



THE ASSOCIATE PARLIAMENTARY
GROUP FOR ANIMAL WELFARE

A healthier future for pedigree dogs

The report of the APGAW inquiry into the
health and welfare issues surrounding
the breeding of pedigree dogs

November 2009

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CHAIRMAN'S FOREWORD

I have chaired the Associate Parliamentary Group for Animal Welfare (APGAW) for a number of years now and it is one of the most active and well-attended Groups. Animal welfare is an issue that the public cares about and politicians should take an active interest in with the UK being at the forefront of some of the best welfare standards in the world. Inquiries of this nature remind us that there are improvements to be made and that balancing the use of animals, whether it be as pets, in sport or for consumption, with welfare continues to be difficult and deserves our effort to get it right.

APGAW looks at all the key issues throughout the year and the health and welfare of pedigree dogs is certainly one of the biggest which has arisen following the documentary 'Pedigree Dogs Exposed.' After all, not only has it found time on prime time television, it has also been an issue on the table for some of the largest welfare organisations including the Dogs Trust and the RSPCA for sometime. It is a problem which can impact on the large UK population of dogs and that is why it needed further investigation by political representatives alongside the experts in the veterinary profession and welfare specialists. However, it is not a problem which will be solved quickly as it is complicated and involves such a large number of competing factors. It will take time to get to a position where we can feel satisfied we have the highest levels of health and welfare for pedigree dogs and indeed, all dogs.

Companion animals have tended not to have had the same level of Government scrutiny as farm animals but the Animal Welfare Act 2006 saw that begin to change and improve the general wellbeing of animals across the board. APGAW strongly believes that all relevant stakeholders need to work together in order to identify and implement practical, evidence-based solutions. I hope that this report will be seen as a constructive contribution to the current debate into the welfare of pedigree dogs from the perspective of those who are in a position to form legislation and will continue to encourage the work towards the highest standard of welfare for pedigree dogs.



MEMBERSHIP OF THE INQUIRY



Members of the Inquiry in Westminster Hall with some of the Metropolitan Police dogs
Pictured from left to right: Eric Martlew MP, Mark Pritchard MP, Baroness Masham,
Eliot Morley MP, Lord Hoyle, Roger Williams MP

Membership of the Inquiry was made up of nine MPs and three Peers including Eric Martlew MP for Carlisle who chaired the Inquiry. All political members of the Associate Parliamentary Group for Animal Welfare (APGAW) were sent a letter inviting them to participate and the resulting members reflect the major political parties.

The Members were as follows;

- David Amess MP (Conservative)
- Harry Cohen MP (Labour)
- Baroness Gale (Labour)
- Mike Hall MP (Labour)
- Lord Hoyle (Labour)
- Eric Martlew MP (Labour)
- Baroness Masham (Crossbench)
- Eliot Morley MP (Labour)
- Mark Pritchard MP (Conservative)
- Andrew Stunell MP (Liberal Democrat)
- Andrew Rosindell MP (Conservative)
- Roger Williams MP (Liberal Democrat)

Advisor and Administrator

The Chair was concerned that the inquiry's final recommendations should have a fair chance of being considered and implemented by the

Department for Environment, Food and Rural Affairs (Defra) so a technical advisor was appointed to ensure independent advice could be sought throughout each stage. The aim was to ensure that the process of the inquiry was guided by an advisor who had knowledge of the workings of government and was able to bring a scientific perspective to the Group. To this end, Fred Landeg CBE was appointed. Mr Landeg is an experienced veterinary surgeon who held the position of Deputy Chief Veterinary Officer (CVO) to Defra between 2004-2008. In addition the APGAW Secretariat, Marisa Heath, was asked to provide an impartial service co-ordinating the process of the inquiry, researching and writing the report.

Funding of report

The funding for the inquiry was received from the APGAW who paid for the transcribing and production of the report.

More details about the APGAW can be found in the body of the report. However, it should be understood that APGAW is not a Select Committee and this report should not be regarded as a Select Committee report.

EXECUTIVE SUMMARY

Background

- The Inquiry was set up in November 2008 following the issues raised in the BBC programme 'Pedigree Dogs Exposed' regarding inherited diseases and breeding problems in dogs.
- The Inquiry is made up of nine MPs and three Peers including the Chairman, Eric Martlew MP.
- The Inquiry asked for written evidence from all interested parties and then called key individuals and organisations to give further written and oral evidence.
- The Inquiry received a wide range of evidence from organisations and individuals including pet owners, hobby dog breeders, representatives of dog breed societies, veterinarians, dog trainers and behaviourists, academics of various disciplines, and the major animal welfare organisations. The majority are listed in Appendix A, although some individuals wished for their names to remain confidential.

Severity and scale of the problem

- The members of the inquiry are in no doubt there is a serious problem with the health and welfare of many pedigree dogs and further measures can be implemented to improve the situation.
- However, there is a lack of information available about the scale of the problem, which makes it difficult to obtain a clear picture of what percentage of dogs are affected. As the Royal Veterinary College (RVC) has shown that the problem is widespread to different degrees of severity in many of the most popular breeds we believe further action must be taken immediately.
- The Inquiry accepts there can be significant health and welfare problems caused by some of the current breeding practices for pedigree dogs. While members welcome the decision by the Kennel Club (KC) to enforce standards with

breeders who breed closely related dogs, we acknowledge that this does not improve matters for dogs not registered with the KC. We therefore believe that any future regulations concerning the breeding of dogs should impose clear restrictions on the breeding of closely related dogs.

- The Inquiry also recognises that there is no restriction placed on the number of times a sire can be used for breeding which compounds the problem of inbreeding. We believe that a limit should be placed on the number of times a sire can be used for breeding and that this should be determined following advice from geneticists and dog welfare experts.
- The Inquiry believes that financing change must come from all stakeholders and those like insurance companies must be responsive as they can help to encourage buyers to understand that buying a puppy is not without risks alongside the veterinary profession, the KC and Government.

Health screening

- The Inquiry believes that health screening is not being used to its full potential and should be made legally necessary for the selection of sires and dams for commercial breeding.
- If health testing was used to its full extent there would be also be a need for reviewing the tests to add new ones or remove irrelevant ones.
- The Inquiry also believes it is necessary to develop specific breeding strategies for different breeds of dogs based on genetic advice and supported by tools to reduce the occurrence of health and welfare problems over time. The Inquiry believes this should involve the KC, other breed clubs, geneticists, vets, behaviourists, welfare scientists and key welfare organisations, such as the Dogs Trust, the RSPCA and the Companion Animal Welfare Council (CAWC) working collectively to pool research and form effective strategies.

- The Inquiry recommends that the KC strongly advises all breeders to health test their dogs, where such tests are available. While this is not currently stipulated under Government regulation, as yet, those dogs which are not tested should be recorded on the registration documents so that judges, potential buyers and other breeders are aware that particular animal has not been screened to ensure consumers can make informed choices.
- The Inquiry believes it would be beneficial if any future regulation stipulated a dog be checked for possible identified hereditary diseases by a vet before it is used for breeding. Additionally if the resulting puppies were sold with a certificate or contract of sale with the health information of the sire and dam on it should be issued by a vet in the same manner as a vaccination certificate.
- Members of the Inquiry acknowledge the potential risk in asking the more conscientious breeders to health test and ensure high standards could lead to less ethical breeders selling a puppy of the same breed for less money. If public education and stronger controls over breeders through the Breeding and Sale of Dogs (Welfare) Act 1999 fail then there may be a case for Government legislation enforcing certain standards.
- The Inquiry recommends that the KC makes information regarding health problems in the different breeds more visible on their website, www.the-kennel-club.org.uk, and highlights breeders who carry out health tests and supply, to the best of their knowledge, healthy puppies.
- The Inquiry believes that the KC should ensure that breed clubs enforce their Code of Ethics effectively. Any breeder failing to meet the KC Code of Ethics should not be selling those puppies as KC registered pedigrees and the breed clubs should be reporting to the KC on their management of this issue. The failure of a member of a breed club to abide by this Code of Ethics should result in action being taken against that person or persons.
- Whilst recognising the work undertaken over the last year¹, we further believe that the KC should make the decision about whether registering dogs or dog health and welfare is their primary objective and focus their attentions more precisely on this when taking this issue forward.

The dog breeding world

- The Inquiry recommends that breed standards should seek confirmation of dogs so that they are 'fit for purpose' rather than based on visual aesthetics.
- The Inquiry believes the use of the word 'pedigree' should be tied to a high standard of breeding (for health and welfare) across the board with the KC not just with the few that decide to join the Accredited Breeder Scheme (ABS). If breeders are unable to adhere to a requested high standard for the welfare of their dogs then they should not be part of an organisation which states that they are 'the UK's largest organisation dedicated to the health and welfare of dogs'².
- The KC should do random checks on breeders registering dogs and should enforce such schemes much more robustly. The inquiry has heard that low standards of breeding practice have been discovered by some breeders registered under the ABS and a belief that it is 'totally inadequate'³. This suggests the public may be falsely led into thinking a puppy they buy from

Codes of ethics

- The Inquiry believes that the Code of Ethics used by breed clubs to set acceptable standards is the place to ask for health testing and good practice in breeding.

¹ The Kennel Club One Year On-What Has Been Done? – <http://www.the-kennel-club.org.uk/item/2667/23/5/3>

² The Kennel Club statement found at; <http://www.thekennelclub.org.uk/cgi-bin/item.cgi?id=1772&d=pndpr&h=pnhpr&f=pnfpr>

³ Written evidence supplied to the inquiry by The Dog's Trust (January 09), Veterinary Surgeon Pat Morris BVM&S M.R.C.V.S (January 09), dog owners Kate Price (August 09), Carol Fowler (January 09) and Jemima Harrison January 09)

an accredited breeder registered with the KC will have no health or welfare problems associated with its breeding history.

- The Inquiry believes it is essential that those breeding dogs to a good standard are supported and encouraged whilst those ignoring health and welfare considerations are enforced against and any future regulation ensure this.
- The Inquiry feels it is important to emphasise that some of the breed clubs, councils and societies take positive action and have the health and welfare of their breed as their top concern. These particular clubs need to be used as examples to others and to demonstrate that the breed can be maintained as well as ensuring health and welfare are top priorities. We further recommend that the KC identify these examples and set out exactly how they have done it as good practice guidance and this information should be sent to all other clubs and societies.
- Although it is not for this Inquiry to impose on the KC how it structures its organisation, we do recommend that the KC looks at the composition of the General Committee to see if there is room for a wider variation of interests such as pet owners, welfarists and those who have had experience of canine hereditary diseases firsthand. Ultimately they should seek to be transparent, open to scrutiny and willing to engage with outside bodies and individuals who may have experience to offer to the debate on health and welfare.
- The Inquiry believes that ultimately the KC can win back trust by showing that they are willing to take responsibility for dogs registered with them and that they are willing to lose members who do not meet high standards.
- The Inquiry believes that the KC should insist on permanently identifying all registered dogs (e.g. by microchip) to help identify the breed line more accurately and to help monitor those lines and any health problems they suffer from.

- The Inquiry believes that if the changes which the KC are undertaking fail, the only way of preventing differing levels of health and welfare standards through the various clubs and societies is to implement standards across the board. Even if a breed club left the KC it would still have to follow the same criteria for breeding and smaller registries would have to promote those standards rather than creating their own. This would need to be done by government regulation.

Dog shows

- The Inquiry does accept that by having the best breed standards in place and by ensuring judges are trained in the new standards showing can improve. It is recommended that shows could lead the way by placing a new emphasis on the health of dogs over appearance, and their being 'fit for purpose.'
- It is recognised that the KC performs a central role in relation to showing and registration of dogs. It is arguably in the best position to improve breeding practice in this area.
- The Inquiry recommends that the KC should state that no dog will be given the title of Champion unless it has been health screened for diseases known to be associated with that specific breed and proof of that has been provided.
- We further recommend that the KC ensure top breeders and judges at championship shows look to see proof of dogs having passed health screening before awarding places. Judges need to be confident that dogs that are used for breeding are healthy and are unlikely to pass genetic diseases on.
- The Inquiry is disappointed that More4 channel has made the decision to show Crufts 2010 as we feel that until the problems of health and welfare are dealt with the showing of certain dogs with health and welfare problems associated with in-appropriated breed standards is wrong. We hope that More4 will bear this in mind and will strongly focus on educating its

viewers on health and welfare taking opinions from all stakeholders including veterinarians and welfarists.

The role of the vet

- The inquiry believes that in general veterinarians should make ongoing efforts to keep up-to-date with new genetic information, and should make client and breeder education a routine part of his or her practice.
- This can be accomplished via communication in the examination room, especially when a client is discussing the purchase of a new dog. It can involve methods such as placing informative brochures in the clinic waiting area, incorporating articles and fact sheets in clinic newsletters, writing articles for the opinion section of the local newspaper, and providing educational seminars for local breeders.
- The Inquiry believes it would be beneficial if any future regulation stipulated a dog be checked for possible identified hereditary diseases by a vet before it is used for breeding. Additionally if the resulting puppies were sold with a certificate or contract of sale with the health information of the sire and dam on it, it should be issued by a vet in the same manner as a vaccination certificate.
- The inquiry would like to see the KC and other registration clubs working closely with vets to provide them with information which helps them advise their clients.
- We would also like to see licensing authorities seeking veterinary advice and involvement with licensed breeding facilities and pressurising those breeders to provide evidence of close working with veterinary clinics to ensure the puppies they sell are in good health. We believe this is part of ensuring buyers feel protected by the licensing regime.
- The inquiry hopes that veterinary professionals will continue to play a major role in developing the strategies to improve the health and welfare of pedigree dogs and indeed all dogs.

Independent advisory body

- An independent advisory body made of geneticists, veterinary surgeons, behaviouralists, breeders and animal welfare scientists should be set up to provide advice and make recommendations through the KC to breed clubs and societies.
- This independent body would be well placed to offer informed and scientific advice on the setting of breed standards which takes into account any issue of conformation which may lead to pain or discomfort based on their experiences treating such issues. The inquiry has seen that the setting of breed standards and the recognition of health problems alongside the tackling of them makes gaining consensus problematic if the clubs are numerous and separate. We feel that this strengthens the case for an independent body providing advice with an understanding of the health implications of certain breeding practices.
- The KC and breed clubs should be open to this advice and the advice should be published independently so that all stakeholders are able to see whether it has been taken into account.
- If there is a failure to implement the changes set out by the KC over the next year, we believe that the independent body would be well placed to advise the Government on the need for further action.

Legal requirements

- It is clear that, despite the work undertaken by the BVA, CAWC, the KC and the RSPCA amongst others, Defra is waiting for the two Inquiries to report back before deciding on a way forward but are yet to be convinced that regulatory measures are required. The Inquiry believes that regulations supported by a code of good practice should be considered if the improvements set out in the report fail to ensure the health and welfare of all dogs bred are adequately protected.

- The Inquiry believes that the KC and breed societies must be given time to implement measures and improve the problems outlined in this report and the time leading towards the General Election provides a good opportunity. Following this, all interested parties should meet to assess whether any progress has been made. Additionally the Inquiry feels that dogs which do not fall under the pedigree remit should also be addressed, especially if the improvements put in place for pedigree dogs fail to filter down to these animals.
- Currently any codes of practice under the Animal Welfare Act 2006 does not protect progeny as the Act only covers animals from birth and it would be difficult to determine when an offence of inbreeding occurred and by whom. However, the Inquiry believes it would be beneficial if any code of practice could at least encourage potential puppy owners to consider the health and welfare of their chosen dog breed when considering getting a pet.
- The Inquiry believes that Defra could include in a code a 'what to look for when buying a puppy' to ensure a healthy dog. This is not so much concerned about dog breeding but more about encouraging buyers to seek certain assurances when purchasing a dog
- The Inquiry understands that signing the European Convention for the Protection of Pet Animals may not be sufficient and will require further specific regulations. We believe it is better to examine what will make a difference for the welfare of dogs nationally and find the right actions which will provide results and which can be properly enforced.



MARISA HEATH

Sale of dogs & the consumer

- The inquiry recommends the issue of consumer rights is investigated as part of this problem and the impact on the public of low health and welfare standards in dog breeding is recognised by government.
- The inquiry recommends that a puppy sale contract is an excellent means to tackle the issues raised head on. The practicality of having a health certificate for every puppy should be investigated by Defra and in the meantime the KC should work with the BVA, the RSPCA and others to develop this further.
- The consumer should be protected and the inquiry believes that Defra should take forward a public awareness campaign on the disadvantages of buying a puppy without careful consideration.

SECTION 1 BACKGROUND

1.1 The Associate Parliamentary Group for Animal Welfare (APGAW)

1.1.1 The APGAW is a long-standing cross-party parliamentary group made up of almost a hundred MPs and Peers and over seventy associate animal welfare organisations. It aims to promote and further the cause of animal welfare by all means available to the Parliaments at Westminster and in Europe. APGAW is chaired by Eric Martlew MP and officers of the Group come from the three major political parties. It is co-ordinated by the secretariat.

1.1.2 The core activity of APGAW is its regular meetings at which the Group hears from a wide range of speakers on many different animal welfare issues. APGAW has also set up a number of working groups or inquiries to produce a report on a subject that the Officers feel is important. Working groups and inquiries allow APGAW the opportunity to investigate and report on the major topical animal welfare issues. APGAW has a website which lists associate members and provides news updates on welfare issues www.apgaw.org. APGAW is not a Select Committee and it does not have the powers of a Select Committee.

1.2 Background to the inquiry

1.2.1 The programme shown in August 2008 'Pedigree Dogs Exposed' was the result of a two-year investigation by the BBC.⁴ It alleged that the 'ideal breed standards' set by the Kennel Club (KC) through consultation with breed clubs, and competitive shows like Crufts, have resulted in in-bred, unhealthy pedigree dogs and many welfare problems stemming from that.

1.2.2 The programme did not have the airing time to explore other welfare issues for pedigree dogs such as puppy farming and the nature of sale and supply of dogs. However, the programme argued that the show standards encourage the desirability of certain features in some dogs and this was resulting in the breeding of dogs which were susceptible to health and welfare problems.

1.2.3 The documentary alleged there is a significant problem as the health and welfare impacts have led to the suffering of a proportion of the approximately eight million⁵ pedigree dogs in the UK. This is causing great distress to the animals and their owners with a cost of over £10 million⁶ in vet fees every year to deal with more than 450 inherited diseases suffered by pedigree dogs. This alongside many experts' opinion that if certain dog breeders continue there will be further suffering for many breeds indicated to the Officers of the Group that this was an issue that needed addressing.⁷

⁴ 'Pedigree Dogs Exposed' shown on 19th August 2008 produced by Jemima Harrison for Passionate Productions

⁵ Petfood Manufacturers Association 2009 <http://www.pfma.org.uk/overall/pet-population-figures-.htm>

⁶ BBC Pedigree Dogs Exposed media coverage

⁷ Correspondence between APGAW and associate members asking for an inquiry in Aug/Sept 09

1.2.4 Members of the APGAW were alarmed by the allegations made in the documentary and MPs received many letters on this matter at the time. A number of welfare organisations, breed clubs and veterinary professionals commented publicly on the health and welfare of pedigree dogs both before the documentary and following it. The Companion Animal Welfare Council (CAWC) had already undertaken work on analysing the extent of the problem and the British Veterinary Association (BVA) and the Kennel Club (KC) had also done research. It was generally agreed that the programme had brought to the forefront an issue, which had been a growing concern, and that immediate action was required to tackle. Consequently, the members of APGAW felt that it was time for an inquiry into dog breeding.⁸

1.2.5 It is hoped that this opportunity can be used to ensure reform is made that prevents large numbers of dogs suffering from hereditary diseases and the physical defects arising as a consequence of poor breeding. This will ultimately improve the welfare of all dogs bred for showing and as family pets and prevent the distress caused to members of the public owning dogs who suffer from these health and welfare problems

1.2.6 Eric Martlew MP announced the APGAW inquiry at the Group's meeting in October 2008. Following that meeting, a general call for written evidence was circulated inviting interested parties to submit written evidence to the inquiry and this was accompanied by a press release and a statement on the APGAW website. All APGAW associate members were also invited to submit written evidence. Several organisations and individuals contacted the Secretariat, many suggesting further contacts to which the Group should write. The inquiry pursued these suggested courses of investigation in order to gather as much information on the issue as possible. Some organisations and individuals were also invited to give oral evidence and answer the questions of inquiry members. A list of all those who supplied written and oral evidence is included in the appendix.



ANDREW FORSYTH

1.3 Objectives and terms of reference

1.3.1 The Inquiry was set up to investigate the welfare issues surrounding pedigree dogs in the UK, to identify factors which may improve standards at all stages of dogs' lives, and to advise on potential measures suitable for secondary legislation concerning the issue under the Animal Welfare Act.

1.3.2 The inquiry took evidence from interested individuals and organisations about the health and welfare implications for pedigree dogs bred to current Kennel Club breed standards. It also gathered the views of veterinary professionals, welfarists and breeders to assess whether the current measures and proposals are delivering improvements and are adequate. It looked at the current breeding practices in the UK and what problems have arisen from this.

⁸ APGAW AGM January 2009

1.3.3 At the same time as the APGAW inquiry commenced, the KC and Dogs Trust commissioned an independent inquiry. This is being chaired, following Defra's recommendation, by Professor Patrick Bateson. This inquiry is likely to focus on collation of science about the issues raised in the programme and has a wider remit over the breeding of dogs, something that APGAW welcomes. APGAW and the independent inquiry have exchanged information with each other so that the two inquiries complement each other.

1.4 Limitations to the information gathering process

1.4.1 APGAW could not take responsibility for exhaustively contacting every organisation and individual that may have an interest in pedigree dogs. However, many interested organisations and individuals responded to the general call for evidence and contacted APGAW. Indeed many suggested others to contact and it is hoped that the resulting report fairly reflects the general points raised by the majority of those who took part in the process.

1.4.2 Given the importance attached to this issue, inevitably some of the written and oral evidence was slanted to support a particular take on dog breeding and on the way it should be regulated in the future. The Group has tried to avoid bias in this report and, where possible, to rely on actual evidence rather than conjecture although much of the evidence has been anecdotal and it has been stated numerous times that more work needs to be done on collecting data and scientific evidence.

1.5 Numbers of dogs in the UK

1.5.1 No official figures exist on the number of dogs or the number of purebred dogs. One estimation puts the figure at around 8 million dogs with approximately 5 million being pure bred dogs in the UK which represents 75% of the dog population, 11% cross bred and 14% mixed breeds.⁹ The KC has stated that they estimate 40% of the dog population are registered with them.¹⁰

1.5.2 APGAW chose to focus on pedigree dogs which are defined as a pure-bred dog of a specified breed which has been registered with the KC or equivalent and has a pedigree record. However, the measures recommended in the report would also apply to pure bred dogs which result from the crossing of two pure-bred dogs of the same breed, but are not registered with the KC or equivalent. These are likely to be impacted by the same health and welfare concerns as the registered dogs.

1.5.3 No official statistics exist on the sources that prospective owners get their puppy. Three sets of estimates provide the following breakdowns;

- 1) Rescue Centre: **32%**, Friend/acquaintance: **25%**, Recommended Breeder: **16%**, Private Ad: **16%**, Internet: **8%**, Pet Shop: **7%**¹¹

⁹ Petfood Manufacturers Association website, figures from 2008 <http://www.pfma.org.uk/overall/pet-population-figures-.htm>

¹⁰ Written evidence submitted by The Kennel Club Jan 09

¹¹ Petfood Manufacturer's Association website, figures from 2008 <http://www.pfma.org.uk/overall/pet-population-figures-.htm>

2) Rescue centre: 14%, Friend/acquaintance 10%, Kennel Club registered breeder 37%, other registered breeder 13%, pet shop 3%, puppy farm 4%, another person with litter of puppies 5%, internet 7%, other 4%.¹²

3) KC breeders 29%, non KC breeders 18%, pet shop 5%, friend/neighbour 26%, rescue centre 12%, other 10%.¹³

1.5.4 The current system of tracking dogs is weak and needs improving which would bring solutions to this and other problems including dangerous dogs. It is impossible to establish an exact number of dogs, where people source their dogs and how many are bred each year. However, the information gathered shows that between 16% and 50% of people acquiring a puppy obtain it from a dog breeder either registered with the KC or not.

1.5.5 At the present time there are enormous gaps in records of numbers of dogs and known hereditary diseases. There is no UK database with this information. All figures can therefore only be regarded as conjecture and can give nothing but a general idea of the current situation.



E.A. JAMES

¹² RSPCA 2008 survey of 1500 people

¹³ RSPCA 2009 survey of 1008 people

SECTION 2 FINDINGS

2.1 Dog breeding in the UK

2.1.1 The domestic dog has been selectively bred by humans for thousands of years and exhibits a greater morphological diversity than any other single species¹⁴. Initially the selective breeding of dogs was to satisfy functional requirements such as hunting and guarding but when dog shows began in the mid 19th century the aesthetic quality of these animals soon began to have a bearing on breeding practices.

2.1.2 The main body which has, to some extent, monitored these changes is the Kennel Club (KC). This organisation was set up in 1873 to focus on compiling the “Stud Book” which is a yearly publication that is ‘revered by all those in the dog showing world. Within its pages are listed all championship shows from the previous year and the dogs that have achieved top honours at these shows. These books are kept and valued by exhibitors and breeders alike.¹⁵ The KC is now predominantly a breed registry. The number of dogs registered with the KC has increased tremendously over the years. The number of dogs registered with the KC has increased tremendously over the years with the average number of dogs registered around 280,000 annually.¹⁶ Traditionally, British dog owners have looked upon the organisation as a source of knowledge, experience and authority.

2.1.3 There are also smaller bodies (e.g. Pedigree Pets Registration Club Ltd, Dog Lovers Registration Club UK etc) who seek to register pure-bred dogs and provide advice and support to breeders. These are often able to run on a purely financial basis and do not have charitable trusts in place like the KC which means they can use money gained by registration wholly for profit.

2.2 Is there a problem?

2.2.1 Questions began to arise about the health and welfare impacts of selective breeding long before the airing of ‘Pedigree Dogs Exposed’. There is evidence of this in various studies¹⁷ and veterinary surgeons have been seeing the clinical problems in their surgeries for many years¹⁸. Some action has been taken, albeit limited, and for the past 40 years the British Veterinary Association (BVA) has been working with the KC to improve the health and welfare of pedigree dogs through canine health schemes that examine hips, elbows and eyes for signs of hereditary defects. However, it was only following the BBC programme that the issue gained wider public

¹⁴ Clutton-Brock (1999) www.sciencemag.org

¹⁵ Great Dogs reference point for owning and showing pedigree dogs <http://www.greatdogs.co.uk/StudBookNumbers.html>

¹⁶ The Kennel Club website <http://www.the-kennel-club.org.uk/item/343>

¹⁷ CAWC Breeding and Welfare in Companion Animals report May 2006, BVA Session ‘Designer Animals or Breeding for Welfare May 2008, work undertaken by veterinary surgeon Clare Rusbridge and campaigning by Carol Fowler. Caroline Kisko, Secretary, Kennel Club during oral evidence 6th May 09. Advocate for Animals report ‘The Price of a Pedigree’ published in 2006. Dr Jeff Sampson, Genetics Co-ordinator, Kennel Club during oral evidence 6th May 09.

¹⁸ Clare Rusbridge, Neurologist in oral evidence 20th May 2009, Dr James Kirkwood, Deputy Chairman of CAWC & Director of UFAW in oral evidence 23rd April 2009, Nicky Paull, President of BVA in oral evidence 23rd April 2009, Ed Hall, British Small Animal Veterinary Association oral evidence 23rd April 2009, Mark Evans RSPCA Chief Veterinary Adviser in oral evidence 11th June 2009

awareness and the question then became, not was there a problem, but what was the extent of the problem?

2.2.2 In 2009 the Royal Veterinary College (RVC) undertook a leading peer reviewed study¹⁹ which identified 322 inherited disorders in the fifty most popular breeds in the UK. It found that: *“Every one of the 50 most popular pedigree breeds of dog in the UK were found to have at least one aspect of their physical conformation which predisposes them to an inheritable defect. Conformation characteristics such as short heads, short legs, excessive facial skin folds, pendulous ears, long backs and curly tails are likely to predispose, or are genetically linked in presenting breeds, to a range of physical problems such as occipital dysplasia, malocclusion of the jaws, hip dysplasia, eye ulceration, chronic otitis, intervertebral disc disease, and spina bifida, respectively.”*²⁰

2.2.3 This study showed that the health problems are widely spread across all fifty of the most popular breeds and are therefore likely to be extensive. Those who submitted written and oral evidence to the APGAW inquiry agreed that there was a problem and the majority felt it was a significant problem.

2.2.4 Whether these problems have been adequately addressed has brought much debate. Some breeders and certainly the KC felt that it was a very difficult issue that was being addressed, albeit would take a substantial length of time before results would be seen²¹. Welfare organisations such as the RSPCA, and the Blue Cross and many of the veterinary surgeons and individuals involved in dog breeding were of the view that radical action needed to be taken as they felt that the breed organisations were not taking the concerns seriously.²² However the problems surrounding pedigree dogs should not be seen in isolation and long standing concerns over dog breeding in general (including puppy farming and licensing of commercial breeders) have been raised during the course of the inquiry with witnesses suggesting a holistic approach should be taken to tackle all these issues effectively.²³

2.2.5 Many pet owners submitted their experiences to the inquiry highlighting how they bought a puppy from a reputable show breeder (very often a member of the Accredited Breeder Scheme) and then the puppy has suffered from an inherited disease which manifested a few years later²⁴. It was also stated that despite the breeder being informed of this the breeder continued to breed from the same lines

¹⁹ Royal Veterinary College; A Preliminary Investigation into Inherited Defects in Pedigree Dogs written by Lisa M Collins, Gillian Diesel and Jennifer F Summers. January 2009. P3

²⁰ *ibid*

²¹ Caroline Kisko, Secretary to The Kennel Club in oral evidence 6th May 2009. Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence 11th June 09

²² Written evidence received from Dr Clare Rusbridge BVMS PhD DipECVN MRCVS, The Dog's Trust, The RSPCA, League Against Cruel Sports, The Blue Cross.

²³ Evidence received from The Kennel Club, The Dog's Trust, National Animal Welfare Trust, The Dachshund Breed Council, Evelyn Snail, dog owner.

²⁴ Written evidence submitted to the inquiry from dog owners; Kate Price, Tania Ledger, Carol Fowler, Virginia Kirk, David Briggs, Jill Furnell, Margaret Carter, Sandy Smith, Joanna Herman Patricia Sanderson, Phillippa Robinson.

knowing that such diseases could be passed on to other puppies²⁵. Some of these pet owners, like Carol Fowler who appeared on 'Pedigree Dogs Exposed', have taken it upon themselves to set up information websites to try to stop other people making the same mistakes when buying a puppy²⁶ as they do not feel they have received any support from the KC. They are understandably angry that breeders can breed and sell puppies with health and welfare problems and there is no apparent way of holding them responsible or stopping them breeding more puppies with the same risk in their genetic make-up being passed on to others.

2.2.6 One such pet owner stated: *'Like so many pet owners I have had a depressing and expensive experience of getting what we were assured would be a healthy purebred dog. He was not. His genetic make-up because of the poor breeding strategies that are allowed to persist ensured his short life was one of medication, surgery and medical procedures.'*²⁷

2.2.7 Many veterinary surgeons in companion animal practices state that it is part of a typical day as a veterinarian to see such dogs with these problems come in and out of the clinic for treatment. *"The veterinary profession sees the impact of inbreeding and line breeding on a daily basis in veterinary practices across the UK."*²⁸ Indeed it has been suggested that the high frequency of genetic disease and the exaggerated features that are seen in purebred dogs have resulted in the desensitisation of society and veterinarians to the resultant welfare issues²⁹.

2.2.8 Immediately after the airing of 'Pedigree Dogs Exposed' a meeting was held between the KC and the RSPCA³⁰. The KC claimed then that 90 per cent³¹ of pure bred and pedigree dogs are healthy. However it has been difficult to find the evidence to support this and the RSPCA argues that it is a lot less than 90 per cent³². There is a debate over what constitutes poor welfare, whether it involves pain or a minor disadvantage and how that judgement is made³³. The inquiry is very wary of figures because there is not enough evidence to be able to be categorical about the full extent of this problem.



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²⁵ Written evidence submitted by Phillippa Robinson, dog owner 13th January 09, 13th Jan 09, Tania Ledger, dog owner, 10th Jan 09, Patricia Sanderson, dog owner, 9th January 09, Carol Fowler, campaigner and dog owner, 10th December 09, Margaret Carter, campaigner and ex breed club member, 10th January 09, Joanna Herman, dog owner, 24th Jan 09, Virginia Kirk, dog owner, 12th Jan 09

²⁶ Examples include: Carol Fowler <http://www.cavaliercampaign.com> Virginia Kirk <http://www.aprk75.dsl.pipex.com/syringomyelia.htm>

²⁷ Written evidence submitted by Phillippa Robinson, dog owner 13th Jan 09

²⁸ Written evidence submitted by the British Veterinary Association 8th February 2009. Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan, 09

²⁹ Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence session 11th June 09

³⁰ *ibid*

³¹ Information sourced from the Kennel Club 'Dog Genetic Health' website <http://www.doggenetichealth.org.uk/response.php>

³² Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence session 11th June 09

³³ *ibid*

2.2.9 The members of the Inquiry are in no doubt there is a serious problem with the health and welfare of many pedigree dogs and that further measures can be implemented to improve the situation.

2.2.10 However, there is a lack of information available about the scale of the problem, which makes it difficult to obtain a clear picture of what percentage of dogs are affected. As the RVC has shown that the problem is widespread to different degrees of severity in the most popular breeds we believe further action must be taken immediately.

2.3 The health and welfare concerns

2.3.1 The evidence received by the Inquiry reveals that there are two distinct but inter-related issues affecting the health and welfare of pedigree dogs which are the extreme breed characteristics encouraged by breed standards, and the hereditary diseases that are a consequence of close breeding to maintain breed standards.

2.3.2 The extreme breed characteristics have, in some cases, been exaggerated to the extent that health and welfare is disadvantaged. The main purpose for breeding some breeds of dogs was for them to fulfil a purpose such as hunting, bullfighting and burrowing. However, this has become less relevant as over the years breed clubs have become more focused on appearance over function, amending the breed standards to suit this. Bulldogs are a good example as, following the banning of bull baiting in 1835, their appearance began to change towards having larger heads and flatter faces – more aesthetically pleasing to the judges and breeders. However, this breed is now well documented as having difficulty in breathing and regulating their body temperature, as well as giving birth naturally³⁴. The selection of appearance over purpose has led to breeds like the bulldog being predisposed to health problems due to the accentuation of features which are believed to be desirable.

2.3.3 Such exaggerated features can often see the animal's quality of life being reduced. For example, many exaggerated features prevent the dog from communicating effectively with other dogs or behaving as they would choose to without such features.³⁵ Often veterinary treatment and surgical procedures are used to correct some of the more extreme problems caused by exaggerations. Alternatively dogs with exaggerated features survive a normal lifespan without veterinary intervention but ultimately their quality of life is limited.



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³⁴ The Price of a Pedigree: Dog Breed Standards and Breed-Related Illness: Advocates for Animal Chapter one The Welfare Implications of Pedigree Dog Breed Standards. Dr David Sargan, Geneticist and Senior Lecturer at Cambridge University Veterinary School during oral evidence 14th May 09

³⁵ Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p12

2.3.4 There are numerous examples of exaggerated features to be found in specific breeds. Just a very small selection of examples could include excess skin and abnormal skin folds on the bodies, legs, and heads (e.g. shar-pei, bassets, bulldogs and mastiffs) of dogs which can be predisposed to painful skin infections and they sometimes require operations to correct this³⁶. Additionally, overly heavy dogs often suffer from joint problems and flat faced breeds experience breathing difficulties amongst many other examples which have been discussed during the Inquiry.

2.3.5 Problems caused by the breed standards and certain characteristics are not only found in exaggerated anatomical features which are immediately visible. The breed standard for a pug is that the tail should be curled as tightly as possible over the hip, and double curl is highly desirable. However, the pug and other breeds with screw tails can suffer from twisted spines often causing pain and sometimes paralysis³⁷. Additionally these breeds can often be predisposed to spina bifida and hemivertebrae³⁸. The short legs of dachshunds and basset hounds can also cause less immediately obvious health and welfare problems as, due to their abnormal anatomy, they can be predisposed to orthopaedic disease and crippling arthritis in old age³⁹.



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2.3.6 Aside from the exaggerated anatomical features, selective breeding has also caused the illnesses and conditions which have become a feature in certain breeds' genetics⁴⁰. A small set of examples which have been cited in the evidence received include syringomyelia (a painful neurological condition), endocardiosis (a debilitating degenerative heart abnormality) in Cavalier King Charles spaniels, and hip and elbow dysplasia in Labrador retrievers (often causing lameness and arthritis at a young age).



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2.3.7 In many cases, as shown by the RVC study, there is an overlap between breed standards and inherited diseases. For example, the spot colouration specified in the breed standards for Dalmatians has a genetic link with deafness⁴¹.

³⁶ The Price of a Pedigree: Dog Breed Standards and Breed-Related Illness: Advocates for Animal Chapter one The Welfare Implications of Pedigree Dog Breed Standards

³⁷ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p46.

³⁸ ibid

³⁹ Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p12

⁴⁰ Dr David Sargan, Geneticist and Senior Lecturer Cambridge University Veterinary School during oral evidence session 15th May 09, Dr Nicola Rooney, Research Associate at Bristol University during oral evidence session 11th June 09

⁴¹ ibid p22.

2.3.8 These are just a few examples of the health and welfare issues affecting some breeds which have been highlighted by witnesses during the process of the Inquiry. However, there are many others which were also featured in evidence sessions.

2.3.9 For a long time breeders have been selecting particular cosmetic traits and rejecting those dogs which do not have those traits, thus reducing the gene pool. This selection of particular genes means there is little variation in the dogs⁴² which is likely to have led to the prevalence of certain diseases within particular breeds. It has been stated that the lack of genetic diversity is caused by a number of factors including 'limited numbers of breed founders and small genetic pools, strong selection causing 'selective sweeps' of genes near to the gene under selection, inbreeding and line breeding...'⁴³

2.3.10 Line breeding is commonly used to fix desirable traits in the animal and the dogs used for breeding will possess the desirable features within the specific breed. This essentially closed group of dogs will 'breed true to type', reliably displaying the features preferred by the breeder. This means individual dogs occur more than once in a pedigree which can then also fix certain undesirable traits.⁴⁴

2.3.11 Another method is 'in-breeding' where relatives that have one or more ancestors in common are bred back to one another to keep the line 'clean' and preserve and enhance 'desirable' characteristics⁴⁵. Again the consequence of this is a greatly enhanced risk of seeing genetic disorders in the offspring, compromised immunity, and a great reduction in the genetic diversity of the breed⁴⁶.

2.3.12 The gene pool has been further limited by the creation of a register in which the registration is exclusive to only those puppies born to parents already registered as pedigree with the KC. Additionally the winning sires are used extensively for stud which adds to the genetically restricted subset of the gene pool⁴⁷.

2.3.13 In early 2009 the KC announced that it would crack down on breeders who bred close relatives by refusing to register puppies born from any mother/son, father/daughter or brother/sister mating taking place after March 2009, although departures from this will be made in exceptional circumstance⁴⁸.

⁴² Dr David Sargan, Geneticist and Senior Lecturer at Cambridge University Veterinary School during oral evidence 14th May 09

⁴³ Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p9

⁴⁴ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p8.

⁴⁵ *ibid.* p8.

⁴⁶ Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p19.

⁴⁷ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p8. Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p19.

⁴⁸ Press release: Kennel Club Announces Healthy New Year Regulations for Pedigree Dogs. <http://www.thekennelclub.org.uk/item/2234/>

2.3.14 The Inquiry accepts there can be significant health and welfare problems caused by some of the current breeding practices for pedigree dogs. While members welcome the decision by the KC to enforce standards on breeders who breed closely related dogs we acknowledge that this does not improve matters for dogs not registered with the KC. We therefore believe that any regulations concerning the breeding of dogs should impose clear restrictions on the breeding of closely related dogs.

2.3.15 The Inquiry also recognises that there is no restriction placed in the number of times a sire can be used for breeding which compounds the problem of inbreeding. We believe that a limit should be placed on the number of times a sire can be used for breeding and that this should be determined following advice from geneticists and dog welfare experts.

2.4 Current health schemes

2.4.1 The BVA and KC have operated health schemes for hip dysplasia, elbow dysplasia and inherited eye diseases for more than 30 years, and aim to provide scientifically based expert opinion on these inherited conditions⁴⁹. In the BVA/KC hip dysplasia screening scheme, the radiographs from each hip are scored from 0-53 with the higher scores indicating a greater degree of abnormality⁵⁰. Breeders are advised not to breed from dogs with hip scores greater than the mean score for their breed⁵¹. The BVA/KC elbow grading test uses radiographs of the elbows to allocate a score of 0-3 per joint. Lower scores represent better joint anatomy⁵². Breeders are advised to not breed from dogs with an elbow score of two or greater⁵³. The BVA/KC/ISDS⁵⁴ eye scheme encourages breeders to test their dog's eyes at an early age and to continue to test them annually for inherited eye diseases⁵⁵.

2.4.2 Other clinical screening systems are in development for example, the proposed BVA/KC syringomyelia MRI screening scheme. This test will be carried out on dogs over one year of age and again at six years of age⁵⁶. In addition to this, a number of breed clubs have their own recommendations for further breed-specific tests that

⁴⁹ The Kennel Club website <http://www.thekennelclub.org.uk/item/308> and written evidence submitted by The Kennel Club Jan 09 and the BVA Canine Health Scheme website http://www.bva.co.uk/canine_health_schemes/Canine_Health_Schemes.aspx

⁵⁰ British Veterinary Association Canine Health Schemes- Breed Mean Scores. http://www.bva.co.uk/public/documents/CHS_Hip_Scheme_Breed_Mean_Scores.pdf

⁵¹ *ibid*

⁵² British Veterinary Association Canine Health Schemes: A Guide for Dog Owners http://www.bva.co.uk/canine_health_schemes/Hip_Scheme.aspx

⁵³ *ibid*

⁵⁴ International Sheep Dog Society

⁵⁵ The Kennel Club – BVA/KC/ISDS Eye Scheme. Further information to be found at <http://www.the-kennel-club.org.uk/item/310>

⁵⁶ Cavalier Health.org http://www.cavalierhealth.org/sm-mri-screeningprotocol.htm#Proposed_BVA_KC_Syringomyelia_MRI_screening_scheme. Dr Clare Rusbridge, BVMS DipECVN MRCVS, during oral evidence 20th May 09

owners and breeders should carry out to identify suitable breeding stock⁵⁷. DNA tests for 18 different inheritable diseases are currently accessible for UK breeders generally carried out by the Animal Health Trust, Cambridge Veterinary School, or the KC⁵⁸. See table below for a list of conditions that can be tested for:

Table 1. Conditions for which there are genetic tests already available:

Collie eye anomaly/Choroidal hypoplasia (Rough and Smooth Collie, Border Collie, Shetland Sheepdog, Lancashire Heeler)
Ceroid lipofuscinosis (Border Collie)
Trapped neutrophil syndrome (Border Collie)
Progressive retinal atrophy (Irish Setter, Sloughi, Miniature Long-haired Daschund, Cardigan Welsh Corgi, American Cocker Spaniel, Australian Cattle Dog, Chesapeake Bay and Nova Scotia Duck Tolling Retriever, Chinese Crested, Cocker Spaniel, Finnish Lapphund, Labrador, Miniature and Toy Poodle, Portuguese Water Dog)
Juvenile hereditary cataract (Boston Terrier)
Congenital stationary night blindness (Briard)
Von Willebrand's disease (Irish Red and White Setter, Dobermann)
Canine leucocyte adhesion deficiency (Irish Red and White Setter, Irish Setter)
Pyruvate dehydrogenase phosphates 1 deficiency (Clumber Spaniel)
Familial nephropathy (Cocker Spaniel)
Fucosidosis (English Springer Spaniel)
L-2 hydroxy glutaric aciduria (Staffordshire Bull Terrier)
Hereditary cataract (Staffordshire Bull Terrier)
Copper toxicosis (Bedlington Terrier)
Phosphofructokinase deficiency (English Springer Spaniel)
Primary hyperparathyroidism (Keeshond)
Pyruvate kinase deficiency (West Highland White Terrier)
Yellow coat (Labrador Retriever) ⁵⁹

⁵⁷ Written evidence submitted by Golden Retriever Breed Council, Soft-Coated Wheaten Terrier Club, UK Springer Spaniel Breed Club. Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p11.

⁵⁸ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p10.

⁵⁹ The Kennel Club; 'DNA Tests Currently Available' June 09.

2.4.3 Currently, the application of both clinical screening and DNA testing are on a voluntary basis in the UK. Even in breeds with a predisposition to a particular disease, breeders are not legally obliged to have their breeding stock tested before mating them. The screening programmes included in this scheme are for conscientious breeders to identify whether their dogs are clinically free of such diseases so that the best possible choices for breeding programmes may be made. The BVA/KC scheme cannot provide representative data for many breeds because the proportion of dogs screened is small and participants are self-selecting. Even if a breeder does health test and finds a problem there is nothing to stop them continuing to breed that dog thus potentially passing on the undesirable genes.

2.4.4 It has been suggested that many of the problems of genetic disease are not only related to practices of purposeful inbreeding⁶⁰. Many of the puppies produced by experienced or professional breeders which are not selected for further breeding within that group are sold on as companion animals at an early age⁶¹. The new owners of these registered pedigree dogs often breed them without any experience or knowledge that they may be passing on a particular genetic defect to the litter. These breeders have no knowledge of health screening and would not be aware of the need.

2.4.5 It should be noted however that the health schemes offered do not cover all the problems which are known to exist and there is further research needed to ensure there is testing for all hereditary diseases⁶². As more procedures for testing are refined and advanced more health and welfare problems can be detected. The RVC has stated that *“as mandatory screening and subsequent removal of dogs from the breeding population reduces the number of dogs allowed to be bred, the population goes through a bottleneck. This could lead to the increased expression of other, currently very rare diseases. Hence one heritable disease could be exchanged for another.”*⁶³ Geneticists have made it clear that simplistic avoidance of breeding from animals scoring positive for particular disorders at test is not the stand alone solution⁶⁴. This would be likely to make already small gene pools even smaller, and result in worsening the problem or creating new ones.

2.4.6 **The Inquiry believes that health screening is not being used to its full potential and should legally be made necessary for the selection of sires and dams for commercial breeding.**

2.4.7 **If health testing was used to its full extent there would also be a need for reviewing the tests to add new ones or remove irrelevant ones.**

⁶⁰ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p29

⁶¹ *ibid*

⁶² Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. p32

⁶³ Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p21

⁶⁴ Dr David Sargan, Geneticist and Senior Lecturer at Cambridge University Veterinary School during oral evidence May 09

2.4.8 The Inquiry also believes it is necessary to develop specific breeding strategies for different breeds of dogs based on genetic advice and supported by tools to reduce the occurrence of health and welfare problems over time. The Inquiry believes this should involve the KC, other breed clubs, geneticists, vets, behaviourists, welfare scientists and key welfare organisations, such as the Dogs Trust, the RSPCA and CAWC working collectively to form effective strategies.

2.4.9 The Inquiry recommends that the KC strongly advises all breeders to health test their dogs, where such tests are available. While this is not currently stipulated under Government regulation, as yet, those dogs which are not tested should be recorded on the registration documents so that judges, potential buyers and other breeders are aware that particular animal has not been screened to ensure consumers can make informed choices.

2.5 Codes of Ethics

2.5.1 Breed clubs have codes of ethics for their members which set acceptable standards for dog breeding⁶⁵. In September 2008 the KC updated its general code of ethics and issued it to all registered breed clubs which requires that the club *'Will agree not to breed from a dog or bitch which could be in any way harmful to the dog or to the breed.'*⁶⁶

2.5.2 The code of ethics are in place for all breed clubs but not every member of the KC has followed it in the past and it is difficult to enforce if not everyone sees it as a strict condition of belonging to the KC, although they are now required to adopt this following changes by the KC⁶⁷. Some believe it is simply a code written in subjective terms standing as statements of expectations of best practice, rather than absolute rules⁶⁸.

2.5.3 Individual breed clubs may include further breed specific requirements in their respective code of ethics which then allows them to enforce the terms of their codes in circumstances where a member is flouting and contravening those terms by seeking the expulsion of such a member as this would be a legitimate ground to consider the member was bringing the club into disrepute. Breach of the provisions set out a code of ethics may result in expulsion from club membership, and/or disciplinary action by the KC and/or reporting to the relevant authorities for legal action, as appropriate⁶⁹. However, that breeder would still be able to continue breeding outside of that club, albeit without the KC registration and support of the breed club.

⁶⁵ Research undertaken on breed clubs and requirements set out by The Kennel Club for registration of clubs - <http://www.thekennelclub.org.uk/item/480>

⁶⁶ Kennel Club Code of Ethics <http://www.thekennelclub.org.uk/item/1252>

⁶⁷ Written evidence submitted by the Kennel Club Jan 09. Code of Ethics updated September 09

⁶⁸ Written evidence submitted by Carol Fowler, campaigner and CKCS owner, 20th Jan 09

⁶⁹ The Kennel Club General Code of Ethics <http://www.the-kennel-club.org.uk/item/24>

2.5.4 The Inquiry believes that the Code of Ethics used by breed clubs to set acceptable standards are the place to ask for health testing and good practice in breeding.

2.5.5 The Inquiry believes that the KC should ensure that breed clubs enforce their code of ethics effectively. Any breeder failing to meet the KC code of ethics should not be selling those puppies as KC registered pedigrees and the breed clubs should be reporting to the KC on their management of this issue. The failure of a member of a breed club to abide by the code of ethics should result in action being taken against that person or persons.

2.5.6 Whilst recognising the work carried out over the last year, we further believe that the KC should make the decision about whether registering dogs or dog health and welfare is their primary objective and focus their attentions more precisely on this when taking this issue forward.

SECTION 3 THE DOG BREEDING WORLD

3.1 Role of the Kennel Club (KC)

3.1.1 The KC states that its remit today is to protect and promote the general wellbeing of dogs⁷⁰. It works with the objective of acting as a source of information, experience and advice on dog welfare, health and breeding and it performs this with no statutory powers. The KC lends its name to products, pet insurance, affiliate schemes and accreditation programs which is seen as a stamp of good practice by those buying puppies and products to go with them. The BBC programme has brought these statements into question.

3.1.2 In the UK the breeding and showing of dogs is essentially self-regulatory. While there are a few small organisations operating as registries, it is predominantly the KC which registers pedigree dogs and supports breeding and showing of such dogs. The KC maintains breed standards, records pedigrees, and issues the rules for conformation, for dog shows and trials and accreditation of judges. It lists adult pedigree dogs and litters of puppies born to pedigree parents.

3.1.3 The KC supports breed societies and these include many of the breeders and judges who are in a position to improve the health and welfare of their specific breed. Breed standards have traditionally been developed between the KC and individual breed clubs/societies. These societies vary in the initiatives they have taken to try to preserve and/or improve the health and welfare of their breed, and some are certainly diligent⁷¹.

3.1.4 The KC estimates that *'less than half of the dog population (around 40 per cent) are registered with the Kennel Club, 20 per cent are unregistered pedigrees, 10 per cent types (Collie types etc) and 30 per cent mixed breeds/crossbreeds.'*⁷²

3.1.5 The KC has no remit over the large number of dogs which are not registered with them and cannot be expected to hold any direct influence over them. However, the KC does have influence over pedigree dogs which are seen in the show ring and who set the example for how each breed should look. APGAW believes that good practice in this area can improve the health for pedigree dogs in general and also have an impact on purebred dogs being bred outside of the KC's direct influence, particularly if it is accompanied by a public education campaign.

3.1.6 Given its position as the key body for pedigree dogs, the KC featured heavily in the BBC documentary where they were accused of not doing enough to prevent bad breeding practices which resulted in inherited diseases and other health problems. The KC stated that the documentary was biased and failed to take into account the extensive measures it had put into place over a number of years including the fact the KC Charitable Trust has given more than £1.7 million in health related grants to UK universities and research bodies, such as the Animal Health Trust (AHT), a large proportion of which has been used to help develop new health tests for inherited

⁷⁰ The Kennel Club statement of objectives <http://www.the-kennel-club.org.uk/>

⁷¹ Written evidence submitted by breed clubs and societies to the APGAW inquiry. Dr David Sargan, Geneticist and Senior Lecturer at Cambridge University Veterinary School during oral evidence 20th May 09.

⁷² The Kennel Club written evidence to APGAW inquiry (Jan 09)

diseases, directly benefiting pedigree dog⁷³. For example, in September 2009 geneticists working in the KC Genetics Centre at the Animal Health Trust discovered the mutation responsible for Primary Lens Luxation (PLL), a painful and blinding inherited eye condition affecting Miniature Bull Terriers, Lancashire Heelers, Tibetan Terriers, Jack Russell Terriers, Parson Russell Terriers, Patterdale Terriers, Sealyham Terriers and Chinese Crested dogs. They will now be able to develop a DNA test and develop advice on breeding strategies to potentially tackle this problem.⁷⁴

3.2 Breed standards

3.2.1 Breed standards are set by the KC, developed through consultation between them and the 760 breed clubs and councils⁷⁵. These standards can be reviewed and amended. The KC sets a breed standard for every breed of dog it recognises, which represents the ideal confirmation and characteristics for that breed. At shows, the judge must compare each dog with the breed standard to find the dog nearest to that ideal of the breed. It is argued that some of the physical traits required by the breed standards, such as flat muzzles, screw-tails, sloping backs, and dwarfism, have caused direct welfare problems and the quest to obtain them through breeding has also caused indirect welfare problems⁷⁶.

3.2.2 In recent months⁷⁷ the KC has undertaken a detailed review of its breed standards with the objective of improving health. Breed clubs and councils were consulted about the changes and were able to submit feedback on proposed amendments. While this review was done with veterinary advice, the BVA suggests that breed standards should be reviewed by an independent advisory group of experts and looked at on a breed basis⁷⁸.

3.2.3 The inquiry recommends that breed standards should seek confirmation of dogs so they are 'fit for purpose' rather than be based on visual aesthetics.



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⁷³ The Kennel Club written evidence to APGAW inquiry (Jan 09)

⁷⁴ K9 magazine, 15th September 09 <http://www.dogmagazine.net/archives/3887/primary-lens-luxation/>

⁷⁵ The Kennel Club written evidence to APGAW inquiry (Jan 09)

⁷⁶ The Price of a Pedigree: Dog Breed Standards and Breed-Related Illness. Advocates for Animals report 2006. Written evidence submitted by the RSPCA 19th Jan 09,

⁷⁷ In October 2008 the Kennel Club announced the review following 'Pedigree Dogs Exposed'.

⁷⁸ Nicky Paull, President, British Veterinary Association oral evidence session April 09

3.3 The Accredited Breeder Scheme (ABS)

3.3.1 The Accredited Breeder Scheme (ABS) was set up in 2004⁷⁹ to enable potential dog owners to 'buy with confidence' from KC approved breeders. A KC accredited breeder is assumed to be experienced, have a proven track record for producing healthy dogs of good temperament and to have performed all health tests relevant to their breed of choice⁸⁰.

3.3.2 The KC launched the ABS as, under their rules, they cannot refuse general registrations and this scheme was a way of focusing more on health and welfare⁸¹. The scheme is voluntary - anyone can join as long as they pay the fee and it very much depends on the goodwill of dog breeders – it is seen as a way of influencing them to follow the most responsible breeding practices.⁸²

3.3.3 Puppy buyers are encouraged to look for accredited breeders when they acquire a dog. The KC provides information on their website about things to consider when purchasing a dog and the ABS. This receives 12,000 hits per day.⁸³ This reveals the large number of people who do seek information through the KC and who would potentially then look for a breeder who is ABS registered if they are directed towards them.

3.3.4 Accredited breeders are recommended to use mandatory health screening schemes relevant to their breed including DNA testing, testing for hip or elbow dysplasia and inherited eye conditions⁸⁴. Permanent identification of breeding stock is required for membership of the scheme⁸⁵. The breeders' sign up to allow potential inspections of the property where the dogs are kept and also ensure the puppies they sell are well-socialised and generally follow good breeding practice⁸⁶.

3.3.5 The scheme is self governing, with the KC carrying out home inspections only on the advice of breed club members who consider a scheme member to be inappropriate for membership or if feedback from a purchaser highlights a problem⁸⁷. According to the KC⁸⁸, the scheme is not in place to highlight the elite dog breeders, but to set guidelines for breeders to adhere to in order for them to function as good breeders under KC definitions. The KC is keen for as many breeders as possible to join the scheme.

⁷⁹ Written evidence submitted by The Kennel Club Jan 09

⁸⁰ The Kennel Club Accredited Breeder Scheme (information for pedigree puppy buyers) webpage

⁸¹ Written evidence submitted by The Kennel Club Jan 09

⁸² *ibid*

⁸³ Written evidence submitted by the Kennel Club Jan 09

⁸⁴ The Kennel Club Accredited Breeder Scheme (information for pedigree puppy buyers) webpage <http://www.thekennelclub.org.uk/buying/>

⁸⁵ *ibid*

⁸⁶ The Kennel Club Accredited Breeder Scheme (information for pedigree puppy buyers) webpage <http://www.thekennelclub.org.uk/buying/>

⁸⁷ The Kennel Club Accredited Breeder Scheme – How the Scheme will be Policed. <http://www.thekennelclub.org.uk/item/421>

⁸⁸ *ibid*

3.3.6 However, there is a lack of clarity over the different levels of breeding standards the KC seem to offer from their general registration to the ABS. Joining the ABS is a breeder's choice to seek to achieve what is seen as a higher standard above the general registrations. It is argued by some that the KC should require all their registered breeders to reach the ABS standards rather than having different levels within their organisation⁸⁹. Even if such a scheme lacked teeth it would show that the KC are attempting to encourage all of their breeders to give some consideration to health and welfare, albeit in a limited form.

3.3.7 The Dogs Trust does not believe the ABS to be sufficient as the standards are too low and too vague and there is not an adequate way of ensuring inspection and enforcement⁹⁰. There have been other suggestions that the ABS is sound in principal and could be the starting point for the content of a code of practice which would have an impact on all breeders but that code should be substantially more robust.⁹¹

3.3.8 **The Inquiry believes the use of the word 'pedigree' should be tied to a high standard of breeding (for health and welfare) across the board with the KC not just with the few that decide to join the ABS. If breeders are unable to adhere to a requested high standard for the welfare of their dogs then they should not be part of an organisation which states that they are 'the UK's largest organisation dedicated to the health and welfare of dogs'⁹².**

3.3.9 **The KC should do random checks on breeders registering dogs and should enforce such schemes much more robustly. The Inquiry has heard that low standards of breeding practice have been discovered by some breeders registered under the ABS⁹³. This suggests the public may be falsely led into thinking a puppy they buy from an accredited breeder registered with the KC will have no health or welfare problems associated with its breeding history.**

3.4 Dog breeders

3.4.1 Dog breeders fit into three main groups with the most common one being the occasional breeder who breeds one litter and sells locally without too much attention given to profit. The second group is those who breed to improve stock for showing and often they keep the puppies or sell them onto others who are interested in

⁸⁹ Written evidence submitted from Carol Fowler, campaigner 10th Jan 09, Jemima Harrison, Producer of 'Pedigree Dogs Exposed' during oral evidence session 29th April 09

⁹⁰ Written evidence submitted by Mr Chris Laurence, Veterinary Director, The Dog's Trust Jan 09, Written evidence submitted by Ryan O'Meara, Chief Executive of C-fidos and managing director of K9 Media Ltd, 28th Jan 09

⁹¹ Written evidence submitted by Margaret Carter, campaigner and ex breed club member Jan 09, Written evidence submitted by the National Animal Welfare Trust 30th Jan 09

⁹² The Kennel Club statement found at; <http://www.thekennelclub.org.uk/cgi-bin/item.cgi?id=1772&d=pndpr&h=pnhpr&f=pnfpr>

⁹³ Written evidence supplied to the inquiry by The Dog's Trust (January 09), Veterinary Surgeon Pat Morris BVM&S M.R.C.V.S (January 09), dog owners Kate Price (August 09), Carol Fowler (January 09) and Jemima Harrison (January 09)

showing. The third group, which includes puppy farmers⁹⁴, are those who breed for profit producing a large number of puppies.

3.4.2 The 'Pedigree Dogs Exposed' programme focussed on the second group of breeders mentioned above as has much of the subsequent debate following the programme and through the Inquiry. This group of dog breeders is more likely to be members of the KC than the third group and perhaps even the first group as they are heavily involved in the dog world with showing and breed societies and clubs. This group is also the most likely to follow the breed standards closely and to base the appearance of their dogs on show examples. Indeed it could be argued that the second group can have the most influence in bringing about change by improving the breed standard to ensure health and welfare⁹⁵.

3.4.3 Whether or not the KC is really able to ensure the breed standards and health schemes work, those registered will be more likely to follow advice on health testing before breeding and at the very least there will be a record of those breeders⁹⁶. Commercial breeders may register their puppies with the KC in order to demonstrate to potential purchasers that they are a reputable breeder but that does not mean they follow the breed standards closely nor does it mean they have any inclination to health test the dogs⁹⁷. The KC should be ensuring that those who breed to low standards should not be allowed to use the KC registration as an indication that they meet high welfare standards simply to ease sales and drive profit. The Inquiry has heard from purchasers that they chose their puppy based on this notion in the belief they were from KC approved breeders.⁹⁸

3.4.4 However, the real problem lies with the fact that many breeders are not registered at all⁹⁹ and puppy farmers are also unlikely to be registered which means they are breeding with no regulation at all. While APGAW has focused its attention on dogs registered with the KC, it is not possible to ignore the issue of puppy farming and irresponsible dog breeding, particularly as it has been clear that many welfare organisations, veterinary professionals,

⁹⁴ Puppy farming is used here as a definition of breeding done purely for profit without regard to the consequence of the welfare of either the breeding stock or the puppies as provided by Mr. Chris Laurence, Veterinary Director, The Dog's Trust during oral evidence session 20th May 09

⁹⁵ The Kennel Club in letter sent out to MPs on why showing is important June 09. Written evidence submitted by the Kennel Club Jan 09

⁹⁶ Caroline Kisko, Secretary, The Kennel Club during oral evidence 6th May 09

⁹⁷ Written evidence submitted by Carol Fowler, campaigner Jan 09, written evidence submitted by Pat Morriss, small animals veterinary surgeon, 15th Jan 09.

⁹⁸ Written evidence submitted to the inquiry from Kate Price, Tania Ledger, Carol Fowler, Virginia Kirk, David Briggs, Jill Furnell, Margaret Carter, Sandy Smith, Joanna Herman, Patricia Sanderson, Phillippa Robinson

⁹⁹ Written evidence submitted by Professor Steven Dean, Chief Veterinary Surgeon at Crufts. 1st Feb 09. Written evidence submitted by the Kennel Club 30th Jan 09. Written evidence submitted by the National Animal Welfare Trust, 30th Jan 09. Written evidence submitted by the Pet Care Trust, 30th Jan 09

individual breeders and pet owners believe that they are responsible for a proportion of the dogs who suffer from poor welfare as a result of breeding¹⁰⁰.

3.4.5 Many of these more irresponsible dog breeders are unlikely to health screen their stud dogs. While a KC-registered breeder may not have legal duties for a dog which suffers from a genetic disease they are more likely to build up a relationship with the purchaser, invite them to the place where the dog was bred and have traceable links through their KC registration which could result in a moral duty to follow good practice. An irresponsible dog breeder does not have that sense of duty to the puppy or the purchaser once the money has changed hands. APGAW recognises the significance of this issue. It would seem that these breeders are the ones which require some sort of regulation as they are not linked to a registration organisation nor are they ever likely to choose to partake in health testing.

3.4.6 There are many breeders that are ethical and conscientious as the RSPCA¹⁰¹ and KC¹⁰² have highlighted and it would be wrong to believe that a significant number are not breeding dogs with the utmost consideration for the health and welfare of their dogs. Also evidence from some breeders and breed clubs¹⁰³ has demonstrated that many have been aware of the problems for some time and have taken action to address it. The Inquiry has received numerous examples¹⁰⁴ of good breeding practice and breeders who have been happy to have their processes scrutinised as they have nothing to hide. These should be welcomed and highlighted and APGAW feels strongly that these breeders should not feel under attack following the documentary and the Inquiry. These breeders will already be following some of the steps which have been recommended and therefore will not object to the dog breeding process being improved to bring other less conscientious breeders up to their standards.

¹⁰⁰ Written evidence submitted by Professor Steve Dean, Chief Veterinary Surgeon at Crufts. 1st Feb 09. Written evidence submitted by The Dachshund Breed Council 26th Jan 09, Royal Veterinary College: A Preliminary Investigation into Inherited Defects in Pedigree Dogs by Lisa M. Collins, Lucy Asher, Gillian Diesel & Jennifer F. Summers. Jan 09. p48

¹⁰¹ Mark Evans, Chief Veterinay Adviser, RSPCA during oral evidence June 09

¹⁰² Written evidence submitted by The Kennel Club Jan 09

¹⁰³ Written evidence submitted by the UK English Springer Spaniel Breed Club, 31st Jan 09, Soft-Coated Wheaten Terrier Club of Great Britain, 31st Jan 09, The Genetic Sub-Committee of The Irish Red & White Setter Club of Great Britain Jan 09, The Dachshund Breed Council 26th Jan 09, Dr David Sargan during oral evidence 14th May 09 mentioned the good work of the Flat-Coated Retriever Club, the Cocker Spaniel Club, the Tibetan Terriers club and the Miniature Bull Terrier club

¹⁰⁴ Dr Jeff Sampson, Genetics Coordinator, The Kennel Club during oral evidence 6th May 09. Written evidence submitted by the UK English Springer Spaniel Breed Club, 31st Jan 09, Soft-Coated Wheaten Terrier Club of Great Britain, 31st Jan 09, The Genetic Sub-Committee of The Irish Red & White Setter Club of Great Britain Jan 09, The Dachshund Breed Council 26th Jan 09, Dr David Sargan during oral evidence 14th May 09 mentioned the good work of the Flat-Coated Retriever Club, the Cocker Spaniel Club, the Tibetan Terriers club and the Miniature Bull Terrier club

3.4.7 However, there are some breeders who will find the process more arduous and it is likely that some will stop breeding altogether. While this could negatively affect the KC in some respects, others like the Dogs Trust¹⁰⁵ and RSPCA¹⁰⁶ see advantages in this as it would improve the health and welfare of dogs more generally coming into re-homing centres. Indeed, the Blue Cross have stated that *'the vast majority of dogs being given up for re-homing are either pure bred or an identifiable first cross.'*¹⁰⁷

3.4.8 The Inquiry believes it is essential that those breeding dogs to a good standard are supported and encouraged whilst those ignoring health and welfare considerations are not enforced against and any future regulation ensures this.

3.5 Breed councils and societies

3.5.1 The KC registers clubs and societies which represent particular breeds, disciplines or activities, either on a regional or national basis¹⁰⁸. Such clubs and societies must agree to abide by KC rules and must be formed with a committee and membership structure¹⁰⁹. KC registration is not mandatory, although it offers many benefits in terms of eligibility to hold licensed events, access to KC information and promotion and safeguarding of standards¹¹⁰. There are about 1,800 societies registered in the UK holding nearly 3,000 shows a year¹¹¹. Breed club committees often consist of the most successful breeders and they tend to be involved in consultations with the KC over breed standards.

3.5.2 For every dog breed there can be several breed clubs, for example there are ten Cavalier King Charles spaniel breed clubs¹¹² all of which are autonomous. There are some breed councils which represent the breed as a whole and these appear to function better than having various different clubs¹¹³.

3.5.3 Some breed clubs and societies have drawn up health plans¹¹⁴ but the ability to do this successfully appears to vary. Additionally members of clubs and societies are guided by a code of ethics which, in principle, seems very positive; however breeders

¹⁰⁵ Written evidence submitted by The Dog's Trust Jan 09

¹⁰⁶ Mark Evans, Chief Veterinary Adviser RSPCA during oral evidence 11th June 09

¹⁰⁷ Written evidence submitted by The Blue Cross. 31st January 2009

¹⁰⁸ The Kennel Club 'Registered Clubs & Societies: <http://www.the-kennel-club.org.uk/item/644>

¹⁰⁹ *ibid*

¹¹⁰ The Kennel Club 'Registered Clubs & Societies: <http://www.the-kennel-club.org.uk/item/644>

¹¹¹ Figures taken from The Kennel Club website <http://www.the-kennel-club.org.uk/item/644>

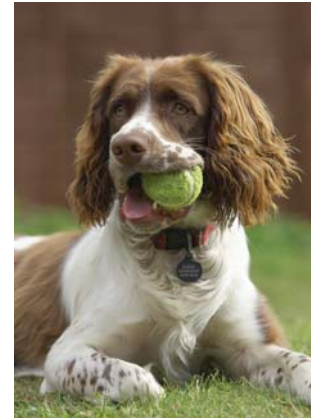
¹¹² Written evidence submitted by Carol Fowler, campaigner and CKCS owner, 10th Jan 09

¹¹³ Written evidence submitted by Carol Fowler, campaigner and CKCS owner, 10th Jan 09, evidence displaying good progress with health initiative has come from coordinated societies who have established consensus.

¹¹⁴ Written evidence received from breed clubs: UK English Springer Spaniel Breed Club, 31st Jan 09, Soft-Coated Wheaten Terrier Club of Great Britain, 31st Jan 09, The Genetic Sub-Committee of The Irish Red & White Setter Club of Great Britain Jan 09, The Dachshund Breed Council 26th Jan 09

do not necessary follow the protocols set out in these. The Inquiry has received evidence of some breeders ignoring their code of ethics and the breed club either being powerless to stop this or turning a blind eye¹¹⁵.

3.5.4 Registration is voluntary but the KC provides a number of useful functions for the clubs and societies. For example, some of the bred clubs and societies have pointed out that if they wish to show their dogs in KC shows they need to be registered¹¹⁶. The working clumber spaniel society, although not a breed club because there is a separate clumber spaniel breed club (owing to differences on the breed standard), is still registered with the KC so not to put its members outside of the rules.¹¹⁷



3.5.5 Indeed there have been good examples of breed clubs working together and achieving positive results; the springer spaniel breed council illustrates this, it consists of eight breed clubs coming together and uniting on health issues under the council¹¹⁸. Two members were appointed ten years ago to represent them all jointly and equally, and to investigate and report back about any health concerns. They have seen the implementation of breed schemes which have improved some weak areas. However, the council does have some frustrations in improving the breed overall and they state that out of 15,000 English springers that are registered on average each year, only a small minority are bred by people who show their dogs and the vast majority of English springers are bred by commercial dealers, puppy farmers and pet owners¹¹⁹.

3.5.6 The soft-coated wheaten terrier club already produces a booklet on the breed's key health problems which is supplied in every puppy pack and has tackled two of the major inherited health problems of renal dysplasia and deafness by working with veterinary advisors and geneticists¹²⁰. Breeders cooperate with the testing for these and try not to breed high-risk stock. The Irish setters breed association has also been proactive in dealing with the health problems in their breed by working with the Animal Health Trust (AHT) and have managed to remove the retinal atrophy gene within a five year period¹²¹. The flat-coated retriever club has also been cited as working with veterinary professional to investigate the genetics causing cancer in the breed and seek to eliminate it.¹²²

¹¹⁵ Written evidence from Carol Fowler, campaigner and CKCS owner, 10th Jan 09, Margaret Carter, campaigner and ex breed club member Jan 09,

¹¹⁶ The Kennel Club 'Dog Showing' <http://www.the-kennel-club.org.uk/activities/exhibiting.html>

¹¹⁷ Mr. James Darley, clumber spaniel owner during oral evidence 11th June 09

¹¹⁸ Springer Spaniel Breed Society oral evidence 11th June 09

¹¹⁹ *ibid*

¹²⁰ Written evidence submitted by the Soft-coated Wheaten Terrier Club Jan 09

¹²¹ Written evidence submitted by the Irish Setters Breed Association Jan 09

¹²² Dr David Sargan, Geneticist and Senior Lecturer at University of Cambridge Veterinary School during oral evidence 14th May 09

3.5.7 The Inquiry feels it is important to emphasise that some of the breed clubs, councils and societies take positive action and have the health and welfare of their breed as their top concern. These particular clubs need to be used as examples to others and to demonstrate that the breed can be maintained as well as ensuring health and welfare are top priorities. We further recommend that the KC identify these examples and set out exactly how they have done it as good practice guidance and send that information to all other clubs and societies.

3.5.8 On the other hand there have been examples of bad practice from breed clubs and members have not accepted that there are health and welfare problems with their breed. There have been examples¹²³ given of sires known to have inherited diseases being bred from. It appears that dissemination of health information and preventative programmes to breeders can be dependent on the individual breed club committee members¹²⁴. Consequently the efforts and progress towards improvements varies across the board. KC influence on breed club policy can be limited and it is more in the hands of the club committees.

3.6 Concerns about breed clubs and societies not accepting changes

3.6.1 While the KC has been criticised for not doing enough to combat these health problems they fear that measures which are seen as draconian will result in breed clubs leaving and any power they have to change breeding methods will be lost¹²⁵. The American KC demonstrated this when they introduced new standards which members saw as unacceptable¹²⁶. A large number of their breed clubs left and set up their own registration bodies so now there are a large number which are difficult to control.

3.6.2 The Inquiry appreciates that the KC is in a difficult position and has to be careful when amending breed standards and protocols as disagreement with the breed representatives could result in those clubs and breeders deciding to operate outside of the KC's jurisdiction. The KC states that this loss of influence to improve health and welfare is more important than the financial loss¹²⁷. However, it should be noted that they do have control over the majority of showing and if members of breed clubs want to exhibit their dogs they need to be registered. Furthermore, the KC is still the most recognised body in the eyes of the public and breeders are aware that registration of puppies with it is seen as a positive for buyers.

¹²³ Written evidence submitted by Carol Fowler, Campaigner and CKCS owner 10th Jan 09, Margaret Carter, campaigner and ex breed club member, Phillippa Robinson 13th Jan 09, Virginia Kirk, 12th Jan 09.

¹²⁴ Written evidence received from Carol Fowler, campaigner and CKCS owner 10th Jan 09, Margaret Carter, campaigner and ex breed club member.

¹²⁵ Caroline Kisko, Secretary The Kennel Club during oral evidence May 09, Mr. Chris Laurence, Veterinary Director, The Dog's Trust during oral evidence 20th May 09.

¹²⁶ Caroline Kisko, Secretary The Kennel Club during oral evidence May 09, Professor Ed Hall, Senior Vice-President of British Small Animal Veterinary Association during oral evidence 23rd April 09, Mr. Chris Laurence MBE, Veterinary Director, The Dog's Trust during oral evidence 20th May 09.

¹²⁷ Caroline Kisko, Secretary The Kennel Club during oral evidence May 09

3.6.3 There is nothing to prevent other dog registries being set up, indeed the Dog Lovers Registration Club¹²⁸ is an example of this and it is up to these bodies as to how they run. However, if breed clubs left the KC owing to unpopular changes in breeding standards they may look to go to a registry that potentially has lower standards.¹²⁹

3.6.4 The Inquiry has seen that the setting of breed standards and the recognition of health problems alongside the tackling of them makes gaining consensus problematic if the clubs are numerous and separate. There appears to be cases of disagreement between breed clubs and even within them.

3.6.5 **The Inquiry believes that if the changes which the KC are undertaking fail, the only way of preventing differing levels of health and welfare standards through the various clubs and societies is to implement standards across the board. Even if a breed club left the KC it would still have to follow the same criteria for breeding and smaller registries would have to promote those standards rather than creating their own. This would need to be done by government regulation.**

3.7 Dog Shows

3.7.1 As mentioned before the majority of the championship dog shows in the UK are run by the KC and they licence numerous smaller shows run by individual breed clubs¹³⁰. For many welfare organisations, such shows are fundamentally flawed and the RSPCA for one has stated that it opposes any kind of *'canine beauty contest that celebrates deformity or allows or encourages the breeding of dogs that are at risk of known inherited disease or disability or deformity'*.¹³¹

3.7.2 The KC in a letter to MPs¹³², subsequently published in Our Dogs Magazine (May 2009), argues that there are many health benefits to dog showing. They argue that it is in this forum alone that breed standards hold the authority to achieve progress and it is from the breeders and exhibitors of show dogs that the impetus for positive change has come in the past and will come in the future. Those involved in showing and breeding are most likely to invest time and money into driving forward improvements in their breed. They also pointed out that money generated from dog shows is reinvested into canine health and fed back into research and initiatives for all dogs. The KC runs training programmes¹³³ for judges. However, while the changes the KC has undertaken including their review of breed standards, were welcomed, it is not yet clear how these revisions will be interpreted in the

¹²⁸ Dog Lovers Registration Club set up in 1993 to register pedigree dogs to enhance the sale of puppies <http://www.dogregclub.co.uk/aboutus.php>

¹²⁹ Caroline Kisko, Secretary The Kennel Club during oral evidence May 09,

¹³⁰ The Kennel Club 'Dog Shows' <http://www.thekennelclub.org.uk/activities/exhibiting.html>

¹³¹ Mark Evans Chief Veterinary Adviser RSPCA in press coverage and during oral evidence 20th June 09.

¹³² Letter written in June entitled Dog Showing and Health consequently featured in Our Dogs at <http://www.ourdogs.co.uk/News/2009/News220509/healthy.htm>

¹³³ The Kennel; Club website 'Judges' Training. <http://www.thekennelclub.org.uk/item/1541>

show ring and it is felt by many welfare organisations¹³⁴ that there needs to be more control over how standards are set and how a dog is judged at a show

3.7.3 Conversely it is argued that the majority of dogs never step into a show ring and that the impact of dog shows on breeding is limited¹³⁵. However, the dogs which are successful at show level, are the ones which meet the ideal breed standard and are seen as good examples for other breeders to match up to. It is the champion dogs which are used most for breeding and the puppies are fundamentally the result of showing and an example of what the breed should look like.

3.7.4 The Inquiry does accept that by having the best breed standards in place and by ensuring judges are trained in the new standards showing can improve. It is recommended that shows could lead the way by placing a new emphasis on the health of dogs over appearance, and their being 'fit for purpose.'

3.7.5 It is important that loyal breeders move forward in implementing potential positive changes which will impact on breeding practice so they can ensure their breed is a healthy example. Showing can be used as part of the process in taking improvements forward and judges will have a significant influence here in assisting breeders. It is important that the KC train judges and work to get to the point where showing judges 'fit for purpose' and health and welfare as being more important than appearance.



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3.7.6 It is recognised that the KC performs a certain role in relation to showing and registration of dogs. It is arguably in the best position to improve breeding practice in this area.

3.7.7 The Inquiry recommends that the KC should state that no dog will be given the title of Champion unless it has been health screened for diseases known to be associated with that specific breed and proof of that has been provided.

3.7.8 We further recommend that the KC ensure top breeders and judges at championship shows look to see proof of dogs having passed health screening before awarding places. Judges need to be confident that dogs that are used for breeding are healthy and are unlikely to pass genetic diseases on.

3.7.9 The inquiry is disappointed that More4 channel has made the decision to show Crufts 2010 as we feel that until the problems of health and welfare are dealt with it the showing of certain dogs with health and welfare problems associated with in-appropriate breed standards is wrong. We hope that More4 will bear this in mind and will strongly focus on educating the viewers on health and welfare taking opinions from all stakeholders including veterinarians and welfarists.

¹³⁴ Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence session 11th June 09. Written evidence submitted by The National Animal Welfare Trust 30th Jan 09, written evidence submitted by The Blue Cross 31st Jan 09, written evidence submitted by The Pet Care Trust 30th Jan 09

¹³⁵ Caroline Kisko, Secretary for The Kennel Club during oral evidence 6th May 09

3.8 The Kennel Club's future

3.8.1 It is fair to say that the KC has experienced heavy criticism over the last year following the 'Pedigree Dogs Exposed' programme. Many pet owners felt let down by them as they believed when they brought a puppy registered by the KC they were buying into a high standard and would receive all the necessary information about the breed and were shocked when it was diagnosed with an inherited disease¹³⁶. This was not strictly the KC's fault as they currently do not have the ability to ensure breeders follow their guidance¹³⁷. However, their involvement in setting the breed standards which has contributed to the development of health problems and their failure to bring the problems to the attention of the public should be acknowledged and tackled. Welfare organisations generally feel that the KC has had plenty of time to make more significant improvements and that they have only now responded in light of the bad publicity¹³⁸.

3.8.2 The Dogs Trust have stated that *"while we applaud the action taken by the Kennel Club Charitable Trust over many years to research specific disease issues, determine their inheritance and introduce genetic tests, we consider that action taken by the Kennel Club to modify breed standards has been ineffective at preventing the adverse welfare effects of some confirmations. As a consequence there are now significant numbers of dog breeds where there are major issues that affect the welfare of the great majority of dogs of that breed."*¹³⁹

3.8.3 The majority of organisations and individuals who responded to the Inquiry did criticise the KC. It was felt improvements could be made by changing the General Committee¹⁴⁰. The General Committee, in theory, makes the key decisions concerning the promotion of dog health and welfare for the KC, although there are other committees involved in this process¹⁴¹. To become a member of this Committee you have to be recommended by existing members and consequently it is currently mainly made up of breeders and judges who, some believe, have self-interest at the heart of their decisions or who find it difficult to impose change in fear of losing support from breed clubs and membership.¹⁴² That said there are some veterinary professionals on the Committee who bring extensive experience to the table. Whether this is true or not

¹³⁶ Written evidence submitted to the inquiry from Kate Price, Tania Ledger, Carol Fowler, Virginia Kirk, David Briggs, Jill Furnell, Margaret Carter, Sandy Smith, Joanna Herman Patricia Sanderson, Phillippa Robinson

¹³⁷ Professor Steve Dean Chief Veterinary Surgeon during oral evidence. Written evidence submitted by The Kennel Club, Jan 09.

¹³⁸ Carol Fowler, Campaigner and CKCS owner, Margaret Fowler, Campaigner and ex breed club member and Jemima Harrison, Producer of Pedigree Dogs Exposed' during oral evidence 29th April 09. Dr Clare Rusbridge RCVS Specialist in Veterinary Neurology during oral evidence 14th May 09

¹³⁹ Written evidence submitted by Chris Laurence, Veterinary Director, The Dog's Trust Jan 09

¹⁴⁰ Written evidence submitted by the Dog's Trust Jan 09. Correspondence received from Carol Fowler, Campaigner, April 09. Research collated by Jemima Harrison, Producer for 'Pedigree Dogs Exposed.'

¹⁴¹ Information provided by the Kennel Club 10th July 09

¹⁴² Written evidence submitted by The Dog's Trust Jan 09. Written evidence submitted by Carol Fowler, campaigner and CKCS owner 10th Jan 09 and Margaret Carter, campaigner Jan 09.

can only be gauged from the anecdotal evidence the Inquiry has received¹⁴³ which states that the General Committee is closed to anyone who does not operate within the top echelon of the showing and breeding community. Owing to this perception we feel it would make the KC appear more of an open organisation if it opened up the membership of this Committee.

3.8.4 Although it is not for this Inquiry to impose on the KC how it structures its organisation, we do recommend that the KC looks at the composition of the General Committee to see if there is room for a wider variation of interests such as pet owners, welfarists and those who have had experience of canine hereditary diseases firsthand. Ultimately they should seek to be transparent, open to scrutiny and willing to engage with outside bodies and individuals who may have experience to offer to the debate on health and welfare.

3.8.5 The Inquiry believes that ultimately the KC can win back trust by showing that they are willing to take responsibility for dogs registered with them and that they are willing to lose members who do not meet high standards.

3.8.6 The Inquiry believes that the KC should insist on permanently identifying all registered dogs (e.g. by microchip) to help identify the breed line more accurately and to help monitor those lines and any health problems they suffer from.

3.9 An Independent Body

3.9.1 It is evident from the previous points that trust in the KC and breed clubs is weak and that it is difficult to gain consensus on breed standards and codes of ethics. This means that even if all stakeholders agree that change is required urgently, the decisions on what changes to make could take some time to implement given the disagreements which are bound to arise. Additionally the majority of stakeholders may be seen to have a biased interest which may affect the goal of a positive outcome that is purely in the interest of improved welfare standards.

3.9.2 It has been mentioned during the process of collecting evidence that an independent advisory group of experts should be formed to offer advice on the way forward on a breed by breed basis, including the regular review of breed standards and also recommendations on the code of ethics and the breeding process¹⁴⁴. The Farm Animal Welfare Council provides a good example of how an independent advisory body can help to keep issues under review and advise the Government of any need for changes in legislation.¹⁴⁵

3.9.3 This group could potentially work by drawing experts together who are independent of the KC and any other registrations bodies. It could include veterinary professionals, geneticists, welfarists from organisations like CAWC, Dog's Trust, RSPCA,

¹⁴³ Written evidence received from Carol Fowler, campaigner 10th Jan 09 and Margaret Carter, campaigner, Jan 09.

¹⁴⁴ Written evidence received from the CAWC 29th Jan 09, BVA Jan 09, The Dog's Trust, Jan 09, the RSPCA Jan 09 and Simon JR Adams MRCVS, independent veterinary surgeon, 31st Jan 09

¹⁴⁵ Farm Animal Welfare Council www.fawc.org.uk

as well as individuals from the showing and breeding community and potentially even a representative from Defra.

3.9.4 The group would therefore be an independent body which would be able to provide a balanced opinion on breed standards and put forward solutions for health problems alongside clear reasoning from experts. This would facilitate dialogue and encourage positive action by all stakeholders. Furthermore it could assess where the priorities lie.

3.9.5 **An independent advisory body made of geneticists, veterinary surgeons, behaviouralists, breeders and animal welfare scientists should be set up to provide advice and make recommendations through the KC to breed clubs and societies.**

3.9.6 This independent body would be well placed to offer informed and scientific advice on the setting of breed standards which takes into account any issue of conformation which may lead to pain or discomfort based on their experiences treating such issues. The inquiry has seen that the setting of breed standards and the recognition of health problems alongside the tackling of them makes gaining consensus problematic if the clubs are numerous and separate. We feel that this strengthens the case for an independent body providing advice with an understanding of the health implications of certain breeding practices.

3.9.7 The KC and breed clubs should be open to this advice and the advice should be published independently so that all stakeholders are able to see whether it has been taken into account.

3.9.8 If there is a failure to implement the changes set out by the KC over the next year, we believe that the independent body would be well placed to advise the Government on the need for further action.

SECTION 4 THE VETERINARY PROFESSION

4.1 Vets' involvement

4.1.1 The veterinary profession has an enormously important role to play, not only from a research and science point of view, but also from a very practical point of view, working with not just the breeders, commercial or otherwise, but also with their clients who buy dogs as pets. Additionally they have a role in educating the pet buying public in avoiding breeds that are likely to have problems as a result of poor conformation and inbreeding as well as temperament.

4.1.2 The Inquiry believes it is unfortunate that the majority of potential pet owners do not seek the advice of a vet before they buy it. By the time the proud owner takes the animal to the vet for the first time there will already be a strong bond between the owner and their pet. The vet is then left with the dilemma of offering surgery or palliative treatment to alleviate suffering as a result of genetic defects. In such circumstances the veterinary surgeon may advise that the animal is not bred from under any circumstances.

4.1.3 A further area of difficulty for the practising veterinary surgeon is where a potential show dog is presented for corrective surgery because of a genetic defect. Such surgery should render the animal ineligible for showing or at least be published¹⁴⁶ but because of client confidentiality enforcement of such rules is difficult. Micro-chipping and a national database would be one way of overcoming such problems.

4.1.4 The BVA believes that vets who hold the relevant expertise should be consulted during the regular reviewing of breed standards to ensure that health and welfare is taken into account and any concerns they have can be dealt with at that point¹⁴⁷. If, as suggested previously, an independent body was set up to oversee this vets and geneticists as well as behaviourists and animal welfare scientists would certainly play a key role on it.

4.1.5 This body will also have a role to play in setting out what health tests need to be compulsory to weed out the more recurring inherited diseases and this is likely to change as problems are solved and new ones arise. Veterinary surgeons will be a vital part of this exercise in reporting any new health problems.

4.1.6 **The Inquiry believes that in general veterinarians should make ongoing efforts to keep up-to-date with new genetic information, and should make client and breeder education a routine part of his or her practice.**

4.1.7 **This can be accomplished via communication in the examination room, especially when a client is discussing the purchase of a new dog. It can involve methods such as placing informative brochures in the clinic waiting area, incorporating articles and fact sheets in clinic newsletters, writing articles for the opinion section of the local newspaper, and providing educational seminars for local breeders.**

¹⁴⁶ Written evidence submitted by Mr Chris Laurence, Veterinary Director, The Dog's Trust, Jan 09

¹⁴⁷ Nicky Paull, President British Veterinary Association during oral evidence session April 09

4.2 A national database

4.2.1 A database to collate the occurrences of hereditary diseases and health and welfare problems would provide information to all stakeholders on the problems and their frequency¹⁴⁸. Practising veterinary surgeons could feed information into this and trends could be monitored. Vets could be the interface between breeders and dog owners and those seeking to solve the health and welfare problems. It has been suggested that veterinarians could collect this data, anonymise it to protect client confidentiality and then set out the breed of dog, what treatment they provided, what age the dog was and any other relevant information which could then be used to establish the true prevalence and incidence statistics of inherited diseases.¹⁴⁹ There is currently a three year research project with Sydney University and the RVC to create a database of inherited diseases in dogs and cats which seeks to harvest real-time data from veterinary practices.¹⁵⁰

4.2.2 **The Inquiry believes it would be beneficial if any future regulation stipulated a dog be checked for possible identified hereditary diseases by a vet before it is used for breeding. Additionally if the resulting puppies were sold with a certificate or contract of sale with the health information of the sire and dam on it, it should be issued by a vet in the same manner as a vaccination certificate.**

4.3 Client confidentiality and trust

4.3.1 The veterinary surgeon has an ethical duty¹⁵¹ to protect client confidentiality and it is recognised that the vet is not an enforcer but, depending on how regulation develops there may be public interest arguments in favour of disclosing the treatment given to show and breeding animals.

4.3.2 The worst possible outcome of tighter regulation on breeding and health screening would be that breeders stay away from their veterinary surgeon and try to hide health problems which would ultimately lead to lower welfare standards for their dogs. Additionally the Inquiry would not want to scare owners away from having a dog, showing symptoms, checked by a vet because they are nervous about insurance coverage and bills.

4.3.3 **The Inquiry would like to see the KC and other registration clubs working closely with vets to provide them with information which helps them advise their clients.**

4.3.4 **We would also like to see licensing authorities seeking veterinary advice and involvement with licensed breeding facilities and pressuring those breeders**

¹⁴⁸ Dr David Sargan, Senior Lecturer, University of Cambridge Veterinary School during oral evidence 20th May 09

¹⁴⁹ *ibid*

¹⁵⁰ Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence session 11th June 09 – research project commissioned by the RSPCA.

¹⁵¹ Royal College of Veterinary Surgeons Guide to Professional Conduct www.rcvs.org.uk

to provide evidence of close working with veterinary clinics to ensure the puppies they sell are in good health. We believe this is important in ensuring buyers feel properly protected by the licensing regime.

4.3.5 The Inquiry hopes that veterinary professionals will continue to play a major role in developing the strategies to improve the health and welfare of pedigree dogs and indeed all dogs.

SECTION 5 LEGAL REQUIREMENTS

5.1 The Animal Welfare Act 2006

5.1.1 The Animal Welfare Act 2006 (AWA) sets out basic provisions concerning the promotion of animal welfare and preventing cruelty. Although there are no specific references to dog breeding or the prevention of hereditary diseases in the main provisions within the Act there are options to introduce regulations¹⁵² to promote animal welfare.

The Act does however impose a duty of care¹⁵³ on all owners and keepers of animals to ensure the welfare needs of their animals are met (the last point being perhaps the most pertinent here). These include the animal's need:

- For a suitable environment,
- For a suitable diet,
- To be able to exhibit normal behaviour patterns,
- To be housed with, or apart from, other animals, and
- To be protected from pain, suffering, injury and disease.

5.1.3 The Inquiry has had evidence¹⁵⁴ which suggests that pedigree dogs which suffer from a hereditary disease or a characteristic which hinders them are at risk of being denied at least one of these considerations under the Act if not more. They may be prevented from expressing normal behaviour, they will not be free from discomfort, they will be at risk of pain and disease and those suffering from diseases like syringomyelia will not be free from fear and distress. While this indicates there may be a strong argument that animal welfare is being compromised, the Act unfortunately does not cover the progeny of animals¹⁵⁵.

5.1.4 Defra is currently producing a code of practice for the welfare of dogs under s14 of the AWA. They have consulted key welfare organisations and individuals to try and agree the content for such a code. At present the Inquiry understands that there are no requirements on breeding or genetic health of dogs proposed for the code.

5.1.5 **Currently any codes of practice under the Animal Welfare Act 2006 does not protect progeny as the Act only covers animals from birth and it would be difficult to determine when an offence of inbreeding occurred and by whom. However, the Inquiry believes it would be beneficial if any code of practice could at least encourage potential puppy owners to consider the health and welfare of their chosen dog breed when considering getting a pet.**

¹⁵² S12 Animal Welfare Act 2006

¹⁵³ S9 Animal Welfare Act 2006

¹⁵⁴ Pedigree Dog Breeding in the UK: A Major Welfare Concern' report by Dr Nicola Rooney and Dr David Sargan 09. Chapter 2.2 Why This is An Important Animal Welfare Issue. Dr Chris Laurence, Veterinary Director, The Dog's Trust during oral evidence session 20th May 09, Dr Nicola Rooney, Research Associate at Bristol University during oral evidence session 20th May 09

¹⁵⁵ S1 Animal Welfare Act 2006

5.1.6 The Inquiry believes that Defra could include in a code a 'what to look for when buying a puppy' to ensure a healthy dog. This is not so much concerned about dog breeding but more about encouraging buyers to seek certain assurances when purchasing a dog.

5.2 The Breeding and Sale of Dogs (Welfare) Act 1999

5.2.1 This Act covers the husbandry of dog breeding rather than the process of breeding itself. Anyone who is in the business of breeding and selling dogs requires a licence from the local authority under this legislation. It is then in the hands of the local authority which has discretion whether to grant a licence and if they issue a licence they have the power to check on the standards of health, welfare and accommodation of the animals belonging to the licence holder. It is for local authorities to enforce.¹⁵⁶

5.2.2 Anyone who breeds five or more litters a year is covered by this legislation and is considered a commercial breeder. In theory this should enable the number of commercial dog breeders in the UK to be monitored as they need to be licensed by their local authority. However, it does not capture the many hobbyists and other breeders who fall outside of the scope of this legislation. This does cause concern for the Inquiry.

5.2.3 The Breeding of Dogs Act 1991¹⁵⁷ extends the powers of local authorities to obtain a warrant to enter any premises, excluding a private dwelling house, in which it is believed that a dog breeding business is being carried out, not just those which are licensed. Some argue that local authorities fail to enforce this Act effectively and consistently across the UK often due to other priorities and lack of resource¹⁵⁸.

5.3 Potential for regulation

5.3.1 Under the AWA, there is a possibility that Defra could introduce both Regulations and a Code of Practice relating to the welfare of pedigree dogs. Key welfare organisations¹⁵⁹ have suggested they would like to see Defra introduce statutory regulations as they claim that the industry as a whole, not just registered dogs, cannot be trusted to regulate itself and does not have sufficient commercial independence to be able to ensure welfare standards are maintained. Defra has repeatedly stated that they are not in favour of introducing statutory regulation. However, it has accepted that the industry needs to "clean up its act" and put its "house in order."¹⁶⁰



¹⁵⁶ The Breeding and Sale of Dogs (Welfare) Act 1999 Department for Environment, Food and Rural Affairs <http://www.defra.gov.uk/animalh/welfare/domestic/>

¹⁵⁷ The Breeding of Dogs Act 1991 – Chapter 64 http://www.opsi.gov.uk/Acts/acts1991/ukpga_19910064_en_1.htm

¹⁵⁸ Written evidence submitted by Professor Steve Dean, Chief Veterinary Surgeon at Crufts. 1st Feb 09

¹⁵⁹ Written evidence submitted by The British Veterinary Association, The Kennel Club, The Dog's Trust, The RSPCA Jan 09.

¹⁶⁰ Jane Kennedy, Minister of State for Animal Welfare during oral evidence session May 09

5.3.2 One of the problems with going down a statutory regulation route is the time it will take. This should be considered in the context of a General Election due next year which with it raises the prospect of a possible change of Government and thus priorities.

5.3.3 If regulation was to be introduced it should be with a requirement that any person who breeds dogs (whether or not in the course of a business) must follow good breeding practice. What is 'good breeding practice' could be set out in a code of practice drawn up by a suitable expert body. To fail to follow good breeding practice could be an offence, perhaps similar in form to s9 of the AWA 2006. It is possible that certain requirements of good breeding practice could be included in the Regulation itself (similar to some of the specific requirements included in the Welfare of Farmed Animals Regulations 2007) but the subject matter may be too detailed and prone to change with scientific developments. This could be the subject of expert consultation and discussion.

5.3.4 In addition, the Regulation could include a prohibition on the showing of a dog unless that dog has been certified by an independent body to have been bred in accordance with good breeding practice. This may involve a vet certifying that the sire and dam have been tested for certain heritable conditions and are safe to breed from to ensure the health and wellbeing of the puppies born. This requirement would find a parallel in s6 of the AWA 2006 (docking of dogs' tails). A code of practice could specify those tests needed for each breed of dog.

5.4 The European Convention for the Protection of Pet Animals

5.4.1 Article 5 of The European Convention, which the UK has not signed up to, states: "No-one shall breed companion animals without careful regard to characteristics (anatomical, physiological and behavioural) that may put at risk the health and welfare of the offspring or female parent."¹⁶¹ The UK is one of only a few European nations that have not signed up to the Convention. Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Luxembourg, Norway, Portugal, Sweden, Switzerland have ratified the convention whilst France, Italy, Netherlands and Turkey have signed but not yet ratified. The UK is notable for its absence.

5.4.2 Despite appearances that the Convention could be a simple solution to the problem, the convention actually has no enforcement powers so without Government support it cannot provide the solution required. The reason for Defra not supporting the UK's ratification of the convention is that they are wary of the enforcement requirements as well as interpretation of the convention language. The Government maintains that purely signing the convention would not be enough but ratifying it would require further specific regulation.

¹⁶¹ Article 5 of the European Convention for the Protection of Pet Animals by The Council of Europe. <http://conventions.coe.int/treaty/en/Treaties/Html/125.htm>

5.4.3 The Inquiry understands that signing the European Convention for the Protection of Pet Animals may not be sufficient and will require further specific regulation. We believe it is better to examine what will make a difference for the welfare of dogs nationally and find the right actions which will provide results and which can be properly enforced.

5.5 Defra's current position

5.5.1 The Minister for Farming and the Environment, the Rt Hon Jane Kennedy MP agreed that there was a problem with the health and welfare of pedigree dogs and that a debate was long overdue¹⁶². However, Defra holds no data on the conditions these dogs may be suffering from and has made it clear that they are awaiting direction from the two inquiries: *"We have known there has been an issue for some time, but it has been an area where certainly government has been reluctant to intervene...I think we will want to see what the outcomes of your inquiries are before we invest...we are not convinced that regulation is the route, that is why we are looking to the outcome of the inquiries to give us advice...The work that the two inquiries are doing could help us point in the direction for improvement work in other species as well. I genuinely want to see the outcome of the inquiries before we, as a department, take a view on the way forward."*¹⁶³



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5.5.2 It is clear that, despite the work undertaken by the BVA, CAWC, the KC and the RSPCA amongst others, Defra is waiting for the two Inquiries¹⁶⁴ to report back before deciding on a way forward but are yet to be convinced that regulatory measures are required. The Inquiry believes that regulations supported by a code of good practice should be considered if the improvements set out in the report fails to ensure the health and welfare of all dogs bred are adequately protected.

5.5.3 The Inquiry believes that the KC and breed societies must be given time to implement measures and improve the problems outlined in this report and the time leading towards the General Election provides a good opportunity. Following this, all interested parties should meet to assess whether any progress has been made. Additionally, the Inquiry feels that dogs which do not fall under the pedigree remit should also be addressed especially if the improvements put in place for pedigree dogs fail to filter down to these other animals.

¹⁶² Rt Hon Jane Kennedy MP, Minister for Farming and Environment, Department for Environment, Farming and Rural Affairs. APGAW evidence session held on 20th May 2009

¹⁶³ *ibid*

¹⁶⁴ Professor Bateson inquiry into dog breeding and APGAW inquiry in pedigree dogs health and welfare.

SECTION 6 SALE OF DOGS AND THE CONSUMER

6.1 The puppy buyer

6.1.1 It has been very clear throughout the Inquiry that aside from the dog itself, it is the buyer who suffers most from the problems of poor health and welfare in their puppy¹⁶⁵. In general the public do not have all the information at hand unless they seek it out through websites and obtain advice from their vets which is currently quite an arduous process.

6.1.2 The success of irresponsible dog breeders in selling puppies often comes from buyers' ignorance and also the fact that the buyer is limited in the action they can take if a puppy later suffers from physiological or genetic problems. Currently legal liability for inherited diseases in animals falls under consumer protection law where a breeder sells a dog in the course of a business with an implied term of satisfactory quality. The Sale of Goods Act 1979 sets out that the goods you buy must be of 'satisfactory quality' and they must be 'fit for purpose'¹⁶⁶. Generally this protects the buyer who has bought goods from someone acting 'in the course of business' and allows for the return of the goods and the refund of the purchase price. As stated by the RSPCA *'to some extent the physical and genetic health of an animal is an unknown quantity so this term places liability on the seller even where he does not know that the animal will manifest a serious disorder. This allows the buyer to sue the seller for breach of contract in respect of congenital or hereditary defects up to six years after the sale and places liability on the seller.'*¹⁶⁷ However, the Sale of Goods Act only covers goods bought from someone who was acting 'in the course of business' and buying a puppy from a 'friend' or 'neighbour' would mean it wouldn't apply. More significantly this is dealing with a sentient creature which may be suffering not an inanimate object like a fridge and most owners would not just want to return it and get their money back.

6.1.3 In these situations the buyer loses money, often has to face the euthanasia of their much-loved pet and does not have a clear understanding of their rights. This allows the 'rogue' breeders to avoid health testing and general good practice, thus selling puppies cheaper than more ethical and responsible breeders can. This is clearly one of the most significant areas to address and aside from legislation could make the greatest improvement to general welfare of all dogs. If every buyer becomes more conscious of the pitfalls and the results of purchasing a poorly bred puppy then significant improvements should be seen. Aside from the welfare implications, the protection of consumer rights is important for those in government.

6.1.4 **The Inquiry recommends the issue of consumer rights is investigated as part of this problem and the impact on the public of low health and welfare standards in dog breeding is recognised by Government.**



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¹⁶⁵ Statistics showing the costs of veterinary treatment for pedigree dogs have been made publicly available following 'Pedigree Dogs' Exposed' and are estimated at £10 million pa. Insurance premiums are higher for certain pedigree dogs. Written evidence from RSPCA 29th January and WAG 10th December sets out the lack of consumer protection available. Oral evidence from Nicky Paull, President of the British Veterinary Association on 23rd April

¹⁶⁶ Sale of Goods Act 1979 Section 14

¹⁶⁷ RSPCA written evidence submitted to inquiry 29th January 2009

6.2 Consumer protection and puppy sale contracts

6.2.1 Generally consumers do not have a great deal of information about the health or welfare of the puppy or its parents, thus they are not in a position to be able to make an informed decision about their purchase. There could be much greater transparency if the seller were to provide information about the way the puppy has been bred (e.g. whether or not it is the product of a mating of related individuals) and carry out screening and genetic health tests on the puppy or its parents, as relevant.

6.2.2 It has been suggested by a number of leading welfare organisations¹⁶⁸ that a puppy sale contract should be required which includes this information enabling buyers to make an informed decision and protecting the seller by disclosing all information at the point of sale. The principal idea for this contract would be simply, for the breeder to assure the prospective buyer that they have taken all necessary 'due care' that was available to them at that time to minimise the risk of passing on inherited disease to the puppy they are selling¹⁶⁹. The Inquiry sees it as an extended version of the vaccination card which could be referred to as a health certificate. There could be a requirement for the seller to supply to the buyer, in good time before the contract is concluded, the health certificate for the dog setting out details of screening tests for genetic and other disorders that have been carried out on the puppy and on its parents. The certificate should be certified by the vet and/or establishment which has carried out the tests.

6.2.3 Although requiring sellers to carry out screening tests would increase their costs, currently buyers are carrying the financial and emotional cost of the dogs they buy suffering disorders. The puppy buyer choosing a dog which comes with a certificate of health would need to be made aware that this means the dog is likely to be healthier which is likely to cost less in the long-run and insurance companies could potentially reflect this in the premium. If the puppy later goes on to have a hereditary disease this certificate proves the breeder acted reasonably to try to prevent it and it is not their responsibility. If the buyer fails to obtain the certificate upon purchase they may be liable to a higher insurance premium as they cannot prove that the puppy is void of any potential problems which plague the breed. This would need to be investigated with insurance companies.

6.2.4 This of course has the potential of making a pedigree dog more expensive than a similar purebred and some buyers may just go for the cheaper option which then buoys the trading by irresponsible breeders. It does depend to a large extent on public education. If this failed, there may be a need for legislation to make it compulsory. This contract of sale could fall in line with current purchase and sale agreements between 'seller' and 'purchaser' and should not require any extra policing or

¹⁶⁸ Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence 11th June, Nicky Paull, President BVA during oral evidence 23rd April 09, Professor Ed Hall, Senior Vice-President of the British Small Animal Veterinary Association April 09. Dr James Kirkwood, CAWC during oral evidence 23rd April 09.

¹⁶⁹ Nicky Paull, President BVA during oral evidence 23rd April 09

administration. It is understood that a concept along these lines is currently being considered in more detail by the BVA Animal Welfare Foundation¹⁷⁰.

6.2.5 There is a possible negative impact on re-homing charities if every dog needed to come with a certificate proving health testing and general well being. This would affect them financially as well as time-wise when looking to home young dogs and often the history of many dogs is unknown. There would also be a danger of low standard breeders becoming 're-homing centres' if they felt it would enable them to avoid the cost of health testing and having liability for their puppies. Therefore there would need to be a carefully considered exemption for re-homing centres. Currently the majority of re-homing centres provide a health check with all dogs being re-homed and it could be an extended version of that.

6.2.6 The Inquiry recommends that a puppy sale contract is an excellent means to tackle the issues raised head on. The practicality of having a health certificate for every puppy should be investigated by Defra and in the meantime the KC should work with the BVA, the RSPCA and others to develop this further.

6.3 Educating the puppy buyer

6.3.1 As seen from the evidence submitted by pet owners and the various informal discussions with members of the public, those seeking to buy a puppy often have no practical, objective information to guide them¹⁷¹. Until the 'Pedigree Dogs Exposed' programme was aired, health and welfare problems appeared to be issues kept behind closed doors. The public has been buying puppies under the impression that they are all healthy and there is no need for health checks. Many veterinary surgeons have highlighted that their clients buy the same breed of dog over and over again despite the previous ones having health problems¹⁷². They almost think it is normal for the dog to have a problem and are not aware it is caused by poor breeding¹⁷³.

6.3.2 When a member of the public buys a horse it is recommended, although not compulsory, to have it inspected by a vet before money changes hands. The problems which can arise out of a horse having tendon or respiratory problems can involve huge sums of money in veterinary fees for any new owner and their insurer but it has transpired that dog owners are also being subjected to large veterinary fees for the problems arising in their pet. Therefore there appears to be scope to work on increasing public knowledge of what to look out for and what precautions to take when buying a puppy. Of course it is not feasible to ask for a vet check before every purchase of a puppy but to ask the seller to prove the health of the sire and dam is considered reasonable and is central to the certification of sale as mentioned above.

170 Nicky Paull, President of the British Veterinary Association during oral evidence session 23rd April 09, Mr. Chris Laurence, Veterinary Director of The Dog's Trust during oral evidence session 20th May 09

171 Nicky Paull, President of the British Veterinary Association (BVA) during oral evidence session 23rd April, Professor Ed Hall, Senior Vice-President of British Small Animal Veterinary Association during oral evidence session 23rd April and Mark Evans, Chief Veterinary, RSPCA during oral evidence session 11th June

172 Nicky Paull, President of the BVA during oral evidence 23rd April

173 Nicky Paull, President of the BVA during oral evidence 23rd April

6.3.3 The Blue Cross and the RSPCA have strongly advocated the need for more information for the public.¹⁷⁴ Providing practical and objective advice for prospective owners would go some way to enabling them to make informed choices when looking to buy a puppy. This would help them ask the right questions of the breeder and be aware of the problems which may arise. It would also mean that breeders would have to provide the buyers with required information. Giving the public the knowledge to make an informed decision will impact on breeders who are not following good practice. The KC agree with this and state that the puppy buyer has a tremendous part to play in the whole process and by educating the buyer it will drive them to select the right breeder.¹⁷⁵

6.3.4 Educating the potential buyer is essential if certificates of health are to be taken forward effectively. Some responsibility does need to fall on the purchaser to stop the impulse buying of puppies which later end up in re-homing centres. The buying of a puppy needs to be a more considered process so that consumers think about the potential pitfalls to buying a dog from a breeder that they know nothing about and who has no records.

6.3.5 The KC can work to promote good dog breeding alongside vets and welfare organisations directing potential buyers' direction to the breeders and breed clubs who do meet high standards. Other stakeholders who are involved in the dog industry such as dog food manufacturers, boarding kennels, grooming parlours, and canine magazines can all work on promoting good breeding by highlighting the future problems an owner may experience with a dog which was not bred with its health and welfare in mind.

6.3.6 The consumer should be protected and the Inquiry believes that Defra should take forward a public awareness campaign on the disadvantages of buying a puppy without careful consideration.

¹⁷⁴ Steve Goody, Director Companion Animal Welfare, The Blue Cross. Written evidence supplied to inquiry 31st January. Mark Evans, Chief Veterinary Adviser, RSPCA during oral evidence session 11th June 09

¹⁷⁵ Jeff Sampson, Genetics Coordinator, The Kennel Club during oral evidence 6th May 09

SECTION 7 FINANCING CHANGE

7.1 Making health testing affordable

7.1.1 The KC puts considerable sums of money into its Charitable Trust and over the last 21 years it has put around £3.84 million into research about dog disease¹⁷⁶. However, breeders are likely to have concerns over their own financial positions if they are forced to spend money health checking their dogs, producing documentation and information packs. Change will only really occur when there is a financial incentive to do so and it needs to begin with the consumer. If public awareness of the health and welfare problems increases then there will be demand for improvements and those not meeting the demands will not sell as many puppies – simple market forces.



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7.1.2 Although the price of puppies may consequently go up, the Inquiry does not see this as negative because it means costs overall should go down. It also may mean buyers think more carefully about the puppy they buy and really do seek out the best breeder to get value for money. Dogs which require more health tests than others will become more expensive to buy but the public must understand that if they buy a healthier puppy it will live a longer life and will save money in the long-run.

7.1.3 **Members of the Inquiry acknowledge the potential risk in asking the more conscientious breeders to health test and ensure high standards could lead to less ethical breeders selling a puppy of the same breed for less money. If public education and stronger controls over breeders through the Breeding and Sale of Dogs (Welfare) Act 1999 fail then there may be a case for Government legislation enforcing certain standards.**

7.2 Setting up a database

7.2.1 Members of the public who are considering buying a pedigree dog find very little information on the health of the different breeds and it would be useful for the data on prevalence of diseases to be made more accessible.¹⁷⁷ It would not be suitable to make a veterinary database available for the public as that would be for those in the profession to monitor the prevalence of certain diseases and conformation problems so that they can make recommendations on testing. Listing problems with certain breeds and what health tests to ask about would be useful and this is something the KC could do alongside the breed clubs and societies.

7.2.2 Universities Federation for Animal Welfare (UFAW) has suggested a chart structured on a breed by breed basis showing what the conditions are, what their welfare impacts are and what proportion of the animals it affects¹⁷⁸. This would be a simple information resource for the public where a potential buyer would be able to look up a particular breed of dog to understand what issues they may be facing. It would be a

¹⁷⁶ The Kennel Club written evidence to APGAW Inquiry Jan 09

¹⁷⁷ Nicola Rooney, Research Associate at Bristol University and Co-Author of the Independent Report on Pedigree Dogs during oral evidence 20th May 09

¹⁷⁸ James Kirkwood, Deputy Chairman of CAWC and Director of UFAW during oral evidence 23rd April 09. <http://www.ufaw.org.uk/UFAWWelfareandBreedingInitiative.php>

useful exercise for pet food manufacturers to be involved in setting up as it should not be hugely expensive and would only require updating every so often. It would help buyers as well as allowing the KC to reward good breeders by naming them and also would help the pet food manufacturers set up customer loyalty from the beginning.

7.2.3 The more complicated database for vets would be seeking to establish the extent of the problem by bringing all the facts and figures together. The KC has information as do specialist veterinary practices and universities but it is not in one central place except for the work being undertaken by Dr David Sargan who has been listing genetic diseases¹⁷⁹. There is no central registry that lists the frequency of all diseases or problems in pedigree dogs and so the problems are unquantifiable.¹⁸⁰ There has been a suggestion of adding a small levy on pet foods to fund the database¹⁸¹ but this is a decision for the companies themselves. Pedigree Masterfoods has already put money in through its charitable arm Waltham Foundation into the UK DNA archive and it has been suggested that a number of bodies with an interest in pedigree dogs could contribute to such a database¹⁸².

7.2.4 The Inquiry recommends that the KC makes information regarding health problems in the different breeds more visible on their website, www.the-kennel-club.org.uk, and highlights breeders who carry out health tests and supply, to the best of their knowledge, healthy puppies

7.3 Insurance companies

7.3.1 Insurance companies are clearly one of the key stakeholders and are seeing the impact of high veterinary bills from intervention to fix physical defects and deal with inherited diseases¹⁸³. They have a role to play in developing the joined up thinking which is needed to give a more accurate estimate of where we are. Accessing insurance data, which at the moment is not possible owing to data protection, would help to see where the problems lie and it would also help to work out where health testing is needed.

7.3.2 For a certificate of health to work insurance companies must ask for a copy as a requirement of insurance. This should make buyers more inclined to purchase puppies from breeders who supply such certificates

7.3.3 The Inquiry believes that financing change must come from all stakeholders and those like insurance companies must be responsive as they can help to encourage buyers to understand that buying a puppy is not without risks alongside the veterinary profession, the KC and the Government.

¹⁷⁹ David Sargan, Geneticist and Senior Lecturer, University of Cambridge Veterinary School during oral evidence 20th May 09

¹⁸⁰ *ibid*

¹⁸¹ Nicky Paull, President of the British Veterinary Association during oral evidence 23rd April 09 and David Sargan, Geneticist and Senior Lecturer, University of Cambridge Veterinary School during oral evidence 20th May 09

¹⁸² Professor Ed Hall, Senior Vice-President of British Small Animal Veterinary Association during oral evidence 23rd April 09

¹⁸³ Nicky Paull, President of the British Veterinary Association during oral evidence 23rd April 09

APPENDIX A

List of organisations and individuals who submitted written or gave oral evidence to the inquiry

Organisations

Advocates for Animals

British Veterinary Association (BVA)

British Small Animal Veterinary Association (BSAVA)

Blue Cross

Bristol University

C-fidos (Coalition for improved dog ownership standards)

Companion Animal Welfare Council (CAWC)

Cambridge University

Defra – Minister, Rt Hon Jane Kennedy MP and Henry Hoppe.

Dogs Trust

Golden Retriever Breed Council

Inkersall Gordon Setters

League Against Cruel Sports

National Dog Tattoo Register

Pet Behaviour Counsellors

RSPCA

Soft-Coated Wheaten Terrier Club of Great Britain

Dachshund Breed Council

National Animal Welfare Trust

The Dog Lovers Registration Club UK Ltd

Waterside Action Group

The Kennel Club

The German Shepherd Dog Breed Council of the UK

The Genetic Sub-Committee of the Irish Red & White Setter Club of Great Britain

UK Springer Spaniel Breed Clubs

The Basset Hound Club

Individuals

Jenny Bennett – breeder and former exhibitor

Anne Bray – dog owner

David Cavill – Principle of the Animal Care College and publisher of 'Our Dogs'

Pauline Cooksey – dog owner

Carol Fowler – pet owner and campaigner

Linda Hurt – dog owner

Alison Leighfield – dog owner

Beverley Lewis – dog owner

Chris Maitland Hoare – Veterinary Surgeon

Diane McCann – Breed club member, exhibitor, judge, breeder, dog trainer.

Dr James Kirkwood – Universities Federation for Animal Welfare, veterinary surgeon and CAWC member

Dr Clare Rusbridge – Neurologist

D.L. Heaver – breeder

Doreen Ashcroft – Exhibitor and Breeder

Elaine Waddington – Breeder

James Darley – Pet owner and hobby breeder

Jemima Harrison – Producer of 'Pedigree Dogs Exposed'

Jill Furnell – dog owner

Joanna Herman – dog owner

J. Boyden – dog owner

J. Chapple – dog owner

K.D Payne – Canine behaviouralist

Mandy Rollinson – breeder

Margaret Carter – Breeder

Pat Morris – Small Animal Veterinary Surgeon Pet Care Trust

Patricia Sanderson – dog owner

Phillippa Robinson – dog owner

Professor Steven Dean – Chief Veterinary Surgeon at Crufts and breeder/exhibitor of Border Terriers

Robert Killick – Breeder, judge and reporter for Our Dogs, member of breed clubs and writer

Malcolm Burley – dog owner

Tania Ledger – dog owner

Virginia Kirk – dog owner

Chair: Eric Martlew MP

Secretariat: Marisa Heath

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