



**Rialtas na hÉireann**  
Government of Ireland

Prepared by the Department of Rural and Community Development

# **A review of measures relating to the control of dogs in Ireland**

## **Consultation paper**

**July 2019**

# Contents

<b>1. Introduction</b>	<b>2</b>
<b>2. Format of this document</b>	<b>3</b>
<b>3. Provision of comments</b>	<b>3</b>
<b>4. Non-breed specific measures</b>	<b>4</b>
<b>5. Breed specific measures</b>	<b>9</b>
<b>6. Next steps</b>	<b>13</b>
<b>Appendix 1: Summary of questions</b>	<b>14</b>

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# 1. Introduction

The Department of Rural and Community Development (the Department) has legislative responsibility for the area of Dog Control in Ireland. Certain aspects of this legislation have been in place for a significant number of years and views have been put forward that changes are required. For these reasons the Department is now reviewing this area, to ensure improvements are made where appropriate.

There are currently a number of measures in place in Ireland that are aimed at ensuring dogs are controlled appropriately, regardless of their breed. There are also measures in place in Ireland that focus on specific breeds. These breeds are listed in Statutory Instrument number 442 of 1998 (Control of Dogs Regulations, 1998)<sup>1</sup>.

No breed of dog is banned in Ireland; the additional requirements only relate to leashing and muzzling in public places.

Some assert that more breeds should be added to the list – especially given the newer breeds that have arrived in Ireland over the last number of years. Others believe that a different approach should be taken which would focus on the behavioural issues of individual dogs, rather than specific breeds and should move away from muzzling.

The objective of reviewing this area is to ensure an **appropriate approach is in place for the effective control of dogs in Ireland**. This approach may or may not be breed specific.

Given the different views that are being put forward, and the fact that the Statutory Instrument which lists the specific breeds has been in place since 1998, it is appropriate to review this area to ensure that an approach is in place that places a primacy on the protection and safety of the public.

The Department is seeking views on this matter by 5.30pm on **Friday, 6 September 2019**, as outlined in Section 3.

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<sup>1</sup> This Statutory Instrument is available [here](#).

## 2. Format of this document

This consultation paper takes the following format:

- Section 3 provides detail on how to respond to this consultation.
- Section 4 outlines measures currently in place in Ireland for all dogs, regardless of breed. It also covers some measures in place in other jurisdictions, and some relevant research.
- Section 5 outlines the measures in place in Ireland for some specific breeds. It also covers some measures in place in other jurisdictions, and some relevant research.
- Section 6 outlines the next steps in this process.

## 3. Provision of comments

Written submissions/comments, preferably in electronic format, are requested from the public and other stakeholders by **5:30pm on Friday, 6 September 2019**.

They can be submitted:

- by email to: [dogsconsultation@drcd.gov.ie](mailto:dogsconsultation@drcd.gov.ie)
- by post to the Dog Control Unit, Department of Rural and Community Development, Government Buildings, Ballina, Co. Mayo. F26 E8N6

Submissions should be as concise as possible. Where possible they should reference the question(s) number(s) which is being responded to.

### Further Information

Please email [dogsconsultation@drcd.gov.ie](mailto:dogsconsultation@drcd.gov.ie) or phone (076)100 6936 if you would like a paper copy posted to you.

### What we will do with your comments

All submissions received will be made available on the Department's website (<https://drcd.gov.ie/>), unless otherwise requested.

All submissions received may be released under the Freedom of Information Act 2014. Please do not include material of a private nature in the body of your submission.

Submissions will not be replied to on an individual basis but the Department will review all submissions prior to deciding the next steps in this area.

## 4. Non-breed specific measures

### Measures in place in Ireland

There are currently a number of measures in place in Ireland that are aimed at ensuring dogs are controlled appropriately, regardless of their breed. The measures contained in legislation that are under the remit of this Department are:

1. Effectual control – all dogs must be kept under effectual control. This is a general requirement under Section 9 (c) of the Control of Dogs Act, 1986<sup>2</sup>.
2. All dogs are required to have a licence – this helps to encourage responsible dog ownership. It also provides a source of funding for the dog control activities of Local Authorities. This is a requirement under the Control of Dogs Act, 1986<sup>2</sup>.
3. Dog identification - Dogs must at all times wear a collar that bears the name and the address of the owner inscribed on it or on a plate, badge or disc. This is a requirement under Section 6 of Statutory Instrument number 442 of 1998.

Other dog related work for which this and other Departments have responsibility are not detailed here as they are not the focus of this consultation paper<sup>3</sup>.

It should be noted that while this Department has policy and legislative responsibility for the area of dog control, Local Authorities are responsible for day-to-day activities, including enforcement.

### Examples of approaches in other jurisdictions

One of the measures in place in Northern Ireland and Scotland allows the issuing of Dog Control Notices where there are issues with a specific dog, regardless of the breed.

In Scotland typical measures that may be included in a notice are:

- Keeping the dog on a lead in public.
- Muzzling the dog in public.
- Attending suitable dog training courses.

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<sup>2</sup> A consolidated version of the Act is available here

<sup>3</sup> For this Department this includes certain matters relating to barking dogs, guard dogs and dog breeding establishments. For other Departments this includes work related to welfare, microchipping, sales, exports, litter pollution, etc

- All dogs that become the subject of a notice must be microchipped and registered within 14 days of the date of the notice<sup>4</sup>.

These notices are in addition to other breed specific measures in place in those jurisdictions.

The Department is interested in opinions regarding whether introducing the notices in Scotland and Northern Ireland would be useful in an Irish context, given the measures that are already in place here. In Ireland Section 22 of the Control of Dogs Acts already facilitates a process, through the courts, whereby measures can be taken in relation to individual dangerous dogs.

### **Some relevant research**

There is some scientific literature available which provides interesting data on factors that seem to influence instances of dog bites. These factors may not necessarily, on their own, cause a dog to bite, but the data indicates that these factors are present in many cases when bites occur.

One study indicates that from a review of 256 dog bite-related fatalities (in the United States from 2000 to 2009) most had common preventable factors. These included the absence of an able-bodied person to intervene, minor or no familiar relationship of victims with dogs, owner failure to neuter dogs, victims not being able to interact appropriately with dogs<sup>5</sup>, and how the dogs are treated<sup>6</sup>.

Other studies have indicated that children make up a relatively high proportion of those that are subject to dog bites. This may be due to the children lacking the ability or knowledge to interact with dogs in an inappropriate manner. Their smaller stature may also influence the severity of the bites that they receive.

This and similar literature highlight factors that will be borne in mind as the Department considers what approach should be taken in this area in the future. When responding to this consultation, individuals are encouraged to consider how the available research could be used to develop policy which is practical and which can be implemented in an efficient, effective manner.

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<sup>4</sup> Further information is available

<sup>5</sup> The reasons for this included the age of the person, disability, intoxication, etc.

<sup>6</sup> This included the dogs being kept isolated from regular positive human interaction versus family dogs, owners prior mismanagement of dogs, and owners history of abuse or neglect of dogs.

## **Sale of dogs**

This section outlines some rules that are currently in place relating to the sale of dogs in Ireland. Some of these relate to legislation that is governed by the Department of Agriculture, Food and the Marine (DAFM), not this Department, but it is included here for completeness. The query is posed as to whether this Department should carry out any additional work to reinforce or supplement the work being carried out by DAFM.

### **1. Sale of dogs - microchipping**

Under legislation governed by DAFM, all dogs sold in Ireland must be microchipped and registered on a microchipping database. They must have a certification of registration relating to the dog (this is available from the microchipping database).

If a person is selling a dog they must:

- confirm the identification and address of the person acquiring the dog<sup>7</sup>,
- endorse the name and address on a legible copy of a certification or registration (relating to the dog),
- provide this to the person acquiring the dog, and
- notify the microchipping database of the name, address and contact details of the person acquiring the dog.

The person acquiring the dog must:

- Notify the microchipping database with their name address and contact details, and
- Send the certificate of registration (given to them by the previous owner) and a copy of the identification and utility bill (that they showed to the previous owner) to the microchipping database.

### **2. Sale of dogs – dog breeding establishments**

Guidelines that are in place for Dog Breeding Establishments outline a requirement that dog should not be separated from their mother before the age of

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<sup>7</sup> By inspecting an accepted form of identification and a utility bill issued within the previous three months giving the person's address.

6 weeks. A review of the legislation in this area (i.e. for dog breeding establishments) is currently underway.

### 3. Sale of dogs – online sales

In 2018, DAFM consulted publicly on whether there was a need for further legislation for the advertisement and sale of pet animals.

It noted that there is already legislation regarding the welfare of animals during a sale. The 2013 Animal Health and Welfare Act obliges anyone who possesses or controls an animal intended for sale or supply to safeguard the animal's health and welfare. The Act also prohibits the sale of an animal to anyone under 16 years of age. It prohibits giving an animal as a prize to anyone under 16 unless he or she is accompanied by an adult.

The Dog Breeding Establishments Act 2010 obliges operators of dog breeding establishments (DBE) to provide details to the relevant local authority or person charged with the maintenance of a database of information relating to all dogs in the State, of the sale or transfer of a dog (note this is a separate database for licensing, and is not the same as the microchipping database).

The DAFM consultation queried what issues, if any, are there with the online advertisement for sale of pet animals. It also noted the work of the Irish Pet Advertising Advisory Group (IPAAG; [www.ipaag.ie](http://www.ipaag.ie)). This is an advisory group made up of a number of Irish animal welfare organisations, representatives of the veterinary profession and online websites through which pet animals are advertised. IPAAG has introduced a list of minimum standards for websites advertising animals to ensure that the welfare of animals sold online is protected and that any illegal activity is identified and investigated.



**Questions**

- Q1. Should the legislation be amended to include notices, similar to those that are in place in Scotland and Northern Ireland?
- Q2. Are there different approaches in other jurisdictions that should be considered?
- Q3. Should neutering be (a) encouraged more or (b) required, either:
- a) for dogs generally, or
  - b) for male dogs, or
  - c) for specific dogs for which any notices have been issued (if notices were brought in as in Scotland and Northern Ireland), or
  - d) for those listed in the Control of Dogs regulations, 1998<sup>1</sup>, or any future amended version of that list?
- Q.4 Are there other initiatives that should be taken in this area?
- Q.5. Should the requirement that all dogs be kept under 'effectual control' be made more specific? If so, what should this be changed to?
- Q.6. Should this Department carry out any additional work regarding the sale of dogs to reinforce or supplement the work being carried out by DAFM?

Please give the reasons for your opinion/response.

## 5. Breed specific measures

The measures outlined in the previous section apply to all dogs, regardless of their breed. This Section provides detail on measures that apply to specific breeds, in Ireland and other jurisdictions.

### **Breed specific measures in Ireland**

No breed of dog is banned in Ireland. However, the Control of Dogs Regulations, 1998<sup>1</sup> impose additional rules in relation to the following breeds (and strains/cross-breeds) of dog:

- American Pit Bull Terrier
- Bull Mastiff
- Dobermann Pinscher
- English Bull Terrier
- German Shepherd (Alsatian)
- Japanese Akita
- Japanese Tosa
- Rhodesian Ridgeback
- Rottweiler
- Staffordshire Bull Terrier, and
- Bandog

The law states that these dogs (or strains and crosses of them) must be<sup>8</sup>:

- kept on a short strong lead by a person over 16 years who is capable of controlling them; and,
- securely muzzled

whenever they are in a public place.

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<sup>8</sup> The rules on muzzling and leashing do not apply to dogs used by the Gardaí, the Dublin Harbour Police, State Airport Police and bona fide rescue teams in rescue operations. The rules on muzzling do not apply to guide dogs for the blind.

## **Approach in other jurisdictions**

Many other jurisdictions also have measures in place which focus on specific breeds.

For example, England and Wales also have a list of four breeds which are banned. It's against the law to own those breeds. These are the:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

It's also against the law to:

- sell a banned dog
- abandon a banned dog
- give away a banned dog
- breed from a banned dog

In some cases an individual specific dog can be placed on an exempted list (through the courts), which means the owner can keep it.

The approach in England and Wales was recently subject to a review by the Environment, Food and Rural Affairs Committee in the United Kingdom<sup>9</sup>. The report noted a number of issues with the approach that is currently in place there. While it is useful to consider this report, it is worth noting that not all aspects are relevant for Ireland. For example, a dog on the list in the UK would not be rehomed, whereas organisations in Ireland do attempt rehome dogs that are on the list in Ireland (unless there were other issues with the individual dog).

## **Some relevant research**

There is published scientific literature which looks at whether specific breeds bite more than others, and whether they cause more damage when they do bite. However, the literature needs to be interpreted carefully to ensure it is not used to draw overly simplistic conclusions.

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<sup>9</sup> The report from that review is available [here](#).

For example, a study of breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998 noted that Pit bull-type dogs and Rottweilers were involved in more than half of the fatalities that they analysed. It was published in the September 15, 2000 issue of the Journal of the American Veterinary Medical Association.

The American Veterinary Medical Association subsequently published a note to state that the data from the study: 'cannot be used to infer any breed-specific risk for dog bite fatalities (e.g., neither pit bull-type dogs nor Rottweilers can be said to be more "dangerous" than any other breed based on this study). To obtain such risk information it would be necessary to know the numbers of each breed currently residing in the United States. Such information is not available.'<sup>10</sup>

This example is intended to highlight the difficulties associated with interpreting the literature that is available in this area.

In addition to research from other jurisdictions, the Department is also aware of relevant research completed in Ireland. This includes a review of hospitalisations due to dog bites in Ireland between 1998 and 2013, which highlights the importance of non-breed specific legislation as a tool to reduce hospitalisations due to dog bites. The Department is also aware of other ongoing research that is currently being completed into data from the Cork city and county area. The Department will consider this and other research further as part of this consultation process.

Where appropriate we would encourage the inclusion of references to scientific literature within responses. We would encourage respondents to ensure their responses take into account any limitations of the literature being referenced.

### **Practical experience**

From a practical perspective, this list of specific breeds (i.e. the Control of Dogs Regulations, 1998) has been used in Ireland over the last 20 years as a practical measure to help control dogs. It is a measure that can be clearly communicated to the owners of these dogs, thus making it more likely that they accept the need to

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<sup>10</sup> The published paper and the additional note are available [here](#).

have these dogs under control. This assists enforcement, thus ensuring the control of dogs and the safety of the public.

The Department is concerned that removing this list (i.e. the requirements regarding leashing and muzzling for specific dogs), without having an effective, easy-to-implement alternative in place may endanger the safety of the public.

### **Questions**

Q7. Should there continue to be a list? If so, why?

Q8. If there is a list, should any breed be added or removed? If so, which breeds and why?

Q9. If there is a list, should the requirements be changed to make them more or less stringent? This could include, for example, having requirements relating to places other than public places.

Q10. Should the measures that are currently in place for listed breeds (i.e. relating to leashing and muzzling in public places) apply to all dogs regardless of their breed? For example, should all dogs in public places be on a leash?

Please give the reasons for your opinion/response.

## 6. Next steps

The next steps are:

- Written submissions are requested from the public and other stakeholders by **5:30pm on Friday 6 September 2019**, as outlined in Section 3.
- Following consideration of all responses, the Department intends to publish an information note outlining the planned next steps in this area in late 2019. However, the timeframe for this is dependent on the nature and quantity of the responses received.

# Appendix 1: Summary of questions

## Questions

### Non-breed specific measures

- Q1. Should the legislation be amended to include notices as allowed in Scotland and Northern Ireland?
- Q2. Are there other approaches in other jurisdictions that should be considered?
- Q3. Should neutering be (a) encouraged more or (b) required, either:
- a) for dogs generally, or
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### Breed specific measures

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