



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Environment, Climate Change and Land Reform Committee

**Tuesday 30 May 2017**

**Session 5**



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Pàrlamaid na h-Alba

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**Tuesday 30 May 2017**

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**ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE**  
**16<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Graeme Dey (Angus South) (SNP)

**DEPUTY CONVENER**

Maurice Golden (West Scotland) (Con)

**COMMITTEE MEMBERS**

\*Claudia Beamish (South Scotland) (Lab)  
\*Alexander Burnett (Aberdeenshire West) (Con)  
\*Finlay Carson (Galloway and West Dumfries) (Con)  
\*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)  
\*Emma Harper (South Scotland) (SNP)  
\*Richard Lyle (Uddingston and Bellshill) (SNP)  
\*Angus MacDonald (Falkirk East) (SNP)  
\*Mark Ruskell (Mid Scotland and Fife) (Green)  
David Stewart (Highlands and Islands) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Peter Chapman (North East Scotland) (Con) (Committee Substitute)  
Melissa Donald (British Veterinary Association)  
Jim Dukes (Dukes Vet Practice)  
Runa Hanaghan (Dogs Trust)  
Alan Marshall (British Association for Shooting and Conservation)  
Dr Tim Parkin (University of Glasgow)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Environment, Climate Change and Land Reform Committee

*Tuesday 30 May 2017*

*[The Convener opened the meeting at 09:48]*

### Decision on Taking Business in Private

**The Convener (Graeme Dey):** Good morning and welcome to the 16th meeting in 2017 of the Environment, Climate Change and Land Reform Committee. We have received apologies from David Stewart. I remind everyone present to switch off mobile phones and electronic devices, as they may affect the broadcasting system.

Under item 1, the committee is asked to consider taking item 3 in private. Do members agree to take that item in private?

**Members** *indicated agreement.*

## Subordinate Legislation

### Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 [Draft]

09:48

**The Convener:** The second item of business is evidence on the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017. We have two panels of witnesses today. I welcome Dr Tim Parkin as our first panel—it is a panel of one. Members have a series of questions for you, Dr Parkin, but there may be other issues that arise in the course of our discussions, and we may write to you to follow those up or to seek further clarification.

Just to set the scene, can you briefly summarise the methods that were used to carry out the studies that we have been looking at, and can you identify whether there are any limitations or biases in them?

**Dr Tim Parkin (University of Glasgow):** We carried out two very different studies. It is important to understand from the outset that the studies have different case definitions, or definitions of tail injury, as well as different denominators, or populations at risk. One is a survey that we conducted with shooting people, in which we asked them about injuries to dogs in work during the 2010-11 shooting season. The population at risk in that study consisted of true working dogs—that is, dogs in work. The second study was an examination of veterinary records from 16 practices throughout Scotland, and the denominator, or population at risk, for that study was working breeds. It is quite important to make that distinction. In the second study, we are not necessarily talking about dogs in work.

For the first study, we conducted an online questionnaire. The questionnaire, which relevant organisations distributed by email or publicised on websites, asked individuals in the shooting fraternity about injuries to their dogs in the 2010-11 season. The methodology is a well-used one, but it has its flaws, because it is difficult to identify a response rate with an online survey—it is difficult to know how many individuals you have hit and how many people saw the questionnaire but did not respond. That is a well-known problem with online surveys. There are clearly potential biases in that study, because of the people we asked to complete the questionnaire and the emotive nature of the issue over the past 10 or 15 years. However, they were the only people we could ask about injuries to working dogs.

**The Convener:** Could there not also be a bias in the second study? If you are consulting vet practices, you are excluding information on any injuries that gamekeepers or other users of working dogs deemed it appropriate to deal with themselves, rather than take the dog to a veterinary surgeon.

**Dr Parkin:** That is exactly right, and that is why it is important to understand that the two different studies had different definitions of injury. One is what I would refer to as owner-reported tail injury, with no validation or verification of the severity of that injury. The second is tail injury that required, or which was deemed by the owner to require, veterinary treatment. It is important to note that difference.

**Mark Ruskell (Mid Scotland and Fife) (Green):** I noticed that the British Association for Shooting and Conservation's submission to the committee said that it had been involved in helping to frame the studies. Can you explain in what way it had input into the framing of those studies?

**Dr Parkin:** When we acquired the funding from the Scottish Government, we were provided with a steering group that included representatives from the British Veterinary Association, the Royal College of Veterinary Surgeons, BASC and the Scottish Gamekeepers Association, so we had representatives from all the interested parties. The group met every three months during the year of the studies. The primary input into study design from all those individual groups was on the design of the questionnaire, to ensure that we asked appropriate questions. You only get one shot, so quite a lot of work went on at the beginning to ensure that the questionnaire would acquire the appropriate level of detail.

**Mark Ruskell:** Did the data show injuries to tails that were docked as well as those that were undocked?

**Dr Parkin:** I would have to look up the figures, but there were injuries to docked tails, undocked tails and everything in between. The important thing that the owner survey study suggested was that if the tails of spaniels and hunt point retrieve breeds were docked by a third or more, those dogs were 20 times less likely to end up with an injury, compared with dogs with undocked tails.

**The Convener:** Given the limitations of the two studies, how confident are you that they form a sound basis for policy making?

**Dr Parkin:** I stand by the statement that we made at the end of the first paper, which was that the study forms the "best available evidence" that we have. I still think that that is probably true.

An issue with the type of work that we do—observational epidemiology—is that there will

always be biases in the data and in the studies, such that we can never be 100 per cent sure. Uncertainty is the one issue that we deal with that we always find difficult to get across to policy makers and stakeholders so that they understand that we will never be 100 per cent certain in what we say.

**The Convener:** Has there been any comparison with the level of damage to working dogs' tails in the parts of the United Kingdom in which there is an exemption? Do we have figures about the levels of injury that vets still see occurring when tails have been shortened, in comparison with what is happening in Scotland?

**Dr Parkin:** I do not believe that we have such figures, apart from possibly in the Diesel study, which was partially funded by the Scottish Government—I would have to look into the details of that. The issue with the Diesel study is that it was not purely about working dogs, but included pet dogs—only 9 per cent of the dogs reported in it were working dogs. Therefore, my view is that the two studies that we have here are much more applicable to a decision on future legislation on working dogs, and on HPR breeds and spaniels specifically.

**The Convener:** Thank you. Does Mark Ruskell have any more questions on that area?

**Mark Ruskell:** I will move on to another area. In his submission, Professor Donald Broom says that removing a significant part of a dog's tail is

"like preventing a significant part of human speech".

One of Professor Broom's colleagues, Sarah Heath, who is a European veterinary specialist in behavioural medicine, says:

"In interactions between dogs the subtle signals of tail position will help to create an accurate impression of emotional state and therefore of expected behavioural responses. This can be vital in predicting potential outcome of encounters between dogs and reducing the risk of confrontational interactions."

Would you say that the work of vets across Scotland involves a significant number of treatments of dogs that have been involved in confrontational interactions?

**Dr Parkin:** I have no figures on which to base any answer. I would not know to what degree individual vets deal with the outcomes of confrontations between dogs.

**Mark Ruskell:** Dogs attacking dogs.

**Dr Parkin:** Yes—dogs attacking dogs. I do not know. I would say that the breeds that are likely to be involved in such confrontations are probably not the breeds that we are talking about today.

**Mark Ruskell:** Would you agree with other colleagues in the veterinary profession and with

the RCVS that the removal of a tail inhibits communication and can lead to what Sarah Heath calls “confrontational interactions”?

**Dr Parkin:** Potentially—but I remind the committee that we are talking about the removal of up to a third of the tail, not removal of the whole tail. The degree to which communication might be modified by removal of one third of the tail is probably questionable. We do not have strong evidence on whether that would alter communication between individual dogs.

**Mark Ruskell:** In the evidence that you are presenting to the committee and the studies that you have done, you have not looked at any potentially negative impacts of tail shortening on dogs’ behaviour and communication and, following from that, the likelihood of such dogs needing veterinary treatment.

**Dr Parkin:** No—that was not part of the study.

**Mark Ruskell:** Did you cover any aspect of physiological pain or problems post-docking?

**Dr Parkin:** No—it was a one-year funded master’s study that had quite a tight timeline. The Scottish Government laid down a very specific remit as regards what it wanted to be addressed—largely, it wanted an epidemiological study to identify whether risk of tail injury had increased following the implementation in 2007 of the Animal Health and Welfare (Scotland) Act 2006. We did not investigate issues around pain and so on.

**Mark Ruskell:** From a veterinarian point of view, in terms of the validity of the study as one that provides an accurate assessment of both the risks and the benefits of tail docking, do you agree that it does not incorporate all those other aspects?

**Dr Parkin:** It does not incorporate them. We are quite clear that what we are stating is that there is an increased risk of tail injury for dogs with tails that are undocked, especially HPR breeds and spaniels. We have estimated the number of puppies that we would need to dock in order to prevent one of those outcomes—whatever it might be, given the different definitions. That is far as the papers go.

**Mark Ruskell:** If, say, one dog in every 100 were to have a behavioural problem as a result of its tail being docked, would that be a basis for concern that would balance out the benefits of the policy?

10:00

**Dr Parkin:** I presume that your one dog in every 100 is a number that you plucked out of the air, or does it have any basis in fact? One in 100, one in

10,000 and one in a million are very different assessments, are they not?

**Mark Ruskell:** I am just pointing out that there does not appear to be an assessment of what the implications of tail docking might be with regard to behavioural and communication issues. It is very difficult to tell.

**Dr Parkin:** I cannot remember whether we put a line in the discussion about an impact on communication. It was certainly not part of our work to examine the influence or impact of tail shortening on communication.

**Mark Ruskell:** That is clear. Thank you.

**Claudia Beamish (South Scotland) (Lab):** Good morning, Dr Parkin. Can you point us towards any evidence or information on the numbers of working dogs in Scotland?

**Dr Parkin:** That is a difficult question. I cannot remember which paper this was in, but I noticed that an assessment was attempted of the number of licensed breeders. To be a licensed breeder, you have to have at least five litters a year, or something like that. The vast majority of breeders in Scotland are probably not licensed, so that information is lacking. A recommendation that we made in one of our papers was to follow that up and try to identify how many breeders are impacted by the current legislation and how many spaniel and HPR breeders there are in Scotland. However, I do not have those figures.

**Claudia Beamish:** Would that information be difficult to collect? So as to inform the discussion, do you have any suggestions on how the information might best be collected?

**Dr Parkin:** Presumably, the people with most information on that are individuals from the SGA and BASC, plus the licensed breeders. Those individuals will be able to answer those questions much better than me.

**The Convener:** We will pursue that later.

**Claudia Beamish:** Will the draft regulations mean that full litters of puppies from the relevant breeds will be docked, since breeders and vets will not know which of them will go on to be working dogs?

**Dr Parkin:** That will undoubtedly be the case. It is really important that, if intervention is introduced, it is as targeted as possible. If we had a crystal ball and could definitively say that your five-day-old puppy would later get a tail injury as a working dog, we could ask you whether you wanted the tail to be docked or shortened, and you would say yes. However, we are not in that situation, so the key is to ensure that, if they are not going to be working dogs, as few dogs as possible are docked when they are puppies. With

five-day-old puppies, you cannot tell which is most likely to become a working dog, so it is very likely that the majority of the litter or all the litter will be docked. If they all become working dogs, that is good, but if only one, or even if none, becomes a working dog, perhaps that is an unwarranted intervention.

**Claudia Beamish:** Just to take that a step further, could that mean that most puppies of the breeds in question will be docked?

**Dr Parkin:** Again, it depends on how you define which breeds or breeders are to be affected. The evidence that is put forward to the vets so that they can determine which puppies are most likely to go on to work is key—whether breeders have a history of breeding dogs for work or have shotgun licenses and so on. Those bits of evidence are key. Such things have been put in place in England and Wales to different degrees. To ensure that the intervention is as targeted as possible, that evidence is one of the key considerations that should be put in place. There is an opportunity to make legislation that is significantly better than the legislation that is in place down south. The spectrum in England and in Wales, where terriers are included, is too broad. There is an opportunity to ensure that the legislation is as efficacious as possible for the affected breeds.

**The Convener:** Perhaps this is an unfair question to direct to you, but we are getting into an area that I would like to tease out.

From the evidence that we have heard, it appears reasonable to assume that a significant number of veterinary surgeons may decline to carry out a tail-shortening procedure. If that happens, would that fatally undermine the role that they will have under the regulations? Based on their knowledge of the person who presents dogs for tail shortening, they will determine whether those dogs are likely to have a working life.

**Dr Parkin:** Can you give me that question again?

**The Convener:** Sorry; I did not explain it particularly well.

If around 50 per cent of vets opt out of carrying out the procedure, would that undermine the central tenet that vets will make the determination—from their knowledge of the breeder—whether the dog is likely to be used as a working dog? If so many vets opt out, how can we be assured that the vets who will make the determinations actually know the breeders and their background?

**Dr Parkin:** I anticipate that the vets who will carry out the procedure will be motivated—they will be those who see sufficient tail injuries in

working dogs to understand that docking is potentially a good thing to do. Those vets are likely to be in areas where there are members of the shooting fraternity and breeders.

I hate to say it, but a lot of these determinations may be based on the fact that the vets have known the breeders for 20 or 30 years—that they have known them as friends down the pub and so on. Those issues will be part of their understanding who the individuals are. It is unlikely that, to get their puppy's tail docked, breeders will seek out an individual vet in a different part of the country who is in favour of tail shortening.

**Finlay Carson (Galloway and West Dumfries) (Con):** Good morning, Dr Parkin. This question might be difficult to answer here and now, but it is important to get an idea of the numbers involved to get the proper perspective. Can you estimate how many dogs might be covered by the exemption? Of those, how many might end up having their tail docked?

**Dr Parkin:** Your first statement was correct—that is very difficult for me to answer. I do not have that information. Members of the second panel will probably be better placed to answer the question.

**Alexander Burnett (Aberdeenshire West) (Con):** I note my entry in the register of members' interests on countryside management.

I think that we all agree that the objective is to reduce tail injuries in working dogs later in life. Are you able to offer any alternative actions that owners might take to achieve that?

**Dr Parkin:** I am not a shooting, hunting and fishing person. In, I think, the discussion on the first paper, we recommended that, where possible, individuals out hunting or shooting should do so in areas where tail injury is less likely—they should avoid heavy cover, for example. We recognise that that is difficult to do in areas of the country where shooting is more likely to take place. It is difficult to think of any other interventions that are likely to have an impact.

**The Convener:** The BVA states in its submission:

“Chronic pain can arise from poorly-performed docking.”

Can we read from that that BVA members may lack the necessary skills? I think that I read somewhere that there are no vets in Scotland under the age of 29 who would have carried out the procedure, other than when a dog is a lot older. Alternatively, is the BVA suggesting that docking goes on illegally?

**Dr Parkin:** You have given the cut-off age as 29. That probably suggests that anyone who has

done it under the age of 29 and who has practised solely in Scotland would have done it illegally.

I do not know whether docking goes on illegally; I have not heard any anecdotal evidence to suggest that. We have not had tail docking in this country since 2007, so it is probably pertinent for any vet who is willing to tail shorten to undergo continuous professional development to ensure that they do it correctly. It is likely to be something that they were not exposed to as undergraduate vets and would not be trained to do.

**Peter Chapman (North East Scotland) (Con):** To me, it is a very simple procedure. How could someone do it wrong?

**Dr Parkin:** I am a vet and an epidemiologist, and I have spent two weeks in clinic, so I could probably do it wrong. I am sure that there are plenty of ways in which someone could make a mess of tail docking. The whole point is that the papers suggest that removal of up to a third of the tail is appropriate. We could end up with people removing much more than a third. That is one way in which incorrect tail shortening could take place.

**Peter Chapman:** Would taking off more than a third of the tail necessarily increase the pain for the pup? I come at this as a farmer. I have never tail docked a dog, but I have tail docked thousands of pigs, and I did it myself. We tail docked pigs right down to just a stump—it was not a third; it was three quarters that came off. It is a quick snip and the job is done. I do not know how I could have done it wrong, because it is over in a flash.

**Dr Parkin:** I tend to agree. It would be difficult to do it wrong in a puppy that is less than five days old, but I am sure that there would be occasions when an inexperienced person who was perhaps nervous about doing it for the first time or the first few times did something incorrectly.

**Mark Ruskell:** I have a brief supplementary question about the origins of tail damage. The study that you referenced earlier by Diesel suggested that incorrect kennelling is a greater issue than working dogs getting snagged as they go through cover. Did you look at that and do you have conclusions on kennelling?

**Dr Parkin:** In the questionnaire, we asked the respondents to talk about the worst tail injury that individual dogs had suffered. I think that about 8 per cent of those worst tail injuries occurred in kennels, but the vast majority occurred during work in cover or in training. It is probably unsurprising that the majority of tail injuries in the Diesel study occurred in kennelling, because more than 90 per cent of the dogs in that study were pet dogs rather than working dogs, so they would not have been exposed to the risk of work. That is the big difference between the two studies.

**Mark Ruskell:** What about the Cameron study?

**Dr Parkin:** There were no details in that study about how the individual dogs received their tail injuries. We simply had a large database of clinical records and we were able to identify the breed of the dog, its age or date of birth and whether it had a tail injury. In the clinical records, certain vets might have added details of how the tail injury occurred or other details, but the vast majority did not; they simply said that there was a tail injury, a tail fracture, a tail laceration and so on.

**Mark Ruskell:** So that study did not investigate the causes.

**Dr Parkin:** No, it did not.

**Emma Harper (South Scotland) (SNP):** Good morning, Dr Parkin. I am interested in finding out more about the pain management aspects. One of the main reasons that are given for allowing tail docking is that the pain of tail docking for a puppy is much less than the pain caused by possible injury later in life. One of the arguments against is that tail docking or shortening causes distress and pain to the puppy. As someone who takes an evidence-based approach and whose previous experience was in assessing pain in non-verbal children and adults, I am interested in what the science tells us about the pain and distress associated with tail docking for a puppy compared to the pain and distress for an adult dog as a result of injury.

**Dr Parkin:** That is very difficult. A paper by Noonan talks about behavioural changes in puppies at the time of tail docking. They went from whimpering when they were picked up to what the paper calls screeching when the tail was removed, but the study concludes that, within 15 minutes, they were essentially back to normal. Even that does not convince me a great deal that that truly measures or reflects the degree of pain that the puppies were exposed to. That simply measured their behavioural response, which might correlate with pain level but, as far as I am aware, we have no real evidence to suggest that that is the case, although maybe you do.

You asked me to compare that to what adult dogs experience when, for example, their tails are amputated. It is very difficult to weigh up the differential pain that those two situations present for individual animals. I do not have evidence either way.

**Emma Harper:** I know that pain assessment tools are used for dogs and other animals. Is there room for studying peri-analgesic aspects of the procedure, where you would give a pre-med analgesic, so that it would limit or reduce the amount of pain?

10:15

**Dr Parkin:** Are you talking about for puppies?

**Emma Harper:** Yes.

**Dr Parkin:** The issue is that all those drugs are off licence—as far as I am aware—because puppies' livers are not sufficiently developed to enable the use of pre-med analgesia. That is one of the reasons why they are not used in tail docking. I have read that the risk associated with those pre-meds would be greater than the risk associated with the docking of the tail. It would be difficult to develop those studies and get licences to conduct them—you would probably need a Home Office licence in order to conduct a study to identify whether there is significantly reduced pain in puppies with or without pre-med analgesic. The issue would be the risks associated with the pre-meds for a five-day-old puppy.

**Kate Forbes (Skye, Lochaber and Badenoch) (SNP):** You have already mentioned that your study was not about analysing pain now as opposed to pain later. However, your study makes one point of judgment:

“These results suggest a clear potential benefit to be gained from docking (at least by one-third) in spaniels and HPRs.”

What is that main potential benefit?

**Dr Parkin:** The basis of that statement is simply looking at the figures, which suggest that, in HPRs and spaniels, dogs that were docked by a third or more were 20 times less likely to end up with a tail injury in work in that one season. Something that we have not touched on is that we were asking about one season's exposure. Many dogs might work for four or five years, so there will be a cumulative potentially protective effect, over multiple seasons, of docking a puppy. That result is a 20-fold reduction in risk in one season and one could extrapolate that up for multiple seasons for an individual animal.

That statement is based on the reduction in risk of owner-reported tail injury, with or without a tail that is one-third docked or more.

**Mark Ruskell:** I want to follow on from that. You quoted the statistics that show that to prevent a tail injury, one would need to shorten the tails of between 18 and 108 puppies. What about the numbers that would be required to prevent a tail amputation in later life? A dog could be presented to a vet because it had a minor injury and be given treatment and that would be it. However, the key concern that you are focusing on is an injury that is so severe that the dog's tail would have to be amputated. What are the numbers?

**Dr Parkin:** The figures for spaniels and HPR breeds suggest that you would need to dock

between 320 and 415 puppies to prevent one tail amputation.

**Mark Ruskell:** Right.

**Dr Parkin:** That is one of the reasons why we did the two studies. We were looking at different definitions of severity of injury in the two studies. One study contained owner-reported tail injuries. Such injuries are more common, so you do not have to dock as many puppies to prevent such an injury as you would to prevent a tail amputation. The figures show that between 81 and 135 puppies would need to be docked to prevent a tail injury that required veterinary examination.

**Mark Ruskell:** If I have this right, we would potentially need to amputate the tails of 415 puppies to prevent an adult dog from getting a tail amputation. Is that right?

**Dr Parkin:** In order to prevent a single tail amputation, the expectation is that—given the prevalence of tail amputation, which is quite low—you would have to dock 415 puppies' tails. It all comes down to where you decide an adult tail injury is severe enough to warrant the intervention as a puppy.

**Mark Ruskell:** In animal welfare terms, does that single prevention of a tail amputation in later life outweigh 415 amputations of puppies that are less than five days old?

**Dr Parkin:** My view would be no, it does not justify the tail shortening of that number of puppies. However, we are talking not just about tail amputations—we are talking about everything from tail amputations to minor nicks and scratches that an owner reports in the field. It is not just about tail amputations but about tail injuries that could be recurrent or become infected—they can be of any scope from a minor tail nick to a full-blown amputation.

**Richard Lyle (Uddingston and Bellshill) (SNP):** The Cameron study, which was quoted earlier, basically said that the overall prevalence of any tail injury among dogs of all breeds that were taken to a vet in Scotland between 2002 and 2012 was 0.59 per cent and that the prevalence of a single tail injury examined by a vet in working dog breeds between 2002 and 2012 was 0.90 per cent. Why would we want to shorten the tails of many puppies for something that is not happening very often?

**Dr Parkin:** The figures that you are quoting are from the veterinary clinical data. It is likely—although we do not know this—that the vast majority of those dogs, although they are working breeds, were not actually working. The whole point is that we target the intervention at working breed dogs that are likely to work. The point about the veterinary clinical data investigation is that there

was no indication at all of the level of work that the individual dogs were doing. That particular study is about working breeds, rather than working dogs.

**Richard Lyle:** This is my last question, and I am sorry if it sounds simple, but dogs that go through hedges and so on most often hurt their ears, so should we not just cut off their ears?

**Dr Parkin:** That question has been put to me on multiple occasions. I am not convinced that dogs do most often hurt their ears. The evidence suggests that tails are the appendage that ends up being injured more often. I do not have any evidence to show that ears are hurt more frequently than tails. Indeed, it is potentially the case that the waggy nature of the tail results in a more severe injury than is the case for an ear.

**Richard Lyle:** I apologise, but I have another short question, if you will pardon the pun.

**Dr Parkin:** A third of a question.

**Richard Lyle:** Why would we want to inflict pain on many puppies for something that is not happening routinely?

**Dr Parkin:** That goes back to the tenet of what I am saying. If legislation is going to be introduced, it needs to be as targeted as possible, such that it is an intervention only for the individual animals that are most likely to end up with tail injury as an adult—hence only HPRs and spaniels, say, from breeders who regularly supply puppies for work or who own a shotgun licence or whatever it may be. There needs to be some way to ensure that the intervention is as targeted as possible, so that we avoid the situation that you are talking about.

**Claudia Beamish:** Do you have any concerns about dogs of those breeds with long tails that are non-working dogs and the injuries that they might sustain? It would seem that that is an issue for dogs that get such injuries from sitting in a kennel and so on. Do you have any comment on that?

**Dr Parkin:** If we are talking about working dogs that are sitting in kennels, the intervention will prevent that tail injury, whether it happens in the kennel or in work. In the first paper, we suggested that 8 per cent of the worst tail injuries were incurred in kennels, so being in a kennel is a lesser risk factor than going out to work. That is the key.

This is my guess, and it is anecdotal, but working dogs are more likely than pet dogs to be kept in kennels that are likely to result in an injury; pet dogs are more likely to be kept in the house. Working dogs are the ones that are most likely to be exposed to that kennel risk, as well as the work risk.

**Claudia Beamish:** Surely there are ways in which working dogs that are kept in kennels could

have the sort of bedding that would enable them to avoid such injuries?

**Dr Parkin:** Absolutely. I have zero knowledge about kennel design, but I am sure that there are optimal kennel designs that would prevent tail injury.

**Emma Harper:** Alexander Burnett asked about alternatives. Can alternatives such as Vaseline, trimming the hair, tail wrapping or tail tip covers be used? In America, they use such tip covers for their gun dogs.

**Dr Parkin:** I have no evidence either way as to whether any of those measures is efficacious or not. Other members of the second panel might be able to point to evidence of that nature, but I do not have anything to add.

**The Convener:** You touched on the opportunity that we have in Scotland to produce better legislation than exists elsewhere in these islands. Could you expand on what is wrong with the exemptions that exist elsewhere?

**Dr Parkin:** In my view, the exemptions elsewhere are too broad in their scope, specifically in terms of the breeds affected. The initial remit of the Scottish Government research that we were funded to do was to look specifically at spaniels, HPR breeds and terriers. Those are the three focused breeds that we were asked to look at in relation to the risk of tail injury associated with whether dogs had been docked or not. We came to the definitive conclusion that terriers are not at greater risk if they have not been docked. In Wales, terriers are currently allowed to be tail shortened, and in England there is a raft of types of working dogs that are allowed to be tail shortened, but we found no evidence to suggest that terriers are at any greater risk. There were particular issues that might explain why that was the case—we may have been asking the wrong type of people, or we may have been asking at the wrong time of the season, in terms of pest control—but the evidence that we had did not suggest that terriers were at greater risk. That is why we are saying specifically that, if legislation is introduced, it should be as targeted as possible and should be simply for HPR breeds and spaniels. That is what our evidence suggests.

**Angus MacDonald (Falkirk East) (SNP):** We know from the proposed regulations that, to permit docking, the dog must be five days old or less, the dog must be a spaniel or an HPR breed, and the procedure must be carried out by a vet, and so on. Are there any aspects of the regulations that you have concerns about?

**Dr Parkin:** I do not think so. It comes back to the same issue. The key issue is to ensure that, whatever legislation is put in place, we are docking as few puppies as possible that are not going to

go into work. Anything that can be introduced to tighten the legislation as much as possible will only be of benefit. I do not have any particular concerns with the legislation as it is written.

**The Convener:** Thank you for your evidence, Dr Parkin. You will be joining us on the second panel to provide input on the issues that arise. If anything comes to mind by way of evidence that is out there that would inform our deliberations, I would be grateful if you could get that to the committee before next week's meeting, because it is an emotive issue on both sides and the greater the evidence base, the better for members.

10:28

*Meeting suspended.*

10:33

*On resuming—*

**The Convener:** Welcome back. We continue our discussions with stakeholders on the draft Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017. We have been joined by Melissa Donald, Scottish branch president of the British Veterinary Association; Jim Dukes of Dukes Veterinary Practice, who is here to offer his expertise on behalf of the Scottish Gamekeepers Association; Runa Hanaghan, deputy veterinary director of Dogs Trust; and Alan Marshall, who is a member of the Scottish committee of the British Association for Shooting and Conservation. We are joined again by Dr Tim Parkin.

We move straight to questions and I kick off by asking each witness except Dr Parkin to outline in one minute their position on the draft regulations.

**Jim Dukes (Dukes Vet Practice):** My understanding is that, under the current legislation in Scotland, it is not permissible to dock or shorten any puppy's tail as a prophylactic measure to prevent injury. That position was arrived at to try to avoid what are termed unnecessary mutilations, and it was seen as generally beneficial for dogs.

In many ways, I support that position. In general, there is no need to do something if it will not be of benefit. However, it is clear to me, from my experience and from speaking to professional colleagues as well as gamekeepers and people who shoot, that there is a significant problem with working dogs. It is important to understand that the issue is not just about dogs that go shooting; it is also about police dogs and dogs that are used for tasks such as search and rescue. Part of the problem might be that they spend a long time in kennels, but it is also to do with the work that they do.

The committee has talked about comparisons of pain. I have docked a reasonable number of dogs' tails in my time, and I know that you snip the tail, the puppy goes, "Oop!" and then you put it back on the bitch's teat and the puppy starts suckling. Within five minutes of the procedure being finished, the whole litter is asleep. By comparison, as Tim Parkin explained, injuries to dogs can range from a nick to a grossly infected tail. The problem with those injuries is that they are difficult to treat. No vet relishes treating a tail that has been injured. If it has to be amputated, it is difficult to decide how much to amputate, and there is a high complication rate. Some dogs heal quickly, some have protracted healings and some need two or three operations to sort out the problem.

Once they have been through all that, dogs can be quite traumatised and they certainly have painful tails that they are defensive about. It is clear that they do not appreciate the procedure, whereas with puppies there is, in my experience, no evidence that they resent the procedure in any way. Although we have to dock a certain number of dogs to achieve a certain gain, when there are problems, they are real ones for the dogs and their owners. It is distressing for owners to see their dogs like that.

**Melissa Donald (British Veterinary Association):** I am a vet with 30 years' experience, 25 of which were in rural first-opinion practice, and I personally docked tails until the ban in 2007, when legislation made the situation totally unambiguous. I always thought that it was preferable for a vet to do it rather than an illegal layperson. However, times change, and we are where we are. Our approach must be evidence led and we must never forget that the tail is an essential part of canine expression, not just for dogs to talk among themselves but to wag and so on.

I personally feel that docking is very painful for pups. Just because they are quiet, that does not mean that they are not in pain. They cannot run away from it at five days old. They might suckle, but children suck their thumbs when they are sore. Suckling is a form of comfort. There is no anaesthetic or analgesia. We cannot say that they are pain free. I used to say to clients that, if a cat slept for 23 hours a day and had one healthy and lively hour, that was fine. However, times change, and we now know that they are sleeping because they are sore. We do not have the evidence to say that puppies are not sore.

Another issue is the sheer number of dogs that have to have their tails shortened to prevent one amputation. I also dispute the injury scale. If a dog gets just a scratch or a bruise, that is considered an injury. If I scratch and bruise my hands in the

garden, I do not advocate chopping off my children's hands.

**The Convener:** You say that you dispute the injury scale. What evidence do you have for that and what figures would you put forward?

**Melissa Donald:** The first paper—the Lederer study—just talks about “injury”, with no definition of that. It could be just a scratch.

**The Convener:** Thank you for that clarity.

**Runa Hanaghan (Dogs Trust):** I represent Dogs Trust, which is the largest dog welfare charity in the UK. We have Scottish branches in Glasgow and West Calder. We are firmly opposed to the docking of dogs' tails. We believe that puppies suffer unnecessary pain through that process and are deprived of a vital form of behavioural expression. We call on members to reject the proposals and the exemptions that would be made.

The studies that have been carried out have flaws and suffer from bias. We are worried that they do not contain robust details to support the case for the exemptions to be made. We are concerned about the aspects of pain and behaviour and the ethical considerations around those, which have not been addressed by the recent papers.

**The Convener:** As an animal welfare organisation, are you not concerned about the damage that is done to working dogs' tails?

**Runa Hanaghan:** There are cases where the damage is quite severe but, if you look at the evidence that has been put forward today, you will see that the number of puppies that need to be docked in order to prevent that is significant—we are looking at anything between 320 and 415 puppies. That is an unnecessary number of dogs that have to go through docking in order to prevent one amputation.

**Alan Marshall (British Association for Shooting and Conservation):** I have been a vet in general practice for the past 35 years.

We are not talking about aesthetics; we are talking about trying to prevent injuries. In country practice, we see those injuries more in spaniels and HPR breeds. The breeds of dog that people see injuries in will probably depend on the area that they are in. In my area, it is primarily spaniels, and the injuries are debilitating for working dogs. I want to try to prevent such painful injuries from happening at the start so that they do not go further.

I have listened to the various figures, but in my area I see a different quantity. I see undocked working spaniels with injuries much more

frequently than the one case in 400 that we heard about earlier.

**The Convener:** I want to pick up on an issue that came up earlier and explore it with the three vets on the panel. The BVA submission, which I also quoted earlier, says:

“Chronic pain can arise from poorly performed docking.”

What is that getting at? Regardless of whether you are in favour of the draft regulations, do many vets not have the skills to carry out the procedure or is there a suggestion that illegal docking is happening in Scotland?

**Alan Marshall:** I do not think that I have seen any chronic pain from incorrect puppy docking. You asked about illegal docking earlier. In the past 10 years, we might have seen one or two cases where pups have come from dubious backgrounds. As vets, none of us is going to put our name on the line, no matter how pro-docking we are, under these circumstances. We will probably come back to phantom pain and chronic pain, but I do not see it at all.

**Jim Dukes:** I am not aware of poorly docked puppy tails. There is a right way and a wrong way to dock a puppy's tail, and some sort of education of people who are not aware of how to do it would be quite reasonable. When I first went into practice, I was shown how it was done in our practice. It was not something that we were taught at college. If that skill has been lost in some practices, some sort of training would be useful.

As Peter Chapman said, it is relatively simple. It is one cut with a pair of scissors and something to stop the bleeding. It is over in a second. I have seen spaniels' tails that were docked very short, but the legislation is clear that it has to be a third of the tail. If people are familiar with the technique, they do it better, so it is important to have education. However, I am not aware of lots of puppies that have been badly docked recently.

10:45

**The Convener:** Melissa Donald, what was the BVA driving at with that comment?

**Melissa Donald:** As you are aware, we are against any docking. The main issue is that research would be needed to see whether dogs that have shortened tails are more sensitive around the back end. A lot of dogs do not like having their back ends touched. I do not think that anybody has done research to see whether that is because they have shortened tails. Historically, it would have been much easier to research, because so many more were docked. When I was in practice, a lot of dogs such as Rottweilers and Dobermans were docked—that was traditional—and they did not like us going near their back

ends. However, nobody would be able to say categorically and based on evidence that that was due to docking.

**Claudia Beamish:** Jim Dukes, I think you said in your initial comments that adult dogs in the breeds that we are discussing could have seriously infected tails.

**Jim Dukes:** Yes—absolutely.

**Claudia Beamish:** In what circumstances could that happen? I do not want to cast aspersions on owners but, if a member of my family had an injury and it looked as though it was going to go septic, I would make sure that we got to the doctor pretty quickly because of the risk. Is that a management issue or is there something more to it?

**Jim Dukes:** You are probably aware that sepsis is not an absolute thing. It is not the case that, if a dog has a cut, it will get infected, and it is not a question of how big a cut needs to be for it to get infected. There is lots of discussion now about the correct use of antimicrobials, about antibiotic resistance and about whether we should treat every little nick and cut. Clearly, we would not do that to ourselves, so why would we do that to our dogs?

I would not necessarily say that a tail injury will progress just because there is a nasty injury, the area is bruised and there is damage to the underlying tissue. It is not always easy to assess that from the start. The big problem with a tail is that it is a tail, it sticks out the back and it wags. The end of a tail is quite a long way from the rest of the body, so it is an isolated structure.

The second problem is that, if there is a nick or a cut in a tail and infection sets in—it is not always easy initially to see that that has happened—it is much more difficult to treat it. Infection tends to track down the side of the tail and down the vertebrae, and it can get into the bone, but it is difficult to assess how far down the tail the infection has gone. That is a problem when you try to dock it, which is why some dogs end up being docked two or three times. Nobody wants to take off more tail than they need to but, even for vets, it is difficult to assess how far the infection has spread. I do not think that we can necessarily say that dogs are infected because they are neglected.

**Claudia Beamish:** I was asking the question rather than stating that.

**The Convener:** My question was directed at the practitioners, but does the Dogs Trust representative want to respond?

**Runa Hanaghan:** I am a veterinary surgeon and I have been qualified for 20 years, so I am very happy to answer that question. I stepped out of clinical work only recently.

**The Convener:** My apologies.

**Runa Hanaghan:** From my experience in rural communities, and having looked at the legislation and the research for today's meeting, my concern about pain and other issues around docking—I think that your original question was about that—is that I have seen poorly docked tails and I have seen litters die because of poorly docked tails. I have huge reservations as to whether we can manage pain efficiently enough around the process. That is our issue with dogs that are under five days old being docked, aside from the fact that we cannot tell whether the entire litter will go on to be working dogs.

The worry that I have is that pain management has become such an important factor for veterinary surgeons, and pre-emptive pain management is just as important now as it would be in humans, but we cannot do that with dogs and we cannot do it with puppies that are five days old. When we do surgical corrections, we do them under general anaesthetic and with pre-emptive pain management on board.

When it comes to issues of chronic pain, I know that there have been some thoughts about that from a behavioural perspective. The word “anodynia” explains more sensitive pain issues, and people are wondering whether that is connected with painful procedures when dogs were much younger, including neonatal issues. That is where the subject sits for Dogs Trust.

**The Convener:** Was the docking that you have seen that was carried out poorly done by a veterinary surgeon?

**Runa Hanaghan:** I cannot confirm that. I have seen a number of litters that ended up being very unwell. It is hard to say whether that was down to the fact that tissue was cut and torn through and the tails became infected or whether there were stress-related factors. A vet can often be presented with such issues late in the day, so it is hard to correct or repair and help the litter of puppies.

**The Convener:** As four veterinary surgeons, setting aside whether you agree with docking, do you believe that your profession could be brought up to speed fairly quickly to carry out the procedure, so that vets could carry it out if they so wished?

**Jim Dukes:** Plenty of vets are perfectly qualified to do it. I spent the past week phoning round colleagues who support us in general practice across Aberdeenshire. A number of them carried out docking before and believe that it is the right thing to do. As soon as it is allowed, they will be happy to go ahead and do the procedure. I am sure that they will be perfectly willing to be involved in educating their younger colleagues.

Some training or a register would be relatively simple to set up, if you wanted to do that.

**The Convener:** Some people from the other side might say that you would say that, given the views that you hold on the subject. I do not mean to be disrespectful; I am trying to press the two witnesses who are anti-docking on whether they accept that the skills exist in their profession and that, whether they agree with it or not, the procedure could be carried out effectively by their colleagues.

**Runa Hanaghan:** If, by “effectively”, you mean that the tail would be shortened, that would be possible, but that does not take into account the holistic side of the issue, which is about the pain that the puppies may experience.

**The Convener:** However, the skills exist to do the procedure, whether you agree with it or not.

**Melissa Donald:** I do not know whether it would be easy to organise suitable CPD. Very few teachers would be willing to teach the procedure without pain relief; that cannot be done, as we have just said. How would you show somebody how to do the procedure to a gold standard, which is what we need, with no pain relief?

**Peter Chapman:** I want to explore pain relief a bit more. As I said earlier, I have been a farmer all my days and I have tail docked thousands of pigs in my time. I have never known a pig to die because of tail docking and I have a long number of years’ experience of doing it. I do it with just a snip and it is away. There is a squeak, you put the pig back down, and within 10 minutes everything is back to normal. A pig is a highly intelligent animal—we are all agreed on that.

I do not know why we are so hung up on tail docking a few puppies, to be perfectly honest—that is where I come from. I ask the two ladies in the middle, who are obviously against the procedure, what their thoughts are on the tail docking of pigs? They are sentient, feeling animals and docking is done regularly. I accept that the pig is a different animal, but it is the same procedure, in my opinion.

**Melissa Donald:** I understand why you say that, but there is evidence that the welfare benefit is clear: docking is worth doing for pigs because they do not live for as long and it prevents tail biting. Pigs do not last for 12 years. As Jim Dukes pointed out, the end of the tail is handy for another pig to grab hold of. You have to trim two tails to prevent one tail bite, as opposed to the hundreds of puppies that are docked.

It is a perception: pigs do not seem to be in pain, they run around, they are more developed and they go and suckle, which is a comfort thing. They do not wag their tails as part of their

expression. I am sure that they would run away rather than have it done.

I also wonder what percentage of pigs have some degree of condemnation because of abscesses along the spine from docking that was incorrectly done. You may not have seen them die.

**Peter Chapman:** The only time that I have seen abscesses along the spine has been when the tail has been bitten. I have never seen that when a tail has been trimmed, but if the tail is bitten, then yes, absolutely.

**Melissa Donald:** However, pigs do not live for 13 years.

**Runa Hanaghan:** Mr Chapman’s question is difficult for someone from a dog charity to answer. I have not done much pig practice, I am afraid.

**Peter Chapman:** Fair enough. That is okay.

**The Convener:** Thanks for that. Let us move on.

**Finlay Carson:** The responses to the University of Glasgow research were quite diverse. One organisation did not think that the research was “scientifically robust enough”. Another said:

“We strongly believe that the evidence presented ... confirms that the pain of docking ... is outweighed by the avoidance of more serious tail injury later in life.”

Does the panel think that the University of Glasgow’s research provides a robust basis for a change in the law? When you answer, will you let us know whether you have done scientific research that supports your argument?

**Jim Dukes:** The point about the Glasgow study is that at least it is a piece of research, and it comes to fairly strong conclusions, which I think that Tim Parkin would argue are robust. Otherwise, we have conjecture and local experience and knowledge.

You asked about my research. Over the past fortnight—since I knew that I was coming to this meeting—I carried out a telephone poll of as many gamekeepers and practitioners as I could speak to, and I did not speak to one gamekeeper who did not believe that tail docking should be reintroduced.

People argue that docking is done on cosmetic grounds or whatever, but I do not notice the keepers shopping at Burberry or down in Oxford Street—they are interested in their dogs for work. They love their dogs and do not in any way want to disfigure or harm them, but they find it difficult to work with dogs that have not had their tails docked.

When we consider the statistics, we must bear in mind that it is still legal to dock puppies in

England and Ireland. A significant number of keepers to whom I have spoken would no longer buy a puppy from Scotland; they source their puppies only from England or Ireland, because they will work only docked puppies. Therefore, the number of injuries in the breed might be underreported, because the working dogs are still docked, as they have been sourced from elsewhere. The problem might be more significant than we think it is.

People who work undocked puppies tell us that some of the dogs have had horrific injuries.

I have spoken to people who have given up breeding spaniels in Scotland. They had been breeding big litters for 15, 20 or 30 years—it was their life's work—but they stopped breeding because they would not work puppies that were not docked. If speaking to people is evidence, there is strong support among that community for docking. People need their dogs as tools for work. The dogs are a vital resource, and people hate to see them injured—it is just not pleasant.

**Melissa Donald:** The BVA was disappointed in the number of respondents. There was a self-selected sample of only 1,005 respondents, which covered just under 3,000 dogs. When we consider how passionate people are about the issue, we were surprised by the low number of people who completed the survey. There is therefore an overestimation of the risk of injury.

Although 29 per cent of the people who completed the survey reported that one or more of their dogs had sustained a tail injury, only 103 dogs—4 per cent—had received a tail injury that required them to see a vet.

A lot of the evidence that was gathered was anecdotal. Owners were not required to provide evidence, which again suggests an overestimation.

11:00

**Runa Hanaghan:** One of the two studies that were performed provides a more qualitative view. That is the Lederer study, which involved a survey. When carrying out surveys, you want to get a high percentage of people responding. Our concern is that there was perhaps a response rate of 5 per cent of the number of people who were potentially polled in the survey. For most such surveys, you would want to reach at least 30 or 40 per cent, so the response rate is low, which gives a bias and perhaps an overestimation of the problem.

The Cameron study is more quantitative and considers the number of dogs affected. Looking at the number of vet practices that participated, we also have concerns about the bias in that paper. When we look back in research, we find that the

Diesel study states that some practices declined to participate, because they felt that it was such an emotive topic that they did not want their figures to be on the line. Therefore, I have concerns about the number of practices that participated. In addition, the Cameron study suggests that a large number of dogs need to be docked to prevent one injury or one tail amputation.

There are problems with both studies.

**Alan Marshall:** From recollection, the survey considered injuries over one year. My big anxiety with that is that one year of a working dog's life is merely one year of a working dog's life. I had a cocker spaniel in training at the time that did not sustain an injury during that period. However, we are looking for eight or 10 years' work out of a dog, and that dog subsequently sustained an injury and had to have a tail amputation.

I come at the matter from a personal point of view. That is where I keep seeing the problem.

**Dr Parkin:** As a little defence, I point out that there is no way of calculating the response rate in a study that involves an online survey for which emails have been sent or that has been publicised on a website. A number of people may respond. A good proportion of them are very unlikely to have seen the invitation to respond to the questionnaire. We simply have no idea how many of the people who were aware of the questionnaire did and did not respond. Therefore, it is not correct to quote a 5 per cent response rate. It is not possible to define a response rate in that survey.

**Mark Ruskell:** I have a couple of unanswered questions from the session with the first panel. How many working HPR dogs and spaniels live in Scotland?

**Alan Marshall:** Lots. I do not know how to answer that question.

**Mark Ruskell:** It would be good if you could answer it with a number or even an estimate.

**Alan Marshall:** Are you asking for the number of dogs that live in Scotland or the number of new pups that come in?

**Mark Ruskell:** Let us say that I would like to find out the entire population of working dogs broken down by HPR breeds and spaniels. That figure appears not to be in the study.

**The Convener:** Is it hundreds, thousands or tens of thousands?

**Jim Dukes:** Tens of thousands.

**Mark Ruskell:** How many tens of thousands?

**Jim Dukes:** I suggest that the Kennel Club might have records. It will know how many litters are registered every year, and it would be

interesting to look back and see whether fewer litters have been registered since the ban than were registered before it, whether there are slightly more in England and whether any of those dogs moved to Scotland.

**Mark Ruskell:** I go back to the evidence about behavioural issues, particularly behavioural issues between dogs that have had their tails docked. That was not part of the remit of the studies, but it seems that there is veterinary evidence to suggest that it is a risk and that it might impact on the number of cases of dog-on-dog interaction that vet surgeries deal with. What is the evidence on that?

**Alan Marshall:** Let us talk about canine expression or communication. The breeds that we are talking about—spaniels and HPR breeds—are very expressive. The dogs that were discussed earlier are probably not the dogs that tend to be involved in dog-to-dog aggression. I have passed comment on two breeds. Certain breeds' facial expression is less easy to read; I am talking about boxer and shar-pei. Each vet will be able to come up with a similar breed that we cannot read readily. We cannot read those breeds, and although dogs are a damn sight better than we are at reading them, I think that other dogs will have difficulty reading some of those breeds. The working breeds that we are talking about are fairly easy to read; even if they have a partly docked tail—a two-thirds tail—other dogs will read them quite well.

**Mark Ruskell:** Do you have evidence on that? You have used terms such as “fairly”, “possibly” and “I would assume”. Where are the studies and the evidence? I ask the other panel members whether we have evidence on that point. Earlier, I read out a quote from a European veterinary specialist in behavioural medicine.

**Runa Hanaghan:** Sarah Heath is one of the most eminent veterinary behaviourists in the country, and a lady called Rachel Casey works with us as well.

I am not sure that I am the best person to say whether research and studies have been done on that. Our issue is that we might not be able to read the dogs' behaviour, as Alan Marshall said. If six puppies in a litter are docked and one goes on to be a working dog, the other five will end up in family homes. With regard to humans, our organisation knows that reading dogs' behaviour is one of the hardest things to teach the public. If we do not have that other element—the dog's tail—we cannot work out whether the signs that the dogs give us are their signs of warning, concern or fear.

**Mark Ruskell:** Is that a risk to humans?

**Runa Hanaghan:** It is a risk to dog-to-dog interactions and also to our understanding of what the dog is trying to say to us as vets in practice or

as members of the public. It is important not to ignore the fact that the tail is an element of dog expression and communication. The quote that you read out about taking away an element of speech is important, and that point is echoed by our organisation. Amputating a dog's tail takes away that element of expression.

**Richard Lyle:** The draft regulations state that the vet who carries out docking must be satisfied that there is evidence that

“the dog is likely to be used for work in connection with the lawful shooting of animals.”

How would that work in practice?

**Jim Dukes:** As everyone has alluded to, it is clearly difficult to decide whether the dog will work. We could have a simple measure on showing dogs, as exists in England and Wales, that would make it illegal to show a docked puppy. That way, docking would not be encouraged as a breed standard; the breed standard would be to have an undocked or unshortened tail.

Most practices in rural areas will know who the gamekeepers and the keen shooters are. Those people who are enthusiastic breeders of dogs for shooting are fairly easy for the local practitioner to identify. As Alan Marshall said, that local knowledge is important. At the end of the day, it will be down to the individual vet. Docking is a prophylactic procedure to reduce the risk of injury, and it will be for the vet to decide on the merits of that on a case-by-case basis. It is important that we allow a vet to make their own decision. In general practice, the dogs are mostly bred specifically to be kept as pets, or for showing or working. We already know that they will not all go there, but there is enough information for vets to base a decision on.

**The Convener:** To follow on from Mr Lyle's question, can we confidently anticipate that the element of the regulations in which the emphasis is on the vet to make a determination will be followed through if a substantial number of vets—as would be their right—opted out of carrying out the procedure? How can we be sure that any vet who makes a determination actually knows the breeder sufficiently well to be confident that the dogs will be used for a working purpose?

**Alan Marshall:** The draft legislation talks about evidence. Currently, the English and Welsh legislation appears to be quite open. Firearms or shotgun certificates are clearly one possibility; membership of a shooting syndicate might be another possibility. A letter from a gamekeeper saying that you are a bona fide beater or that you have a stalking facility and that you are able to show the vet might be sufficient evidence.

**The Convener:** Melissa Donald, the BVA has a position on this as an organisation, but your membership will be split—there will be members who are prepared to carry out tail docking. Can you give us a ballpark figure for the percentage of your members that you anticipate would take the stance of not doing the procedure on principle if the legislation was passed?

**Melissa Donald:** I do not have any absolute figures, but I have worked with many younger members of the profession and I would say that the vast majority of them would not do it. That means that people would have to travel with a bitch and young pups to find a vet who did not know them who would do the tail docking. There is then an instant flaw in the system.

**Alan Marshall:** Currently, as Jim Dukes has suggested, the situation is that many breeders have stopped breeding in Scotland, so another welfare problem has been introduced in Scotland in the past 10 years. To comply with the law, people who want to breed their spaniel or HPR bitches have to travel south with a pregnant bitch, get them legally docked south of the border and then come back up. We have quite a welfare issue with that.

Clearly, south of the border, they are not aware of the background of the breeder. Jim Dukes and I have a much better understanding of the background of the people we see or are likely to see.

**Jim Dukes:** As well as phoning a number of keepers, I phoned as many vet practices as I could get hold of and spoke to their principal partners. It was not a big survey, but roughly half of them are very keen—in fact, they are desperate—to see tail docking come back. Some senior partners would be happy to do tail docking straight away. Some practices certainly said that they would not be prepared to do it under any circumstances.

In the middle, there were practices that did not really welcome its reintroduction, but which said that if they thought that it could be justified, they would do it in certain cases. Those people said that it was important for the definitions to be very clear so that it would be easier for them to make a decision. It is therefore important to come up with legislation that is easy to understand and easy to follow, and it is really important not to water down the legislation by making it too vague about what the breeds are. If the legislation is very specific about what can and cannot be done, that will be useful in ensuring that it is targeted as effectively as possible.

**The Convener:** I have a question for Jim Dukes and Melissa Donald specifically. Within the split

that you have identified, is there a split between urban and rural practices?

**Melissa Donald:** I personally do not think so. As I said, I was in a fairly rural area where some of my clients were gamekeepers and shooters and kept dogs for working, although we were in a small town, so I do not think so.

11:15

**Jim Dukes:** When talking about sampling bias, it is important to understand that the shooting fraternity is quite small. Having spoken to gamekeepers, I understand that they tend to speak about those vets who are sympathetic towards shooting, and they are the vets to whom they go. Some practices will see a higher percentage of working dogs—never mind spaniels—than others. Those practices that saw a high percentage of such dogs were definitely in favour of docking.

I spoke to some rural practices that were not in favour of the procedure, but they also said that they did not see tail injuries in working breeds, so they did not really understand why it was used. Either because of the way in which randomness works, whereby there are clusters of cases in certain places, or because the shooting fraternity vote with their feet and go to the people whom they know will be sympathetic, some practices see a large number of injuries and some do not see any.

**Richard Lyle:** My question is for Mr Dukes and Mr Marshall, because I have already put it to Dr Parkin. The overall prevalence of any tail injury among dogs of all breeds between 2002 and 2012 was 0.59 per cent and in working dogs between 2002 and 2012 it was 0.9 per cent. Why would you support the procedure when it has been shown that the problem does not happen very often?

**The Convener:** Dr Parkin would like to speak before anyone else answers that question.

**Dr Parkin:** I just want to clarify that the latter percentage was not for working dogs, but for working dog breeds.

**Richard Lyle:** I am sorry; I should have put my glasses on to read that.

**The Convener:** Thank you for that clarification.

**Alan Marshall:** We do not have an easy answer for that one. The figure that was quoted is not the figure that I see. Throughout the country—Dumfriesshire, Ayrshire, Aberdeenshire or down in parts of England—we have different dog breeds and types, as well as different habitats and cover that dogs work in. I recognise a different figure. I am a general practitioner; I do not do research and keep the numbers. However, I do not recognise

the figures that you have quoted and that is not what I see.

**Richard Lyle:** I think that you said that you have been a vet for more than 35 years. How many tail injuries have you seen in that time? I know that you do not keep a precise record.

**Alan Marshall:** We do not keep that record. I would expect to see maybe half a dozen tail injuries a year. It is an awkward question. I am seeing tail injuries. We are also not seeing tail injuries because the gamekeeping professionals tend to sort out problems themselves. If they have a major problem, they will see the vet, but they may not come to the vet in all cases.

**Richard Lyle:** I used to have two Yorkshire terriers. As a vet, you will see 100s of dogs a month, but you are saying that you see only six tail injuries in a year.

**Alan Marshall:** I categorically did not say six. I said that I saw maybe half a dozen cases. I am not splitting hairs, but you are trying to put numbers in my mouth. I am not putting a number on it. I see tail injuries and although they may be infrequent, they are potentially very serious.

**Richard Lyle:** I can understand that. Are those injuries in working dog breeds or in ordinary dogs? As I said, I had two Yorkshire terriers that liked to run through the undergrowth and whatever.

**Alan Marshall:** It tends to be working dog breeds. We have not got round to discussing why we are talking about spaniels and HPR breeds, and I am not sure whether we will come on to that.

I see the spaniels as having a very fast, non-stop tail wag. They have very fine hair on the tail and the hair tends to get caught. It does not get caught the first time they go through the brash, but a few hairs might get removed each time they go through another bit of brash, bramble or gorse; as more hairs get lost, the bare areas start getting traumatised and as that goes on the problem becomes more evident with time. I have steered away from your question, but that is how the problem arises.

**Richard Lyle:** I know that Mr Dukes is dying to come in, but my question is why, as dog lovers, we should have this law when the problem is not happening very often. People are not bringing their dogs to the vets, and you are saying that they could be treating their dogs themselves at home, but in 35 years you have not seen all that many cases.

**Alan Marshall:** To go back to your original question, let us consider why I am not seeing them. It is because, in our part of the country, most people will not work a dog with a full tail. Most people in my part of the country will still bring in pups from south of the border or from

somewhere else. The gun dog working population knows what the problem is. We know exactly what the problem is and we tend to source from somewhere else a new pup that is already tail docked or tail shortened.

**Jim Dukes:** Alan Marshall has probably just answered the question. That might be quite a good result, might it not? It might demonstrate the benefits of docking, because it brings the risk of tail injuries down to roughly the level of the rest of the population. If the survey was conducted only on undocked working dogs, I am sure that the figure would not be 0.9 per cent; it would be 20 per cent or 50 per cent or some other figure, depending on who you speak to. As Tim Parkin said, it is just a statistic that does not really mean very much because it is not qualified.

**The Convener:** I have a tangential question, but before I ask it I want to make it clear that it is not a loaded question and that I am not casting aspersions against the profession. Everyone around the table today is coming at this from an animal welfare perspective, whatever side of the argument they are on; let us take that as a given. I would like to understand the costs involved. What would the costs be for tail shortening, set against the costs that are incurred by owners when dogs have their tails severely damaged in later life and they have to be amputated, and what is the income to veterinary practices from that?

**Jim Dukes:** I do not know what people will want to charge for shortening a puppy's tail at three to five days old, but I would imagine that £5 to £10 per puppy might be a reasonable figure, if you did a litter of six. I have figures for the docking of injured spaniels, and I can give you two figures that I got from one person. They took one dog to one vet and they were quoted £400, but in the end it cost them £800. They were told that it would take two weeks but it took nine weeks for the dog to get better, and it was a big problem. For another dog they were quoted £200. You are talking about figures in the hundreds, and maybe up to £1,000 or more for a difficult case that needs to be operated on several times. For a gamekeeper, that represents a significant part of their salary, and they are not always supported by their bosses to pay those bills. It is like buying insurance; the insurance is cheap, but if you have an accident it is expensive.

**The Convener:** I have never heard a gamekeeper talk about the cost. I have heard them talking only about the animal welfare aspect of it, in fairness to members of the profession. What do other witnesses think? What is the charge in England?

**Runa Hanaghan:** I am afraid that it is not something that I have ever done or charged for, so I could not answer that question. I am not entirely

sure what practices in England or Ireland would charge, although I have worked over in southern Ireland myself, so I am not aware of the costs for that.

Amputating the tail later in a dog's life involves an anaesthetic and pain relief, which results in increased costs, but that practice is an important part of maintaining animal welfare.

**Melissa Donald:** The current price for amputating an adult dog's tail, with no complications, would be about £200 to £250. We have to remember that the pricing for puppy docking is 10 years out of date. Those were very different times and docking was done for a nominal fee, which I agree was probably about £5 to £10 back in that day. I have no idea whether that would still go ahead at today's prices.

**The Convener:** But add a bit of inflation and we are probably—

**Melissa Donald:** And ethical considerations, such as making sure that people really think about what they are doing for the price. A nominal fee was charged, but the profession 10 years ago was probably not as professional about charging as it is now.

**The Convener:** Okay. I thought that that area was worth exploring. We move on to a question from Claudia Beamish.

**Claudia Beamish:** I want to drill a little deeper with the panel. If you have already commented on this, it will be noted in the *Official Report*.

I would like comments about the pain and stress associated with the docking of puppies' tails. I would also like comments on the pain and stress for working dogs that sustain tail injuries later in their lives. Some written submissions, without pointing to any at the moment, made assertions or arguments that do not appear to be evidenced. It would be helpful if we could stick to evidence, whether it is from your personal experience or from research.

**Runa Hanaghan:** We referred in our submission to the Noonan study, which looked at 50 puppies with regard to the procedure of tail docking. The study found that all the puppies struggled and vocalised intensely and repeatedly at the time of amputation. Melissa Donald made an important point earlier about the fact that the veterinary profession's understanding of pain in animals and recognising signs of it is developing; that is no more so than in the world of cats. I am stepping out of my comfort zone in talking about cats, but we are looking at pain being seen in cats that are quiet and perhaps reserved, and retreating to the back of their kennel or hiding.

Emma Harper referred to work that has been done in the human field with regard to research on

pain scales and pain management in paediatrics. I think that it is important that we look across different skills and professions to try to understand the issue of pain. The pain scores and tools that we have are put together and validated for dogs that are, more often than not, in chronic pain and for dogs undergoing surgery that are more adult and having general anaesthetics. I do not know of any pain scores and tools that have been validated for puppies that are under five days' old and which would help us understand and tease out the facts.

**Jim Dukes:** We all know that it is pretty difficult to measure pain in animals—all animals—but particularly in puppies that are, to all intents and purposes, blind and do not really move. We cannot assess that.

Runa Hanaghan keeps going on about puppies vocalising and yelping several times, but Dogs Trust, as you are aware, strongly promotes the microchipping of puppies. If you have ever microchipped a litter of eight-week-old puppies, you will know that if you measured their vocalisation, it would perhaps be 100 times what they would make when they were three days old. Does that mean that puppies have more pain from being microchipped than from having their tails docked? It is not really a worthy way of assessing pain.

**Runa Hanaghan:** I understand what Jim Dukes is saying in trying to weigh up and validate the scales that we have. Microchipping is a very different procedure from cutting and tearing the puppy's tail at the five-day mark. It is a very different procedure with which to try to justify the argument. Microchipping is an injection, which is straightforward. We all have injections and dogs undergo injections all the time for vaccinations and preventative healthcare. However, with tail docking, we are trying to weigh up a different procedure in which we cut and tear through the puppy's tissue and, potentially, bone. The question is difficult to answer because it is not really an equal comparison between the techniques that we use.

11:30

**Jim Dukes:** However, using things like vocalisation is being emotive, too. It is very difficult to assess whether puppies truly suffer pain. They certainly do not appear to have a growth check. In my experience, they just carry on as normal. If we take ill thriving as evidence of chronic pain, there is no evidence that puppies that are docked grow any more slowly than those that are not. It might be more useful to consider such indicators. Any suggestion that any puppy that is docked suffers chronic pain is based purely on an emotive assessment of pain and not really on any science.

**Claudia Beamish:** In its written submission to the committee, BASC states:

“It should be noted that the pain associated with the shortening of puppies’ tails has been seen as comparable with that associated with microchipping a dog—now a legal requirement in Scotland.”

What is the evidence for that statement? We really need to drill down into the evidence and the degree to which it is perception or actual evidence.

**Alan Marshall:** That is probably anecdotal evidence. I see the discomfort from microchipping pups as, as Jim Dukes says, almost comparable. We always get a response from microchipping. Sometimes it can be quite severe. I do not know whether we end up with a microchip sitting right next to a nerve. Some dogs take that quite uncomfortably and settle down again fairly quickly.

**Claudia Beamish:** Right. Are there any comments that have not yet been made on the comparison between the welfare, pain and stress issues in relation to the tail docking of puppies and the stress and pain for adult dogs from necessary amputation or injury? Let us consider the evidence base, please.

**Melissa Donald:** We have not spoken about the pain and distress of the adult dogs. It is clear that they have analgesia. The procedure is carried out under a general anaesthetic. There is 100 per cent evidence on that—all amputations have to be done that way.

Each injury is individual but, if the pain control is good and the antibiotic level is covered—they are usually dirty injuries to start with—there should be few complications afterwards. Complications arise when not quite enough has been taken off, usually because of the owner wanting to preserve as much tail as possible. Many times, the docking is done because of the chronicity of the wound—it will not stop bleeding. If anybody has seen somebody’s kitchen in that situation, they will know that it is quite distressing but it is not necessarily as painful as it appears; it is more that it looks awful. Trying to get such a tail to heal without amputation can take several weeks, so amputation is a quick and cost-effective solution, which is why it is often offered early on.

**Emma Harper:** I thank Alan Marshall for clarifying the particular wagging-tail behaviour that leads to the injury of long-tailed spaniels. It is quite good to hear about how the dogs end up with such injuries in the first place.

Since the ban 10 years ago, what has the alternative practice been? Surely you have not just sent the dogs out and done nothing, so have you used Vaseline, cut the tail fur, or tried tail wrapping? I believe that people also do other things in the USA. I am thinking of pointers,

because it might be difficult to wrap a spaniel’s tail, for example.

**Alan Marshall:** I heard the question earlier. We can and do wrap tails to offer protection and try to give them time to heal. All vets in general practice would tend to do that first, way before talking about amputation. We try to offer that protection to give the dogs a degree of comfort and to ensure that the tail is less likely to get knocked.

I dispute the previous comment about tail amputation in an adult dog because by that stage the dog has invariably gone through two or three months of pain and discomfort. It does not matter how much we try and wrap the tail, if it is at all raw and excoriated, there will be discomfort. That adult dog will invariably remain in discomfort until we get either to the stage of full healing or tail amputation.

We try to protect the tail by wrapping it and giving it a chance to heal. However, there will often be discomfort. When we amputate an adult tail, the dog will get the full gamut of analgesics, pain killers and antibiotics, but there is still a healing process. It is not as though the dog has a cut that will heal remarkably quickly—tail healing is always a slow process.

**Emma Harper:** Can you clarify whether, regardless of the vet or the practice, when dogs are taken out on shoots, people are using Vaseline or cutting the fur on the dogs’ tails? Do those work as alternatives?

**Jim Dukes:** I have never come across that. Scotland is a pretty wet country, so if you stick a bandage or whatever on a dog, it will get soggy and fall off, no matter what you do. If you are working through wet muddy ground and thick brambles and thorns—that is what spaniels are ideal for and are bred to do—it would be impossible to keep any sort of dressing on a dog. I am not sure that that is an option.

I have never come across anyone who had the idea of using Vaseline. I am sure that someone might put Vaseline on an injury to try to prevent it getting worse, but I have never seen it used in the field as a prophylactic.

**Claudia Beamish:** I want to build on Richard Lyle’s question. Are there any more comments on proportionality? Does the panel have any comment on the figures that have been provided by the University of Glasgow research or other research about the number of puppies having their tails shortened that would be required to prevent one tail injury? Is it your view that that would be proportionate?

**Runa Hanaghan:** From the Dogs Trust’s perspective, I say that docking is not proportionate to the risk that is posed. We started off with the Diesel research, which suggested that 500

puppies would need to be docked to prevent one injury, and we have moved to Tim Parkin's studies, with Cameron and Lederer, in which we can see that a large proportion of puppies would need to be docked in order to prevent one injury. The worry about the owner-led research is that it is based on owner reporting and we do not have clarification of what the injuries were. That research is where the figures are the lowest. The veterinary-led studies suggest that a higher number of puppies would need to be docked to prevent one injury.

**The Convener:** You represent an animal welfare organisation: you cannot be comfortable with the damage that is done to the tails of older working dogs. We have all seen some pretty horrific pictures. What is the alternative? Is doing nothing the best way forward?

**Runa Hanaghan:** Emma Harper was quite right to ask what options for working dogs have been explored in the period during which docking has been illegal in Scotland.

One of the things that the Diesel research considered was whether coat type and tail-hair length are factors in dogs' tails being caught. I cannot comment on that, particularly, but I wonder whether there are other ways of managing the problem. Certainly, when horses compete, people often use Vaseline to try to avoid injury. Perhaps cutting the tail hair or using Vaseline would help to avoid damage. However, I am not a hunting, shooting and fishing person, so I cannot comment on that.

**The Convener:** Does anyone else want to respond to Claudia Beamish's question?

**Jim Dukes:** On how many puppies, as opposed to adult dogs, we would have to dock, the question that none of us can answer is how much pain the puppies feel—it is almost impossible to say. However, we can compare their behaviour and growth and the lack of problems post-docking—if the docking is done by an experienced vet who knows what he is doing—with the weeks, months or sometimes even longer of pain that a dog that injures its tail potentially faces. Anyone who has had even an infected fingernail will know how it throbs and burns and how the pain does not go away—and we can take paracetamol or whatever else we want to take.

Analgesia is analgesia, and maybe in the short term, during the operation and in the 12 to 18 hours after it, we can provide good pain cover, but we cannot provide that in the two or three months before the operation, when the dog is really sore, or in the two or three months it takes for some dogs to heal afterwards. We cannot control pain in those dogs, and there is no doubt that some of the dogs suffer pain.

The reason why the keepers so strongly want docking to take place is that they do not want to see their dogs in pain. They compare one experience against the other and find that one is a simple procedure, which dogs seem to tolerate fairly well, whereas the other involves them watching their dog suffer, which they find intolerable.

**Dr Parkin:** On Claudia Beamish's question about the numbers it would be necessary to treat, from Diesel through to our two papers, none of the figures surprise me, if we accept that the highest-risk dogs are working dogs. The Diesel paper was on all dogs that were seen at veterinary practices—not just working dogs. The prevalence of tail injury in that population will be much lower, and the lower the prevalence, the higher the number that it would be necessary to treat. There is an inverse correlation.

The veterinary-practice survey data, which ended up with a higher number that it would be necessary to treat, looked at working dog breeds, and not just working dogs. The owner-reported survey was on working dogs—I accept, again, that owner-reported injuries will be much more prevalent than injuries that go on to be seen by a vet. The numbers simply reflect the prevalence of injury in the defined populations in the three different studies.

**Mark Ruskell:** May I drill down into that a bit? The panel has not been able to provide figures on how many HPR dogs and spaniels there are in Scotland, but let us say that there are 20,000 HPR dogs. Based on the figures in the Cameron study, if every single one of those dogs had had its tail amputated when it was a puppy and no longer had a tail, that would mean that 48 adult dogs would no longer require amputation in their adult lives as working dogs. I acknowledge that amputation is a painful and debilitating operation for an adult dog, but is an operation on a young puppy that is under five days old an acceptable trade-off? Is amputation of the tails of 20,000 working dogs—or the entire population of two breeds in Scotland—an acceptable trade-off against 48 adult amputations? Those are the figures. We might add 30,000, 40,000 or 10,000, because we do not know—

**The Convener:** We are not talking about full amputation of 20,000 dogs' tails; we are talking about shortening 20,000 dogs' tails. We should be clear in our use of language.

**Mark Ruskell:** My understanding is that there is not much difference in medical terms between taking a third of a tail off and taking an entire tail off, but it would be useful to hear, first, whether they are equivalent. Is full amputation equivalent to taking a third of a tail off? Secondly, it would be useful to hear about that trade-off of 48 dogs

versus 20,000 dogs, if we say that the population of spaniels is 20,000.

11:45

**Alan Marshall:** I do not think that the tail shortening of a five-day-old puppy is remotely equivalent to tail docking an adult dog. We have just described two entirely different procedures.

**Mark Ruskell:** Can you explain why that is, physiologically?

**Alan Marshall:** I remind the committee that I am a general practitioner. Physiologically, a puppy's bone structure is not the same, the vascular structure is almost certainly not the same but is developing, and the nerve structure is not the same but is developing. That is our starting point.

On the numbers that you are trying to establish, I see a litter of three cocker spaniels, two of which are now tail docked as adults because of tail damage. I think that Jim Dukes and I will both see such examples, as will many people in general practice who are perhaps dealing with a similar population to the population that I am dealing with. They may be dealing with similar occasions when pups have not been tail docked. That does not tie in with the numbers that we got from research, but it is what I am finding in general practice.

**Runa Hanaghan:** On Mark Ruskell's point, in my view tail shortening, tail docking and tail amputation are the same thing: we are taking away a section of the dog's tail. To give further clarification, I say that tail shortening perhaps takes away less of the tail, but a section of the dog's tail is still being amputated.

On the point about the pain that is associated with docking, and development of neonates and the pain that they experience, David Morton did a review of the two papers in the *Veterinary Record*. I do not know his background for this statement or where he has qualified it, but he has stated that

"in fact it has been shown for many species, that neonatal animals feel more pain than adults."

It is important that we still think of amputation or tail docking in that way.

**Melissa Donald:** Morton also wrote a paper 25 years ago in which he said that if 80 per cent of working dogs of

"a particular sporting breed were likely to require therapeutic intervention at a later date then it might be possible to make out a case"

for prophylactic docking, but for the low percentage of cases that actually needed vet treatment, it would be hard to justify. He also wrote that

"the total amount of suffering caused by"

prophylactic docking of puppies

"was likely to be greater than the suffering of the few requiring ... therapeutic"

surgery later on, when appropriate anaesthetics and pain relief would be available. Long-term pain relief is available for dogs for the few weeks before and after surgery, if required. There is one final point to make, which is that any pain that is caused by therapeutic surgery

"can be justified as being entirely in the interests of that animal".

**Jim Dukes:** The pain prior to surgery cannot be justified.

**Mark Ruskell:** I am sorry. Could you speak through the chair? I am a bit confused about who is speaking.

**The Convener:** Jim Dukes—do you want to come in on that point?

**Jim Dukes:** The matter just goes round and round and comes back to the same question: what is the percentage and what is the benefit? That is really what the committee are trying to draw out, is it not? I do not know what the figure of 48 is based on. The veterinary practices that I have spoken to dock, on average, two or three dogs per year. They are small mixed practices that have perhaps one or two full-time equivalent vets. That is not a lot, but Mark Ruskell is trying to say that across Scotland there are probably hundreds of dogs being docked, rather than tens or whatever.

There may be overrepresentation because a lot of people who have working dogs bring in dogs from the rest of the UK and elsewhere, so the percentage of working dogs that are undocked and are therefore liable to injury may be much higher than you are suggesting.

**Mark Ruskell:** With due respect, I say that I base my figures on the data in the studies that are being used to back up the change in the law in Scotland. I am trying to drill down to some certainty. I have posited a population of 20,000 because I have heard no evidence this morning about the total populations of the two breeds. It is difficult for the committee to understand the benefits and risks.

**The Convener:** To that end, the committee needs that information in the next week. If any panellist has access to that information, we will be happy if you write to the committee and share it.

**Dr Parkin:** While other witnesses were talking, I did some maths. The Lederer paper attracted approximately 1,000 respondents, and it is estimated that approximately 17,000 members of the shooting fraternity could have responded. If we take the number of spaniels in those 1,000 responses—1,330—and multiply by 17, there are

in the region of 23,000 spaniels in Scotland. There are in the region of 3,500 HPR dogs. I am always wary of extrapolating from relatively small samples, but those might be ballpark figures for those breeds.

**The Convener:** Have we exhausted that particular theme?

**Finlay Carson:** Is it reasonable to suggest that the number of dogs that are presented with tail injuries could be dramatically influenced by the number of dogs that have already been tail docked that we import from south of the border? That is a question for Dogs Trust, which I presume lobbies south of the border for a ban on tail docking. Do you accept that, if that were to take place, it may have the effect of increasing the number of adult dogs that are presented with tail injuries in Scotland? The figures that we have just seen are not necessarily accurate, because we do not know how many dogs have been imported with tails already docked.

**Runa Hanaghan:** I am trying to understand the question. You mentioned that we do not know the figures for working dogs in Scotland, so I am unable to answer that for you today. I do not know whether I would be able to find the figure for you, either.

On cross-border action, I do not know whether anybody can evaluate that fully. It is a difficult market or route to look at. I am afraid that I cannot answer the question.

**Finlay Carson:** We have heard from the panel that the number of dogs that are presented with tail injuries in later life appears to be low, based on the number of hunting dogs. That might be dramatically affected by the number of already-docked dogs. If we were to stop docking across the whole United Kingdom, we might see the figures in Scotland rise dramatically.

**Runa Hanaghan:** We are actively trying to make sure that docking of dogs' tails is made illegal, and we are pleased that Scotland has taken that stance until now, and that it has led on the welfare aspect.

**The Convener:** The other influencing factor that we cannot quantify is the number of tail injuries that are dealt with by their owners. To get the full picture, you would need that information, difficult though it is to ascertain.

**Dr Parkin:** One question in the questionnaire was about where the dog was bred and whether that took place pre or post the 2006 legislation. Pre the legislation, approximately 80 per cent of spaniels that were owned by the respondents were bred in Scotland; post legislation, that figure went down to 51.5 per cent. That gives an

indication of the cross-border traffic that has resulted from the introduction of the legislation.

**The Convener:** Let us move on. I call Peter Chapman.

**Peter Chapman:** The regulations say that we can tail dock dogs

"of the type known as spaniel, of any breed or combination of breeds ... or ... of the type known as hunt point retrieve, of any breed or combination of breeds".

That seems fairly vague. Are you content with the breeds and combination of breeds covered in the regulations?

**Runa Hanaghan:** The "combination of breeds" element in that regulation could provide a huge loophole. There is also an issue with trying to identify the breed types; indeed, the Welsh regulations tried to list them, but the HPR breeds list was incomplete. Moreover, there will always be changes in the types of dogs that are being worked in the UK, what with the wider market in Europe and other countries. I therefore have concerns about the legislation trying to state that sort of thing.

**Peter Chapman:** Are you saying, then, that we should or should not state the breeds?

**Runa Hanaghan:** I am not up for making this exemption at all—I very much think that we need to reject the regulations.

However, what I am trying to say is that other areas of the country that have tried to look at this issue have perhaps not captured the full list of HPR breeds. We also have an issue with the crosses, which might make up a broad sweep of the dogs being presented for tail docking. The regulations do not help to tighten that up.

**Peter Chapman:** I know that you do not want the exemption to be made, but if we agree to go down this road, should we have a tighter or absolute list of breeds that can be docked?

**Runa Hanaghan:** It is difficult to answer that, because we are firmly opposed to the exemption. However, I appreciate that the focus of the research that has been undertaken was to identify the fewest dogs that would be affected and, speaking from a scientific background, I acknowledge that that was the remit with regard to the Scottish perspective and as far as Tim Parkin was concerned. However, as we in Dogs Trust know from other spheres, we live in an age in which many different new breeds or types of dogs are emerging and it will be very difficult to pinpoint exactly the type of dog that might be presented as a working breed.

**Peter Chapman:** Does anyone else wish to comment?

**Alan Marshall:** I think that the regulations are fairly tight in this respect. The HPR breeds are fairly well defined in this country, and with regard to the reference to

“spaniel, of any breed or combination of breeds”

I would say that in my area that would primarily cover cocker spaniels, springer spaniels and probably the springer-cocker cross.

The regulations also make it clear that certain evidence has to be presented to the vet, and in such circumstances, they will hopefully already know what the legislation is all about. That in itself will make a vast difference and put us ahead of the game, because the vet will be able to say, “This dog is not for working or is highly unlikely to be for working, so I refuse to do the procedure.”

We seem to have moved away from the point that we have already stopped tail docking in all breeds in this country. We used to do Yorkshire terriers, which have been mentioned, boxers, Rottweilers and so on, but we have stopped all those procedures. I would accept that, certainly in the shooting field, we are trying to narrow this down to a narrow group of dogs. It is a very narrow group of dogs that we are aiming to tail dock.

**Dr Parkin:** My reading of the regulation was that the “combination of breeds” referred to the combination of breeds within the breed type; it would not be expanded to include all other crossbreeds—say, a Weimaraner crossed with X, Y or Z. The fact that it refers to the combination of breeds within the breed type keeps things tight, too.

12:00

**Kate Forbes:** I want to round things up, so if you want to add anything else when you answer my question, please feel free to do so.

Given that some working dogs suffer tail injuries and problems in later life, are the regulations a proportionate response to that, and what changes would you make to the regulations as a whole? We have already touched on breeds, but would you make any other changes? I will go through the panel and also give you an opportunity to make some concluding statements.

**Jim Dukes:** My answer to your question is, in principle, no, I would not make any other changes. The regulations will be really important for the people and dogs affected and, if the 2006 act is amended as suggested, it will change the lives of a lot of people and working dogs. The law needs to be clear and straightforward—as I believe the regulations are—and it needs to be robustly enforced. In principle, I am happy to see the change.

**Melissa Donald:** I want to make a couple of points. First, given that only a tiny percentage of dogs need to be treated, I think that the response is disproportionate.

Secondly, more could be done with prevention. We have heard nothing about, for example, breeding for tail carriage; we have had 10 years to work on these matters, but we have heard nothing about people trying to breed from dogs without tail injuries or, say, finding innovative designs for guards or sheaths. Basically, people have said, “This is what we want to do.”

Finally, our oath is to protect the welfare of animals in our care and not inflict unnecessary suffering. As the animals’ advocate, we feel that the prevention of damage later on in life as a direct result of human use of these animals is questionable.

**Runa Hanaghan:** Dogs Trust rejects the regulations on the basis of the arguments that we have made today. Compared with other documents in this field in other parts of the country, the regulations are very brief. Moreover, we do not feel that they narrow things down enough, and they are based on research that we feel does not stand up to concerns about welfare and the pain of the procedure that puppies undergo. This is a surgical procedure that is carried out at a point when we cannot help with or manage the pain that surrounds it. We have huge reservations in that respect. We have already mentioned the breed issue, too.

Looking at the calculations, I think that far more dogs would need to be docked than are injured. In light of the evidence that we have seen, therefore, the regulations are disproportionate.

**Alan Marshall:** The draft regulations read well and seem sensible, although we might need to have more comfort around the evidence that needs to be shown. We must remember that we are categorically not talking about aesthetics here; the committee has four vets before it, each of whom is arguing the issue of welfare from slightly different perspectives. I am sorry, but in my version of welfare, I would rather shorten the tails of young pups than watch an adult dog suffer chronic pain. There is no doubt that we have some fantastic medicines, but these dogs invariably suffer some level of chronic pain up to their tails being docked—if that is what we have to do with them as adults—and, indeed, even after. We should also remember that gun dogs are essential and central to the whole process of shooting and retrieving or deer stalking, and in that respect, we also need to consider what we might be hunting from a welfare point of view.

**Dr Parkin:** To sum up, I still strongly believe that, despite the limitations of the work

commissioned by the Scottish Government, the two papers provide the best available material for an evidence-based policy change. I do not think that we could design studies that would improve the evidence in any way. I also point out that our work had a third aspect, in which we tried to follow a cohort of individual dogs, but it was simply impossible to implement it and we did not take it any further. The evidence stands up to reasonable scrutiny and, although we recognise the biases and limitations in the work, it is the best available evidence on which to base legislation that might be introduced and which in my view improves on that which stands south of the border.

**The Convener:** I thank the witnesses for their evidence in what has been a useful session for members. As we said earlier, if over the next week or so you come across any studies that might be relevant to some of today's lines of questioning, please feel free to send them to the clerks.

I should also say that, at its next meeting on 6 June, the committee will take evidence from stakeholders on the Wild Animals in Travelling Circuses (Scotland) Bill and consider the Loch Carron Urgent Marine Conservation Order 2017 (SSI 2017/158).

As agreed earlier, we now move into private session. I ask that the public gallery be cleared as the public part of the meeting is closed.

12:06

*Meeting continued in private until 12:35.*

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