

Written evidence submitted by the Dog Control Coalition (PWA0075)
Pet welfare and abuse - XL bully dogs
October 2023.

This response is provided on behalf of the Dog Control Coalition (DCC) comprised of Battersea Dogs & Cats Home, Blue Cross, the British Veterinary Association (BVA), Dogs Trust, Hope Rescue, RSPCA and the Scottish SPCA, whose operations (rehoming and euthanasia) are impacted by Section 1 (S1) of the Dangerous Dogs Act (DDA) 1991, and The Kennel Club.

Executive summary:

- The Coalition shares the deep concern and sadness for the recent dog bite incidents that have resulted in loss of lives and serious injuries.
- There is a clear need for action to tackle dog bite incidents, however, simply banning a breed type, with extremely limited verifiable evidence is not going to enable tackling the root causes of these incidents. The focus should be on researching and gathering data to identify the areas of most concern and improving the enforcement system, to enable earlier interventions to prevent bite incidents from occurring.
- There is no conclusive evidence that shows any breed as being more aggressive than another or inherently aggressive, although we acknowledge that the larger the breed the greater the capacity for harm if they display aggressive behaviour. Focusing on specific breeds potentially provides a false assumption that all other dogs are safe, where in reality any dog has the capacity to be dangerous if irresponsibly bred, reared and socialised.
- There is a distinct lack of verifiable evidence of the types of dogs involved in bite incidents, with data not regularly and uniformly recorded by police. The American Bully XL has largely come to attention by social and traditional media sources where the breed often can not be substantiated.
- The Coalition is deeply concerned about the unintended consequences of the announced ban. Due to the speed of the development of the ban and the proposed conformation standard there is a significant risk that the ban will impact far more dogs and owners than intended, which could lead to many thousands of dogs who are behaviourally and medically sound being put to sleep as they are encompassed in the broad standard, even if they are cross breeds. This is currently the case with Pit Bull types where terrier crosses can be classed as Pit Bull types although they have no such lineage. The standard and associated guidance must be as tight as possible to limit the impact on the wider dog population.
- The Government must urgently provide clarity around the transition period and exemption process for responsible owners while ensuring that the provisions necessary to ensure compliance are readily available. We strongly recommend against a court process being required for currently owned dogs to be exempted.
- The enforceability of this ban needs to be fully addressed. There is likely to be a surge in demand for services delivered by the police, local authorities, veterinary clinics, and rescue and rehoming organisations. It is important to note that veterinary clinics and the rescue sector are currently under increased pressure due to other factors including the cost of living crisis and we would be unable to care for and, if required, euthanase XL bully type

dogs. This lack of capacity could lead to mass straying of animals the Government considers dangerous.

- **The conditions for Section 1 dogs should be carefully reviewed to ensure proportionality. This includes the potential availability of rescues rehoming Section 1 dogs, that are behaviourally sound and no risk to the public, ensuring the conditions are in the interest of both human and animal welfare and doesn't increase pressures on the courts, enforcers, veterinary and animal welfare organisations.**

1. The Dog Control Coalition (DCC) shares the strength of public concern regarding the number of recent fatalities and dog bite incidents and we firmly agree that strong action needs to be taken to prevent similar incidents and to effectively protect the public. Nonetheless, we do not believe that banning further types of dog is an effective or sustainable solution to protecting public safety. Scientific evidence and expert opinion shows that legislation banning specific breeds of dog because they are considered dangerous, does not and has not effectively protected public safety and results in the unnecessary suffering and euthanasia of many dogs as well as placing people involved in their care and management at risk of extensive emotional trauma. The immediate focus should instead be on the enforcement of current breeding and dog control regulations, and on promoting responsible dog ownership and training, to effectively prevent incidents of dog aggression. In the longer term, simply banning another breed type will not get to the root of the dangerous dogs issue, which is why we remain of the belief that there is the need for a multifaceted approach including a change in human behaviour and consolidation and reform of current legislation with the introduction of genuine early intervention and prevention measures such as Dog Control Notices (DCNs).

Breed bans and public safety.

2. Breed specific laws are aimed at the restriction of ownership of breeds or types deemed to be dangerous and tend to be underpinned by one of two beliefs:
 - The breed type has a potential to be dangerous because of its physical characteristics and its functional history.
 - The breed type in question has a record of bite frequency that supports the view that the breed type shows a high level of aggression towards people.
3. While it is true that any dog has the capacity to be dangerous if irresponsibly bred, reared and socialised, there is no conclusive evidence that shows any breed as being more aggressive than another or inherently aggressive, although we acknowledge that the larger the breed the greater the capacity for harm if they display aggressive behaviour. The American Bully XL (ABXL) has been referred to recently as a fighting breed derived from the pit bull¹, however, other sources of information dispute the origins of this dog. Multiple sources refer to this breed of dog as one who was selected as a companion and family dog. For example, the United Kennel Club² refers to this dog as *'first and foremost, a companion, exhibiting confidence with a zest and exuberance for life. Despite its powerful appearance, their demeanour is gentle and friendly. This breed makes an*

¹[Breed Specific Violence and the American Bully. A report on the science and regulation of breed and dog attack risk.](#) Accessed 4th October 2023.

²<https://www.ukcdogs.com/american-bully> Accessed 4th October 2023

excellent family dog'. Likewise, the UK Bully Kennel Club³ describes this dog as '*A truly faithful, affectionate and energetic companion*'.

4. Although there are breeds and types of dogs originally bred and selected for fighting, this does not mean that individuals within a particular breed or type are inherently aggressive or pose any greater risk of aggressive behaviour towards people or other animals. The selection for specific physical and temperamental attributes can result in serious injuries. However, the extent to which these characteristics are expressed or displayed will vary within individuals and are influenced by the way in which the dogs are bred and their lifetime experiences therefore, not all individuals of the same type will behave in the same way.
5. Determining accurate statistics for dog bite incidents in the UK is not possible as data on dog ownership levels is estimated and it is not mandatory to record dog bites, or the breed type involved in any incidents. In fact, an independent report commissioned by Defra and published in 2021⁴ found dog bite incident data to be lacking and inconsistent. Further to this, in 2021, the DCC requested dog bite data from across all 45 UK territorial police forces covering a five year period from 2016 to 2020. Of the forces which provided data, only four could provide breed or type information for the dog involved in the incident. The breed or type involved is also likely to be a subjective assessment by the attending officer. Despite the lack of information around dog population levels and breed specific bite rate data, this has not prevented statements regarding the proportion of incidents involving ABXLs being made or the risk posed by these types of dogs.
6. Other concerns relating to the data being used to influence policy and banning the American Bully XL include the use of reports from social media platforms such as facebook which are very likely biased due to the media and the public being more likely to report some dog breeds compared with others. Accurate breed identification is also notoriously difficult and casts doubt over the reliability of the breed types being reported in the incidents. Further, as well as the term American Bully XL, other terms including bully, pit bull type, bully type breeds and fighting dogs are used interchangeably which makes it difficult to determine which data is being used to influence policy decisions and what dogs are being proposed to be banned.
7. The DCC does not believe that targeting certain types of dogs is effective in reducing dog bites, a view informed by available verifiable evidence. In the UK, an initial assessment of the Dangerous Dogs Act 1991 five years after it was enacted, found that there had been no significant reduction in dog bites⁵. In England, hospital admissions for dog bites rose from 3,377 in 2000-01⁶ to 8,758 in 2021-22, an increase of 159%⁷.

³<https://www.ukbullykennelclub.co.uk/american-bully-standard> Accessed 4th October 2023.

⁴Nurse, A., Guest, C., Miles, L. (2021) AW140: [Investigation of measures to reduce dog attacks and promote responsible dog ownership amongst dog owners with dog control issues in the UK](#). Middlesex University London.

⁵Klassen, B., Buckley, J.R., Esmail, A. (1996). Does the Dangerous Dogs Act protect against animal attacks: a prospective study of mammalian bites in the Accident and Emergency department. *Injury*. 27, 89-91.

⁶<https://digital.nhs.uk/data-and-information/publications/statistical/hospital-admitted-patient-care-activity/hospital-episode-statistics-admitted-patient-care-england-2000-01>

⁷ <https://digital.nhs.uk/data-and-information/publications/statistical/hospital-admitted-patient-care-activity/2021-22>

8. Studies have shown that Breed Specific Legislation (BSL) has not reduced dog bite incidents in Ireland⁸, Spain^{9,10}, Florence (Italy)¹¹, Canada¹², the Netherlands¹³ or Berlin¹⁴. A reduction in dog bites was found in both Catalonia¹⁵ and Manitoba¹⁶ but major limitations were noted in the studies including the potential for other factors to have led to a reduction in dog bites.
9. A literature review commissioned by Defra as part of a project to investigate measures to reduce dog attacks and promote responsible dog ownership found that BSL had not proven effective in reducing dog attacks internationally¹⁷. It instead concluded that human behaviour is a key factor in dog bites and attacks. In addition to the literature, participants in the research almost unanimously cast doubt on the idea that breed was a cause of dog attacks, noting either that dogs are not inherently dangerous if properly socialised and engaged with using appropriate behaviours, or that all dogs could be dangerous if placed in the wrong situations and handled inappropriately.
10. The RSPCA has recently commissioned research to update previous reviews including Nurse (2021). The findings of this review¹⁸ corroborated those of earlier reviews noting that scholars were almost unanimous in stressing that relying on BSL as a strategy to reduce dog bites was unsuccessful and often detrimental in dealing with dog bites internationally. There was agreement for a wider need to consider preventative measures as opposed to adopting a punitive approach towards dogs.
11. Analysis of 256 fatalities in the USA spanning a ten year period highlighted the multifactorial nature of dog bites and a number of major factors which co-occurred across a large number of deaths; breed was not one of these. Many factors are directly under the control of dog owners such as mismanagement of dogs by owners; abuse or neglect of dogs by their owners; dogs left unsupervised with a child or vulnerable adult¹⁹.

⁸Ó Súilleabháin, P.Ó. (2015). Human hospitalisations due to dog bites in Ireland (1998–2013): Implications for current breed specific legislation. *The Veterinary Journal*. 204. 357-359.

⁹Rosado, B., Garcia-Belenguer, S., Leon, M., Palacio, J. (2007). Spanish dangerous animals act: Effect on the epidemiology of dog bites. *Journal of Veterinary behaviour: Clinical Applications and Research*. 2, 166-174.

¹⁰ Mora, E., Fonseca, G.M., Navarro, P., Castano, A., Lucena, J. (2017) Fatal dog attacks in Spain under a breed specific legislation: a ten year retrospective study. *Journal of Veterinary Behavior: Clinical Applications and Research*, doi: 10.1016/j.jveb.2018.03.011.

¹¹Mariti, C., Ciceroni, C., Sigheri, C., (2003). Italian breed-specific legislation on potentially dangerous dogs (2003): assessment of its effects in the city of Florence (Italy). *Dog Behavior*. 2, 25-31.

¹²Clarke, N.M., Fraser, D., 2013. Animal control measures and their relationship to the reported incidence of dog bites in urban Canadian municipalities. *Canadian veterinary Journal*. 54, 145- 149.

¹³Cornelissen, J.M., and Hopster, H. (2010). Dog bites in The Netherlands: a study of victims, injuries, circumstances and aggressors to support evaluation of breed specific legislation. *The Veterinary Journal*. 186. 292-8.

¹⁴ Kuhne, F., Struwe, R. (2006). Dangerous dogs in Berlin in comparison to the dog population – ways to reduce the dangerousness of dogs. *Berl Munch Tierarztl Wochenschr*. 119. 445-55.

¹⁵Villalbí, J.R., Cleries, M., Bouis, S., Peracho, V., Duran, J., Casas, C., (2010) Decline in hospitalisations due to dog bite injuries in Catalonia, 1997–2008. An effect of government regulation? *Injury Prevention*. 16(6):408–10.

¹⁶ Raghaven, M., Martens, P.J., Chateau, D., Burchill, C. (2013). Effectiveness of breed specific legislation in decreasing the incidence of dog-bite injury hospitalizations in people in the Canadian province of Manitoba. *Injury Prevention*. 19, 177-83.

¹⁷Nurse, A., Guest, C., Miles, L. (2021) AW140: Investigation of measures to reduce dog attacks and promote responsible dog ownership amongst dog owners with dog control issues in the UK. Middlesex University London.

¹⁸Maher, J. (2023) A Global Review of Dog Control Measures. Deliverable 1: Scoping Literature Review on Why Dogs Bite. Report to RSPCA.

¹⁹Patronek, G.J., Slater, M., Marder, A. (2010). Use of a number-need-to-ban calculation to illustrate limitations of breed specific legislation in decreasing the risk of dog bite-related injury. *Journal of the Veterinary Medical Association*. 237, 788-792.

12. Aggression in dogs is a complicated behaviour. It is not simply a product of breed and breed alone is not a reliable predictor of aggressive behaviour²⁰. Whether a dog uses aggression is influenced by a range of factors²¹; including how they were bred and reared and their experiences throughout their lifetime, and can influence any dog to display aggression, not just those of a certain breed or type. This is supported by findings from Battersea²² who consulted over 200 leading behaviour experts and found that socialisation is considered a critical factor. Of those consulted, 86% said that the way a dog is brought up by their owner is the most important reason why some dogs are more aggressive towards people, and 73% said it is the dog's upbringing by the breeder before they are sold.
13. It is without doubt that serious injuries can be caused by large powerful muscular breed types. While it is stated that the injuries inflicted by some breed types of dogs e.g. pit bull terrier types, are much worse than those associated with most other breeds or types of dogs²³, there is a lack of robust scientific evidence to substantiate claims around the unique ability of certain breed types to cause serious damage. Recent studies found no difference observed between legislated and non-legislated breeds in the medical treatment required following the bite²⁴ or severity of bite and the type of dog that bit²⁵. Furthermore, recent work has highlighted the need to consider more than the size of the dog when considering bite damage especially as some small dogs can cause life changing injuries when biting an infant²⁶. In fact claims about the force exerted by domestic dogs, and specifically pit bulls, has recently been subject to review and none of the citations regarding the bite force of a pit bull type dog were substantiated with verifiable evidence²⁷.

Assessment and identification of type.

14. The DCC is particularly concerned about the number of dogs, whose behaviour poses no risk to public safety, that will be affected by this ban. At the time of producing this submission, the final standard and definition of the type of dog known as the American Bully XL is not publicly available and so it isn't possible to provide an accurate estimate on the number of dogs or owners affected by this policy change. However, a Pets4Homes industry report published in December 2022 indicated 33,268 "American Bully" type dogs were advertised on their platform between Jan - Nov 22. In separate data provided to the DCC, around 41-42,000 American Bully dogs were listed on their platform with the terminology 'XL' included within the advert title or description, in the

²⁰Hammond, A., Rowland, T., Mills, D. S., & Pilot, M. (2022). Comparison of behavioural tendencies between "dangerous dogs" and other domestic dog breeds—Evolutionary context and practical implications. *Evolutionary Applications*, 15(11), 1806-1819. Casey, R. A., Loftus, B., Bolster, C., Richards, G. J., & Blackwell, E. J. (2014). Human directed aggression in domestic dogs (*Canis familiaris*): Occurrence in different contexts and risk factors. *Applied Animal Behaviour Science*, 152, 52-63.

²¹Baslington-Davies, A., Howell, H., Hogue, T. E., & Mills, D. S. (2023). An assessment of scientific evidence relating to the effect of early experience on the risk of human-directed aggression by adult dogs. *Animals*, 13(14), 2329.

²²<https://bdch.org.uk/files/Dog-bites-whats-breed-got-to-do-with-it.pdf>

²³<https://www.dogsbite.org/dangerous-dogs-pit-bull-faq.php#bitestyle>

²⁴Creedon, N., Ó Súilleabháin, P.Ó. (2017) Dog bite injuries to humans and the use of breed-specific legislation: a comparison of bites from legislated and non-legislated dog breeds. *Irish Veterinary Journal*, 70:23.

²⁵Sarcey, G., Ricard, C., Thelot, B., Beata, C., (2017). Descriptive study of dog bites in France - Severity factors, factors of onset of sequelae, and circumstances. Results of a survey conducted by InVS and Zoopsy in 2009-2010. *Journal of Veterinary Behavior. Clinical Applications and research*. 22, 66-74.

²⁶ Penrice, S., Ruta, M. (2017) Jaw structure and bite potential. In: Mills, D., Westgarth, C. (editors). *Dog Bites. A multidisciplinary perspective*. 5m publishing. Sheffield, United Kingdom. Page 177-188.

²⁷Patronek, G.J., Bradley, J., Cleary, D. (2016) Who is minding the bibliography? Daisy chaining, dropped leads, and other bad behavior using examples from the dog bite literature. *Journal of Veterinary Behavior. Clinical Applications and Research*. 14, 17-19.

period of September 2021 - September 2023 (this figure is indicative only as there has been no agreed standards for the type). While some of these adverts could be duplicates and notwithstanding the fact that Pets4Homes is one of, if not the largest online advertising platforms, there are a number of other platforms, on which significant numbers of additional American Bully XL type dogs will have been advertised. It should be noted that puppy sales peaked during the 2020-2021 period, so it should be expected that a large number of American Bully XL dogs will have been acquired during that period, which won't be accounted for in the figures provided above. A broader conformation standard, that draws a wider pool of dogs into the ban, will significantly uplift these figures.

15. The DCC is also concerned about the potential to include ABXL cross breeds as was the case when the legislation to prohibit pit bull terrier types was introduced in 1991; "In the United Kingdom, the pit bull terrier is generally regarded as being a cross between a bull breed of dog and larger dogs like the mastiff²⁸." Including crossbreeds means that non bull breed and terrier cross breeds can be identified as type if they look similar enough to the standard. This means that within a group of dogs identified as prohibited types of dogs, the genetic and behavioural diversity will be very significant in dogs. While their phenotypes might look similar, it is inaccurate to consider them as behaviourally homogeneous. In fact, not even so-called purebred dogs of any particular breed are all alike in the way they behave or react to different situations, with evidence indicating that there can be as much variation between individuals within a breed as between breeds²⁹.
16. In addition to the definition of an ABXL type and the potential inclusion of crossbreeds, the interpretation and application of the standard will also determine the number of dogs affected. In the UK, to be identified as a prohibited type of dog, the animal is expected to approximately amount to, be near to, or have a substantial number of characteristics of a dog as described by the standard. This is a predominantly appearance based standard; genetics and parentage are not taken into account and any dog can be considered a prohibited type if its appearance is similar enough to that described. None of the terms are defined and so this allows subjective interpretation and introduces significant variation in application of the standard and those dogs identified as type.
17. **Recommendation: The UK Government's intention is to ban the ABXL therefore the standard must be as tight as possible to avoid misidentification of other breeds or types of dogs. However, given that the identification process can also lead to misidentification, it is critical to introduce a consistent and standardised process for assessing and identifying dogs suspected of type to include training, application and interpretation of the standard.**

Implementing and enforcing a breed ban

18. The DCC has recently provided Defra with a comprehensive paper outlining the wider implications of introducing an additional breed ban which includes the impact on human wellbeing, dog welfare, the rescue sector, veterinary profession, enforcement agencies and the judicial system. Key points from this paper have been summarised below.
19. As highlighted in earlier submissions to this EFRA inquiry, both the rescue and veterinary sectors are under considerable strain and pressure. The Association of Dogs and Cats Homes (ADCH) members are already concerned about the rising costs and increasing number of animals coming

²⁸ [Home Office Circular 80/1992 Accessed 11th October 2023.](#)

²⁹ Clarke T., Cooper J., Mills D. (2013). Acculturation: perceptions of breed differences in behavior of the dog. Human Animal Interactions 1: 16-33.

into their care. In a recent survey³⁰ 83% saw increased costs for animal products, 81% increased energy costs and 74% increased food costs; veterinary costs were also increasing whether for external veterinary costs (95%) or on inhouse veterinary costs (83%). In addition 97% of rescues expected to see greater demand for services and 44% are concerned that they may have to withdraw some services. Furthermore, 96% of rescues in October 2022 were seeing more dogs coming in with behavioural issues (compared with 70% in March 2022).

20. An ADCH survey on dog rescues found that, in September 2023, rescues were operating at 130% capacity such that they either could not take in ABXLs or operated using private boarding. This puts the strain on private commercial boarding establishments as well.
21. It is clear that the rescue sector is already operating at capacity and facing unprecedented challenges. We are increasingly concerned about the UK Government's expectation for the sector to assist with the implementation of this "breed" ban when many of us are already struggling to to assist those animals in line with our charitable objectives and in some cases, we do not have the capacity to take in and care for or euthanase any more dogs. While we remain committed to assisting those dogs and owners affected by this ban, in reality doing so will be to the detriment of other animals facing cruelty, neglect, abandonment and relinquishment and may prove beyond our means.
22. Likewise, the veterinary sector is also facing multiple systemic challenges that are already impacting on the provision of veterinary services. The current situation within the profession means that vets are at increased risk of moral injury which has been shown to be significantly associated with adverse mental health outcomes in the U.K profession³¹. Introducing a new breed ban will, without doubt, add further strain on veterinary professionals, not least the requirement to destroy large numbers of healthy and behaviourally sound dogs, particularly when the profession is already faced with increased numbers of economic euthanasias.
23. There is also the issue of the capacity of the veterinary profession to cope with any increase in demand for its services, such as neutering of large dogs which will be required to enable legal keepership. As the UK Government will be aware there is an ongoing issue around the overall capacity within the veterinary sector, this includes companion animal practice³². Practices may not be taking on new clients, some have waiting lists for procedures. Neutering of large breed dogs is time consuming, possibly not in the animal's overall best interest and unlikely to be a priority when compared to the other demands on oversubscribed practices.
24. **Recommendation: We urge the UK Government to complete comprehensive assessments to understand the impact of the breed ban across the various sectors, in particular veterinary and rescue / rehoming, and to put in place measures to mitigate its effect**

Legal keepership of ABXLs.

25. The UK Government has yet to confirm the process for enabling the legal keepership of ABXLs and whether this will be an owner led registration scheme or one which will require a court process, potentially also involving the seizure of dogs. The delay in information since the announcement on 15th September is causing unnecessary uncertainty and additional pressure on the rehoming sector as we are unable to reassure the public. Already we have had reservations on dogs

³⁰ADCH. October 2022 Cost of living survey of 60 rescues in the UK and Ireland.

³¹<https://bvajournals.onlinelibrary.wiley.com/doi/10.1002/vetr.2181>.

³²<https://www.rcvs.org.uk/news-and-views/publications/recruitment-retention-and-return-in-the-veterinary-profession/>

currently in our care cancelled, dogs relinquished/abandoned at rehoming centres, a large number of inquiries from the public etc. This situation is untenable.

26. Although the numbers of dogs affected by this ban and the process to enable legal keepership is unclear, it is highly likely that enforcement agencies will be placed under considerable pressure as well as local authorities and commercial boarding establishments which may be required to hold these dogs for substantial periods of time. As evidenced in further paragraphs and in a previous EFRA session on Pet Welfare and Abuse³³, kennelling spaces are already proving problematic with costs associated with housing dogs in the thousands.
27. In the absence of an owner led registration system, ABXL owners will likely have to go through a court process to legally keep their dog. Furthermore, with issues around the identification of XL Bully types, there could be a significant number of legal challenges which will not only place strain on the public purse and take court time but require dogs to be housed until the court case has concluded. With thousands of dogs potentially affected, it is impossible to understand how the current resource and infrastructure will be able to meet the demand and who will bear the cost.
28. To ensure compliance with conditions of exemption, it is expected that owners will need to purchase third liability insurance. The provision of cover is severely limited for prohibited types of dogs and at this current time it is only available via Dogs Trust membership. Between 15th September (the date of the ban announcement) and 11th October 2023, Dogs Trust has had 6,687 new memberships taken out, the majority of which are likely to be related to the benefit of third party liability insurance through Dogs Trust membership.
29. **Recommendation: The UK Government must urgently provide clarity around the transition period and exemption process for responsible owners while ensuring that the provisions necessary to ensure compliance e.g. third liability insurance are readily available. We strongly recommend against a court process being required for currently owned dogs to be exempted.**

The impact of breed bans on dog welfare.

30. Research using dogs kennelled for a variety of reasons has shown that many find kennel life challenging and experience poor or compromised welfare as a result³⁴. Small kennel sizes and restricted exercise may influence dogs' behaviour patterns and can limit their ability to explore and investigate, while limited contact with people and other dogs can impact upon social interactions. Dogs seized and kennelled by enforcement bodies even for short periods of time may find it difficult to cope with kennel life and, for some, this means that their welfare will be compromised. Research using working dogs has found that for those neither bred nor raised in kennels the transition from a domestic environment to a kennelled environment is especially stressful; this will likely be the case for many pet dogs seized by enforcement bodies. Furthermore, the level of human contact can differ greatly between a kennelled and home environment and this can be stressful for the dog.
31. In some cases, experiences within the kennel environment can lead to the development of, or further exacerbate existing, behaviour problems which can potentially affect the dog's suitability as a household pet and future decisions around the dog's fate. It is therefore imperative - and a

³³<https://committees.parliament.uk/oralevidence/13593/pdf/>

³⁴ Hiby, E.F., Rooney, N.J. & Bradshaw, J.W.S. (2006). Behavioural and physiological responses of dogs entering rehoming kennels. *Physiology and Behavior*. 89, 385–391, and Rooney, N.J., Gaines, S.A. & Bradshaw, J.W.S. (2007). Behavioural and glucocorticoid responses of dogs (*Canis familiaris*) to kennelling: Investigating mitigation of stress by prior habituation. *Physiology and Behavior*. 92, 847–854.

legal requirement - that seizing authorities and kennels do all they can to provide not only for the dog's environmental needs but also for those relating to diet, behaviour, company and health.

32. Over recent years, the welfare of dogs seized by police and local authorities has been the subject of complaints to animal welfare charities, police authorities, veterinary professionals³⁵ and animal behaviourists involved in such cases. They can also result in civil negligence claims, are frequently the subject of negative reporting on social media and attract significant media attention³⁶. Furthermore, as evidenced by complaints to organisations like the RSPCA, they can seriously compromise public confidence in the ability of the police to protect the welfare of seized dogs.
33. Even animals which are added to the Index of Exempted Dogs (i.e. a court is satisfied that they would not constitute a danger to public safety and so exempts them from the prohibition, subject to certain conditions) can suffer as a result of BSL, because the conditions they must live under can negatively impact on their welfare. For example, such dogs must always be kept muzzled and on a lead when in a public place; both of which can inhibit their ability to display their natural behaviours and, in some instances, may increase the likelihood of aggression.
34. There are also additional restrictions placed on dogs once identified as a prohibited type which have the potential to impact dog welfare. For example, there is no health insurance cover for prohibited types of dogs and although some insurance providers do currently cover ABXLs, owners whose dogs are unexpectedly found to be of type due to the standard or its application will either be unable to insure them or will have their cover revoked. This change may impact on the provision of veterinary care for some owners in the advent of an unexpected or unforeseen veterinary cost.
35. The ability for prohibited types of dogs to take part in activities beyond a private property is also severely limited given the need for muzzling and being on a lead in a public place. This includes obedience training, agility, scentwork, all of which can provide important outlets for mental stimulation and/or the ability to express natural behaviour.
36. **Recommendation: The DCC would like to see the establishment of an advisory panel of representatives with a standard range of specialisms including welfare, clinical animal behaviour and dangerous dog enforcement. This would provide a multi-agency professional approach to ensuring the welfare of seized dogs held in kennels. The benefits of such a scheme include:**
 - **Access to standardised, up to date, practical and evidence-based information on good and best practice by experts from multiple fields including behaviour, welfare, dangerous dogs, enforcement and those who provide kennelling services.**
 - **Opportunities for advice and information for those responsible for the welfare of seized dogs to help compliance with the Animal Welfare Act (2006)**
 - **Assurance to seizing bodies that the level of care provided to dogs by third parties is compliant with the legal minimum welfare standards.**
 - **Transparency around the care of dogs and assurance to stakeholders that dog welfare is being safeguarded by the police and kennelling establishments.**
 - **Mitigation of public and media scrutiny.**
 - **Restoration and maintenance of public confidence in police care of seized dogs and avoidance of negative criticism by the judiciary during Dangerous Dog Act 1991 proceedings.**

³⁵ https://www.researchgate.net/publication/272615821_Need_for_welfare-related_research_on_seized_dogs

³⁶ [Example](#) of the significant media attraction that can result around the welfare of seized dogs.

- **Mitigation of inadvertently and negatively affecting dog behaviour and thus evidence regarding the dog's post-kennelling suitability as a household pet and the risk to public safety (with regards to the exemption process).**
- **Promoting kennelling practices which aid the prevention of behaviour problems and health conditions which in turn may lower the risk of unsafe behaviour towards people and additional veterinary costs.**

37. Recommendation: Enable an expansion of the current bail system, to enable animals who are deemed of no risk to the public to remain with the owner while the court process takes place. This should include a review of the guidance to police on how this system should work.

The impact of a breed ban on rehoming

38. Although owners of ABXL type dogs will hopefully be provided with an option to legally keep their dog (which urgently clarity is needed on) the law does not permit rehoming organisations to rehome prohibited dog types to new owners, regardless of the individual dog's behaviour, and so, almost without exception, the only option is euthanasia. In extremely rare cases, and as a result of the Webb case from December 2017, there are circumstances that allow non-exempted S1 dogs to be exempted to the owner or a person who can demonstrate that they have been in charge of the dog. However, in practice, this severely limits the number of people who could go through the exemption process to staff and volunteers of rescue/rehoming organisations, as members of the public could not have been in charge of the dog. This puts a potentially untenable pressure on staff and volunteers, who are unable to take on these animals.
39. Since 2016, the DCC members have had to destroy nearly 500 dogs to comply with the legislation. The majority of these dogs were suitable to rehome - from a behavioural point of view. Destroying dogs on the basis of their appearance has huge moral and ethical implications and places significant emotional strain on rescues and veterinary surgeons who invest much time and resource into caring for these dogs.
40. ADCH has recently surveyed 147 members to determine the potential number of dogs affected. Of the 55 responses, 27 members estimated they had 194 ABXLs and 78 ABXL crosses. This is based on those dogs whose microchip records them as ABXLs or where their appearance matches that which describes an ABXL. Depending on the standard developed to define the ABXL, this number could increase. Nonetheless, we are expecting to have to euthanase more than 250 dogs once the statutory instrument prohibiting this type of dog is laid.
41. This number could be decreased should the UK Government, as a minimum, amend the legislation to allow exemption to an organisation as well as a 'natural person'. This would allow responsible rehoming organisations, whose structure allows, to retain ownership of dogs in their care, where it is not possible to rehome them.
42. Puppies born in rescue to prohibited types of dogs present a particularly difficult conundrum when it comes to BSL. Because suspected dogs are judged on appearance, assessment and identification isn't typically possible until they are skeletally mature (approximated to fall between 12-18 months). As demonstrated by social behaviour studies in the 1960s³⁷, some puppies, as adults, will appear very different from their parents. Thus, it is highly possible that a litter of puppies with a prohibited parent will look nothing like a prohibited 'type' themselves. Indeed, the RSPCA has had three separate litters born to dogs identified as pit bull terrier types in its care.

³⁷Scott, J.P., Fuller, J.L (1965) Genetics and the Social Behavior of the Dog. The University of Chicago Press.

None of the puppies in the first or third litter were identified as type upon reaching adulthood and in the second litter only half were found to be of type.

43. Following the RSPCA's experience with litters of puppies born to prohibited types of dog, we have developed a policy with the National Police Chiefs Council - Dangerous Dogs Working Group although its implementation is at the discretion of individual Dog Legislation Officers. This policy seeks to place such puppies into homes until they can be identified and assessed and on the understanding that should they be identified as type, they will be eligible for exemption. This avoids extended periods of time in kennels which invariably impacts upon behavioural development and prevents the euthanasia of puppies who due to the identification process may not physically appear as type once adulthood is reached even though born to a prohibited type of dog.
44. There is no agreed minimum age for assessing puppies born to prohibited types of dogs although many Dog Legislation Officers tend to wait until they are nine months of age. Given that the identification standard is so dependent on physical appearance, it would make sense to wait until the dogs are skeletally mature and a year of age.
45. **Recommendation: The DCC members would greatly welcome the ability to avoid the euthanasia of dogs whose behaviour poses no risk to public safety either through our rigorous rehoming processes or allowing organisations to legally keep prohibited types of dogs. This includes safeguarding the welfare of puppies who cannot be assessed until physically mature and establishing a minimum age which is compatible with skeletal maturity.**

The impact on human wellbeing

46. The impact of the ban on human wellbeing should not be underestimated. Owners are already facing uncertainty, anxiety and fear around the future ownership or loss of their dog and what will be required of them e.g. mandatory euthanasia, potential for exemption and the process. A recent survey by Blue Cross found that 50% of bull breed owners surveyed were concerned that they may have to give up their pets.
47. Some individuals will be affected even further by the breed ban. For example, the Dogs Trust Freedom Project supports survivors of domestic abuse by providing free and confidential foster care for their dogs, enabling them to access refuge or emergency housing (as many refuges aren't able to accept pets). Due to the restrictions around S1 dogs, this foster care isn't available for prohibited types of dogs. Similarly, many housing associations have blanket bans on Section 1 dogs, despite current owners requiring to be classed as fit and proper by the Court. For the private rented sector, as the Renters Reform Bill has not progressed, tenants have little recourse if their landlord changes the lease terms to not allow Section 1 dogs. 29 of the leading 90 social housing providers have blanket bans on S1 dogs. This totals 820,000 homes³⁸.
48. As a recent example within the rescue sector, the RSPCA had to euthanase a large number of birds due to avian influenza which had a significant impact on the mental health of those involved. Not only did this require significant investment in one to one and group support, it resulted in considerable absence and, in one case, a choice to exit the sector. The total cost to provide support to 14 members of staff at one centre was £3250. Given the strength of the dog-human relationship in general, the significant bond due to many dogs requiring intensive care

³⁸This is based on data collected by Blue Cross.

following neglect, cruelty and abuse and the length of time that many dogs spend in the care of an organisation, it can be expected that the impact will be even greater.

- 49. Recommendation: The UK and devolved Governments need to ensure that the mental health of owners of prohibited types of dogs is protected by ensuring adequate mental health services and where an individual's dog has been granted exemption from the prohibition, their housing and other personal circumstances are not detrimentally affected.**

Achieving effective and sustainable dog control in the UK

50. Dog control and dog bites are a complex societal issue and there is no one size fits all solution. The DCC strongly believe that a multifaceted approach is necessary including legislative change as well as a change in human behaviour.
51. Any approach to effectively protecting public safety must be informed by scientific and other robust evidence and recognise a) the lack of correlation between phenotype (physical characteristics) and behaviour and b) the impact of ownership and husbandry factors on dogs and the complex genetic factors and lifetime experiences (along with husbandry) that influence a dog's behaviour and response to a given set of stimuli³⁹.
52. The increased popularity of ABXL types has made them valuable commodities, resulting in irresponsible breeding, rearing and ownership. Urgent action is necessary to prevent and avoid further serious dog bites and fatalities. Therefore the immediate focus needs to be on the enforcement of current breeding and dog control regulations, and on promoting responsible dog ownership and training, to effectively prevent incidents of dog aggression. This includes full traceability of puppy sales, with a system of mandatory registration and licensing for anyone selling puppies.
53. However, dog bites have been a public health issue for many years with the number of people seeking hospital treatment typically increasing year on year (see paragraph 7). The DCC has long called for a different approach to breed specific legislation recognising that the existing legal framework for dealing with dog bite incidents is complex with a variety of legislation available depending on the circumstances surrounding the incident⁴⁰. The current laws are predominantly reactive and breed-specific in their approach. Any legislation to deal with dog bite incidents should be preventative, evidence based and proportionate in its approach. Major consolidation and reform is needed if the legislation is to be more effective.
54. Research recently commissioned by the RSPCA has explored the dog control legislation of 49 countries within Europe, Australia, Canada, the UK and the United States and their response to dangerous dogs⁴¹. This shows that there are differences in the application of breed specific legislation ranging from restrictions on particular breeds, prohibition on ownership through to preemptive legislation which makes it an offence to ban or restrict specific breeds. Given that the UK bans the ownership of specific types of dog, this type of BSL is particularly severe.
- 55. Recommendation: We urge the UK Government to:**

³⁹Patronek, G.J., Sacks, J.J., Delise, K.M., Cleary, D.V. 2013. Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000-2009). *Journal of American Veterinary Medical Association*. 243, 1726-1736.

⁴⁰Current legislation on dog control: Metropolitan Police Act 1839, Town Police Clauses Act 1847, Offences Against the Person Act 1861, Dogs Act 1871, Dogs (Protection of Livestock) Act 1953, Guard Dogs Act 1975, Dangerous Dogs Act 1989, Environment Protection Act 1990, Dangerous Dogs Act 1991, Control of Dogs Order 1992, Dangerous Dogs (Amendment) Act 1997, Clean Neighbourhoods and Environment Act 2005, Anti-social Behaviour, Crime and Policing Act 2014.

⁴¹Maher, J. (2023) Evaluation of Dog Control Legislation Worldwide. Report to RSPCA.

- **Utilise existing provisions to tackle irresponsible and illegal breeding as well as dogs whose behaviour is dangerously out of control. In the longer term, we strongly believe there is the need to consolidate and reform current legislation with the introduction of genuine early intervention and prevention measures such as Dog Control Notices (DCNs) and a UK wide dog control database.**
- **Commit to a review of Dangerous Dogs Legislation and to the type of BSL it applies ensuring that measures better protect the welfare of dogs affected by it. These include:**
 - **Relaxing the conditions in which an exempted dog can be rehomed. This is a harsh stipulation which can only be circumvented if the dog goes to a known keeper. We believe that it should be made easier to rehome a Section 1 dog. This would allow rescues to legitimately avoid having to put down well behaved dogs and would enable them to go to new loving homes.**
 - **Enable the substitution of a person in charge of an exempted dog, to allow temporary keepership in situations such as domestic abuse.**
 - **Currently, the onus is on owners of a potential banned type to prove that the dog is not of an illegal type. This should revert to the usual position whereby the Police have to prove on the criminal standard (beyond reasonable doubt) that the dog is one to which Section 1 applies.**
 - **Change the system by which a dog can be exempted. Currently, it is only possible to obtain an exemption for a dog by Court Order. To expedite the process and save Court's time, provided the Police are satisfied that the dog would not constitute a danger to public safety, they could be provided with powers to exempt dogs.**
 - **Remove the power to add more types/breeds to the list of banned dogs.**
 - **Provision for a Court to allow the dog to be released on 'bail' pending the conclusion of the case even if this has been refused by the Police, to stop lengthy stays in kennels.**

Changing Human Behaviour towards dogs

56. Human behaviour towards dogs was a key risk factor identified by Defra commissioned research⁴². For many years, information and advice about what people should and shouldn't do towards dogs has been provided as well as the behaviours to understand and recognise the signals that dogs use to communicate their emotional state. However, many people are unaware or don't believe that their dog will bite and so affecting behaviour change, especially towards dogs in a family setting, can be difficult. The assumption that education will effectively prevent or avoid dog bites is now evolving and evidence suggests that education is often the least effective when compared to other approaches or interventions. Human behaviour change theory (HBCT) is helping us understand how we can provide information in ways which affect meaningful change and this work is being spearheaded by Dogs Trust. HBCT is being used to target specific individuals, helping them actively supervise their children to help avoid dog bites and promote good dog welfare. This approach understands and recognises the different types of parent/caregiver audiences and designs interventions that are appropriate for them whilst also recognising that not all audiences are candidates for behaviour change interventions.

⁴²Nurse, A., Guest, C., Miles, L. (2021) AW140: Investigation of measures to reduce dog attacks and promote responsible dog ownership amongst dog owners with dog control issues in the UK. Middlesex University London.

57. Recommendation: The UK and devolved Governments commit to the inclusion of HBCT in the development of interventions for keeping people safe around dogs.

Increased understanding of dog bites

58. Scientific evidence shows that the causes of aggression, dog bites and fatalities are complex and multifactorial. However, in the UK at present there is little in the way of investigation of the factors surrounding dog bite related incidents, even those which result in serious or fatal injuries.

59. Recommendation: The UK and devolved Governments must:

- **Commit to the investigation of dog bite related incidents by suitably qualified people including a certified clinical animal behaviourist and recorded on a centralised database – with rolling analysis so evidence-based preventative measures can be identified.**
- **Develop a standardised bite and strike scale which must then be consistently used across the UK.**
- **Introduce mandatory reporting/recording of dog bite incidents, including recording the breed or type of dog involved. This should be recorded on a database which is accessible to relevant stakeholders.**

Defra's Responsible Dog Ownership Working Group

60. The DCC was particularly pleased to see the recommendations from the Middlesex University report being taken forward through the creation of the Defra-led Responsible Dog Ownership working group and subgroups. Tackling issues around data reporting and recording is critical to helping ensure evidence led policy making and the development of interventions to reduce dog bites and promote responsible dog ownership. Likewise, ensuring effective enforcement, provision of education and behaviour services are critical. We hope that despite the introduction of a new breed ban, the UK Government remains committed to the publication and implementation of the findings from this report.

61. Recommendation: We urge the UK Government to recognise the multifaceted and complex nature of dog bites and control across all breeds of dog. As such we urge action on the recommendations of Defra's RDO working group to reduce dog bites and promote responsible dog ownership.

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