DBRG
Dog Breeding Reform Group

Policy Position Paper on the Animal Welfare Act 2006 and the protection of offspring

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carol.fowler@dogbreedingreformgroup.uk

@DogBRG

Registered Charitable Trust No. 1176163

Policy Position: The Animal Welfare Act and the protection of offspring

Executive Summary

- The health and welfare of very large numbers of dogs are negatively affected by breed-related conformation issues and inherited diseases. Some dog breeds are defined by their physical abnormalities.

- Such conditions often cause severe suffering and can be life-long.

- Irresponsible breeding is an important cause of suffering and is frequently associated with preventable breed-related and inherited disease.

- Current UK legislation does not, however, afford effective protection to offspring, or provide penalties for irresponsible breeding leading to suffering. The UK is behind many other nations with 15 out of 28 EU member states already having some regulatory provision in place.

- New animal establishments licensing regulations include a requirement that care is taken by a breeder to consider the health, genotype and phenotype of parents. However, only perhaps 10% of puppies are produced by breeders falling under the licensing regime (c. 80,000 out of an estimated 900,000 puppies acquired each year in the UK). There is a need for more general regulatory protection.

- The Animal Welfare Act (AWA), Section 4 prohibits causing 'unnecessary suffering' to an animal. In principle this might apply

to protection of offspring. In practice, it appears very difficult for this to be applied to prosecute a breeder for later suffering arising in offspring as a result of an irresponsible breeding decision.

- It is recommended that new secondary legislation is developed under the AWA that would require a duty of care for anyone breeding dogs such that due regard is given to the health, genotype and phenotype of the parent. This should enable prosecution where clear evidence of reckless or negligent breeding is available.

- While establishing failure to meet a duty of care may not always be straightforward, there are likely to be many circumstances where a clear failure of care can be established. Flexible sentencing options available should enable appropriate penalties to be applied, depending on culpability and severity of harm.

- It is further recommended that a dedicated Code of Practice (COP) for the Breeding of Dogs is developed which would provide effective guidance to the courts, to support prosecution for acts or omission which prejudice the health and welfare of offspring. Such a COP would also inform breeders and the public of expectations for good practice in breeding decisions.

Policy Position: The Animal Welfare Act and the protection of offspring

1 Introduction

1.1 The welfare of dogs is often compromised as a result of inherited disease or poor conformation. Inherited conditions can affect many breeds, or be particularly prevalent in some. Such conditions may affect large numbers of dogs and have adverse impacts lasting throughout life, causing sustained pain and discomfort. Much inherited disease is preventable. It is frequently caused by a lack of appropriate health testing prior to the selection of breeding parents. Yet, despite the seriousness of the harms that frequently arise, and their prevalence, there is currently little or no protection in law for offspring who suffer as a result of poor breeding practices, or penalisation of those who negligently or recklessly breed dogs together which may have genetic defects. This Paper provides some suggestions for progress.

2 Issues

2.1 The problems associated with inherited disease in dogs have been highlighted in a series of authoritative publications including those provided by the Companion Animal Welfare Council (CAWC)[18], RSPCA[1], the All-Party Parliamentary Group for Animal Welfare (APGAW)[2], and the Independent Inquiry into Dog Breeding[3]. These reports are consistent in emphasising the range and severity of harms associated with inherited disease, their preventability, and the urgency with which action needs to be taken.

2.2 Some examples of inherited diseases are: early onset mitral valve disease and chiari malformation syringomyelia in the Cavalier King

Charles Spaniel; hip dysplasia in many larger breeds such as the Labrador, German Shepherd Dog, Golden Retriever; elbow dysplasia in many larger breeds; severe atopy in the West Highland White Terrier; malignant histiocytosis in the Flatcoated Retriever; dilated cardiomyopathy in the Dobermann; osteosarcoma in the Rottweiller; hydrocephalus and patellar luxation in the Chihuahua. Many breeds suffer from a variety of inherited eye diseases such as progressive retinal atrophy (PRA) and diseases of the eye as a result of selection for particular physical traits. Entropion, ectropian and combination of both, the so-called 'diamond eye' are examples of this. Inbreeding is also a risk factor in many breeds for immune-mediated diseases such as thrombocytopenia, haemolytic anaemia, lupus erythematosus. A whole host of other conditions affect different breeds. In a review of inherited conditions published in 2010[20], 312 non-conformation linked inherited disorders were identified, with German Shepherd dogs and Golden Retrievers associated with the greatest number of disorders. Extensive data on the prevalence of such conditions is available from a range of authoritative sources[e.g.4,5,6,19]. *(Further examples of inherited conditions are provided in the Appendix).*

2.3 Significant welfare problems are associated also with poor conformation in dogs arising often from selection for extreme 'appealing' characteristics, or rigid adherence to breed standards which fail to adequately consider health and welfare consequences. In a review of conformation-linked disorders published in 2009[19], each of the most popular 50 breeds was found to have at least one aspect of its conformation predisposing it to a disorder; and 84 disorders were either directly or indirectly associated with conformation. Conformation-related harms affect very large numbers of dogs.

2.4 Severe problems are frequently associated, for example, with 'brachycephaly', the occurrence of very flat muzzles, characteristic of breeds such as Pugs, English bulldogs, French Bulldogs and Boston Terriers. Such problems include airway obstruction, respiratory complications, eye infection and injury, and skin complaints.[e.g.7,8]. Brachycephalic dogs are, moreover, at increasing risk of a wide range of more 'general' conditions including cancers and heart disease[9]. These circumstances are particularly concerning as the number of Kennel Club registrations of such dogs has increased substantially. The British Veterinary Association (BVA) and other welfare bodies have called for urgent intervention[10.]

Note that although brachycephaly receives most publicity in small dogs, it is also a cause of concern in larger dogs such as Neapolitan Mastiffs, etc (see table below). In the larger breeds the result of skull foreshortening is excessive wrinkling of the skin and dreadful eyelid conformation.

Table 1 'Brachycephalic' Breeds – some examples

Small dogs: less than 10kg	**Medium to Large dogs: over 10kg**
Affenpinscher	Boxer
Boston Terrier	Bulldog
Brussels Griffon	Bull Mastiff
Cavalier King Charles spaniel	Cane Corso
Chihuahua	Chow Chow
French Bulldog	Dogue de Bordeaux
Japanese Chin	English Mastiff
King Charles Spaniel	Neapolitan Mastiff
Pekingese	Rottweiler
Lhasa Apso	Shar Pei
Shih Tzu	St Bernard

2.5 Inherited disease is particularly likely to be expressed under conditions where dogs are highly inbred. Inbreeding increases the likelihood that offspring will inherit deleterious genes from both parents. It more generally increases disposition to disease, and is associated particularly with disorders related to the functioning of the immune system. Irresponsible breeding decisions include failures to ensure that parents chosen are not closely related.

2.6 The harmful consequences of poor selection of breeding parents go beyond that of the individual dogs. The pursuit of dogs with fashionable, saleable but harmful conformations has led to a severe narrowing of the breed gene pools which may in some cases, as with the English Bulldog, potentially preclude future welfare improvement[11].

2.7 In the United Kingdom, the Animal Welfare Act (2006) (AWA) (applying substantially to England and Wales), the Animal Health and Welfare (Scotland) Act (2006), and the Welfare of Animals Act (Northern Ireland) (2011), provide protection for kept, domesticated animals. In England and Wales, Section 4 of the AWA protects such animals from 'unnecessary suffering', while Section 9 of this Act requires that those

responsible for an animal ensure that its welfare needs are met 'to the extent required by good practice' (Section 9,1).

2.8 The Act provides that the relevant national authority may make regulations *'for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals'* (Section 12,1). The AWA does not apply to foetal or embryonic animals (Section 1,2). However, Section 1,3(c) states that the relevant national authority may by regulations for all or any of the purposes of this Act to amend subsection 1,2 to extend the application of the Act to an animal from such earlier stage of its development as may be specified in the regulations.

2.9 There is no reference in the AWA to provisions for the protection of progeny, beyond the potential to develop appropriate regulation as above (Section 12.1 and Section 1.3 (c)). Specifically, there is no explicit clause which refers to duties of an animal keeper to take responsible breeding decisions. There may, however, be merit in a legal argument to interpret Section 4 of the Act to apply to the suffering of offspring (see 3.1 below). Section 9 of the Act, relating to the requirement to meet an animal's welfare needs, places responsibility only for meeting the needs of a currently living, kept animal (see AWA Section 3).

2.10 The lack of clear provision for responsibility to avoid unnecessary suffering of offspring, or for responsibility to meet defined needs of offspring (eg for protection from 'pain suffering, injury or disease', as applies to currently kept animals, Section 9, 2) means that the progeny of dogs lack protection in the UK from reckless or negligent breeding decisions that can lead to suffering.

2.11 The UK lags behind many other countries with respect to regulatory protection of offspring, particularly in regard to a number of other European states[12]. Currently 15 of the 28 EU states have some regulatory provision for the protection of offspring. These states include: Austria, Belgium, Czech Republic, Finland, France, Germany, Greece, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Slovakia, Slovenia, and Sweden. Such provisions range from:

- general provisions prohibiting the breeding of animals where adverse welfare outcomes may be anticipated

- prohibition of breeding of animals which would result in increased probability of specific adverse health outcomes
- prohibition of breeding from animals that have defined inherited diseases
- prohibition of breeding of animals that would result in exaggerated conformation
- prohibition of breeding of animals if behavioural problems associated with hereditary factors are expected
- explicit expectation that breeders aim to produce animals in good health and with good temperament
- prohibition of breeding from animals with adverse anatomical or physiological characteristics
- prohibition of breeding in a manner which harms the welfare of the parent or offspring
- avoidance of permanent disability in offspring

3 DBRG Position

This section considers steps that might be taken to protect the welfare of offspring through regulation or associated measures.

3.1 Application of the principle of prevention of 'unnecessary suffering'

3.1.1 The AWA (Section 4) prohibits the causing of 'unnecessary suffering' to any commonly domesticated vertebrate 'under the control of man'. It may be argued that this provision might equally protect offspring as well as currently living animals. The action of a person may cause immediate or delayed suffering to a kept animal, or later suffering to the offspring of an animal as a consequence of an intentional, reckless or negligent breeding decision.

3.1.2 However, for a prosecution to be successful it would, amongst other things, have to be determined that there was a causal link between the breeding decision and inherited defect in the offspring, creating unnecessary suffering. The current exemption in the Act for animals in 'foetal or embryonic forms', could be argued to 'break' the

causal link with respect to protection, and render any potential prosecution under Section 4 vulnerable to challenge.

3.1.3 An alternative position is that while the effect (ie of the breeding decision on later suffering) is 'delayed', a causal relation does nonetheless exist between intentional actions taken (or failures to act) and later suffering to the live, independently-living offspring. Harmful genetic effects with welfare consequences are expressed in the majority of cases after birth, not while in embryonic or foetal form, often manifesting months or years later. According to the latter view, failure to extend protection to foetal or embryonic forms, should not prevent establishing a causal relation between breeding decision and suffering of offspring arising from it.

3.1.4 Achieving a successful prosecution relating to causation of unnecessary suffering under the AWA, Section 4, would also depend, however, inter alia:

- on establishing 'after the fact', and likely at some time removed from the original breeding decision (potentially months or years later) that suffering has occurred;
- that welfare harms attributable to the breeding decision are significant
- that the cause of welfare harm is unequivocally partly or wholly genetic;
- that the breeder might reasonably have known that their act (or failure to act) with respect to the breeding decision would have led to the suffering caused (see Sections 4.1 and 4.3, AWA for relevant conditions).

3.1.5 Further, the questions of the mechanisms by which genetic factors influence welfare and the expression of disease, and their relation to suffering, are both technical and complex (see below). This is likely to make the application of the AWA to breeding decisions still more uncertain and difficult. It would be inappropriate, in particular, to rely on the courts to determine whether or not criminally irresponsible breeding decisions had been taken. Expert veterinary opinion would have to be sought and it is likely that there would be both a very high level of caution in convicting defendants, and much inconsistency. In these circumstances, it may be anticipated that there would be considerable

reluctance by prosecution agencies to progress potential welfare cases, as they may conclude that such cases would not meet the twin tests of sufficiency of evidence, and of meeting the public interest to progress a case.

3.1.6 In theory, then, without further legislative change, AWA Section 4 might be able to be applied to breeding decisions. This could, on the face of it, be facilitated by, for example, explicit guidance both to members of the public potentially involved in breeding dogs (e.g. through a specific Code of Practice), and to the courts in interpretation of the Act. However, it is likely in practice that meeting the evidential burden required to satisfy the conditions the AWA sets to establish responsibility for causation of unnecessary suffering would be too onerous in the case of most breeding decisions, and may be fundamentally undermined if exemption for foetal and embryonic forms is interpreted to break the causal chain between act and consequence. While the Act makes provision to extend protection to such forms, this is most likely to be on the basis of evidence establishing their capacity for suffering, and such amendment may not be relied on. Such constraints, in sum, may mean that application of Section 4 of the AWA as a remedy may be effective in only exceptional cases, if at all.

3.1.7 There appears to be considerable uncertainty as to the potential for application of AWA Section 4 to breeding decisions affecting offspring. While DEFRA has recently stated that it may be, expert legal opinion, including that sought from potential prosecuting agencies, appears highly equivocal about its potential to be applied here[21]. This uncertainty implies that clearer and more directly relevant regulation is needed.

3.2 Secondary regulation under the Animal Welfare Act

3.2.1 A preferable alternative to the retrospective application of Section 4 of the AWA to prevent suffering of progeny as a result of breeding decisions taken, and reliance on the courts to do so, would be the development of specific, prospective secondary legislation which creates a duty of care when taking breeding decisions that may affect the welfare of offspring. Such legislation might not only specify key principles for lawful breeding decisions, but set clear conditions under which offences would occur. The Act provides under Section 12.1 that

the relevant national authority could make such regulations, *'for the purpose of promoting the welfare of animals for which a person is responsible, or the progeny of such animals'*.

3.2.2 As the AWA stands, Section 9, which relates to meeting of the behavioural needs of kept animals, requires that a person who is responsible for an animal must, inter alia, ensure that it is protected from 'pain, suffering, injury and disease'. Section 9, as it refers to animals for which a person is currently responsible, does not apply to 'offspring'. However, it would be particularly valuable were new secondary legislation developed to ensure that, to the extent a person's actions may affect the future welfare of offspring of a currently kept animal, that similarly they have the responsibility to protect such offspring from 'pain, suffering, and disease' (*NB 'injury' to such offspring would be excluded as it could not be viewed as something over which an animal's keeper had control at the point of allowing or enabling conception by breeding animals together*).

3.2.3 It is suggested that the primary principle that any such secondary legislation would enshrine would be that:

'A duty is imposed on breeders when selecting (e.g.) dogs or cats for breeding to have regard to the anatomical, physiological and behavioural characteristics which are likely to put at risk the health or welfare of the progeny or the female parent'.

More detail as to circumstances under which such consideration would be important, the actions a breeder would be required to take to satisfy this requirement, and what failures to act would constitute offences could be set out in the regulations themselves with detailed guidance provided by an accompanying specific Code of Practice for the Breeding of Dogs. The Act accommodates drafting of Codes of Practice at Section 14 in support of the legislation.

3.3 Responsibility of licensed breeders

3.3.1 Population estimates of the dog population in the U.K. for which the most recent reliable data are available (in 2011) range between 10.7 and 12.5 million dogs, with a mid-point of c. 11.6 million dogs[16]. To maintain this population it can be inferred, assuming median age at

death of 12 years[17], that over 900,000 puppies are likely to be produced each year to be kept in the U.K.

3.3.2 An important minority of such puppies are produced by dog breeders subject to licensing by local authority, estimated to be of the order of 70,000 per year. These current numbers relate to the extant licensing regulations which, by default, specify that any breeder, whether operating commercially or not, producing more than 5 litters a year requires a licence. New animal establishment licensing regulations[15] will lower the default licensing threshold to three litters or more bred per year, which may be anticipated to result in a higher number of puppies produced within the licensing regime, though it is uncertain by how many. There is additionally evidence that even under the current regulations a significant number of breeders are likely to be operating illegally, above the licensing threshold, which have the potential to be brought within it.

3.3.3 To reinforce the expectation that responsible breeding decisions are taken which protect offspring from inherited disease, it is important that the licensing regime is also used to impose requirements on dog breeders to have a duty of care when making breeding decisions. Wherever breeders of dogs (and potentially other companion animals) are subject to licensing they should be required to have due regard when selecting breeding parents to factors that may prejudice the welfare of offspring.

3.3.4 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations[15] which have been laid before Parliament in February 2018 contain the condition with respect to dog breeding establishments that:

'No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring'. Schedule 6, 6(5).

3.3.5 In the event that a local authority was satisfied that a licence applicant did not apply this condition then it would be grounds for refusal of a licence. Where it was subsequently found (eg after licensing) that the licensee was in breach of the condition then a licence might be revoked or suspended (according to provisions in the new Animal

Licensing Establishment Regulations), or provide a basis for prosecution through a magistrate's court.

3.3.6 Guidance to local authorities on interpretation and application of the conditions has been published[22], and with respect to breeding includes the following expectations relating to Condition 6(5) (above):

- *Licence holders must take all reasonable steps to ensure that the dogs are of good physical and genetic health, of acceptable temperament and fit for function (e.g. be able to see, breathe normally, and be physically fit and able to exercise freely). Licence holders must be aware of any health risks that may be specific to that type or breed. Where appropriate veterinary advice on the suitability of an animal for breeding must be sought.*
- *Dogs that have required surgery to rectify an exaggerated conformation that has caused adverse welfare, or require lifelong medication, must not be bred from.*
- *Bitches that have had two litters delivered by caesarean section must not be bred from.*
- *The prospective purchaser must be provided with written guidance on any relevant conformation issues and how to manage them in the relevant literature handed over with each sale.*
- *Licence holders must not breed from stock which shows fear or aggression.*

(We note that there is no reference to conditions which cause chronic pain)

3.3.7 Additionally, the new licensing regime makes provision for breeding establishments meeting higher welfare standards to be subject to less frequent inspection (e.g. at two and three year intervals, rather than one year, according to welfare status). Again, guidance is provided to local authorities on expectations for breeding standards to achieve this status. This specifies that to meet higher welfare standards:

- *Licence holders must test all breeding stock for hereditary disease using the accepted and scientifically validated health screening schemes relevant to their breed or type,*

and must carefully evaluate any test results as well as follow any breeding advice issued under each scheme, prior to breeding. No mating must take place if the test results indicate that it would be inadvisable in the sense that it is likely to produce health or welfare problems in the offspring and/or it is inadvisable in the context of a relevant breeding strategy (required).

- *No bitch will be intentionally mated when the Coefficient of Inbreeding of the puppies would exceed the breed average or 12.5% if no breed average exists as measured from a minimum five generation pedigree* (optional).

3.3.8 The specification in the licensing regulations of Condition 6(5) requiring that breeders consider genotype, phenotype and health of breeding parents is very valuable, and represents a significant step forward. The associated Guidance is comprehensive and should, if properly applied, help to ensure that risk of suffering through inherited disease and poor conformation is minimised. Moreover, the inclusion of the potential for reduced inspection and costs where higher standards are met will hopefully encourage improvement across the sector. However, an important caveat is that the clause places a considerable demand on an inspecting licensing official to be able to appraise and obtain evidence of appropriate consideration by a breeder of suitability of dogs used for breeding, as the factors to be taken into account may be technical and complex.

3.3.9 Nonetheless, inclusion of the condition is welcome, not least in communicating expectations to dog breeders. It may also have the potential to support enforcement action including prosecution, particularly where breaches of the condition are brought to light by consumer complaint. To date, there has been a disjunction between complaints made to local authority trading standards departments by consumers most often concerning ill-health of puppies purchased, including genetic illness, and any action taken with respect to the continued licensing of the premises. The inclusion of the new condition relating to breeding decisions has the potential to bring these together, such that where substantiated complaints occur of poor breeding practice that the local authority may apply its powers to refuse, suspend or revoke a licence.

3.3.10 It is important to note that while the new animal establishment licensing Regulations and associated Guidance highlight key issues that breeders should address to prevent poor welfare associated with genetic conditions, they apply **only** to those breeders falling within the licensing regime. While the default threshold for licensing has been reduced (from October 2018) to three litters per year, this still means that the majority of breeders (and puppies produced) would not be subject to the provisions. In particular, these provisions would not have legal force outside the licensing regime.

4 Law and science

4.1 The issue of inherited disease in dogs or other animals is a complex one. This is particularly the case as any specific condition may be determined by a number of factors including both environmental and genetic ones. This should not, however, preclude the potential penalisation of those breeding dogs under circumstances where the evidence is that the breeder has failed to take reasonable care to avoid risks of this happening, or where the breeding decision has led to unnecessary suffering of offspring.

4.2 Adverse effects from hereditary conditions may occur through three primary causes. These are firstly the breeding together of closely related individuals ('inbreeding'). As a consequence of in-breeding offspring are at increased likelihood of inheriting identical genes at particular loci on the genome. This increases the likelihood of expression of deleterious characteristics which depend on two copies of a gene being present. It more generally increases the proportion of genes where both copies of the gene are identical, which has adverse effects through other mechanisms. Secondly, adverse effects can arise by the breeding of parents which carry genes responsible for disease. Thirdly, adverse effects can arise where dogs of specific conformations (likely to be determined by many genes) are bred together to produce offspring with extreme conformations which affect health and welfare. Breeders may be responsible for causing harms to offspring through any of these routes.

4.3 There is likely to be a continuum of circumstances with respect to the certainty with which a breeding decision may be viewed as failing to demonstrate an appropriate duty of care. There are likely to be

circumstances where a breeder's decision can be understood to be the likely direct necessary cause of subsequent suffering and that they should reasonably choose not to pursue such a decision. Such a circumstance might include, for example, one where there is evident disease with a known strong genetic component but a dog is used as a parent in any event. It might also apply where a disease is not evident (ie visible or palpable) in a dog selected for breeding. However, prevalence of the disease is known to be high in a breed such that offspring are likely to be affected.

4.4 Expert witness testimony is likely to be critical in practice in determining whether the actions of a breeder may constitute failure to properly exercise a duty of care, and had the potential to cause adverse welfare outcomes with a high level of certainty, and whether or not they may reasonably have anticipated this.

5 Sentencing

5.1 Sentencing guidelines to courts in relation to offences committed emphasise two key factors. The first is the severity or degree of harm caused and the second is the culpability of the offender. With respect to the latter, the highest level of culpability is associated with acts that intentionally cause harm, the second level is where actions are pursued recklessly ie with knowledge that the action has the clear potential to cause harm, and the third level is where actions are pursued negligently, without sufficient care or attention where such care would have been reasonable.

5.2 Penalties are set correspondingly with intentional acts of high severity of outcome being placed at the highest sentencing point. Actual sentences applied then depend on defined aggravating or mitigating factors which may increase or reduce the sentence appropriate around this starting point. The Sentencing Guidelines for animal welfare offences have recently been revised in the direction of increased stringency[13]. Moreover, the Government has recently published a Bill[14] which would increase maximum sentences for animal welfare offences.

5.3 The sentencing framework provides courts with a high degree of flexibility with respect to penalties. This should help pursuit of regulation to prevent the harms arising from the irresponsible breeding of dogs and

other animals as it enables a nuanced response to offences which will vary considerably in severity of outcome and culpability of the offender.

5.4 The Dog Breeding Reform Group (DBRG) has concerns about **any** breeder who fails to demonstrate a duty of care to offspring when breeding dogs together. However, DBRG is particularly concerned about those breeders who systematically and repeatedly breed from parents carrying serious genetic defects. We are also highly concerned about those breeders who seek to produce dogs with extreme conformations to meet fashions for these, despite high degree and long duration of suffering of dogs that can arise. Where there is evidence of consistent failure to exercise a duty of care when breeding dogs, particularly in pursuit of commercial gain (as the revised sentencing guidelines highlight), then not only should conviction be possible, but appropriate penalties should be able to be applied with deterrent effect.

6 Recommendations

- That the Government brings forward secondary legislation under the AWA imposing a duty on all dog breeders to have regard to relevant factors likely to put at risk the health and welfare of offspring.

- That a dedicated Code of Practice (COP) for the Breeding of Dogs consistent with new secondary legislation and the broader provisions of the AWA is developed.

- That detailed Guidance is provided to local authorities regarding the application of a requirement that to be licensed a breeder must demonstrate a duty of care towards offspring when taking breeding decisions. Further, that relevant competences are defined for inspecting officials and suitable training is provided to them.

- That a dedicated COP for the Breeding of Dogs incorporates in equivalent form, for general application (ie to **anyone** breeding dogs), the conditions and guidance (or key elements of this) now provided under the animal establishments licensing regulations.

- That local authorities be encouraged to consider the complaints history of a breeding premises, with respect to ill-health in both the short and long-term of puppies purchased, as a basis for refusing, suspending or revoking licenses and, in appropriate cases, prosecution for breach of specific licensing conditions.

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Appendix

Examples of breed-related genetic diseases

(Source: www.dogbreedhealth.com)

Early onset Mitral Valve Disease (MVD) and Chiari malformation Syringomyelia (CMSM) in the Cavalier King Charles Spaniel (CKCS). More than fifty per cent of this breed can develop a heart murmur at a young age which gradually worsens so that restricted activity and death from heart failure occurs. Chiari malformation (the brain is too big to fit into the skull space) occurs frequently in this breed and is also a feature of other dog breeds with small and shortened heads. This in itself can be painful for the dog. Up to seventy per cent of CKCS go on to develop Syringomyelia (pockets of fluid within the spinal cord). CMSM can be extremely painful for the dog and result in a range of neurological deficits.

Hip Dysplasia (HD) in many larger breeds such as the Labrador, German Shepherd Dog, Golden Retriever, Rottweiller, Bernese Mountain Dog, Newfoundland. HD is an abnormal formation of the hip socket that in its most severe form can cause crippling lameness and painful arthritis of the joints. Many of the larger breeds of dog are affected and often will suffer pain and lameness for years of their life.

Elbow Dysplasia (ED), an abnormal development of the elbow joint which causes damage to the cartilage and secondary osteochondrosis, arthritis, pain and lameness in many larger breeds. Common breeds at risk are: Basset Hound, German Shepherd, Golden Retriever, Great Dane, Labrador, Rottweiller, St Bernard, Bernese Mountain Dog, Mastiff.

There are many types of Hereditary Eye Disease such as Glaucoma (Basset Hound, Cocker Spaniel, Flatcoated Retriever, Springer Spaniel; Retinal Dysplasia (Bedlington Terrier, CKCS, Golden Retriever, Rottweiller, Labrador) Some dogs will be severely visually impaired. Hereditary Cataract (HC) affects many breeds. Primary Lens Luxation (PLL) can cause persistent pain and blindness and requires surgery. Types of Progressive Retinal Atrophy (PRA) can also affect many common breeds and leads to loss of vision. Many breeds suffer from eye problems associated with their conformation (eye shape and size, skin wrinkles) such as diamond eye, entropion (eye lashes turn inward and irritate the eye), ectropion (eyelashes turn outwards and allow dust and other irritants to damage the eye).

The popular West Highland White Terrier suffers from a severe form of Atopic Dermatitis (an inflammatory and pruritic allergic skin disease) which is common in the breed.

The Flatcoated Retriever suffers from Malignant Histiocytosis, a multi-system, rapidly progressing cancer which results in the early death of fifty per cent of the breed.

The Dobermann suffers from Dilated Cardiomyopathy (DCM) and the overall prevalence in Europe is greater than 50%. Dogs with this heart disease – which causes progressive loss of heart function – often show no signs for several years and then may die suddenly.

Rottweillers especially and other large breeds can suffer from Osteosarcoma (a malignant tumour of the bone). This disease tends to be aggressive and to metastasise. The prognosis is poor even after treatment or amputation.

Patellar Luxation (PL) (a dislocated kneecap) is a common problem in Yorkshire Terriers, Pomeranians, Cocker Spaniels and other small dog breeds. It is painful for the dog and requires expensive surgical treatment.

The popular Chihuahua breed suffers from several of the problems associated with miniaturisation, including poor dentition, fragile bones and Hydrocephalous (water on the brain).

DBRG
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