

# The SHG response to the proposals for a (draft) Control of Dogs (Wales) Bill

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## About The SHG

**The Self Help Group for Farmers, Pet Owners and Others experiencing difficulties with the RSPCA (The SHG)** runs a national help line in England and Wales for people who have run into difficulties with animal related problems.

Our national help line number is 0844 700 6690 and our website can be found at <http://the-shg.org>

Please note that although we only operate in England and Wales we regularly receive calls for help from Ireland, Scotland, Australia, New Zealand, Canada and various states in the US. We are in contact with organisations similar in aim to ourselves in each of those countries and can draw on their experiences of legislation and its effectiveness or otherwise.

## Overview and concerns with the proposed legislation

1. The SHG is usually the first port of call for people who have problems with a local authority, the RSPCA or the police in relation to their animals. It is to the SHG that anyone affected by the proposed legislation will turn for advice and if necessary, legal help.

It concerns us that discussions have been held with enforcement organisations and other 'stakeholders' when we, who represent the interests of every individual dog owner who might potentially be affected, and who have vast experience of how legislation enacted with the best intentions can go very wrong, have not been included.

2. In order to legislate to deal with a problem, especially if the intention is to criminalise an activity, there has to be actual evidence that the problem exists.

Most of the facts and figures provided relate either to England and Wales as a whole, or the UK as a whole.

Without Wales specific data it is impossible to know whether any or all of the problems affect Wales or even whether legislation is needed.

At least some of the organisations who have provided the data should be able to provide data specific to Wales. The PDSA, for instance, have clinics in Wales and should have been able to supply Wales specific data.

For reasons discussed in more detail below comparisons between Wales and Scotland will produce false results. The situations and background issues are very different.

We believe that either another consultation will be needed when relevant and accurate data is available or that this consultation should be deferred until such data is available.

3. We have seen today (1<sup>st</sup> March 2013) reports of increased dog attack admissions to hospital in Wales. It is now too late to deal with this new data fully in this submission, however we will raise the following questions:

*Does the increase correspond to any other environmental factor such as weather conditions which could have an effect on dog/human behaviour?*

*Does this increase in admissions represent an accompanying increase in actual bites or is it the result of increased concerns and reactions due to increased media attention?*

*Does it represent the result of actual attacks or just incidents where a dog was present? For instance a woman who fell and cut herself on barbed wire while walking her dog tells us that when she attended hospital the incident was marked down as dog related even though the dog had not been the cause of her fall.*

*How many of the incidents are the result of inappropriate human behaviour around the animal which has caused the attack?*

*"It appears that most dog bites, if not other animal bites, result mainly from the victim's behaviour (Kahn et al, 2003). Medeiros and Saconato (2004) found that children under five years old were significantly more likely than older children to have provoked an animal before being bitten. "*

<http://www.nursingtimes.net/the-management-of-animal-and-human-bite-wounds/203425.article>

If there is a problem with human behaviour around animals then before any legislation, especially criminalising legislation is enacted it is important that education of potential victims is considered first.

4. When there were proposed changes to the NHS a leaflet dropped through every letterbox in Wales. This legislation has the potential to change radically the relationship of people with dogs in Wales. We believe that it has not been sufficiently widely promoted among the general dog owning population.

It is not enough that groups with special interests either in enforcement or in restricting either dog ownership or the types of dogs owned are consulted. Such special interest groups represent the interests of their supporters, not the best interests of individual dog owners or the general public.

5. Legislation such as this is a goldmine for people with a grudge. Many of the calls received by the SHG relate to complaints that are the result of neighbour disputes or the result of activists who believe a particular activity should not be allowed making complaint after complaint in order to “harass by authority” those involved in that activity.
6. Under no circumstances should the power to issue DCNs be handed to anyone other than a local authority employee. To hand this power to organisations that have their own agendas would create conflict and bad feeling.
7. The SHG believes that the proposed legislation will serve to alienate dog owners from their communities, disenchant them with the criminal justice system and lead to many more dogs being abandoned.

**Question 1 (Section 2):** *Do you agree with the three stage test set out in paragraph 3 above. If not, why not?*

The SHG does not believe that dog control notices are necessary. Nor do we believe that they will work. Supporting evidence in their favour comes from interested groups such as the RSPCA.

It is important to note that peer reviewed criminological research published in “Crime, Law and Social Change 55, 5(2011) 375-389” says there is no real evidence for the seeming growth of abuse of dogs and their involvement in crime and anti-social behaviour:

<http://theshg.wordpress.com/2012/04/22/government-plans-to-microchip-dogs-has-no-evidential-support/>

*“Despite the plethora of legislation since the nineteenth century, there remains little systematic statistical evidence regarding trends and patterns in recorded animal abuse. As Pierpoint and Maher ([35] pp.485-6) note, the little that is known about the prevalence of reported animal abuse is derived from court records and animal welfare charities. Throughout this period it would appear that the RSPCA has consistently brought the majority of prosecutions to the courts. However, there is a major evidential hole awaiting any attempt to assess systematically the trends in prevalence of animal abuse both over time and cross-sectionally at any given time in Britain. Most significantly, it was accepted by the Secretary of State for Environment, Food and Rural Affairs in the post-legislative assessment of AWA in December 2010 that there was no national enforcement database regarding the enforcement of the Act despite the original intention of this being part of a regulatory impact assessment [11]. Furthermore, animal cruelty offences recorded by the police are not collected by the Home Office – we therefore have little other than anecdotal testimony in the absence of sustained criminological research to rely on in dealing with the seeming growth in the problem, for example, of abuse of dogs and their involvement in crime and anti-social behaviour (see Hughes et al. [26]).”*

It should also be noted that the introduction of the Dangerous Dogs Act 1991 (DDA) was initiated on the back of claims that dog attacks had increased. Afterwards, when the legislation had passed and the inevitable injustices had started to be reported, the statistics showed that there had been no increase in attacks, simply an increase in media reporting.

The three stage test is subjective and there is no provision within the Act to deal with complaints that are malicious or the result of neighbour disputes.

To be fair and effective the converse situation ought to be included in the legislation. By this

we mean where someone is clearly going out of their way either to make continual spurious complaints or to irritate a dog into bad behaviour which they can then report. Currently a typical example of this are people who rattle a fence to cause a dog to bark and then complain about noise.

What training or professional qualifications will local authority employees be provided to enable them to recognise genuine fears and complaints and to distinguish between complaints that are deliberately malicious and complaints arising from a genuine misunderstanding of dog behaviour or a fear of dogs?

Such an enforcement officer is going to need to deal with a range of dog types and their inherently different behaviours along with all of the differences in cultures they will meet in our multi racial society which now includes people from countries where fear of dogs is a necessary part of avoiding diseases such as rabies.

Of course it would be reasonable for such a person to feel apprehension when even the most well behaved and inoffensive dog approached them, and yet it would be wrong to penalise the owner or the dog for such normal behaviour.

What educational tools will enforcement officers be issued with? Bearing in mind the growing number of people from countries where dog owning is not the norm, will they be empowered to go into schools to teach children how to react and behave around dogs (and other animals)? To take well behaved dogs into schools to show the children how to react to dogs?

As we have already noted, research shows that most dog bites result from the victim's behaviour. The increase in hospital admissions related to dog bites could simply be due to an increase in the number of people who are unaccustomed to dogs and who need educating to enable them to be able to react properly around the dogs who live in our society.

Clearly, if this is the root cause of the problem, it would be wrong to penalise dogs and their owners. The answer has to begin with education and then reassess the issue to see if there really is a problem.

**Question 2 (Section 8):** *Do you agree with the types of individuals on whom a DCN might be served. If not, why not?*

The SHG has grave concerns about compulsory micro-chipping.

We attach at the end of this submission the contents of a discussion that has taken place on a closed veterinary forum recently. It includes reports of animals that have become paralysed due to improperly trained or regulated people accidentally inserting microchips into the spinal column. Worse, either these people were not insured, or their insurance companies would not pay third party bills, so that in one case a paralysed puppy could not be referred to a specialist clinic as neither the owner nor the groomer could fund the treatment.

It is very clear from the discussion that the vets consider micro chipping an invasive procedure that should only be done by qualified veterinary surgeons with the appropriate insurance in place. Criticisms are also levelled at micro-chipping events where there is a danger of the micro-chipped site becoming dirty or infected.

Note that this is a small sample of vets in the UK who choose to be a part of the forum. Their posts are indicative of a problem that has not been publicised or dealt with by those who favour compulsory micro-chipping. The SHG believes that it needs addressing before any compulsion is introduced.

It should be noted that the necessary steps to deal with these concerns will inevitably

increase the costs involved in compulsory micro-chipping.

There are other objections to micro-chipping and we hope that the SHG will be included in any discussions of proposals to make it compulsory in Wales.

See:

<http://www.chipmenot.org.uk/default.asp>

<http://www.antichips.com/>

We hope that if DCNs are introduced, some reverse form of DCN will be also be introduced that will enable action to be taken against any individual or group whose complaints or actions around a dog are clearly intended to be malicious or who encourage or irritate the dog into behaviour that can then become the subject of a complaint.

**Question 3 (Section 7):** *Should training be a requirement in a DCN. If not, why not?*

Before dealing with training we are stunned that this legislation provides a clear loophole under S. 4 so that a second DCN issued by a different authority but perhaps dealing with a completely different aspect of behaviour is unenforceable. This represents a total waste of resources and manpower. It could also lead to people deliberately going out to be served with a DCN over some minor and easily controllable issue in a local authority area where they rarely go so that they then become exempt from any DCN issued in their home locality.

Dog training is expensive. As with so much legislation relating to animals this has the potential to force poor people to give up their dogs.

There are many different methods of dog training, with the supporters of each often being critical of the methods used by their competitors. Which one should the recipient of a DCN choose? Will there be Assembly approved trainers? What will a trainer need to do to qualify to be on the list?

It is easy to create a whole new raft of businesses living off the back of enforcement. What is not so easy is to ensure that the enforcement is reasonable in all the circumstances and cost effective.

The SHG does not believe that training should be a requirement in a DCN. It should be the choice of the owner how to deal with the problem of compliance.

We are concerned at the proposal that a dog which is the subject of a DCN should not be in a public place with a person under the age of 16. We were opposed to the raising of the age at which a child can purchase an animal or be responsible for it. It remains a fact that many family dogs are in reality the pet of a particular child. If that child cannot care for their pet or take it out with them, especially if the DCN relates to an issue that is well within the young person's ability to control, then that young person's rights are being seriously interfered with.

Would the compulsory training require the normal dog handler to undertake the training? If different to the owner? Or if that handler was usually a child? If not, how effective is that training likely to be?

Welfare needs are an issue for different legislation, the Animal Welfare Act 2006 (AWA), and should rightly be dealt with by the inspector appointed by the local authority under that Act. Doubling up on welfare issues has the potential to lead to confusion and conflict between different departments of the local authority.

**Question 4 (Sections 5-8):** *Do you agree that all of the requirements in sections 5 to 8 should be mandatory. If not, why not?*

We do not. Making them mandatory removes the ability of the enforcement officer to deal with a situation according to its individual circumstances.

We are also opposed to databases and the idea of people who move away from an area being required to inform anyone if they move home is unacceptable.

**Question 5 (Section 10):** *We have set out examples of options that a DCN can contain and this list is not exhaustive. Are you content with such an approach? Do you consider that other optional requirements could be included? If so, please provide details.*

The SHG is opposed to any compulsory requirement to neuter male dogs. Current research clearly shows that neutering can increase aggression and make dogs far more vulnerable to various illnesses.

See in particular:

<http://www.naiaonline.org/pdfs/LongTermHealthEffectsOfSpayNeuterInDogs.pdf>

<http://www.thedogplace.org/Spay-Neuter/INDEX.asp>

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0055937>

We are also concerned that the effects of a DCN can extend to the area of a local authority other than the one which issued the DCN. Either local authorities have autonomy to decide how they deal with problems in their area or the Welsh Assembly needs to impose a national enforcement regime that is outside of the control of local authorities.

**Question 6 (Section 12):** *Do you agree that the appropriate mechanism to appeal against a DCN is through a Magistrates Court? If not, why not?*

There must be a means of appeal against a DCN. Whatever the mechanism is to be it is important that it is easily accessible and available to everyone equally.

The first problem is that of cost. Will there be legal aid available for such appeals? It is all very well saying that people should not have a dog if they cannot afford it but people lose their jobs, become ill or even just grow older and their financial situations change. Often due to no fault of their own. Are these people to be denied access to justice?

It is all very well to say that we are all entitled to dine at the Ritz, but that right is only available for the very wealthy. Rights which cannot be enforced are just words. They do not exist in reality.

We already have a situation created by the Animals Welfare Act 2006 that mirrors the proposal here and shows how the best legislative intentions can go very wrong.

When animals are seized under the AWA there is provision under s.20 for an application for return of animals and also for the prosecutor to make an application to 'dispose' of the animals. There is no legal aid available because this application is a civil application in the Magistrates court.

The intention of the legislation was to enable commercial animals that reached a sell by date after which their value would decrease to be sold so that neither the owner nor the prosecutor

would have the expense of keeping animals whose value was decreasing until the court date.

In practise prosecutors have used it as a weapon to force people into signing over their pets. Worse, applications are made to the court by prosecutors before any prosecution has been issued. People who have no legal aid and who cannot afford to employ a solicitor privately may go to court in person but are met by specialist solicitors and barristers against whom they stand little chance.

We are aware of cases where animals seized have been disposed of and yet, when the case came to court the people were found Not Guilty, only they no longer had any animals left. What sort of justice is that?

Unless it is the intention of the Welsh Government to create just such a situation in terms of appeals against DCNs there needs to be put in place a proper system of legal aid funding.

The Magistrates court should have the power to discharge the training condition of the DCN.

**Question 7 (Sections 14-16):** *Do you agree that the provision for a local authority to discharge a DCN is appropriate? If not, why not?*

Of course a local authority must have the power to discharge a DCN, either because it believes that the dog is no longer exhibiting the relevant behaviour, or because it believes that a mistake was made. It would not be cost effective to require an owner to have to go to the Magistrates court to overturn a DCN in such circumstances.

Perhaps there should be a yearly review of all DCNs issued by each local authority so that those which are no longer necessary can be discharged.

It might be reasonable to include a list of circumstances in which a local authority ought to discharge a DCN.

We are concerned that under S. 4(2) a notice served will have no effect if another notice has been served by another local authority and not been discharged, whereas under s.17(3) any local authority may prosecute for non-compliance whether or not it was the issuing authority. The former assumes that local authorities will have no means of knowing what notices have been issued by other local authorities whereas the latter assumes that they will be aware of them. This is inherently inconsistent.

Either there has to be a central database for local authorities to check whether a DCN has already been issued by another authority or a DCN must only have effect within the local authority area which has issued it. Anything in between is going to lead to inconsistency and confusion, but note the civil liberties concerns regarding such databases and the importance of ensuring the safety of the data.

**Question 8 (Section 17):** *Do you agree that failure to comply with a DCN should constitute an offence and be liable to prosecution? If not, why not?*

The SHG does not believe that there should be further criminalisation of dog owners. There are already sufficient laws that do this which are not being enforced. The answer is proper enforcement, not more legislation that will be expensive to enforce.

We do not believe that DCNs will be effective or fair. The courts will not impose financial penalties over and above the amount people are able to pay. Those who are unemployed and who already have a backlog of fines that they pay off weekly will not see any deterrent in the threat of a fine. As usual the people who will be hardest hit are those who have made a

mistake and who are generally law abiding.

**Question 9 (Section 18):** *Do you agree with the proposed court orders? If not, why not?*

We do not. First question is what will happen if a dog ordered to be given up is now in England? Or some other part of the UK?

There needs to be a proper definition of what constitutes a 'danger to public safety' or 'the safety of protected animals'.

Will a dog which chases a cat be liable to destruction? A dog which barks at strangers?

The inevitable result of this will be the setting up of groups dedicated to saving the lives of dogs believed to be wrongly convicted and condemned. We will see dogs smuggled around the country as happens elsewhere. You only have to look on the internet to see ongoing campaigns to save dogs whose cases have become cause celebre. For instance, an example from many:

<http://www.dogheirs.com/dogheirs/posts/1982-single-mom-asks-public-for-support-after-dog-bites-alleged-home-intruder>

The idea of extending disqualification to the owner of a dog which might have issues but who also owns a number of other perfectly well behaved dogs who will then become a burden on either the local authority or whatever rescue services provide for strays in the area is appalling.

We also believe that any dog which has behavioural problems should undergo a thorough veterinary examination to find out if there are any underlying problems such as a growing brain tumour that could be responsible for the behaviour.

**Question 10 (Section 21):** *Do you agree that a period of at least one year should pass before any further application can be made to discharge a disqualification order or where any further application can be made, to discharge an order following an earlier unsuccessful appeal? If not, why not?*

We do not. This whole idea has been lifted from the discredited AWA and brings with it all of the injustices that are part of that Act.

If the court can suspend an order for disqualification to allow other dogs to be rehomed then clearly the court does not believe that those dogs are in any danger or are suffering in any way. If those dogs are not the subject of a DCN then it is clear that the owner was quite capable of looking after and controlling dogs but for some reason had difficulties with one dog in particular.

It is a credit to people who have difficult dogs that they do not give up on those dogs and either have them put down or hand them into rescue. To punish both the person and their other dogs in this way is utterly unjust.

How is the owner of the dog to fund either the hearing in the Magistrates court or the appeal to Crown court? Again it is imperative that full legal aid is made available for dog owners to defend these applications.

**Question 11 (section 22):** *A level 3 fine is one where a court may impose a fine of up to a £1,000. Are you content with this approach? If not, why not?*

We are not for reasons already stated.

We are also horrified that well behaved and well kept dogs could end up homeless and destroyed simply because someone could not afford to appeal a disqualification order.

It should be noted that we are in the midst of a recession in which people are struggling to make ends meet.

**Question 12 (Section 27):** *To enable effective sharing of DCNs between enforcement authorities, is it right that some form of database should be set up?*

Such an intrusion into people's privacy is the only way in which this legislation can work. There are issues regarding the safety of such databases and if they are to be accessible electronically how will unauthorized access be prevented?

Who will be allowed access? We would oppose access being granted to anyone other than the necessary local authority employees and the police. Charity workers should not be given access to such sensitive data.

We are concerned that the costs that can be claimed should be properly limited. In other areas of animal related legislation such costs tend to be at the Rolls Royce end of the scale and are used by prosecutors as a means of virtually blackmailing people into handing their animals over or giving up their rights.

**Question 13 (Section 28):** *Do you agree with this approach about who will serve DCNs? If not, why not?*

The SHG does not support or agree with this approach. The primary legislation should define who has the power to serve DCNs. The police have expressed their opposition to having any more animal related work. For example the AWA empowers both the police and local authorities and yet both refuse to enforce the Act. They prefer to allow the RSPCA to investigate and prosecute, often with the use of police personnel and facilities and the associated cost to the public purse even though this approach bypasses the protections Parliament put in place.

We strongly oppose any legislation that might be used to empower the RSPCA like this. We also believe that if the police are to be used then it should be an actual police officer and not a PCSO.

It should be noted that for most people a dog is part of their family. Anyone dealing with the proposed legislation will need great understanding and sympathy to deal with such a difficult and intrusive issue that has the potential to break up that family.

**Question 14** (section 32): *Do you agree with this approach? We would be grateful for your views of extending the 1991 Act to include private places and making it an aggravated offence (with higher penalties) to attack another animal.*

The SHG is utterly opposed to extending criminal sanctions to the behaviour of dogs on private property.

The Dogs Act 1871 allows a court to order a dog to be kept under proper control or destroyed if it is considered a danger to humans. S. 2 has been defined as applying when the dog is only seen to be a danger to other dogs and not humans. In *Briscoe -v- Shattock* QBD 12 October 1998 being dangerous reflected the dog's disposition, not his acts.

We do not see why there is any need for further legislation when the excellent Dogs Act already provides what is needed. It allows the court wide discretion and gives both dog and owner another chance.

The argument that postmen and other service providers who need to visit private property will somehow be better protected if in addition to being able to make a civil claim against the property owner they are able to see criminal sanctions in place is unsustainable.

There are other means of protecting such workers.

The Royal Mail already refuses to deliver to properties where the lane is badly repaired. People are given a choice of a box at the end of the lane or collecting their post from the local post office or the sorting office. Dog owners could be given the same choice.

Other workers who need access to property should make a prior appointment and be able to refuse to enter if a dog is loose on or in the premises.

There are many solutions that do not involve unnecessary criminalisation. Only if they have already failed should criminalisation be considered and then only as a last resort.

As an example of the pitfalls of criminalising what happens on private property think again of the issues raised in this case:

<http://www.dogheirs.com/dogheirs/posts/1982-single-mom-asks-public-for-support-after-dog-bites-alleged-home-intruder>

Although eventually charges against owner and dog were dropped it illustrates how legislation of this type can go wrong. Even more importantly, most people would expect their dog to protect them and their property if they were attacked or burgled. How is a dog to tell the difference between a burglar and someone legitimately on the property? Especially if the legitimate person exhibits behaviour that the dog would be expected to consider threatening? Raising his voice? Waving his arms about?

**Question 15:** *The Welsh Government takes the view that these proposals will lead to greater responsible dog ownership, enhanced animal welfare and provide for better prevention of injury to adults and children. Do you agree? If not, why not?*

The SHG believes that these proposals will lead to more dogs being given up, more irresponsible dog ownership as people try to hide dogs that they believe to be innocent of the 'crimes' they have been accused of, and inevitably much worse animal welfare as people find they cannot seek veterinary help for animals they are hiding.

There is no evidence from any jurisdiction that such legislation has ever produced any reduction in terms of injury.

**Question 16:** *The draft Regulatory Impact Assessment (RIA) provides an estimate of the costs and benefits associated with the proposed legislation. Do you agree with the assessment? If not, why not?*

We do not agree with the costs/benefits. We are concerned that many of the figures are not Wales specific. This means that it is impossible to tell if there is a problem in Wales or if the problem is England specific.

We have already mentioned the way that post office workers could be protected without necessitating the criminalisation of dog owners.

Guide Dogs has provided UK base figures. We have no idea if any or all of those attacks took place in Wales. Until the figures are broken down properly it would be wrong to base any legislation, let alone criminalising legislation on such a lack of data.

The SHG believes that the correct and most cost effective course of action would be to completely repeal the DDA and to return to the Dogs Act 1871 (DA).

We have mentioned the probability of people trying to save dogs they believe innocent. This will not be easy on the courts. As with the DDA there will undoubtedly be demonstrations, the necessity to deal with people who are trying to act as litigants in person due to lack of funding, and the inevitable appeals. The emotional attachment to dogs will drive all of these issues and more.

Bad legislation that is seen to be unfair has another cost – it leads to alienation from the legal system and a distrust of and, at best, decline of respect for the law.

The costs involved in databases and micro-chipping, especially if it becomes necessary to make micro-chipping a vet only procedure will far exceed any estimates given. The cost to individual owners and their dogs if micro-chipping goes wrong is potentially astronomical, not just in financial terms, since the emotional cost has to be taken into account.

Equally the cost of enforced neutering and the medical and behavioural problems it causes needs to be factored in.

<http://www.naiaonline.org/pdfs/LongTermHealthEffectsOfSpayNeuterInDogs.pdf>

<http://www.thedogplace.org/Spay-Neuter/INDEX.asp>

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0055937>

The cost of increasing complaints to local authorities as people see getting at their neighbours through the dog as a tool in neighbour disputes has not been considered. We believe that this would be a greater issue for local authorities and DCNs than the DA because people are generally wary of making spurious complaints to the police but tend to see local authorities and organizations like the RSPCA as fair game.

Another cost issue that has not been considered is the result of people refusing to attend hospital if injured by their own dog for fear of prosecution or becoming the recipient of a DCN. We already see a huge cost to the NHS and the country as a result of people suffering stress and breakdowns and even in some cases committing suicide as a result of investigations under the AWA.

<http://www.telegraph.co.uk/comment/columnists/christopherbooker/7920217/Did-the-RSPCA-drive-a-man-to-suicide.html>

<http://www.telegraph.co.uk/comment/columnists/christopherbooker/7932214/RSPCA-End-this-cruelty-to-animal-owners.html>

One final issue that must be raised in terms of cost and comparisons with the situation in Scotland is the fact that in Scotland animal owners deal with the SSPCA and not the RSPCA. In England and Wales the RSPCA no longer takes owner surrendered animals, and will not take stray dogs. They only take 'RSPCA generated' animals.

<http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232719753479&mode=stg>

It would have been impossible to miss the current media attention to the political activities and prosecutions of the RSPCA. Animal owners rightly fear becoming the subject of their attentions. Indeed a petition asking the government to investigate the RSPCA's activities has currently gained over 8,000 signatures since January.

<http://epetitions.direct.gov.uk/petitions/43807>

For these reasons we believe that to compare the situation in Wales with that of Scotland is impossible and will lead to a huge under – estimation of the costs that will be involved.

Finally, the inevitable change in human behaviour and reaction to official visitors has not been considered in the regulatory impact assessment.

Dog owners will become isolated because they will be reluctant to allow visitors to their homes or property. They will be less likely to invite officials who call over unrelated issues into their house for a chat and a cup of tea, so that issues that would be easily resolved will have to go through more official and bureaucratic channels.

The costs associated with this change in behaviour have not been taken into account and will have a knock-on effect on the costs to the court system as issues that could have been resolved end up in the lists.

**Question 17:** *Do you have any alternative information that would help to inform the final RIA?*

As above.

**Question 18:** *We have asked a number of specific questions in relation to the Bill and the RIA. If you have any related issues which we have not specifically addressed, please use this space to report them or provide comments separately. Please note, this consultation does not relate to dog fouling, rehoming, or kennelling. These matters may be given separate consideration at a later date.*

No further comments other than to re-iterate our concerns that criminalising legislation should not be passed lightly and without all of the necessary information and data.