



Council of
Docked Breeds

protecting the freedom to choose

Animal Welfare Bill

House of Lords

Briefing on Tail Docking

from

The Council of Docked Breeds

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For further information please contact

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Dear Member of the Lords,

Just like many MPs in the Commons, the CDB supports the status quo which allows veterinary surgeons to be able to exercise their clinical judgement and to be able to continue docking **all** of the over 60 traditionally docked breeds, at their discretion.

We humbly ask you to consider our objections to the Bill in its current form on pages one to four. Background information is supplied on pages five to eight which we hope you may also find useful.

1 The Council of Docked Breeds

1.1 The Council of Docked Breeds (CDB) was founded in 1991 and is a non profit making organisation manned by volunteers. It has over 29,000 members who breed, own or support the customarily docked breeds. The CDB also represents the views of over 34,500 members of the 229 docked Breed Clubs allied to the CDB. For many years, the CDB has worked very closely with the Kennel Club and major shooting organisations in campaigning for the freedom to choose the tail docking option and has supplied all of the data and background information used by the latter.

1.2 Since 1993, the CDB has worked closely with over 500 registered veterinary surgeons who continue to offer the service of tail docking to clients. It provides advice to members on how they may have their litters docked, by placing them in contact with these veterinary surgeons. It represents the interests of breeders and owners of docked breeds, and where necessary it assists with the defence of veterinarians who are unjustly accused by their governing body in relation to legislation or regulations concerned with the docking of dogs' tails.

2 Contentious issues in the Animal Welfare Bill as it stands.

2.1 The CDB supports the consolidation of existing legislation that relates to animal welfare. However, the CDB would ask you not to support those parts of the Animal Welfare Bill which will seriously curtail the enjoyment of those who breed, own or handle animals for enjoyment, sport, companionship or commercial purposes. We refer to the amendments passed in the Lower House 14th March 2006 concerning tail docking.

2.2 A ban in any form represents an attack on an entire canine owning culture and the rural way of life based on no scientific evidence to support a ban. There are well over 1,000,000 docked dogs in the UK so the number of docked dog owners affected by tail docking in this Bill is substantial.

2.3 Allowing tail docking simply for certain working dogs does not make sense. If it is not cruel to dock puppies which will be worked, how can it be cruel to dock puppies destined for companion or show homes? The same breeds in companion or show homes, display the same characteristics as working dogs when exercising. All owners living in the countryside know how their dogs love to forage in the undergrowth and left undocked, companion dogs will damage their undocked tails exactly the same as their 'worked' relatives.

2.4 Breeds which are at the same level of risk as working dogs but not worked, have been totally ignored by this decision and many experienced breeders will simply stop breeding if forced to expose their animals to painful future tail damage. The Commons agreed that this Bill would only protect 20% of currently docked breeds. This would leave 63% (**630,000 dogs**) still in grave danger of damaging their tails if left undocked and 6% (**60,000 dogs**) in danger of perennial fouling in less than ideal circumstances. * *please see paragraphs 7.3 and 7.8*

2.5 Describing tail docking of any breed as "cosmetic" is an invention of those against the procedure. In the vast majority of cases, docking is a preventative measure. We paint our houses to protect the woodwork and as a consequence, they look cosmetically more attractive. Breeders have certain breeds of dog docked, to protect their future welfare and as a consequence, many believe they look more attractive. The cosmetic advantage is as a consequence of, not the reason for, tail docking.

2.6 Whilst we welcome the exemption for dogs worked in the services such as sniffer dogs, this illustrates that the Commons accepted that undocked dogs would damage their tails, even if not being worked in the 'field' but inside houses. The very dogs that seek out explosives in the Commons damaging their tails if left undocked was cited. *See appendix 4*

2.7 Many breeders currently both work and show their dogs. Under this Bill, they cannot continue to do both with the same dog. They will be forced to decide at 5 days old, which they want to work (and have docked) and which they want to show (and leave undocked). This is an impossible choice to make at 5 days old before temperament and type can accurately be assessed. To not be allowed to show a legally docked dog surely infringes on their Human Rights?

2.8 Government has stated that breeds to which the exemptions will apply will be named in a further regulation. Surely, this is akin to asking the Upper House to sign a blank cheque? *See appendix 3*

2.9 The importing and exporting of pedigree dogs will also be restricted under this Bill as it stands. Breeders currently expand the gene pool of their breeds by importing dogs from America and other Countries where docking is still allowed. As one only selects adult dogs with proven virtues, breeders will not be able to import adult dogs in future, from Countries where they are docked. Furthermore, exports to these countries would cease or be at risk of undergoing surgical tail amputation on arrival, to conform to those countries requirements. The Crufts Best in Show and runner up in 2006, were both of American stock. The Bill will in effect, be reducing the available gene pool which is not in the interest of Animal Welfare.

3 The Royal College of Veterinary Surgeons

3.1 The majority of Veterinary Surgeons who currently dock, do not support the requirements of the Bill as it stands and if implemented, will cease docking altogether. Any increase in paperwork which the RCVS can use as evidence against them, is simply too risky.

3.2 The Council of Docked Breeds is in a unique position as it is the only organisation which has been working very closely with docking vets since 1993 and has fully gained their trust by offering them complete confidentiality.

3.3 Their governing body, the RCVS already takes vets to a Disciplinary Hearing, accusing them of 'disgraceful professional conduct' if they obtain documentary evidence that they have docked a puppy even though it is currently legal to dock. Having held this view for over 30 years, recently endorsed by the Council of the RCVS, the RCVS are not now in a position to change this view.

3.4 The majority of currently docking vets have told the CDB that if they have to issue certification to confirm that they have docked a litter they will simply cease docking, which will bring about a total ban by default. These vets also stated they wish to continue offering client confidentiality and do not wish to become common informers.

4 Enforceability

4.1 The CDB submits that the introduction of any parts of the Bill which are unenforceable or could create complications at a later date, should not pass in their current format.

4.2 If docking is reduced to a working dogs only procedure and vets cease docking, it will drive the practice underground in the working dog arena, which is not in the best interests of animal welfare.

4.3 Considerable doubts have been entertained about the enforceability of a partial prohibition on docking, largely for the reason that if only a small portion of the tail is removed, then it can be extremely difficult, even impossible, to establish whether docking of the tail has in fact taken place. *See appendix 5*

4.4 A further complication is that several breeds are frequently, though not always, born with a naturally 'bobbed' tail. In these breeds, such as Old English Sheepdog, Brittany, Pembroke Corgi, Australian Silky Terrier, Swedish Valhund Australian Shepherd Dog, Standard and Miniature Poodle, and others docking may seek to replicate artificially the conventional length of the natural bob. Thus a dog which appears docked may in fact be naturally bobbed, and vice versa.

4.5 Given the difficulty in determining, in some breeds at least, whether a dog has been docked or not, there needs to be clarification in the Bill as it stands, how the naturally 'bobbed' dog owners and breeders could escape prosecution.

4.6 The Bill provides that a docking vet and the owner will need to sign certification. The owner to certify, that they had not provided false information. Providing false information would be an offence carrying a penalty of up to 51 weeks in prison, or a level 4 fine, currently £2,500 or both. Nobody can decide by five days old, whether a puppy will be suitable as a working dog. Mr. Bradshaw suggested in the Commons that: "In the end, we will have to leave it to the courts to decide whether the intention at the time was for the dogs to be worked". This places breeders in an intolerable position, as if they have their puppies docked, they will be liable to be taken to Court at some future stage, to question their ability of clairvoyance.
Appendix 1

4.7 If a member of the public goes to a rescue centre and buys a dog with a docked tail that was born after the commencement of the measure, he would be in contravention of the Bill and liable to court proceedings, unless he could prove that dog had been docked legally. It is unlikely that such evidence would be made available in the case of rescue dogs, as many of them are collected loose from the streets. The CDB suggests that this is an untenable situation. *Appendix 2*

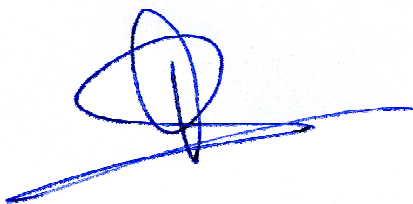
5 - The status quo works

5.1 The CDB does not condone illegal tail docking. Cases of illegal docking by lay people are extremely rare and unnecessary under current legislation. There are currently over 500 vets currently docking and the CDB puts members in touch with their nearest vet prepared to offer the service legally. There are circa 100,000 puppies of the traditionally docked breeds being born and docked each year. This equates to an average of just 3.8 puppies (less than one litter) being docked by each vet, each week.

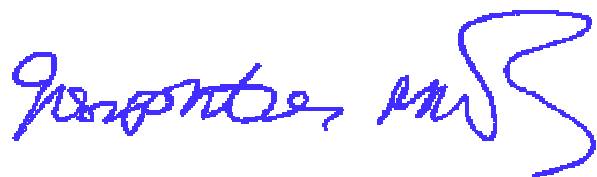
5.2 The CDB contends that any form of ban, would be detrimental to the intentions of the Bill and a step backwards for Animal Welfare. Over 500 vets currently dock legally and wish to continue the practice. Animal Welfare, good husbandry and common sense requires that we should continue to take all practical steps to avoid unnecessary suffering. Current docking law fulfils that obligation in traditionally docked breeds.

We hope that the information given above will be of some assistance to you, and we will be happy to expand upon any point should you wish us to do so. It is our contention that the docking decision should remain a personal freedom of choice. Those who do not wish to dock may refrain from doing so and vice versa. Thereafter, market demand will determine the outcome of the debate.

Yours sincerely,



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President,
Council of Docked Breeds



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Background and reasoning

6 Tail Docking

6.1 Docking is the customary or prophylactic shortening of the tail. The procedure is undertaken both in the case of farm animals and in dogs. The CDB concerns itself solely with the latter.

6.2 Docking of dogs' tails has been undertaken for many hundreds of years, and certainly since specific dogs have been line bred in order to perform specialised tasks, for example those related to hunting and herding. Sixteenth century illustrations quite clearly show docked spaniel-type dogs being used for hunting.

6.3 Docking may currently be carried out only by a registered veterinary surgeon, without any required anaesthesia, before a puppy's eyes are open, which normally occurs at 10-14 days of life. The earlier a puppy is docked the better, and many vets like to carry out the procedure before 3 days of age. However, in some small breeds it can be left until the pups have reached 5 days of age. Docking can involve a surgical excision or the placing of a specialised rubber band at the required length on the tail. The blood supply to the end of the tail is thus constricted, and the end of the tail comes away within about three days. A more up to date method made possible by modern technology. This is termed Electrocautery and brings about the immediate removal of the tail and seals in a matter of seconds. Both of these latter techniques are used by Doctors to remove warts/skin tags/haemorrhoids etc. in their surgery.

6.4 A veterinary surgeon, will dock by the most efficient means, using aseptic technique and with the minimum of stress to the pups. It is also expected that the veterinary surgeon will competently advise the client on post-operative care. Untoward complications are rare.

6.5 In some breeds it is customary to remove a small part of the tail. In others, a greater portion is removed, leaving a relatively short tail.

7 Reasons for Docking

7.1 Dogs are docked for the avoidance of future tail injury, for reasons of hygiene and to maintain breed standards. Removal of any part of the tail after 10 days old constitutes amputation, which may only be carried out for therapeutic purposes.

7.2 Injury is sustained by working dogs whilst they are hunting for game. It is caused through repetitive beating of the tail against brushwood, bramble, cover crops or other undergrowth. Injury may range from the stripping of hair from the skin, through inflammation, lesions and bleeding to broken tails. Those breeds which have been bred to hunt game through thick vegetation or to hunt below ground, and which have tail characteristics and actions which predispose them to injury, are customarily docked. All such breeds are genetically designed to follow scent through rough cover. They are therefore genetically programmed ("hard wired") to follow this behaviour, even if not "officially" working. Allow your pet spaniel off the lead and he will immediately dive into cover following scent. He is therefore at the same risk of tail injury as his "officially" working counterpart.

7.3 Tail injury is painful and healing is protracted. Tail injury in long-tailed specimens of customarily docked breeds is not merely confined to those dogs which are used in the hunting or shooting field. The CDB is aware of many cases of injury sustained in domestic situations where dogs are injured whilst at exercise or in the home. Many breeds possess, (through their genetic makeup), long, muscular and heavy tails with fine, exposed tips. Simple physics dictates that, during wagging from side to side, the tail tip accelerates faster, wider and with more force than in other breeds. With repeated wagging, the tail tip is therefore much more likely to strike hard surfaces and with much more force. Repeated tail trauma can only lead to throbbing tail pain, haemorrhage and a self-trauma cycle, requiring a mandatory and total tail amputation in adulthood. Consequently, traditional docking in these breeds is NOT a cosmetic exercise at all, but a genuine, prophylactic measure that removes the increased risk of tail injury/ pain arising from the genetically determined mechanics of their adult tails. **The CDB in analysing breed records, suggests that of the 1**

million docked dogs presently in the UK, 630,000 are within this category and will be unprotected by the proposed Bill

7.4 The tails of many customarily docked breeds lack any protective coat. They are little more than skin-covered bone, and split easily, especially when accompanied by an exuberant tail action. Frequently, owners of such dogs contact the CDB helpline, sometimes in a very distressed state, to seek guidance on what may be done.

7.5 Tail injury is apparent in a variety of non- field working situations. One of these is the use of dogs by the Police and HM Customs and Excise for drugs detection. Spaniels are particularly suited to this work because of their keen scenting abilities. They are drawn mainly from rescue centres, and because of this they are usually undocked. The CDB has received several reports from Police and Customs and Excise handlers of injury to their English Springer Spaniels working in confined spaces. During the Commons debate, it was heard how a Spaniel working in the House underwent serious injury from knocking its undocked tail against the edges of the wooden seats and the Table. It had to endure its tail being surgically amputated as an adult.
See Appendix 4

7.6 In cases where injury may be chronic but at a low level, our experience is that veterinary treatment is by and large unsuccessful. Where injury is severe, the only real option is amputation. This is far more traumatic than the simple process of docking a newly-born pup.

7.7 Nor is it just dogs themselves which are injured. The CDB is aware of cases in which long-tailed dogs, most especially Boxers, have injured young children, sometimes quite badly. In some cases dogs have been disposed of as a result of their injuring young children through the 'whiplash' action of their undocked tails. The Boxer is an ideal companion dog currently, but if left with a full tail, it becomes a lethal weapon

7.8 Long-haired or thick-coated breeds may be docked to prevent the hair around the base of the tail becoming fouled and soiled by faeces. Even with constant grooming and washing such fouling is unpleasant, and if allowed to get out of hand it can lead to severe problems of hygiene, including fly-strike and consequent maggot infestation. These can be greatly reduced or eliminated altogether by docking. It is in order to prevent soiling and fly-strike that lambs' tails are docked. **The CDB in analysing breed records, suggests that of the 1 million docked dogs presently in the UK, 60,000 dogs are within this category and will be unprotected by the proposed Bill.**

7.9 The Midland Old English Sheepdog Club points out that the heavy undercoat would make undocked dogs of this customarily docked breed difficult both to groom and keep clean. Experienced breeders can manage tails in the main; companion owners find more difficulty in doing so. Fly-strike is seen on some of the best kept dogs, but more so in rescued animals where a tail is present.

7.10 Maintenance of the quality of their animals against long-established breed standards is of great importance to breeders of customarily docked breeds. The word 'standards' splits into two parts. First the specific requirements for shape, size, agility, etc: The second is the unwritten requirement, accepted by all genuine breeders, that the conformation to standard is maintained in the context of health and temperament. Such dogs have been selected for many generations for specific qualities of build and conformation, but not for tail length, shape or carriage. The CDB is aware that UK breed clubs have recently been asked to determine standards for long tails in customarily docked breeds. However, many find themselves unable to do so simply because of the wide range of genetic variation which exists in dogs which are, in all other respects, alike in build and conformation.

7.11 Even in countries where docking has been prohibited for some years there remains a range of tail characteristics, and experienced breeders maintain that many years after a prohibition on docking there would, in all probability, still be no standardisation of tails within the customarily docked breeds. It is a sad fact that little value is attached to undocked dogs of the customarily docked breeds. The CDB is regularly contacted by Breed Rescue groups (individuals who accept and re-home unwanted dogs of particular breeds) with regard to puppies which have been left undocked because a casual breeder did not have access to a veterinarian prepared to dock the tails. These dogs have subsequently been disposed of or turned out on the streets because the breeders are unable to find anyone prepared to buy them. Such cases are of course to be

deplored. However, they do serve to underline the very clear fact that the majority of owners, whether of show dogs or domestic pets, continue to wish their dogs to conform to conventional breed standards.

8 The questions of cruelty, pain and mutilation

8.1 The CDB fully accepts that, despite utilitarian arguments in its favour, docking would not be in the least acceptable were it to cause gratuitous or unnecessary pain and suffering. This it most emphatically does not. New born pups are classed as altricial neonates as they are born relatively immature, blind, deaf and helpless and their nervous system at birth is not even fully developed. There are still cell divisions in the brain and some of the nervous threads are not fully developed and at this period of life, the pup has no concept of pain.

8.2 “Scientists from across the globe agree that tail docking does not cause pain, as research distinguishes between groups of newborn animals, including dogs, and confirms that they are relatively immature at birth and up to around two weeks of age, and so cannot feel the same degree of pain as human babies, lambs and calves. Therefore, it seems unnecessary to amend current legislation”. (*UK Government Regulatory Impact Assessment Note – Animal Welfare Bill, para. 15*)

8.3 Docking is only one of a number of prophylactic or preventative animal husbandry procedures which are carried out on dogs. It may be among the most contentious, simply because it is easily visible. However, it is certainly not the most traumatic or invasive. Castration is surgery undertaken not so much for the benefit of the dog as for the convenience of the owner, in order that the dog may not stray when there are bitches in oestrus present nearby. In many instances the spaying of bitches is routinely carried out more to prevent inconvenience to their owners than for veterinary medical reasons. Castration and spaying are carried out on adult animals and by any token are far more serious procedures than tail docking of newly-born whelps, yet the latter has attracted a level of debate that is out of all proportion to its significance in animal welfare terms.

8.4 Similar philosophical arguments as are marshalled against docking could be levelled against other procedures undertaken in other species, including our own. Circumcision is a procedure undertaken to alter the appearance of male human beings. It is carried out without anaesthetic when children are a matter of a few days old. Yet it would be a brave Government which sought to legislate against religious or ethnic minorities undertaking circumcision.

8.5 The Royal College of Veterinary Surgeons has branded docking a ‘mutilation.’ If mutilation is the damaging of an animal by depriving it of an essential part then, as has been pointed out, many other routine veterinary procedures could be similarly described. There is no logical basis for using such a deliberately emotive expression solely in relation to the docking of dogs’ tails, and yet it is relied upon to cloud the issue. It might be expected that the veterinary establishment would defend its position with science and reason rather than resorting to emotive phrases.

8.6 Dog breeders are well aware of “the duty of care“ and do not require an Act of Parliament or the RSPCA to define that duty. They are caring, compassionate and knowledgeable dog owners, whose business depends on selling top stock in peak health. This can only be achieved by adopting the best animal husbandry procedures, of which docking is one. They would never condone cruelty to their dogs. Their many years of experience with docking and then raising perfectly developed and emotionally healthy dogs prove that there are no issues of cruelty and physical damage related to properly conducted tail docking

The overwhelming majority of consultation submissions to DEFRA/EFRA were pro-docking. We would suggest that the Bill’s true stakeholders are the breeders and owners of traditionally docked breeds. They are assisted, as required, by veterinary surgeons who are both willing and competent to carry out the operation with minimum distress to the puppies. This Bill, if enacted in its current form, will simply disrupt the status quo to appease the biased clamour of an ill-informed and opinionated anti-docking lobby.

Docking is a long established part of animal husbandry. It would seem to us therefore that natural justice would dictate that it was for those wishing to end the practice to prove their case beyond reasonable doubt and without emotional hyperbole. There is no majority anti-docking opinion in the general public. On the contrary, prospective purchasers of traditionally docked breeds reject tailed puppies and actively seek out docked alternatives. If the UK public had a majority against docking, breeders who tried to sell docked puppies would have a minority and a dwindling market would soon drive them out of business.

9 The question of balance and communication

91 It is alleged by those who oppose docking that a docked dog is disadvantaged in respect of balance and communication. However, no dog requires acute balance skills more than a racing greyhound, and observation shows that the racing greyhound makes little use of its tail during a race. A greyhound which has had its tail docked because of injury suffers no balance impairment during subsequent races. Communication in dogs is primarily an interaction by smell, facial expression and body posture. Similarly, urine marking of territory is a major communication mode. To a lesser extent, vocal communication plays a part. The tail takes a small part in the process and experience shows that the absence of a tail has absolutely no effect on canine communication skill. The French Bulldog and the Boston Terrier are just two of the many breeds born with naturally short tails and their communication and balancing skills have never been brought into question. It is a simple fact that docked breeds are perfectly happy and interact normally with all other breeds and with humans. There can be no mistaking the infectious enthusiasm of a docked Jack Russell terrier or the warning given by a docked Dobermann.

Appendices

1 - **Mr. John Redwood (Wokingham) (Con):** My question relates to the Minister's earlier point. I believe that in many cases people cannot decide for some time—certainly not by the five-day stage—whether a dog is suitable as a working dog, so is the intention to give people latitude to have several puppies to choose from for their working purpose, or would the exemption be narrow and possibly lead to problems?

Mr. Bradshaw: In the end, we will have to leave it to the courts to decide whether the intention at the time was for the dogs to be worked.

2 - **Mr. Peter Atkinson (Hexham) (Con):** Would I be prosecuted if I went to a rescue centre and bought a dog with a docked tail that was born after the commencement of the measure?

Mr. Bradshaw: Not if the tail had been docked legally. The hon. Gentleman would not be responsible, as the offence was committed by the person who docked the tail illegally, or perhaps by the vet who allowed it to be done illegally

3 - **Mr. Eric Martlew (Carlisle) (Lab):** I may be wrong, but I think that I heard my hon. Friend say that there was an exemption for working dogs in Sweden. My understanding is that that is not the case. Does he intend to name the breeds to which the exemptions will apply?

Mr. Bradshaw: No, I will not name the breeds now. That will be subject to regulation, but the breeds will be named.

4 - **Lynne Jones (Birmingham, Selly Oak) (Lab):** I share the distaste for docking and regard it as a mutilation. I had intended to vote for a complete ban until I had an encounter in the Chamber a few hours ago with a docked springer spaniel. When I commented to the dog handler that docking might not be permitted in the future, the handler told me that that beautiful dog had had a full tail, but the tail had had to be docked because while doing its work looking after us in the Chamber, it had undergone serious injury from knocking its tail against the edges of the wooden seats and the Table.

5 - On 15th March 2002 The Times claimed that the winner of Best In Show (supreme champion) at Crufts, a Standard Poodle, was undocked. It implied that this was so because docking is illegal in Norway, the dog's country of origin. Yet the most experienced Poodle breeders maintain that the dog, like all the other Standard Poodles shown at Crufts, merely had the partial dock which is conventional in the breed. Mr. Patrick Holbourn, Secretary of the Standard Poodle Club comments: "In my opinion, and that of every single breed specialist I have spoken to, the BIS winner was certainly not undocked. In fact, it appeared that the length of the tail was similar to all the other Standards shown that day." The Kennel Club has not commented on whether or not the dog was docked, and neither have the owners. Thus even in the case of a Crufts supreme champion, it still proves impossible to determine with certainty whether or not a dog has been docked.