C.A.R.I.A.D. response to the Welsh Government consultation on the draft Control of Dogs (Wales) Bill

C.A.R.I.A.D. Care and Respect Includes All Dogs
P.O. Box 60
Lampeter
Ceredigion
SA48 9BE

Email address: cariadcampaign@live.co.uk

Question 1 Do you agree with the three stage test set out in paragraph 3 above. If not, why not?

1.1 The ‘three stage test’ requires that a dog be viewed as having not been kept under consistent and effective control and that its behaviour, as a result, has led to reasonable apprehension about the safety of a person or protected animal at least once.

There are a number of problems with the test as currently drafted.

1.2 Amendments to the draft Bill are suggested below. The rationale for this proposal is presented in paragraphs 1.3 to 1.13.

Section 2 Circumstances in which a dog control notice may be served.

1) If each of the following three conditions is met, an authorised person may, on behalf of a local authority, serve a notice on an individual who is responsible for a dog. (As is)

2) The first condition is that it appears to the authorised person that, at times when the dog is in the local authority’s area, prior to an occasion under sub-section (3), it has not been kept under effective control.

(Note – amend ‘consistent and effective’ to ‘effective’; add ‘prior to an occasion under sub-section (3)’)

3) The second condition is that it appears to the authorised person that, in consequence of a failure to keep the dog under effective control, its behaviour has, on more than one occasion, since the coming into force of this section, caused anyone to anticipate that there may be risk to,

a) his or her own safety
b) the safety of someone else, or
c) the safety of another animal that is a protected animal

(Note – amend ‘consistent and effective’ to ‘effective’; amend ‘on at least one occasion’ to ‘on more than one occasion’; amend ‘caused anyone to feel apprehension about’ to ‘caused anyone to anticipate that there may be risk to’).
4) For the purpose of sub-section 3, circumstances in which a person may not reasonably anticipate potential risk to safety arising and where, as a result, control of a dog’s behaviour could not be reasonably expected, do not meet the second condition.

(Note – insert)

5) The third condition is that it appears to the authorised person that it was reasonable for that individual (or those individuals) to anticipate that there may be risk to safety in the particular circumstances.

(Note – amend ‘individual’ to ‘individual (or those individuals)’; amend ‘feel apprehension about the matter in question’ to ‘anticipate that there may be risk to safety in the particular circumstances’)

1.3 The test, as it stands, would allow for a Dog Control Notice (DCN) to be served after one instance of a dog’s behaviour causing ‘reasonable apprehension’. If on one occasion this had occurred, it would imply the dog had neither been kept under ‘consistent’ or ‘effective’ control.

1.4 The second element of the test, with respect to serving of a DCN, is not unambiguously different from the test concerning an offence of allowing a dog to be dangerously out of control. For example, in Section 1(5)(a), a dog is to be viewed as dangerously out of control ‘if there is reasonable apprehension that it will injure another animal in Wales that is a protected animal’. In the case of the test for serving a DCN, ‘apprehension concerning safety’ also implies concern for possible injury.

1.5 A primary purpose of the intended legislation is that it should allow for preventative action before a dog becomes ‘dangerously out of control’, but the above indicates that an officer would not have a clear basis in law for distinguishing between these two cases. A single instance of a dog causing apprehension for safety (of a person or protected animal) would imply, as currently drafted, that an offence is committed of allowing a dog to be ‘dangerously out of control’.

1.6 The draft requires amendment to, a) distinguish between the behaviour of a dog that is not under effective control, but is not ‘dangerously out of control’ and b) to ensure that the first stage of the test, requiring that there has been a failure to keep the dog under consistent and effective control, is not redundant where a single instance of ‘apprehension about safety’ occurs. That is, that there is some history of failure of control.

1.7 It is suggested, with respect to serving of a DCN, that the test refers to ‘potential risk to safety’ e.g. that could arise if the dog continues not be controlled. This would be contrasted with imminent threat of injury in the case of a dog being ‘dangerously out of control’.

1.8 The condition under Section 2(3) is too stringent in implying a DCN might be served where only one instance of ‘apprehension about safety’ (in original) had occurred. It would be better were this amended to ‘on more than one
occasion’. A circumstance where failure of control of a dog had led someone to anticipate ‘potential risk to safety’ might be corrected by the responsible person and not occur again. However, if such potential risk were allowed to occur again, it would be appropriate to serve a DCN.

1.9 The criteria stated in the draft Bill with respect to the three-stage test have the potential to allow for the serving of a DCN (or in fact, prosecution for allowing a dog to be dangerously out of control) in a range of circumstances which relate to the natural or spontaneous behaviour of a dog, rather than behaviour that is ‘out of control’, and where it would be unreasonable to constrain the behaviour of a dog to prevent it.

This applies most obviously to the response of a dog to other ‘protected animals’. Examples may include the chasing by a dog of a cat that has come into the garden. There is need for distinction in the regulations between circumstances in which the failure to control the dog is the cause of ‘apprehension about safety’ (in original), and where external circumstances are the cause where control of the dog might not reasonably be expected.

1.10 The sub-clause in 2(3) in the original draft Bill, ‘in consequence of a failure to keep the dog under consistent and effective control’, may in principle cover the above eventuality in that it emphasises that ‘apprehension about safety’ must occur ‘in consequence of’ a failure to control a dog. However, guidance from Ministers is needed to enable officers to distinguish situations where failures of control create safety risk, from those where events beyond the reasonable control of an individual do.

1.11 The three-stage test depends on the reporting of ‘apprehension’ by an individual with respect to human safety or that of a ‘protected animal’. The draft regulations allow for the officer to assess whether such apprehension is ‘reasonable’. However, apprehension concerning dog behaviour is influenced by individual differences in anxiety and by the fact that certain features of dogs (eg size and breed) make an apprehensive response more likely, independent of actual risk.

1.12 A problem with the draft Bill as it stands is that it is not possible to determine how reasonable it is for an individual to have a particular feeling, eg apprehension. It is, however, possible to assess how reasonable it is for someone to have a particular belief, in particular, whether it is reasonable for them to anticipate a particular outcome, e.g. ‘potential risk to safety’.

1.13 As indicated above, this Section would require to be supported by appropriate Ministerial guidance.

Question 2. Do you agree with the types of individuals on whom a DCN might be served? If not, why not?
2.1 The draft Bill states that a DCN may be served, on a person who appears 'to have day to day charge of the dog', or is their parent. The provisions in the Bill do not imply that this person must be the owner of the dog.

2.2 In certain circumstances, a dog owner may ask someone else to look after their dog, quite often for one or a few days, or in some cases for weeks or even months. This may include boarding of a dog or requesting that a friend or relative looks after the dog.

The three-stage test, as it stands, could inappropriately cause temporary carers to be subject to a DCN as a result of an instance of the dog creating apprehension about safety or short term lack of effective control. The proposed revision of the three-part test given above would preclude this.

2.3 The above also applies to the situation of dog rescue organisations and here also the proposed amendments suggested under Question 2 would prevent DCNs being served inappropriately.

2.4 In organisational settings, such as at boarding kennels or rescue centres, a responsible person (eg the centre manager) should be designated as the person in 'day to day charge' of dogs kept. This would prevent a short-term carer or walker being liable to be served a DCN, and assumes the designated person will take responsibility to ensure effective control of the dog. This has merit in that a failure to discharge responsibility for supervision properly may lead to their disqualification in handling dogs.

2.5 The circumstances in which a person cares on an interim basis for a dog outside an organisational setting, for example, as a foster-carer on behalf of a rescue organisation, are different, as this involves direct responsibility by the carer for the dog at their home. As such, it is appropriate that they be viewed as the person in charge of a dog 'on a day to day basis'.

**Question 3. Should training be a requirement in a DCN? If not, why not?**

3.1 The draft Bill proposes that there be a mandatory requirement that where a DCN is served it specifies particular training that the person in day-to-day charge of the dog should undergo.

3.2 A distinction needs to be made between training of the person, for example, in ensuring that a dog is not let loose in circumstances which could lead to risks, and that by the person to ensure, for example, that a dog will respond to certain commands that facilitate reasonable control. It is important that training, if needed, addresses both of these.

3.3 The general expectation that training be undertaken by a person in charge of a dog who has failed to control it, is supported. However, there may be circumstances in which potential risks to safety arise, not because of a lack of training eg escape of a dog because premises are not secure, failure to keep on a lead. Training should be required optionally as part of a DCN alongside
any other appropriate measures. In practice, it would be likely that requirements for training would form the basis of most DCNs.

3.4 Any training specified should be undertaken by appropriately qualified individuals who adopt humane, science-based and positive reward methods. Training materials should be obtained from reputable sources consistent with these principles. We note that ‘dominance methods’ have been substantially discredited and that these may cause both welfare and behavioural problems.

3.5 In many cases, it may be appropriate to recommend completion of the Kennel Club Good Citizen Training Scheme bronze award, or an equivalent standard, which seeks to ensure appropriate control in public situations. Suitable trainers may be accredited by the Animal and Behaviour Training Council, and be members of the Association of Pet Dog Trainers (APDT) or have equivalent training and experience. Guidance by Ministers should be provided about suitable training and training providers. This guidance may be supplemented by the drawing up of lists of approved trainers by a local authority which meet criteria in Ministerial guidance.

3.6 It is recommended that the authorised person may, in certain circumstances e.g. where there is aberrant behaviour of a dog, have the authority to commission a veterinary report prior to the serving of a DCN. In pursuing an Appeal against a DCN, failure to do so may be a defence for the person in charge of the dog.

3.7 When a DCN is served it is important that welfare considerations are uppermost. The statement in the draft Bill under Section 2(1) that an authorised person must have regard to codes of practice under the Animal Welfare Act, 2006 is supported.

**Question 4 (Section 5 – 8) Do you agree that all of the requirements in Section 5 - 8 should be mandatory? If not, why not?**

4.1 Section 5 refers to the general requirement ‘to ensure that consistent and effective control is maintained over the dog’. The qualifier ‘consistent’ is redundant here. The statement is better amended to read ‘to ensure that effective control is maintained over the dog.’

4.2 It is proposed here that DCNs may be served only where instances have arisen where there is ‘potential risk to safety’ of a person or protected animal. A person subject to a DCN should, as the core principle, be required to ensure that the dog does not create ‘potential risk to safety’.

4.3 It should be a mandatory requirement that the responsible person subject to a DCN, or a suitable delegated other, accompany the dog in public places at all times.

4.4 Undertaking a training programme should be an optional requirement, though may commonly form part of a DCN.
4.5 It should be a mandatory requirement for a person subject to a DCN to provide information to the authority to enable monitoring of compliance.

**Question 5 (Section 10)** We have set out examples of options that a DCN can contain and this list is not exhaustive. Are you content with such an approach? Do you consider that other optional requirements could be included? If so, please give details.

5.1 Options a) to d) as listed in the draft Bill under Section 10(2) are supported.

5.2 Option e) raises certain concerns. Neutering should not be seen as a 'quick fix' for behavioural issues in male dogs. There may also be adverse health effects in some cases. For example, in larger breeds, neutering prematurely may increase risk of bone cancers. Neutering should only be carried out in line with veterinary advice and after full consideration of other factors affecting behaviour.

**Question 6 (Section 12)** Do you agree that the appropriate mechanism to appeal against a DCN is through a Magistrates Court? If not, why not?

6.1 We believe the local authority should have an internal appeal process before escalation to a Magistrate’s Court. Moving straight from served DCN to Magistrates Court will be an unnecessary burden on dog owners, the court system and local authorities. However, any individual should ultimately have recourse to a Magistrate’s Court if they believe they have not been treated fairly after an internal review process.

**Question 7 (Sections 14 – 16)** Do you agree that the provision for a local authority to discharge a DCN is appropriate? If not, why not?

7.1 A DCN would require that a person responsible for a dog meets certain conditions in relation to the effective control of the dog. Certain conditions may be completed categorically e.g. neutering of a dog, or completion of a specified training programme. Others may be ongoing e.g. the requirement to accompany the dog, to keep it on a lead in a public place and so on.

7.2 An authority might reasonably discharge a DCN where either time-bound specific requirements (e.g. following a training programme) have been completed, or where evidence is available that the responsible person has adhered to particular conditions (e.g. keeping the dog on a lead) for a suitable period such that there may be reasonable confidence that this will continue.

Clause 14(2) as written is consistent with determining discharge based on either completion of conditions or ongoing need for monitoring of specific, conditions set as above. This clause also enables flexibility, for example where conditions cease to apply as a result of health changes in the dog. However, this may need to be supplemented by Ministerial guidance as to when discharge can occur.
7.3 It is recommended the authorised person have the power to specify a minimum period for a DCN. This is to ensure that compliance with conditions may be confidently predicted, and to avoid frequent calls for discharge of a DCN by a person responsible for a dog. More generally, there may be value in requiring that any DCN operates for a minimum of three months. An authority should have the power to extend this period.

7.4 Beyond provision of information by a person served a DCN, it is uncertain how adherence to an order might be monitored. An authorised person may find it difficult to check adherence (e.g. accompanying a dog, keeping it on a lead etc.), and to gather evidence concerning this. Guidance is needed for authorised officers on how to assess compliance and record evidence of this.

7.5 There is provision in the Bill for a further DCN to be invalid if one is already in place (Section 4). We note that were a second DCN potentially to be served then this would imply that the first had been breached.

7.6 We believe that there will need to be a mechanism at Welsh Government level for monitoring and reviewing the practice of authorities with respect to the serving and discharge of DCNs, to ensure equivalence between them.

**Question 8 (Section 17)**

Do you agree that failure to comply with a DCN should constitute an offence and be liable to prosecution? If not, why not?

8.1 Yes. A strength of the draft Bill is that it enables action to be taken at the level of a DCN to encourage effective control, and only if this is not complied with, will prosecution occur. However, the potential sanction of prosecution is essential for this to have 'teeth'. The penalty up to a level 3 fine is appropriate.

**Question 9 (Section 18) Do you agree with the proposed court orders? If not, why not?**

9.1 In the event of failure to comply with a DCN, it is appropriate that there is scope for further action, beyond imposition of a fine, to prevent the possibility of a dog becoming ‘dangerously out of control’ or continuing to create potential risks to the safety.

9.2 Clause 18(1), as it stands allows for two orders a court may impose, including destruction of the dog, and/or disqualification of the individual with respect to owning, keeping, or participating in the keeping of dogs. While clause 18(2) specifies that destruction of a dog may only occur if the court is satisfied the dog is a danger to safety, there should be explicit provision under Section 18(1) for the court to order other alternatives including the transfer of ownership of the dog to suitable carers, such as to a reputable rescue organisation for re-homing.

9.3 The scope of the disqualification order under Section 18(4) appears excessive and should allow for discretion by the court as to which of
provisions a) to d) may apply and in what respect, rather than a single blanket disqualification provision.

9.4 Any disqualification ought to be able to be time-limited by the court.

**Question 10 (Section 21)** Do you agree that a period of at least one year should pass before any application can be made to discharge a disqualification order or where a further application can be made to discharge an order following an earlier unsuccessful appeal.

10.1 Yes. A minimum period of 1 year would be essential for a disqualification order to have a penalty effect. The effectiveness of the DCN approach depends partially on this potential sanction.

**Question 11 (Section 22)** A level 3 fine is one where a court may impose a fine of up to £1,000. Are you content with this approach? If not, why not?

11.1 Yes.

**Question 12 (Section 27)** To enable effective sharing of DCNs between enforcement authorities is it right that some sort of database should be set up?

12.1 Yes. The RIA estimates that approximately 90 DCNs may be served in Wales each year, following investigation by authorised officers of complaints. It should be straightforward to manage a database of this scale, and for it to be kept up to date as a matter of statutory responsibility for each authority. Further, the structure and content of such a database should, in principle, be straightforward to set up and maintain. It would, however, be important that update of any central database is done promptly.

**Question 13 (Section 28)** Do you agree with this approach about who will serve DCNs? If not, why not?

13.1 We have concerns about the potential outsourcing of responsibility for serving and monitoring DCNs. That this be conducted directly by designated officials in the employ of a local authority is most likely to ensure effective control and accountability. It is suggested that Clause 28(1) b) be deleted as this would allow for delegation of responsibility by a body one-step removed from the authority with potential loss of control and accountability.

**Question 14 (Section 32)** Do you agree with this approach? We would be grateful for your views of extending the 1991 Act to include private
places and making it an aggravated offence (with higher penalties) to attack another animal.

14.1 There is an evidence-based argument to require that it is made an offence for a dog to be dangerously out of control in a private place to protect legitimate visitors. There is also an argument to make it an offence for a dog to be dangerously out of control in a public place where there is risk of injury to a protected animal. It is not obvious that there is sufficient evidence for making it an offence for a dog to be dangerously out of control in a private place where there is risk of injury to a protected animal and inclusion of this as an offence may create significant practical problems, including adverse welfare consequences for dogs.

This position reflects the evidence provided in the consultation documents and highlighted in paragraphs 14.2 to 14.5 below.

14.2 The evidence presented in the consultation document indicates dog attacks on certain people visiting premises (eg private homes) in the course of business such as postal workers, BT staff and others is of significant concern, and that currently there is not a requirement that dogs be kept under control to prevent such attacks. The incidence of such attacks across the UK is given as about 3,700 per year. This may be extrapolated by population size to infer that there are about 185 attacks on these personnel in Wales each year.

14.3 Data is also presented of about 360 cases of injury resulting from dog bite or impact that present at hospitals in Wales annually (ie about 1 per day), though to what extent these may have arisen as a result of dogs not being kept under control or being ‘dangerously out of control’ is not stated or known, and will be less than this figure. More generally, assumptions are made that there are significant numbers of minor injuries caused by dogs, not reaching hospital, perhaps of the order of 250,000 across the U.K. annually (c. 12,500 in Wales by extrapolation based on population). A significant number of these may be assumed to occur where dogs have not been kept under effective control. The fatality data referred to in the consultation documents (eg 12 deaths between 2008 and 2010), do not obviously relate to circumstances in which a dog has not been kept under control, mostly relating to deaths of children under four years, probably in the home environment.

14.4 There does not appear to be data available of the incidence of attacks by dogs on protected animals in public places. However, data is presented specifically on attacks on guide dogs across the U.K. that have occurred quite frequently and the significant consequence these attacks sometimes have. It may be assumed that attacks in public places on dogs and other protected animals occurs quite frequently as there are many more of these than there are guide dogs. However, data would need to be obtained from veterinary surgeons to quantify this.
14.5 The extent to which attacks by dogs on protected animals on the private property of others occurs appears not to be known, and whether or not this is a significant problem is uncertain.

14.6 It is important that regulations ensure that an offence of being ‘dangerously out of control’ only arises where the cause of any risk created (e.g. of injury) is a failure of control, and not the result of circumstances over which an owner may not reasonably have control.

14.7 An offence of being ‘dangerously out of control’ should not arise where a risk of injury arises to an unauthorised visitor or where there is provocation of a dog.

14.8 We do not support the view that an aggravated offence should occur in the event of actual injury. This confuses the circumstance arising where a dog threatens attack, and that of a human doing the same thing. It is reasonable to penalise a human for taking a threat further, as the human will be aware of the consequences of that, but this is not possible with a dog. Here the concern is to prevent threatening situations arising and there is no effective difference between the two circumstances except for outcome. Moreover, the penalties associated with an aggravated offence appear disproportionate.

**Question 15** The Welsh Government takes the view that these proposals will lead to greater responsible dog ownership, enhanced animal welfare and provide for better prevention of injury to adults and children. Do you agree? If not, why not?

15.1 We are supportive of the general direction of travel for dog welfare being pursued by the Welsh Government, and recognise the potential value, in particular, of dog control notices, if properly applied, in encouraging more responsible control of dogs.

15.2 The new regulations are likely to raise awareness of the value of dog training and the responsibility of owners to pursue this.

15.3 It is probable that there will be some improvement in protection of children and others from aggression or attack by dogs if measures are implemented.

15.4 It is a matter of concern, however, that the people to whom DCNs are often likely to be directed are those individuals who are least likely to comply, and may include those whose response would be to dispose of a dog rather than complying with conditions.

15.5 We are concerned that local authorities will not have the necessary resources to support the Bill, especially as local authorities are a) under significant financial pressure, and b) since personnel likely to be involved may additionally have responsibilities e.g. with respect to micro-chipping enforcement and enforcement of enhanced dog breeding licensing conditions.
15.6 We are also concerned that there is evidence that in the past related legislation has not been enforced. This applies most obviously to the legal requirement that a dog wear an ID tag in public. We are aware of only a single prosecution in Wales to date for failure to ensure a dog is wearing ID in public, even though this is a statutory duty.

15.7 Authorities are likely to implement provisions if they have the funding to do so, but not otherwise.

15.8 We are very concerned that implementation of the Control of Dogs Bill, as drafted, could have certain significant adverse effects on dog welfare. This is since it may be anticipated that some will give up ‘unruly dogs’, others may do so if served a DCN or even choose to have the dog euthanized.

15.9 Further, there is the potential for the major challenge that rescue organisations face in re-homing dogs to be exacerbated. Very large numbers of dogs find their way into rescues. This number has increased substantially. Rescues require to be honest in their appraisal of a dog’s characteristics and behaviour, and those which may be described (as many are) as not being cat- or dog-friendly, for example, may find it even more difficult to find a home. This may reduce available rescue places with knock on effects leading to higher levels of euthanasia in pounds. The evidence presented in the RIA of no apparent increase in abandonment on the Scotland since implementation of equivalent regulations is very limited.

15.10 In light of the above threats to dog welfare, it is important that DCNs are not served overly readily and that there is a history of failure to control prior to serving of a notice, as proposed in the revised Section 2 of the Bill presented in this response. Moreover, the regulations must make it clear that where aggression or injury to either persons or protected animals occurs, that an offence of being dangerously out of control is only committed if this has arisen as a result of a failure of reasonable control, and not as a result of external factors which are beyond the reasonable control of the individual.

15.11 A significant welfare concern arises in connection with how dogs are cared for in each of the circumstances of a) a pending appeal against serving of a DCN, b) a pending appeal against a disqualification order and c) following an order for the disposal of a dog or disqualification of an individual. The experience in this regard with respect to breed specific legislation under the Dangerous Dogs Act has been appalling. It has involved seizing dogs from home environments, in front of children, keeping dogs for lengthy periods often in isolation with frequent development of behavioural and health problems. This way of dealing with dogs kept by irresponsible owners is unacceptable. It is essential that appropriate provision for care is made for dogs in each of these circumstances, and that the need for relevant care provision is anticipated by Government.

15.12 Under Section 13(1) concerning suspension of a dog control notice pending appeal, the court ‘may give directions about how the dog to which the notice relates is to be dealt with during the suspension’. Section 13(2)a
provides that these directions may include authorising the dog to be ‘taken into possession’. Similarly, under Section 23(1) a dog may be ‘taken into possession’ where court orders have been suspended pending appeal. It is recommended that after Section 13(3) and Section 23(4) an additional sub-clause is inserted as follows,

[insert] The court must pay full regard to the welfare of the dog during the period of suspension ensuring that it will be properly accommodated, exercised and cared for consistent at minimum with the requirements of the Animal Welfare Act, 2006 and associated Codes of Practice.

15.13 Under Section 18(1) where a person is convicted of failing to comply with a DCN, provision is made for a court to order either or both of the destruction of the dog and disqualification. Section 18(2) provides that a destruction order may only be given where the court is satisfied that the dog is a danger to safety. It is very important that courts do not too readily order destruction of a dog and that full consideration is given to other avenues including handover to rescue organisations for re-homing and possibly retraining. Where a disqualification order is made under Section 18(1)b it is important that at the same time the court specifies how the dog will be cared for from that point. It is recommended that under Section 18(1)a that a further sub-clause is inserted as follows to explicitly enable the court to order appropriate care,

[insert] b) the handing over of the dog to a suitable responsible party for appropriate care, rehabilitation, retraining and rehoming as needed to protect the welfare of the dog.

15.14 We are concerned that, in some instances, the serving of a DCN may lead to the abandonment or euthanasia of the dog. We recommend that it is a requirement that the whereabouts of a dog be notified to the authorised person. Surrender or euthanasia of a dog prior to completion of a DCN should be viewed as a failure to comply with it, and as such lead to prosecution through a Magistrates Court.

5.15 We wish to draw attention to the fundamental importance of appropriate socialisation and care of puppies in preventing later behavioural problems in dogs including potential aggression. Suitable breeding practices including selection of breeding parents of good temperament is also very important. The proposed new Breeding of Dogs regulations for Wales have an important part to play in raising often very poor standards of breeding with respect to socialisation of puppies and related care of breeding parents. It is critical that these regulations are properly enforced to contribute to better management and responsible ownership of dogs.

15.16 We wish to express our total abhorrence at the inclusion of sub-clause 32(6)c in the draft Bill which provides that any references in the Act to potential or actual injury to a protected animal do not include circumstances where this has arisen as a result of the dog being used ‘for a lawful purpose’ in connection with hunting with dogs. This clearly has absolutely nothing to do with improving animal welfare and absolutely nothing to do with public
protection. Rather, its inclusion is likely to facilitate threat and injury to ‘protected animals’ (e.g. cats and dogs owned by members of the public) without any recourse. While we understand that the powers of the Welsh Government do not extend to hunting regulation, this is unacceptable and unjust.

**Question 16** The draft Regulatory Impact Assessment (RIA) provides an estimate of the costs and benefits associated with the proposed legislation. Do you agree with the assessment? If not, why not?

16.1 There requires to be financial provision made by the Welsh Government to local authorities for the training of authorised officers.

**Question 17** Do you have any alternative information that would help to inform the final RIA?

17.1 There appear to be some areas where there is a lack of available evidence to inform the final RIA. However, useful additional evidence might be obtained straightforwardly and at low cost.

17.2 Firstly, there is limited evidence concerning how frequently the situation arises that an individual has ‘reasonable apprehension’ of (or ‘may reasonably anticipate’ as proposed in this response), potential risk to safety as a result of a dog not being kept under effective control. A Mori type poll of perhaps 1000 randomly selected individuals in Wales asking for their experience of this in a previous period, would yield data from which annual estimates might be extrapolated.

17.3 Secondly, the incidence of dog attacks on other protected animals might be determined by a sample-based questionnaire of veterinary surgeons in Wales.

**Question 18** We have asked a number of specific questions in relation to the Bill and the RIA. If you have any related issues which we have not specifically addressed, please use this space to report them or provide comments separately

18.1 The intention of the Bill is as part of a package of measures to improve dog welfare and responsible dog ownership with a central emphasis in the consultation documents on the role of education. However, the legislative provisions do not, as such, require the development or support of educational initiatives.

18.2 We would not anticipate that legislation per se would achieve dog welfare and ownership outcomes and believe that a multi-agency and partnership approach is critical to this. A greater emphasis at Welsh Government level on supporting the development and dissemination of educational materials and programmes would represent a positive investment of public funds.
18.3 We would like to draw the Government’s attention to a number of resources that are already available and may contribute to a national programme of education. These include resources supporting responsible ownership such as the ‘Blue Dog Scheme’ (see http://thebluedog.org/en/) and resource packs provided by animal welfare charities. Teaching materials for children include Dr. Sophia Yin’s free posters (see http://info.drsophiayin.com/kids-and-dogs-1). There are also important avenues for education of children through youth groups, Brownies, Cubs, mum and toddler groups and others.

18.4 With respect to protecting children and others from potential injury wider promotion of the Yellow Ribbon scheme (see http://www.yellowdoguk.co.uk/) in which reactive dogs wear a yellow ribbon on their lead or a bandana is likely to prove beneficial and a low cost initiative.

18.5 While the Welsh Government has lead the way in the U.K. in the development of welfare codes, including for dogs, it is disappointing that these have not been properly or fully disseminated, though it would seem straightforward for local authorities to make this information widely available to members of the public, dog clubs, dog breeders and others.