

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

Submission by OneKind to the Environment, Climate Change and Land Reform
Committee
31 May 2017



1 Summary

OneKind does not consider the animal welfare case for allowing dogs' tails to be docked or shortened at the age of five days, in order to prevent potential injury to adult dogs working in the field, to have been made. To inform its consideration of the regulations, OneKind requests the Committee to ask the Scottish Government to support its proposals by providing conclusive scientific evidence regarding the short- and long-term pain of tail-docking, long-term health and behavioural effects, and a full analysis of these welfare costs versus the pain suffered by dogs that experience tail injuries in later life. None of this information has been provided to date.

In the absence of information showing an overall animal welfare benefit, OneKind requests the Committee to reject the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017.

2 Introduction

OneKind first highlighted the animal welfare concerns surrounding the docking of dogs' tails in 2005, in our report *Why the tail-docking of dogs should be prohibited*¹. More recently, we published *A step back in time? The Scottish Government proposal to reintroduce tail-docking*².

We welcomed the comprehensive ban on tail-docking in the Animal Health and Welfare (Scotland) Act 2006, Section 20: *Mutilation*. Those mutilations that are permitted under the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 are mainly carried out on farm livestock for husbandry purposes. These procedures are painful and that is why they are only exempted on the basis of presumed necessity, for example to regulate breeding, prevent fighting among young male animals or prevent tail-biting. Tail-docking of puppies was not made an exempt procedure and OneKind believes there is insufficient evidence to merit any change to this policy.

3 Pain caused by tail-docking

Tail-docking exposes very young animals to acute short-term pain and suffering, and potentially to long-term pain and behavioural problems that last into adult life.

We are concerned that much of the discussion of puppies' reaction to the procedure has been based on anecdotal evidence – that puppies vocalise (squeal) when the tail is cut but appear to settle quickly once they are returned to their litter. These observations are in line with the long-held belief that neonates do not feel pain. If puppies appear to settle quickly after docking, this does not indicate that they are not suffering. It is more likely that, for evolutionary reasons, puppies are silent due to the threat of predation, which is heightened while under stress and that suckling is carried out for comfort rather than because the puppies are unaffected by what has happened to them.

In many species, neonatal animals actually feel more pain than adults. Referring to the tail-docking of piglets, the Farm Animal Welfare Council (FAWC), a government advisory body, stated in 2011: *“There is no scientific basis for allowing tail-docking without analgesia up to 7 days of age but not later. The*

¹ OneKind (2005) [Why the tail-docking of dogs should be prohibited](#)

² OneKind (2017) [A step back in time? The Scottish Government proposal to reintroduce tail-docking](#)

*permitted lack of analgesia was based on the erroneous assumption that animals of that age feel little pain.*³ Referring to tail-docking of lambs, the FAWC⁴ noted the ability of very young animals to feel pain:

“There is now solid evidence, which demonstrates that new born lambs, and even those born prematurely, have the basic neuronal circuitry needed for processing nociceptive information and are capable of showing behavioural and physiological responses to noxious stimulation. Although it is a moot question what this evidence tells us about the experience of pain in young animals, it is now generally accepted that new born of all vertebrate species are capable of experiencing pain and that its prevention and management are important.”

It is clear, therefore, that the tail-docking of piglets and lambs is regarded as a painful procedure both by veterinary experts and by public authorities, with legislation and public policy aimed at reducing the use of these mutilations. There is less information about tail-docking of puppies but it would be very surprising if dogs suffered less pain than lambs or piglets, particularly as behavioural studies⁵, already referred to by witnesses from the British Veterinary Association (BVA) and Dogs Trust, give strong indications of pain.

The Scottish Government proposal is for the puppies’ tails to be shortened by no more than one third. We are not sure that this would reduce the pain of the procedure. While there is less tissue to cut through further away from the body, pain sensation is probably the same throughout the length of the tail. OneKind believes that the pain of cutting through skin, nerves, cartilage and blood vessels in a new-born puppy’s tail would be similar whether the cut is close to the end of the tail or close to the body.

We also question whether removing only a third of the tail would reduce other known long-term consequences such as inflammation, neuroma formation, phantom limb pain, or the negative effects on puppy socialisation due to the early pain and distress of tail-docking.

It is important to note that adult dogs undergoing tail amputation would have the procedure done under anaesthetic, and would receive analgesia, neither of which are possible for small puppies.

4 Behavioural effects

Tail-docking can have adverse effects on a dog’s movement, communication and behaviour. A tail supports and stabilises the back and aids balance in various activities. In addition, the tail is very important in communicating a dog’s emotional state, including friendliness, dominance, submission and antagonism. This applies both to a dog’s relationship with other dogs and with people.

5 Alternatives to docking

OneKind accepts that adult working dogs do suffer injuries and we agree that efforts must be made to prevent these. Some alternatives to tail-docking have been suggested, but little comment was made on these by the witnesses in favour of tail-docking at the Committee’s evidence session on 30th May.

Professor D M Broom, Emeritus Professor of Animal Welfare, Department of Veterinary Medicine, University of Cambridge, has commented:

³ [Opinion on Pig Mutilations and Environmental Enrichment](#)

⁴ [Report on the Implications of Castration and Tail Docking for the Welfare of Lambs](#)

⁵ Noonan GJ, Rand JS, Blackshaw JK, Priest J. 1996. [Behavioural observations of puppies undergoing tail docking](#). Applied Animal Behaviour Science. 49:335-342.

“[...] Injuries to dogs’ tails are mainly caused by the tail getting snagged on blackberries and other thorny plants. This could be greatly reduced by trimming the hair on the tail as it is the long hair that gets caught by the thorns. This is the reason why spaniels are susceptible. Trimming the hair would be painless and would have little effect on communication. The published papers reporting injuries could be followed up by including data on dogs with tail hair trimmed. Tail-docking is not, therefore, necessary on welfare grounds. The cost to the dog in terms of poor welfare is much too high to justify tail-docking⁶.”

In addition to hair trimming, we understand that veterinary treatments such as “Dog ends” bandages⁷ – extended mesh protectors for tails – are used not only to aid a damaged tail to heal, but also to protect against further injury. We assume that this sort of device would protect healthy tails too, and therefore be good for working dogs. There are also commercially available dog tail protectors to be found⁸ and the Committee might wish to enquire about the efficacy of such devices as an alternative to tail-docking.

6 Animal welfare costs and benefits

A large number of puppies would have to undergo painful tail-docking, with potential longer term effects, to prevent injuries in adult dogs. The “numbers needed to treat” (NNT) were set out in the Glasgow University research^{9,10} and ranged from 117, to prevent a tail injury requiring veterinary examination, up to 415, to prevent tail amputation; 320 spaniel puppies would have to be docked to prevent a single tail amputation in an adult spaniel.

Commenting on the research, Professor David Morton, BVSc, PhD, FSB, DipECLAM(ret), DipECAWBM, MRCVS, CBE¹¹, stated:

“By any calculation, still far more animals need to be docked than are injured. So, even based on a pragmatic, utilitarian argument, it is still questionable whether this is acceptable. Surely it is better just to treat those injured, as then the total sum of overall harms would be far less than that caused by docking all puppies in a litter as a preventive measure. Furthermore, that argument assumes that puppies and adult dogs feel pain equally, which has not been demonstrated; in fact it has been shown for many species, that neonatal animals feel more pain than adults. Of certainty, however, is that docking unanaesthetised puppies of working breeds will cause pain and distress during the surgery, as well as for some time afterwards. A complete ban on non-therapeutic docking removes that suffering regardless of the subsequent use of the dogs.”

OneKind believes that any supposed benefit from tail-docking puppies is outweighed by the large numbers of animals that would suffer for no purpose whatsoever.

7 Comments on the draft regulations

7.1 Types of dog covered

⁶ https://consult.scotland.gov.uk/animal-welfare/proposal-to-permit-tail-docking/consultation/view_respondent?_b_index=60&uuld=72297723

⁷ <http://vetruus.com/dog-ends-a-new-treatment-for-tail-tip-injuries.html>

⁸ <http://www.gundogsupply.com/lewis-dog-tail-protector.html>

⁹ Survey of tail injuries sustained by working gundogs and terriers in Scotland’, R Lederer, D Bennett & T Parkin, Veterinary Record 23 April 2014; Published Online First: 4 April 2014 doi:10.1136/vr.102041

¹⁰ The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland’, N Cameron, R Lederer, D Bennett & T Parkin, Published Online First: 4 April 2014 doi:10.1136/vr.102042

¹¹ Professor Emeritus of Biomedical Science and Ethics, University of Birmingham, veterinary surgeon, former member of the EU EFSA scientific panel on animal health and animal welfare, specialist in ethics and the assessment of pain, [Veterinary Record Editorial](#)

The objective of the proposed legislation is to amend the principal regulations to permit the docking of *“the type of dog known as spaniel (of any breed or combination of breeds of spaniel) and the type of dog known as hunt point retrieve (of any breed or combination of breeds of hunt point retrieve) of five days old or less, where the purpose of the procedure is animal welfare and where certain conditions are met”*. The draft Regulations do not specify exactly which spaniels and hunt point retrieve breeds or combinations of these breeds may be docked. If the draft regulations are to proceed, OneKind agrees with the Dogs Trust that specifying breeds would help to limit the number of breeds included and dogs affected, which we understand is the Scottish Government’s intention.

7.2 Evidence to be produced by owner

The draft regulations require that the veterinary surgeon “must be satisfied that there has been presented by the dog’s owner (or another person the veterinary surgeon reasonably believes to be representing the owner) evidence showing that the dog is likely to be used in connection with the lawful shooting of animals”. This effectively creates one law for the shooting industry and one law for everyone else, and we hope that the Committee will enquire closely as to whether the intended animal welfare benefits justify this.

The lack of guidance on the types of evidence that may suffice compares poorly with the guidance and standards required in England and Wales. Both the English and Welsh Regulations specify evidence that should be provided to vets, such as a current shotgun or firearm certificate, as well as a declaration by the owner. The Scottish Regulations do not require such supporting evidence and we think this is a weakness. We draw the Committee’s attention to the concerns expressed by the Royal College of Veterinary Surgeons¹² about the possibility of fraudulent or misleading claims by owners about the intended use of a particular puppy under the English and Welsh regimes.

There can never be any certainty about a puppy’s future as a working dog, due to other factors such as health and temperament. Even with good evidence of the owner’s intentions, some puppies are likely to undergo the painful procedure entirely unnecessarily.

7.3 Certification by the veterinary surgeon

The certificate must certify that the veterinary surgeon is satisfied that the necessary evidence has been produced; certify that the dog is five days old or less according to the date of birth given by the owner (or other person reasonably believed to be representing the owner), and state a number of factual matters about the dog.

It is also suggested that veterinarians may choose to carry out microchipping at the same time. OneKind supports the microchipping of all dogs and cats, but we have concerns about the implantation of a microchip into such a young animal, especially in conjunction with the painful procedure of tail-docking. While the Microchipping of Dogs (Scotland) Regulations 2016 do not specify a minimum age for the procedure, it is frequently advised that it should not take place before the puppy is six weeks old¹³.

¹² RCVS response to DARD Consultation on the Draft Docking of Working Dogs’ Tails Regulations September 2011

¹³ <http://www.thekennelclub.org.uk/microchippingfactsheet>