



Northern Ireland  
Assembly

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**COMMITTEE FOR  
AGRICULTURE AND  
RURAL DEVELOPMENT**

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**OFFICIAL REPORT**  
(Hansard)

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**Dogs (Amendment) Bill:  
Kennel Club**

28 September 2010

**NORTHERN IRELAND ASSEMBLY**

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RURAL DEVELOPMENT**

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28 September 2010

**Members present for all or part of the proceedings:**

Mr Stephen Moutray (Chairperson)  
Mr P J Bradley  
Mr Trevor Clarke  
Mr Willie Clarke  
Mr Simpson Gibson  
Mr William Irwin  
Mr Kieran McCarthy  
Mr Francie Molloy  
Mr George Savage

**Witnesses:**

Ms Victoria Brown     )     Kennel Club  
Mr Bill Lambert        )

**The Chairperson (Mr Moutray):**

We now move on to an oral evidence session with the Kennel Club. We have Victoria Brown, public affairs officer, and Bill Lambert, health and breeder services manager. You are very welcome.

**Mr Bill Lambert (Kennel Club):**

Thank you very much.

**The Chairperson:**

If you would like to make an opening statement, members will then ask questions.

**Ms Victoria Brown (Kennel Club):**

Good afternoon. The Kennel Club is the UK's largest organisation dedicated to the health and welfare of dogs. Its broad remit is to protect and promote the general well-being of dogs. At its heart are programmes and investments in education and health initiatives to help dog owners across the UK to have happy, healthy dogs living long lives with responsible owners.

I thank the Committee for extending the invitation to the Kennel Club to give oral evidence about the Dogs (Amendment) Bill. The Kennel Club welcomes many of the measures in the Bill, which places great emphasis on preventing attacks and the role of owners in training and socialising their dogs. However, we are concerned that breed-specific legislation compounds the problem of straying by incentivising high-volume breeding of status dogs, and does not protect the public.

The Bill could better achieve its goal of protecting the public against dangerous dogs by giving further consideration to the following areas. The Bill makes microchipping compulsory, raises the cost of the dog licence, continues to prohibit four breeds, creates new offences regarding dog attacks on other dogs or people, and introduces control conditions on dogs. Our specific areas of interest centre on breed-specific legislation and dog control conditions, which I will, therefore, touch on in more detail.

**Mr Lambert:**

The Kennel Club works as part of a wider group, the Dangerous Dogs Act Study Group (DDASG), which represents animal welfare, local authorities, and veterinary professional organisations. Specifically, the group includes representation from Battersea Dogs and Cats Home, Blue Cross, the British Veterinary Association, the Mayhew Animal Home, the Dogs Trust, the Kennel Club, the Royal College of Veterinary Surgeons, Wandsworth Borough Council, and Wood Green Animal Shelters. There is a broad range of views in there.

We recently wrote a Dog Control Bill [HL] to tackle the many issues that the Dogs (Amendment) Bill seeks to address. We therefore propose that the principles of the Dog Control Bill [HL], a copy of which we have provided, be applied to the relevant areas in the Dogs (Amendment) Bill.

The group's position on dangerous dogs is that a dog is only as good as its owner. Dogs are very much like children. You would not expect children to bring themselves up, to learn what is right and wrong, or to socialise themselves. Those vital things have to be learnt from those around them. It is similar with dogs: they have to learn those things from their owners. Certain breeds have been targeted by legislation because they are more powerful and have the potential to do more damage in an attack. However, there are many other breeds that have similar potential, and they are not automatically considered to be dangerous.

There are potential savings to be made by removing breed-specific legislation. For example, the Metropolitan Police alone have spent approximately £10 million implementing section 1 of the Dangerous Dogs Act 1991 in the past three years. If breed-specific legislation was removed and all dangerous dogs legislation repealed, that money could be saved from seizing and kennelling dogs simply for being "of the type", and it could be better spent targeting any dog that is behaving aggressively or dangerously.

The Kennel Club and the group believe that the Dangerous Dogs (Northern Ireland) Order 1991 is not effective in dealing with the issue of dangerous dogs. Dangerous dogs legislation has not prevented dog attacks, because it assumes that some specific types of dog behave in a certain manner, whereas dogs' behaviour is largely individual and very heavily influenced by the way in which they are reared and trained. The group believes that preventative legislation should be based on deed, not breed.

Current legislation does not allow for strong enough penalties to be brought against dangerous owners, that is, owners who allow their dogs to be out of control and cause a risk to people. That has led to a rise in the popularity of so-called status dogs and dogs being used as weapons. The problem of dangerous dogs is a social one, and it is not exclusively a dog problem. The problem needs to be tackled through the enforcement of effective legislation that seeks to influence

irresponsible owners and better educate the public, thereby acting earlier to prevent attacks before they occur.

The 1991 Order has had a significant negative impact on the welfare of dogs thought to be restricted breeds. They have been seized, kennelled indefinitely or simply incarcerated, as a result of their appearance, even though they may never have shown any signs of aggression.

**Ms V Brown:**

If the police believe that a dog is an illegal breed under the 1991 Order, they have the power to seize the dog. It does not matter if the dog has not shown aggression, if it is a family pet, or if the owners have not realised that their dog is “of the type”. Unfortunately, in most cases, dogs are detained in police kennels until a trial takes place. One of the deficiencies of the 1991 Order is that a dog can be held for a long time. A known example of that is Dempsey, who was released after four years, having been seized when her muzzle was removed to allow her to be sick.

The Government have made no estimate of illegally owned pit bull numbers in Northern Ireland, but the number of pit bull terrier-type dogs seized in Northern Ireland was 113 in 2007, 22 in 2008 and 23 in 2009. The number of dogs seized simply because of their appearance bears no relation to the number of convictions for offences under the 1991 Order in both of the last two years for which there are figures. That points to the conclusion that breed is not a significant factor of temperament or aggression tendencies. For more information on that, I refer members to the dangerous dogs evidence paper, which I have included in the pack.

There are no statistics available for Northern Ireland police authorities, but, in London, the Metropolitan Police alone spent more than £2 million in 2009-2010 on transportation, boarding and veterinary fees from implementing section 1 of the 1991 Act.

**Mr Lambert:**

The four types of breed named in the 1991 Act, which it is illegal to own, breed or sell, are the American pit bull terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro. However, other breeds are commonly mistaken for pit bull terriers, and, unfortunately, the burden of proof is on the owner to show that their dog is not a pit bull terrier, rather than the other way around.

The American Staffordshire terrier is a breed that is recognised in some countries, but not in the UK. It is closely associated with the American pit bull terrier, and, indeed, in some registers throughout the world, it is considered to be the same breed. There is a breed called an Irish Staffordshire bull terrier, which is not a recognised breed, but it exists in quite large numbers. It is also known to be a euphemism on occasions for a pit bull terrier, and it is very difficult for the owners to prove the identity of that dog.

Most commonly, the Staffordshire bull terrier, which is a breed that was known for years as the “nanny dog” because it was so affectionate with children, and crosses of that type of dog, are often mistaken for pit bull terriers. The problem, again, comes down to individual interpretation when identifying dogs suspected to be of that type. Such interpretations are highly flawed.

Statistics do not support the contention that attacks have been reduced since the enactment of the 1991 Act: quite the opposite. According to London Dangerous Dog Forum research, there has been a 43% increase in admissions to hospitals for dog-related incidents over the past five years. In 2006-07, dog bite admissions took up to 848 days of care in London hospitals. Some of that evidence is in the packs that have been provided to members.

**Ms V Brown:**

A large proportion of dog attacks occur in the home and involve a dog that is known to the victim. That is why the Kennel Club supports the extension of the legislation to cover attacks on private property. The Dogs (Amendment) Bill will make attacks on private property a criminal offence. Greater responsibility is, therefore, placed on owners to ensure that their dogs are not out of control in any places. That should be more effective in preventing the escalation of bad behaviour and attacks.

It is not acceptable for owners to allow their dogs to behave aggressively, either at home or out in a public place. The Bill does, however, include sensible exemptions to cover certain circumstances, such as an attack or aggression as a result of an attack by another animal, or on a person while that person is committing an offence. Postal workers, healthcare assistants, social workers, utility inspectors etc regularly visit private property without necessarily being known to the dog or the landowner, and should be able to do that safely. The Communication Workers

Union (CWU) states that 6,000 postal workers are attacked every year by dogs and that 70% of those attacks occur on private property. Equally, we do not wish to extend such protection to anyone involved in criminal activity. It is important that the emphasis is on the dog owner's responsibility to avoid injury to anyone carrying out their lawful activities.

**Mr Lambert:**

The Kennel Club cautiously welcomes the introduction of control conditions similar to those proposed in the Dangerous Dogs Act Study Group's Dog Control Bill [HL], and suggests the mirroring of many of those proposals to ensure that control conditions are fair and proportionate. The Kennel Club supports the requirement for dogs to be kept under control in public, but recognises the need for a clearer definition of what "under control" means, to aid public understanding and law enforcement. The Kennel Club suggests wording similar to what we proposed for the UK Marine and Coastal Access Act 2009 under "effective control". That, we believe, is far clearer for dog walkers and dog wardens to understand. We suggested the following wording:

"a dog shall be considered to be under effective control provided it is kept on a lead whether fixed or extendable, or if not on a lead, the person in charge of the dog remains aware of its actions and the dog will return to him reliably and promptly on command."

Dog control notices work on the basis of prevention before cure. It can be argued that, by introducing dog control notices at the first sign of aggression, and forcing owners to address that, we will save NHS money on the treatment of dog attacks, which have risen nationally by 43% in the past five years alone. The CWU also highlight the fact that 6,000 postal workers are attacked by dogs every year. Money could be saved through a reduction in injuries and lost working time.

**Ms V Brown:**

I will briefly touch on microchipping and licensing, since we have not really gone into that in too much detail.

The Kennel Club supports the introduction of compulsory microchipping for dogs. We believe that it promotes responsible dog ownership and, unlike the dog licence, it links the owner to the dog. It also has a benefit for the owner in that it increases the chance of reunification if the

dog goes missing. The Kennel Club proposes microchipping as a welcome alternative to the use of dog licences, which we believe are onerous to administer and difficult to police or enforce, and actually penalise responsible owners.

**Mr Lambert:**

The Kennel Club opposes breed-specific legislation, which fails to protect the public from aggressive dogs not of pit bull type. It is ineffective, has led to a rise in accident and emergency admissions for dog bites and is unnecessarily expensive to enforce. Seizing and kennelling dogs because of their breed, regardless of whether they have displayed aggression, has cost one dog unit in England £10 million over three years.

We welcome new powers to allow magistrates and district judges not to automatically issue a dog destruction order if a dog is deemed not to be a danger. However, we seek clarification on the proposed powers in circumstances in which a case is not brought before a court or before it is brought to court.

**Ms V Brown:**

The Kennel Club welcomes new offences that cover dog-on-dog attacks and the application of the law to cover private property, with common sense exemptions, for example, in the case of trespassers. We welcome the general introduction of control conditions, but we recommend using the proposals that are outlined by the DDASG Dog Control Bill [HL] for best practice.

One example of where you could go further would be to define what an “officer” should be, ensuring certain competencies in the officer. Looking at the control conditions that could be applied, our Bill includes imposing a curfew, which is particularly good in tackling antisocial behaviour. In addition, asking the owner to complete a course of training with the dog will stop repeat offences.

Lastly, we support the requirement for dogs to be kept under control in public, but we recognise the need for a clearer definition of “under control” to aid public understanding and law enforcement. The Kennel Club suggests using wording similar to what we proposed as “effective control” in the UK Marine and Coastal Access Act 2009.



We thank the Committee for letting us present today.

**The Chairperson:**

Thank you very much. Can you expand a little around the microchipping database that you operate?

**Ms V Brown:**

Petlog?

**The Chairperson:**

Yes. How do statutory enforcement agencies access the information? What issues are there about freedom of information and how it is updated?

**Ms V Brown:**

That is the exact problem that we have at the moment. I do not know whether the Committee is aware, but the UK is looking at compulsory microchipping. Petlog has found that there are problems around freedom of information and who should have access to it. That is definitely something that we will have to work with. As it stands, that information belongs to the owner and to Petlog as a database. There would have to be something in the future to say that that information would become available to local enforcement authorities or the government.

I have a briefing on compulsory microchipping. I did not submit that earlier, but I would be quite happy to hand that out if members think that that would help them.

**Mr Lambert:**

There are a number of microchipping databases in the UK, but Petlog acts as a central point. If someone who is on one database calls Petlog, they get transferred to the correct database. That number is open 24/7.

**The Chairperson:**

So they are compliant at the moment with freedom of information laws?

**Mr Lambert:**

They are, but the issue is that we can give information to authorised bodies. There are a very strictly limited number of authorised bodies that can access and be given that information. There will need to be other supplementary legislation to effectively give further access. We do not perceive that as a problem.

**Ms V Brown:**

The person who gives the information to Petlog — the dog owner — would have to give permission for that information to be passed on to the police, for example.

**Mr W Clarke:**

Thanks for your presentation. Why does it take so long to identify the DNA make-up of a dangerous dog or an alleged dangerous dog?

**Mr Lambert:**

That is an interesting point. The Kennel Club's accredited breeder scheme accepts three types of identification: tattoo, microchip and DNA profile. That profile has to go to a laboratory and get matched, so it is not something that can be done instantly. Some sort of machine may be available in the future to do that, but, at the moment, there is no doubt that the most convenient way of checking the identification of a dog is to have a scanner and run it over the dog. It is horses for courses. For instant identification, microchipping appears to be the most convenient method.

**Ms V Brown:**

If I am not wrong, the problem with the pit bull is that that is not a breed of dog. It is like the Jack Russell. Jack Russells do not exist; they are a mishmash of lots of different dogs. You will probably never see two Jack Russells that look the same.

**Mr Lambert:**

I am sorry, I may have misunderstood the question. As regards identifying a dog from its DNA, effectively, all you do at the moment is put the DNA into a database, which then determines the make-up of certain breeds in it. In the case of a pure-bred dog that has been bred over a number

of years, the DNA will be remarkably similar. Pit bulls are essentially cross-bred dogs. Certainly, the DNA of the UK population of pit bulls, which have come from all over the place and not from specific breeding lines, is variably different.

It is a complex breed in that, under current UK law, believe it or not, one dog in a litter can be identified as a pit bull and another one not, because the law is based on appearance. I have seen examples of that. The Kennel Club has done work with kennels in the UK where some dogs have had to reach six months before a reasonable assessment could be made, and the judgement was made that some were pit bulls and some not. Clearly, that is a ridiculous part of the law. That is why we really emphasise that the law should be based on what the dog does, not the type or breed of the dog.

**Mr W Clarke:**

It seems that it is like the human make-up: we are all different.

**Mr T Clarke:**

Thank goodness.

**Mr W Clarke:**

I agree with that. Everyone has their own data, or their own DNA. Surely, each dog has its own DNA.

**Mr Lambert:**

Each dog has its own DNA, absolutely. However, you talked about identifying a type of dog by its DNA, and that can be done. The DNA taken from a dog can be recorded, and it can also be taken one step further. Providing that you have the DNA of its parents, you can tie that dog to its parents. However, it must be remembered that the variety of dogs is far greater. There are vast differences between a Chihuahua and a Great Dane: it is one of the most varied species in terms of genetic make-up.

**Mr W Clarke:**

Are most pedigree dogs registered with the Kennel Club? Do you have a breeding list?

**Mr Lambert:**

We recognise 210 different breeds. There is quite a complex process to be gone through before a breed of dog can become recognised, and part of that is proving lineage from many generations.

**Mr W Clarke:**

Do you recognise dangerous dogs?

**Ms V Brown:**

They are alien breeds now.

**Mr Lambert:**

No, we cannot. However, we also maintain that no breed of dog is inherently dangerous. It is down to training and other characteristics.

**Mr W Clarke:**

Are you banned from registering those dogs?

**Mr Lambert:**

We cannot register those dogs: they are illegal to own, so they cannot be registered.

**Mr W Clarke:**

See the holding of dangerous dogs — you mentioned the cost. Is there a breakdown on the average cost of holding those dogs?

**Ms V Brown:**

To be honest, it varies. At the moment —

**Mr W Clarke:**

Just an average figure.

**Ms V Brown:**

It would be completely different from one place to another. Some police areas do not have

dedicated officers to deal with dangerous dogs legislation, so they might see a dangerous dog and go to the owner's house and say either, "I did not see you" or "keep that dog under control or I will have to seize it". Other police authorities will go in as hard as nails and seize the dog. Therefore, there are completely different costs depending on how the police choose to implement the law, and that is exactly where the problem lies. Some police authorities decide to turn a blind eye because they cannot cope with the cost — because it is so expensive — and others do not.

**Mr Lambert:**

The minimum cost of housing a dangerous dog in England is around £15 a day. The last time that I was given any figures, the minimum average time was six weeks. Because of the cost, the Metropolitan Police are trying to dramatically reduce that. However, it is the long-term ones that are a problem. In some cases, a dog can go in with a nice disposition and be housed with a load of other dangerous dogs, and by the time it is released it is not suitable for rehoming.

**Mr W Clarke:**

That is a fair point.

What is the cost of administering Petlog?

**Mr Lambert:**

The Kennel Club is a non-profit-making organisation, and it was not set up as a profit-making entity.

**Ms V Brown:**

This was the first year that we made any money. It has always run at a loss, and it was initially set up to promote responsible dog ownership.

**Mr W Clarke:**

I am just trying to get a figure of the admin cost of doing it.

**Mr Lambert:**

I believe that it is a fairly small figure. We charge around £2 for a dog to go on the database.

**Mr W Clarke:**

Is there a yearly figure after that?

**Me Lambert:**

No. We charge £2 for the basic service of going on the database. However, there is a charge for the microchip, which is down to whoever implants it. We have an upgraded service that we call Petlog Premium, which includes the minimum changes over a dog's lifetime. Under the standard service, a payment must be made each time the dog changes ownership, whereas under Petlog Premium there is a one-off fee, which I believe is £10.

**Ms V Brown:**

Yes, it is £10. The cost that is paid every time the dog changes ownership is not the administrative cost that you asked about —

**Mr W Clarke:**

Does that mean that if you do not change the dog there is no need for an extra cost?

**Mr Lambert:**

Exactly.

**Mr W Clarke:**

There is no need for an extra cost?

**Ms V Brown:**

No. The cost is for someone to take the call and change the details. If no one is taking those calls or changing those details there is no cost to us.

**The Chairperson:**

I suggest that the Committee adjourn for a short period of time. There is a ministerial statement in the House at 12.00 noon. I suggest that we adjourn for 15 minutes and come straight back.

**Ms V Brown:**

Do you want us to come back as well?

**The Chairperson:**

Yes, please.

**Ms V Brown:**

I will leave the briefing on compulsory microchipping here for anyone who wants it.

**The Chairperson:**

OK. Thank you.

*Committee suspended for a statement in the House.*

*On resuming —*

**Mr Molloy:**

The Department said that microchipping will allow the permanent identification of dogs and their owners, and you talked along similar lines about microchipping and linking. Is there any reason why a microchip could not identify a dog and its owner throughout the system?

**Ms V Brown:**

A microchip is only as successful as the most recent piece of information. The only way that it could be unsuccessful would be if a dog's ownership changed three or four times, yet the information held related to its first owner.

**Mr Molloy:**

But if there was a system like when you change your car —

**Mr Lambert:**

Absolutely.

**Mr Molloy:**

So the Department's reason for continued use of a licensing system does not have anything to do with the identification of an animal?

**Mr Lambert:**

The flaw with dog licences is that they are pieces of paper that are not tied to the dog. The fees for licensing are costly to collect, and, as I am sure you are aware, Northern Ireland is the only place in the UK that has continued dog licensing. It was abolished elsewhere some time ago.

**Mr Molloy:**

OK. Apart from identifying the dog that carried out the act, could microchipping help to reduce attacks on the public?

**Mr Lambert:**

It would not be fair to say that microchipping helps to reduce attacks, because there is no evidence. However, it ensures that the dog is identified to its owner and you could say that there is more risk to the owner for allowing his or her dog to be out of control. There is a tie to them.

**Ms V Brown:**

If there was compulsory microchipping and everyone got their dog microchipped, then if a dog did stray, less time and money would have to be spent kennelling those dogs, because you could reunite dog and owner much more quickly than if the dog did not have any kind of identification. In theory, you could literally find the dog, take it to the rescue centre, ring the person and reunite them with their dog within perhaps a day.

**Mr Molloy:**

The Department's idea is that microchipping does not actually give you documentation or identification other than the ownership of the dog — those two things can be linked, as regards dog and owner?

**Mr Lambert:**

They can, provided that the information is up to date.



**Mr Molloy:**

Your organisation is based in London. Do you have members here? If so, how many?

**Mr Lambert:**

We have between 1,000 and 1,200 members across the UK. I cannot give you exact figures for membership in Northern Ireland, but we do have members here. Do not confuse that with people who register their dogs with the Kennel Club. We register about 400,000 dogs — I cannot give you exact figures for registrations, but those who register their dogs are not necessarily members. You do not have to be a member of the Kennel Club to register your dog with us.

**Mr Molloy:**

You are basically saying that we should not identify dangerous dogs by their breed, but by the actions of individual dogs. The idea that pit bulls — the Department actually refers to the American pit bull; that is the description that it uses to identify them. However, even judges seem to have difficulty identifying what that breed is. Would it not be better to identify all dogs as possibly dangerous, based on behaviour?

**Ms V Brown:**

The problem is that, at the moment, the public perceive certain breeds to be dangerous and others to be safe. As you have probably seen recently in the news, there have been attacks by a spectrum of breeds, including collies, Labradors, rottweilers, Chihuahuas, Jack Russells, etc. The public perception is that certain dogs are dangerous and the rest are completely fine, which is wrong. We try to point out that any dog has the potential to be well behaved or dangerous, depending on the socialisation and training that it has received from its owner.

**Mr Molloy:**

Perhaps the Department should identify the number of people who have been killed by dogs and compare that with the number killed by bulls. We are dealing with legislation to deal with dog attacks; however, in the North, I believe that more people have been killed by bulls than by dogs.

**Mr Lambert:**

Without wishing to appear flippant about the subject, recently I read a book containing reports on dog attacks, and it established that more people are killed by falling down stairs than by dogs. Obviously, dog attacks are awful for victims, but they must be put in perspective. Dog attacks are very rare, although minor attacks are more common, so owners have a responsibility to prevent their dogs from biting people.

**Ms V Brown:**

We like the fact that the control conditions in the Bill take account of the fact that, generally speaking, dogs that have been involved in high-profile attacks have shown signs of aggression before. You will see from the evidence paper that we submitted on the John Paul Massey case study that the dog involved had been reported previously for killing another dog, but it was not put down and no provisions were in place to ensure that it was safe. That is the problem: not enough is being done at the first sign of aggression to stop situations escalating to the point at which a child is killed or an adult is badly hurt.

**Mr P J Bradley:**

Thank you for your presentation and for helping to enlighten me. With respect to the control conditions in the Bill, I have a minor concern about the following provision:

“that the dog (when not under control) be kept securely confined in a building, yard or other enclosure”.

I see a difficulty in differentiating urban and rural situations. I understand the reasons for enclosing a dog in an urban situation, but on farms throughout Northern Ireland and, I am sure, everywhere else, farm dogs drift about the yard. How is a yard defined? Should it be enclosed?

**Ms V Brown:**

That part of the Bill concerns us as well, because it does not specify exactly what, for example, a yard is. Perhaps it should go into more detail. It states “when not under control”, which, I guess, means that when a dog is not being exercised, for example, it should be kept in such an area. However, one of the five freedoms for owning a dog is that it should have adequate shelter. Therefore, when allowing a dog out into a yard, if the yard is susceptible to the elements, the dog

must have shelter. Further clarification is required.

**Mr P J Bradley:**

In Northern Ireland, it is common to see a dog sitting around a farmyard or at a door, not locked up.

**Mr Lambert:**

The provision will apply only to dogs that are subject to dog control orders, which will be brought in only when a dog is shown to be a problem. One of the first stages of a dog control order may be that the dog needs to be contained. For example, if my dog got out and bit another dog, a dog control order might oblige me to ensure that my dog is always kept in the garden, which must be fenced adequately. In those circumstances, such a dog control order may be deemed appropriate.

**Ms V Brown:**

If your farm dog is not a problem, you do not need to worry.

**Mr Savage:**

The traceability of any animal is very important. How many dog breeders do not bother to register their dogs? What percentage of people does not bother to register their dogs?

**Mr Lambert:**

It is very difficult to get figures for the number of dogs in the UK. However, the figures that most people work from are provided by the Pet Food Manufacturers Association (PFMA), which estimates that there are approximately 10 million dogs in the UK. We know how many dogs we register, and we believe that to be around 40% of dogs in the UK. However, a dog being registered with the Kennel Club does not make a great deal of difference, legislatively. For example, if microchipping were made compulsory, it would apply to all dogs, whether they are registered with us or not.

**Mr Savage:**

I am trying to get at the fact that, unless an animal is registered, people should not be able to shift it from country to country, or area to area. That is the worry. How do we get to grips with that?

At the moment, there is nothing to stop me taking a dog from here to the mainland.

**Mr Lambert:**

No; there is nothing to stop you doing that. Legislation exists on the transport of animals, but it is fairly basic.

**Mr Savage:**

There is nothing to stop me going down to the boat and taking an animal across to the mainland.

**Mr Lambert:**

Absolutely not.

**Mr Savage:**

There is something wrong if that is allowed to happen.

**Mr Irwin:**

Thank you for your presentation. I want to touch on what Francie Molloy said. You mentioned that you are opposed to breed-specific legislation. A constituent came to me after his dog was lifted by the local council, as a pit bull type. He was adamant that the dog was not a pit bull type. However, the council brought an expert over from England to ascertain whether the dog was a pit bull type, and the expert agreed that it was. My constituent ended up going back and forward to the council and had to go to court nine times. Following those nine court appearances, the magistrate said that, if the dog was muzzled and neutered, my constituent could bring it home. It seems wrong and ridiculous that that could happen.

**Ms V Brown:**

It just shows that there is no clear-cut way to determine whether or not a dog is a dangerous dog. The courts recognise that, just because a dog is of a type, it does not necessarily mean that it is dangerous. That is why an amendment was allowed so that, if a dog is muzzled, neutered and remains in its owner's possession for the rest of its life, people can keep their dogs. That is where problems, such as that of your constituent, occur. His dog was identified as a pit bull type. However, it was a perfectly well-behaved dog and was not a problem to anybody. Its owner then

had to go through the court procedure so that the dog could go on the index of exempted dogs, which is a long and drawn-out process. I would not like to even suggest how much that must have cost your constituent and the council.

**Mr Irwin:**

It cost an absolute fortune. It cost him thousands of pounds.

**Ms V Brown:**

The question is whether that cost was proportionate to the problem, given that the dog was not a problem in the first place.

**Mr Lambert:**

There is no doubt that hundreds of dogs have been seized simply because of the way that they look. I have also seen dogs released, which, in my opinion, were clearly dangerous, but, because they did not look like pit bulls, were considered safe. Most people can see that the law is clearly flawed. Therefore, we need to look at ways in which we can improve the law and go further to protect the public.

**Ms V Brown:**

The problem does not even end there. At the moment, someone cannot come forward publicly to say that they have a dangerous dog, but that it is perfectly safe. The exemption index system is not open to owner-led applications. An owner has to wait for the police to seize their dog. Owners then have to go through the entire court process, which brings the cost that you mentioned. That is completely the wrong way of doing things.

**Mr Molloy:**

If we did that with humans, a lot of people would be put down.

**Mr Lambert:**

I have often said that if it was illegal for people to look ugly, I might be put down. *[Laughter.]*

**Mr Gibson:**

Mr Chairman, apologies for my late entrance. It so happened, this morning, that a neighbour helping me with sheep asked what I would be doing today at Stormont. I told him that we would be considering the Dogs (Amendment) Bill and the prospect of microchipping. He referred to his own dog, a sheep dog of eight or nine years old, and said God help him if he had to take his dog to get it microchipped. I noticed in your submission a reference to older dogs and the compulsory microchipping of dogs born after an agreed date. Can you be more specific about that date? What do you mean by an older dog?

**Ms V Brown:**

You mentioned a dog that is eight or nine years old. Originally, when we were thinking of possible ways to handle the bringing in of compulsory microchipping, we said that it should apply to dogs that are seven and under. The problem is that, as Mr Gibson said, the experience is more traumatic for an older dog. However, a lot of people who administer microchips say that it is not very painful at all; it goes into the scruff of the neck, which is the fattiest part at the back of the neck. Moreover, it is a myth that the chip can migrate.

We looked further into asking the Government to set a date after which any dogs that were born should be microchipped. The microchip would be encapsulated in the cost of buying the puppy so that, when the dog is given to the new owner, it has been neutered, microchipped and has had every necessary procedure before it leaves the breeder. That is why we are doing further research at the moment to check at what age it is safe to microchip a young dog.

**Mr Lambert:**

We recently had agreement from the British Veterinary Association and the Royal College of Veterinary Surgeons that it is quite safe to microchip puppies of six weeks and under. However, some vets are still reluctant to microchip puppies of that age. In future, it is likely that we will adopt that process because other countries, such as Sweden, have done so. Puppies must be microchipped before they leave the breeder. That is the probably the way we will go. However, at the moment, through this legislation, it is sensible to propose that it be phased in. That was mentioned during the previous presentation. There are certainly welfare implications with microchipping older dogs.

**Mr T Clarke:**

Willie Irwin asked about the definition of dangerous dogs. If defined breeds are not allowed, surely a DNA test could clear up whether any part of a certain breed is in a dog.

**Mr Lambert:**

No. Mr Clarke hit the nail on the head when he said “any part”. When a dog’s DNA is sent to some services, they will say that they believe the dog is, for example, 40% Jack Russell terrier and 50% Border collie. However, that is not considered definitive enough. DNA evidence of a breed-specific nature has, effectively, been thrown out of court. There was a court case — it may have been the Republic, rather than in the North — that proved that such evidence is not acceptable in court. Therefore, all that we can do with DNA profiling is to say that a dog is from particular parents and that the DNA belongs to that dog. However, it is not specific enough to determine the type of dog.

**Ms V Brown:**

It comes back to the fact that a pit bull is not a recognised specific breed, yet it is the most common dog affected by dangerous dogs legislation. It is very rare to see the Fila Brasileiro or other dogs on that list.

**Mr Molloy:**

How can a human assess the pain or annoyance to a dog when a chip is implanted?

**Mr Lambert:**

We have done quite a lot of studies on that. Logically, we have proposed the idea of compulsory chipping of puppies. The evidence from breeders suggests that, funnily enough, the pain factor is a bit breed specific. I breed bull terriers — not pit bull terriers or Staffordshire bull terriers, but what people know as English bull terriers. They do not even flinch or seem to notice when the microchip is implanted. However, my very good friend breeds Dandie Dinmont terriers, which do seem to squeak. However, it is a fairly quick procedure at a young age, and I do not think that there is a welfare implication of microchipping puppies. It is over very quickly. The welfare benefits seriously outweigh the second of pain — if indeed there is a second of pain.

**The Chairperson:**

That concludes this morning's evidence session. Thank you very much for your attendance.