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SPICe Briefing

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Puppy Dogs' Tails

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This briefing is about **The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017**. The docking of dogs' tails in Scotland is currently banned. In other parts of the UK, whilst there is a general ban on tail docking, exemptions allow docking for certain breeds where they are used as working dogs. The Regulations seek to allow tail docking of spaniel and hunt point retrieve breed puppies in Scotland, that are 5 days old or less, if they are likely to become working dogs.



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Executive Summary

Throughout the UK, the removal of all or part of a dogs' tail is classed as veterinary surgery and therefore can, as a general rule, only be carried out by a veterinary surgeon.

The tail docking of any dog in Scotland is currently banned.

In other parts of the UK, whilst there is a general ban on tail docking of dogs, exemptions allow it for certain breeds of dog – spaniels, hunt point retrieve breeds, and terriers - where they are used for specific purposes including where they are used as working gun dogs.

Working gun dogs often operate in undergrowth, making them more susceptible to tail tip injury than other dogs or pets. Docking may reduce the risk of tail injuries later in life.

The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 were laid in the Scottish Parliament on 12 May 2017. They seek to allow tail docking, in Scotland in the certain circumstances, of spaniel and hunt point retrieve breed puppies, that are 5 days old or less, if they are likely to become working dogs.

Tail Docking in Scotland

Tail docking of dogs in Scotland has been prohibited since 2007.

Section 20 of the Animal Health and Welfare (Scotland) Act 2006 ¹ provides that mutilation (that is the interference with the sensitive tissues or bone structure of an animal) of a protected animal is prohibited unless -

- the purpose of the mutilation is medical treatment or
- the procedure is permitted by regulations.

There is no regulation exempting tail docking of dogs, so docking is prohibited in Scotland.

The current regulations listing exempted procedures are the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 ² . These replaced regulations which also had no exemption for tail docking of dogs, which had been in force since 2007.

It is an offence to take (or cause another person to take) a protected animal from Scotland for the purpose of having a "prohibited procedure" undertaken. This includes, but is not limited to, a "working" dog being taken to England, Ireland or elsewhere for the purpose of having its tail docked.

Tail Docking in England, Wales and Northern Ireland

In England and Wales the tails of certain working dogs can be docked. Section 6 of the Animal Welfare Act 2006 ³ makes it an offence to remove all or part of a dog's tail other than for the purpose of medical treatment, subject to an exemption for docking the tails of certain working dogs. The legislation provides:

1. that any veterinary surgeon who docks a tail must certify that s/he has seen specified evidence that the dog is likely to work in specified areas and that the dog is of a specified type
2. that the dog must be no older than five days when docked and will also need to be micro-chipped before it is three months old.

The specified working areas are:

- law enforcement
- activities of Her Majesty's armed forces
- emergency rescue
- lawful pest control, or
- the lawful shooting of animals.

England

In England, the Docking of Working Dogs' Tails (England) Regulations 2007 ⁴ (SI 2007/1120) specify the certification requirements for veterinary surgeons docking working dogs' tails. The Regulations specify:

- the types of dog that may be docked - namely hunt point retrieve breeds of any type or combination of types, spaniels of any type or combination of types or terriers of any type or combination of types
- the types of evidence which the veterinary surgeon will need to see
- identification and micro-chipping requirements.

Wales

In Wales, the Docking of Working Dogs' Tails (Wales) Regulations 2007 ⁵ (SI 2007/1028 (W.95)) are similar to those which apply in England but not identical.

1. The types of dog which may be docked are more narrowly defined in Schedule 2 Part 1 of the Regulations

2. The certificate which must be completed by both veterinary surgeon and client requires the client to specify the breed of the dog and its mother, and the veterinary surgeon must be satisfied that the dog and its mother are of the stated breed
3. The certificate must specify the purpose for which the dog is likely to be used and confirm that evidence relevant to the particular case has been produced.

Northern Ireland

The relevant legislation in Northern Ireland is the Welfare of Animals Act (Northern Ireland) 2011³. As with England and Wales, the Act makes it an offence to remove all or part of a dog's tail other than for the purpose of medical treatment, subject to an exemption for docking the tails of certain working dogs. The provisions on tail docking of dogs came into force on 1 January 2013.

An exemption from the ban is available for potential future working dogs of the following breeds that are intended to be used for work in connection with law enforcement, lawful pest control or lawful shooting of animals:

- Spaniels of any breed or combination of breeds
- Terriers of any breed or combination of breeds
- Any breed commonly used for hunting, or any combination of such breeds
- Any breed commonly used for pointing, or any combination of such breeds
- Any breed commonly used for retrieving, or any combination of such breeds.

Future working dogs which meet the requirements of the exemption may only be docked by a veterinary surgeon within five days of birth and must be micro-chipped before the dog is eight weeks of age at the same veterinary practice that carried out the tail docking.

The Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012⁶ set out the certification process for the exemption for future working dogs, which must be completed by the breeder and the veterinary surgeon at the time the pup's tail is docked. The Regulations also set out the evidence requirements which must be presented to the veterinary surgeon to confirm that the pup meets the conditions to qualify as a potential future working dog.

Academic Research on Tail Docking

Following the tail docking ban in Scotland, there were calls from the [Scottish Gamekeepers Association](#) among others for a similar exemption to allow the docking of working gundogs in Scotland as applies in England, Wales and Northern Ireland. They said that undocked spaniels and hunt point retrieve breeds when used as gundogs were susceptible to a high incidence of tail injuries, which caused more suffering than docking.

According to a review of docking commissioned by Defra in 2002 -

“ ...pups are docked ostensibly to prevent injury to the tail in later, usually adult, life, or to improve hygiene by preventing faecal fouling with subsequent risk of infection or fly-strike. This type of docking is called ‘prophylactic’ or non-therapeutic docking....
...Some docking of adult dogs may also occur for clinical veterinary reasons usually relating to tail injuries from accidental trapping tails in doors etc. Such operations are also done by a veterinary surgeon, but in an adult dog anaesthetic is required.”

In 2002 Defra commissioned a review of tail docking ⁷ . Conclusions from this report are set out below.

In 2013 the Scottish Government funded two studies by researchers at Glasgow University looking at incidence of tail injury in undocked working dogs. These two studies and academic comment at the time and later are set out below. N.B. The headings of each sub-section are those used in the research paper or by stakeholders commenting in the research paper.

"A review of the scientific aspects and veterinary opinions relating to tail docking in dogs" (2002)

The conclusions from this Defra commissioned review ⁷ state -

“ The arguments put forward by those who wish docking to be continued for cosmetic purposes are unsound from a scientific viewpoint, are contrary to accepted standards for the welfare of the dog(s) and serve only to contribute to artificial physical breed standards. However, the welfare costs of not docking should be balanced by the risk of tail injury and resulting poor welfare. If there is clear evidence that the dog will be at some risk of tail injury. As many dogs of a specific breed may never be trained to the gun it is difficult to justify exempting all dogs of a specific working breed from the procedure. Where, however, a ban on tail docking is not likely to be in the best interests of a particular dog because it is destined to work in the field, it may be prudent to exempt such dogs for the time being, with any exemption being subject to review in the light of further knowledge based on scientific evidence.”

This review of the literature allows the following statements to be made with reference to tail docking in dogs:

- The removal of a tail, whole or in part, from a breed or type of dog that is born with a full tail, deprives the dog of a major body appendage and may result in behavioural changes in individual dogs

- Tail docking definitely causes pain in neonatal puppies; neither anaesthetics nor post-surgical analgesics are routinely used
- Chronic pain after tail docking in dogs is not supported by firm data derived from scientific studies
- There is no scientific evidence that puppies/dogs show phantom limb pain following tail docking
- Post docking complications of infection and disorganised nerve re-growth with increased sensitivity may occur
- Tail docking is considered by some to prevent future tail injury, faecal soiling and myiasis.
- Tail docking could be allowed to continue, but performed only by a veterinary surgeon in cases of tail injury, malformation or disease, for the welfare of an individual dog where the normal remedial treatment is unsuccessful, or if it deemed necessary to prevent future injury.

"Survey of tail injuries sustained by working gundogs and terriers in Scotland" (2014)

The abstract of the study by Lederer et al (2014) ⁸ is copied below (bold added)-

“ Working dog owners in Scotland were invited to take part in an internet survey regarding the 2010/2011 shooting season, which was designed to estimate the prevalence of tail injuries; assess the risk of tail injuries in docked and undocked working dogs; and identify risk factors for owner-reported tail injuries. Of 2860 working dogs, 13.5 per cent sustained at least one tail injury during the 2010/2011 shooting season. Undocked spaniels and hunt point retrievers (HPRs) were at greatest risk of tail injury with 56.6 per cent of undocked spaniels and 38.5 per cent of undocked HPRs sustaining at least one tail injury during the season. There was no statistically significant difference in the risk of tail injury in dogs with tails docked by one-third, half or shorter. **To prevent one tail injury in one shooting season, between two and 18 spaniels or HPRs would need to be docked as puppies.** The authors believe that this work provides the best available evidence on which to base a consultation for changes to the legislation on tail docking in working dogs in Scotland. **Docking the tails of HPRs and spaniels by one-third would significantly decrease the risk of tail injury sustained while working in these breeds. ”**

"The prevalence of tail injuries in working and non-working breed dogs visiting veterinary practices in Scotland" (2014)

The abstract of the study by Cameron et al (2014) ⁹ is copied below (bold added) -

“ The aim of this paper was to estimate the prevalence of tail injuries that required veterinary examination in different breeds of dog in Scotland. The study population included all dogs that had visited one of 16 veterinary practices located in Scotland between 2002 and early 2012. The overall prevalence of tail injuries in dogs visiting one of the 16 veterinary practices was 0.59 per cent. The prevalence of tail injuries in dogs of working breeds was estimated to be 0.90 per cent. Working dog breeds that were examined by a veterinary surgeon were at a significantly greater risk of sustaining a tail injury than non-working breeds ($P < 0.001$). **To prevent one such tail injury in these working breeds approximately 232 dogs would need to be docked as puppies. To prevent one tail amputation in spaniels, 320 spaniel puppies would need to be docked.** Spaniels presented after January 2009 were 2.3 times more likely to have a tail injury than those presented before April 29, 2007 (date of the legislation that banned tail docking in Scotland). Given the results of this and the accompanying paper it may be appropriate to consider changes to the current legislation for specific breeds of working dogs.”

Docking of puppies needed to prevent tail injury in working breeds

To prevent 1 tail injury in working breeds approximately.....



Cameron al, 2014

"Should the tail wag the dog?" (2014)

In the same journal, a research editorial entitled "should the tail wag the dog" discussed the research reported in Lederer and Cameron (Morton, 2014)¹⁰. Morton pointed to the limited methodology of the research and potential biases. He also discussed the ethics of treating just injured dogs as opposed to docking all potentially working dogs -

“ ...do the results of Cameron, Lederer and colleagues alter the ethical issues involved? Scotland has a coherent stance on this matter (as does the RCVS [Royal College of Veterinary Surgeons]) of not docking any dog for any reason. England and Wales do not have such a straightforward policy, accepting the more pragmatic, utilitarian approach that trying to prevent tail injury in the first place is a good thing to do. In the study by Cameron and others, taking the greatest good for the greatest number as a coherent utilitarian approach, and considering the traditional working breeds, the numbers needed to be treated ranged between 81 and 4893. **Between two and 108 puppies would need to suffer the pain and distress caused by tail docking in order to bring the prevalence of tail injury down to that of non-working breeds.** If one docks all puppies in a litter of a working breed, only some of which are likely to become working dogs, then the numbers of animals ‘saved’ from any injury will depend on the number in a litter, the breed, the type of work and the work environment. By any calculation, still far more animals need to be docked than are injured. So, even based on a pragmatic, utilitarian argument, it is still questionable whether this is acceptable. **Surely it is better just to treat those injured, as then the total sum of overall harms would be far less than that caused by docking all puppies in a litter as a preventive measure.** Furthermore, that argument assumes that puppies and adult dogs feel pain equally, which has not been demonstrated; in fact it has been shown for many species, that neonatal animals feel more pain than adults. Of certainty, however, is that docking unanaesthetised puppies of working breeds will cause pain and distress during the surgery, as well as for some time afterwards. A complete ban on non-therapeutic docking removes that suffering regardless of the subsequent use of the dogs.”

"Retrograde step on tail docking" (2016)

In October 2016 further comment on tail docking was published in the Veterinary Record (2016) ¹¹ . It states that –

“ The exemption applied in Scotland will be more restrictive than the one applied in England and Wales but, irrespective of that, it is difficult to regard this decision as anything other than a retrograde step.”

And that -

“ Evidence gathering has formed part of this exercise, and that in itself is to be commended. However, it is clear that opinion and political pragmatism have also contributed and, ultimately, it is hard to see how animal welfare will benefit.”

Pain Associated with Docking and Later Tail Injuries

One of the main arguments **for** allowing tail docking is that the pain of tail docking for a puppy is much less than the pain caused by possible injury in later life. One of the arguments **against** is that tail docking causes distress and pain to a puppy ¹² . The science allowing a comparison of this is limited.

According to Lederer et al (2014) there are limited scientific data regarding pain perception of puppies at docking.

- A study from 1977 argued that “neonates may not feel pain to the same degree as adults due to the nervous system not being fully developed” (Katz 1977 cited in Cameron et al, 2014)
- More recent studies provide evidence indicating that neonates have similar, if not increased, sensitivity to pain compared with adults (Morton 1992, Noonan and others 1996, McVey 1998, Fitzgerald and Beggs 2001 all cited in Cameron et al, 2014).
- Lederer (2014) states there is no information on the likely difference in pain perception between docking to different lengths.

Lederer et al (2014) discuss pain related to tail injuries later in life -

“...very little is known about the effects of tail amputation when performed later on in life [as a result of a tail injury]. However, permanent neuroma formation has been described in six dogs (mainly cocker spaniels) after tail amputation at one to four years old.”

And that –

“ Intuitively one would hypothesise that repeated tail tip injuries, followed by an amputation as an adult, would be more painful than the pain of being docked as a puppy. However, it is important to remember that docking as a puppy does not entirely remove the risk of subsequent tail injury.”

In their response to the Scottish Government consultation, the British Veterinary Association & British Small Animal Veterinary Association argue that "in making decisions about any change to the legislation it is important to weigh the potential for reduction in the risk of injury through docking the tail of a puppy with the pain during and after docking inflicted on a large number of puppies ¹³ .

They review the scientific evidence, including research summaries in this briefing. They argue that puppies suffer unnecessary pain as a result of docking and conclude that docking should be banned as a procedure, for all breeds of dog.

On this issue, the Scottish Government's conclusions is that although it notes animal welfare concerns "...we consider that the potential welfare benefits associated with decreasing the incidence of tail injuries to working dogs of spaniel and hunt point retrieve types justifies a relaxation of the ban..." ¹⁴

Development of Policy on Tail Docking in Scotland

Following publication of the research in April 2014, the Scottish Government [announced](#)¹⁵ that it had asked key organisations with an interest in the issue to consider the findings and comment on whether they merited consideration of a possible exemption to the ban on tail docking for specific working dogs.

A [letter](#)¹⁶ to the then Rural Affairs Climate Change and Environment Committee summarises the responses of organisations consulted. It concluded by saying that -

“ ... on the basis of the arguments presented, and provided effective safeguards could be designed, the Scottish Government would be willing to formally consult to ascertain whether this proposed course of action – a tightly defined exemption regime - would be supported or whether the current position of an outright ban should be maintained.”

Scottish Government Consultation and Outcome

The Government published a [consultation paper](#)¹⁷ on the 10 February 2016 which sought views as to whether to introduce a tightly-defined exemption to Scotland's dog tail docking ban. The consultation asked for views on the following proposed changes:

- to permit the docking, by up to a maximum of one third in length, of the tails of working Spaniels and Hunt Point Retrievers before they are not more than five days old; and
- to require such tail docking to be carried out by veterinary surgeons and only where:
 1. they have been provided with sufficient evidence that the dogs will be used for working purposes in the future; and
 2. in their professional judgement the pain of docking is outweighed by the possible avoidance of more serious injuries later in life.

The consultation ran until the 3 May 2016 and an [analysis of responses](#)¹² was published on 4 October 2016. A summary is set out below.

On 4 October 2016, the Government announced its decision. In a [letter](#)¹⁸ to the Environment Climate Change and Land Reform Committee, the Cabinet Secretary for Environment, Climate Change and Land Reform, Roseanna Cunningham MSP, said that:

“ Following a full public consultation process, the Scottish Ministers have agreed to permit the shortening, by up to a third in length, of the tails of Spaniel and Hunt Point Retriever puppies that are likely to be used for working in their later lives. This will allow individual veterinary surgeons to use their professional judgement about whether shortening the tail of a puppy is justified by the possible avoidance of more serious injury in later life.”

Responses to Consultation on Tail Docking

A total of 906 responses to the tail docking consultation were received; 873 from individuals and 33 from organisations ¹² . Of the respondents -

- 54% were keepers of working dogs
- 11% were recreational shooters or members of the general public
- 5% were game keepers or breeders of working dogs.
- Smaller proportions of respondents were involved in the veterinary sector, animal welfare, dog breeders (general), dog breed associations, and other stakeholders

The analysis of consultation report ¹² states that –

“ Those involved in field sports were generally supportive of introducing an exemption to the current total ban; those not involved in field sports – and particularly animal welfare organisations and members of the general public – tended to argue against a change in legislation.”

Key arguments **for** the introduction of an exemption were that -

- the pain of tail docking for a puppy is much less than the pain caused by injury in later life
- docking is a less invasive and painful process than tail amputation(s) in later life
- there is a high risk of tail injuries for undocked dogs.

Key arguments **against** an exemption were that -

- tail docking causes distress and pain to a puppy
- the tail is an essential form of communication and expression for dogs
- it cannot be assumed that a puppy will become a working dog.

Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017

The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Amendment Regulations 2017 were laid in the Scottish Parliament on 12 May 2017. They amend regulation 2 and schedule 9 of The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010.

Schedule 9 of the 2010 regulation lists procedures on dogs which are exempt from section 20 of the Animal Health and Welfare (Scotland) Act 2006. Procedures on the list are permitted.

Current permitted procedures for dogs in schedule 9

| Procedure | Purpose |
|--|---|
| Micro chipping | Identification |
| Tattooing | Identification |
| Vasectomy | Controlling reproduction or general animal management |
| Castration | Controlling reproduction or general animal management |
| Spaying | Controlling reproduction or general animal management |
| Embryo and ovum transfer | Controlling reproduction or general animal management |
| Implantation of a subcutaneous contraceptive | Controlling reproduction or general animal management |
| Amputation of dew claws | General animal management |

[The Prohibited Procedures on Protected Animals \(Exemptions\) \(Scotland\) Regulations 2010](#)

The draft 2017 regulations add tail docking to schedule 9, permitting docking in some circumstances. Those circumstances are that:

- the dog is 5 days old or less
- the dog is a spaniel or a hunt point retrieve breed (or combination of breeds)
- the procedure is carried out by a veterinary surgeon
- not more than the end third in length of the tail may be removed
- the vet who is to carry out the docking is satisfied, on the evidence presented, that the dog is likely to be used in connection with the lawful shooting of animals
- the procedure must be certified by the vet, to include evidence that the dog is likely to be a working dog, that the dog is five days old or less, and give information about the dog.

The figure below is copied from the regulations.

Additional permitted procedures for dogs - tail docking

| | |
|---|-------------|
| <p>"Docking of any dog aged 5 days or less that is a dog—</p> <p>1) of the type known as spaniel, of any breed or combination of breeds; or</p> <p>2) of the type known as hunt point retrieve, of any breed or combination of breeds</p> | Dog welfare |
| Conditions— | |
| 1) The procedure may only be carried out by a veterinary surgeon. | |
| 2) Not more than the end third in length of the tail may be removed. | |
| <p>3) The veterinary surgeon who is to carry out the procedure must, before doing so, be satisfied that there has been produced to that veterinary surgeon by—</p> <p>(a) the owner of the dog; or</p> <p>(b) another person whom the veterinary surgeon reasonably believes to be representing the owner,</p> <p>evidence showing that the dog is likely to be used for work in connection with the lawful shooting of animals.</p> | |
| <p>4) The veterinary surgeon who is to carry out the procedure must, before doing so, sign a certificate which—</p> <p>(a) certifies that Condition 3) has been complied with;</p> <p>(b) certifies that the dog is aged 5 days or less according to the date of birth of the dog given by—</p> <p>(i) its owner; or</p> <p>(ii) another person whom the veterinary surgeon reasonably believes to be representing the owner; and</p> <p>(c) states the following information:—</p> <p>(i) the breed and type of the dog;</p> <p>(ii) the sex of the dog;</p> <p>(iii) the colour and a description of the dog;</p> <p>(iv) the unique number of the compliant microchip implanted in the dam of the dog; and</p> <p>(v) where the dog has been implanted with a compliant microchip, the unique number of that compliant microchip.</p> <p>In paragraph (c)(iv) and (v) a reference to a compliant microchip means a microchip within the meaning of regulation 4 of the Microchipping of Dogs (Scotland) Regulations 2016(1).".</p> | |

<http://www.legislation.gov.uk/sdsi/2017/9780111035719/regulation/4>

There is no requirement for a microchip to be implanted at the time of docking. However, vets may choose to carry out both procedures at the same time.

Which Dogs do the Regulations Cover?

The regulations cover spaniel and hunt point retrieve breeds (and combination of breeds). The Scottish Government has told SPICe that the term "combination of breeds" is intended to mean any spaniel crossed with another spaniel, or any hunt point retrieve breed crossed with another hunt point retrieve breed.

Hunt point retrieve breeds are a group of dogs used for falconry, deer stalking, picking-up and rough shooting. The Scottish Government has told SPICe that the breeds covered by the exemption are not being listed in the regulations as the breeds used in future might change.

However, the breeds currently used for lawful shooting purposes in Scotland are expected to be those in the box below. These are the same as those covered by the exemption in Wales, minus the terrier breeds ¹⁹ .

Spaniels: English Springer Spaniel, Welsh Springer Spaniel, Cocker Spaniel

Hunt, Point, Retrieve: Braque Italian, Brittany, German Long Haired Pointer, German Wirehaired Pointer, Hungarian Vizsla, Hungarian Wirehaired Vizsla, Italian Spinone, Spanish Water Dog, Weinmaraner, Korthals Griffon, Slovakian Rough Haired Pointer, Large Munsterlander, Small Munsterlander

According to the regulations the puppy must be likely to be used for work in connection with the lawful shooting of animals, in order for the exemption to apply.

The Business and Regulatory Impact Assessment states ²⁰ that -

“ There are only a few licensed breeders of the affected dog breeds in Scotland, largely spaniel breeds, and there is no information available on the numbers of puppies bred by these licensed breeders becoming working dogs. The majority of working dogs are expected to be bred from working strains held by persons breeding fewer than the threshold number of litters (5 per year) required for a breeding licence.”

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