

Environment, Food and Rural Affairs Committee

Oral evidence: Pet Welfare and Abuse, HC 1123

Wednesday 18 October 2023

Ordered by the House of Commons to be published on 18 October 2023.

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Members present: Dr Neil Hudson (in the Chair); Steven Bonnar; Rosie Duffield; Sir Robert Goodwill; Mrs Sheryl Murray; Cat Smith; Julian Sturdy; Derek Thomas.

Petitions Committee Member present: Nick Fletcher.

Questions 278 - 332

Witnesses

I: David Martin, Group Animal Welfare Advisor, IVC Evidensia; Dr Lawrence Newport, Lecturer in Law, Royal Holloway University of London; Dr Samantha Gaines, Head of Companion Animals, RSPCA; and James McNally, Partner, Slee Blackwell Solicitors.

Written evidence from witnesses:

- [IVC Evidensia](#)
- [RSPCA](#)



Examination of witnesses

Witnesses: David Martin, Dr Lawrence Newport, Dr Samantha Gaines and James McNally.

Q278 **Chair:** Good morning, ladies and gentlemen. I am Dr Neil Hudson. Welcome to the session on the American XL bully dogs, an emergency urgent session as part of our pet welfare and abuse inquiry.

To give some context as to why I am chairing, I am very grateful to the Committee and the Chair, Sir Robert Goodwill, for inviting me to chair this session. I proposed that we have this session. I should declare a strong personal and professional interest in this area, as I am a qualified veterinary surgeon and a fellow of the Royal College of Veterinary Surgeons.

Also guesting on the panel on the Committee today we have my colleague Nick Fletcher from the Petitions Committee. The Petitions Committee is looking at holding a debate on this topic in the coming weeks in Westminster Hall.

I should also make people aware of the change in the format today. We have had a change in the membership of the panel. Originally we were going to have Lord Kenneth Baker, the former Home Secretary who brought in the Dangerous Dogs Act, and Paula Boyden, Veterinary Director at the Dogs Trust, but unfortunately neither of them can be with us today. What we have done—and I am very grateful to our witnesses for agreeing to this at very short notice—is merge the two panels into one larger panel so that we can have an extensive discussion.

There is a lot of passion and heat in this debate on both sides; the Committee is very well aware of that, and I am sure members of the public are, too. As a scrutinising Select Committee, we want to take evidence from witnesses so that we can look at it and then make suggestions and recommendations to the Government. As people will be aware, however, the Prime Minister and the Home Secretary have announced a proposed ban on this type of dog, and the Leader of the Opposition has agreed with that stance. The direction of traffic, therefore, is that this ban is coming, so a lot of the work that the Committee will be doing is looking at the evidence to see how the ban can come into force, how it can work and the practical implications.

Without further ado, I will ask the panel to introduce themselves, say who they represent and what their background is. Then we will kick off with the questions.

Dr Gaines: I am Head of Companion Animals Science and Policy at the RSPCA. I have been with the RSPCA for 14 years as a dog welfare specialist and I also provide the secretariat function for the Dog Control Coalition, which comprises Battersea, Blue Cross, the British Veterinary Association, Dogs Trust, Hope Rescue, The Kennel Club, SSPCA and RSPCA.



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David Martin: I am Group Head of Animal Welfare for IVC Evidensia, which is the largest veterinary corporate group in the UK. I also spend a significant amount of time giving expert witness services in animal welfare cases, including on dangerous dogs matters.

Chair: And you are a veterinary surgeon.

David Martin: I am a veterinary surgeon, yes, and a Member of the Royal College.

James McNally: I am a solicitor and partner at Slee Blackwell Solicitors. I am head of the personal injury department, there where I specialise in claims for victims of dog attacks. At the moment, we have about 400 live, ongoing dog cases. The reason I feel we are here is because in investigating civil claims, we have to look at the circumstances in which an attack took place and also the characteristics of the dog. We also have access to vet records, police records and hospital records and we speak to witnesses, so I feel we have a good overview of each situation.

Dr Newport: I am a legal academic and expert. I am the co-founder of the campaign for the evidence-based regulation of dangerous dogs, which works in coalition with a few groups, one of which is an advocacy group for those who have had their dogs attacked or killed. I have been working with empirical data in this area for some time and have also been discussing this intensively with experts for quite some time.

Q279 **Chair:** I will kick off. This is to all the panellists. How well does the legislation addressing dangerous dogs work in the UK?

Dr Gaines: We have myriad different pieces of legislation that focus on dog control, and that in itself is quite a problem. We have probably 13 or 14 different pieces of legislation that deal with different situations, which means the situation is very complex, and it is quite difficult for enforcers to recognise which piece of legislation should be used in particular instances.

Another issue around dangerous dog legislation is that it tends to be reactive. The coalition and the RSPCA want to see a much more preventative approach that allows for intervention, because ultimately we share the deep concern of the public and everyone here about the number of serious incidents and fatalities that we have seen of late.

However, we do not want to see further breed-specific legislation being added to the current framework. We completely agree that urgent action is required—we do not dismiss that whatsoever—but we do not think that adding another breed ban to the Dangerous Dogs Act will be effective in protecting public safety or dog welfare. We are particularly concerned that the evidence that is being used to push the breed ban is lacking in depth, authority, objectivity and quality. We are greatly concerned.

Q280 **Chair:** Thank you very much. We will come on to look at some of that evidence.



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The four types of dogs that are currently banned are the pitbull, the Japanese tosa, the Dogo Argentino and the Fila Brasileiro. The American XL bully would be the fifth type of dog. Has the original legislation—it has evolved since 1991—reduced dog bites in the population?

James McNally: No, it has not. Numbers have increased. There are two parts to the Act. For the banned breeds, yes, of course, if you have fewer of them in society we will have fewer dog bites and dog attacks caused by those particular breeds. However, the number of dog attacks generally has gone up and up and up.

Q281 **Chair:** Are there hard data on the types of dogs and the injuries caused? You have mentioned that statistics show that the number of bites by the banned dogs has gone down, and that the numbers of human fatalities have gone down. Am I right about that for the banned dogs?

James McNally: Yes.

Q282 **Chair:** But you are saying that there has been an increase in the number of dog attacks since the 1990s. Has there also been an increase in human fatalities?

James McNally: There has been. I think numbers were steady at about three per year, and there have been 10 in the last year, so that number has gone up. On the attacks, people having to go to hospital and hospital admissions, which is where the majority of the data is—

Q283 **Chair:** There will be subsequent questions about the data, but my first question is how well or otherwise the Act has been working. Sam Gaines, you said that you feel it has not worked. David Martin, do you want to comment?

David Martin: There are two additional issues. One is that the Act defines dogs as a type, not a specific breed, and that can cause difficulties.

Q284 **Chair:** For the audience, could you elaborate on what you mean by that differentiation?

David Martin: A person assessing a dog compares the dog in front of them against a standard, and if the dog has a substantial number of characteristics of that standard, it is defined as being of that type. They are not, therefore, pure breeds. You may have a pedigree certificate that says, "This is a pedigree pitbull," and you would succeed in proving that your dog was not of type, despite the fact that you have a piece of paper that says it is bred from two pitbulls. You may have a dog that is bred from two animals, mother and father that are definitely not pitbull and are recognised as two completely different breeds, but you end up with a puppy, when it is typed at about a year of age, that is of type just because by combining those two breeds you have created a dog that looks like a pitbull and types out as a pitbull. That is one of the big problems with the Act.



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The other big problem from a welfare perspective is the enforcement issue—not so much the variability, but whether it is enforced. I totally agree with Dr Gaines on that. The issue is what happens to the dogs once an enforcement process starts. Due to the time it takes for these matters to get through court, these dogs are spending vast amounts of time in police dog kennels, which are not suitable for keeping dogs long term. We may start with a dog that is of type but has no behavioural aggressive tendencies that we are aware of, has passed a behavioural assessment by a dog behaviourist and is judged to be not of aggressive tendencies. When that dog sits in those kennels for 18 months or two years before it gets to court, before the court makes a decision as to what is to happen to it, sadly a number of dogs end up with significant behavioural issues that result in them being destroyed. That is not because it was a problem at the beginning but because it has spent two years effectively sitting in solitary confinement in a concrete block. That is very difficult. That is the other downside of the Dangerous Dogs Act, which unfortunately is not necessarily a dog problem but more of a logistics problem.

James McNally: Regarding the effectiveness of the Act, other than the legislation relating to banned breeds, there is nothing in it to prevent attacks from taking place. Everything is after the event. For the second part of the Act to apply—a dog being dangerously out of control in a public place—you are waiting for the dog to be dangerously out of control before you take any steps. There is nothing in the effectiveness of the Act for reducing the number of attacks.

Q285 **Chair:** That brings me to my next point. What measures can be taken against dogs that are not listed under the Dangerous Dogs Act but are subsequently deemed by the police or local authorities to be dangerous? Are these measures working effectively? You are saying that the deed has to be committed, but what measures can be taken for the dogs that are not in the Act but are deemed dangerous?

James McNally: They can be seized and the owners can be prosecuted under the Dangerous Dogs Act. In the vast majority of cases that we deal with, the way that the police deal with it is by way of a community protection order or a community warning notice, which is like a dog ASBO. As a dog owner, you would be put on notice and accept responsibility for what the dog has done and the police almost give you a contract saying, "I will no longer walk my dog off the lead" or "I will no longer keep my front door open", that kind of thing. You agree to that and you are meant to stick to it.

We have found that it is an easy way for the police to deal with those types of cases but they do not follow up. We have people who have been victims saying, "I agreed to this. I said I am not going to prosecute because the dog is going to be kept on a lead but the owners are still walking it round without a lead," and the police do not seem to follow it through. They do not seem to enforce that aspect.

Q286 **Chair:** James, what is your experience of litigating dog fights, attacks and other issues related to dangerous dogs? In your experience, is it



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some of the dogs that are supposed to be under control? The authorities are aware of them, and then they go on to bite and attack. Or are you also litigating attacks by dogs that have not had previous behaviour issues?

James McNally: The vast majority are dogs that have not come to the notice of the police or that they were not aware of. That is the thing.

Q287 **Chair:** The bulk of your legal work in this area is about dogs that are first-time offenders, if you like.

James McNally: Yes. Again, we are relying upon vet records, but very few show pre-aggressive tendencies. We find that the horrific cases that we have heard about in the media recently—those kinds of attacks and maulings—are relatively rare. The vast majority of the cases that we deal with are single bites. The bigger the dog, the worse that single bite can be, but it is a single bite. It is a dog reacting to a situation or acting in a way that dogs will always act.

Q288 **Chair:** Is your legal work largely dogs attacking people, dogs attacking dogs, or dogs attacking livestock? What are the percentages?

James McNally: We deal with dogs attacking people, or people being injured while their dogs are being attacked. We did a review of 300 cases before I came here today: about 20% of them were people injured in dog-on-dog attacks, so people trying to help their dogs, which were being attacked by another dog; 80% were dogs off lead; 25% of the cases are delivery drivers, postmen and the like. That is the make-up.

Q289 **Chair:** Before I go on to the next question, do you have anything to add, Dr Newport, in answer to the initial question about the Dangerous Dogs Act?

Dr Newport: It is quite encouraging: a lot of what is being talked about here is the kind of stuff I agree with in loads of ways. For instance, this often is not an either/or situation. It is not that a dog ban is the only measure that we should bring in. There are loads of areas of reform here across the board. There are certainly a lot of people with ideas about how reform might work here, and how we could reduce various kinds of incidents.

It is very good to hear a focus on fatalities being pushed much more, and a greater focus on the public health aspect. However, I think there is a slight confusion here.

First, it is not too surprising, as James McNally was saying, that with a breed ban on particular breeds, you do not stop the incidence of dog bites from increasing over time. Since the 1990s—at least taken from the figures that are somewhat accessible and one can put together from various insurance companies—the dog population has increased quite dramatically, so if you just kept everything neutral, you should expect an increase in the number of dog bites. The fact that we ban a pitbull type does not stop Labradors from biting people. However, there is some good evidence that having this ban in place has a dramatic effect on fatalities.



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For example, comparing the UK with the United States, we have a much higher population density here but we have half the number of deaths for dogs per capita. This is quite surprising, not what you would expect given a neutral par. If you have a higher density, you would expect slightly more because there are more opportunities to interact with people and more opportunities, therefore, for more fatal incidents or bites and so on, and that is not what we see.

About 60% to 70% of fatalities with dogs in the US arise from pitbulls. That is not something that we have here, in large part because of the pitbull ban. Pitbulls still make up about 30% of our fatalities before 2019—I believe that was from the RSPCA's figures from 2016—

Chair: We will explore some of that.

Dr Newport: I just make the point that there is good evidence that the Dangerous Dogs Act functions. It works, but it is not by any means the only thing that we should do.

Chair: Thank you. We will explore some of that later.

Q290 **Cat Smith:** Exploring a few more questions about the Dangerous Dogs Act, the Act gives the Government the power to ban any breed appearing to be bred for fighting or to have the characteristics of a type bred for that purpose. Dr Gaines, would you say that the XL bully dogs meet that definition, to have been bred for fighting or to have the characteristics of type bred for that purpose?

Dr Gaines: First, determining whether or not the dogs that have been involved in serious incidents and fatalities as American XL bully dogs is very difficult. Accurate breed identification is notoriously difficult.

Yesterday, I had a look back through the fatalities, and certainly there are some cases where it has been suggested that the dog involved was an American bully XL, but there are question marks around whether that is indeed the case. First, we have to be quite careful when we are talking about American bully XLs because there is no certainty that every fatality reported as involving that dog did.

We must recognise that there is conflicting evidence about the American bully XL. Some sources report that this is a dog that has been selected for fighting and that the original function of that dog was fighting to circumvent the legislation around the American pitbull terrier. Other sources of data show that these dogs are reported to have been bred as companions, and the breed club standards will describe them as being friendly dogs with a gentle, calm demeanour. There is already misinformation and some confusion about them out there.

We must acknowledge that regardless of the dog's function, no breed is inherently aggressive. There are no breeds of dogs that are any more likely to show aggression than any other. We have to acknowledge that large, powerful dogs will cause serious injuries but that is not the same as saying that a dog that is large, powerful and muscular will bite



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somebody. We have to be very careful about that. Looking at the data, we see that breed alone is a poor and unreliable indicator of the risk of aggressive behaviour. We know that aggressive behaviour is a very complex behaviour, a complex of genetic traits and lifetime experiences.

Thinking about the American bully XL, some of those dogs will, if we focus on genetics and lifetime experiences, pose a significant risk because of their behaviour. Within that group of dogs, however, there will also be dogs that are very friendly and do not pose a behaviour risk. We have lived experience of that, given that we rehome American bully XLs. We also have lots of American bully XLs in the community.

We touched on this in a previous session. These are dogs whose popularity has increased in recent years. We know that when you get a dog whose popularity is increasing, they can end up being exploited and treated as valuable commodities. In the case of these dogs, we know that in some cases they have been subject to irresponsible breeding and rearing and the people taking them on mistreating them. Unfortunately, that can result in a dog that is more likely to use aggressive behaviour.

Q291 **Cat Smith:** Why do you think the XL bully is so popular? Why is there such a demand for them?

Dr Gaines: It is very difficult to pinpoint. There will always be certain parts of society that want a dog that looks a particular way. We cannot ignore the fact that some of these dogs have cropped ears and that is partly because certain individuals demand a dog that looks intimidating and frightening. There are people who want to have these dogs that they are deliberately using for intimidation and for the purpose of harming people and other animals. There are also people looking at how these dogs have been described as friendly family dogs and that will be why they want to bring them into their homes.

Q292 **Cat Smith:** Are there alternatives to banning XL bullies that would be more effective in preventing dog attacks?

Dr Gaines: We have a range of alternatives that we would like to suggest. I can cover them now or I can do it a bit later.

Chair: Now is fine.

Dr Gaines: I have to stress again that we agree that urgent action is required. No one wants to see dangerous dogs in our communities or see anyone bitten, because with that comes very serious physical and psychological trauma. We want to avoid that.

We would like to see an immediate crackdown on the illegal breeding of these types of dogs and existing provisions being used where dogs' behaviour is shown to be out of control. We have already mentioned some of the provisions in the Dangerous Dogs Act. There are also provisions under the Anti-social Behaviour, Crime and Policing Act that could be used, that allow officers to intervene and take early action. That



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is what we want to see. We have some provisions that could be used in the immediate term.

In the longer term, the RSPCA and the coalition would like to see reform and consolidation of the various different pieces of legislation that relate to dog control. If that is not possible—and we understand that it would take a quite considerable amount of parliamentary time—we would at least like to see changes to the existing legislation that allow for early intervention and a more preventative approach. That work is being done by DEFRA’s responsible dog ownership working group at the moment, looking at enforcement and how it can be improved. We also need other things such as, for example, a centralised database where all dog bites are reported and recorded, and it would need to be compulsory, so we could have much more accurate dog bite data. The focus has to be on prevention and early intervention, and I also stress the importance of promoting responsible dog ownership.

Looking outside of the UK to where a significant reduction in the number of dog bites has been achieved or where there are lower levels of dog bites, they are places where responsible dog ownership has been encouraged, engendered and fostered with communities.

Q293 Cat Smith: Does the rest of the panel believe that XL bully dogs meet the definition of a breed appearing to be bred for fighting or to have the characteristics of a type bred for that purpose? Does anyone else on the panel want to comment?

David Martin: As one of the very few vets who is involved with giving expert evidence on dog fighting, I say that XL dogs are not being used in organised dog fighting. The organised dog-fighting community is still using pitbulls. That is what the dog-fighting community want: fighting pitbulls. In my experience, the XLs are being kept for a different purpose. In the criminal fraternity, they are being used as status dogs, not as dog-fighting dogs, and those are two very different groups of criminality. The dog fighters are a niche little group, very close-knit and very difficult to investigate because they are so close-knit.

The wider criminal underworld that wants to use XLs as status dogs wants an aggressive-looking dog, often with their ears cropped, as a protection dog—as a, “You don’t want to mess with me because I’ve got this great big lump on the end of a lead”. It may be an aggressive dog or it may just look like an aggressive dog, but you would not want to tackle it. From speaking to a number of the people involved in this sort of thing, it seems they believe that they are less likely to be bothered by the police than if they were carrying weapons, and they consider the dog to be a weapon, effectively—at the moment that is their advantage—and they crop the ears to make them look tougher.

The dogs became fashionable. Fashions in dog ownership change every few years, and we have gone through a progression of Labradoodle, Cockapoo and Dachshund. We then hit XL bullies. It is a heck of a jump from miniature Dachshunds to XL bullies, but that is what the public



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decided they wanted. There was a lot on social media, a lot of influencers and celebrities with their XL bullies, some of which had cropped ears—I think some people did not realise that XL bullies even came with ears—and the public decided it liked these dogs and a lot of members of the public have very nice, very well managed, very well bred and brought up XL bullies. There is a group of status dogs that is a problem, but they are not dog-fighting dogs, and I think that is a challenge with the wording of the Act. These dogs are not being kept for the purpose of fighting, or at least not fighting other dogs.

A couple of points about fatalities and the reports that they are by XL bullies: first, we do not have a standard as to what an XL bully is, so an assessment that a fatality has been caused by an XL bully must be highly subjective, because no one has an objective standard of comparison. Also, when I have dug into the depths of cases in a number of reports of XL bullies in the media and so on, I have found people I know and trust who have done assessments saying that these dogs are not XL bullies; they are a named other breed. I appreciate that that slightly contradicts what I have just said—that we do not have a breed standard, so we have to be subjective—but people are identifying the dogs in some cases very clearly as other breeds, and they are people who I trust, people with great experience of working with dogs who know what a mastiff or other breeds are, which suggests that the dogs are not XL bullies.

Q294 Chair: What is your assessment of some of the video footage that has been seen in recent weeks?

David Martin: Some of them are horrific. Another point is that the dogs on most of the video footage I have seen are dogs that are not necessarily with their owner at the time. A lot of these dogs are animals that have escaped from a property. A law on keeping these dogs muzzled and on a lead when in public would not have prevented the attacks, because the dogs have escaped from someone's house, or the fatalities have occurred inside someone's house, where they would not be muzzled and on a lead.

Q295 Cat Smith: As a Committee, we are trying to get to a place of solution, and to stop these dog attacks. For instance, do you think dog licensing would be an effective tool?

David Martin: I think education will be a key part of this. It is not a quick solution, I agree, but we do need to sort out and try to stop these dogs being kept as status dogs. A lot of the problem is the person on the other end of the lead, or the owner of the dog; the reason why they are keeping these dogs; and how they have socialised them. I hate to use the Covid word, but I think we cannot get away from the fact that some of these dogs are Covid pandemic dogs that did not—

Chair: We might elaborate on that point in subsequent questions about the impact of the pandemic and dog ownership.

David Martin: There is perhaps a part of that coping into this as well.



Dr Newport: The history of these dogs—from breeders and from checking through pedigree papers from various bully kennel clubs—is that they originated in fighting pitbull stock. Some of the very well-known lines were chosen from very famous fighting dogs or their offspring bred together. Some of them were then bred with bulldogs—and that is a controversy in the breeding community—and many were inbred repeatedly over the last 30 years. The most famous one, of course, is Killer Kimbo. The claim now is that they were bred for being docile and so on, but if you look to what the breeders were saying in 2010, 2011 or previously, they were very clearly saying, “We are breeding these pitbulls for larger sizes, exotic-shaped heads and so on”. That is one of the reasons that inbreeding was apparently used—something to do with head sizes; at least that is what the breeders thought.

We have several breeders, one of which is from one of the famous kennels in the US that breeds American bullies, stating that only 1% of breeders care about temperament—this is a scandal in our community. They talk on that same podcast about seeing an offspring of Killer Kimbo’s attack someone in front of them. The fact that they originate from fighting stock, are heavily pitbull, either mixed with a small bit of mastiff or maybe with a bulldog, is all controversial, but the uncontroversial point is that they start from fighting stock, and this is a proud point. They started from fighting stock and were bred for larger shapes and sizes.

Chair: We will move on to the next question. It is a large panel, and we have a lot of questions to get through. In the interests of time, if you agree with something that has been said, just say so; just add on if you have something different to say. Otherwise we are not going to get through our full line of questions. I will hand over to Sir Robert Goodwill.

Q296 **Sir Robert Goodwill:** I have seen various estimates of the number of XL bully dogs in the UK, ranging from 50,000 to 150,000. Can anyone on the panel give us an accurate estimate? How many of these dogs are out there? If we are going to bring in measures to control them, get them neutered and so on, we need to be aware of how many there are.

David Martin: I am probably the only person on the panel who has any chance of putting accurate numbers on that, because I have data from 1,000 practices to draw from. I hope you have had the table that I provided to the Clerk.

It depends on what you classify as an American bully XL and how you draw up your legislation. Looking at the clinical records from our computer system, the number of dogs that we have in our practices listed as American bully XLs came out at 5,540. We think you can probably add a zero to the end of that to multiply up to the total number of bullies that are registered within veterinary practices. As we have put in our document, there will be a significant number of dogs that are not registered at any veterinary practice. We have been asking—they may have been trying to do similar work—the PDSA, because they may well



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have a significant number of these dogs registered in their hospitals, but they are having difficulty getting that number out of their system.

We are also concerned about how many of these dogs may be registered as crossbreeds on veterinary practice management systems, and it is very difficult to then determine how many of those might be bully XL crosses, Labrador crosses, Cocker Spaniel crosses or goodness only knows what other cross, so we cannot differentiate those out. The 5,440 is a hard number from our practices, and we think that if you add a nought to the end of it, you will have a minimum 50,000—50,000 is probably a floor level.

Q297 Sir Robert Goodwill: What proportion of the overall dog population is that? How many dogs do we have in the UK?

David Martin: There are probably about 11 million to 12 million in the UK at the moment.

Sir Robert Goodwill: It is quite a small proportion.

David Martin: A small proportion of the total dog population, but 50,000 is a lot of dogs to have to deal with. If you require all those dogs to be neutered in a short period, that will be a hell of a job for the veterinary profession.

Q298 Sir Robert Goodwill: We have some data from the National Police Chiefs' Council which has given us a snapshot. On 15 September 2023, it said that of the dogs they had in custody, 21% were XL American bullies and a further 10% were other American bullies; 5% were American bulldogs; and 25% were other bull-breed mixes. Only 39% of the dogs in police custody were from all the other breeds out there, apart from these particular types. Does that indicate that we have a problem with these types of dogs?

David Martin: Yes, this range of dogs. It is obviously bigger than the bully XL. If you expand that number of dogs in the population up to include other types of dogs, you are probably getting up towards the 200,000 mark in the number of dogs involved in this. In the document that we submitted, we have broken down the other breeds and the numbers of those other breeds that we have listed on our practice management systems. You could be getting to very significant numbers of dogs involved in this.

Dr Newport: If your estimate is right, it is lower than our estimate of their population, which means that our relative risk calculations, on which I have handed in some draft materials, are off and that they would be much higher. Our estimates were more like 140,000, but if the more accurate data are that there are fewer, the actual relative risk that we have claimed is much lower than what we have said, because we are working on a higher percentage or higher absolute number.



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David Martin: I think I would take that 50,000 as a floor level. It will be higher than that because of the crossbred issue and the non-registered issue.

Dr Gaines: It will also come down to the standard that describes this particular type of dog. We are looking at and talking about the American bully XL. If we end up with a standard that is broader in scope, that will affect a far greater number of dogs than that.

We also have to recognise that how the standard is interpreted by individuals and applied will also add on to those numbers. We are talking about huge numbers of dogs, potentially. In 1991, it was estimated that 10,000 pitbull terriers would be affected by the legislation. We are potentially talking about a much greater number this time around, which will obviously have far wider reaching implications.

James McNally: By concentrating on the XL, you are potentially missing dogs that might be of equal concern. As we are not able to properly identify at the moment what is an XL bully, there may be other dogs that the XL bully attacks and bites are being attributed to that should be looked at and investigated.

As I said, we have 300 or 400 claims at the moment. None of them are XL bullies. There may be one or two inquiries that involve XL bullies in a dog-on-dog attack or something, but it is still not the numbers that you would expect. For example, we have seen an increase in the number of bites by French bulldogs, which are very popular at the moment. If there were a huge number of XL bullies around, you would expect to see a similar increase. I do not know why we are not getting those inquiries and we are not dealing with those dogs.

Q299 **Sir Robert Goodwill:** You are saying that in the cases you are bringing forward, XL bullies are very much the exception, or very few.

James McNally: That we are dealing with. There are many reasons why that may be. We can only proceed with a case if the owner of the dog has the means to pay compensation and legal fees—so, if they have insurance. If the vast majority of XL bully owners are uninsured, we would not proceed with those cases. As I said, we are not getting the same inquiries, but we are seeing increases relating to other bully breeds, and to Rottweilers and German Shepherds.

In the legislation that you are looking at, by concentrating just on the XL bully, you are perhaps missing the wider picture. In my view, the restrictions that you are considering bringing on the XL bully you should be considering bringing on other breeds.

Q300 **Sir Robert Goodwill:** On the massive increase in fatalities—from two or three a year to 10—more than half have been down to XLs. Do you get cases where fatalities are involved with dog attacks?

James McNally: No, we would not deal with fatalities. It sounds mercenary, but it would be mainly from an economic point of view. If a



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child is involved in a fatality, there is not a large compensation claim to be paid. That is the very bottom line of it. Also, there are very few fatalities. There are far more delivery drivers and the rest who are bitten, who would come to us.

Sir Robert Goodwill: Or candidates delivering leaflets through letterboxes.

James McNally: Exactly. I acted for a lady in Wales who was delivering on behalf of the local Labour candidate, and she got bitten by a terrier on the other side of the door and had life-changing injuries to her hand. She does not have the function back in her hand. It is a risk. That would be so easily preventable with a letterbox cage.

A lot of the issues and claims that we deal with—every single one of them, I think—is a bite or an attack that could be avoided. As David Martin said, it is dogs getting out from properties, but it is also people not thinking when they open their front door. It is people not thinking when they are in the park and just take the dog off the lead. There seems a reluctance from dog owners to accept that their dogs might cause someone an injury.

Again, that is part of the criticism of breed-specific legislation, isn't it? By focusing on specific breeds, everyone else with their Rottweilers and Alsatians and so on think, "We are okay; they are not a danger."

Q301 **Sir Robert Goodwill:** You do not deal with dog-on-dog attacks unless the owner gets involved in trying to save the dog.

James McNally: Again, that is a financial thing, because the small claims limit for recovering your vet bills, for example, is £10,000.

Q302 **Sir Robert Goodwill:** Presumably many of these dogs that get attacked by other dogs arrive in your surgeries, David. Have you noticed any trends, and whether XLs are involved in that, to an extent?

David Martin: It is always difficult, because we see the victim dog and we usually have a very distraught owner attached to the victim dog. It depends on how accurately they are able to say what the dog was that attacked their dog. Often it is just, "It is a big dog, and it was brown and it did all these horrible things to my little beloved pet". They cannot usually tell us what it was and, where they do, there always has to be a question as to how accurate they are. It is only realistically in those cases where the police have become involved and have seized the offending dog and someone independently has had a look at it and said what it is likely to be that we can rely on that.

Sir Robert Goodwill: No dog likes being taken to the vets.

David Martin: That is true.



Q303 **Sir Robert Goodwill:** Does that present challenges for your practitioners when having to carry out procedures or check-ups on big, potentially aggressive dogs?

David Martin: Interestingly, when you talk to vets, most of them are not particularly concerned about XL bullies. There are other breeds that they have considerably more concerns about. There are certain notorious terriers; most vets would much rather take on a large dog than have a battle with a Jack Russell or a Border Collie.

Sir Robert Goodwill: A Patterdale.

David Martin: Or a Patterdale, those sorts of breeds, which the vets would consider to be more likely to bite them than the large bull-breed dog. We are concerned that if we get to the situation where there is a need for veterinary input to a large number of these dogs as part of a ban, some of the dogs will not have been used to coming to the vet and may have behavioural issues. We will have to manage those dogs in our practices. That is not to say that we cannot do that, but it will be time-consuming. It will be more expensive for the clients, because we will probably have to use more sedatives.

Our other challenge is if you asked us to neuter 40,000 Jack Russells in a six-month period, we have lots of cages and kennels we can put a Jack Russell in for a day to neuter. If you ask us to neuter 40,000 very large dogs, there is a limit to the number of kennels that we have in each of our buildings in which we can put one, and that will be a limiting factor. These surgeries are not simple, as I am sure Dr Hudson will agree. The thought of neutering a 50-kilo female XL bully is not one that will fill many vets with joy. We would probably be able to do only one or two a day in a surgery, just simply because we do not have the kennel space to house them while they wake up from their anaesthetic.

Q304 **Sir Robert Goodwill:** Finally, if a family came to you who were considering buying a family pet, and there were small children, and they were considering buying one of these XL bullies, what advice would you give them?

David Martin: Now we would obviously have to give them advice that there is potential that they could become a prohibited breed, and that they need to think about that. We would give them the same advice if they were considering buying an XL bully as we would any dog: sourcing it from a reputable source, making sure that it is properly bred, that it has come from an experienced breeder, that it does not have extreme tendencies, that it is well-socialised, that it is trained, and that they also educate the children into proper management on how to work with dogs and understanding dog body language. A child is at risk, whether the dog is a Yorkshire terrier or a Great Dane. We are very keen to make sure that the parents of those children have thought about how they will manage a house with children and dogs.



Q305 **Chair:** In follow-up, talking about the size of these dogs—David and James have talked about the implications of the bites—it is different being bitten by a Jack Russell or a French bulldog from a 50, 60-kilo dog with a huge, massive jaw structure. The attacks may not be as common, but there are the implications of those attacks on another dog. David, in your practices, when the owners are saying, “Yes, it was a big dog that did this,” are the injuries bad and horrific? Similarly, James, in the human setting, you say there are a lot of French bulldog bites, but that is a very different order of magnitude in the injuries compared to being attacked by a 50, 60-kilo dog with a massive jaw structure.

David Martin: Definitely. We have always seen the fallout between a large dog and a little dog. Little dog-little dog probably will not end up at the vets or, if it does, it will be something fairly minor. Big dog-big dog may come there, but the ones that commonly present as acute emergencies are where there is a size mismatch because the little dog invariably comes off worse. Those are the ones we see and have always seen. I agree that a bite from a very large dog will always be more serious than a bite from a small dog, just because of the strength and the size of the wounds that result.

Chair: In the human setting, James.

James McNally: I agree completely. I sent you some pictures—I do not know if you got them—of the injuries that we are dealing with. One of those was a pensioner who basically had her lower jaw taken off by a neighbour's Staffie. That was a single bite as she bent down to stroke the dog.

I know the focus is on XL bullies, but it is any big dog, and that is the problem. If the owner does not foresee the risk, you will end up with very horrific injuries. You asked what advice would you give to someone thinking of getting an XL bully. It is advice that you would give to anyone getting a dog. Many times we see people and you think, “Hang on, why do you have a Husky? Why do you have an Akita? You have a dog that is completely unsuitable for your life. You are living in a small flat with no access to areas to exercise it, and you have this giant dog. Why does that dog have behavioural problems? Why is it going to snap at someone when you take it out on the street?” The bigger the dog, the harder it is to control. If the dog gets away from you, people will be very badly hurt.

Chair: Lawrence, I think you wanted to come in on Sir Robert’s question.

Dr Newport: Yes, a couple of things. I am sure when David was answering he did not mean to imply that, of course, we should not listen to victims. Obviously, in any criminal setting, if someone sees somebody do something, we would expect them to give a report on what that person might look like. Similarly, for a dog-on-dog attack, we might expect they are in a distressed state, of course, but we would still want to listen to what they report and what they say—“The dog type look like this, and it acted in this way”. That is not data that in any other criminal setting would be suspicious. That is what we expect.



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Discussions around the size of breed I think also underplay the issue somewhat. There are many large breeds, but we do not see them represented in an equal distribution in the percentages. We do not see, for instance, a large number of fatalities from Great Danes. They are absolutely huge, but we do not see them over-represented, or even very well represented, in fatalities. In fact, I cannot find a case in the UK of a Great Dane killing someone. There were some cases in Texas from several years ago or something, but it is far rarer.

It is not simply a function of size; it is also a function, unsurprisingly of course, of breeding. We should probably expect dogs that are bred from fighting stock to be more likely to fight. It is, after all, what dog breeds are bred to do. There are many medical, genetic and veterinary studies involving thousands of dogs that show differences in breeds for traits like aggression. That matches what we find in the police data and fatality data.

Q306 Mrs Sheryll Murray: Dr Newport, I will come to you first, and the others can add if they have anything additional to say. I want to turn to the quality of the statistical analysis. There are claims that there have been 11 confirmed human deaths from bully XLs and three suspected since 2021. However, police reports have confirmed only four. What is your assessment of the quality of the statistical analysis of the dangerous dogs and dog attacks, and how could this be improved?

Dr Newport: There are several things in there. First, I think it is pretty uncontroversial to say that everyone would agree that we can dramatically improve data. I would like to see a neutral body that can look into this data, and would like a lot more force reporting, a lot more checking of cases and a lot more detailed data. These statistics use exactly the same approach that was used by the RSPCA in 2016 and previously to talk about fatality figures. That was when the fatality figures were much lower; it was when they were focused on arguing that section 1 dogs were not responsible for a great many fatalities—only 30% of fatalities at that point.

There has been a discussion here about typing dogs. I am not sure whether or not we could do DNA testing via guidance. I do not think you need to change the Act; I think it could be done via guidance. However, the problem even with DNA testing is that American bullies are pitbulls. They are bred to be pitbulls, and they are bred with other pitbulls and a minor amount of bulldog. If you test them, it will suddenly turn out that many of these bully XLs are genetically pitbulls, unless we then come up with genetic markers for what a bully is comparatively differently. Even on DNA, there is some difficulty with that, and there is still a chance of misinterpretation.

If there was a neutral public body that looked into this, that body would want to look at the hospital data. There should be a lot more forced reporting of hospital data, so that we can catch earlier severe injuries and hospitalisation injuries. I know from a lot of doctors that I have talked to that although they are seeing a lot more cases where people require



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surgeries for dog bites, they are still not reporting those cases, even though they are meant to, because the owners do not want the cases reported. They do not want to add to any perception of negativity around their dogs. A lot of that data are also missing.

One case of a bully XL that was not confirmed by police was a breeding dog for bully XL. You can still go online and find its Instagram, where it is offered as a breeding dog. You can trace its pedigree back right the way to Killer Kimbo.

It is possible to trace these dogs. There are witnesses who say, "This is what the dog was". We have evidence on this, but I think everyone here would very much agree that we want to improve the quality. I want to stop people dying to dogs, and I want to stop a massive dramatic increase. We have seen deaths triple in a single year to the highest rate on record, and that is maintained for a second year. It is not an outlier.

We want to stop fatalities from dogs, and we want to make sure we are accurate on that, so we want absolutely the best data we can get. The best data we have right now is not just the fatality data, of course; it is the police FOI data. We have an FOI from August this year—

Q307 **Mrs Sheryll Murray:** I will be expanding on that. Before I do, does any other member of the panel have something to add?

David Martin: Yes, to add on the DNA point, I have done a review of DNA for breeds typing for a civil case. It is totally unreliable. Even the organisations and the laboratories that are conducting it say, "This is not anything more than for interest. It should not be used for the purpose of civil litigation", where we have the lower threshold of burden of proof. There are no specific breed markers that enable us to specifically identify the breed. We do not have DNA analysis for pitbulls, despite their obviously having been banned since 1991. That science is not there. No one has been able to say, "This DNA sector appears in only this breed and this DNA sector appears in only that breed." It would be wonderful if they could, because that would get rid of all the subjective typing overnight, and that would be amazing, but we do not have it.

Q308 **Mrs Sheryll Murray:** Dr Gaines, you wanted to come in.

Dr Gaines: Yes. I stress the importance of having compulsory reporting on dog bites, because in the absence of that, we cannot determine which dogs are most involved in dog bites. It is not possible to identify breed-specific bite rate data if you do not have compulsory dog bite recording and you do not know the number of different individuals within a particular breed. That is important to stress when we are talking about breed-specific approaches to protecting public safety.

Q309 **Mrs Sheryll Murray:** I will come back to you again, Dr Newport. We have received correspondence from groups against a ban on XL bullies, challenging the veracity of the data being presented by campaign groups, and campaign groups in favour of banning XL bullies are also challenging



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it. How do you respond to this? For example, I noticed that it was claimed that 43% of dog attacks in 2023 were from large bully breeds, but this was from a very small sample of 841 dog attacks.

Dr Newport: There are several responses to this. One is that that data, which is one of a multitude of data points, was a tracker. Exactly as with crime, using self-report, you can try to get a snapshot. This means that it was from people stating what dogs had attacked, much as David was talking about earlier. Chiefly, it was their dog. Sometimes it was people, but it was the only tracker, the only detail we could get of any snapshot of what is happening for dog-on-dog attacks. We have talked about how difficult they are to get any data on. It is not the only measure. Obviously, fatalities are the chief measure, and that is what the campaign was built around, as well as police FOI data.

What is surprising is that all this data trends in one consistent and coherent direction. This is data that we have taken from the public. We have not done anything with this. We have reported every single case. We have an online tracker. It is all transparent and open. This data, though, tracks very closely with police FOI data.

In August this year, from 15 police services that we aggregated data from, by far the highest figure—30%—was for bully XLs. For a comparison, when people talk about other dogs that people might want to ban, Rottweilers were 2%. The differences are very large. Also, focusing on fatality data, trying to make estimates of the populations, we can start to see differences in relative risk between breeds. For the bully XL, even in some of the very low figures I have seen from academics who have tried to reduce the number as much as possible, even for fatalities, we still end up with a breed that is 60 times more deadly than the next breed along.

Even if these much lower estimates are accurate to fatalities, this is an astounding number. Even on very low numbers, the relative risk is very high, and that is the lowest you can get to. This is not even on David's figures from earlier, which would increase that relative risk rate. The relative risk is very different here, and the data all trends in that direction.

If we built simply around crime self-reports, that would be one thing, but we have not. This is one measure out of many different measures that we have, including data directly from the police.

Q310 **Mrs Sheryll Murray:** Does anybody have anything to add to that?

Dr Gaines: Ultimately, we have to ask whether or not the UK Government want to develop policy on evidence that, as we said initially, is lacking in depth, objectivity, authority and quality. Lawrence is talking about a variety of different figures, but the difficulty, as we have said, is that we do not have comprehensive, good data on dog bites and on accurate breed identification. We need to be incredibly careful when we are trying to effectively protect public safety and safeguard dog welfare.



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Q311 **Mrs Sheryll Murray:** Could I just stop you there and ask: are you confident that the Government are making their decisions on sound data? Are they being influenced by media and social media reports, in your opinion?

Dr Gaines: In my opinion, I do not think that the evidence that is being used for this proposed policy is sound. It is important that we look at the robust evidence that is available and is peer-reviewed that looks at the effect of introducing breed-specific bans. For example, if we look at places like Spain, Ireland, Italy, parts of Canada and Berlin, we see that where breed-specific legislation was introduced, it has not significantly reduced dog bites. We saw that in our own country in 1996 when we had a look at the reduction in dog bites after the introduction of section 1, and we did not see a significant reduction in dog bites there either.

It is also important to recognise that the EFRA inquiry in 2018 that looked into the effectiveness of BSL concluded that the focus on BSL is misguided, and if we want to effectively protect public safety, we have to look at early intervention, prevention and robust sanctions on people who are involved in these offences.

DEFRA's own research that it commissioned a couple of years ago also concluded that looking at a breed is not the right approach, that we should be looking instead at other areas. That is what is critical. We have to be looking at the real, robust peer-reviewed evidence that is already out there.

Mrs Sheryll Murray: Thank you. Can I ask you all the same question? David, would you like me to repeat it?

David Martin: Yes, please.

Mrs Sheryll Murray: Are you confident that the Government are making their decisions on sound data? Are they being influenced by media and social media reports?

David Martin: I think that there is a question over data, in that we do not have enough of it and we do not have enough reliable data. I do not want to get involved in what is influencing the Government, but there will always be a need for strong, robust data. I think that the data we have at the moment is not strong or robust.

I am concerned particularly about two areas. The first is dog-on-dog attacks, of which large numbers are completely unreported and there is very little data on them. There is very little enforcement by the police of dog-on-dog attacks, and those are perhaps our trigger offences. They should be acting as a red flag that the dog that is doing this dog-on-dog attack needs to be looked at more carefully, because the next thing it attacks may not be another dog; or if it is, a person will intervene to try to prevent it and will end up with serious harm. That is the first thing.

My other concern is that I am very suspicious that a lot of these problems originate from poor ownership. If we ban one breed, the people who want



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status dogs will just go and get a different breed and we will have the same discussions with a different breed. There is some evidence already that that is happening in response.

James McNally: I think that the reaction and the announcement of a ban obviously came about as a result of images in the media and reporting on social media, exactly as the Dangerous Dogs Act did in the 1990s. That was as a result of media coverage of dog attacks. It was brought in, I think, after not even one day of debate or whatever. It comes in and then you spend the next 30 years trying to tweak and fix it. The legislation was rushed through and my concern is that that is what is happening here.

As I keep saying, there is a bigger picture that needs to be looked at. As David and Lawrence have said, so many police just say that dog-on-dog attacks is a civil matter—that is it; there is nothing you can do. As I was saying before about dogs not having a history of aggression, that would be a good indicator, wouldn't it? If the police had investigated that and something had been done, we would know more. I am concerned that there is such a lack of information and the ban has been announced, whereas other preventative measures could be taken that would address the problem as a whole, which are being ignored. Instead, you add another dog's name to the list; that is a quick fix. Everyone walks away saying, "That is it then, we have solved dangerous dogs," when the problem is just going to continue.

Mrs Sheryll Murray: Finally to you, Dr Newport, the same question.

Dr Newport: Things I have found out since and have been in the press are that the Welsh Government asked for a ban eight times before we even began any campaign. Several police services had asked for a ban. There was a long period of data and people asking for bans before any campaign that I was involved in began. Certainly, the images of the Birmingham attack changed things, and that is in part because people saw a difference. They had an image in their mind of what a dog looks like when it is—

Mrs Sheryll Murray: The question, if I can remind you, was—

Dr Newport: Was about social media, right?

Mrs Sheryll Murray: Are you confident that the Government are making their decisions on sound data? Are they being influenced by media and social media reporting?

Dr Newport: I think that the Government are making it on sound data. The fatalities and the FOI police data, which is very clear, point in one single direction. I think that the Government are making a very strong and right move, but I agree with James that there is more to be done here. This is not a simple solution. There is a whole bunch of other issues that flow down from this quite seriously as well.

Q312 **Mrs Sheryll Murray:** To clarify, you think that the Government are



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making their decisions based on sound data, and they are not being influenced by media and social media reports. Am I correct?

Dr Newport: I would say that the Government are making them on the best data we have available, which is police data and fatality data. As far as I know, of course; I am not in the room with them so I have to imagine what they are thinking.

Mrs Sheryll Murray: Thank you very much.

Q313 **Steven Bonnar:** I am interested to hear more about the development history and the genetics of the dog. We heard earlier that even differentiating between breed and type can be quite difficult. What are the key characteristics of a dog defined as an XL bully, physically and in temperament? How easy or, in fact, difficult is that to define for folk?

Dr Gaines: I go back to the point that I made earlier. There is conflicting evidence around the original function of this type of dog. There are sources that describe, as Dr Newport has said, that these are dogs that have been developed from a variant of the American pitbull terrier and have been deliberately bred to enhance certain physical characteristics. Then there are other sources that talk about these dogs as being a very recent introduction into the dog breed suite and say that they have been selected as companion dogs.

Even if you have a dog that was originally selected for the function of a fighting dog or of a companion, there are no guarantees around their behaviour just because of how they have been selected. Again, this is where we need to be very careful, in that when we look at the robust scientific evidence, we see large variation between individuals within breeds. Even if you have bred the XL bully to be a fighting dog, that does not mean that every individual in that breed will develop aggressive behaviour. Obviously, if they go on and bite, there is the likelihood of them causing serious injury, but we cannot say that every single dog, just because they have been selected for that particular function, will be inherently aggressive. I would say the same about dogs that we select as companions.

We know that aggressive behaviour is complex. Whether or not a dog exhibits aggressive behaviour is down to their genetics and lifetime experiences. We also have to recognise that aggressive behaviour is a normal behavioural response for a dog. We cannot eliminate aggressive behaviour in dogs. It is what they invariably use when they are feeling threatened, if they are frustrated or in pain. We also have to be aware of that, and that is why sometimes we might have expectations about how dogs should behave and not think that they will ever be aggressive. They end up being aggressive because they are put into a situation where they are forced to display that behaviour.

David Martin: The challenge with identification of these dogs is that they do not have anything specific that another breed does not have. It will be very difficult to generate a breed standard that is specific to XL bullies that does not pull in other allied dogs or dogs that have a somewhat



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similar appearance, or is not so tightened down that you leave half of them out. That is a real challenge, and I don't envy DEFRA in trying to create a standard for them.

I am aware that in America there are two standards, and they are not even that close, so it will be very difficult to come up with a description and definition that will have as much objectivity to it as possible. It needs to be done on things that you can measure, rather than, "Does it look like...", because the minute you get, "Does it look like..." you will get two people who say different things and will be toddling off to court for very long arguments and very long delays to get it right. It needs to be, "Is it this? Is it that?", with a very definitive, scientific answer, which is why the DNA would be wonderful if it worked, because it would be, "Yes, it is," or "No, it isn't", not "It might be".

Q314 Steven Bonnar: On that point of what it looks like, we see a lot of ear cropping and tail docking, and I think that it is the view of the panel that this is to amplify an aggressive look of these status dogs. What the experience is of the relationship between XL bully dogs and these mutilation practices and the proportionality would be advantageous as well.

David Martin: My experience of it is that the ear cropping is being done to make a dog look more aggressive, whether that is an XL bully or a different breed. We have previously thought about and have suggested whether you ban ownership of dogs with cropped ears, because that will not be a subjective decision. It either has cropped ears or it hasn't got cropped ears. There is no messing about with that.

It would be very simple. If you are the owner of a dog with cropped ears you have to apply for an exemption certificate. You know whether your dog has ears or not. You are not standing looking at your dog going, "Is the policeman going to think it is an XL bully or not?" and, as happens with pitbulls, "Is the policeman today going to say it is not a pitbull?", although tomorrow a different police officer could come along and say it was.

I have dealt with cases where dogs have been typed by police officers at point 1. Three years later, a different police officer, or a different police force, has come along and typed it completely differently; they have turned around and said, "That dog that we told you was not a pitbull is now, and we are going to prosecute you for it."

The public deserve an ability look at their animal and know whether they need to apply to exempt the dog or not. Something simple like, "Does your dog have ears?" is a very easy way of doing that.

Dr Newport: I am sorry, can you repeat the question?

Steven Bonnar: The first question was about the characteristics of the dog, but on the ear cropping and the mutilation practices that we are seeing, I am interested in the proportionality of XL bully dogs that present with ear cropping. It is explained that that is to enhance and



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amplify the aggressive nature and appearance of these dogs.

Dr Newport: Yes. I agree that the ear cropping is awful and the fact that it is legal and is still very widespread is a real damning indictment and needs to be stopped. The number of dogs on social media, and that have even been on television, with cropped ears—and, of course, the immediate response is, “I have imported this dog”. I think that the rules around importing dogs need to be revisited quite seriously, and we need to have some evidence of this, otherwise this law is simply just a statement.

On the key characteristics, there are a couple of breed descriptions, which is what I think David was saying earlier, but there is a genuine scandal around breeders, when not under scrutiny 10 years ago, stating very clearly, “We are breeding these dogs to be larger and look bullier”—more bulldog-ish, but also just larger—“and we bred them from fighting stock”. Some of these were highly inbred, multiple times over, to achieve larger sizes and more exotic shapes, and then they sold those on to people stating that they are good family pets. I am sure that some of the breeders were trying to breed in temperament, but this is simply not the case. I would also raise, of course, the question of whether it is possible to breed in good temperament. It is possible to not breed in good temperament. Those two things must literally go hand in hand. Of course, it is not a guarantee that a dog acts in a particular way, but again it is about relative risk.

The relative risk for these dogs is far higher. Our numbers may be too low compared to what David would say the actual population is. The relative risk of these dogs is much higher than even other large-sized breeds. There is a genuine problem here and a scandal. Something we should look into as well is whether we make people legally liable for saying stuff like, “I have bred this dog to be good around children, to have a good temperament.” Well, then prove that. Show anything. If you were talking 10 years ago about how you are breeding fighting dogs to be larger with larger heads and inbreeding them repeatedly, that does not sound to me like you are attempting to breed for docility and temperament.

Steven Bonnar: Thank you. In the interests of time, Chair, I am happy to move on.

Q315 **Chair:** Thank you. In this inquiry we have looked very closely at ear cropping, and I think we are all in agreement that it is a horrific practice that is not clinically indicated at all for the dog. The Government have plans in the upcoming Session to ban the importation of dogs that have been mutilated in this way, with the hope that that will close the loophole. Unfortunately, we have taken evidence that, horrifically, people are doing it in this country. It is illegal in this country. No vets are doing it, but people are potentially doing it in their backyards with online kits and things like that, so the Government will act on that.

I have a follow-up question to Steven Bonnar’s. On the association with



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ear cropping, we have taken some quite concerning evidence about the upsurge in unregulated canine fertility clinics that are not under veterinary supervision, where acts of veterinary surgery such as blood sampling and artificial insemination are taking place by laypeople. Do you see a link between these fertility clinics and the upsurge in some of these big bully-type dogs as well? Is there a link there?

David Martin: Yes, very much so. The fertility clinics, or a large proportion of fertility clinics, are undoubtedly tied in with illegal dog breeding. We know that that is tied into a vast array of other criminality. There are certainly strong suggestions and a strong suspicion within certain police forces that this is tied into money laundering. Dogs are being used effectively as cryptocurrency because they have a value but they are not pound notes that the police can come in and seize.

We know that these fertility clinics do not have vets attached to them. There must be illegal acts going on, because they have blood sample analysers. If they have no vet, how are they getting the blood to analyse it? The value of the equipment in some of these fertility clinics is enormous. The amounts that they are allegedly charging for their services are tiny and they must be doing a hell of a lot of samples to justify the expense of that £5,000, £6,000, £7,000, £8,000 piece of kit and the very expensive microscope that is sitting on the side. You just think, "It doesn't add up." Something more is going on here.

Q316 **Rosie Duffield:** Dr Gaines, I know we have touched on this in the last question a little bit, but can you be more specific about what steps are being taken to define XL bullies for the purposes of this ban? What challenges does that pose? David has talked about that and how difficult it is with the DNA, but what is your take on it?

Dr Gaines: The standard is currently being developed by DEFRA. Obviously, there does need to be a standard that will go hand in hand with the breed ban. The difficulty that we see with that definition is the potential for it to affect a far larger number of dogs than was originally intended. The Prime Minister has made the announcement about bringing in a breed ban for American bully XLs, but depending on what that standard looks like, it has the potential to take in other similar looking dogs. Our first concern is the scope of that original definition in the standard, but then it will also be very much around how it is interpreted by individuals and its application.

I say this because the RSPCA, like other rescues, has other prohibited types of dogs that come into its care. Since 2016 we have had 374 dogs that we have had to have euthanised because they have been identified as pitbull terrier types. We will do a preliminary assessment to know whether or not to call out a dog legislation officer. When we call out a dog legislation officer, it is unfortunately our experience that we see a difference in the way in which officers apply and interpret the standard.

That is because of the way in which the law has been written. As David said earlier, the way it talks about the characteristics that a dog is



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expected to meet to be a prohibited type is quite vague. It refers to a dog that amounts to, is near to or shows a substantial amount of the characteristics described by a standard, and what one person thinks is substantial will be very different from what someone else thinks. That is the problem. We have asked DEFRA to make sure that in the drawing up of the definition of this standard, it retains a narrowness in its scope, but also ensures that when it is interpreted and applied, it is done in a consistent and standard way.

Q317 Rosie Duffield: Thank you. I know that you were invited to take part in the working group. How have you found that process? Essentially, are they listening to your expert advice?

Dr Gaines: We left the breed confirmation working group about halfway through the process because we were very concerned about its approach, and the potential for a larger number of dogs to be involved than was originally intended. We are very concerned about that.

Q318 Rosie Duffield: Would you—and, David, I am asking you and the others as well—go as far as to say it is impossible to legislate for a ban on these dogs? I know that is putting you on the spot, but with no proper definition, how will this be done?

Dr Gaines: The difficulty is that there will be a standard that defines what this dog should look like. I think we have to accept that there will be a lot of dogs that are captured within that standard whose behaviour does not pose a risk to public safety. We are potentially catching lots and lots of dogs that would not otherwise come to the attention of the police or the courts but that will happen to come to their attention because they look a particular way.

The other thing that we have to be very aware of is that there will also be huge implications to how that standard is applied. Depending upon the process—and I have to say that we have not had very much information coming out from the UK Government about the potential to legally keep these dogs—we may well see a huge upsurge in the requirement for court hearings, for example, if people want to take their dogs through exemption. Depending on the number of dogs that are affected, we will see a huge demand being placed on dog legislation officers as well. Ultimately, it is the police's duty to enforce the Dangerous Dogs Act, so they should be the individuals who are doing the assessment and identification of these dogs.

We may see a huge backlog, and from a rescue perspective, that is hugely concerning, because we have, unfortunately, a number of dogs in our care already that we suspect could match the standard. If we do not have those dogs assessed and identified by DLOs fairly quickly, we will end up in situations where we have dogs in our care for longer, which compromises their welfare.

There are obviously associated costs, but what we are particularly concerned about is the impact on our staff's wellbeing. We have to recognise that because of the nature of the work of the RSPCA, and other



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rescues in the room, we are often dealing with dogs that are victims of neglect, abuse and cruelty, and because of that they require extensive rehabilitation. With that comes very strong bonds between staff and dogs.

To put it into context, we have at the moment what we think are 110 dogs, so that will be a huge number if we have to euthanise them to comply with the legislation. Last year we had an animal centre that, because of avian influenza, had to euthanise a significant number of birds. All the staff who were involved in that euthanasia were hugely traumatised. They were provided in the end with one-to-one support and group support. We cannot underestimate the impact that this ban will have on people in the rescue sector and on the wider community, especially the dog owners.

Q319 Rosie Duffield: Thank you. All of us together and individually, I suspect, have been to our rescue centres and the staff there are so incredible. You are right: there is the bond, and the care that they give the animals. And then they have to do this, which is just horrific. David, do you want to come in on this?

David Martin: Yes. As I have highlighted already, one of my real concerns is the subjective nature of how we assess these animals. We need objective criteria. We need clients to know whether their animal is likely to come under the ban or not, because they may own a dog that they believe is not an XL bully. That is a real significant concern with clients.

I echo what Sam was saying about the problems with rehoming. I had a practice yesterday contact me to say that around the area of Colchester, the dog wardens will now not pick up stray XL bullies or dogs they believe to be stray XL bullies. No one knows what is now happening to stray dogs of that confirmation. I am urgently trying to get hold of Essex Police to decide what they are going to do, because there is a risk that these dogs will be dropped off or abandoned outside veterinary practices, and we do not have the facilities to adequately house a dog for a week.

On the euthanasia point, we are already getting clients presenting dogs and asking for them to be euthanised because they are concerned about the effects of a ban. They are concerned about what effect that will have on their housing contracts, and where they put their dogs during the day, because they go to work.

Unfortunately, the only survey I have been able to conduct so far is on recent graduates. Last week, we had a conference training our newest employees, 200 of them, and I asked those vets how many of them would be happy to euthanise a healthy XL bully with no behavioural problems at client request, and 94% said they would not. We are allowed to refuse to euthanise a healthy animal under our code of conduct, and as a business we support all our vets who refuse to euthanise a healthy animal. I have not been able to repeat that across the whole of our profession, and it may be that there is a different view when you get to



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the more experienced end, but certainly of the newest graduates, 94% said that they would not do that, which echoes what Dr Gaines has just been saying about their own experience with the avian influenza.

I think that we will have some significant problems, and I am concerned that we will end up writing a law of unintended consequences.

Q320 **Rosie Duffield:** I have one last part of that question for James. How difficult will it be to create a breed standard robust enough for successful legal action? It sounds almost impossible.

James McNally: I deal with civil matters, not criminal matters, so my involvement in the criminal courts is minimal to nil. It is very easy for you to create legislation, or to add a name to the list, but the issue is enforcing that legislation, and making sure that it does not have grey areas and loopholes, because you want to prevent dog attacks and dog bites. If XL bullies are the threat that they could be, that is what you want to stop. My concern is that it is not what would happen.

You bring in the legislation and add them to the list. Fine, but from what we see, I don't think you have local authorities or police with the capacity to deal with it. I see the exchange of emails between a dog-bite victim and a police officer, trying to catch them when they are on shift, trying to do this, trying to do that. It literally goes on for months just to get them to come around to take a statement or whatever. There are not the police there to enforce this.

Chair: We will get on to some of the legal practicalities moving forward in the next question, if that is okay, James. I will pass over to Nick Fletcher for that.

Nick Fletcher: I thank the Committee for inviting me today. I will be leading the debate on this petition. I believe that the date has been set for 27 November. I thought it might be interesting for the panel and the rest of the Committee to know this: there are two petitions at the moment. The first one is, "Bad owners are to blame, not the breed—don't ban the XL bully", and there are 589,820 signatures on that petition. The other petition is, "Make the XL bully a banned dog breed in the Dangerous Dogs Act", and there are 28,000 signatures on that. There is a huge amount of opposition to this, so I thought that it would be interesting for people to know where we are on that.

We have been speaking an awful lot about the actual breed identification, and we have touched on some of this slightly, but how feasible is it to ban XL bullies in the UK, practically and in the proposed timeframes? There are issues regarding veterinary capacity, exemption certificates, space in shelters, insurance and legal challenges. There is a full array there, so I do not know if you would like to take one issue each, because I know we are nearly out of time.

Dr Newport: Can I pick up on this and the last question as well? It is certainly a difficult task to try to type the breed, which is why I am glad that the Committee—I don't actually know who is on the Committee—and



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experts are focused on this. Of course, it is not impossible to define breeds; we define them all the time for various different aspects. In fact, the members of the Dog Control Coalition have a business model around defining breeds, and any discussion about breeds needs requires us, of necessity, to be able to define them.

Being able to define the breed is certainly step one, but on the practicality, to pick up on David's point, there will need to be education, particularly of police services. There will probably need to be more officers with expertise in this if we are to be able to type the dogs more easily and more consistently. There does need to be some focus on consistency, and perhaps on using multiple methods to type a dog as accurately as possible, including DNA. DNA might not be perfect, so we need to use it alongside other elements. We need to try to get the best picture we can, and to be as accurate as we can be, given constraints.

I don't think that we should abandon something on the basis that no single measure is perfect. If we can use multiple different pathways and they point in one direction, that should be very good evidence.

James McNally: To address the petitions, on the first one about ownership, I have to agree that it is bad ownership. Even if you have a dog that is aggressive, if you are an owner and you are not dealing with it—if you are not taking the dog to the vet to find out why the dog is aggressive, or you are quite happy the dog is aggressive—you are at fault. If you are walking your dog without a lead or without a muzzle, again you are at fault. It is one of the criticisms of the Dangerous Dogs Act that it is the dog that is punished, rather than the owner.

Q321 **Nick Fletcher:** The question is more to do with the actual practicalities of the ban. We have gone by the breed type. We are saying, "We are banning this dog now." How are the vets going to cope? How are the shelters going to cope? Will there be legal challenges on this?

James McNally: I don't know how they are. I think that you have created a rod for your own back by saying, "We are going to ban this breed." How are you going to do it? You have to agree on the identification. Like I said, you do not want grey areas and loopholes, but that is what you will be left with. As David suggested, if people move from XL bullies to another breed and make that just as aggressive, and that becomes their new status dog, you have the same again, and we are no further forward.

There are steps that need to be taken that should not be breed specific. Some people are coming at this from the point of view of the dog's welfare, and the dogs being euthanised and so on. I am looking at the legislation. How can you actually enforce it? How can you prevent the bites? I do not see that breed-specific legislation does that, because it ignores so many other problems.

David Martin: Veterinary capacity will struggle, I think. As I indicated, if we have to neuter large numbers of dogs, that will be a mountain for the



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veterinary profession to try to find a way of climbing over. At the moment, the veterinary profession is under pressure in capacity and this will add to that problem.

As I indicated earlier, part of the problem is the size of these animals. We have to accommodate them in surgeries, and we can probably only accommodate one a day, just because they take up an awful lot of space and they have to have a secure kennel in which to wake up from anaesthetic. We cannot put them in pet carriers and stick them around the building, as if we had to neuter a large number of cats. We would find a way of doing lots of cats in a day. Trying to fit lots of XL bullies into a building would be a challenge.

Q322 **Nick Fletcher:** Just on a side note here, how many are neutered anyway?

David Martin: Again, we don't know, is the simple answer. We just don't know at the moment. I suspect that there is quite a large number that are not. That is one issue.

Our other major issue is the capacity. If we get a large number of requests for euthanasia, either because of the way the ban is written or because clients decide that for whatever reason they cannot keep these dogs—and we have heard lots of stories of clients getting challenges and difficulties from their local communities about owning a dog that is perceived to be an XL bully, though in some cases they are not XL bullies—and they come and ask for euthanasia because they cannot rehome the dog, the question is whether the profession will be prepared to do that, or what that will do to the profession.

Dr Gaines: I am quite happy to come in on rescue and dog welfare. On rescue, we are hugely concerned about the impact of this ban. In previous EFRA Committee sessions, we spoke about the huge pressure and burden that the rescue sector is currently facing, given the fact that we have had the pandemic and the cost of living crisis. Recent information that came from the Association of Dogs and Cats Homes has suggested that across the sector it is already at 130% capacity. There are centres that are having to rely on commercial boarding establishments to be able to keep the animals that are supposed to be in their care and in their centres. Any additional requirement placed on rescue to assist with this will put us under even more pressure.

The likelihood of that is great because we know that there are owners who are concerned about what this breed ban will mean. We have not had information come in from the UK Government as to what the potential for legal keepership will look like, and because of that we are worried that we will see a rise in abandonments. Some people are not going to be able to afford to go through legal keepership, or they will have circumstances that mean that they cannot do that—for example, if they are in rented accommodation and their tenancy agreement does not allow them to keep a prohibited dog. We are very worried about the



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impact on our capacity, and what that will then cost for the additional needs to kennel extra dogs.

It will also have an impact on the charitable objects of many of us. The RSPCA is here to help victims of cruelty, neglect and abuse. If we then have to start supporting the UK Government in a breed ban, that will make it very difficult for us to meet those objectives. Again, I stress that if we end up in a situation where we have to assess and type dogs and then euthanise them, that will come at a huge cost to the emotional wellbeing of our staff. We will expect to lose staff over this. That is the impact on rescue.

On dog welfare, we also have to be very clear that if we go through a situation where exemption is possible, which is what we want to see, there will be a requirement on owners to have their dogs neutered. David has already discussed the capacity issue, but we also have to recognise that there will be behavioural implications and health implications around the age of neutering. Typically, the evidence shows us that for some dogs, particularly if they are large breed dogs, it is better to neuter them at a later age, so that they have a full chance to behaviourally and physically mature. If we end up with dogs that have to be neutered at too young an age, we could potentially be predisposing them to health and welfare issues.

Chair: I am sorry to interrupt you, but we will get on to some of the amnesty issues in a subsequent question, so we will stick to the banned dogs, rather than the exempted.

Q323 **Nick Fletcher:** If we are going to put a ban in, we will also have issues at UK borders. Does any specific person want to answer that? We are rushing for time, so could we have the best person to answer that?

Dr Newport: Sorry, what is the question?

Nick Fletcher: It is on including a ban at UK borders. Do you think we have enforcement there ready to cope with that?

Dr Newport: I think that we need to look seriously at importing rules. This has come up repeatedly in the work that we have done looking at where the dogs came from and how they were brought into the country. Serious reform needs to happen there quite quickly. This is similar to the issue of ear cropping of dogs.

I also want to emphasise the dog welfare aspect of this. There are dogs that are killed and injured by these dogs in quite high numbers; we do not have any good data on that, or do not have perfect data tracking. I would like to see much more data like that as well.

On importation rules, we need to be much clearer, and to be able to follow up on dogs that are imported. We need to have certificates, and be much clearer on where they are coming from and how.



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David Martin: It may assist you to hear that I suspect that typing one of these dogs will take between 30 minutes and an hour. If a dog is presented that is, according to the paperwork, not an XL bully, and the person at the port looks at it and goes, "I think that it might be", it will probably take someone who is trained between 30 minutes and an hour to do that type accurately. That will be a serious issue, and you will also have to have somewhere secure so you can get that dog out of its transport box and assess it, hands on. It will be a potential backlog issue at the ports.

Q324 **Nick Fletcher:** I am not part of this Committee, so I want to ask a daft question, if I can. What about just muzzling dogs? This must have been discussed before, and I have not come across it, but is there a problem with just saying, "You must muzzle a dog"? Then all of a sudden we are not banning dogs; we are just muzzling dogs.

Dr Newport: Part of the ban, of course, is that they are to be leashed and muzzled. Do you mean all dogs?

Q325 **Nick Fletcher:** Well, this is what I am trying to say. You have said it is so difficult to be breed specific, and there is going to be a huge issue in putting a ban in place because obviously you have all these hoops to jump through—defining, enforcement. It is all very difficult, but what if all dogs had to be muzzled?

James McNally: As I said, 80% of the cases that we deal with are dogs off lead. If they are on lead, would they be better controlled, if they were muzzled? I don't know from a welfare point of view what the arguments are for not muzzling a dog, but—

Nick Fletcher: I don't think that some people can hold a dog on a lead. Some of these dogs are bigger than the people. If you muzzle the dog, it is safe, surely to goodness?

James McNally: If you look at the rules in Ireland and their restrictions on dogs, there are far more dogs on that list than we have on ours. They are not banned; ownership is restricted. You have to be over 18 to own one. You have to walk it on a lead and I think that the lead has to be of a particular type and not more than 2 metres long. There are those restrictions in place for German Shepherds, Dobermans, pitbulls and for what I think they call ban-dogs, which is a variety of all in the list of dogs. If any of those are bred together, it would fall within that remit.

My view is yes, if dogs are on a muzzle, of course, you would have far fewer bites and attacks, but I don't know where that takes us from a welfare point of view.

Dr Gaines: There are welfare implications to muzzling dogs. What we also have to recognise is that if you are suggesting that we ask for all dogs to be muzzled in a public place, we are still just applying sticking plasters to what is a very complex societal issue. We need to get to the root of the problem and stop trying to come up with what potentially look like easy, quick fixes but are never going to get to the problem that we



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have. This is a complex societal issue around aggressive behaviour and we have to look at that.

Chair: Thank you. We will move on to Julian Sturdy to look at the amnesty and exemption issues.

Q326 **Julian Sturdy:** I am looking at the implementation of the ban, but just before I touch on the amnesty issues, can I go back a step? At what age can we classify XL bullies? I know that the criteria have to be set, but is it when they are fully formed?

David Martin: Yes, for pitbulls the police do not like to type them before they are nine months old, normally a year. I suspect that for XL bullies, because they are a giant breed and their maturity date is later, they may well say that it needs to be 18 months. There are risks that if you type them early, you get your typing wrong, and then they change and they develop either to be of type or not to be of type. Most police forces will not type until they are probably at least nine months—

Julian Sturdy: We are assuming, and I am not going to hold you to this, at about 18 months?

David Martin: Probably 12 to 18 months is a guess. It slightly depends on what the breed standard looks like, but if there are measurements in there as to how tall this dog is and how heavy this dog is, it will have to reach maturity before you can take those measurements.

Q327 **Julian Sturdy:** Surely that will have a huge implication on enforcing a ban. Leading on to the amnesty, the Government have outlined an amnesty for XL bullies. Dr Gaines, could you touch on this? I know that you have touched on the implications of taking in these dogs, but if the amnesty policy was in place—and they are talking about it being in place until 2025, I believe—what implications do you see for that?

Dr Gaines: We have not had any information from the UK Government around what the exemption process should look like, but we would be very pleased if there was the ability for people who are responsible owners to be able to legally keep this type of dog, providing that their behaviour does not pose risks to public safety. We are very supportive of that.

Where you get the potential difficulties is dependent upon the process through which owners can seek exemption. In 1991, owners of pitbull terrier types could put themselves forward. It was an owner-led registration system that allowed them to then legally keep their dog and that was a window that was open for a few months. Thereafter, anyone found to have that dog would have to have them euthanised.

The alternative, if we look at the current legislation, is that if you are an owner of a suspected prohibited dog, for example a pitbull terrier, you would have to go through court to have your dog legally exempted. That becomes a lot more problematic because you need the assistance of a



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dog legislation officer and a court hearing. There will also be costs to the owner associated with that.

The difficulty that we have is that from the RSPCA's perspective we do not want responsible owners whose dogs' behaviour poses no risk to be unfairly affected by this legislation, so we would much rather they could go through an owner-led registration system. I guess it then makes it quite difficult when the whole purpose of this legislation is to make sure that owners are fit and proper and that their dog is not a behaviour risk. If you do not go through that system, how are we going to have that assurance? The difficulty that we have here, though, is that because the speed at which this ban is coming in is so quick, we have not had the opportunity, and neither has the UK Government, to think about the wider implications. Our recommendation is to try to slow this down, so that we can make sure that we know that everything is in place to help support everyone who will be affected.

Q328 Julian Sturdy: I have a follow-up question on that, but before we move on, does anyone else want to comment on the amnesty period until 2025? Do you think that is suitable? With the classification issues, would that need to be longer?

David Martin: I will say two things on that. It depends on what the amnesty process is. I would ideally like to see that be some sort of risk assessment around the dog and the owner, so that the dogs and owners that are not of risk get amnesty very simply, but there is a proper look where we have concerns that this dog may have previous history of aggression, or perhaps that the owner may not be a fit and proper person to have a dog.

Q329 Julian Sturdy: Who would you expect to carry that out?

David Martin: That is the challenge, and I think that will have to be potentially a multi-agency approach. The fit and proper person test will almost certainly have to involve criminal record checks, which probably means the police, and assessments of the dog. I think you need to try to initially assess the dogs on paperwork, on owner information, which would have to be given truthfully, with a penalty for failure to disclose. That should be reviewed by a civil servant or a police officer, or whoever is judged to be appropriate to do that. It may well be that a proportion of those dogs then need to be properly assessed in person; effectively, that would mean the dog seeing a behaviourist or a vet.

Julian Sturdy: Basically, what you are saying is that this is a hugely challenging issue to put in place.

David Martin: It is.

Q330 Julian Sturdy: I will come to Dr Lawrence in a minute. James, I know it is difficult for you, but are you able to touch on the legal aspect of that on the amnesty side? I know that it is not your field, but you are our legal expert on the panel at the moment, so I am putting it to you.



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James McNally: No, it is not my remit. As I have said before, you have created a rod for your own back in saying that you are going to do this by this date, and this is what is going to happen. I do not see how so many steps can be taken in such a short time. I think if you bring in a date by which you have to have a dog on the exempt register, there will be a lot of people affected. I saw a case the other day, I think in Scotland, where someone was saying, "I can't afford £1,500 to have my dog tattooed. Therefore, I will have to give up my dog." That is a concern. There will be people who have dogs that fall under it who will perhaps think, "Maybe we will get around this" or whatever, and people who will want to challenge any decision that is made.

I think I am right in saying that the issue is not just whether or not your dog meets these criteria, but also whether the dog has decided to be aggressive and also if you are a fit and proper person. You can have a dog that meets the type and therefore you could apply to be exempt, but someone decides that dog is aggressive or that you are not a fit and proper person. There will be challenges.

In the work we do, we see people who are prosecuted under the Dangerous Dogs Act, and those with money defend the case; those who do not have money just take the hit and walk off. There is not a balance there.

Dr Newport: We began talking about fatalities, and I still think it is vital—essential—to remember that this is not just about fatalities of people and children, but also of other dogs, and any amnesty period essentially bakes in a series of severe attacks, hospitalisations and deaths of dogs, people and indeed children. The longer the amnesty period, the more likely that is, and the more people and dogs are included. That is not to say we should lose sight of an amnesty period providing administrative and practical means, but there is still a cost to that period, and that cost is to people and other dogs. That is a serious thing to consider and weigh up and should not be minimised or forgotten.

Secondly, there are difficulties with this, but we have had a functional ban on pitbulls for 30 years, and our fatality rates are half the per capita rates of the US, despite the fact that we have a much denser population. That is the opposite of what you would imagine. The difference is explained by the fact that in the US, 60% to 70% of deaths from dogs are from pitbulls. We do not have high numbers of pitbulls in this country and, as a result, we do not have the fatalities. The first time we bring a pitbull-type back into Britain—it took 30 years to develop a pitbull-type—you can immediately see it in the fatality figures, and we have the highest spike in fatalities on record since records began. It is right to have an administrative period, and it is right to think this out, but there is a cost of that period and that cost is genuinely lives.

James McNally: What Lawrence says is correct: if you want action, you want action now; but you need to look at what you have in the existing legislation—that second part of the Dangerous Dogs Act, not the banned section—and say: "This is what we have to work with for the next year or



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so while we are trying to figure out how to identify this breed. How can we work with the courts and police to ensure that that section of the Dangerous Dogs Act is enforced?" It should not be a case of the police saying, "Dog-on-dog is a civil matter," when the argument could be made that if a dog owner is in fear of their dog being injured, that falls within the Dangerous Dogs Act. If you want a quick fix now, look at that while you are looking at the longer-term solution.

David Martin: My concern about a short amnesty period is that you end up giving an amnesty to everybody who asks, and then you end up effectively legitimising dogs that would not have been legitimised if you had had a proper process.

Q331 **Julian Sturdy:** I suppose the point is the classification, isn't it, and the test? If that is too bureaucratic, you will achieve exactly what you have just said.

David Martin: Everybody would get the exemption, no matter if they were a fit and proper person to have that dog, and you would end up legitimising a lot of status dogs.

Julian Sturdy: I will leave it there, Chair. There is a lot of stuff on fit and proper person that we could probably go into as well, but I think that in the interests of time, we will move on.

Q332 **Rosie Duffield:** Sam, do you think that singling out specific breeds of dogs as "killer beasts", or headlines about them being monsters, contributes to the rise of animal abuse that we have seen in this country?

Dr Gaines: There are definitely negative consequences associated with labelling dogs in a particular way. If we label particular dogs as dangerous by law, evidence shows that does make them more attractive to certain parts of society, and I am including the criminal element.

It is also true that where we have dogs treated as commodities and being exploited, that pretty much always goes hand in hand with the dogs becoming victims of abuse and neglect, and that then means that those dogs are predisposed to behaviour problems and likely aggression. Unfortunately, we see that mistreatment of dogs can lead to aggressive behaviour. We have to be very careful about how we label dogs because of the negative consequences within society. That is one of the fall-outs of the dangerous dogs legislation, in particular BSL. It can lead to some dogs being labelled as dangerous and an assumption that any dog that does not fall into the four prohibited types of dog is thereby safe.

Rosie Duffield: Thank you. Does anyone else want to comment?

David Martin: Yes. Abuse will increase if you make a dog more attractive as a status animal. They tend to be less well looked after unless they have enormous value, in which case people may put more effort into caring for them. But, yes, I think there is.



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Dr Newport: We have seen some studies that Bully Watch did on assessing breeders. A high percentage of breeders—I think in the region of more than 90%—show dogs with cropped ears, so abuse is already happening. Over 90%, nearly 100%, of breeders did not seem to have any licensing, even though they were making quite a lot of money from selling their dogs. There is an animal welfare problem here, and many animals are the first victims, the most numerous, and there is very little data about it.

Our tracker was the only attempt to build some data out of this. There is a need for better data and a better way of understanding, not focusing on dog bites but on hospitalisations and fatalities, otherwise the data is not fit for purpose. By having something where we can look at dog-on-dog attacks and a bunch of other things that may be relevant, we can break the data down by breed, start to understand things in detail, and put together an accurate picture of what is happening. It is possible. There is no reason why we are not already doing that, and we should do it going forward.

Chair: Thank you. Ladies and gentlemen, I would like to draw proceedings to a conclusion. First, I thank all our witnesses—Sam Gaines, David Martin, James McNally and Lawrence Newport. This has been a powerful session dealing with a lot of complex issues, and the Government and Parliament have a body of work to do in fairly short order for the ban to come into place. We have heard some evidence about data, and the complexities of typing and defining the breed or type of dog. There will have to be a significant amount of work—stakeholder engagement, with vets, with shelters, with the public—and a longer piece of work on responsible dog ownership, so that we can have dogs looked after and socialised; they will then be safer for other dogs, livestock and people. That is a longer piece of work, but there has to be some short-term action now.

As I said in my introductory comments, the Government have signalled that they are doing that and the Opposition have agreed. Our Committee will be able to take this matter forward and make recommendations. I thank you once again for a very powerful session.