

THE KENNEL CLUB

The Kennel Club Advice on Docking (as of 14th March 2007)

Welsh ban date finally confirmed

The law regarding the docking of dogs' tails will change in Wales on 28th March 2007, in England on 6th April 2007 and in Scotland on 30th April 2007. Any change to animal welfare legislation in Northern Ireland is in its very early stages at present and lobbying will continue there. Apart from the fact that the legislation comes into effect slightly earlier in Wales, the law will be the same for both England and Wales.

While an exemption for working dogs was achieved for England and Wales, there is no such exemption in Scotland. As a result the law will affect competitors and show organisers in different ways in England & Wales, in Scotland and in Northern Ireland.

Inevitably there will be a certain amount of interpretation of the law which will only be made clear if it is tested in the Courts. However the Kennel Club has attempted to clarify the great complexities of the new law, as far as possible, through the following Questions and Answers.

The Kennel Club does not approve of the legislation which has been introduced but it nevertheless has a duty to advise:

- Societies whose shows the KC, SKC or WKC licenses
- Exhibitors and Competitors who attend these shows
- Breeders and
- Judges

on how to proceed so as to avoid putting themselves in danger of acting unlawfully.

It is not the intention of the Kennel Club to police the law actively nor to get involved in disputes as to whether or not dogs have or have not been illegally docked or illegally shown. That is a matter for the authorities. The Kennel Club will however be required to follow up any convictions successfully brought under the Acts and will require to discipline proven offenders accordingly under its own Regulations.

The rules are complicated because of the different dates on which they are to be introduced and because of the slight differences between one part of the UK and the other.

Broadly speaking however here is a brief outline:

DOGS DOCKED BEFORE THE RELEVANT DATES

These can continue to be shown at all shows in England, Wales, Scotland and Northern Ireland. However if your dog was docked on or around the various relevant dates (from 28th March 2007 to 30th April 2007 inclusive) you should refer to the detailed Questions and Answers below which will describe the exact situation.

DOGS DOCKED ON OR AFTER THE RELEVANT DATES

Irrespective of where they were docked, they may not be shown at shows in England and Wales where the public is charged a fee for admission.

If they were docked legally either in England, Wales, Northern Ireland or abroad they may be shown at any show in Scotland or Northern Ireland - but in England and Wales they may only be shown at shows where the public is admitted without the payment of a fee.

However if your dog was docked on or around the various relevant dates (from 28th March 2007 to 30th April 2007 inclusive) you should refer to the detailed Questions and Answers below which will describe the exact situation.

ILLEGALLY DOCKED DOGS

Dogs which have been **ILLEGALLY** docked are not permitted to be shown at any shows licensed by the Kennel Club, the Scottish Kennel Club or the Welsh Kennel Club.

The following are some of the detailed questions and answers which arise. Some of the answers are, of necessity, rather complex. The Kennel Club regrets this but the problems are not of its making – they arise because of the complexities of the Acts. These are complexities about which the Kennel Club warned legislators in advance. Unfortunately these warnings were not heeded.

Q & A FOR COMPETITORS

Will I be allowed to show my dogs that are already docked?

Yes you will.

Any dog which has been docked before the 6th April 2007, irrespective of where it was docked, will continue to be allowed to be shown at any show held in England, Scotland and Northern Ireland, for the rest of its life.

For Shows held in Wales the effective date is 28th March 2007 and so only dogs docked before the 28th March, irrespective of where they were docked, will continue to be allowed to be shown at shows held in Wales, for the rest of their lives. This means that dogs docked from 28th March to 5th April 2007 inclusive, irrespective of where they were docked, will not be allowed to be shown in Wales (at shows where the public is charged a fee for admission) but they will be allowed to be shown in England, Scotland and Northern Ireland.

Does that mean even at shows where the public pay to enter?

Yes it does. It covers all shows.

Will I be allowed to show my dogs if they are legally docked after the law changes?

For shows held in England:

Shows with a paying Gate where the Public is charged for Admission.

No. You will not be allowed to show any dog which is docked on or after 6th April 2007 - irrespective of where it was docked - at any event where the public is admitted on payment of a fee.

Shows where the Public is not charged for Admission.

If the show does not charge the public a fee for admission, then you **will** be allowed to show any dog which is **legally** docked on or after the 6th April 2007 – irrespective of where it was legally docked.

For shows held in Wales:

Shows with a paying Gate where the Public is charged for Admission.

No. You will not be allowed to show any dog which is docked on or after 28th March 2007 - irrespective of where it was docked - at any event where the public is admitted on payment of a fee.

Shows where the Public is not charged for Admission.

If the show does not charge the public a fee for admission, then you **will** be allowed to show any dog which is **legally** docked on or after the 28th March 2007 – irrespective of where it was legally docked.

For shows held in Scotland and Northern Ireland:

At **all** Shows held in Scotland and Northern Ireland (irrespective of whether or not the Public is charged for admission)

You will be allowed to show any dog which is **legally** docked – irrespective of where it was legally docked.

NB Dogs which have been ILLEGALLY docked are not permitted to be shown at shows licensed by the Kennel Club, the Scottish Kennel Club or the Welsh Kennel Club.

Does all this mean that dogs which are docked at some time in the future, won't be allowed to be shown at Crufts?

Yes it does. As Crufts charges the public for admission, the law in England declares that even dogs legally docked on or after 6th April 2007 will not be allowed to be shown there. It does not matter where they were docked – the law says that if the docking was on or after 6th April 2007 – they may not be exhibited at shows such as Crufts.

All dogs docked before 6th April 2007 will however still be able to be shown at Crufts.

Does the law apply only to shows licensed by the Kennel Club?

No – the ban on showing in England and Wales applies to all shows if there is a charge made to the public for admission.

What if my dog was docked overseas?

The law in England and Wales, for shows with a paying gate, applies to all dogs wherever they were born or wherever they were docked. So even a dog born in the USA, docked after the law changes and registered for example with the American Kennel Club, will not be allowed to be shown at any show in England or Wales which has a paying gate.

Dogs docked before the law changes, may be shown at all shows but dogs docked **legally** after this time may only be shown at shows where there is no paying gate in England and Wales, or at all shows held in Scotland and Northern Ireland.

Dogs docked illegally may not be shown at all – at licensed shows in England, Scotland, Wales or Northern Ireland.

Why will I continue to be allowed to show a legally docked dog at all shows held in Scotland and Northern Ireland?

The law in Scotland is different from that in England and Wales, since there is a total ban on docking in Scotland but, as yet, no ban on the showing of legally docked dogs there. So if you have a legally docked dog you may show it at any show in Scotland – whether or not the show charges the public for entry. The same will apply to Kennel Club licensed shows in Northern Ireland where no Government legislation has yet been introduced with regard to docking.

But NB - Dogs which have been ILLEGALLY docked are not permitted to be shown at any shows licensed by the Kennel Club, the Scottish Kennel Club or the Welsh Kennel Club.

When does the law on the act of docking come into force?

In England - on 6th April 2007.

In Wales - on 28th March 2007.

In Scotland – on 30th April 2007.

In Northern Ireland – no ban on the act of docking has yet been introduced.

So does this mean that I will be allowed to show my puppies docked in Scotland between 6th and 29th April inclusive, at a show in England?

Not at all shows – any pups docked in this period in Scotland will be treated in the same way as dogs docked legally overseas. In other words they will be allowed to be shown at shows in England where the public don't pay for admission but not at shows where the public are charged a fee for admission.

Similarly does this mean I will be allowed to show my puppies docked in Scotland between 28th March and 29th April inclusive, at a show in Wales?

Not at all shows – any pups docked in this period in Scotland will be treated in the same way as dogs docked legally overseas. In other words they will be allowed to be shown at shows where the public don't pay for admission but not at shows where the public are charged a fee for admission.

What if I have a gundog which is legally docked in England or Wales after the law changes, and I want to enter the Gamekeepers' classes at a show?

This will still fall under the definition of showing a dog and will therefore be illegal if the show charges the public a fee for admission.

What breeds of dog are exempted from the docking ban in England and Wales, and may continue to be docked legally?

The breeds in which docking may continue in England and Wales include Spaniels, Terriers and

Hunt Point Retrieve breeds, providing they will be used to work and the veterinary surgeon is provided with the appropriate evidence of this (but see under Breeder Section below).

Will I be allowed to take part in any of the Activity disciplines (such as Agility, Heelwork to Music, Working Trials, Flyball and Obedience) with a dog docked legally after the law changes in England and Wales?

This is unclear. The law states that an offence would not be committed if a dog was shown at an event to which members of the public are admitted on payment of a fee where a dog is shown only for the purpose of demonstrating its working ability. Defra has provided assurances that working trials and field trials do demonstrate working ability but it would be for the courts to decide whether the other disciplines do so.

Will the Kennel Club be altering breed standards as a result of the changes in the law?

No. There is no current intention to alter Kennel Club breed standards in any way and the standards of those breeds with optional docking clauses will remain unchanged so as to accommodate dogs docked legally either before or after the introduction of the terms of the Acts.

Q & A FOR BREEDERS

When does the law on the act of docking come into force?

In England - on 6th April 2007.

In Wales - on 28th March 2007.

In Scotland – on 30th April 2007.

In Northern Ireland – no ban on the act of docking has yet been introduced.

NB It will be an offence under the Act in Scotland, to take puppies out of Scotland to be docked elsewhere.

I have working dogs and plan to continue to have them docked. What evidence will I need to have, to prove that they were docked legally?

As now, under the new law in England and Wales, only veterinary surgeons will be allowed to dock puppies. They will then be required to certify that the pups have been legally docked. The evidence/information/ procedures that veterinary surgeons will require to certify that pups have been legally docked has been set out under the government regulations and will be available from Defra.

What breeds of dog are exempted from the docking ban in England and Wales, and may continue to be docked legally?

The breeds in which docking may continue in England and Wales include Spaniels, Terriers and Hunt Point Retrieve breeds, providing they will be used to work.

In my breed, dogs born with naturally short tails (natural bobs) are quite common. Will I be allowed to show a naturally bobbed dog?

Yes – if a dog is born with a naturally short tail it will be allowed to be shown at any show.

What if I am accused of having docked a naturally bob tailed dog? What do I need to do in order to prove that it was born with a bob tail?

Defra has been asked this question frequently but has not given any clear response. The Kennel Club however recommends that breeders of dogs which have naturally bobbed tails should obtain confirmation on headed paper from their veterinary surgeon shortly after the puppies' birth, confirming that the dogs were born with naturally bobbed tails. This should avoid any future cases of dispute.

I have working Pembroke Corgis – will I be allowed to continue to dock them?

The Kennel Club has been advised by Defra that the working dog definition does not include Pembroke Corgis and that it will therefore not be legal to dock these dogs whether or not they are to be worked.

In my breed, kinked and screwed tails are relatively common and are usually docked as they can result in injury later in life. Will I be allowed to continue to dock and show these dogs?

No. It will be against the law to dock any dog 'except for medical reasons' no matter whether the tail is kinked or malformed in any way. If an injury occurs then a veterinary surgeon would be at liberty to amputate the tail. A dog which has had its tail amputated by a veterinary surgeon for medical reasons might be allowed to continue to be shown, subject to the normal terms of KC Regulations relating to operations which alter the natural conformation of the dog, but it will not, under the law, be able to be shown in England or Wales at a show where the public is charged for admission.

Q & A FOR JUDGES

I am a Judge of a traditionally docked breed. What am I supposed to do if I suspect that a dog before me has been docked illegally and should not therefore be shown?

You should simply judge the dogs before you and should not become involved in any disputes or otherwise regarding whether or not a dog has been docked either legally or illegally. This is a matter for the relevant authorities to deal with.

Q & A FOR SHOW ORGANISERS

As a show secretary of a show in England or Wales which charges the public for admission, will I be required to deal with a complaint that a dog docked after the law changes, is being exhibited?

No. In the event of an allegation of contravention of the law (either illegal docking or the illegal showing of dogs) the complainant should be advised to refer the matter to the relevant authorities. In normal circumstances, the Show Society or the Kennel Club should only take action to correct the situation if a successful prosecution has been brought against the alleged offender. This advice may require to be reviewed if a body of case law is eventually established.

It would in the meantime be sensible for Show Societies to note any such complaints in the Show Incident Book in case they are asked to provide information on the matter to the authorities at a future date.

As a show society which currently holds a show in England (or in Wales) and which charges a fee to members of the public for admission, should we consider removing that entry fee?

Any Society whose show is **not** held in Scotland or Northern Ireland and **has a paying gate**, should take into account the fact that it will be illegal for **ANY** dog docked after the date on which

the law changes in England and Wales, to be exhibited at such a show, even if this dog has been docked legally under the Act or has been legally docked elsewhere.

If we decide to continue to charge an admission fee to the public, what do we need to do in order to forewarn exhibitors that they may not be allowed to enter their dogs?

For shows held in England where the public are admitted on payment of a fee:

Such societies should include a statement in the show schedule, entry form and online that “A dog docked on or after the 6th April 2007 may not be entered for exhibition at this show”. By this means it is hoped that any exhibitor of a dog docked either legally or illegally after the 6th April will be aware that they should not enter this show.

For shows held in Wales where the public are admitted on payment of a fee:

Such societies should include a statement in the show schedule, entry form and online that “A dog docked on or after the 28th March 2007 may not be entered for exhibition at this show”. By this means it is hoped that any exhibitor of a dog docked legally or illegally after the 28th March will be aware that they should not enter this show.

Our show does NOT CHARGE the public for admission and is held in England (or Wales). Is there any advice that we should be giving to exhibitors?

The Kennel Club will be introducing regulations which will say that:

For shows held in England

A Society whose show is held in England and does not charge the public for admission should include a statement in the show schedule, entry form and online that “Only undocked dogs and legally docked dogs may be entered for exhibition at this show.”

For shows held in Wales

A Society whose show is held in Wales and does not charge the public for admission should include a statement in the show schedule, entry form and online that “Only undocked dogs and legally docked dogs may be entered for exhibition at this show.”

Our show is held in Scotland (licensed by the Scottish Kennel Club or by the Kennel Club) or in Northern Ireland (licensed by the Kennel Club) – what do we need to put into our schedule?

Irrespective of whether the show has a paying gate, a Society whose show is held in Scotland or Northern Ireland should include a statement in the show schedule, entry form and online that “Only undocked dogs and legally docked dogs may be entered for exhibition at this show.”

What should I do as Secretary of a Show, if someone objects to a dog on the grounds that it has been illegally shown or illegally docked?

You should advise the complainant that such objections are a matter for the authorities not for the Show Society or the Kennel Club. He or she should be advised to contact the relevant authorities and that, if a successful prosecution is brought, the show society and the Kennel Club will take appropriate corrective action.

There is no obligation under the various Acts for the Kennel Club or the Show Society to check whether a dog is lawfully docked or not. Any offence, if it has occurred, would have been committed by the exhibitor – not the show society.

You should however note the objection in the Show Incident Book for future reference.

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