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Promoting Responsible
Dog Ownership in Scotland:
Microchipping and other Measures

Analysis of
Consultation Responses

General



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research

**PROMOTING RESPONSIBLE DOG OWNERSHIP IN
SCOTLAND: MICROCHIPPING AND OTHER MEASURES
ANALYSIS OF CONSULTATION RESPONSES**

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EXECUTIVE SUMMARY

1. On 27 December 2013, the Scottish Government published the consultation document: *'Promoting responsible dog ownership in Scotland: microchipping and other measures'*. The consultation ran for 12 weeks and closed on 31 March 2014.
2. The consultation sought views about whether compulsory microchipping would improve dog welfare and responsible ownership, what its financial impact might be, and how it could be effectively enforced. Initial views were also sought on other possible measures such as dog licensing and muzzling although the consultation questionnaire concentrated to a large degree on issues relating to microchipping, with 20 of the 23 substantive questions covering this topic.
3. There were 2,378 responses to the consultation. These comprised 112 group / organisational responses and 1,530 individual responses. In addition, Scotland for Animals organised a campaign in response to the consultation, and 736 individuals submitted a single campaign response and no additional comments. Respondents to the questionnaire largely identified themselves as responsible dog owners, and many emphasised that they already microchipped their dogs.

Views on compulsory microchipping

4. A large majority (83%) of non-campaign respondents said they were in favour of compulsory microchipping. In general, respondents said that microchipping was something that most responsible dog owners already did (on a voluntary basis). However, a substantial minority of those who favoured the introduction of compulsory microchipping also expressed significant reservations or conditions. Furthermore, campaign respondents favoured the introduction of compulsory microchipping **only if it was introduced in conjunction with mandatory licensing**. Thus, support for compulsory microchipping was not as unambiguous as it might at first sight appear.
5. Respondents generally believed that the main benefits of compulsory microchipping were that it would lead to increased accountability for dog owners, and that it would improve the traceability and return of lost or stray dogs. In addition, compulsory microchipping was seen to be a first step in making dog owners more responsible. It was also thought that microchipping would lead to small benefits in relation to increasing the amount of contact with professionals and thereby improving animal welfare, and helping to deter dog theft in certain situations. However, the delivery of these small improvements was contingent on a number of other changes being delivered in tandem. Respondents were sceptical about the likelihood of these other changes being effectively implemented.
6. Overall, respondents identified two main barriers to the successful introduction of compulsory microchipping. First, there was a strongly held view that irresponsible dog owners would not comply with a requirement to microchip. Second, and related to this, substantial resources would need to be committed to enforcement. Given the lack of enforcement in relation to current relevant legislation, there was a high degree of scepticism about whether this would be achieved. In addition, serious penalties would have to be imposed; all details on the microchip would have to be kept up-to-date; scanners would have to be improved and made widely available; and microchip companies would have to be properly regulated. Again, there was scepticism about whether this suite of changes would be delivered.

7. It was not thought that compulsory microchipping would help to tackle puppy farming, prevent the abuse or mistreatment of dogs, or prevent dog attacks. It was thought that it would also place an unfair financial burden on rescue / rehoming charities as well as on dog owners with low incomes.
8. Therefore, the findings of this consultation indicate that although there was support in principle for compulsory microchipping in Scotland, this support came with caveats.

Views on licensing

9. Respondents' views on licensing were not clear. This is partly because a tick-box (yes / no) was not offered to respondents in the consultation questionnaire. Moreover, in their comments, respondents did not generally address the question that was asked about licensing – namely: “Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs?” Instead, respondents largely gave their views about whether they supported the (re-)introduction of a licensing scheme in Scotland.
10. In addition, the response rate for the licensing question was lower than the response rate for other questions in the consultation. This is likely to have been the result of the question on licensing having been omitted from the original consultation questionnaire. It was, however, subsequently added to the on-line questionnaire and all respondents who had replied to the initial questionnaire were contacted and invited to submit comments on the new question. However, only a small number did so.
11. Notwithstanding these issues, around one-third of non-campaign respondents (32%) said that they were in favour of licensing and nearly half (46%) said they were not. The remaining respondents (22%) expressed unclear views. The 736 campaign respondents expressed clear support for licensing. If these 736 responses are added to the number of non-campaign respondents in favour of licensing, the overall support for licensing increases to about two-thirds of all respondents (66%).
12. The main reason given by those who supported licensing was that it would encourage responsible dog ownership. However, this would be contingent upon the enforcement of the scheme being properly resourced.
13. Those who did not support licensing believed that only responsible dog owners would obtain a licence; that licensing was a “tax on dog ownership”; that the previous licensing system had been discontinued because it “did not work”; that enforcement would be expensive; and that licensing would be an unnecessary duplication if compulsory microchipping was introduced.

Views on compulsory muzzling

14. The views on compulsory muzzling were very clear: it was almost universally rejected by respondents to the consultation with 97% of all respondents expressing strong disagreement with this proposal.
15. Respondents' reasons for objecting to compulsory muzzling were that it would make little difference to the problem of dog attacks (most of which occur on private property in the dog's own home); it would compromise the dog's welfare; it is unnecessary since the vast majority of dogs are not dangerous; it would be impractical to muzzle certain types of dogs (including dogs with shorter snouts and working dogs that require to use their mouths for retrieving or assisting their owners); it would reinforce the

misconception that some people have that all dogs are dangerous; and it would give the owners of dangerous dogs a “false sense of security”.

Views about other measures that would help to promote responsible dog ownership

16. Respondents who expressed support for compulsory microchipping or licensing often made the point that neither of these measures alone (or in combination) would result in more responsible dog ownership. Instead, both microchipping and licensing should be part of an **integrated** set of measures that should include, among other things: (i) training and education of dog owners, children and the general public; (ii) better enforcement of current legislation; (iii) better regulation of dog breeding; (iv) a requirement for all dogs to be on a lead in public places and provision of designated dog exercise areas; (v) regulation of commercial dog walking businesses; (vi) banning certain individuals from owning dogs; (vii) ensuring that rehoming centres took more care in matching up rescued dogs with new owners; and (viii) compulsory third-party insurance. Respondents also thought that any plans to introduce new legislative measures should be preceded by a thorough review of the use and effectiveness of existing legislation.
17. In discussing their views about the consultation process itself, many respondents commented on the (perceived lack of) balance in the consultation, with the majority of questions focusing on microchipping, and on the omission of other measures which were thought to have a greater potential to improve the current situation in relation to responsible dog ownership.
18. Education was considered to be one such measure. The focus on education (and training) was a theme that arose repeatedly in respondents' comments. Although there was no specific question included in the consultation about education (and training), respondents nevertheless spontaneously raised this topic in relation to every substantive question. Indeed, almost two-thirds of all organisational respondents, and over half of all individual respondents raised these issues in their responses at some point. There was a view that many of the perceived problems with dogs are the result of “the ignorance of the owners” – not only about what the law requires of them, but also about how to train their dog. Education (rather than microchipping, licensing or muzzling) was therefore seen to be the key to responsible dog ownership.

1. INTRODUCTION

- 1.1 This is a report of the findings of a public consultation that the Scottish Government undertook in early 2014 on '*Promoting responsible dog ownership in Scotland: microchipping and other measures*'. The consultation ran from 27 December 2013 and closed on 31 March 2014. A responsible dog ownership summit was also held in Edinburgh on 27 March 2014. The summit provided an opportunity to learn how agencies in some locations are making use of existing powers and to hear the views of agencies and organisations with an interest in public safety, animal welfare, and dog ownership.
- 1.2 In Spring 2013, the UK and Welsh Governments announced that microchipping of all dogs will be compulsory in England (from April 2016) and in Wales (from March 2015).

About the consultation

- 1.3 The '*Promoting responsible dog ownership in Scotland: microchipping and other measures*' consultation document contained 27 questions, 20 of which were a combination of closed (tick-box, and / or numeric) questions and open (free text) space for comments. The questions focused on:
- The current situation in Scotland with respect to microchipping: Qs 1-3
 - Potential benefits of microchipping: Qs 4-8
 - Potential challenges of compulsory microchipping: Qs 9-15
 - Potential business / financial impacts of microchipping: Q16
 - Overall views about compulsory microchipping in Scotland: Qs 17-19
 - Other possible measures to address the issue of responsible dog ownership (licensing, muzzling): Qs 20-21
 - Dog fouling: Q22
 - Other comments: Qs 23-27.
- 1.4 The consultation was publically available on the Scottish Government website. In addition, a link to the consultation was sent directly to over 400 organisations and individuals who had previously registered an interest in dogs. A Scottish Government press release was issued when the consultation was launched, and this was picked up in a significant number of press articles on dangerous dogs and responsible dog ownership, including in the national press and on TV and radio.¹

¹ <http://news.scotland.gov.uk/News/Making-dog-owners-accountable-7de.aspx>

2. THE CONSULTATION PROCESS AND TYPES OF RESPONSE

How the responses were received

- 2.1 The Scottish Government provided a webpage with information about the consultation, with links to:
- The consultation document, questionnaire and respondent information form for download
 - An on-line version of the consultation questionnaire (including respondent information form).
- 2.2 Respondents could also submit their responses by email or by post to the Scottish Government's Animal Health and Welfare Division.

Campaign responses

- 2.3 Scotland for Animals (SfA), an animal welfare and protection charity and campaign group, invited its members and supporters to submit a response to the consultation through their website. A standard campaign text was provided, and respondents could add their name, address and email address to this, and then send it by email to the campaign mailbox. The campaign text focused on a subset of the consultation questions. It provided detailed suggestions for amending existing legislation to promote more responsible dog ownership and to protect the welfare and safety of animals. A copy of the campaign text is included at Annex 1.

Error corrected

- 2.4 In early January, an error was discovered in the consultation questionnaire. A question on the use of dog licensing to promote responsible dog ownership had been omitted from the original consultation questionnaire. The questionnaire and the on-line response form were both amended by 10 January 2014, and the Scottish Government contacted (by email or post) the 849 respondents who had taken part in the consultation up to that point to invite them to respond to this additional question. Eighty-seven (87) respondents replied to this invitation.

Number of responses received

- 2.5 Altogether, the consultation attracted 2,539 responses. This included 1,401 that were submitted through the on-line response form, and 341 that were submitted by email or post. A further 797 responses were submitted through the SfA campaign. See Table 2.1. Responses submitted by email / post included the 87 responses to the invitation to comment on the new question about licensing as described in paragraph 2.4 above.

Table 2.1: Number of responses received

Source of responses	Number of responses received	% of responses
Scottish Government's on-line response form	1,401	55%
Sent by email / post	341	13%
Scotland for Animals campaign	797	31%
Total	2,539	100%

Percentages do not total 100% due to rounding.

Number of respondents (number of responses included in the analysis)

- 2.6 An examination of the data indicated that 161 respondents had submitted more than one response. These included the 87 individuals who had responded to the Scottish Government's new question about licensing, and 40 individuals who submitted two or more different responses (including 28 individuals who submitted a campaign response and a separate personal response on-line or by email). A further 32 individuals submitted two or more identical campaign responses. (One respondent submitted three identical campaign responses.) Finally, one respondent submitted a response on-line, and subsequently sent the same response by email.
- 2.7 Where a respondent submitted two or more identical responses, one response was retained for the purposes of analysis, and the others were removed. Where respondents submitted additional comments (i.e. multiple **different** responses), all comments were combined to create a single composite response. In these cases, if the respondent submitted contradictory responses (in particular, where their responses to the tick-box questions differed in their responses), the most recent responses to the closed questions were included in the analysis and the earlier responses to the closed questions were removed. However, as described above, all of their comments to the open questions were retained and included in the analysis.
- 2.8 After completing the process of removing the duplicate responses, and combining multiple different responses, there were a total of 2,378 responses to the consultation from 2,378 respondents. See Table 2.2. These formed the basis for the analysis. The 2,378 responses comprised 112 group / organisational responses, 1,530 individual responses, and campaign responses from 736 respondents who submitted a single campaign response and no additional comments.
- 2.9 Group / organisational respondents included animal welfare, rescue or rehoming agencies; local authorities and other enforcement agencies; dog training clubs; and community groups among others. See Table 2.3. A complete list of group / organisational respondents is included in Annex 2.
- 2.10 Most individual respondents identified themselves as dog owners, former dog owners, or as having some direct personal or professional connection with dogs. In addition, most described themselves as "responsible dog owners". Some commented that they were involved in the provision of training or rescue / rehoming services on a voluntary basis, or that they were breeders.

Table 2.2: Number of responses included in the analysis

Number of responses received (see Table 2.1 above):		2,539
Number of responses removed (of which):		
Responses submitted to additional question about licensing, combined with initial response submitted on-line	87	
Identical SfA campaign responses (submitted by 32 respondents)	33	
SfA campaign responses combined with a substantive response submitted by the same respondent by email or online	28	
Multiple different responses submitted by a single individual, combined to create a single response	12	
Duplicate response submitted online and by email	1	
	→	161
Total number of responses included in the analysis		2,378

Table 2.3: Organisational respondents

Type of organisational respondent	Number of respondents	Percentage
Rescue, rehoming or welfare agencies	34	30%
Local authorities, enforcement bodies and law agencies	24	21%
Dog training or agility clubs	13	12%
Community councils or other community bodies	9	8%
Breed-specific dog clubs and breed enthusiasts	9	8%
Farming, countryside and conservation bodies	6	5%
Dog health and veterinary organisations / surgeries	6	5%
Agencies that train / support working dogs	4	4%
Other group / organisational respondents	7	6%
Total	112	100%

Other: includes professional dog walkers and dog sitters.
Percentages do not total 100% due to rounding.

Approach to the analysis

2.11 Throughout this report, tables are used to present findings from the analysis of the tick-box questions. However, the main analysis is qualitative in nature – that is, the aim has been to identify the main themes raised by respondents in their free text comments. Since these comments were made spontaneously, it is not appropriate to report counts for the different themes raised. Moreover, as the same themes were raised in both positive and negative contexts, counts may obscure the interpretation of the findings.

2.12 Note that not all respondents answered all questions, so the total number of responses varies from one question to another. In addition, the campaign responses are not included in any of the tables as the campaign response text did not fit easily with the questions as asked. However, the campaign responses are discussed at relevant points in the report in relation to the specific questions addressed by the campaign text (in particular, in relation to questions 17, 20, 21 and 24). Annex 3 includes information about the number of responses received for all questions.

3. CURRENT SITUATION IN SCOTLAND

3.1 This section provides an analysis of respondents' descriptive accounts about the current situation in relation to microchipping in Scotland. With few exceptions, microchipping a dog in Scotland is currently at the discretion of the dog owner, and the consultation document explained that information on the number of dogs microchipped, and the reasons for choosing to microchip (or not) are therefore not generally known. Respondents were asked the following questions:

Question 1: Are all, some or none of the dogs / puppies in your care already / routinely microchipped? [All / Some / None / Don't know] Please explain.

Question 2: Do you offer a microchipping service to the general public? If you do, what geographical range do you cover, how many dogs did you chip in Scotland in 2012 and how much do you charge? [Yes / No / N/A] [Number] [Fee] Please explain your answers.

Question 3: If you run a rescue / rehoming centre, do you ensure that all, some or none of the dogs are microchipped prior to rehoming? [All / Some / None / N/A] How many dogs did you microchip / arrange to be microchipped in 2012? [Number microchipped in 2012] How many dogs came to you in 2012 that were already microchipped? [Number arriving microchipped in 2012] Please explain your answers.

Q1 The microchipping of dogs / puppies

3.2 Question 1 asked respondents if all the dog / puppies in their care were routinely microchipped. In total, 1,498 respondents answered the tick-box (closed) part of Question 1. Of these, 77% said "all" the dogs / puppies in their care were microchipped, 8% that "some" were and 6% that "none" were. (See Table 3.1.) Those who answered "N/A" (9%) included non- dog owners, organisations which do not have dogs in their care (or only for very short periods), and those whose puppies are currently too young to be microchipped. There were large differences between the distributions for organisational respondents as compared with individual respondents. To a large extent these differences are the result of the high proportion of organisations (one-third) who answered "N/A".

Table 3.1: Question 1: Are all, some or none of the dogs / puppies in your care routinely microchipped?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
All	41	41%	1,113	80%	1,154	77%
Some	21	21%	97	7%	118	8%
None	3	3%	79	6%	82	6%
Don't know	–	–	8	1%	8	1%
N/A	34	34%	102	7%	136	9%
Total	99	100%	1,399	100%	1,498	100%

Percentages do not total 100% due to rounding.

- 3.3 Altogether 553 respondents made a comment at Question 1. The comments from respondents who said “all” the dogs / puppies in their care were microchipped emphasised that they saw themselves as responsible dog owners, and that microchipping was one aspect of responsible dog ownership that was particularly important as it ensured their dog could be returned safely to them if it was ever lost or stolen. In their comments respondents also anticipated some of the questions that were dealt with later in the questionnaire. (For example, they said that microchipping should be compulsory, or that it helped to reduce the chances of their dog being stolen, or that there were health risks associated with microchipping.)
- 3.4 Less than half of the organisational respondents (41%) selected “all”. This was mainly for two reasons. First, many organisational respondents did not have dogs in their care. Second, where they did (for example welfare / rescue organisations) many of the dogs were not microchipped on arrival. However, the point was often made that dogs were chipped “on exit” from these organisations.
- 3.5 More broadly, the reasons and explanations offered for why all dogs / puppies were not microchipped, included:
- **Microchipping does not make owners more responsible.** Respondents emphasised that microchipping itself was not “the answer” to issues of lack of responsibility. Other measures – for example, mandatory training – were more likely to promote responsible dog ownership.
 - **Microchipping is not effective even for returning lost dogs.** Respondents said that dogs are not always routinely scanned, and even if they are, details are often out-of-date.
 - **Some specific types of dog are not chipped.** Respondents highlighted some groups (e.g. owners show dogs, working dogs, etc.) which they said they did not microchip.
 - **Some specific objection to microchipping.** Specific reasons for not microchipping included: that dogs are very old, that the expense is too great, that this is unwanted interference by the state, that there are negative health effects, that it won’t solve the problem of vicious dogs, that tags are more effective than microchips, and that there is no clear rationale for its use.

Q2 Microchipping services to the general public

- 3.6 Question 2 asked respondents if they offered a microchipping service to the general public. Sixty-six respondents said that they did. See Table 3.2 below. However, on closer examination, 11 of these respondents (3 organisations and 8 individuals) did not in fact offer a service.² Thus the total number of respondents who provide a microchipping service of some kind to the public in Scotland was 55 (20 organisations and 35 individuals). Three organisational respondents explained that the service only began in 2013. Moreover, six of the organisational respondents explained that the service was offered on a limited basis at shows and public events to promote

² This includes organisations who do not operate in Scotland, an organisation that provides the database rather than a microchipping service, someone who offers a service to cats, and individuals who chip only their own dogs.

responsible dog ownership, and so cannot really be described as a “service to the general public”.

Table 3.2: Question 2: Do you offer a microchipping service to the general public?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	23	23%		43	3%		66	5%
No	44	44%		388	29%		432	30%
N/A	32	32%		916	68%		948	66%
Total	99	100%		1,347	100%		1,446	100%

Percentages do not total 100% due to rounding.

- 3.7 Thirty-five respondents provided details of the numbers of dogs microchipped in 2012. Respondents stated that some of the numbers were approximate, as complete records were not available. Table 3.3 provides details of the numbers of dogs microchipped.

Table 3.3: Number of dogs microchipped in 2012³

Number of dogs microchipped in 2012	Group / organisational respondents	Individual respondents	Total respondents	%
0	3	0	3	9%
1-10	1	3	4	11%
11-50	3	4	7	20%
51-100	2	4	6	17%
101-500	1	7	8	23%
501-1000	2	2	4	11%
1001-2000	3	0	3	9%
Total	15	20	35	100%

Percentages do not total 100% due to rounding.

- 3.8 The median number of dogs microchipped by the 35 respondents offering a service in 2012 was 100.
- 3.9 Forty-six respondents provided information about the fees charged. These were often presented as ranges. (See Table 3.4.) Respondents commented that the fee varied depending on: whether microchipping was undertaken at the same time as routine surgery or at the same time as vaccinations; whether it was one dog or a litter; whether the individual was eligible for discounts; and whether there was a special promotion.

³ One respondent specifically said the numbers provided related to 2013. Other responses are assumed to relate to 2012.

Table 3.4: Costs of microchipping

Cost of microchipping	Group / organisational respondents	Individual respondents	Total respondents	%
Free	2	1	3	7%
£0 - £10	5	5	10	22%
£10 - £15	5	12	17	37%
£15 - £20	5	8	12	26%
£20+	1	2	3	7%
Total	18	28	46	100%

Percentages do not total 100% due to rounding.

3.10 Three respondents said their microchipping service was free. The most expensive fee quoted was £29 and the median was £15. A few organisations commented that they (sometimes) microchip for free and ask instead for donations to a charity to be made.

3.11 Not much information was provided about the geographical coverage of services. One respondent said they covered the whole of Scotland, another that they worked out of the four large cities, and one that they covered Fife, Tayside and Edinburgh. Two respondents said they covered (parts of) Fife, three that they worked in the Lothians and / or Borders, one that they covered a 40-mile radius from Castle Douglas, one that they worked in East Renfrewshire, one in Badenoch and Strathspey, one in Ayrshire and one in Tayside.

Q3 Microchipping before rehoming by rescue / rehoming centres

3.12 Question 3 asked about the situation with respect to microchipping in rescue and rehoming centres. A total of 47 respondents provided a substantive response to this question. Overall, more than half of these respondents (55%) said that “all” dogs were chipped prior to rehoming, one-sixth (17%) said “some” were, and the remaining one-quarter (28%) said “none” were. Group / organisational respondents were more likely than individuals (80% compared to 37%) to say “all” dogs were chipped prior to rehoming. See Table 3.5.

Table 3.5 Question 3: If you run a rescue / rehoming centre, do you ensure that all, some or none of the dogs are microchipped prior to rehoming?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
All	16	80%	10	37%	26	55%
Some	2	10%	6	22%	8	17%
None	2	10%	11	41%	13	28%
Total	20	100%	27	100%	47	100%

Percentages do not total 100% due to rounding.

- 3.13 On further examination, one of the organisations does not operate in Scotland, and one individual response was a misunderstanding, as the person did not in fact provide a rescue / rehoming service. One of the organisations was set up in 2013, and so no data were available.
- 3.14 A total of 22 respondents provided some quantitative information in response to the questions about the numbers microchipped in 2012 and the numbers arriving already microchipped. For these respondents, the number microchipped in 2012 ranged from 0 to over 1,600, with a median of 40. The numbers arriving already chipped ranged from 0 to 395, with a median of 20.

4. POTENTIAL BENEFITS OF COMPULSORY MICROCHIPPING

4.1 This section provides an analysis of respondents' views on the potential benefits of compulsory microchipping. Respondents were asked five questions:

Question 4: Do you consider that compulsory microchipping would make dog owners more responsible? [Yes / No / Don't know] Please explain.

Question 5: Do you consider that compulsory microchipping for dogs would help to deter dog theft? [Yes / No / Don't know] Please explain.

Question 6: Do you consider that compulsory microchipping for dogs would help to tackle the issue of puppy farming? [Yes / No / Don't know] Please explain.

Question 7: Do you consider that compulsory microchipping for dogs would help to address other dog welfare issues such as abuse / mistreatment? [Yes / No / Don't know] Please explain.

Question 8: Do you consider that compulsory microchipping for dogs would help to prevent dog attacks on people / animals, including on assistance dogs? [Yes / No / Don't know] Please explain.

4.2 Table 4.1 below summarises the responses to the tick-box questions. In order to make it easier to compare across questions the responses for individuals and for groups / organisational respondents have been combined in Table 4.1. The full tables, including the breakdowns by group / individual respondents, are shown below (see Tables 4.2-4.6).

Table 4.1: Summary of responses to tick-box format in questions 4, 5, 6, 7 and 8. Do you consider that compulsory microchipping would....

Response category	Yes %	No %	Don't know %	Total respondents (100%)
Make dog owners more responsible	58%	31%	11%	1,505
Help deter dog theft	60%	22%	18%	1,489
Help tackle puppy farming	38%	36%	26%	1,496
Help tackle other welfare issues	52%	33%	15%	1,482
Help prevent dog attacks	22%	61%	17%	1,498

Percentages do not total 100% because of rounding.

4.3 As can be seen from Table 4.1 more than half of respondents thought that compulsory microchipping would help deter dog theft (60%), make dog owners more responsible (58%) and help tackle other welfare issues (52%). By contrast, just over one-third (38%) thought compulsory microchipping would help tackle puppy farming and less than one-quarter (22%) that it would help prevent dog attacks.

Q4 Would compulsory microchipping help make dog owners more responsible?

4.4 Question 4 asked respondents if they considered that compulsory microchipping would help make dog owners more responsible. In total, 1,505 respondents answered the tick-box (closed) part of Question 4. As can be seen from Table 4.2 below, 58%

said compulsory microchipping would make dog owners more responsible, 31% that it would not, and 11% that they did not know.

Table 4.2: Question 4: Do you consider that compulsory microchipping would help to make dog owners more responsible?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	51	51%		829	59%		880	58%
No	34	34%		430	31%		464	31%
Don't know	15	15%		146	10%		161	11%
Total	100	100%		1,405	100%		1,505	100%

Percentages do not total 100% due to rounding.

- 4.5 Altogether, 1,134 respondents made a comment at Question 4. Many of those who ticked “yes” offered qualifying comments which echoed the comments of those who ticked “no”. Many of those who ticked “yes” emphasised that any benefits of compulsory microchipping were likely to be small.
- 4.6 The predominant argument made in support of the proposition that compulsory microchipping would make dog owners more responsible was that compulsory microchipping would increase the accountability (and therefore the responsibility) of dog owners. Respondents thought that if owners were identifiable, could be traced, and would not be able to deny ownership, this would force them to become more responsible. Moreover, those who were not responsible dog owners could be prevented from owning a dog and as a consequence the numbers of irresponsible dog owners would reduce. Therefore, many respondents thought that compulsory microchipping was a common sense measure.
- 4.7 In addition to this main argument, some respondents identified a range of other positive benefits which would follow from compulsory microchipping. In particular it was argued that compulsory microchipping would:
- **Increase the amount of contact with professionals (e.g. veterinarians).** Respondents highlighted the benefits which would flow from the additional contact with those who would undertake microchipping. This would allow for information exchange in support of greater understanding and awareness of the responsibilities of dog ownership, and would help establish relationships between dog owners and those concerned with the medical and other welfare aspects of their dogs.
 - **Relieve pressure on charities and rehoming centres.** Respondents believed that the improved traceability of dogs would reduce the number of dogs being taken to rescue and rehoming centres.
 - **Encourage a broader cultural change which recognises the wider social implications of dog ownership.** Respondents thought that introducing compulsory microchipping, with its attendant costs, might make people think twice about dog

ownership and help to instil the idea that dog ownership is not only a personal issue but that it has wider social implications for others. It was felt that this might decrease the number of dogs acquired casually.

4.8 Irrespective of whether respondents ticked “yes”, “no”, or “don’t know” at Question 4, they often qualified their comments by saying that compulsory microchipping in and of itself would not turn irresponsible owners into responsible owners. Promoting responsible dog ownership was seen as a complex issue which does not have a simple solution. Respondents suggested that a range of measures (including neutering, licensing, training, socialisation, education, etc.) would be required to achieve responsible dog ownership.

4.9 A number of more specific points were made as part of the predominant argument (see paragraph 4.6 above) including that:

- **Enforcement of compulsory microchipping is extremely challenging.** Respondents were sceptical about the extent to which compulsory microchipping could be enforced. It was thought that irresponsible dog owners would not comply, and would not pay fines or adhere to other restrictions which were imposed. Respondents made the point strongly that microchipping itself will not change the behaviour of dog owners.
- **Keeping records up-to-date is extremely difficult.** Respondents emphasised that compulsory microchipping would only deliver benefits if the address details were kept fully up-to-date. Many comments were made to the effect that this was extremely difficult to do, especially with some parts of the population who are highly mobile.
- **Most responsible owners already microchip their dogs.** Respondents thought that most responsible owners already microchip their dogs and the introduction of compulsory microchipping would therefore have a limited effect.
- **Some responsible dog owners do not have their dogs microchipped, for good reasons,** i.e. because the dog is too old and microchipping would be too stressful for them, or because the owner had health concerns about microchipping. These people were already responsible dog owners, so compulsory microchipping would not increase overall levels of responsibility.

4.10 A few respondents cautioned against the possibility of unintended policy consequences. For example, it was suggested that compulsory microchipping might result in an increase in the numbers of dogs for rehoming, or decrease the contact between professionals (e.g. veterinarians) and dogs, as those who were unwilling to comply would abandon their dog, and / or avoid contact with a vet. In addition, questions were raised about whether the microchip itself would confer legal ownership; at the moment this is not the case.

Q5 Would compulsory microchipping help to deter dog theft?

4.11 Question 5 asked respondents if they considered that compulsory microchipping would help to deter dog theft. In total, 1,489 respondents provided a response to the tick-box part of Question 5. As can be seen from Table 4.3 below, 60% said “yes”,

22% said “no”, and 18% said “don’t know”. There were no differences in the profile of responses between individual and group / organisational respondents.

Table 4.3: Question 5: Do you consider that compulsory microchipping would help to deter dog theft?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	58	60%		829	60%		887	60%
No	23	24%		305	22%		328	22%
Don't know	16	17%		258	19%		274	18%
Total	97	100%		1,392	100%		1,489	100%

Percentages do not total 100% due to rounding.

4.12 Altogether, 959 respondents made a comment at Question 5. Among respondents who ticked “yes”, many emphasised that dog theft would be deterred by compulsory microchipping if, and only if, other measures (see below) were also in place:

- If microchips were kept up-to-date in all cases
- If a law is introduced to require a change in ownership to be accompanied by a change of the chip details
- If all the records were combined into a single database and
- If microchip readers / scanners were widely available and widely used.

4.13 Without these additional conditions being met, microchipping would not, in and of itself, have an impact on dog theft. Some of those selecting “yes” also confirmed that they thought any impact of compulsory microchipping would probably be fairly small; dog theft might be reduced slightly, but it would not be eradicated.

4.14 More broadly, comments in relation to this question focused on the specific reasons for theft. It was thought that the impact of compulsory microchipping would be different, depending on the reason for the theft. More specifically:

- **Compulsory microchipping would not deter dog theft which relates to dog fighting or baiting.** Respondents were clear that compulsory microchipping would make no difference to the fate of dogs which were stolen for the purposes of dog fighting or dog baiting. In these circumstances, thieves had no interest in or concern for the dogs, which would often end up dead.
- **Compulsory microchipping would not deter the planned and organised theft of pedigree dogs for breeding.** Respondents thought that in these circumstances, where the dog theft was a highly organised and planned activity, compulsory microchipping would make no difference as professional dog thieves who would not be easily deterred. In addition, if it was puppies that were stolen, then microchipping would be irrelevant as puppies would not be chipped until they were older.

- **Compulsory microchipping would not deter cases where dogs were stolen in order to collect a ransom.** Respondents thought that determined criminality such as dogs stolen for a ransom, would not be reduced if compulsory microchipping was introduced.
- **Compulsory microchipping might be effective in relation to the resale of dogs.** Respondents thought that compulsory microchipping might have an impact in relation to the petty criminality associated with stealing dogs for resale. It was thought that once microchipping was the norm, selling on of a stolen dog would become more difficult. However, even in this case, the point was made that it would most likely be the new owner rather than the thief, who would face the consequences of having a stolen dog, if they took their newly acquired dog to a vet only to discover it was stolen. Moreover it was possible that if a thief discovered the dog he or she was handling was chipped, they might just dispose of the dog.

4.15 Many respondents discussed the issue of the removal and re-registering of microchips. It was a widely held view among this group that microchips could be quite easily removed. Some noted that this could be very painful for the dogs, and so would risk becoming an additional welfare issue. In addition, re-registering of microchips was seen to be easy, and some respondents also thought it was possible to forge chipping certificates. Re-registration is currently not regulated; this would have to be addressed if compulsory microchipping were to be effective.

4.16 Police Scotland was among the 16 organisational respondents who said they 'didn't know' whether compulsory microchipping would help deter dog theft. The Police Scotland response said that:

“Since its introduction in Northern Ireland in April 2012 the instances of dog theft have remained constant and its introduction has so far not acted as a deterrent to those intent on stealing dogs. (The new legislation is still in its infancy however and it may take more time to accurately gauge its effectiveness.) Its introduction has, in some cases, assisted with reuniting stolen dogs to their owners....” (Police Scotland)

Q6 Would compulsory microchipping help to tackle the issue of puppy farming?

4.17 Question 6 asked respondents if they considered that compulsory microchipping would help tackle the issue of puppy farming.

4.18 A total of 1,496 respondents provided a response to the tick-box part of Question 6. As can be seen in Table 4.4 below, 38% said “yes”, 36% said “no”, and 26% said “don't know”. There was little difference in the responses between organisational and individual respondents.

Table 4.4: Question 6: Do you consider that compulsory microchipping would help to tackle the issue of puppy farming?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	39	40%	522	37%	561	38%
No	38	39%	504	36%	542	36%
Don't know	21	21%	372	27%	393	26%
Total	98	100%	1,398	100%	1,496	100%

- 4.19 Altogether, 845 respondents made a comment at Question 6. Although the tick-box answers to this question were fairly divergent with between a quarter and a third choosing each option, there was some degree of consensus in the qualitative comments.
- 4.20 The term ‘puppy farming’ was not defined in the question, and it was not clear from the responses whether respondents had a uniform understanding of this term. In particular, individual respondents were not necessarily aware of the existing legislation on licensing of breeders or of the arrangements for small scale breeding (up to 5 litters per year) which is permitted without a licence.⁴ Nor did they appear to be aware in all cases that large scale unlicensed puppy farming has been illegal since 1973. Notwithstanding these comments, respondents expressed almost universal disapproval for puppy farming and puppy farmers.
- 4.21 Respondents who thought that compulsory microchipping might play a role in tackling puppy farming, made two main qualifying comments. First, that it would be vital for the microchip to contain information which allowed the breeder to be traced. This information would have to be retained in the long term, even if the dog subsequently changed hands. Second, that sufficient resources would have to be devoted to enforcement, and harsh penalties imposed for those who did not comply.
- 4.22 Those who had a more ambivalent or negative view of the impact that compulsory microchipping might achieve emphasised that:
- The individuals involved in puppy farming are enterprising, and “in it for the money”, which was believed to be substantial. These individuals would find a way around any legal requirement to microchip.
 - Those who buy from puppy farmers are often only interested in paying the lowest price possible for the puppy they want. This could only be tackled by education about the dangers of puppy farming aimed at the general public.

⁴ Breeding of Dogs Act 1973 as amended by the Breeding and Sale of Dogs Welfare Act 1999.

4.23 Moreover, respondents thought the whole picture was substantially complicated by the large expansion of trading on the internet and overseas trade. Respondents questioned how these types of trading could be regulated or stopped.

Q7 Would compulsory microchipping help to address other dog welfare issues?

4.24 Question 7 asked respondents if they considered that compulsory microchipping would help to address other dog welfare issues.

4.25 A total of 1,482 respondents provided a response to the tick-box part of Question 7. Table 4.5 below show that 52% said “yes”, 33% said “no” and 15% said “don’t know”. There was little difference between organisational and individual respondents in the distribution of responses.

Table 4.5: Question 7: Do you consider that compulsory microchipping for dogs would help to address other dog welfare issues?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	46	47%	721	52%	767	52%
No	32	33%	455	33%	487	33%
Don't know	19	20%	209	15%	228	15%
Total	97	100%	1,385	100%	1,482	100%

4.26 Altogether, 883 respondents made a comment at Question 7. As with previous questions, many respondents who selected “yes” offered some qualifying comment to the effect that compulsory microchipping might help to address other dog welfare issues if, and only if, some other condition (for example, better enforcement, all microchips being kept up-to-date, etc.) was also met. Of those who offered no qualification, the main point made was that improved traceability would enable action against abusers to be taken more easily.

4.27 Amongst those who selected “no” two main reasons were given. First, that compulsory microchipping was not a behavioural intervention – it is simply a tool to improve traceability. Compulsory microchipping will not alter the behaviour of someone who mistreats their dog. Moreover, those who mistreat dogs are unlikely to get their dogs microchipped. Second, that enforcement of compulsory microchipping would be very difficult and would require substantial resources.

4.28 Other points, linked to the main arguments above, and raised less often, were that:

- **Compulsory microchipping might help at the margins.** It may deter a few individuals, or enable a few more prosecutions to go ahead. However it would not impact on the vast majority of those who mistreat dogs.
- **Compulsory microchipping would only be useful if linked to a system of licensing and registration,** as well as to training and / or educational initiatives

which dealt with animal welfare in a broader social context. These other measures were seen as being potentially more important and more effective.

- **Current legislation is not enforced** and the addition of compulsory microchipping without other changes would be ineffective. Current penalties, even when enforced (which is rare) are not severe enough to deter mistreatment. It was asserted that many abusers are already known to the relevant authorities, but no action is taken.
- **Compulsory microchipping would only be useful if the information held was fully up-to-date.** Respondents were unclear how this would be achieved, as it was easy to change details, remove microchips, and deny ownership if confronted.

Q8 Would compulsory microchipping help to prevent dog attacks?

4.29 Question 8 asked respondents if they considered that compulsory microchipping would help to prevent dog attacks on people / animals, including assistance dogs.

4.30 A total of 1,498 respondents provided a response to the tick-box part of Question 8. Table 4.6 below shows that 22% said “yes”, 61% said “no” and 17% said “don’t know”. There were no differences in the distribution of answers to this question between organisational respondents and individual respondents.

Table 4.6: Question 8: Do you consider that compulsory microchipping for dogs would help to prevent dog attacks on people / animals?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	22	22%		309	22%		331	22%
No	58	59%		853	61%		911	61%
Don't know	18*	18%		238	17%		256	17%
Total	98	100%		1,400	100%		1,498	100%

* Includes one respondent who ticked both “yes” and “no”. Percentages do not total 100% due to rounding.

4.31 Altogether, 946 respondents made a comment at Question 8. Irrespective of whether respondents ticked “yes” or “no”, they did not, in general, believe that compulsory microchipping would help to prevent dog attacks on people and animals. Indeed, many were dismissive that this had been suggested. How, they asked, could the presence of a microchip in a dog prevent an attack? The microchip is not a behavioural intervention, it is simply – if properly implemented – a tool for traceability. The idea that compulsory microchipping could prevent attacks was seen as ridiculous by substantial numbers of respondents.

4.32 Respondents noted that microchipping would be irrelevant in cases where the attacks took place in the dog’s own home, where the identity of the owner was known. More broadly, the identity of owners was considered to be almost always established in the case of an attack, whether or not a microchip had been implanted. Many respondents

made the point that any benefit would therefore relate not to the prevention of an attack, but in assisting the identification of the owners following an attack.

- 4.33 The key themes discussed in relation to this question focused strongly on training and education, both of owners and the general public (including, particularly, children). It was thought that only by improving the training and education of dog owners, and by raising the awareness of the general public about how to understand dog behaviour, could attacks be reduced. Many descriptions of appropriate training, and what elements it should cover, were offered.
- 4.34 Respondents also stressed the importance of enforcing existing legislation. They repeatedly stated that little enforcement of current measures was undertaken. Some offered detailed accounts of situations where they had attempted to raise issues of dangerous dog behaviour with local authorities or police, to no avail.
- 4.35 Among those who ticked “yes” at Question 8, compulsory microchipping was seen to have a more indirect impact on preventing dog attacks through increasing the level of responsibility and accountability of dog owners overall. Any improvement would, however, require prosecutions to be undertaken, with severe punishments imposed for offenders.

5. POTENTIAL CHALLENGES OF COMPULSORY MICROCHIPPING

5.1 The consultation document stated that, before the Scottish Government can consider introducing compulsory microchipping for dogs in Scotland, it would be necessary to identify and carefully consider the potential challenges – particularly in relation to effective enforcement. Seven questions were posed about these potential challenges:

Question 9: In the long term, the compulsory microchipping of dogs may require all owners to pay to microchip their dog and to update their details on the commercial database that their dog is registered on. Do you think that this would be an unfair burden on any particular sectors? [Yes / No / Don't know] [If yes: Rehoming/sanctuary charities / Individuals in receipt of benefits / Other] Please explain.

Question 10: When a microchipped animal changes ownership, the registration details on the database must be updated for microchipping to be effective. If microchipping was to be made compulsory, with whom should this responsibility lie: The seller, the buyer, or both? [Seller / Buyer / Both / Don't know] Please explain why and how you consider that the requirement could be enforced.

Question 11: Are you aware of any difficulties due to different microchip companies using different technical specifications regarding scanners etc.? [Yes / No / Don't know] Please explain.

Question 12: Do you think that any regulation being introduced on microchipping should set minimum standards for commercial databases? [Yes / No / Don't know] Why and if so what should they be?

Question 13: Presently, the dog owner, the microchip implanter, and some animal welfare organisations are able to access current database records, but only enforcement authorities are able to see previous records. Do you think this should remain the same? [Yes / No / Don't know] Please explain.

Question 14: Do you believe that compulsory microchipping would be easy or difficult to enforce effectively? [Easy / Difficult / Don't know] Why? Can you suggest what approach to enforcement would be most appropriate?

Question 15: Do you have any concerns that microchipping could cause health problems in dogs? [Yes / No / Don't know] Please explain.

Q9 Would compulsory microchipping result in an unfair burden on any sectors?

5.2 Question 9 asked about whether compulsory microchipping might result in an unfair burden on certain sectors. If respondents ticked “yes”, they were then asked to indicate which sectors might be unfairly burdened: “rehoming/sanctuary charities”, “individuals in receipt of benefits” or “other”. Space was provided for further comment.

5.3 Altogether, 1,486 respondents replied to the first part of Question 9. Table 5.1 shows that 37% of respondents thought that compulsory microchipping would put an unfair burden on certain sectors, while 58% thought it would not.

5.4 Respondents with professional qualifications (such as veterinarians, veterinary nurses and behaviourists) and organisations representing these groups were more likely than other respondents to say that microchipping would **not** put an unfair burden on any sectors. Two-thirds of this group ticked “no” as compared with 58% of respondents overall.

Table 5.1: Question 9: Do you think that compulsory microchipping would result in an unfair burden on any particular sectors?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	31	32%	526	38%	557	37%
No	60	61%	799	58%	859	58%
Don't know	7	7%	63	5%	70	5%
Total	98	100%	1,388	100%	1,486	100%

Percentages do not total 100% due to rounding.

- 5.5 In total, 363 respondents ticked a box to indicate one or more sectors which they believed would be unfairly burdened by compulsory microchipping. However, quantitative analysis of this data is not shown because of an inconsistency in the way different respondents completed the consultation questionnaire. Those who submitted the questionnaire by email / post could indicate multiple sectors at Question 9, whereas those who submitted comments on-line were able to select one sector only (i.e., either rehoming / sanctuary charities **or** individuals in receipt of benefits). At the same time, some on-line respondents made comments to the effect that they had wished to indicate multiple sectors. Because of this inconsistency, the views about which sectors would bear an unfair burden are not presented in a table, but rather are discussed in the qualitative analysis below.
- 5.6 Altogether, 972 respondents made additional comments at Question 9. Regardless of the inconsistencies noted above, the themes raised by respondents in their comments were similar, and there was a great deal of overlap in the views among those who ticked “yes” and those who ticked “no”.
- 5.7 Among both groups, the primary concern was that compulsory microchipping could put an unfair burden on rehoming / sanctuary charities. Rehoming charities were seen to play a key role in dealing with the problem of irresponsible dog ownership (e.g. through their work in rescuing abandoned or neglected dogs). These organisations were perceived to be already “overwhelmed” and “cash-strapped”. Some respondents suggested that a subsidy or discount should be given to rescue and rehoming charities to limit any additional costs. Others commented that many rescue services already have a policy of microchipping all dogs that pass through their doors, and it was assumed that this cost was passed on to new owners as part of a rehoming fee. It was also noted that rehoming charities often had their own microchipping facilities in-house, which would also minimise additional costs resulting from a legal requirement to microchip. Indeed, respondents from some rehoming charities commented that a policy of compulsory microchipping could actually result in savings to these organisations, since the cost of kennelling dogs would be reduced as lost dogs would be reunited with their owners more quickly.

5.8 Many of those offering comments at Question 9 focused on the impacts for individual dog owners (in addition to, or instead of, the impacts on rescue / rehoming organisations). Such respondents often expressed the view that microchipping was integral to responsible dog ownership, and that any related cost should therefore also be regarded as integral to the cost of ownership. They argued that owning a dog is a responsibility, not a right; that microchipping is just one of many costs associated with owning a dog; and if an individual cannot afford the relatively small cost of microchipping their dog, then they probably cannot afford to have – and therefore should not own – a dog at all.

Groups unfairly burdened by compulsory microchipping

5.9 Among the 37% of respondents who thought compulsory microchipping would result in an unfair burden on certain groups of dog owners, the groups most commonly identified were those on low incomes. This included: those in receipt of benefits; the elderly; the disabled; people living in rented accommodation; and homeless people. Some respondents highlighted the health benefits (mental and physical) of dog ownership – particularly for older people, the unemployed and those living alone. Others emphasised that dog ownership “should not become the preserve of the rich”, and suggested means testing, or a system of reduced fees or exemptions as ways of mitigating the financial impact on those on low incomes.

5.10 However, as noted in paragraph 5.8 above, there was not universal agreement among respondents that microchipping would result in an unfair burden on people on low incomes.

5.11 Five other groups were identified, much less often, as being unfairly burdened by a policy of compulsory microchipping. These were: responsible dog owners; assistance dog owners; owners of working dogs / multiple dog owners; “the taxpayer”, and breeders.

5.12 However, in relation to the latter group mentioned above (breeders), some respondents expressed the contrary view that breeders should bear the cost of compulsory microchipping.

5.13 Among respondents who ticked “yes” to Question 9, some suggested that there could be unintended consequences of a policy of compulsory microchipping. In particular:

- It could lead to abandonment of dogs, and greater difficulties in rehoming dogs if people feel they cannot afford the cost of microchipping.
- Those who cannot afford to chip their dogs may not take their dogs to the vet (or to PDSA) when they should, for fear of getting caught with an unchipped dog.
- Companies may charge high prices to keep information up-to-date. There were also data protection concerns about commercial companies having details of dog owners and their dogs, which could potentially be stolen or sold on to third parties.

5.14 In relation to the latter point, some respondents argued that a policy of compulsory microchipping should not become “a revenue-generating exercise”; that sensible, affordable fees should be implemented (£5-10 was thought to be reasonable); and

that database companies and vets should not be allowed to levy annual charges for maintaining records. It was also suggested that people should not have to pay to update their dog's records if they moved house. This was seen to be an unfair burden, especially for people living in rented accommodation, who move frequently.

Q10 Who should have responsibility for updating registration details?

5.15 Question 10 asked whether the seller or buyer of a dog, or both, should have responsibility for updating registration details on the microchipping database. Views were also sought on how the requirement could be enforced.

5.16 Altogether, 1,485 respondents ticked one of the boxes at Question 10. The majority, 68%, thought that **both** the seller and buyer should be responsible for updating a dog's registration details, while most of the remaining respondents were evenly split between thinking the seller, or the buyer should have responsibility. See Table 5.2.

Table 5.2: Question 10: If microchipping was to be made compulsory, with whom should the responsibility lie of updating registration details: seller, buyer or both?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Both	73	72%	942	68%	1,015	68%
Seller	13	13%	186	13%	199	13%
Buyer	7	7%	176	13%	183	12%
Don't know	8	8%	80	6%	88	6%
Total	101	100%	1,384	100%	1,485	100%

Percentages do not total 100% due to rounding.

5.17 In total, 950 respondents made a comment at Question 10. It should be noted that comments offered by respondents did not always clearly align with the tick-box preferences they indicated. In particular, some of those ticking "buyer" or "seller" then went on to express support for joint responsibility for updating details.

5.18 In setting out their arguments, respondents frequently referred to other situations where animals, or objects, are bought and sold. In particular, the model of buying and selling a car whereby the seller notifies the DVLA that the car has changed ownership, and the new owner registers it in their name, was regarded as a simple, easily managed system. This same analogy was often used to support respondents' arguments irrespective of whether they favoured the "buyer", "seller" or "both" having responsibility for updating the dog's microchip details.

5.19 Those advocating seller notification thought this had the benefit of absolving them of responsibility should future problems arise concerning the dog. Those advocating buyer notification thought it was in the new owner's interests to ensure details were up-to-date.

5.20 Other models thought to work well included: registration systems for sheep and cattle; the Kennel Club's registration process for pedigree dogs; systems relating to the sale and purchase of firearms. On the other hand, the horse passport system was referred to as a system that did **not** work well and was not "fit for purpose". The difficulties with this model were perceived to be that it is based on **single** notification (notification by the current owner only), with many different agencies holding details about horses.

Arguments for BOTH seller and buyer having responsibility

5.21 Those who wanted **both** the seller and buyer to have responsibility for updating the microchip registration cited a number of benefits of this arrangement:

- It ensures that the change in registration is done, since if one party fails to change the registration, the other will do it.
- It would deter dog theft, since the new owner of the dog would not be able to change the dog's details without the agreement of the former owner.
- It would protect a former owner from being implicated regarding any future behavioural problems with a dog they are no longer responsible for.
- It would protect a buyer from purchasing a stolen dog as both the existing registered owner and new owner would need to authorise the change of ownership.
- It would ensure greater accuracy of registration details – as it would be in the interests of both parties to record the new details correctly.

5.22 However, as with buying and selling a car, respondents believed that such a process would only work if there were active enforcement and stiff financial penalties for non-compliance. It was suggested that if a change in ownership was not notified within a certain period (suggestions ranged from 14-30 days), there should be penalties for both parties, and these should increase over time.

5.23 Respondents also offered views on who should pay in a system where both buyer and seller shared responsibilities for re-registration. While some thought "the seller and buyer should pay an equal share" others thought the buyer alone should pay. Others thought re-registration "should be free" (seen to encourage responsible ownership). Some specifically sought exemption for people handing dogs in to rescue centres, as these individuals may not have the means to pay for transfer of ownership.

Arguments for seller having responsibility

5.24 Among the 199 respondents who advocated the seller having responsibility, the main argument was that the seller has most to gain from ensuring that the details are up-to-date, as they would not want to be held responsible for the behaviour of a dog they no longer own.

Arguments for buyer having responsibility

5.25 In general, the 183 respondents who favoured the buyer having responsibility for updating the microchip details, said that, since the buyer is assuming overall responsibility for the dog, this should include ensuring that the dog's chip is up-to-date.

- 5.26 Respondents who advocated the buyer having responsibility also thought that it was in the buyer’s interest to make sure that the details are correct, so that if their dog is lost or stolen, it can be returned to them.
- 5.27 It was noted that there were practical reasons why the buyer should have the main responsibility for updating microchip details. For example, it may not be possible to microchip a puppy before it is rehomed (because the pup is too small). There may also be situations where the new owner was taking ownership of a dog from an individual who had died, or who had a physical or mental incapacity.

Enforcement

- 5.28 Irrespective of who respondents thought should have responsibility for updating details, or whether they offered a view on this, they often commented that the process would be very difficult or even impossible to enforce. Respondents identified several potential problems, including those of a buyer giving a seller false contact details, and a seller “disappearing” after the sale of a dog. In addition, respondents generally thought that puppy farmers and anyone wanting a cheap dog would simply not bother with microchipping.
- 5.29 Some respondents suggested that having both the buyer and seller involved in the re-registration of the dog could be relatively straightforward to enforce so long as there was a single agency responsible for holding the information, and non-compliance was dealt with robustly.

Q11 Are you aware of any difficulties due to different technical specifications?

- 5.30 Question 11 asked whether respondents were aware of any difficulties with microchipping, due to different microchip companies using different technical specifications regarding scanners, etc.
- 5.31 In total, 1,477 respondents replied to Question 11 with 14% saying they were aware of difficulties. There was a clear difference between organisational and individual responses to this question with more than a third of organisations (36%) answering “yes” compared to 13% of individuals. See Table 5.3.

Table 5.3: Question 11: Are you aware of any difficulties due to different microchip companies using different technical specifications regarding scanners, etc.?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	35	36%		173	13%		208	14%
No	36	37%		640	46%		676	46%
Don't know	27	28%		566	41%		593	40%
Total	98	100%		1,379	100%		1,477	100%

Percentages do not total 100% due to rounding.

5.32 Altogether, 366 respondents offered comments at Question 11, with around half of these saying they were unaware of any difficulties with microchipping technology. However, the other half highlighted difficulties that they were aware of directly, or had heard / read about. These included: microchips failing or becoming damaged after being implanted and microchips being difficult to locate because they had moved within the animal's body. Respondents also recounted experiences of microchips not being recognised by some scanners – including scanners operated by local authority dog wardens and rescue centres.

5.33 Although not directly related to technical difficulties with microchipping, respondents also commented that they had found it difficult to contact certain companies, and that they were not always sure which company should be contacted about a change of address. Companies were also reported not to be very efficient in making changes when requested, and in some cases, to not keep adequate records. Examples were also given of companies changing their names, or going out of business and their database being sold on to another company.

5.34 The following quotes illustrate some of the issues noted above:

“In my job, I have scanned for chips in many dogs over the years but our office scanner never ever picked up a chip! It never crossed my mind it could've been due to the scanner and chip being incompatible!” (Individual respondent)

“We have experienced issues in detecting chips but it is known that some chips stop working or have never worked particularly well. It is also known that chips can sometimes move to an area in the dog which is harder to detect. Scanners must be maintained and replaced regularly, or calibrated. If these measures are taken, then issues around this matter are limited to faulty chips.” (Local authority respondent)

“But it was a little inconvenient when we moved house to find our dogs are registered under two different companies and one of those had changed its name. So it was a bit of a challenge to get our details updated.” (Individual respondent)

5.35 As many respondents pointed out, these issues are problematic, since they can result in a microchipped dog failing to be reunited with its owner. There are also implications for any proposals to introduce – and enforce – mandatory microchipping if scanners do not reliably recognise the chips.

5.36 In general, respondents called for one national database held by a single, non-profit-making organisation, and chips and scanners that comply with common, agreed standards. Some organisational respondents (including the British Veterinary Association, the Dogs Trust, the Dog Advisory Council, Cats Protection and others) provided detailed information about microchip standards, and suggested that any legislation should ensure compliance with agreed ISO standards. Any legislation would also need to set out the action to be taken if an animal was microchipped in a

country (e.g., USA or some European countries) that did not use the same standards as those in Scotland:

“We are aware of animals that have been imported which have microchips that are not compliant with the scanners commonly used in the UK. The Microchip Advisory Group developed a Code of Practice for microchips which stated that all microchips intended for companion animal and equine markets should meet ISO standards 11784 and 11785, FDX-B type. It is important that microchips comply with these standards and must operate at 134.2KHz. The readers used for companion animals in the UK read FDX-B microchips as described in the standards. However it will be necessary for the authorities to consider what action will be taken if an animal is presented with a non-FDX-B chip.” (British Veterinary Association and British Small Animal Veterinary Association)

5.37 There were also calls for greater control over, and compulsory training and licensing of, those permitted to implant microchips, not only to ensure the security of data, but also to safeguard the health of the dog. It was also suggested that a routine check of the microchip could be incorporated into annual vaccination appointments.

Q12 Is there a requirement for minimum standards for commercial databases?

5.38 Question 12 asked whether any regulation being introduced on microchipping should set minimum standards for commercial databases. Respondents were asked to give the reason(s) for their view and, if they were in favour of setting minimum standards for commercial databases, say what they thought those standards should be.

5.39 In total, 1,468 respondents answered Question 12. Table 5.4 shows that over half of respondents (53%) thought that there should be minimum standards, while just 4% did not. The remaining respondents did not know. There was a clear difference in the views of organisational and individual respondents. Most organisational respondents (79%) thought there should be minimum standards for commercial databases, with just 16% of organisational respondents expressing uncertainty on this question. By contrast, almost half of individual respondents (45%) said “don’t know”.

Table 5.4: Question 12: Do you think that any regulation being introduced on microchipping should set minimum standards for commercial databases?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	78	79%	700	51%	778	53%
No	5	5%	51	4%	56	4%
Don't know	16	16%	618	45%	634	43%
Total	99	100%	1,369	100%	1,468	100%

5.40 Altogether, 572 respondents made a comment at Question 12. Among those who ticked “no” or “don’t know”, 54 respondents made any further comments. The comments among this group included two main themes:

- **Some respondents said they did not understand the question.** This group included respondents who said they had no experience or knowledge of this subject, and who thought the question was not appropriate for members of the public.
- A larger group of respondents **challenged the underlying premise of the question.** This group disagreed that commercial databases should be used in the implementation of mandatory microchipping, with concerns expressed about data protection, and about the fees that commercial companies might charge. They argued for a single database held by a government department or the police. Such concerns were similar to the points raised by those who supported minimum standards (see below).

5.41 Those who ticked “yes” (i.e., those who wanted to see minimum standards) offered a wide range of comments on the standards that should be introduced, as presented in the sections below.

Reasons for having minimum standards

5.42 Those who were in favour of minimum standards felt that this was essential to ensure consistency and accuracy of the information. Respondents argued that without agreed minimum standards, compulsory microchipping would result in: poor customer service standards and uncontrolled pricing by commercial database companies; difficulties in using the databases for enforcement purposes or court actions; increased fraud including duplicate records being created for the same dog; and companies potentially selling data on to third parties for marketing purposes.

5.43 In short, respondents believed it would be ineffective and “pointless” to introduce a compulsory microchipping system that did not have a basic, common standard for databases holding the information.

5.44 Respondents’ focused on six main areas in their comments, as described below.

Consistency and centralised control

5.45 Respondents believed that, in order for compulsory microchipping to have any impact, there would need to be consistency and central control over the data. There were repeated calls for “one national database” and “a single point of entry” (via telephone or a website) to the database. This arrangement, it was argued, would avoid confusion, help reunite lost dogs with their owners, and prevent stolen animals from being rechipped and registered on another database.

5.46 The success of the national cattle, sheep and pigs registries, and the failure of the horse passport scheme were frequently highlighted. The latter – where several different bodies issue horse passports – was described as “a shambles” and “a mess”. Respondents said this led to fraud and duplicate passports being issued for the same horse. It was suggested that lessons could be learned from this experience, in

particular, that a single, central registry managed by the government would be more successful than a system involving multiple commercial databases.

5.47 Although there was a clear preference by respondents for one national database, there were two main views about how that one database could be delivered. One group of respondents felt that a national database should be operated by the government, the police or other public body (similar to DVLA). This group strongly believed that it would not be appropriate, or in the public interest, to use a commercial database for this purpose. The second group of respondents appeared less concerned about whether microchip data was held by one organisation or several, but emphasised that, if multiple commercial databases continued to be used, they would have to be linked together and be compatible to allow searching, cross-referencing and updating from a single point.

5.48 In addition, it was suggested that whatever form of database was established in Scotland, it should be consistent with, and able to share data with, other databases in the UK (following implementation of compulsory microchipping in England and Wales), and in Europe (EuroPetNet) in order to accommodate visitors bringing dogs to Scotland for shows or holidays.

Accessibility of the information

5.49 In terms of accessibility, respondents wanted the database(s) to be easy to update. It was suggested that dog owners could be given secure web access to their own dog's record using the microchip number and a password. There were also frequent calls for the service to be available 24 hours per day, 7 days per week via telephone and on-line.

5.50 Respondents also emphasised the importance of appropriate agencies (including enforcement bodies) having open access to the information.

Data protection and security

5.51 Standards related to data protection and security were seen by respondents as high priority. In particular, respondents were concerned that data should not be able to be accessed by dog thieves, and there were calls for:

- Safeguards to be put in place to prevent false information being registered, or confidential information being passed on to third parties
- ID checking of dog owners registered on the database
- Assurances that the data will continue to be available if a company ceases trading
- The legal position regarding the deletion of old records (when a dog dies or changes hands) to be carefully considered
- Regulations to prevent selling information for profit or marketing purposes.

Quality and efficiency of the service

5.52 Respondents repeatedly made the point that "accuracy of the data is of primary importance". Respondents wanted standards that would ensure that information was reliable, robust and up-to-date, with specified timescales for updates (change of

ownership, change of address, etc.), as well as arrangements for confirming that records are still correct – some respondents suggested this could be done annually and be linked to an annual scan by a vet, while others suggested every three years.

5.53 Respondents wanted to see high standards set for: microchips and scanning equipment; customer service; fraud prevention; and the business viability of the database operator (to ensure adequate computing software, hardware, staff and facilities).

5.54 Some respondents pointed out that the Microchipping Advisory Group (now the Microchipping Trade Association) in England and Wales had already carried out a great deal of work to develop a code of practice for commercial database companies, and it was suggested that the Scottish Government may wish to review this.

Cost

5.55 In general, respondents thought that standards should include a national pricing regime to ensure costs were consistent and kept to a minimum across Scotland. There were frequently expressed concerns that commercial companies would see a legal requirement to microchip “as a licence to print money”. There was also a view that if the cost of updating records was set too high, people simply would not do it. A low cost system was seen to be the key to encouraging data quality.

5.56 Respondents made a range of suggestions about fees. For example, some thought that owners should pay an initial cost to register their dog, but that updates thereafter should be free. Others suggested fees ranging from £2 to £10 per update.

5.57 While most favoured (free) online updates actioned by owners themselves via a secure web interface, it was also suggested, less often, that telephone calls (for those without internet access) should not exceed the national rate (for example, there should be no premium rate phone numbers).

Minimum dataset requirements

5.58 Finally, while some respondents wished to see further detailed consultation about a minimum dataset, others took the opportunity to make detailed suggestions about the information which should be held in the database. In relation to this, there were two main groups:

- **Those who thought the database should hold a “basic minimum” of personal information.** This usually meant name and contact details of the owner; microchip number of the dog; and the breed, sex and colour of the dog.
- **Those who wanted a more extensive dataset.** In addition to the items above, different respondents suggested that the following could also be included:
 - Full ownership and breeding history of the dog, including name and contact details of all previous owners, and the breeder’s registration number.
 - Information about behavioural incidents including whether the dog is subject to a Dog Control Notice, the number of times the dog has been found straying, any complaints made in relation to the dog by members of the public. This information was seen to be particularly important for local authority

respondents. (There was also a suggestion that the database could include details of owners who were banned from owning dogs or other animals.)

- Dog's name
- Dog's date of birth (if known), or approximate age, if being rehomed
- Whether the dog is entire, neutered or spayed.

Less often, respondents suggested that one or more of the following items could also be included in a more extensive dataset:

- Dog's parentage (if known), including the chip numbers of the parent dogs
- Any distinguishing features of the dog (eye colour, ear type, etc.)
- Photograph of dog (full face, left side, right side, rear view)
- Date of sale or transfer of ownership / date of rehoming
- Reasons for change in ownership
- Signature of previous owner agreeing to transfer of ownership
- Vet name and contact details
- Test details (if known) (e.g. DNA, BAER, ophthalmic)
- Medical requirements (if dog requires daily medication)
- Vaccination history
- Owner date of birth (for tracing purposes)
- Name and contact details of microchip implanter
- Red flag option to notify if the animal has been stolen.

5.59 A number of organisational respondents, including the Kennel Club, Scottish Kennel Club, Battersea Dog's Home and Police Scotland suggested that Petlog, which is managed by the Kennel Club, might provide the basis for the Scottish database standards.

Other issues raised by respondents regarding minimum standards

5.60 In addition to the six main themes discussed above, other points made less often were in relation to:

- **Legal issues.** Respondents thought any database company should be legally obliged to provide information to authorised bodies upon request. In addition, if the database is intended to hold information about people who may be deemed unfit to keep animals, careful thought will be required to ensure that unproven or expired convictions are not misreported.
- **Requirements for dog owners and microchip implanters.** Echoing comments made elsewhere, some respondents suggested that any regulations for compulsory microchipping should also set out requirements for dog owners such as timescales by which an owner must update their dog's details or be issued with a fixed penalty notice; and requirements for microchip implanters, ensuring that implanters were fully trained, certified and licensed.

Q13 Who should be able to see previous database records on microchipped dogs?

5.61 The consultation stated that dog owners, microchip implanters, and some animal welfare organisations are able to access current database records, but only enforcement authorities are able to see previous records. Question 13 asked if the current arrangements should continue if mandatory microchipping were introduced.

5.62 In total, 1,481 respondents answered Question 13. Table 5.5 shows that the largest proportion of respondents (42%) thought that current arrangements should continue – that is, only enforcement authorities should be able to see previous records on a microchipped dog. Organisational respondents were more likely than individuals to agree with this question (52% vs 41%). Compared with organisational respondents, individual respondents were more likely to answer “don’t know”.

5.63 A majority of enforcement agencies (i.e. 78% of local authorities and police) and respondents with professional dog-related qualifications (i.e. 55% of veterinarians, veterinary nurses and behaviourists) thought that only enforcement authorities should have access to previous database records. In contrast, rescue agencies and animal welfare organisations were divided in their views, with 42% saying “yes”, and 42% saying “no” in response to this question.

Table 5.5: Question 13: Do you think that current arrangements regarding access to database records should remain the same if compulsory microchipping is introduced?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	50	52%	567	41%	617	42%
No	28	29%	436	31%	464	31%
Don't know	18	19%	382	28%	400	27%
Total	96	100%	1,385	100%	1,481	100%

5.64 Altogether, 623 respondents made further comments at Question 13. An examination of these comments suggests that respondents had interpreted this question in a variety of ways, and that some were confused about what was being asked. For example, some respondents seemed to think the question was asking about whether the dog’s entire microchipping record should be made publicly available. Other comments were unclear, ambiguous or appeared to contradict the respondent’s answer to the initial yes / no question. For example, among those who ticked “no” at Question 13, one group of respondents made comments that focused solely on the importance of access for enforcement authorities, without any reference to other types of organisations or the different levels of access currently available.

5.65 As such, caution should be used in interpreting the figures shown in Table 5.5 above. While these might be seen as broadly indicative of opinion, the following sections drawing on the comments offered provide greater insight into the views of respondents

on who should have access to databases and the types of access different groups should have.

Reasons for keeping current arrangements

- 5.66 Among those who favoured retaining current arrangements, the primary reasons given related to data protection and the privacy of personal data. Respondents believed that enabling wider access to information about a dog's previous owners could be open to abuse and criminal misuse of the information. Furthermore, respondents argued that the **only** reason for anyone to have access to previous information on a dog's owners would be for the purposes of investigating a crime; therefore, the information should be made available to enforcement agencies and no one else. The point was made that individuals working for enforcement authorities are public servants, bound by data protection legislation, and fully accountable for their actions. This is not the case for staff employed by (or who volunteer with) animal welfare charities, or for the dog's current owner.
- 5.67 Respondents argued that other parties seeking access to previous data should be able to make an application to an appropriate authority for the information.
- 5.68 As noted above, enforcement bodies were largely in favour of retaining current arrangements. However, several local authority respondents reported that they are **not** currently able to access previous details on microchipped dogs (in contrast to the statement made in the consultation document). Local authority respondents believed that they should not only be able to **view** the dog's complete record, but also to **amend** it – for example, if a dog is subject to a Dog Control Notice.

Reasons for changing current arrangements

- 5.69 As noted above, many of the comments made by those who ticked "no" to Question 13 are difficult to interpret. For example, one group of respondents made a variety of statements suggesting that "everyone" or "anyone with a vested interest" should have access to information on a dog. It is not clear whether these statements were arguing for dog owners, microchip implanters and animal welfare organisations (i.e., the groups mentioned in the question) to have access to current and previous records for a particular dog, or whether they were instead arguing for information on microchipped dogs to be available to the wider public. Typical comments included the following:

"Everyone should be able to access this information." (Tibetan Spaniel Club of Scotland)

"All records on the dog should be available to all with a vested interest in the dog." (Individual respondent)

- 5.70 However, it was clear from the comments that some respondents did believe that the data should be publicly available:

"These records should be openly available to all, thus allowing neighbours or other interested parties to check and ensure compliance." (Individual respondent)

- 5.71 Among the respondents whose comments were easier to interpret, there was a very wide range of (sometimes contradictory) views.
- 5.72 The most common view was that animal welfare organisations (including rescue and rehoming centres) should be able to have access to previous records on a dog, as this would assist in assessing a dog for rehoming. A small number of respondents also specifically suggested that rehoming centres could use this information to contact previous owners or even the breeder to rehome the animal, if the current owner was unable to be contacted. Alternatively, a previous owner might know how to contact the current owner.
- 5.73 Some respondents stated that they were in favour of previous information on the dog being available to welfare / rehoming organisations and veterinarians for health and welfare reasons, but not to dog owners for data protection reasons.
- 5.74 A less common view was that dog owners **should** have access to the dog's full ownership history. However, those who advocated this view often said it would be helpful to know "where the dog has come from", without being specific about the benefits this would bring. Those (few) who did offer more detailed reasons believed access to such information would:
- Help them to avoid adopting a "problem dog"
 - Be useful in knowing how to manage the dog's behaviour and meet its needs
 - Enable people who bought an apparently healthy dog in good faith to seek recompense if that turned out not to be the case.
- 5.75 There was also a prevalent view that certain individuals (including dog breeders) and dog rescue organisations should have access to the dog's previous history in order to use this information to assess the suitability of future owners.
- 5.76 In addition, according to respondents, allowing a wider range of individuals and organisations to access information about the dog's ownership history would: enable prospective owners to check that they are not buying a stolen dog; facilitate the resolution of disputes about ownership; and allow breeders to check that the dogs they sold are still in good homes.

Q14 Would compulsory microchipping be easy or difficult to enforce effectively?

- 5.77 Question 14 asked respondents their views about whether compulsory microchipping would be easy or difficult to enforce effectively. In addition, respondents were asked to suggest what approach to enforcement would be most appropriate.
- 5.78 Altogether, 1,480 respondents replied to Question 14. Table 5.6 shows that nearly two-thirds (65%) thought that compulsory microchipping would be difficult to enforce effectively, and 18% thought it would be easy. The remaining respondents did not know. Local authorities and other enforcement-related respondents were more likely than other respondents to believe that enforcement would be difficult: more than three-quarters of this group ticked "difficult" at Question 14.

Table 5.6: Question 14: Do you believe that compulsory microchipping would be easy or difficult to enforce effectively?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Difficult	68	71%	899	65%	967	65%
Easy	19	20%	250	18%	269	18%
Don't know	9	9%	235	17%	244	16%
Total	96	100%	1,384	100%	1,480	100%

Percentages do not total 100% due to rounding.

5.79 In total, 979 respondents made a comment at Question 14.

Why respondents thought enforcement would be difficult

5.80 Respondents gave five main reasons for believing that enforcement would be difficult:

- **Enforcement would be impractical and expensive.** Respondents noted that the only way of checking whether a dog has been microchipped is to scan it, but that scanning every dog in Scotland – or even randomly scanning dogs in parks – would be impractical, expensive and intrusive. This group frequently questioned how enforcement would be funded, and some specifically commented that the policy would be unenforceable.
- **Current legislation is not enforced.** Respondents commented that there were already a number of dog laws that were not being enforced effectively, including legislation that requires all dogs to wear a collar and ID tag when in public. The point was made that, if the legal requirement to provide visible identity is not enforced, a requirement to provide invisible identity is unlikely to be enforced either. Similar comments were made in relation to laws on dog fouling and the requirement for an individual to have their dog on a lead when walking beside a public road. Some respondents (including some local authority respondents) thought that without significant additional funding, enforcement would not be a priority to local authorities given the pressure on budgets in the current economic climate.
- **It is not clear who should be responsible for enforcement.** In general, respondents thought that enforcement of compulsory microchipping would not be a good use of police time. There was disagreement among respondents about whether veterinarians should have a role in enforcement: some advocated this, while others cautioned against it, suggesting that it would result in people not taking their dogs to the vets. Indeed, respondents often commented that irresponsible owners are already less likely to take their dogs to a vet. Other respondents thought that enforcement should be carried out by local authority dog wardens, although the perceived need for many more dog wardens than there are at present was noted.
- **It is “too easy” to buy and sell dogs.** Respondents saw a significant challenge to enforcement from puppy farmers, backyard breeders and the buying and selling of

dogs through online ads. The difficulties of identifying and tracking puppies / dogs sold privately were highlighted, and the point was made that the enforcement of compulsory microchipping is unlikely to be possible without stronger regulations to restrict the buying and selling of dogs.

- **Technology is not widely available or reliable.** Some respondents noted the problem of scanners not always recognising chips and chips that sometimes stop working; they felt that effective enforcement would require scanners and chips to be standardised, and owners to be issued with proof that their dog has been microchipped.

5.81 There was a common view among those who thought enforcement would be difficult that irresponsible owners would not bother microchipping their dogs. There was also a view that dogs owned by these individuals would only ever be identified if there was an incident to bring the dog to the attention of the authorities. Thus, compulsory microchipping was seen to provide no additional benefit over current legislation, but a great deal of expense for responsible owners and relevant bodies. Those who thought enforcement would be difficult also sometimes referred to the experience of dog licensing, claiming that this was abandoned because “it didn’t work”.

Why respondents thought enforcement would be easy

- 5.82 Few of the respondents who thought enforcement would be easy explained **why** they thought it would be easy. Instead, this group generally discussed the approaches to enforcement that they thought could be used.
- 5.83 Among those who **did** give a reason, the most common was that “a microchip is no different to a car tax disc”. There was also a view that enforcement would largely be unnecessary among responsible owners (who would comply with the legislation); rather, enforcement would focus on dogs that came to the attention of the authorities due to an incident or report from the public – this was referred to as “passive enforcement”.
- 5.84 Other respondents commented that enforcement would be easy so long as it was adequately resourced. However, this group also acknowledged the difficulties of reaching non-registered breeders selling dogs on the internet. Some thought that compulsory microchipping might initially be difficult, but that eventually people would come to expect any dog they purchase to be chipped.

Suggested approaches to enforcement

- 5.85 Respondents made a wide range of suggestions for approaches to enforcement. The most common was that dog wardens (the police, rangers, etc.) should carry scanners and undertake random checks on dogs in parks and dog-walking areas. This approach was generally advocated by those who thought enforcement would be easy, but was dismissed as impractical by those who thought enforcement would be difficult. Among the latter group, random “stop-and-scan” was also seen to be an infringement of civil liberties, and there was a general view that it would only reach responsible dog owners, as irresponsible owners are unlikely to be out walking their dogs in the park.
- 5.86 Other frequently mentioned suggestions were:

- **Impose stiff penalties for non-compliance.** These ranged from a heavy fine (which would increase with non-payment), to impounding of the dog, to banning the owner from having dogs in the future. Respondents also thought that non-payment of fines should result in a report to the procurator fiscal and criminal prosecution.
- **Give veterinarians a role in enforcement.** Respondents suggested that vets might not only implant microchips (for example, at a puppy’s first inoculations), but could also be involved in routinely scanning dogs, and reporting any owners who refused to have their dogs chipped. However, as noted above, there was some concern about the appropriateness of vets being involved in enforcement.
- **Make it an offence to sell or rehome an unchipped dog.** This would put the focus of enforcement on breeders since there was a general view that rehoming centres already microchipped the dogs that came through their doors. It was occasionally suggested that it should also be an offence to provide veterinary treatment to an unchipped dog, thus effectively involving vets in the process of enforcement.
- **Raise public awareness.** Some respondents advocated a softer approach to enforcement focusing on encouraging compliance, rather than punishing the non-compliant. This would involve educating and persuading dog owners of the benefits of microchipping, and issuing written warnings before proceeding to fines. Public awareness could be raised through the media, as well as through pet stores, vet surgeries, local authority events, training clubs, etc., and a free microchipping service could be provided at public events and through animal welfare charities.

5.87 Respondents often made more general statements about approaches to enforcement, such as: “it would have to be adequately resourced”, and “there would need to be more dog wardens”. Some also called for an initial “grace period” to allow the general public to become aware of the new legislation.

Q15 Could microchipping cause health problems in dogs?

5.88 Question 15 asked respondents whether they had any concerns that microchipping could cause health problems in dogs. Altogether, 1,492 respondents replied to this question. Table 5.7 shows that 11% of respondents said “yes” and 77% said “no”. The remainder said “don’t know”.

Table 5.7: Question 15: Do you have any concerns that microchipping could cause health problems in dogs?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	14	14%		152	11%		166	11%
No	70	70%		1,072	77%		1,142	77%
Don't know	16	16%		168	12%		184	12%
Total	100	100%		1,392	100%		1,492	100%

- 5.89 A total of 477 respondents provided further comments at Question 14, and there was a great deal of overlap in the comments of those who said “no” and those who said “yes” to the first part of Question 15.
- 5.90 In general, those who answered “no” to Question 15 stated that they were not aware of microchips causing any health problems in dogs. Respondents frequently cited their own experience, claiming that their own animals (dogs, cats, horses, farm livestock, zoo animals) have never suffered any ill effects from being microchipped. Others suggested that veterinarians would not recommend the procedure if there was any evidence of microchips causing health problems, and indeed some veterinarians commented that in their experience of microchipping hundreds of dogs sometimes over a period of decades, they had not encountered any health problems in a dog related to microchipping.
- 5.91 Respondents in this group sometimes stated that they had heard there could be problems with microchips in some dogs, but in their view, the benefits of microchipping (i.e. having a lost dog returned safely to its owner) outweighed any small risks there might be for a small proportion of dogs.
- 5.92 A small number of organisational respondents (including the Dogs Trust and the British Veterinary Association and British Small Animal Veterinary Association) cited research evidence that indicated a very small risk of health problems related to microchipping.⁵ However, these respondents all agreed with the view that the benefits of microchipping outweigh the risks.

Awareness of health problems in dogs due to microchips

- 5.93 The main issue raised by respondents at Question 15 was that microchips can sometimes migrate in the animal. Respondents who ticked “no” generally believed this was nothing to be concerned about, while those who ticked “yes” said they had heard of cases where this had caused a problem for the dog, or less often, that this had caused difficulties for their own dog.
- 5.94 A second issue, again raised by respondents in both groups, was that problems can result from chips implanted by untrained, unqualified individuals (examples given were of improperly implanted chips being inserted into the spinal column of a puppy, or causing nerve damage). Thus there were calls for regulations to ensure that the procedure was only ever carried out by authorised and professionally trained veterinarians.
- 5.95 Among those who answered “yes” to the first part of Question 15, respondents often voiced general concerns about foreign bodies being inserted into the dog and the procedure causing stress for the dog. Some of these respondents also made the point that microchipping should not be done on very elderly dogs or very young puppies (respondents’ suggestions about a minimum age for microchipping ranged from 6 weeks to 6 months). There were particular concerns about the impact of microchipping

⁵ Further details will be available in the published joint response from the BVA and BSAVA on the Scottish Government website in due course.

on small, toy breeds. Those who answered “yes” also highlighted reports of tumours, infections and abscesses forming at microchip sites, and allergic reactions to microchips.

- 5.96 This group of respondents suggested that there should be an option for certain dogs to be exempted from microchipping for medical reasons (for example, Dobermans with VonWillebrands disease), and for tattooing to be offered as an alternative to microchipping for dog owners who did not wish to have their dog chipped.
- 5.97 Respondents also expressed concerns that health issues could indirectly result from a policy of compulsory microchipping, for example, because owners of unchipped dogs might avoid taking their dogs to a vet, or if dog thieves attempted to remove a chip from a stolen dog.
- 5.98 There was also some questions about who would be held legally responsible if a dog developed a tumour or had an adverse reaction to a microchip when the owner was opposed to having the dog compulsorily chipped.

6. FINANCIAL AND OTHER IMPACTS OF COMPULSORY MICROCHIPPING

- 6.1 This chapter considers the financial or other business impacts of compulsory microchipping. Question 16 of the consultation questionnaire asked about whether compulsory microchipping would have a positive or negative financial or other impact on owners, enforcement agencies, animal welfare organisations etc. Respondents were given the option to tick “positive”, “negative” or “don’t know”. A space was then provided for further comments. Five respondents explicitly said in their answers to the tick-box question that there would be both positive **and** negative impacts and a separate code was created for this answer.
- 6.2 Altogether, 1,461 respondents replied to the first part of Question 16. Table 6.1 below shows that 45% of respondents thought that compulsory microchipping would have a positive financial or other impact on certain sectors, 21% thought it would not, and 34% said they didn’t know.

Table 6.1: Do you believe that compulsory microchipping would have a positive or negative financial or other impact on [certain groups]?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Positive	47	50%	608	44%	655	45%
Negative	21	22%	279	20%	300	21%
Positive and negative	4	4%	1	0%	5	0%
Don’t know	22	23%	479	35%	501	34%
Total	94	100%	1,367	100%	1,461	100%

Percentages do not total 100% due to rounding.

- 6.3 Respondents who were involved in animal rescue and welfare, and those involved in enforcement were slightly more likely to identify positive financial and other impacts of compulsory microchipping (58% and 52% respectively, compared to 45% overall).
- 6.4 Altogether, 752 respondents made comments at Question 16. The comments showed a large degree of overlap in the views of those who ticked “positive”, those who ticked “negative” and those who ticked “don’t know”. Large numbers of respondents in all three groups explained in their answers that they felt the impacts would be different for different sectors, and that there were likely to be both positive **and** negative impacts. This suggests that the figures in Table 6.1 above should not be taken at face value.
- 6.5 In relation to positive impacts, the main beneficiaries of a policy of compulsory microchipping, as identified by respondents, were microchip companies – including microchip manufacturers, implanters, and database designers. There would be extra work for these companies. To a lesser degree, veterinarians (and others who implant microchips), enforcement agencies (as long as additional resources were made

available for enforcement) and rehoming organisations (perhaps not immediately, but maybe in the longer term) were also identified as beneficiaries.

- 6.6 As far as negative impacts were concerned, many respondents identified the additional costs for owners, for animal welfare organisations / rehoming charities, and for enforcement agencies as the main negative impacts. Owners on low incomes (e.g. the elderly, homeless, pensioners and the unemployed) were frequently mentioned in this context, as were individuals / organisations (including animal welfare organisations and rehoming charities) who dealt with a large number of dogs. It was suggested that these latter groups could be offered free or discounted rates.
- 6.7 In many cases respondents went on to give more nuanced accounts of how they felt these impacts might affect different sectors:
- **Owners.** The point was emphasised that the costs of microchipping pale into insignificance when set against other costs of dog ownership; if owners cannot afford to microchip their dogs, they would not be able to care adequately for their dog. (These comments echo those made at Question 9, discussed in paragraph 5.8 above.)
 - **Welfare organisations and rehoming charities.** It was thought that after an initial period where costs would rise, this might settle and ultimately be financially beneficial to this sector as the costs associated with lost and abandoned dogs would reduce. Access to the information contained on the microchip was also highlighted as a benefit for these organisations.
 - **Enforcement agencies.** Some respondents thought the costs of enforcing the policy made it an unrealistic proposition especially at a time of financial austerity, whilst others thought the resources could be made available. A few respondents suggested that costs might reduce over time as implementation was rolled out.
- 6.8 In general, respondents thought the costs of microchipping were inconsequential specifically in relation to the cost of buying a puppy. They believed that any costs incurred by dog breeders for microchipping would simply be passed on to the buyer. The question had specifically identified “pet shops” as a group that might be affected; however, respondents were strongly of the view that pet shops should not sell dogs.
- 6.9 Views were divided about whether a policy of compulsory microchipping would increase or decrease the cost of microchipping. Some respondents thought the increased competition would bring down microchipping fees, whilst others anticipated that the compulsory nature of the policy would result in companies charging a higher rate. A few respondents suggested that rates for microchipping should be “capped”.
- 6.10 As in other questions, some respondents made more general comments about the policy of compulsory microchipping, for example that it would improve animal welfare, that it would not impact on dog attacks or other serious offences, that responsible owners would microchip their dogs anyway, that it should be introduced as an adjunct to dog licensing, that commercial breeding should be regulated or stopped, and that without proper enforcement (which would be very expensive) the policy was “pointless”.

7. SUPPORT FOR COMPULSORY MICROCHIPPING

7.1 This chapter discusses respondents' views about support for compulsory microchipping, whether any sectors should be exempted from a requirement to microchip, and the preferred option(s) for introducing compulsory microchipping. There were three questions:

Question 17: Do you believe that all dogs in Scotland should be microchipped? Why? [Yes / No / Don't know].

Question 18: Do you consider that any sectors of dog ownership (for example rehoming / sanctuary charities, police, armed services, security services, guide / helper dogs, vermin control, sheep dogs or other sectors) merit exemption from any requirement to microchip? Why? [Yes / No / Don't know]

Question 19: Which of the suggested options for introducing any requirement for compulsory microchipping do you believe would work best? Do you have an alternative option to suggest? [Staus Quo / All puppies born after a specific date should be microchipped / All dogs transferred on transfer of ownership / Two-phase approach over 2 years / Microchipping of all dogs within one year of legislation coming into effect / Other] Please explain.

Q17 Do you believe that all dogs in Scotland should be microchipped?

7.2 Question 17 asked about whether respondents believed that all dogs in Scotland should be microchipped. Respondents were given the option to tick "yes", "no" or "don't know". A space was then provided for further comments.

7.3 Altogether, 1,563 respondents replied to the first part of Question 17. Table 7.1 below shows that 83% of respondents thought that all dogs in Scotland should be microchipped, 13% that they should not, and 4% said they didn't know.

Table 7.1: Question 17: Do you believe that all dogs in Scotland should be microchipped?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	79	77%	1,218	83%	1,297	83%
No	15	15%	186	13%	201	13%
Don't know	9	9%	56	4%	65	4%
Total	103	100%	1,460	100%	1,563	100%

Percentages do not total 100% due to rounding.

7.4 There were small differences in the distribution of responses by respondent type. Enforcement agencies were more likely to say "don't know" (17% compared to 4% overall) and less likely to say "no" (4% compared to 13% overall).

7.5 Altogether, 1,129 respondents made additional comments at Question 17. Those who said "yes" generally gave a positive endorsement of compulsory microchipping.

However, a substantial minority of those who ticked “yes” at Question 17 also made comments that overlapped to a large degree with the comments of those who ticked “no” or “don’t know”. In particular, respondents in all three groups commented that:

- Compulsory microchipping was not a panacea and in particular would not prevent dog attacks
- Responsible owners are microchipping their dogs anyway and irresponsible owners are unlikely to comply
- Any benefits would be dependent on proper enforcement. Enforcement would be expensive and it was not clear who would fund this. Moreover proper enforcement would depend on widespread availability of scanners as well as arrangements for developing and maintaining a national database
- Some other approach (licensing, training or education were frequently mentioned) would be better.

7.6 The final point above (that training, education and / or licensing would be more effective in preventing dog attacks and promoting responsible dog ownership) is illustrated in the quotes below.

“What is trying to be achieved? This will not prevent the attacks that happen – it will only make it easier to prosecute. If information is not kept up to date it will be of no use. It should be an education and training drive – the majority of owners are responsible.” (The Stewartry Veterinary Centre)

“Compulsory owner education and not microchips will reduce dog attacks.” (Individual respondent)

“Only if implemented alongside compulsory licensing and insurance. Licences should only be gained after owners complete practical basic training in handling dogs including understanding all dog laws.” (Individual respondent)

7.7 The Scotland for Animals campaign response (submitted by 736 respondents) also addressed the issue of compulsory microchipping. The campaign response stated that “compulsory microchipping [should] **only be introduced in conjunction with mandatory licensing**”. This response cannot be characterised as either “yes” or “no”.

7.8 The SfA response, taken together with the reservations and conditions made by some of those who ticked “yes” to Question 17, suggests that support for compulsory microchipping was not as unambiguous as might appear at first sight, given the figures shown in Table 7.1 above.

Arguments in favour of compulsory microchipping

7.9 Those who were in favour of compulsory microchipping made a number of (linked) arguments to support their view. The most widespread argument, which was used by all groups, was that compulsory microchipping would help with tracing dogs which had been lost, stolen or involved in an accident. This point was linked to comments that compulsory microchipping would be a first step towards promoting responsible dog

ownership, deter owners from dumping or abandoning their dogs, reduce the numbers of strays and deter (some types of) dog theft. Responses also highlighted the welfare benefits for dogs and the financial gains to be made through improved administration and the decreased demand for places in rehoming centres. The selection of quotes below, from individual and organisational respondents who were in favour of compulsory microchipping highlight the range of linked arguments.

“The most important reason for microchipping is to enable a lost or straying dog to be returned promptly to its owner.” (Dogs Trust)

“Dogs run away, dogs get stolen and dogs get lost. Aside from the benefits of tracing irresponsible owners who have dangerous dogs out of control, microchips can reunite lost and stolen dogs with their owners.” (Individual respondent)

“As I said, most dogs I come across at competitions, shows and pet dogs at the training clubs are already chipped. It would not be a dramatic change and it will help with the number of strays / abandoned dogs in rescue.” (Individual respondent)

“Due to welfare issues all animals should be microchipped.” (Individual respondent)

“This is from a welfare point of view. If an owner knows their dog can be traced to them, they are not going to leave it tied to a lamp post 20 miles away.” (Individual respondent)

“The Kennel Club believes that all dogs in Scotland should have to be microchipped as this form of permanent identification is deemed to be the most efficient in identifying and returning stray dogs to their owners and as a result, the most beneficial in relation to welfare and cost savings.” (The Kennel Club)

7.10 In addition, some respondents highlighted the fact that microchips were more difficult to remove than collars and tags. Others emphasised that the requirement to microchip might make casual owners stop and think twice, and would deter impulse buying.

7.11 However, as set out in paragraph 7.5 above, these positive arguments were often qualified with comments about other aspects which would also have to be addressed. Respondents saw compulsory microchipping as a “first step” which would “do no harm” but which “was not always necessary” and did not, by itself represent a solution to irresponsible dog ownership. For example:

“I do think they should be microchipped but I think that mandating it does not address the wider issues” (Tynewater Dog Training)

“This is the best way to identify the owner of the dog, it will benefit both the owner and enforcement agencies when dealing with strays and greatly reduce the cost of this, it may also help to address other issues, however it

should be kept in mind that just because someone has their dog chipped it does not make the dog behave, that is still down to the owner. Microchipping all dogs in Scotland will also only work if all the chip details are kept up to date when the dog changes owners.” (Aberdeen City Council)

“I think it is a good idea but I think it would be financially very hard to implement due to the cost of enforcement” (Individual respondent)

“If it all worked out as it should it might help the dog problems but not everyone will do it” (Individual respondent)

Arguments against compulsory microchipping

7.12 The arguments against compulsory microchipping mirrored the points already set out in paragraph 7.5 above. They covered (as already stated): that compulsory microchipping was not a panacea and in particular would not prevent dog attacks; that responsible owners are doing this anyway and irresponsible owners are unlikely to comply; that any benefits would be dependent on proper enforcement; and that some other approach would be more effective. A selection of quotes is given below which illustrate these points:

“Although there is value in this proposal we do not believe it has been thought through properly. It will not address the issues it is intent on addressing and will be impossible to police, as has been proven by the Dog Fouling Act. As an organisation we believe policing of current legislation should be looked at before adding additional requirements.” (National Trust for Scotland)

“It will not stop dogs from attacking children and I would much rather see measures introduced which will keep children safe. Clearly, a microchip has no part to play in the protection of children in public places.” (Individual respondent)

“The Scottish Countryside Alliance support wholeheartedly the measures afforded under the Control of Dogs (Scotland) Act 2010, the Dangerous Dogs Act 1991, the Animal Health and Welfare (Scotland) Act 2006; and further support the recommendations of the Code of Practice for the Welfare of Dogs, specifically the recommendation to microchip. We simply do not accept that the compulsory microchipping of dogs in Scotland will translate to increased public safety, increased owner responsibility or limit the attacks on postal workers or guide dogs.” (Scottish Countryside Alliance)

“It is definitely NOT the correct system to use to control dog population / attacks or irresponsible ownership in Scotland. Licensing would be a better system and perhaps more help with spaying / neutering to prevent unnecessary breeding. Training is a whole other issue and again is a choice, but any responsible owner will train their dog to be socially acceptable.” (Scottish Progressive GSD Group)

“Not all owners will chip. You can't possibly police this. So whilst decent law abiding people pay, others won't.”(Individual respondent)

7.13 In addition a range of other issues were raised. Most significantly those in the “no” camp felt that compulsory microchipping was a disproportionate response. These comments emphasised that the problems were confined to relatively small subgroups of owners, and that a response which specifically targeted problem owners was a better – and more common sense – use of resources. Respondents also made a strong libertarian case that owners should be allowed to choose for themselves whether or not to microchip their dogs. For example:

“Given the small percentage of dogs that stray or give rise to concern compulsory microchipping could be seen as disproportionate and a tax on responsible dog ownership.” (Scottish SPCA)

“It is yet another loss of civil liberty and it is dangerous to a certain percentage of dogs. If that percentage includes your dog it is a heartbreak that you will blame on the government who enforced it.” (Individual respondent)

7.14 Other points made by some respondents who were against microchipping included: that microchipping was not cheap; that any system of identification should be visually obvious (and a microchip was not); that this was a cruel practice in relation to young puppies; that microchipping was not safe; that it was unnecessary for certain sectors; and that the system was too bureaucratic. Finally it was suggested that there was the possibility of unintended consequences such as an increase in the number of dogs abandoned, an increase in the costs, and a decrease in the number of contacts with vets which would have a negative impact on dog welfare. These comments echoed those made in response to earlier questions about the challenges of compulsory microchipping (see Chapter 5 above).

Other comments about compulsory microchipping

7.15 Other points were made, less often, which were not specifically associated with either a positive or a negative view of compulsory microchipping. These included: a preference for another form of identification, for example tattooing, or a DNA profile or certificate; a concern about the impact of illegal microchip removal; and a requirement for the microchip to be proof of ownership.

Q18 Do any sectors merit exemption from the requirement to microchip?

7.16 Question 18 asked respondents whether any sectors of dog ownership merit exemption from the requirement to microchip. The groups enumerated in the question were: rehoming / sanctuary charities; police; armed services; security services; guide / helper dogs; vermin control; and sheep dogs. Respondents were given the option to tick “yes”, “no” or “don't know” and a space was provided for further comments.

7.17 Altogether 1,479 respondents replied to the first part of Question 18. Table 7.2 below shows that 9% of respondents thought that some sector(s) merited exemption, 84%

that no sectors did, and 7% said that they didn't know. There were no major differences in the distribution of responses across different types of respondent.

Table 7.2: Question 18: Do you consider that any sectors merit exemption from any requirement to microchip?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	10	10%		124	9%		134	9%
No	82	83%		1,159	84%		1,241	84%
Don't know	7	7%		97	7%		104	7%
Total	99	100%		1,380	100%		1,479	100%

7.18 Altogether, 753 respondents made an additional comment at Question 18. Many of these comments did not relate to whether certain groups should be exempted from microchipping but rather to whether certain groups should have access to free or reduced rates in relation to microchipping. In this respect respondents particularly mentioned charities, rescue centres, and rehoming organisations; owners on low incomes; and those with responsibility for dogs involved in emergency services, as guide dogs, etc. These comments mirrored those already discussed in relation to Question 9 above and were made by respondents who agreed, respondents who disagreed, and by respondents who did not know whether exemptions were merited.

7.19 Among respondents who ticked “yes” at Question 18, there was a common view that “all owners” or “all responsible owners” should be exempt. These comments reflect this group’s opposition to the introduction of compulsory microchipping.

7.20 Where respondents actually commented on categories which might be exempted from compulsory microchipping (rather than exempted from the costs of microchipping), there were two areas of consensus. These points were often made irrespective of whether the respondent had ticked “yes” or “no” to Question 18. The first area consensus was that individual dogs should be permitted an exemption for medical reasons – confirmed by a qualified veterinarian – if microchipping could have a negative health impact on the dog. The second area of consensus related to rehoming / sanctuary charities. In this latter case, respondents argued that the charities should be allowed to delay microchipping until the arrangements for rehoming were in place; at this point the dog should be microchipped (and the costs of microchipping borne by the recipient of the dog). For all other groups, there were views both in favour and against exemption.

7.21 Many respondents commented that the groups listed in the question (see paragraph 7.16 above) were already likely to be microchipped as a matter of routine. Moreover, these respondents thought that those who had a “professional role” in relation to dog ownership, should “lead by example”, and microchip all dogs for which they were responsible.

7.22 In relation to the question about whether dogs used for vermin control and sheep dogs should be exempt, opinions were voiced on both sides of the argument. Some thought that since these dogs were not in contact with the public they should be exempted whilst others focused on the fact that they were expensive dogs which represented a large investment and which should therefore be microchipped. Respondents also pointed out that although these dogs are exempted from the requirement to wear a collar and tag (because it might interfere with their work), a microchip would not have a detrimental effect on their working capacity.

Arguments in favour of compulsory microchipping with NO exemptions

7.23 There were two main arguments raised in favour of compulsory microchipping with no exemptions. The first related to the importance of having a simple, straightforward, clear rule. No exemptions was thought to be the only fair way to implement such a provision, and it was thought that **all** dogs would have to be included if the benefits to animal welfare were to be realised. If no exemptions were allowed, this would make it easier to monitor and would ensure there were no loopholes which could be exploited. In this context, a few respondents specifically discussed the loopholes in England in relation to the banning of tail docking; it was thought that the exemptions which had been identified in this case meant that the ban was ineffective. Moreover, any dilution of the message to provide for exemptions was thought to undermine the overall message.

7.24 The second main argument in favour of compulsory microchipping with no exemptions was that “a dog is a dog”. This argument emphasised that all dogs are unpredictable, and all dogs have the potential to get lost, or to become aggressive. There were no exceptions to this rule. So, there should be no exceptions to microchipping.

7.25 Respondents pointed out that many dogs change their designation throughout their life course. In particular working dogs of all kinds often became pets in later life. Therefore it was thought to be appropriate that they should be microchipped from the start.

Suggestions for exemptions

7.26 In addition to the groups already mentioned as generally meriting exemption from compulsory microchipping (dogs whose health might be compromised by microchipping, rehoming sanctuaries), exemption for all other groups mentioned in Question 18 as well as for some additional groups attracted very limited support. The category mentioned most frequently (but even this was by only a few dozen respondents) was ‘working dogs’. Other groups mentioned occasionally included guide dogs; dogs bred to be hunting dogs; police dogs; armed forces dogs; those dogs involved in undertaking work in relation to national security; emergency service dogs; sheep dogs; dogs not in contact with the public; dogs not expected to be rehomed; dogs undergoing behaviour therapy.

7.27 It was also suggested that there could be exemptions “if and only if alternative controls were in place”. Another view was that provision for exemption would be required for “temporary custodians” (such as rescue centres or dog fosterers) which have responsibility for the dog for only a short period of time).

7.28 A few respondents focused on exemptions that related to the information which would be recorded on the chip. In particular it was thought that some specific types of working dogs (for example, police dogs and dogs belonging to Army, etc.) should have the details on the chip anonymised.

Q19 Which option for introducing compulsory microchipping do you support?

7.29 Question 19 asked respondents for their views about which option for introducing any requirement for compulsory microchipping would work best, or whether respondents had an alternative option to suggest. Respondents were given the option to tick “Status quo”, “All puppies born after a certain date”, “All dogs microchipped on transfer of ownership”, “Two-phase approach over 2 years”, “Microchipping of all dogs within one year of legislation coming into effect” or “Other”. A space was provided for further comments.

7.30 The response options offered in Question 19 were not mutually exclusive (for example, it would be possible to combine the option of “all puppies born after a certain date” with a requirement for “all dogs to be microchipped on transfer of ownership”; the 2-phase approach could also subsume other options). Some respondents explicitly indicated in their responses that some combination of the options offered was preferred, and a new code (“Combination”) was therefore created for these respondents. A few respondents also provided information about which option they thought would be second best, if their first choice was not selected.

7.31 Altogether 1,449 respondents replied to the first part of Question 19. As can be seen from Table 7.3, the most popular option was to introduce compulsory microchipping within one year of the legislation coming into effect, which was selected by half (51%) of respondents. About one in six respondents (16%) selected “all puppies born after a specific date”, one in seven (14%) selected “two-phase approach over two years” and one in 12 (8%) the “status quo”. Other options were selected by fewer than 1 in 25 respondents.

Table 7.3: Question 19: Which of the suggested options for compulsory microchipping do you believe would work best?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Status quo	9	9%	114	8%	123	8%
All puppies born after a specific date	9	9%	216	16%	225	16%
On transfer of ownership	3	3%	53	4%	56	3%
Two-phase approach over 2 yrs	15	16%	188	14%	203	14%
Within one year of legislation	49	51%	689	51%	738	51%
Combination	7	7%	51	4%	58	4%
Other	4	4%	42	3%	46	3%
Total	96	100%	1,353	100%	1,449	100%

Percentages do not total 100% due to rounding.

- 7.32 The distribution of responses offered by enforcement agencies, and by rescue organisations differed from those offered by other groups. As far as enforcement agencies were concerned, just over a third (35%) selected the two-phase approach over two years, whilst another third (30%) selected the option to introduce compulsory microchipping within one year of the legislation coming into effect. By contrast, two-thirds (66%) of rescue organisations selected the option of introducing compulsory microchipping within one year with smaller numbers of this group choosing other options.
- 7.33 Altogether, a total of 499 respondents made additional comments at this question. The reasons for selecting one option rather than another were fairly straightforward and were mainly made on practical grounds. As would be expected, those selecting the “status quo” option, were those who were not in favour of compulsory microchipping and saw no reason for it to be introduced. These respondents reiterated their reasons for being against the introduction of compulsory microchipping (see paragraphs 7.5 and 7.12 – 7.14 above).
- 7.34 Those who preferred the option of “all puppies born after a specific date should be microchipped” thought this was the most feasible option. It was thought to be a proportionate and pragmatic approach, which would be helpful in deterring “back street breeders”. It was also thought to deal with issues relating to the potential unfairness of any costs involved as it would apply to new owners only, who would know in advance of the requirement to microchip; in addition, breeders could pass on costs to new owners or could withdraw from breeding altogether if they were against the measure. Respondents thought this option was clear and transparent, that it was the most logical place to start, and that it was the easiest of all the options to enforce. Respondents who supported this option did, however, acknowledge that adopting this approach would mean that it would take decades before all dogs were covered.
- 7.35 Only a few respondents chose the option of “all dogs microchipped on transfer of ownership”. Many of those who provided comments elaborating this response, indicated that they were thinking about “transfer of ownership” in relation to puppies only. Respondents talked about the importance of chipping all dogs before sale, and of the appropriateness of introducing legislation which placed the responsibility for microchipping upon breeders. Very few comments were made about transfer of older dogs, other than a requirement to chip upon transfer of ownership would give a firm message about the compulsory nature of microchipping. Respondents who supported this approach acknowledged this option might be slow in achieving universal coverage, but speculated that it was likely to be more successful than other alternatives.
- 7.36 The two-phase approach was described in the consultation document as requiring all puppies to be microchipped on transfer of ownership in year one, moving to microchipping of all dogs by the end of year two of the legislation coming into force. Respondents who supported this option thought that it could run in conjunction with the option described above in relation to microchipping all puppies after a specific date. This group mainly focused on the benefits of giving people more time to adjust to the proposed change. While some respondents explicitly stated that they would prefer

a quicker implementation, those who chose this option felt that two years was a realistic timetable for introducing compulsory microchipping, and thought there were benefits to introducing change at a modest pace. Thus it was thought that this option represented the best balance between realising the benefits of compulsory microchipping, and also giving people enough time to respond.

- 7.37 Respondents also supported what they saw as a logical sequence which started with breeders, moved to transfers, and finally covered all dogs. However, some ‘tweaks’ to the sequencing were suggested: for example, to start with those dogs already registered with a vet and / or those in sanctuaries. Some respondents also highlighted the benefits of incentivising the process with a “grace period” where microchipping could be undertaken free of charge. It was pointed out that enforcement of the “puppy aspect” at the end of Year 2 would be challenging because of the difficulty of providing a definitive age for the dog.
- 7.38 “Microchipping of all dogs within one year of legislation coming into effect” was the most favoured option. Many respondents who selected this option made clear in their comments that they would welcome an even speedier introduction (3 months and 6 months were both mentioned) if at all possible. There was strong support for the immediate introduction of microchipping of puppies (although guidance on the minimum age for microchipping of puppies would be required in advance of this), and to a lesser degree, immediate microchipping on transfer of other dogs. However, other respondents confirmed that a year was a reasonable timeframe, and that this gave everyone – including those on low incomes for whom the expense would be relevant – sufficient opportunity to comply, especially as most dogs already go to a vet on an annual basis. A time limit was thought to be important in order for the legislation to be effective; without this it could take decades to implement. The legislative certainty of this option was highlighted as a positive factor.
- 7.39 Those who either directly (by identifying it themselves) or indirectly (by providing comments which allowed the research team to identify it on their behalf) chose a “combination” of options most often identified “all puppies born after a specific date” alongside one of the other more general options (two-phase approach over 2 years; or microchipping of all dogs within one year of legislation taking effect).
- 7.40 Other comments were not directly related to the question of which option was preferred, rather they were comments about respondents’ views about compulsory microchipping (for example, that compulsory microchipping would not deter attacks, or that enforcement would be expensive and / or impossible). These comments have been discussed elsewhere and so are not repeated here.

8. OTHER POSSIBLE MEASURES TO PROMOTE RESPONSIBLE DOG OWNERSHIP

- 8.1 This chapter reports on the analysis of responses to questions relating to three other possible measures to promote responsible dog ownership: the reintroduction of dog licensing; the muzzling of all dogs in public; and the Dog Fouling (Scotland) Act 2003. The consultation document included the following questions:

Question 20: Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs? Do you have views on how such a dog licensing scheme might operate?

Question 21: Do you think muzzling of dogs while in public should be introduced?

Question 22. The Dog Fouling (Scotland) Act 2003 gives local authorities the powers to deal with dog mess.

- a. Are you aware that local authorities have these powers? [Yes / No / Don't know]
- b. Do you think they are being used effectively in your area? [Yes / No / Don't know]
- c. Is there more you think can be done to address this issue effectively? [Yes / No / Don't know]

- 8.2 Note that Questions 20 and 21 both took the form of a yes / no question; however, there was no tick-box provided in the consultation response form for these two questions. Yes / no responses have been imputed on the basis of an analysis of the respondents' comments. If it was not clear whether the respondent agreed or disagreed with the proposal, their response was coded as "unclear". The figures shown in Tables 8.1 and 8.2 below are therefore based on these imputed responses.

Q20 Dog licensing

- 8.3 Question 20 asked respondents whether they thought a system of dog licensing could help encourage responsible dog ownership and help make communities safer from dangerous and out of control dogs. As explained above, although there was no tick-box provided, a yes / no response was imputed based on the comments made. Respondents were also asked in this question if they had views on how such a dog licensing scheme might operate. It is important to note that while the question sought views on whether dog licensing could encourage responsible dog ownership and help protect communities, many (perhaps most) of the respondents responded in terms which indicated that they were actually answering in relation to whether or not they supported the introduction of dog licensing. Thus the meaning which attaches to the imputed responses and to the quantitative analysis, is not completely clear, and the information given below should be considered in this context.
- 8.4 Altogether, 721 respondents made a comment at Question 20. This is a smaller number of comments than for all other substantive questions (which typically received between 1,400 and 1,500 responses). As previously noted in paragraph 2.4, the question on licensing had been omitted in error from the original version of the consultation questionnaire. When the corrected questionnaire was issued in early January, everyone who had already responded to the original questionnaire was

contacted directly and invited to reply to the new question on licensing. About 10% of those who were contacted responded to this follow up email. (This compares to 88% of those who responded to the question on the corrected version of the questionnaire.)

- 8.5 As can be seen in Table 8.1 below, a response of “yes” was imputed for 32% of respondents, “no” for 46% of respondents and “unclear” for 22% of respondents.

Table 8.1: Question 20 – Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	27	31%	201	32%	228	32%
No	35	40%	297	47%	332	46%
Unclear	25	29%	136	21%	161	22%
Total	87	100%	634	100%	721	100%

Percentages do not total 100% due to rounding.

- 8.6 The proportion whose imputed answer was “yes” was substantially higher for community respondents (50% compared to 32% overall) whilst the proportion answering “no” was lower for both the community respondents and for enforcement agencies (19% and 32% respectively, compared to 46% overall).
- 8.7 There was a large degree of overlap in the comments raised by respondents allocated to each of the three groups. The same issues were raised in a positive way, in a negative way, and in an ambivalent way by respondents. Many of those who said “yes” went on to qualify their support in some way.
- 8.8 In addition, the Scotland for Animals campaign response, submitted by 736 respondents, provided a comment on the topic of licensing. The campaign response stated that:

“Mandatory licensing [should] be introduced as part of procedures to ensure appropriate qualification for animal ownership.” (Scotland for Animals campaign response)

- 8.9 Again, this statement did not address the actual question asked at Question 20 of the consultation questionnaire. However, it is a clear endorsement of a system of licensing. If these 736 responses are added to the number of non-campaign respondents in favour of licensing, the overall support for licensing increases to about two-thirds (66%) of all respondents.

Arguments in favour of a system of dog licensing

- 8.10 The main argument made in favour of a system of dog licensing focused on the premise of the question; namely that licensing would encourage responsible dog

ownership. Respondents who made this point argued that the licence should not have been scrapped in 1987. Respondents thought the time and costs involved for obtaining a licence might reduce the “impulse purchase” of dogs and make some people “think twice” before going ahead. The quotes below illustrate these points:

“OneKind believes that a dog licensing scheme could provide an appropriate means of encouraging responsible dog ownership, not only with reference to dog control, but also dog welfare.” (OneKind)

“I would agree with the statement. A new scheme should operate similar to the pre-1987 arrangement except that it should be self-financing, i.e. at no cost to general or local taxation.” (Individual respondent)

“Licensing would also act as a barrier to those who see a dog as an “impulse purchase”, and help to underline the commitment required to own a dog for its lifespan.” (Individual respondent)

8.11 Respondents also expressed support for the licensing of breeders, and of dog walkers – as well as for the general population of dog owners. Respondents mentioned other countries (particularly Switzerland) where licensing schemes were thought to work well.

“There is an impressive system in place in Switzerland where the owner has to undergo training with and without the dog prior to being licensed.” (Aberdeenshire Council)

“Serious consideration should be given to dog ownership licensing including investigating other models where this has been implemented successfully (i.e. Switzerland – since bringing in dog licensing have seen decrease in the number of irresponsible dog owners – although it is recognised that there are cultural and economic differences).” (Renfrewshire Council)

8.12 Many of those who were in favour of licensing in principle offered qualifying comments. For example, that not everyone would participate, that enforcement would have to be properly resourced, that it should be owners – not dogs – who should be licensed, that any funds raised through licensing should be spent on enforcement and other welfare measures, and that certain categories (working dogs were mentioned) should be exempt. For example:

“Agree in principle with licensing but it is unlikely to impact on the behaviour of the less responsible owners.” (Stirling Council)

“I most certainly do but the funds raised MUST be ring fenced otherwise it is just another form of taxation!” (Individual respondent)

“Dog licensing, with exemptions for farm dogs, combined with compulsory microchipping would have the most impact but again there will be massive problems associated with enforcement and it is unlikely that all would comply.” (NFU Scotland)

8.13 Respondents often argued that licensing should not be seen in isolation but must be integrated with other measures. (See paragraph 8.14 and the analysis of Question 24 in Chapter 9 below for further details.)

“It might take ten years but a properly policed and resourced, integrated pet owner licensing and education scheme could eliminate puppy farming, put an end to irresponsible back room breeders, end the huge problem of too many unwanted and abandoned dogs and greatly reduce the incidence of dog attacks both within owner’s homes and out in the wider community.”
(Animal Concern Advice Line)

Arguments against a system of dog licensing

8.14 The key themes raised by those who were against a system of dog licensing were similar to the themes raised by respondents who offer a qualifying comment to a “yes” response. In particular:

- **Only responsible owners will adhere to a system of dog licensing.** Many respondents made the case that a licensing scheme would not be effective in promoting responsible dog ownership as it was only the responsible owners who would adhere to the system. Those that should be the target of the system – irresponsible owners – would be unaffected. In other words, irresponsible owners would not pay any attention to the requirement to license. It was therefore suggested that licensing would “penalise” responsible owners, acting as a “tax on dog ownership” and would do nothing to deter irresponsible owners.
- **Licensing was discontinued because it was ineffective.** There was considerable comment that the previous system of licensing was not effective, and only a minority of dog owners participated in it. Respondents wondered what had changed in the intervening years that would make a system effective now. The point was made that licensing does not ensure traceability. Moreover, respondents said that there was evidence that the current system of licensing in Northern Ireland had not been effective in reducing the number of strays; there was also said to be only one-third compliance with licensing in Northern Ireland. Another respondent also said the current licensing system in the Isle of Man was not effective.
- **Enforcement would be very expensive.** Respondents focused on the costs of enforcement and were not convinced that there would be sufficient resources available to police any system effectively. Without strong enforcement procedures in place, it was not clear that there was any benefit to a system of licensing such as promoting responsible dog ownership. Some respondents also argued that any benefits that might result from licensing could not be justified by the costs.
- **Licensing is not required if compulsory microchipping is introduced.** Some respondents thought that compulsory microchipping was preferable to licensing. Microchipping was seen as a simpler and more effective measure. It was thought that the information recorded on the microchip could cover all the relevant aspects and that licensing would not add anything. This was expressed as “if compulsory microchipping will provide all of the solutions claimed then licensing will not be necessary”. Thus, respondents thought that the introduction of licensing represented unnecessary duplication.

- **Licensing should be targeted and should apply to specific sectors / breeds only.** Some respondents thought that whilst there was no general requirement for licensing, it would be useful to introduce licensing for specific groups including: all breeders; specific breeds which were identified as being dangerous; and professional dog walkers. This point was often linked to a more general point about targeting irresponsible owners rather than having a blanket approach.
- **Licensing is not a substitute for education.** Some respondents thought that to focus on licensing was a “red herring”. The real, underlying issue was that dog owners required proper education and training in order to be responsible dog owners.
- **Licensing will not deter dog attacks.** Respondents did not think that there was a link between the introduction of licensing and the prevention of dog attacks.

8.15 Other points were made against dog licensing including that this was simply a money-making exercise, that it would discourage dog ownership (seen by this group of respondents as undesirable) and that it would be better to use other measures including higher insurance for dangerous dogs.

Practical arrangements for implementation

8.16 A number of issues were raised in relation to the part of the question which asked how any licensing system should operate. Many of these related to the level at which the costs should be set. Respondents were divided in their views with some emphasising that the costs should be kept as low as possible (a figure of £10 was mentioned) so as not to exclude anyone and that costs should be reduced for neutered dogs and / or for owners who had undertaken approved courses, whilst others thought the costs should be high in order to discourage casual ownership and to provide resources for enforcement and improving welfare. Some respondents felt that the costs should be higher for certain breeds.

*“The licence should be set at a level high enough to cover the cost of microchipping, third party insurance, dog wardens and scanners.”
(Individual respondent)*

“If we are to make microchipping law as in N.Ireland, (a good thing) but to then impose a yearly paid license on people will be viewed upon the government forcing yet another tax on singly a group of people in our communities. A small fee of no more of £5 may be acceptable but not £10 or more. And a discount should be given if you have two or more dogs in a household.” (K9 CHAT)

“The fees offset animal control costs, so problem animals (aggressive or overpopulated breeds) can have a higher fee” (Individual respondent)

8.17 Respondents thought that the enforcement of dog licensing should be undertaken by local authority inspectors, and that this service should be expanded using the money raised through licensing. It was also thought that the numbers of dog wardens should

be increased. These comments echoed the views that were expressed in relation to the enforcement of microchipping (see Chapter 5).

“All dog owners should have a licence and this would mean that dog wardens, police, SPCA and local authorities would be able to keep an eye on dogs and track them down better. Any money should be put into a scheme supporting dog wardens.” (Individual respondent)

8.18 Specific mention was made of other ‘models’ which could serve as a template for the introduction. These included: the National Entitlement Card and General Licences (cattle).

“I strongly believe that a licencing system is essential - the National Entitlement Card offers an existing method for recording ownership that shouldn't create an undue burden on government and shouldn't be expensive to implement.” (Individual respondent)

“If the Scottish Government is minded to introduce a dog (or rather, dog owner) licensing system, OneKind would recommend following the model of the General Licences currently provided for purposes such as the movement of cattle, activities affecting wild birds, and import / export trading.” (OneKind)

8.19 Finally, a key area raised in regard to implementation was the importance of developing an **integrated** set of measures which did not focus solely on licensing (or indeed licensing combined with microchipping). The other measures considered to be important included: training and education; dog parks; having dogs on leads in public places; ensuring that a numbered tag is worn on the collar; and the use of DNA profiling. See the discussion of Question 24 in Chapter 9 for more detail in relation to these other measures.

Specific issues relating to legislation

8.20 A number of respondents raised specific points about current legislation, and in particular proposals for amendments. These included: change access under the Land Reform Scotland Act (2003) to ban dogs from nature reserves; amend the Licensing of Animal Dealers (young kittens and young dogs) Scotland Regulations 2009 and / or Breeding of Dogs Act 1993 so that the sale and transfer of all dogs are documented and registered and to reduce the number of litters annually before a licence is required; ensure that the 2009 secondary legislation operates for dogs born prior to the legislation coming into force; revise the Dangerous Dogs Act to, for example, drop all reference to specific breeds.

Scotland for Animals campaign response

8.21 As highlighted in paragraphs 8.8 and 8.9 above, the Scotland for Animals (SfA) campaign response supported the introduction of mandatory licensing. A number of points in the SfA response have already been highlighted in the preceding analysis, namely that: fees should be nominal and discounts provided for neutered dogs; that the Licensing of Animal Dealers (young kittens and young dogs) Scotland Regulations

2009 should be amended as described in paragraph 8.20 above; that all dog sales should be licensed; that dogs must wear collar and tag with details of their registration at all times; that enforcement (and administration) costs should be met by the fees collected; and that enforcement should be carried out by local authority inspectors.

8.22 In addition, the SfA response made points relating to: the licensing of animal dealers and the retrospective application of legislation relating to animal dealers and the making of local authority duties mandatory. (See Annex 1 for the full SfA campaign text.)

Q21 Muzzling of all dogs in public

8.23 Question 21 asked respondents whether they thought the muzzling of all dogs while in public should be introduced. This was a yes / no question, but the consultation questionnaire did not provide a tick-box option to respondents. Instead respondents were invited to give comments on the question, and on the basis of these comments, if the respondent’s agreement or disagreement with the proposal could be inferred, a yes or no response was imputed. If the respondent’s agreement / disagreement could **not** be inferred, the response was categorised as “unclear”. These imputed responses are reported in Table 8.2 below.

8.24 Altogether, 1,574 respondents made a comment at Question 21, and in 2% of cases, it could be inferred that the respondent was in favour of muzzling all dogs in public, while in 96% it could be inferred that the respondent was opposed. Just 2% of responses were classed as unclear.

Table 8.2: Question 21 – Do you think muzzling of dogs while in public should be introduced?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	2	2%	37	3%	39	2%
No	101	96%	1,410	96%	1,511	96%
Unclear	2	2%	22	1%	24	2%
Total	105	100%	1,469	100%	1,574	100%

8.25 The Scotland for Animals campaign response (submitted by 736 respondents) also called for the muzzling of all dogs in public **not** to become mandatory. If these 736 responses were included in Table 8.2 above, the proportion of respondents opposed to compulsory muzzling of all dogs in public would rise to 97%.

8.26 Of the 1,574 respondents who made a comment, 310 (20%) said “No”, “Definitely not”, “Absolutely not”, or some combination of these three statements, and then made no other comment. By contrast, 11 respondents said “Yes” and made no other comment.

8.27 As the figures above suggest, respondents were very strongly opposed to the mandatory muzzling of all dogs in public. Indeed they often said explicitly that they were strongly opposed.

Reasons for supporting mandatory muzzling of all dogs in public

8.28 Around half of those who were in favour of muzzling all dogs in public were representatives of community groups; individuals who described themselves as “non-dog owners”, “citizens”, “parents” or “grandparents”; or who categorised themselves as “other” respondents in the Respondent Information Form.⁶ The points made by this group were that: muzzles (and leads) were the only measures that would prevent dog attacks in public places; compulsory muzzling would make streets and parks safer for children and restore confidence among members of the public; muzzling is commonplace in other countries; it should be strictly enforced; and it would be easy to do so (because of its visibility).

8.29 Some among this group thought that all dogs should be muzzled **unless** they were on a lead and “being held by someone stronger than the dog”. Others expressed some uncertainty about the proposal, saying that it “possibly” should be done, or that it “should be considered”. This group also thought that exemptions could be made for guide dogs and working dogs.

Reasons for objecting to mandatory muzzling

8.30 Those who were opposed to mandatory muzzling of all dogs described the proposal as “cruel”, “pointless”, “unnecessary”, “stupid”, “abhorrent”, “ridiculous”, “draconian” and “insane”. Some respondents said they would disobey any law that required them to muzzle their well-behaved dog. Respondents gave four main reasons for their strong opposition to the idea:

- **It would make little difference to the problem of dog attacks.** Respondents made the point that most dog attacks occur on private property in the dog’s own home.
- **It would compromise the dog’s welfare.** Respondents argued that a muzzle would prevent dogs from engaging in their natural behaviours; cause anxiety and distress in well-behaved dogs and, as a result, lead to an increase in bad behaviour; put a muzzled dog at the mercy of a dangerous dog running free (and there was a general view that irresponsible owners were likely to ignore the requirement to muzzle their dog); restrict the dog’s ability to pant, drink and accept food rewards; put the dog at risk of injury if it was running in woods and caught the muzzle on a branch; and prevent the dog from playing and exercising (as it would be unable to retrieve or socialise properly with other dogs). Some respondents, including the Dogs Trust, Blue Cross, and the National Dog Warden Association, specifically stated that a policy of muzzling all dogs in public would be a breach of the Animal Health and Welfare (Scotland) Act 2006, which makes provision for an

⁶ There was little information available about the other half of this group. Some described themselves as “dog owners” or “former dog owners”. Two individuals said they worked for local authorities. The two organisational respondents in favour of compulsory muzzling were from a dog rescue service and a training / agility organisation.

animal's needs including "its need to be able to exhibit normal behavioural patterns".

- **It is unnecessary.** Respondents repeatedly made the point that the vast majority of dogs are not dangerous and would never bite a person or attack another dog. Furthermore, existing legislation makes provision for the muzzling of known dangerous dogs.
- **It would simply reinforce the misconception** that some people have that all dogs are dangerous.

8.31 The following two reasons were also given, less often:

- **It would be impractical to muzzle certain dogs.** Examples included dogs with shorter snouts, very large dogs, and working dogs that require to use their mouths for retrieving or assisting their owners. It would also make it impossible for dogs to be trained in agility and flyball, to take part in dog shows, to participate in pet therapy schemes, and other similar beneficial activities.
- **Muzzling would create a "false sense of security"**. There was a view that a muzzle does not ultimately address an aggressive dog's need for training and proper control, and therefore could be counter-productive.

8.32 The following quotes illustrate these range of points:

"Scottish Kennel Club disagrees with the mandatory muzzling of dogs in public. As well as being unfair on the majority of dogs whose behaviour in public is exemplary Scottish Kennel Club believes that this would lead the general public to believe that all dogs are dangerous which is not the case. Scottish Kennel Club also believes that the current legislation, Control of Dogs (Scotland) Act 2010 gives the local authority the power to require dogs to undergo training, or even have to wear a muzzle, should their behaviour require it, therefore a blanket requirement is not necessary."
(Scottish Kennel Club)

"The Scottish SPCA would not support compulsory muzzling of all dogs in a public place, as this itself could lead to welfare problems, and does not allow a dog to express natural behaviours. A large number of the attacks by dogs that have happened in recent times have occurred in private and not public places. The Scottish SPCA supports the provisions of the Control of Dogs (Scotland) Act 2010 that allows Local Authorities to impose conditions such as muzzling a dog where there is reason to do so, this is entirely appropriate and proportionate." (Scottish SPCA)

"No, absolutely not. There would be massive welfare issues involved with this because of people without knowledge of how to use muzzles properly not being able to use them humanely.... When out with my dogs, I would much prefer to meet a dog whose owner can pull him or her towards them, than a loose dog wearing a muzzle who is still not under the control of the owner." (Individual respondent)

8.33 Respondents argued that only dangerous dogs should be required to be muzzled. They also pointed out that having “a dog on a lead in public places” (except in designated exercise areas) was sufficient to keep the dog under control.

8.34 Respondents considered that the education of dog owners and of children, and the proper training and socialisation of dogs, were the keys to promoting responsible dog ownership and ensuring public safety. Some respondents also advocated the promotion of the “yellow ribbon campaign” for “dogs that need space”.⁷

Q22 Dog Fouling (Scotland) Act 2003

8.35 Question 22 asked three yes / no questions about the Dog Fouling (Scotland) Act 2003, followed by a space for comments.

8.36 In total, 1,492 respondents answered Question 22a; 1,481 answered Question 22b; and 1,475 answered Question 22c. Nearly all (96%) of respondents indicated that they were aware that local authorities had powers to deal with dog mess. However, two-thirds of respondents (67%) thought that these powers were not being used effectively in their area, and two-thirds of respondents again (68%) believed that more could be done to address this issue effectively. See Tables 8.3, 8.4 and 8.5 below.

Table 8.3: Question 22a - Are you aware that local authorities have these powers?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	99	100%		1,327	95%		1,426	96%
No	–	0%		54	4%		54	4%
Don't know	–	0%		12	1%		12	1%
Total	99	100%		1,393	100%		1,492	100%

Percentages do not total 100% due to rounding.

Table 8.4: Question 22b - Do you think they are being used effectively in your area?

	Group / organisational respondents			Individual respondents			Total	
	n	%		n	%		n	%
Yes	27	28%		248	18%		275	19%
No	52	53%		938	68%		990	67%
Don't know	19	19%		1,997	14%		216	15%
Total	98	100%		1,383	100%		1,481	100%

Percentages do not total 100% due to rounding.

⁷ See <http://www.yellowdoguk.co.uk/>. This campaign makes use of yellow ribbons, bandanas, or vests to allow a dog owner to signal to members of the public or other dog walkers that their dog needs space, and should not be approached by people or other dogs. Some dogs may need space from other dogs (and people) for a wide variety of reasons: because the dog is ill, elderly, injured, in season, in training, nervous around other dogs, etc.

Table 8.5: Question 22c - Is there more you think can be done to address this issue effectively?

	Group / organisational respondents		Individual respondents		Total	
	n	%	n	%	n	%
Yes	76	76%	921	67%	997	68%
No	5	5%	142	10%	147	10%
Don't know	19	19%	312	23%	331	22%
Total	100	100%	1,375	100%	1,475	100%

- 8.37 There was little variation between different types of respondent in their answers to Questions 22a and 22c. However, in relation to Question 22b, there was a marked difference in the views of enforcement agencies as compared to other respondents – 71% of enforcement agencies said that local authorities were using their powers under the Dog Fouling (Scotland) Act 2003 effectively vs 19% of respondents overall.⁸
- 8.38 Altogether, 973 respondents made a comment at Question 22. Comments largely focused on the second and third of the three questions, with respondents describing their own experiences of dog fouling in their area, and making a range of suggestions about how to address the issue more effectively.
- 8.39 There were repeated comments among respondents that streets and public parks in their area were “disgusting” as a result of dog fouling. It was rare for respondents to state that dog fouling was not a problem in their area. The problem appeared to be as prevalent in rural areas (small towns, villages and farming areas) as in large towns and cities. The challenges of addressing the problem effectively were seen to be that: it is difficult to catch people in the act (dog fouling often happens “under cover of darkness” or outside normal working hours for council employees); “bagging and binning” requires a sense of social responsibility that some people simply do not have; successful prosecution requires corroborative or photographic evidence; and it is difficult to report dog owners who do not pick up after their pets when “you don’t know where they live”. The common practice by some dog walkers of bagging their dog’s mess and then leaving the bag on the ground, or hanging in bushes, was particularly singled out as a source of frustration.
- 8.40 While some respondents thought that the problem was impossible to enforce effectively, most clearly wanted their councils to do more. One local authority respondent reported that a public consultation had identified tackling dog fouling as among the highest priorities for action within their area.

⁸ In Table 8.4, 17 of the 27 organisational respondents who said “yes” were enforcement agencies. These 17 agencies comprised 71% of the total 24 enforcement agencies who answered Question 22b.

8.41 Some respondents, including the National Farmers Union of Scotland and the Scottish Kennel Club, noted that the current Dog Fouling (Scotland) Act 2003 specifically states that the law does not apply to agricultural land. These respondents highlighted the significant dangers to livestock which can result from parasites in dog faeces, and they called for the legislation to be amended to make it an offence to not clean up after a dog that fouls on agricultural land.

“It is a real concern to NFUS that agricultural land is exempt from the Dog Fouling (Scotland) Act. Its specific exemption sends a message to dog owners that it is ok to allow their dogs to foul on agricultural land. In reality dog fouling on agricultural is responsible for increased cases of Neosporosis and Sarcocystis in livestock. Neosporosis is now considered to be the most significant cause of abortion in cattle on UK farms and Sarcocystis is a serious disease causing death in livestock and can be zoonotic. All agricultural land should be included in the Dog Fouling legislation as dog fouling is a livestock health issue on grazing land and a potential human health risk on field fruit and vegetables.” (NFU Scotland)

Respondents’ suggestions for addressing the problem of dog fouling

8.42 Respondents made a wide range of suggestions about how to more effectively address the problem of dog fouling. The four mentioned most often were to:

- **Undertake better enforcement:** Better enforcement was generally seen to involve more dog wardens actively patrolling the area, and fining people who allowed their dogs to foul in public places. Respondents repeatedly said that they had never seen a dog warden in their area, nor had they ever heard of anyone being fined for allowing their dog to foul. There was a perception that current legislation is not enforced, and some respondents thought that this situation should be redressed before any new legislation was introduced. Respondents wanted to see dog wardens out actively patrolling dog walking areas, or targeting known “hot spots”. There were suggestions that wardens should be “undercover” – not wearing a high visibility jacket displaying their local authority insignia. Other suggestions included: CCTV installed in dog walking areas; training community volunteer wardens; giving members of the public the ability to report dog fouling anonymously; giving dog wardens access to the DVLA (car licensing) database so that they can more easily trace dog owners through their vehicles; and outsourcing enforcement to commercial companies (as many local authorities have done in relation to parking enforcement). Local authority respondents highlighted that many local authorities had tried numerous methods over a number of years to address the problem of dog fouling. However, these efforts were reported to be extremely resource intensive.
- **Increase penalties:** There were numerous calls for higher fines for dog fouling (suggestions ranged from £50 to £1000); for offenders to be sentenced to community service requiring them to pick up litter and dog excrement; for removing dogs from repeat offenders; for making it offence to be walking a dog in public without the means to pick up after it; and for the public “naming and shaming” of repeat offenders. Respondents argued that increased income from fines would ultimately pay for more dog wardens on the street. However, one local authority

respondent noted that it can be financially prohibitive for local authorities to pursue non-payment of fixed penalty notices. It was suggested by some local authority respondents that reclassifying dog fouling as a criminal offence (equivalent to anti-social behaviour) and involving the police in helping to enforce the law would encourage irresponsible dog owners to take the problem more seriously.

- **Improve education and public awareness:** Respondents thought more could be done to educate children in schools about the responsibility of dog ownership, and to educate dog owners about the need to pay attention to their dogs when the dog is off lead. There were also suggestions that there should be compulsory classes for all dog owners; more media campaigns; and clearer guidance about where dogs are, and are not, allowed to be exercised. Respondents wanted local councils to facilitate and support dog owner education through the lease of council-owned facilities for dog training classes. Some respondents highlighted the public health hazards of uncollected dog waste (to children and the users of public parks / playing fields) and the hazards to livestock, and thought that awareness of these hazards needed to be better communicated to dog owners, both in towns and rural areas. There was also a suggestion that the “stick and flick” approach could be better promoted in rural and wooded areas to help avoid the unsightly abandonment of plastic poo bags.⁹ Some respondents called for more signs and notices on lamp posts and in parks; however, others thought this was a waste of money since better signage “would not make irresponsible owners pick up”.
- **Provide more dog bins – and empty bins more frequently.** Respondents frequently reported that dog bins were not available where they were needed. Indeed, in some areas, councils had removed dog bins as part of a cost-cutting exercise. The point was often made that people will be much less likely to bag their dog’s mess if they have to walk for a long distance carrying the bag. Where bins **were** available, they were reported to be often overflowing – thus resulting in bags littering the ground below the bin.

8.43 Three other suggestions, made less often, were to:

- **Provide free poo bags:** Respondents thought that more could be done to make it easy for people to pick up their dog’s mess. Providing free bags at a variety of public locations (in local shops and veterinary surgeries, as well as in parks and other dog walking areas) was seen to be one way of doing this.
- **Provide dedicated dog parks:** While a few respondents called for dogs to be banned from certain public areas, such as play parks and school grounds, others advocated the provision of dedicated dog parks – fenced in areas where dogs could be exercised and allowed to run free, where children and other members of the public would not be at risk of coming in contact with dog faeces.
- **Carry out DNA profiling.** Respondents who advocated DNA profiling believed that it was the **only** way of effectively enforcing current legislation regarding dog fouling.

⁹ “Stick and flick” is being promoted by a number of woodland agencies as a solution to the problem of dog fouling on forest paths.

Some suggested that laboratory testing of dog faeces could be paid for through the reintroduction of dog licensing if the licence fee were set at “a sensible level”.

- 8.44 A few respondents called for all dogs to be on a lead in public places, since this would make it harder for owners to “not notice” when their dog is fouling. Others suggested greater regulation of professional dog walkers, which they considered to be among “the worst offenders” as they are unable to pick up after multiple dogs which are all off-lead.
- 8.45 A small number of respondents also highlighted the positive impacts of the Green Dog Walker Scheme which has been rolled out in some local authority areas (Midlothian and Falkirk were specifically named).¹⁰

¹⁰ The Green Dog Walker scheme is a campaign to encourage volunteers to wear an armband (or their dogs wear the green GDW collar) to show they have “taken the pledge” to always: clean up after their dog; carry extra dog waste bags; be happy to be approached to ‘lend’ a dog waste bag to those without; and be a friendly reminder to other dog walkers to clean up after their dogs.

9. RESPONDENTS' OTHER COMMENTS

- 9.1 This chapter presents the findings from the last four questions in the consultation. These focused on respondents' other comments – about the possible introduction of compulsory microchipping, about how to promote responsible dog ownership, and about the consultation process itself.

Question 23: Do you have any other comments on the possible introduction of compulsory microchipping for dogs in Scotland?

Question 24: Do you have any other comments on the promotion of responsible dog ownership in Scotland to help improve the safety of our communities from dangerous and out of control dogs?

Question 25: Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?

Question 26: Do you consider that you had sufficient time to respond to the consultation?

Question 27: Do you have any other comments on the way this consultation has been conducted?

Q23 Other comments on the introduction of compulsory microchipping

- 9.2 Question 23 asked respondents if they had any other comments on the possible introduction of compulsory microchipping for dogs. This was an open question with no associated tick-box question.
- 9.3 In total, there were 472 comments made at Question 23. In about two-thirds of these, respondents simply reiterated their support, or lack of support, for compulsory microchipping. As many of the same points were made in response to Question 17 (above), they are not repeated here, except to say that the issue of enforcement was a very common theme.
- 9.4 Respondents emphasised the importance of enforcement to the effectiveness of the policy, but at the same time highlighted the difficulties and likely significant costs of enforcement. In particular, organisational respondents involved in enforcement pointed out that local authorities and other enforcement bodies are unlikely to take on this additional responsibility without increased funding. It is perhaps also worth noting that rescue and rehoming organisations appeared to be divided in relation to their support for the policy.
- 9.5 There were suggestions that the Scottish Government should learn from the experiences of other European countries that have implemented a policy of compulsory microchipping for dogs.
- 9.6 There was also a plea from Guide Dogs Scotland that any potential legislation is drafted in such a way so as to avoid unintended negative consequences on their breeding and training programmes. Further detailed discussions are likely to be required with this and other similar organisations that train and support working dogs.

Q24 Other comments on the promotion of responsible dog ownership

- 9.7 Question 24 asked respondents if they had any other comments on the promotion of responsible dog ownership in Scotland to help improve the safety of communities from

dangerous and out of control dogs. Again, this was an open question that invited comments, with no associated tick-box question.

9.8 Altogether 915 respondents made comments at Question 24. In addition, 569 respondents made comments at Question 20 in the original on-line response form.¹¹ These latter comments were analysed along with the responses to Question 24.

9.9 Respondents' suggestions covered five main themes.

Educate dog owners, children and the public

9.10 Respondents repeatedly stated that, in relation to promoting responsible dog ownership, education was the key. Respondents suggested that many perceived problems with dogs are due “entirely to the ignorance of their owners” – not only about what the law requires of them but also about how to train their dog.

9.11 The focus on education (and training) was a theme that arose repeatedly throughout the questionnaire. There was no specific question covering education (and training), but respondents made comments on this topic in every substantive question as well as at Question 24. Overall, almost half of all organisational respondents, and approximately one-third of individual respondents raised this issue in their responses at some point.

9.12 A wide range of suggestions were made about how to improve education of dog owners, children and non-dog-owning public, including:

- Compulsory dog ownership classes (including subsidised classes for those who cannot afford them) and tests for all dog owners (about their legal duties, how to understand dog body language, etc.)
- Breed-specific education for owners of particular types of dogs
- A TV series giving practical demonstrations of dog training
- Improved access to local authority facilities for dog training classes
- Increased support for public events run by charities, vets and local authorities (e.g. “Bark in the Park”)
- A “basic dog ownership guide” to be given to everyone who has a pet microchipped
- More education of children and young people in schools about how to behave around a dog and how to care for a dog
- Public awareness of what it means to be a responsible dog owner
- Publication (and maintenance) of a list of approved dog trainers in each local area.

9.13 There were also numerous calls for better regulation of trainers and behaviourists. Respondents with professional qualifications and respondents representing animal rescue / welfare centres, in particular, frequently commented that there are too many “inexperienced trainers promoting silly ideas” that cause behavioural problems in

¹¹ Question 20 in the original on-line response form read as: “What other measures do you think might help promote responsible dog ownership?” This question was dropped from the consultation questionnaire and on-line response form when it was amended on 10 January as it was almost identical to Question 24. See paragraph 2.4 above.

dogs. Others suggested that many current trainers are teaching outdated methods. Respondents wanted to see formal accreditation of dog trainers and behaviourists, and recommendations of only those who are government approved.

Better enforcement

9.14 There was a general view among respondents that much more needs to be done to enforce current legislation, and there was a call for more resources to be allocated to this. Respondents often claimed that neither the police nor local authorities took seriously complaints made by members of the public about dog nuisance. Some advocated more of a “joined up approach” from the police, local authorities, social services, housing officers, education and other relevant bodies.

9.15 Respondents involved in enforcement commented that the resource implications of the Control of Dogs Act had not been considered before the Act came into force, and that the enforcement of the Act and monitoring of DCNs were both very resource intensive. Concerns were expressed about the substantial variation in the number of DCNs issued across different local authority areas in Scotland since the implementation of the Act, and there were calls to examine the reasons for these variations before passing additional legislation which may also not be effectively enforced.

Undertake a thorough review of existing legislation

9.16 There was general agreement among respondents that there were issues in the existing dog laws which should be addressed before new legislation was introduced. Some called upon the Scottish Government not to rush through ineffective legislation, but to develop laws that are fit for purpose (and to let the rest of the UK follow Scotland’s lead).

9.17 Respondents generally saw the Control of Dogs (Scotland) Act 2010 as superior to the UK Dangerous Dogs Act, and there was a prevalent view that “breed-specific” legislation had been shown “not to work”. However, there was also a group of respondents who believed it **was** appropriate to acknowledge the fact that some breeds have characteristics (including their size and strength) which makes them more dangerous than other breeds. Some among this latter group felt that the list of “dangerous dogs” should be updated.

9.18 Apart from suggested amendments to the Dangerous Dogs Act to drop any mention of specific breeds – which some thought simply made those breeds more attractive to “the wrong kinds of people” – there were also suggestions (including from respondents involved in enforcement) that:

- The legislation needs to be amended to make enforcement easier. There were reports that the police generally do not enforce the Dangerous Dogs Act unless someone has been attacked. This means that concerns reported by neighbours and members of communities are frequently not acted upon.
- There needs to be clarity around the test for “reasonable apprehension” in cases prosecuted under the Act.
- There should be provision for formal notification powers under this Act.

- There needs to be an “alignment of powers” to enable dangerous dogs to be removed from communities more quickly. Current processes were described as “lengthy” and dependent in some cases on the successful criminal conviction of the owner.

9.19 Amendments and improvements were also suggested in relation to the Control of Dogs Act. For example:

- Existing guidelines need to clarify the respective roles and responsibilities of local authorities and the police in enforcing the Act.
- Police responsibilities for dealing with stray dogs out of hours also need to be clarified. There were reports that the police do not act in relation to stray dogs because of the cost of kennelling and because they do not see it as a priority.
- The Act should be amended to make it an offence not to provide information to an enforcement officer when requested.
- Provision should be made to increase the awareness within local neighbourhoods and communities of the conditions of a particular Dog Control Notice (DCN), and to enable communities to become involved in the monitoring of these notices.
- An amendment may be needed to allow the police to issue a DCN when a prosecution fails to proceed under the Dangerous Dogs Act.

9.20 In addition to their comments about current legislation, respondents also wanted to see any **new** legislation address the regulation of commercial dog walkers, trainers and behaviourists. Respondents also wanted heavier penalties for individuals or organisations found guilty of abuse or neglecting animals.

Tackle the indiscriminate breeding of dogs

9.21 The indiscriminate breeding of dogs was seen to be at the root of irresponsible dog ownership. Respondents repeatedly called for this issue to be tackled, and argued that until it was tackled effectively, irresponsible dog ownership would continue. Suggestions included: putting more resources into neutering schemes and giving incentives to people to get their dog neutered / spayed; requiring breeders to register every dog they breed and to be held responsible for those dogs for their lifetime; allowing only registered breeders to breed dogs; requiring housing associations to enforce a ban on the breeding of dogs in social rented properties; tackling puppy farming and educating the general public not to buy a dog from a puppy farmer; and banning the sale of puppies on social networking and free ad websites.

Require all dogs to be on a lead in public places and provide designated dog exercise areas

9.22 A very strong theme in the comments, particularly among some community respondents and dog rescue services, was that all dogs should be required to be walked on a lead in public places (including along public pavements). This was also a strong theme among respondents who identified themselves as dog owners, including some who had experience of their own on-lead dog being attacked by off-lead dogs.

9.23 However, respondents also highlighted the importance of exercise for dogs, and this requires dogs to be able to run off-lead. In relation to this, there were calls for local authorities to provide fenced areas where dogs can be exercised separately from children and other park or green space users.

Other suggestions

9.24 Other suggestions, mentioned less often, included:

- **Professional dog walking businesses should be regulated.** Respondents wanted better monitoring and regulation of dog walking businesses, and they wanted assurance that these businesses had public liability insurance and were submitting tax returns. The point was made that if there is an incident with a dog being walked by a dog walker, current legislation would result in the owner, not the dog walker, receiving a Dog Control Notice. This anomaly needs to be addressed.
- **Ban certain people from owning dogs.** Different respondents suggested that certain people should not be permitted to own a dog, including: convicted criminals; drug users / people on methadone; and those who have a previous conviction for abuse or neglect of a dog, or who have been convicted of keeping a dangerous or out of control dog. Respondents also thought that first-time dog owners should not be permitted to own certain breeds of dogs, and that no one living in a flat without access to a private garden and no one under age 21 should be allowed to own a dog.
- **Rehoming centres should take more responsibility for rehomed dogs.** While respondents highlighted the good work being done by many rehoming services, some thought that not all rehoming services took enough responsibility and care in matching up rescued dogs with their new owners. Occasionally, respondents suggested that only well-behaved dogs should be released back to new owners from rehoming centres, while those with significant behavioural problems should be put down.
- **Compulsory third-party insurance.** The point was also made that if all dog owners were required to have third-party insurance, insurance costs would soon lead to less demand for dangerous dogs.

Scotland for Animals campaign response

9.25 The Scotland for Animals campaign response included other suggestions for promoting responsible dog ownership. Many of these echoed the suggestions described above regarding amendments / improvements to current legislation: (i) agreement to be made involving police, procurators fiscal and sheriffs to deal with any incidents through the Control of Dogs (Scotland) Act 2010 and not the Dangerous Dogs Act 1991; (ii) this with a view to removing the Dangerous Dogs Act 1991 from statute completely; and (iii) no reference to be made to breed or characteristics in any legislation.

9.26 The campaign response also highlighted the need for dogs to wear a collar and tag with details of the dog and registration number at all times when in a public place; and mandatory basic training to be required for prospective dog owners.

Q25 Did the consultation paper explain the key issues sufficiently?

- 9.27 Question 25 of the consultation questionnaire asked whether the consultation paper explained the key issues sufficiently. Altogether, 954 respondents provided a comment at Question 25. In all, 723 of the responses contained either the single word “yes” or some other variant of “yes” (“yes it did”, “yes it was clear and precise”, etc.). while 37 responses contained the single word “no” or a variant of “no”. A further 21 responses used terms such as “adequate” or “ok” or “fairly well”.
- 9.28 The remaining 173 responses contained comments of a more substantive nature. Respondents made comments not only about the consultation paper (as asked in Question 25) but also about the consultation process, and about the coverage and balance of the consultation questionnaire.
- 9.29 Fifty-two respondents provided comments in which they enumerated topics or areas which they thought had been omitted, or where coverage should have been more detailed. Suggestions for additional topics, or for more detail (or questions) on some of the topics covered, included:
- More detailed statistics and information on aggressive breeds, numbers and types of attacks, numbers of strays and abandonments, Dog Control Notices, etc. (11)
 - More discussion / details / questions on muzzling (10)
 - More discussion / details / questions on other measures (e.g. compulsory insurance, control of dogs in public places, neutering, regulation of private breeders, etc.) (6)
 - More discussion / details / questions on licensing (3)
 - More discussion of evidence on comparable schemes both in the UK and elsewhere (3).
- 9.30 Fourteen respondents said there was too much emphasis within the consultation on microchipping, which they did not believe was the main issue in relation to responsible dog ownership. Linked to this, six respondents said that no rationale was offered in the consultation paper which linked compulsory microchipping with impacts on dog attacks.
- 9.31 Fourteen respondents described the questionnaire or consultation as “biased”, “one-sided” and “leading” and questioned whether the decision to introduce compulsory microchipping had already been made.
- 9.32 Seven respondents made comments about the “framing” of the consultation and said that the consultation focused too much on the “problem” of dogs rather than the problem of irresponsible dog owners. These respondents thought that the consultation revealed an antipathy towards dogs and dog ownership. A further seven respondents thought that the proposals were “ill thought out” or showed a “lack of understanding” of the issues.
- 9.33 Nineteen respondents commented that they either hadn’t been able to find the consultation document (2) or hadn’t read it (17). Five respondents said the document was too brief or too narrow, while four respondents said it was too long, too repetitive

or too complex. Finally, 12 respondents took the opportunity to reiterate their views on some aspect of the consultation.

Q26 Did you have sufficient time to respond to the consultation?

9.34 Question 26 of the consultation questionnaire asked whether respondents considered that they had sufficient time to respond to the consultation. Altogether, 978 respondents provided a response to Question 26. In all, 824 of the responses contained either the single word “yes” or some other variant of “yes” (“plenty of time to respond”, “ample”, etc.) while 44 responses contained the single word “no” or a variant of “no”. Six responses were unclear (“yesno”, “n/a”, etc.).

9.35 The remaining 104 responses all focused on some aspect of the (lack of) publicity for the consultation. Respondents belonged to one of two groups. The first group (69) of respondents explained that if it had not been for a personal contact, or some chance encounter, or because of something they read on Facebook or some other social media site, or due to some other network that they belonged to (some but not all of which related to their interest in dogs), they would not have been aware of the consultation. These respondents particularly highlighted the perceived lack of publicity or advertising for the general public. In general these respondents thought the length of the consultation period was adequate; however the time to respond might have been limited if they had not been alerted to the consultation early on.

9.36 The second group (35) respondents made the same point about the perceived lack of publicity but highlighted that they themselves had found out about it in good time, although they were concerned that others might not have.

9.37 Three respondents commented rather more negatively. Two respondents suggested that the lack of publicity and the launch of the consultation over the Christmas and New Year had been selected deliberately to minimise response, while the third thought “it was launched with no publicity in an obvious attempt to slide it in”.

9.38 A few other comments made at this question referred to issues not relating to the time available for the consultation. These have been included in the analysis of Question 27 below.

Q27 Any other comments on the conduct of the consultation?

9.39 Question 27 of the consultation questionnaire asked for any other comments on the way the consultation was conducted. Altogether, 764 respondents provided a response to Question 27. About half of these responses (386) were either the single word “no” or indicated the respondent was fully content with the consultation process.

9.40 The remaining 378 respondents provided comments of a more substantive nature. Five key themes were raised by respondents as described below.

- The first key theme, which was raised by 175 respondents, was that **the consultation had not been advertised widely enough**. These comments echoed the comments already reported on in relation to Question 26 above. Of this group, around 20 respondents made some pejorative statement about the lack of advertising for example that the consultation exercise was “clandestine” or

“secretive”, or “underhand” or “slipped in under the radar”. These latter comments were often raised in relation to compulsory muzzling, which these respondents felt had been “tagged on”.

- The second key theme, which was raised by 46 respondents, was that **accessing and completing the online form was not easy**. Respondents raised a number of points under this heading including that:
 - Older people do not have internet access
 - The form had to be completed in one sitting – there was no save or review function
 - In some cases respondents wished to tick more than one box and this was not possible
 - The design was awkward with the respondent required to delete / move text
 - The form was complex, and took a long time to navigate and complete.

- The third key theme, which was raised by 36 respondents, was that the consultation exercise **had not addressed the key issues in relation to responsible dog ownership or that the balance of the questionnaire was wrong**. Respondents reiterated that, while microchipping dominated the questions, this was not warranted. Other topics such as education, training, the enforcement of existing legislation, and licensing were more important, but had not been considered in depth. A range of more specific points were made about (lack of) coverage such as:
 - There should be a ban on breeding Staffordshire bull terriers for a few years
 - The proposals had not been properly thought through in relation to the fact that dogs travel into / outwith Scotland on holiday
 - The ideas for dog parks had not been introduced or explored
 - Tackling the “cultural” issue whereby an aggressive dog was seen by some as a status symbol had not been addressed
 - The number of dogs that should be allowed to be under the control of one person had not been discussed
 - The existing requirement for dogs to wear a collar and tag for identification had not been sufficiently highlighted.

- The fourth key theme, which was raised by 34 respondents, related to the **‘framing’ of the consultation**. Respondents were concerned that the consultation was a “knee jerk” reaction to sensationalised media coverage of a relatively small number of very serious attacks by dogs and had been prompted by newspaper campaign(s) and by comments made by victims of attacks. These respondents emphasised that the vast majority of dog owners were responsible, and it was only a small minority who caused problems. It was this latter group who should be targeted. Many of these respondents felt the tone of the consultation was negative and that it was “anti-dog”. Moreover, some respondents thought that in the grand scheme of things the issue of responsible dog ownership was relatively unimportant.

- The fifth key theme, which was raised by 16 respondents, was that, in developing the materials for the consultation (i.e. the consultation document and the consultation questionnaire), **the Government had not consulted widely enough.** It was thought that there had been too much attention paid to voices that the Government wished to hear, and to vocal pressure groups. This was at the expense of listening to a broader group of concerned and responsible owners including ordinary owners, professionals, and related organisations including dog clubs, animal welfare organisations, dog trainers, etc. There was specific criticism of the list of invitees to the summit which had been held in March 2014, with respondents mentioning key groups who had not received an invitation but should have, as well as groups who had received an invitation but should not have.

9.41 Finally, 34 respondents used Question 27 as an opportunity to reiterate their views about the substantive questions in the consultation.

ANNEX 1: SCOTLAND FOR ANIMALS CAMPAIGN TEXT

Please accept this document as my formal submission re consultation ISBN: 9781784121129
Promoting responsible dog ownership in Scotland: microchipping and other measures.

I believe that the issue of irresponsible dog ownership and the consequences of this require far more robust measures than those proposed by ministers. I ask the Scottish Government ensure that Scotland leads the way in introducing bold legislation to ensure the welfare and safety of both animals and humans. I ask that:

Mandatory licensing be introduced as part of procedures to ensure appropriate qualification for animal ownership.

Compulsory micro-chipping only be introduced in conjunction with mandatory licensing.

Fees should be nominal and structured to provide substantial discount for neutered dogs.

Through amendments to the Licensing of Animal Dealers (young kittens and young dogs) Scotland Regulations 2009 or any new legislation the sale and transfer of ownership of dogs under all circumstances should be documented and registered.

All sales require licensing.

Fees be placed on the breeding and sale of animals for profit through amendments to the Licensing of Animal Dealers and Young Dogs (Scotland) Act 2009, The Breeding of Dogs Act 1973/ 1991, Breeding and Sale of Dogs (Welfare) Act 1999 and/ or any new legislation.

The number of litters born to a single dog licensee annually before a breeding licence is necessary be brought down from five to two.

Possession of Licenses and licensing requirements such as health and welfare adherence be enforced by local authority inspectors.

All relevant Local Authority duties be made mandatory through national legislation such as amendment to Licensing of Animal Dealers (young kittens and young dogs) Scotland Regulations 2009 the Breeding of Dogs Act 1973/ 1991, the Breeding and Sale of Dogs (Welfare) Act 1999 and/ or any new legislation.

Enforcement and administrative costs be met by fees collected.

The Licensing of Animal Dealers and Young Dogs (Scotland) Act 2009 be amended to include those in possession of any licence/licences issued prior to effective date of that legislation.

Agreement be made involving Police, Procurators Fiscal and Sheriffs to deal with any incidents through the Control of Dogs (Scotland) Act 2010 and not the Dangerous Dogs Act 1991.

This be with a view to removing the Dangerous Dogs Act 1991 from statute completely.

Dogs must wear collar and tag with details of the dog and registration number at all times when in a public place.

The muzzling of all dogs in public places should not become mandatory.

No reference be made to breed or characteristics in any legislation.

Mandatory basic training should be required for prospective dog owners.

If you should require any supporting evidence for any of the above I have instructed Scotland for Animals (charity Sc039109) and Scottish Staffordshire Bull Terrier Rescue (charity SC043662) to provide this on my behalf.

I am responding as an individual.

I agree to my response being made available to the public but not my name and address.

I give permission for Scottish Government Departments to contact me only to acknowledge receipt of submission.

ANNEX 2: GROUP / ORGANISATIONAL RESPONDENTS

Local authorities, enforcement bodies and law agencies

- Aberdeen City Council
- Aberdeenshire Council
- Argyll and Bute Council
- City of Edinburgh Council
- Comhairle Nan Eilean Siar
- East Ayrshire Council
- East Renfrewshire Council
- Highland Council
- Inverclyde Council
- National Dog Warden Association (NDWA) Scotland
- North Ayrshire Council
- North Lanarkshire Council (2 responses from different departments)
- Orkney Islands Council
- Perth & Kinross Council
- Police Scotland
- Renfrewshire Council (2 responses from different departments)
- Scottish Borders Council
- South Ayrshire Council
- South Lanarkshire Council
- Stirling Council
- West Dunbartonshire Council
- West Lothian Council

Rescue / rehoming / welfare organisations

- The Advisory Council on the Welfare Issues of Dog Breeding (The Dog Advisory Council)
- Angus Dog Rescue (formerly Help for Abandoned Animals)
- Animal Concern Advice Line
- Anti-Docking Alliance (ADA)
- Battersea Dogs Home
- Blue Cross
- Border Beasties
- Borders Pet Rescue
- Cats Protection
- Dogs Trust
- Dumfries and Galloway Canine Rescue Centre
- The Edinburgh Dog and Cat Home

- Give A Greyhound A Home (GAGAH)
- German Shepherd Rescue Scotland
- Great Dane Welfare Scotland
- Greyhound Awareness League
- The Independent Weimaraner Rescue & Re-Homing Service
- Islay Dog Rescue (Ayrshire)
- The Japanese Akita Welfare Trust
- Joint response from Scottish Staffordshire Bull Terrier Rescue, Scotland for Animals, Boxer Welfare Scotland, Dog Aid Society of Scotland
- KWK9 Rescue
- Lancashire Heeler Community Welfare Fund
- Mossburn Community Farm
- OneKind
- People's Dispensary for Sick Animals (PDSA)
- Poodle Network UK
- Rabbits Require Rights (Scotland)
- RoyalHeart Greyhound Rescue
- Scotland for Animals
- Scottish Society for the Prevention of Cruelty to Animals (SPCA)
- Second Chances, German Shepherd Rescue
- Springer Rescue For Scotland
- Tinto Kennels Rescue

Agencies that train / support working dogs

- Aiyla Says Stay Safe Near Water
- Canine Concern Scotland Trust
- Guide Dogs Scotland
- Sealpin Kennels

Community councils or other community bodies

- Auchterhouse Community Council
- Carnoustie Canine Capers
- Community Council of the Royal Burgh of Peebles and District
- Dowanhill, Hyndland and Kelvinside Community Council (DHKCC)
- Ferryfields Residents Association
- Friends of Glasgow's Local Nature Reserves
- Newtonhill, Muchalls & Cammachmore Community Council

- Penicuik & District Crime Prevention Panel
- Sauchie Community Group

Dog training / agility schools

- All4Paws Dog Training
- Allan Ritchie / One To One Dog Training Glasgow
- Bargeddie Ringcraft (2 responses)
- DOG Dog Training & Puppy School Glasgow
- Dunarg School for Dogs
- Foundation Dog Training
- Glasgow Dog Trainer and Behaviour Consultant
- Happy Hounds, Neilston
- K9 CHAT
- Stewartry Dog Training Club
- Tynewater Dog Training
- Wigtonshire Dog Agility Group

Farming, countryside and conservation bodies

- The British Association for Shooting and Conservation (BASC Scotland)
- Keep Scotland Beautiful
- National Farmers Union (NFU) Scotland
- The National Trust for Scotland
- Scottish Association for Country Sports
- Scottish Countryside Alliance

Dog health and veterinary organisations and surgeries

- Boyce and Houston Veterinary Surgery
- British Veterinary Association and British Small Animal Veterinary Association
- Provost Vet Group
- Rhodes 2 Safety
- St Clair Veterinary Group
- The Stewartry Veterinary Centre Ltd

Breed-specific dog clubs and breed enthusiasts

- The Basset Hound Club of Scotland
- Imanje Rhodesian Ridgebacks
- International Sheep Dog Society
- Karmynski Samoyeds
- The Kennel Club
- Scottish Kennel Club

- Scottish Progressive GSD Group
- South Angus Border Collies
- Tibetan Spaniel Club of Scotland

Other group or organisational respondents (including professional dog walkers / sitters)

- Animals 24-7
- Bruce Thomson/ Corstorphine Dog Walking
- Group response x 31 individuals
- Law Society of Scotland
- Paws N Pooches
- Pet Identity UK Limited
- RZSS Highland Wildlife Park
- The Self Help Group (SHG)

ANNEX 3: NUMBER OF RESPONSES RECEIVED, BY QUESTION

Question		Number of organisational responses	Number of individual responses	Total number of responses
Q1	Are all, some or none of the dogs / puppies in your care routinely microchipped? Please explain.	99	1,399	1,498
	Comments	67	486	553
Q2	Do you offer a microchipping service to the general public? If you do, what geographical range do you cover how many dogs did you chip in Scotland in 2012 and how much do you charge? Please explain your answers.	99	1,347	1,446
Q3	If you run a rescue / rehoming centre, do you ensure that all, some or none of the dogs are microchipped prior to rehoming? How many dogs did you microchip / arrange to be microchipped in 2012? How many dogs came to you in 2012 that were already microchipped? Please explain your answers.	20	27	47
Q4	Do you consider that compulsory microchipping would help to make dog owners more responsible? Please explain and provide any evidence that you may have.	100	1,405	1,505
	Comments	100	1,034	1,134
Q5	Do you consider that compulsory microchipping would help to deter dog theft? Please explain and provide any evidence that you may have.	97	1,392	1,489
	Comments	88	871	959
Q6	Do you consider that compulsory microchipping for dogs would help to tackle the issue of puppy farming? Please explain and provide any evidence that you may have.	98	1,398	1,496
	Comments	85	760	845
Q7	Do you consider that compulsory microchipping for dogs would help to address other dog welfare issues, such as abuse / mistreatment? Please explain and provide any evidence that you may have.	97	1,385	1,482
	Comments	94	789	883
Q8	Do you consider that compulsory microchipping for dogs would help to prevent dog attacks on people / animals, including on assistance dogs? Please explain and provide any evidence that you may have.	98	1,400	1,498
	Comments	91	855	946

Question		Number of organisational responses	Number of individual responses	Total number of responses
Q9	In the long term, the compulsory microchipping of dogs may require all owners to pay to microchip their dogs and to update their details on the commercial database that their dog is registered on. Do you think this would be an unfair burden on any particular sectors? Please explain.	98	1,388	1,486
	Comments	87	885	972
Q10	When a microchipped animal changes ownership, the registration details on the database must be updated for microchipping to be effective. If microchipping was to be made compulsory, with whom should this responsibility lie: the seller, the buyer or both? Please explain why and how you consider that the requirement could be enforced?	101	1,384	1,485
	Comments	90	860	950
Q11	Are you aware of any difficulties due to different microchip companies using different technical specifications regarding scanners, etc.? Please explain	98	1,379	1,477
	Comments	62	304	366
Q12	Do you think that any regulation being introduced on microchipping should set minimum standards for commercial databases? Why, and if so, what should they be?	99	1,369	1,468
	Comments	83	489	572
Q13	Presently, the dog owner, the microchip implanter, and some animal welfare organisations are able to access current records, but only enforcement authorities are able to see previous records. Do you think this should remain the same? Please explain.	96	1,385	1,481
	Comments	77	546	623
Q14	Do you believe that compulsory microchipping would be easy or difficult to enforce effectively? Why? Can you suggest what approach to enforcement would be most appropriate?	96	1,384	1,480
	Comments	95	884	979
Q15	Do you have any concerns that microchipping could cause health problems in dogs? Please explain.	100	1,392	1,492
	Comments	65	412	477
Q16	Do you believe that compulsory microchipping would have a positive or negative financial or other impact on owners, enforcement agencies, animal welfare organisations / rehoming charities, dog breeders, pet shops, microchip database companies? Please explain.	94	1,367	1,461
	Comments	82	670	752

Question		Number of organisational responses	Number of individual responses	Total number of responses
Q17	Do you believe that all dogs in Scotland should be microchipped? Why?	103	1,460	1,563
	Campaign responses		736	736
	Comments	95	1,034	1,129
Q18	Do you consider that any sectors of dog ownership (for example rehoming / sanctuary charities, police, armed services, security services, guide / helper dogs, vermin control, sheep dogs, or other sectors) merit exemption from any requirement to microchip? Why?	99	1,380	1,479
	Comments	70	683	753
Q19	Which of the suggested options for introducing any requirement for compulsory microchipping do you believe would work best? Do you have any alternative option to suggest? Please explain.	96	1,353	1,449
	Comments	67	432	499
Q20	Do you think a system of dog licensing could help encourage responsible dog ownership and help make our communities safer from dangerous and out of control dogs? Do you have views on how such a dog licensing scheme might operate?	87	634	721
	Campaign responses		736	736
Q21	Do you think muzzling of dogs while in public should be introduced?	105	1,469	1,574
	Campaign responses		736	736
Q22	The Dog Fouling (Scotland) Act 2003, gives local authorities the powers to deal with dog mess.			
	Are you aware that local authorities have these powers?	99	1,393	1,492
	Do you think they are being used effectively in your area?	98	1,383	1,481
	Is there more you think can be done to address this issue effectively?	100	1,375	1,475
	Comments	87	886	973
Q23	Do you have any other comments on the possible introduction of compulsory microchipping for dogs in Scotland?	63	409	472
Q24	Do you have any other comments on the promotion of responsible dog ownership in Scotland to help improve the safety of our communities from dangerous and out of control dogs?	90	825	915
		19	550	569
	Campaign responses		736	736
Q25	Do you consider that the consultation paper explained the key issues sufficiently for you to properly consider your responses?	89	865	954

Question		Number of organisational responses	Number of individual responses	Total number of responses
Q26	Do you consider that you had sufficient time to respond to the consultation?	89	889	978
Q27	Do you have any other comments on the way this consultation has been conducted?	71	693	764

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