1. I am writing to you in response to the call for evidence on the Control of Dogs (Scotland) Bill. Thank you for the opportunity to submit this evidence after the deadline to allow the British Veterinary Association’s policy committees to consider our response.

2. As President of the Scottish Branch of the British Veterinary Association (BVA), I support the written evidence of the Dangerous Dogs Act Study Group (DDASG) and the amendments that they are seeking to the Bill, which I understand you have received. The BVA believes in the principle of ‘deed not breed’; the manner in which a dog behaves is largely a result of its inherited characteristics, but more importantly the rearing and training provided by an owner. We therefore welcome the legislation that is currently before the Parliament.

3. I would like to reiterate that the reference to ‘size and power’ in section 1 (3) (b) should be removed, as it suggests that a dog may be defined as ‘out of control’ based on nothing more than its breed. This would mean that a Great Dane, for example, due to its size and power could give rise to apprehensiveness in an individual and consequently be deemed out of control even though it was not.

4. Secondly, we have concerns regarding the ramifications of section 1 (4) (c). As it stands this could allow for a dog to be defined as ‘out of control’ if an individual becomes apprehensive regarding the safety of any other animal, such as wild mouse or other rodent. We therefore suggest amending ‘an animal other than the dog in question’ to ‘a protected animal’ as defined in the Animal Health and Welfare (Scotland) Act 2006.

5. Overall, we support the Bill and believe that if the amendments recommended by DDASG and echoed here are made the resulting legislation could be used as a model for future legislation in Westminster to replace the largely discredited Dangerous Dogs Act 1991.

6. I attach the BVA policy on dangerous dogs for your information and you may also wish to visit the BVA webpage on dangerous dogs: http://www.bva.co.uk/activity_and_advice/Dangerous_dogs.aspx

7. I understand that the Committee is due to take oral evidence on the Bill and I hope an invitation will be extended to DDASG, which has done a huge amount of work in this area and draws upon a wide range of expertise.

David Logue
President, BVA Scottish Branch

5 November 2009
DANGEROUS DOGS

The BVA, as a member of the Federation of Veterinarians of Europe, fully supports the FVE position on dangerous dogs, not least the recommendations urging the European Commission and Member States to postpone the adoption of further breed-specific legislation until a proper risk analysis has been carried out. As the FVE Position on Dangerous Dogs states:

“Breed-specific legislation has been shown to be difficult to apply due to the problem of defining breeds and breed types.” This has certainly been a major source of controversy here in the UK.

“Breed-specific legislation engenders a false and dangerous perception that breeds not included will not show aggression. Aggression is a normal behaviour and can be shown by any dog of any breed, type or mixed breeding.”

“Breed-specific legislation does not discriminate between individual members of a breed, many of which may not be predisposed to aggressive behaviour. Rather, all dogs of a specific breed, whatever their behaviour, are subject to the same restrictions.”

In June 2001 the American Veterinary Medical Association published proposed alternatives to breed-specific legislation, in a report entitled ‘A Model Community Approach to Dog Bite Prevention’, developed by a task force comprised of representatives from various veterinary bodies as well as, among others, the American Medical Association, the American Academy of Paediatrics, and the American College of Emergency Physicians. For further information please visit http://www.avma.org/public_health/default.asp#dogbite.

As the BVA stated in its submission, in February 1996, to the British Government’s Home Affairs Committee Inquiry into the operation of the Dangerous Dogs Act 1991, “The BVA is fully supportive of the Government’s aim of protecting the public from dog attacks”. It was also stressed, however, that “the BVA has long been opposed in principle to any proposals which single out particular breeds of dogs rather than targeting individual aggressive dogs. The problems caused by dangerous dogs will never be solved until dog owners appreciate that they are responsible for the actions of their animals.”

Proscribed breeds in the UK under the Dangerous Dogs Act 1991, as ‘Dogs bred for fighting’ are the (American) pit bull terrier, the Japanese Tosa, the Dogo Argentino and the Fila Brasiliiero. The Staffordshire Bull Terrier, a British breed (not to be confused with the American Stafford, a different breed) is, as stated by the Kennel Club, a highly popular family pet in the UK, not least because of its renowned compatibility with children.

The BVA believes that the manner in which a dog behaves is largely a result of its inherited characteristics, but more importantly the rearing and training provided by the owner.