ARDO welcomes what we consider to be a much-needed focus on the issue of dogs worrying and attacking livestock (and indeed other animals).

We commend Emma Harper MSP for recognising that existing measures in respect of this issue are proving inadequate in effectively addressing the problem as evidenced by avoidable and thus unacceptable year-on-year [reported] attacks by dogs. Existing measures are failing to protect animal welfare requirements or provide sufficient safeguards to the livelihoods of the livestock farming and animal caretaker communities.

ARDO is committed to promoting responsibility amongst dog owners through the provision of accurate information and responsible, proven recommendations: https://joinardo.com/livestock-worrying/

We have collated first-hand accounts from hundreds of dog owners (forwarded as separate attachment) who have direct experience of their dogs worrying or attacking livestock (and other animals), including the circumstances of the incidents, relevant antecedents and remedial measures undertaken. Our feedback has failed to identify deliberate recklessness or dismissive carelessness in such respondents. Instead, we repeatedly see owners who, despite having diligently followed published ‘best practice’ and legal requirements, have unexpectedly fallen victim to the unpredictability of living with an opportunistic predator.

Whilst we strongly support any improved measure to effectively bring about a reduction in the frequency of dogs attacking/worrying livestock via changes to existing legislation, our experience suggests that post-event increases in punishment are unlikely to achieve this aim in isolation.
We are concerned that the proposed focus is one of reactivity minus proactivity - punishing offenders as opposed to preventing offences.

In the majority of completed returns, owners report that they had complied with existing legal requirements – keeping dogs on lead or under close control, even when not on agricultural land – however their dogs have either escaped the lead, restraint, property, vehicle or perceived ‘close control’ [unstipulated] to then enter agricultural land where worrying ensued.

Our survey responses suggest that the strongest approach to effective resolution for livestock attacks requires not simply tighter legislation and harsher penalties, but also the provision of a proactive, preventative programme focussed on reliable, proven training, education and awareness.
Responses reveal that >1/3 of dogs which have attacked livestock or other animals were acquired from homing centres. This suggests that the need for effective recognition, training and understanding extends beyond dog owners, to include those responsible for placing offending dogs into the community. At present, dogs are being homed without any record of assessment or training having taken place to adequately address the potential for depredation beforehand.

Throughout the accompanying literature supplied by the Rural Economy and Connectivity Committee, including the existing legislation and proposed amendments, we note that there appears to be no mention of training the dog in either a preventative or reactive capacity. We consider this to be an unusual omission, since at the very core of dogs worrying and/or attacking livestock is the issue of desire within the dog to do so, approach over avoidance where avoidance is perfectly capable of being conditioned to replace approach.

All dogs possess the innate capacity to display predation – especially towards fleeing prey. The behaviour is also intrinsically rewarding – therefore self-reinforcing – irrespective of whether or not prey is caught as a consequence; but just because a behaviour is innate, does not mean that it cannot be effectively and efficiently modified through appropriate training.

Livestock worrying is unique to any other canine behaviour problem in that it legally and justifiably permits a person to cause the dog to suffer painful injury, or a slow, inhumane and agonising death, not to mention the harrowing dismembering suffered by the victims. This is despite the fact that the behaviour is both scientifically and empirically repeatedly proven responsive to preventative, proactive aversive conditioning procedures, yet intractable to ‘reward-based’ training efforts [1].

As responsible dog owners with a firm focus on provision, promotion and preservation of good welfare not limited to that of the dog, we would like to draw attention to:

Annexe B; S3 “a person killing or causing injury to a dog shall be deemed for the purpose of this section to act for the protection of any livestock if, and only if ..

(a) [the dog is] “about to attack or worry the livestock and there are no other reasonable means of ending or preventing the attacking or worrying”

Multiple scientific studies, together with thousands of empirical reports – including a substantial amount of video evidence [2] supports the proportionate, professional inclusion of quality electronic training aids for the (often lifelong) prevention of livestock approach or depredation by dogs.

Such proactive, preventative intervention works not only “for the protection of livestock” but for the dog itself and must surely also be considered a “reasonable means of ending or preventing the attacking or worrying”, especially where it is used in the prevention of such incidents in the first place and the alternatives of “killing or causing injury to a dog” are deemed legally and morally acceptable? The National Sheep Association also recognise this fact:
“NSA supports tightened regulations surrounding electric dog collars, to ensure they are not misused. However, when used efficiently and responsibly, NSA can see the benefits of their use as a dog training aid, particularly in regards to training dogs not to worry livestock.”

Annexe A: The Dogs (Protection of Livestock) Act 1953; S1 (2) C states that a dog must be:

“on a lead or otherwise under close control”

ARDO considers this wording to be vague and open to [mis]interpretation. There is no definition of what constitutes “a lead”, meaning that a person could walk an untrained dog on a 30’ ‘lead’, within a 10’ distance of livestock, thereby risking the welfare of both whilst following legal instruction.
More importantly, we find the wording “under close control” to be highly subjective and wide open to individual interpretation.
We neither seek nor endorse the permanent confinement of a livestock-avoidant, highly obedient dog to the unnecessary restriction of a short lead when in rural locations; however, we must highlight the fact that “close control” is unnecessarily vague.
We would support and actively participate in the design and delivery of a training programme to train and assess dogs as suitably fitting the classification of being under “close control” in the presence of livestock. For us, ‘close control’ means implicit obedience and absolute responsiveness under the distraction of livestock and/or other animals. We see no benefit in any grey areas in respect of this requirement where lives and livelihoods are concerned; in fact, unless the dog is working, we would encourage this level of control together with as opposed to separate from “on a lead” when knowingly in the presence of livestock.

ARDO support increased penalties, the extension of the term “livestock” to include other animals, the powers to appoint inspectors and an increase in powers of seizure and inspection by veterinarians.

On the question:

“Does the bill adequately balance the rights of dog owners and the rights of livestock farmers?”

We feel that the answer to the question is “yes”, however we feel that the question fails to adequately consider animal welfare. The ‘rights’ of farmers and dog owners are distinct from the ‘welfare’ of the livestock and the dogs.
We do not feel that – in isolation – the bill serves to proactively address or improve the welfare of the dog or any other animal species falling under the umbrella term ‘livestock’. Instead, we feel that the bill serves to act as a ‘hopeful deterrent to other dog owners’ and is reliant purely on coercive, ‘scarecrow’ incentives.
Whilst we support the bill, we cannot pretend to support the assumption that – in isolation - widening the prosecution net will do anything of long-term value towards preventing the innate behaviour of an opportunistic predator under naïve stewardship to worry or attack livestock. We believe that this is a terrific opportunity to collaborate on producing a preventative initiative with the power to extend compliance beyond the reach of the legislative grasp. We would strongly recommend simultaneously encouraging owners to swallow the carrot of responsibility as opposed to purely promoting the stick of harsher penalties.

Dogs care nothing for fines, imprisonment or ownership bans. 
Dogs care nothing for the delayed consequence of their innate behaviour. 
Dogs do not comprehend human laws. 
Dogs have no comprehension of morality. 
Dogs have no comprehension of their own post-event injury or destruction. 
Yet it is ultimately the dogs who commit what we consider to be ‘the offence’.

Based on extensive experience spanning many decades, members at the Association of Responsible Dog Owners firmly recognise that without proven, effective, meaningful training, no amount of owner-directed punishment is going to actually prevent dog attacks on livestock.

Conditioned avoidance taught via quality electronic training collars save lives and protects livelihoods, but it is impossible to condition lasting avoidance during owner absence through rewards alone. Up to 89% of dog attacks on livestock have ‘no owner present’, therefore instilling avoidance over approach – even in owner absence – is absolutely essential. 

https://www.npcc.police.uk/Publication/livestock%20worrying.pdf

This truth might well be politically inconvenient, yet it is a scientifically undeniable truth nonetheless.

We stand prepared and committed to assist the Scottish government in developing proactive measures in the prevention of dog attacks on livestock and other vulnerable animals.

The Association of Responsible Dog Owners
Commited to Welfare and Safety
Dr J. Cooper of Lincoln University has explained in a DEFRA funded study that dogs could not be permitted/trusted to be off-lead near livestock without an electronic training collar" 

“The collar averted all 13 attempted attacks on lambs”  

“No dogs showed interest in or attacked a lone sheep in the path test”  
Christiansen: https://www.ncbi.nlm.nih.gov/pubmed/11278032

e-collars “resulted in complete and permanent elimination of aggression in all of the 36 dogs tested… the only treatment that has potential for success”  

the aversion response does not require continued use of the e-collar and “lasts at least 1 year after training” Dale and Statham: https://unitec.researchbank.ac.nz/bitstream/handle/10652/2630/Dale%20et%20al%202013.pdf?sequence=1&isAllowed=y

aversive measures such as e-collars “the most effective” training for predatory behaviour Howell and Bennett: see page 6: https://www.sciencedirect.com/science/article/abs/pii/S016815912030071X

“no negative effect on the dogs”  
Christiansen: https://www.ncbi.nlm.nih.gov/pubmed/11278032

[where e-collars are banned] Dog attacks on sheep in Wales increased 113% in 2018: https://www.fwi.co.uk/livestock/sheep/escaping-dogs-add-to-livestock-worrying-cost-for-farmers

[2] This submission contained links to accompanying video materials which could not be included due to submission guidelines

The Association of Responsible Dog Owners (ARDO) is a non-fee-paying, not-for-profit collective of like-minded dog owners, canine professionals and enthusiasts. Our purpose is to educate and to respond without bias to pertinent, canine-related matters using both scientific and empirical evidence on behalf of those who are ‘on the shop floor’. Historically, canine-related decisions directly affecting dog owners, have been reached without the owners themselves having a non-political, impartial representative body to speak on their behalf. ARDO works to provide that body, that ‘owners voice’.
Annex
ARDO survey results as on 27/08/20. (875 respondents)

How long have you owned cats/dogs?

- 50.9%: 21+ years
- 21.5%: 11-20 years
- 14.9%: Less than 5 years
- 12.8%: 5-10 years

Where did the dogs/cats come from?

- 50.5%: Acquired as a puppy/kitten
- 19.3%: Other (please specify at the bottom of this form)
- 30.2%: From a rescue organisation
What behaviour or problem was the electronic training aid intended to resolve?

- 29.5% failing to come when called
- 20.6% other (please specify at the bottom of this form)
- 15.3% chasing livestock
- 14.1% chasing/attacking other dogs/cats
- 13.7% chasing/attacking people
- 12.8% chasing wild animals
- 6.0% nuisance barking

How did you use your electronic training aid?

- 62.4% Supervised - with reward training
- 20.7% Supervised - without reward training
- 12.8% Unsupervised - with reward training
- 12.8% Unsupervised - without reward training
- 12.8% Sought professional guidance - collar together with reward training
What do you think would have happened to your pet had you not used the electronic training aid?

- 37.6% killed/worried livestock
- 15.0% life on a lead or penned in
- 14.6% other
- 11.1% returned to rescue association
- 7.5% killed on the road
- 6.3% shot by farmer

Were there any negative effects of the electronic training collar?

- 99.4% No
- 0.6% Yes