From:** Voas AP (Andrew)  
**Sent:** 20 June 2017 19:08  
**To:** [REDACTED] Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Communications Rural Economy & Environment; Mitchell E (Elinor)  
**Subject:** Re: URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

[REDACTED]  
On the specific points raised by SSPCA:

Opposed to painful procedures to suit human convenience

A: Tail shortening will be permitted only to reduce risk of tail injury in later life which is reported to be particularly prevalent in working dogs used for Shooting. It will not be for cosmetic reasons.

Vet practice survey only 16 practices.

A: Aim was to gather information on working breeds in rural areas. Know that some practices reluctant to give information because they might be perceived as supporting docking. Statistics were about BREEDS rather than if dogs actually WORKING so findings not inconsistent with other study of ACTUAL KNOWN working dogs.

Of 2358 working dogs only 103 needed vet treatment and 196 injured.

A: This number includes docked and undocked dogs of different breeds. Survey however showed higher risk for undocked spaniels and hunt point retrievers. Over 50% spaniels had an injury and one third of these needed vet treatment in only ONE shooting season.

Survey aimed at shooting organisations and participants as the purpose was to establish risks to these dogs specifically so had to ask the people with first hand experience.

Tail shortening painful.

A: Accept it is briefly painful but this needs to be balanced against risk of more painful injuries in later life which require prolonged treatment

Vets have a professional duty to protect welfare of animals in their care so are best people to make this decision. Vets not obliged to dock if they don't accept the evidence or have ethical objections. We know that although BVA have official position opposing many members disagree and not all vets BVA members. RCVS the governing body for vets in UK chose not to express an opinion. We also know views of SSPCA members is divided.

Can't guarantee all puppies from litter will be used as working dogs

A: which is why we expect vets to see evidence that breeders intend to supply to working homes. Vets best placed to know local breeders.

Will deprive dogs of vital form of communication.

A: This line keeps being repeated as one of the main objections despite the fact we are only permitting removal of end third of tail. It is of course widely known that dogs use their tails and a wide range of other body language cues, posture etc. To communicate Dogs that have naturally short tails or injured tails seem to manage - despite repeated conjecture there is absolutely no evidence that dogs without tails are actually experiencing more attacks. However as we are only permitting removal of end third in any case, dogs will still have a substantial tail to wag - as anyone with any experience of working dogs would confirm

Canadian experiment with robot dog only looked at effect of very short dock, not two-thirds dock, and model used did not show any other body language that a real dog would show.

Example calculation: Tail shortening of 2000 spaniels all used for work would prevent 1000 injuries, 330 that would need vet treatment and 60 of these that would need tail amputation in only ONE shooting season in later life.

Hope this is helpful

Andrew

Sent from my BlackBerry 10 smartphone.

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**From:** [REDACTED]  
**Sent:** Tuesday, 20 June 2017 18:16  
**To:** Voas AP (Andrew); Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Communications Rural Economy & Environment; Mitchell E (Elinor)  
**Subject:** RE: URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

Thanks Andrew – much appreciated.

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**From:** Voas AP (Andrew)  
**Sent:** 20 June 2017 18:17  
**To:** [REDACTED]; Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** Voas S (Sheila); Communications Rural Economy & Environment; Mitchell E (Elinor)  
**Subject:** Re: URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

[REDACTED]  
Will look at SSPCA release and respond shortly  
Andrew

Sent from my BlackBerry 10 smartphone.

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**From:** [REDACTED]  
**Sent:** Tuesday, 20 June 2017 18:09  
**To:** Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew)  
**Cc:** Voas S (Sheila); Communications Rural Economy & Environment; Mitchell E (Elinor)  
**Subject:** RE: URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

All

The Cabinet Secretary's briefing will have to be revised, in light of this evening's intervention by the Scottish SPCA. (Circulated earlier.)

[REDACTED]

[REDACTED]

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**From:** Burns PD (Phil)  
**Sent:** 20 June 2017 16:48  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew)  
**Cc:** Voas S (Sheila); Communications Rural Economy & Environment; [REDACTED]; Mitchell E (Elinor)  
**Subject:** RE: URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

[REDACTED]

Please find draft closing speech. [REDACTED]

[REDACTED]

[REDACTED]

Best wishes

Phil

<< File: Chamber - Shortening - 21 June 2017.docx >>

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

[REDACTED]

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**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Sent:** 20 June 2017 13:25  
**To:** Burns PD (Phil); Voas AP (Andrew)  
**Cc:** Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew); Communications Rural Economy & Environment; [REDACTED] Mitchell E (Elinor)  
**Subject:** URGENT: 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]  
**Importance:** High

Phil/Andrew,

Please see below – we will need a 4 minute draft closing speech. [REDACTED]

[REDACTED]

We will need a draft for approval by 10am tomorrow please.

Thanks,

[REDACTED]

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

[REDACTED]

**From:** [REDACTED] **On Behalf Of** Minister for Parliamentary Business

**Sent:** 20 June 2017 13:07

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

**Cc:** Minister for Parliamentary Business; [REDACTED]

**Subject:** 1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]

[REDACTED]

It was agreed at Bureau that 20 minutes would be given in the business programme tomorrow for this SSI. Mr FitzPatrick will move the motion as the member of the Bureau then each party will be given 4 minutes to speak to it. The Cabinet Secretary will then have 4 minutes to respond.

**1700-1720 SSI - Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [draft]**

thanks

[REDACTED]  
[REDACTED] Acting Private Secretary to Minister for Parliamentary Business|T4.21, Scottish Parliament| [REDACTED] | [kathryn.stewart@gov.scot](mailto:kathryn.stewart@gov.scot)



**Burns PD (Phil)**

---

**From:** [REDACTED]  
**Sent:** 22 June 2017 18:01  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Cc:** [REDACTED]  
[REDACTED] News Desk; Communications Rural Economy &  
Environment; Burns PD (Phil); [REDACTED] Voas AP (Andrew); [REDACTED]  
**Subject:** Lien for clearance: The National: John Mason and tail shortening  
**Importance:** High

[REDACTED]

The National are looking for a response to comments from John Mason MSP. Yesterday he voted for the ban on tail shortening to be dropped, but today has said he has changed his mind and that the situation should be kept under review.

Could I please have Ms Cunningham's response for the following response?

Thanks,

[REDACTED]

**A Scottish Government spokesperson said:**

"After conducting extensive consultation we found enough evidence of some working dogs are suffering tail injuries to make the case for the law being changed.

"The new regulations ensure, as far as is reasonably possible, that only specified breeds likely to be used for lawful shooting purposes can have their tails shortened and that veterinarians are the only persons who may carry out the procedure."

[REDACTED]  
Newsdesk  
Scottish Government  
[news.gov.scot](http://news.gov.scot)  
[REDACTED]

Doc 55

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

[REDACTED]  
Reply by e-mail to [REDACTED]

Our ref: 2017/0021624  
July 2017

[REDACTED]

Thank you for your e-mail of 19 June 2017 about the introduction of the legislation relaxing the ban on tail shortening for working spaniels and hunt point retrievers.

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 permit 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 who 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.

You may be interested to know Scottish Parliament has approved the legislation relaxing the ban on tail shortening that I introduced as Cabinet Secretary with portfolio responsibility for animal welfare. The regulations came into force on 28 June 2017 and a copy can be found at <http://www.legislation.gov.uk/ssi/2017/226/contents/made>

I hope this reply is helpful

Yours

Roseanna Cunningham

From: [REDACTED]  
Sent: 19 June 2017 16:12:12  
To: Public Engagement Unit  
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform  
Subject: FW: Working Dogs - Tail Docking

Hi,

One for MACCS please ? MR as a constituent.

Many thanks

[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]  
[REDACTED]  
From: [REDACTED]  
Sent: 19 June 2017 16:10  
To: Cabinet Secretary for the Environment, Climate Change and Land Reform  
Subject: Working Dogs - Tail Docking

Good Afternoon Ms Cunningham,

I am writing this email with regards to the future debate on tail docking of working dogs.

As I have two working dogs, 1 Lab and a cocker spaniel which I had to buy down in England to ensure it's tail was docked and it would not have to go through the trauma have having a tail docked through recurring injuries which is not good for the dog especially when it can be carried out by vets before the pup is five days old and it feels nothing.

One other unfortunate example of this law that was passed by the Scottish Parliament is the great line of working dogs that have been lost and also the money that has been lost as well.

As my local MSP and also for part of rural Perthshire which covers grouse moors and pheasant shoots which brings in a lot of money to the economy I hope we will have your support for this bill when it comes before the Scottish Parliament.

Yours

[REDACTED]

Doc 42

**Burns PD (Phil)**

**From:** Burns PD (Phil)  
**Sent:** 12 June 2017 15:04  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew); [REDACTED]  
**Cc:** [REDACTED] Voas S (Sheila); [REDACTED] DG Economy  
**Subject:** RE: URGENT - ECCLR Committee tomorrow

**Tracking:**

Recipient	Delivery
Cabinet Secretary for the Environment, Climate Change and Land Reform	Delivered: 12/06/2017 15:04
Voas AP (Andrew)	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
Voas S (Sheila)	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
[REDACTED]	Delivered: 12/06/2017 15:04
DG Economy	Delivered: 12/06/2017 15:04

[REDACTED]

Lederer study was the main survey carried out with owners of working dogs - 'Survey of tail injuries sustained by working gundogs and terriers in Scotland' by R Lederer, D Bennett and T Parkin (Univ of Glasgow, published 2014). Working dog owners in Scotland were invited to take part in an internet survey regarding the 2010/2011 shooting season, which was designed to estimate the prevalence of tail injuries; assess the risk of tail injuries in docked and undocked working dogs; and identify risk factors for owner-reported tail injuries. Of 2860 working dogs, 13.5 per cent sustained at least one tail injury during the 2010/2011 shooting season. Undocked spaniels and hunt point retrievers (HPRs) were at greatest risk of tail injury with 56.6 per cent of undocked spaniels and 38.5 per cent of undocked HPRs sustaining at least one tail injury during the season. To prevent one tail injury in one shooting season, between two and 18 spaniels or HPRs would need to be docked as puppies. Docking the tails of HPRs and spaniels by one-third would make those types of dog 20 times less likely to sustain tail injury when working. No statistically significant difference in the risk of tail injury in dogs with tails docked by one-third, half or shorter.

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
-----Original Message-----

From: [REDACTED] On Behalf Of Cabinet Secretary for the Environment, Climate Change and Land Reform  
Sent: 12 June 2017 14:44  
To: Burns PD (Phil); Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew); [REDACTED]  
Cc: [REDACTED]; Voas S (Sheila); [REDACTED]; Mitchell E (Elinor); [REDACTED]; DG Economy  
Subject: RE: URGENT - ECCLR Committee tomorrow

Thanks Phil - could we also have an explanation of the "Lederer" study, which is referred to in the papers please?

[REDACTED]

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

-----Original Message-----

From: Burns PD (Phil)  
Sent: 12 June 2017 14:39  
To: Cabinet Secretary for the Environment, Climate Change and Land Reform; Voas AP (Andrew); [REDACTED]  
Cc: [REDACTED]; Voas S (Sheila); [REDACTED]; Mitchell E [REDACTED]; DG Economy  
Subject: RE: URGENT - ECCLR Committee tomorrow

[REDACTED]

1. Does the English/Welsh exemption allow full docking or did it move to tail shortening?

The English/Welsh exemptions allow any length of the tail to be docked. The actual amount docked is likely to be decided by the breeder.

The Animal Welfare Act 2006, section 6, refers to the removal of "the whole or any part of a dog's tail" as the offence (to which there is the exemption for certified working dogs); and the separate Docking of Working Dogs (Tails) regulations for England and Wales (both 2007) do not restrict the length to be docked.

2. Is there any way of calculating how many docked dogs are imported from rest of UK?

An educated guess is probably the only calculation that could be done. BASC estimates 30,000 spaniels and HPRs in Scotland; and Dr Parkin suggested 26,500 when he appeared before ECCLR. Dr Parkin's survey involving working dog owners noted that 70% of the dogs reported to him were Scottish-bred.

If we use 30,000 as the number of dogs, around 3,000 new puppies will be needed each year to maintain a steady working population. 30% of these are likely to come from outwith Scotland, so the best estimate might be that the ban on shortening means approximately 900-1,000 puppies are imported on an annual basis .

3. Dr Parkin referred to a number of studies, each slightly different. One in 2010/11, one referred to as the "Cameron" study, another referred to as the "Diesel" study. MSPs asked about these different studies so it would be helpful to get some brief details about each: how was the study conducted, what dogs it looked at (i.e all dogs, working breeds or dogs actually being worked), and findings etc.

Cameron study is the sister papers to Dr parkin's research - "The Prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland" by N Cameron, R Lederer, D Bennett & T Parkin (Univ of Glasgow 2014). 16 Scottish veterinary practices were surveyed for details of tail injuries to any dog that was brought in for examination by one of their vets. Working dogs brought in with tail injuries were at a significantly greater risk of tail injury - with spaniels born after the ban in Scotland being 2.3 times more likely to have a tail injury. To prevent one tail injury for a working dog requiring veterinary examination, 232 dogs would need to be docked as puppies;  
And to prevent one tail amputation in spaniels 320 spaniel puppies would need to be docked.

Diesel study was titled 'Risk factors for tail injuries in dogs in Great Britain' by G Diesel, D Pfeiffer, S Crispin and D Brodbelt (published June 2010). Aim of the study was to quantify the risk of tail injury, to evaluate the extent to which tail docking reduces this risk, and to identify other major risk factors for tail injury in dogs in Great Britain. Data was sought from vets, and also from owners of dogs (whether a tail injury had been sustained or not).

Two hundred and eighty-one (281) tail injuries were recorded from a population of 138,212 dogs attending 52 participating practices.

36% of tail injuries were reportedly related to injuries sustained in the home, 17.5% were outdoor-related injuries, 14.4 per cent were due to the tail being caught in a door, for 16.5 per cent the cause was unknown and the remainder were due to other causes.

Dogs with docked tails were significantly less likely to sustain a tail injury; however, approximately 500 dogs would need to be docked in order to prevent one tail injury.

Phil Burns  
AFRC – Animal Health & Welfare  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD  
T: [REDACTED]  
[REDACTED])

-----Original Message-----

From: [REDACTED] On Behalf Of Cabinet Secretary for the Environment, Climate Change and Land Reform

Sent: 12 June 2017 13:34

To: Voas AP (Andrew); Burns PD (Phil); [REDACTED]

Cc: [REDACTED]; Voas S (Sheila); [REDACTED]; Mitchell E (Elinor); [REDACTED]; DG Economy

Subject: URGENT - ECCLR Committee tomorrow

Importance: High

Phil,

Ms Cunningham has asked for some additional information ahead of tomorrow:

1. Does the English/Welsh exemption allow full docking or did it move to tail shortening?
2. Is there any way of calculating how many docked dogs are imported from rest of UK?
3. Dr Parkin referred to a number of studies, each slightly different. One in 2010/11, one referred to as the "Cameron" study, another referred to as the "Diesel" study. MSPs asked about these different studies so it would be helpful to get some brief details about each: how was the study conducted, what dogs it looked at (i.e all dogs, working breeds or dogs actually being worked), and findings etc.

Could we have this by 4pm today please?

Thanks,

[REDACTED]

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

**Burns PD (Phil)**

---

**From:** [Redacted]  
**Sent:** 21 June 2017 17:37  
**To:** Minister for Parliamentary Business; Cabinet Secretary for Health and Sport; Cabinet Secretary for the Environment, Climate Change and Land Reform; [Redacted]  
[Redacted] Burns PD (Phil); [Redacted]  
**Subject:** Approval of SSIs at Plenary - 21 June 2017

All,

Just to note that the following instruments were passed at plenary today.

- **The Prohibited Procedures on Protected Animals (Exemptions)(Scotland) Amendment Regulations 2017 – Motion for the approval of the SSI agreed to by division following a debate. As expected, the instrument was opposed by Labour and Green MSPs but the Conservatives and Liberal Democrats voted with the Government to carry the motion. Breakdown of the vote: For (86), Against (29), Abstentions (9).**

[Redacted]

- [Redacted]

Many thanks,

[Redacted]

[Redacted] | Legislation Officer | Parliament and Legislation Unit | Cabinet, Parliament and Governance |  
Scottish Government | Room 4N.02, St Andrew's House, 1 Regent Road, Edinburgh EH1 3DG | Tel: [Redacted]  
[Redacted]

Please consider the environment before printing this email.





Doc 49

**Burns PD (Phil)**

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**From:** [REDACTED] on behalf of Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Sent:** 22 June 2017 15:08  
**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); Voas AP (Andrew); [REDACTED]  
**Subject:** RE: the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Hi Phil

Does 16:00 on Tuesday suit?

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]

---

**From:** Burns PD (Phil)  
**Sent:** 22 June 2017 14:41  
**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); Voas AP (Andrew); [REDACTED]  
**Subject:** RE: the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

[REDACTED]  
I'll have the copy for signing before next Tuesday. Happy to accommodate any time that you schedule for the signature.

Best wishes

Phil

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

---

**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for the Environment, Climate Change and Land Reform

**Sent:** 22 June 2017 12:15

**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); Voas AP (Andrew); [REDACTED]

**Subject:** RE: the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

Hi Phil

As discussed, [REDACTED]

[REDACTED] We have slots available on Tues, Wed and Thurs where she could sign it.

Will the SSI be ready by then for signing? If so I can firm up a time in her diary for one of those days.

Many 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 | [REDACTED]

---

**From:** Burns PD (Phil)

**Sent:** 22 June 2017 11:16

**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); Voas AP (Andrew); [REDACTED]

**Subject:** the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

PS/Cabinet Secretary for Environment, Climate Change and Land reform

### **Purpose**

To arrange a date for the making of the above-named SSI permitting the shortening of the tails of working spaniels and hunt point retrievers in circumstances specified by the regulations.

### **Background**

The above-named regulations were laid under affirmative procedure on 12 May 2017; and approved by majority in the Scottish Parliament on 21 June 2017.

A copy of the regulations for the Cabinet Secretary's signature will be prepared and brought for signature. The regulations will come into force on the day after signature.

### **Next Steps**

I would be grateful if you could arrange a slot in the Cabinet Secretary's diary to enable the regulations to be signed.

Phil Burns

AFRC – Animal Health & Welfare  
P Spur  
Saughton House  
Broomhouse Drive

Edinburgh  
EH11 3XD

T: [REDACTED]

Doc 50

**Burns PD (Phil)**

---

**From:** Burns PD (Phil)  
**Sent:** 22 June 2017 15:13  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform; [REDACTED]  
**Subject:** RE: the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

**Tracking:** **Recipient**  
Cabinet Secretary for the Environment, Climate Change and Land Reform  
[REDACTED]

**This message has been archived.**

[REDACTED] - 1600 on Tuesday will be fine.

[REDACTED] will I just deliver the signed version to the front desk of VQ?

Phil

Phil Burns  
AFRC – Animal Health & Welfare  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD  
T: [REDACTED]  
[REDACTED]

---

**From:** [REDACTED] On Behalf Of Cabinet Secretary for the Environment, Climate

Doc 53

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

Reply by e-mail to:  
[REDACTED]

Our ref: 2017/0020904  
27 June 2017

Dear [REDACTED]

Thank you for your e-mail of 12 June 2017 about the introduction of the legislation relaxing the ban on tail shortening for working spaniels and hunt point retrievers.

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 permit 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 who 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.

The Animal Health and Welfare (Scotland) Act 2006 provides the Scottish Ministers with the power to make regulations and requires that regulations made under this power are laid before, and approved by resolution of, the Scottish Parliament. Under this affirmative procedure both the Devolved Powers and Law Reform Committee and the Environment, Climate Change and Land Reform Committee have had the opportunity to comment on the any regulations and have now placed them before the Scottish Parliament for approval.

I hope this reply is helpful.

Yours

Roseanna Cunningham

From: [REDACTED]  
Sent: 13 June 2017 09:18:21  
To: Public Engagement Unit  
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform  
Subject: FW: Tail Docking

HI,

One for MACCS please.

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: 12 June 2017 19:30  
To: [REDACTED] Cabinet Secretary for the Environment,  
Climate Change and Land Reform  
Subject: Fwd: Tail Docking

Sent from my iPad

Begin forwarded message:

From: [REDACTED]  
Date: 12 June 2017 at 18:59:13 BST  
To: roseanna.cunningham.msp@parliament.scot<mailto:roseanna.cunningham.msp@parliament.scot>  
Subject: Tail Docking

I hear there is a vote taking place tomorrow as regards to re-introduction of Tail Docking of dogs. As my MSP I really hope you are against this practice. I find it very concerning that the Scots Gov have put forward a proposal to re-introduce this especially when the BVA are against it. I trust you will not support such a re-introduction.

Thank you.  
Trish.

Doc 54

**Burns PD (Phil)**

**From:** [Redacted]  
**Sent:** 03 July 2017 13:35  
**To:** Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Subject:** RE: Quick question

**Tracking:**                      **Recipient**                      **Delivery**  
Cabinet Secretary for the Environment, Climate Change and Land Reform      Delivered: 03/07/2017 13:35

[Redacted]

The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 were signed by the Scottish Ministers on 27 June 2017 and came into force on 28 June 2017. A copy of the regulations can be found at <http://www.legislation.gov.uk/ssi/2017/226/contents/made>

The regulations permit veterinary surgeons to shorten the tails of spaniels and HPRs, of no more than 5 days of age, by no more than the end third in tightly defined circumstances for the purposes of dog welfare. The veterinary surgeon carrying out the procedure must:

- be satisfied, before doing so, that evidence has been produced by the owner, or person reasonably believed to be representing the owner, showing that the dog is likely to be used for work in connection with lawful shooting of animals;
- before carrying out the procedure, sign a certificate containing the information required by condition (4) on the second page of the regulations.

Best wishes

Phil

Phil Burns  
AFRC – Animal Health & Welfare  
P Spur  
Saughton House  
Broomhouse Drive  
Edinburgh  
EH11 3XD  
T: [Redacted]

-----Original Message-----

**From:** [Redacted] On Behalf Of Cabinet Secretary for the Environment, Climate Change and Land Reform  
**Sent:** 03 July 2017 12:52  
**To:** Burns PD (Phil)  
**Subject:** FW: Quick question

Hi Phil,

Are you able to provide so insight into the below so we can respond to Mr Dey?

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

Tel: [Redacted]  
[Redacted]

-----Original Message-----

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

>

[Redacted]

> Sent from my iPhone

\*\*\*\*\*

[Redacted]

Parlamaid na h-Alba: A' foirt deagh bhuidh air beatha sluagh na h-Alba

[Redacted]

The information in this email may be [Redacted]  
please delete it and do not share its contents.

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