



BVA ANIMAL WELFARE FOUNDATION GUIDELINES

# The practical and legal approach to the docked puppy

November 2011

[www.bva-awf.org.uk](http://www.bva-awf.org.uk)



# The practical and legal approach to the docked puppy



The Animal Welfare Act 2006 banned tail docking in England and Wales other than for medical reasons and with exemptions for certain types of working dog.

It also became illegal to show dogs docked on or after the commencement of the Act (6 April 2007 in England/28 March 2007 in Wales) at events where members of the public pay to enter. An exemption was granted for dogs that are demonstrating their working ability only.

The working dog exemptions in England are different to those in Wales and are governed by separate secondary legislation. *The respective exemptions are included at the end of this leaflet.*

The Animal Health and Welfare (Scotland) Act 2006 banned all tail docking of dogs in Scotland.

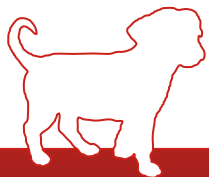
The Welfare of Animals Act (Northern Ireland) 2011 banned docking with exemptions for working dogs or for medical reasons.

A consultation has taken place on the draft secondary legislation to specify the exemptions and the final version of the 'Docking of Working Dog's Tails (Certification and Identification) Regulations' is likely to come into effect in April 2012.

In the UK tail docking can only be performed by a veterinary surgeon.

The new laws and the variations in the provisions in each of the countries of the UK have caused some confusion as to what veterinary surgeons should do when presented with a docked puppy.

In response to feedback from veterinary professionals, the BVA Animal Welfare Foundation (BVA AWF) has prepared this leaflet to clarify the position and to offer guidance in tackling what can be a tricky subject with your clients without alienating them or damaging your relationship.



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This leaflet sets out the key points to consider. The flow chart at the end is intended for use as a quick guide in the consulting room.

Many clients still do not know what tail docking is, how or why it is done or, in some cases, that certain breeds even have tails at birth.

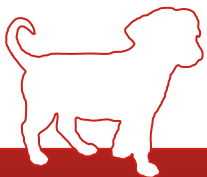
By law your client is not liable unless they are the breeder or did the illegal docking themselves, or personally asked for the illegal docking to be carried out. Thus, in the vast majority of cases you can easily explain the process and legal position without making owners feel guilty or at fault.

## *If the dog **does not** meet the criteria for exemption under the legislation*

- **Then the law is clear and the breeder, and whoever docked the dog, are liable for prosecution.** In these cases having explained what has happened, you can ask the owner for the breeder's details. With the owner's permission you can simply pass the details on to the local authority, police or the RSPCA\*. Advise the owner that they may have to supply a short written statement to say when they obtained the dog and that it was docked before they got it. You may have to supply a statement to say that the dog was docked when you examined it. If you involve the local authority, police or the RSPCA they will be able to guide you and the owner through this process.
- **Thoroughly check whether the dog has been microchipped.** If not, advise microchipping, record in your clinical notes that the dog has been illegally docked. Advise the owner that it would be illegal to show the dog in any shows where the public pay to enter except where they are demonstrating their working ability.
- **If the dog has been illegally docked and the owner is the breeder** as well as a client of yours then you will have to consider how you wish to proceed. By law, your client is guilty of an offence. While you have no obligation to report alleged illegal activity you can contact the RCVS if you feel you should breach client confidentiality in order to report it to the relevant authorities.
- **If the owner will not supply the breeder's details** for fear of repercussions then there is little you can do. You may be able to persuade them to be forthcoming by reassuring them that you will keep their involvement to a minimum as much as possible.

\*The Animal Welfare Act is a 'common informers' Act' which means that anyone may bring a prosecution. The RSPCA Prosecutions Department has successfully brought prosecutions under the Act.

Enforcement powers such as the power of entry, inspection and search and powers to seize documents and animals continue to remain restricted to the police and local authority inspectors.

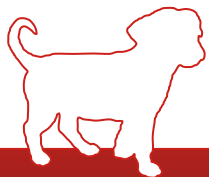


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## *If the dog **does** meet the criteria for exemption under the legislation*

- **The owner should have an accompanying certificate supplied by the vet who carried out the docking.** If the dog is not yet microchipped you need to do so and complete the relevant certificate. Dogs that meet the criteria and have been docked should be microchipped before they are three months old. In some cases the breeder has done the docking themselves, which is an offence under the legislation.  
  
If there is no certificate, this gives you an easy way to ask about the breeder and explain the law. The owner can then either contact the breeder themselves to request a certificate or you can offer to do it for them if they don't want to get involved. If no certificate is forthcoming then (again with the owner's consent) the case is handled in exactly the same way as if the dog did not meet the criteria for exemption.
- **If there is no certificate but the owner has been told that a vet performed the docking,** advise the owner to request a certificate of docking from the breeder/vendor (or contact them yourself with the owner's permission). The certificate must contain a vet's signature and address. When received, check the registration of the vet who docked the dog's tail with the Royal College of Veterinary Surgeons (RCVS) before microchipping the dog and signing the certificate.
- **If the certificate does not contain all of the required information** or does not have the section for completion after the puppy is identified, contact the issuing vet to request the correct paperwork. [A PDF version](#) is available from the DEFRA website should they require it. There is no excuse for a vet not supplying the correct documentation.
- **If the dog meets the criteria for exemption and has been microchipped but has no certificate** then you should still inform the owner of the law and the requirement for a certificate from the docking vet. The case would be handled as described previously.



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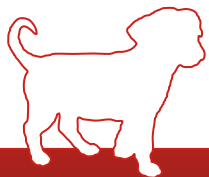
## *If the dog **does** meet the criteria for exemption under the legislation*

- **If a dog meets the criteria for exemption, has been properly certified, microchipped and docked but is in a pet home** no further action is required. The docking vet only has to have seen evidence to suggest the puppies may go to working homes. If you are so inclined you may wish to keep note of these cases to help inform future reviews of the law, or contact the vet who performed the docking to let them know how many of the puppies are not going to working homes.
- **If the owner claims that the puppy was docked outside the UK; for example, in the Republic of Ireland,** an offence may still have been committed as it is illegal to take a dog out of the UK to get it docked. There is very little you can do except try to educate the

owner about docking in the hope that next time they will opt for an undocked dog. It is best to advise microchipping and note in your records the discussion and the owner's claims regarding docking.

- **Is the owner liable at all in any of these situations?** In short, no. Unless the owner has asked for the dog to be docked or done the docking themselves then there is no legal recourse against them. It can help to make this clear right from the start to avoid confrontation and help you broach the subject.
- **It is worth advising clients that they are not allowed to show dogs docked after April 2007** in shows where the public pay to enter, unless they are demonstrating working ability.

- **Remember, regardless of the new laws you are NOT obliged to dock exempt dogs.** This remains at your discretion as a veterinary surgeon.



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## Further information

More information can be found:

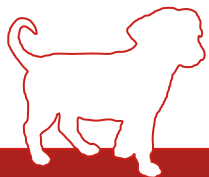
- In the *RCVS Guide to Professional Conduct for Veterinary Surgeons* (annex R) available from [www.rcvs.org.uk](http://www.rcvs.org.uk)
- From the DEFRA website, [www.defra.gov.uk](http://www.defra.gov.uk)

Links to the legislation in different parts of the UK:

- England and Wales—Animal Welfare Act 2006
- The Docking of Working Dogs Tails (England) Regulations 2007
- The Docking of Working Dogs Tails (Wales) Regulations 2007
- Animal Health and Welfare (Scotland) Act 2006
- Welfare of Animals Act (Northern Ireland) 2011

References to legislation should be read as referring to those that are currently in force. This guidance will be updated as necessary to reflect legislative changes and the date of the most recent update will be shown on the front cover.

We hope that you have found this guide useful. Please help us in our efforts to encourage responsible pet ownership and to improve animal welfare—**donate online today.**



**BVA Animal Welfare Foundation**

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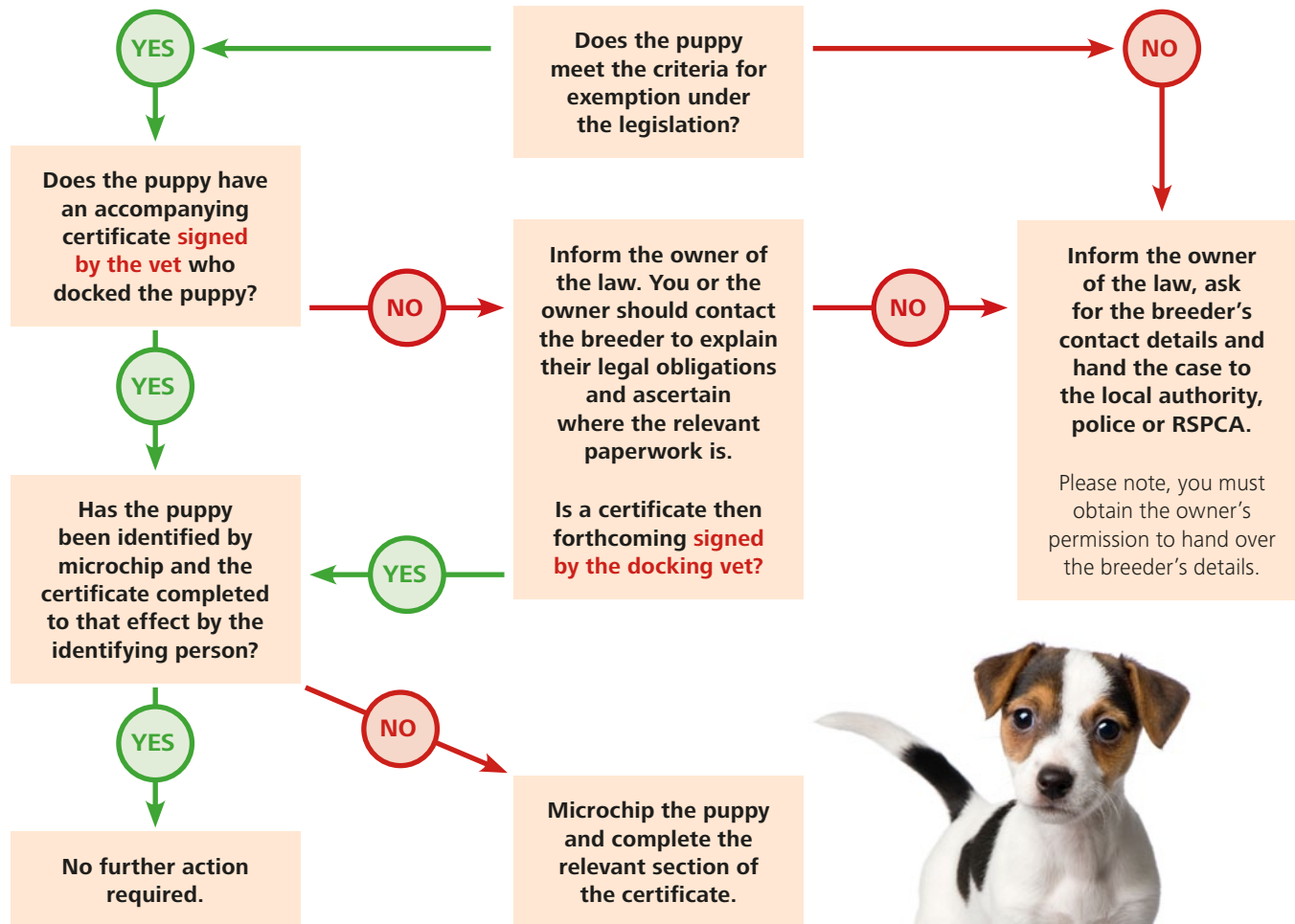
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See the boxed text (right) for the different regulations in the UK (as of November 2011)



## Regulations in different parts of the UK

### England and Wales

In England and Wales legislation specifies the types of working dogs which may be docked:

**Working activities** (England and Wales) Law enforcement; activities of the armed forces; emergency rescue; lawful pest control or the lawful shooting of animals.

### Types of dog

**England (1)** hunt, point, retrieve breeds of any type or combination of types, **(2)** spaniels of any type or combination of types or **(3)** terriers of any type or combination of types.

**Wales** English Springer Spaniel, Welsh Springer Spaniel, Cocker Spaniel, Jack Russell Terrier, Cairn Terrier, Lakeland Terrier, Norfolk Terrier, Braque Italian, Brittany, German Long Haired Pointer, German Short Haired Pointer, German Wire Haired Pointer, Hungarian Vizsla, Hungarian Wire Haired Vizsla, Italian Spinone, Spanish Water Dog, Weimaraner, Korthals Griffon, Slovakian Rough Haired Pointer, Large Munsterlander, Small Munsterlander (*Please note, no combinations of breeds allowed*).

### Scotland

*There are no exemptions.* It is also an offence to take a dog from Scotland for the purpose of docking.

### Northern Ireland

Docking by veterinary surgeons is not illegal at the time of writing, (November 2011), however docking for reasons which are other than truly therapeutic or prophylactic will constitute an unacceptable mutilation of the dog and is capable of amounting to disgraceful conduct in a professional respect.

N.B. Important changes: The Welfare of Animals (Northern Ireland) Act 2011 banned docking with exemptions for working dogs or for medical reasons and which must be performed by a veterinary surgeon. Consultation has taken place on the draft secondary legislation — 'Docking of Working Dog's Tails (Certification and Identification) Regulations' — a final version of which is likely to come into effect in April 2012.