



**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**

## **Report following public consultation**

**April 2022**

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## Executive summary

The Department of Rural and Community Development (the Department) has carried out a review of measures relating to dog control in Ireland. This includes measures relating to specific breeds and also dogs in general, both in urban and rural settings.

The process involved a public consultation process to which over 1,000 responses were received.

As a result of this review, the Department intends to more actively promote a culture of responsible dog ownership in Ireland, and has outlined measures in this paper regarding how we propose to do this. This includes supporting information campaigns regarding responsible dog ownership and progressing measures involving primary and secondary legislation.

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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 decided in 2019 to review 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 all 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 S.I. No. 442/1998 (Control of Dogs Regulations, 1998).

No breed of dog is banned in Ireland; the additional requirements only relate to leashing and muzzling in public places. Some stakeholders 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. Either of these approaches or a combination of both will necessitate changes to Primary legislation (Control of Dogs Acts) or Secondary legislation (S.I. No. 442/1998 - Control of Dogs Regulations 1998)

Given the different views that were been put forward, and the fact that the Statutory Instrument which lists the specific breeds has been in place since 1998, it was considered appropriate to review this area 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.

As part of this review the Department published a consultation paper in July 2019, requesting comments by 5<sup>th</sup> September 2019. Approximately 1,000 responses were received.

This paper provides a summary of the comments received and outlines the Department's position in this area.

**Section 2** provides a summary of comments received regarding measures for the control of all dogs, and outlines the Department's position.

**Section 3** provides a summary of comments received regarding measures for the control of some specific breeds, and outlines the Department's position.

**Section 4** provides a conclusion.

A list of the organisations or groups from whom responses were received are provided in Appendix 3 and published alongside this consultation paper. For data protection reasons, submissions from individuals who provided responses are not being published.

There was a consistent theme within the responses regarding the need to promote a culture of responsible dog ownership in Ireland, and many of the next steps outlined in this paper are aimed towards that goal.

## 2. Measures in place for all dogs

### 2.1 Introduction

This section deals with responses relating to the part of the consultation paper that focused on measures for the control of all dogs, regardless of their breed <sup>1</sup>.

A summary of responses is provided in Section 2.2 below. The Department's position is outlined in Section 2.3.

The questions posed in that section of the consultation paper are listed in Appendix 1 of this document (questions 1-6).

### 2.2 Summary of responses to questions 1-6

#### 2.2.1 Dog control notices

The first question related to whether dog control notices (similar to those in place in Northern Ireland and Scotland) should be introduced in Ireland.

Some respondents felt that existing legislation was adequate, if enforced appropriately, and there was no need for such notices or additional legislation. Some also stated that the introduction of notices would be too complex an issue at the moment, and if introduced would require specially trained staff with the time to carry out this new function.

However, there was general agreement that notices (similar to those in place in Northern Ireland and Scotland) should be introduced in Ireland, although some respondents noted that there needed to be further detail on how these would work in practice.

Some stated that properly resourced, it would establish a more efficient and responsive system that would remove this process (of taking measures in relation to specific individual dogs) from the courts system where the potential delays and costs involved may discourage the necessary action being taken under Section 22

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<sup>1</sup> This covered keeping dogs under effectual control, licensing requirements and identification requirements. It also covered approaches in place in other jurisdictions, relevant research, and some work completed by DAFM in relation to dogs.

of the Control of Dogs Act 1986.

Respondents made points such as the following:

- Enforcement – it was noted that if there is inadequate enforcement, then there is little point in introducing new measures such as these notices.
- Requirements – respondents provided details regarding requirements that could be put in place under the notices, including regarding:
  - keeping a dog on a lead in a public place,
  - attending training courses,
  - keeping dogs muzzled in public places,
  - giving a period of time to produce licences/microchip certificates,
  - putting in place a colour scheme for dogs/owners with notices,
  - microchipping the dog,
  - taking necessary steps to alleviate noise from barking dogs, especially in built up areas
- The legislation should clearly state how the notices could be enforced and by whom,
- Some expressed a preference for the approach in Scotland, rather than Northern Ireland. Some disagreed with the language used in the Northern Ireland legislation and stated that it referred to punishable offences simply if a person feels they are threatened by a dog (with no incident involved). Some stated that the rules should be fair and reasonable, and that a notice should not be issued solely due to the opinion of a member of the public.
- Some respondents also pointed towards the post legislative scrutiny of the Control of Dogs (Scotland) Act 2010 <sup>2</sup> and stated that both the legislation and the post legislative review together could inform the new legislation in Ireland. Another noted that the post legislative review states that the dog legislation (as a whole) in Scotland was '*not fit for purpose*', and that legislation in other jurisdictions should be researched first to see if there are more effective measures.

Some responses noted that Section 22 of the Control of Dogs Acts already

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<sup>2</sup> <https://digitalpublications.parliament.scot/Committees/Report/PAPLS/2019/7/18/Post-legislative-Scrutiny--Control-of-Dogs--Scotland--Act-2010#>

facilitates a process, through the courts, whereby measures can be taken in relation to individual dangerous dogs in Ireland.

The Department's intention on this is outlined below in section 2.3.2.

### 2.2.2 Other jurisdictions

Some respondents provided detail on approaches from other jurisdictions which could be used (or adapted for use) in Ireland. It should be noted that that in some cases respondents were not clear regarding whether the measures were currently in place (or had applied in the past) and applied in all parts of a country (or just some states). While the Department is looking at measures from other jurisdictions that can be utilised in Ireland, all of the below statements regarding other jurisdictions have not been checked for accuracy.

Many referenced the City of Calgary in Canada<sup>3</sup>, where responsible pet ownership is advocated through five principles:

- Licence and provide permanent identification for cats and dogs.
- Spay or neuter pets.
- Provide training, physical care, socialization and medical attention for pets.
- Do not allow pets to become a threat or nuisance in the community.
- Procure your pet ethically, from a reliable source.

Respondents noted that considerable funds are put into training. Some stated that there was a requirement in Calgary that the dog licence be 'worn' on the dog's collar, and mentioned that this would make it easier to see if a dog was licensed or not. They stated this could be adapted and used in Ireland. They noted that there is already a requirement (in Ireland) to register a dog's chip and have dogs wear an ID tag, and said that having a tag which contains a licence number should also be required.

Respondents stated that there are different type of licences in Calgary, including a nuisance dog licence and a vicious dog licence, and stated that evidence of neutering is required in order to obtain a licence. One stated that research in Calgary had shown that one hour of dog safety training can reduce attacks by

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<sup>3</sup> Further details are provided here: <https://www.calgary.ca/csps/abs/animal-services/responsible-pet-ownership-and-licenses.html> <https://www.calgary.ca/csps/abs/animal-services/responsible-pet-ownership-and-licenses.html>

80%.

Respondents also referred to other jurisdictions such as:

- Switzerland – respondents stated that, in some parts, owners are required to attend dog obedience training classes.
- Germany – respondents stated that (in some states) there are reduced licence fees for rescue dogs or if the owner attends a training seminar. Some stated that dogs are required to be on a leash in residential areas.
- The United States – one respondent stated that in Los Angeles there are (non-breed specific) definitions of potentially dangerous dogs and vicious dogs. It was suggested that this could be coupled with the approach in New York whereby any animal so proven would be assessed by a certified behaviourist. Another respondent stated that in Illinois there was specific legislation dealing with dangerous and vicious dogs and problem pet owners, which puts the onus on responsible ownership and does not penalise the breed.
- The Netherlands – respondents stated that owners are not required to undergo tests or training, but are liable for any damage to a person or property inflicted by their dogs. No breed of dog is banned but dogs showing aggression must undergo behaviour testing and training if necessary. Dogs that fall into the category of dangerous breed must pass behaviour testing before being bred. Another respondent mentioned designated dog parks in Netherlands. Another mentioned that there were prison sentences for abandoning or mistreating an animal, high taxes on the purchase of purebred dogs, free spay and neutering programmes, and special division of police officers to deal with animal cruelty and abandonment.
- Italy – one respondent stated that vets are responsible for the register of individual dogs that must be muzzled in public. They stated that fines of up to 10k can be imposed for the abandonment of a dog. Also large dogs being walked in a public area must be on a leash shorter than 5 feet in length, by an individual older than 18 years. The owner must carry a muzzle and a means to dispose of dog faeces.
- Spain – one respondent stated that owners must prove they are fit to be in charge.
- Austrian dog laws – One respondent stated that in Vienna and large cities

before you are allowed to keep a dog you have to complete a theory test that tests the future dog owner on basic dog behaviour and legislation on keeping a dog.

- Sweden – people can be banned (in extreme cases) from owning dogs. Dogs must face a temperament test prior to being allowed to breed and dogs that fail must be neutered.

The Department notes that, while some breed specific measures were mentioned in other jurisdictions, there was a consistent theme regarding education, training and responsible ownership. The Department's intention on this is outlined broadly across the measures outlined in Section 2.3.8 of this paper.

The Department will also continue to review aspects of practices in place in other jurisdictions to see if they should be used in Ireland.

### 2.2.3 Neutering

The consultation paper had posed questions regarding neutering of dogs. It had asked whether neutering should be encouraged more or required, either for dogs generally, or for male dogs, or for specific dogs for which any notices have been issued (if notices were brought in as in Scotland and Northern Ireland), or for those listed in the Control of Dogs Regulations, 1998.

There was a general acceptance from respondents of the role neutering plays in controlling the dog population. Some respondents outlined benefits (both from a health and control of dogs perspective) and some outlined disadvantages (and stated that it should not be completed unless required for medical reasons).

Some respondents stated that it should be required, with others focusing on promoting it. Others stated that this was a matter that was most appropriately decided by veterinary professionals, not the general public.

Some stated that it should not be a requirement, but that if a person does not intend to breed from a dog, neutering should be the obvious choice, on the advice of a responsible vet.

Some respondents stated that other jurisdictions like Norway make it illegal to neuter dogs unless there is a medical reason, and stated that those jurisdictions did not have excessive problems with stray dogs or dog attacks. They thought this meant that responsible dog ownership was the rule in Norway, and that in their opinion the focus should be on owners and their behaviour.

Some stated that neutering should be compulsory to control the dog population.

The Department's position on this is outlined in Section 2.3.4 of this paper.

#### 2.2.4 Effectual Control

The existing legislation states that dogs must be kept under '*effectual control*'. The consultation paper had queried whether the legislation should be changed to be more specific about what this meant. The consultation paper also asked if some of the measures in place for restricted breeds should be in place for all dogs, for example, should all dogs be on a lead in a public place.

Some respondents did think that more detail should be provided regarding what is meant by effectual control. While some of these did not provide examples of what that detail should be, others did go on to provide examples, including the following:

- All dogs should be on leash in public places
- All dogs should be muzzled on public transport
- Dogs should not be unsupervised in a public area/worrying or otherwise disturbing other people/pets or showing signs that they may attack or bite another person/pet
- All dogs should be on leash in lifeguard zones, on beaches during summer months, around playgrounds, etc.
- All dogs should be within 2 metres (of their owner/walker) at all times
- All dog owners/walkers should have a leash on their person just in case they encounter a time when their dog wants to stray from them.
- Some stated that extendable leads should not be allowed.

Some respondents provided more specific examples. One respondent mentioned that effectual control is having reliable recall on dogs while off the lead or knowing

when to leash your dog. They gave an example that they leash both their dogs when walking alongside roadways, as they lack traffic awareness and it would be irresponsible not to do so. They also leash them in crowded spaces where they appreciate that there are individuals nervous of dogs. They maintain a leash on their small dog at all times as he has never effectively learnt recall. Their small dog is also elderly, isn't tolerant of children and doesn't want to play so they segregate him from visitors where appropriate and don't allow children to pet him when out walking and they explain why.

Some stated that in their opinion effectual control is having reliable recall on a dog while off lead or being responsible and leashing dogs in certain circumstances when the dog handler sees fit (some gave examples of circumstances such as when there are children present, or on a cycling or running track). They stated that a handler must be completely confident with their dog's recall ability to be able to say it is under effectual control. They also stated that dogs that are under effectual control should be allowed to exercise off leash for their physical and mental wellbeing.

Some stated that mental health and obesity are significant issues in Ireland and that a ban on off lead walking would restrict both dogs and their owner's mental and physical needs. Some stated that an inability to exercise a dog appropriately will result in an unhappy and unhealthy dog and bring behavioural problems (excessive barking or worse). This general view was put forward by many respondents. Some stated that if they could not exercise their dogs off leash, then they would not get another dog when their current pet dies.

One respondent stated that effectual control should be changed to 'under control', people should be educated on what this is; any dog left unsupervised is out of the human's control and therefore it is effectively out of control.

Other respondents thought that the term '*effectual control*' was self-explanatory or common sense, and did not need any further clarification.

Some respondents were against more stringent rules around effectual control of dogs as they believed it would lead to all dogs being on some type of physical

restraint in public places. They stated that this would make activities such as farming with sheepdogs totally impractical.

One respondent stated that it would be difficult to cover all of the situations in relation to dog control in primary legislation (which covers the whole country) and dog control bye-laws (i.e. bye-laws put in place by Local Authorities for specific areas or specific scenarios/times) are more effective.

One respondent stated that while the primary purpose of the review is the protection of the public in relation to dangerous or itinerant dogs and the maintenance of the list, there is a danger that any change to the legislation would have unforeseen consequences for other dog owners, such as working farm dogs, dogs used in policing, in search and rescue, dogs used with the disabled or the blind, dogs used in security, dogs used by sports people, etc.

The Department's position on this is outlined in Section 2.3.5 of this paper.

#### 2.2.5 Sales of dogs

The consultation paper had highlighted the work being completed by DAFM regarding the sale of dogs and asked whether the Department should carry out any additional work to reinforce or supplement their work.

Please note that since the time of publication of the consultation document, DAFM has introduced a Statutory Instrument (S.I.) which prescribes that:

- anyone selling or supplying six or more pet animals in a year must register with the Department of Agriculture, Food and the Marine <sup>4</sup>.
- anyone selling or supplying six or more pet animals in a year must maintain certain records regarding pet animals kept for sale or supply;
- anyone advertising a pet animal for sale or supply must include certain information in the advertisement, including the microchip number in the case of dogs;
- the new regulations prohibit the sale or supply of pet animals under certain

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<sup>4</sup> Dog Breeding Establishments do not have to register under this S.I. as they are already registered under the DBE Act. Local Authority Dog shelter/pounds also do not have to register.

specified minimum ages (which is eight weeks for dogs). Further details are available on the DAFM website <sup>5</sup>.

This Statutory Instrument was not in place when the consultation closed, and therefore respondents would not have been aware of it when providing their responses.

Suggestions of additional work mentioned in the responses included:

- Stop allowing sale of dogs on websites or social media
- Requiring dog breeders to be responsible for all dogs sold for life
- Keeping a list of breeders
- Emphasise microchipping, especially to new owners
- Awareness campaigns to inform people of what documentation they should look for when buying a dog such as:
  - A contract of sale
  - Written advice on training, feeding, exercise, worming and vaccination
  - Dog microchipping certificate
  - Details of medical records, including records of worming and flea treatment
  - A vaccination certificate
  - Vaccination details
  - Pet passport, if not born in Ireland

Some respondents also suggested that traceability should be improved by linking the microchipping to licenses and/or by using a system similar to DAFM's AIM system (which is used for cattle).

The Department's position on this is provided in section 2.3.6 of this paper.

### 2.2.6 Dog fouling

Some respondents provided comments relating to dog fouling. Some suggested initiatives such as:

- Requiring dogs to be on short leashes in public places so that they would

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<sup>5</sup> Information on the Animal Health and Welfare (Sale or Supply of Pet Regulations) 2019 is available [here](#).

be less likely to foul without the owner being aware of it.

- Requiring dog owners to carry a bag or pooper scooper in public places and requiring that this be produced when requested by an authorised person.
- Putting in place a system where there would be matching of DNA samples from fouling and dogs that have been suspected of fouling, in order to prove instances of dog fouling. This could be strengthened by the building up of a DNA database over time.

While the Department is not responsible for legislation covering dog fouling, it is an important part of responsible dog ownership. The Department's position on this is covered in Section 2.3.7 of this paper.

#### 2.2.7 Responsible dog ownership / training /education

Some respondents provided comments that fall generally under the description of responsible dog ownership.

Some stated that funding should be made available for responsible dog ownership programmes. This funding resource could be administered by the Local Authorities, covering schools and library visits by wardens, dog fouling campaigns, liaising with organisations such as Dogs Trust, developing newspaper articles, updating of responsible dog ownership literature, etc. They stated that a national campaign to promote licensing, microchipping, neutering, etc. should also be considered, and that such a campaign should also inform those who do not own dogs of the applicable legislation.

Some stated that awareness campaigns should be in place regarding communicating to people who walk dogs in the countryside, to protect wildlife and maintain a healthy upland environment.

One respondent stated that if problems are prevented and education provided (in schools also) we would see a great improvement in dog bite statistics and euthanasia.

Some suggested that low cost training should be run by Local Authorities. Other respondents highlighted work already being completed by Local Authorities in this

area. Others suggested that there should be a system of standardised national training.

The Department's position on this is outlined in Section 2.3.8 of this paper.

#### 2.2.8 Data collection

Some respondents made points regarding data collection.

Some asked that the Government commit to a data base of dog bites or dog bite related incidents, involving the recording of all dog bite incidents in a centralised database (from various different bodies including vets, doctors, hospitals, An Garda Síochána, dog wardens, and any other authorised persons or organisations), and covering the victim's circumstances, age, demographic, while also recording the details of the aggressor such as the breed, age and circumstances surrounding the incident. They also stated that this could be correlated over a number of years and would be valuable when reviewing the Act in the future.

Some noted that the Department publishes data on the dog control activities of Local Authorities.

One respondent stated that the statistics should be developed further to allow a deeper understanding of the reasons behind peoples motivations for surrendering their dog to a pound or rescue, to inform more targeted and effective campaigns.

Others stated that statistics should be collected to inform the approach to the control of dogs, through CSO, if feasible.

The Department's position on this is outlined in Section 2.3.12 of this paper.

#### 2.2.9 Comments regarding licences

Some respondents provided comments regarding licences. Some stated that people should not be able to buy a licence without a microchip number.

Some stated that there should be higher licence fees for restricted breeds, or for

dogs that were not neutered.

Others stated that the licence should be aptitude based, like the driving licence.

Some suggested changes to how licences are issued such as, for example, providing tags for display on a dog collar when licences are issued. The intention is that this would make it easier to identify if a dog was licensed, thus aiding enforcement and increasing compliance.

Some suggested changes to the licence fee structure, so that the fee for unneutered dogs would be higher than the fee for neutered dogs. The intention of this was to have an incentive or reward to encourage neutering, which should reduce the number of unwanted dogs in Ireland.

The Department's position on this is outlined in Section 2.3.10 of this paper.

#### 2.2.10 Enforcement

Some stated that existing legislation/rules were appropriate and there was no need for additional legislation, rather to enforce the current.

Some suggested that the legislation should be enabling to allow public land managers (e.g. NPWS, Coillte) be given powers to enforce the Control of Dogs Acts.

Others stated that bye-laws should be put in place for certain areas such as Coillte land.

Some respondents highlighted general issues with the area of dog control in Ireland. Some stated that the Control of Dogs Act was originally enacted to deal with issues caused by stray and unwanted dogs and that there is no welfare aspect to the legislation, and was therefore outdated. They stated that the fact that animal welfare matters are the responsibility of another Government Department is a matter of concern, and that a more proactive dog control service would prevent or reduce dogs straying and unwanted dogs in the first place.

Some noted that the enforcement of dog control is delegated to multiple Local Authorities, and this gives rise to differences in how dog control operates, with no overall governance of direction on the practical operation of the system. They stated that there is disparity between Local Authority figures on control, enforcement and finances that needs to be addressed at Government level, through better governance and direction to councils.

One respondent suggested the inclusion of a duty of care requirement within the Control of Dogs Act which would require dog owners to protect public safety, livestock safety, and the safety and welfare of dogs and other animals which may be attacked or affected by dogs.

It was also suggested that the Control of Dogs Act should reference prosecution costs being recoverable in a prosecution under the Control of Dogs Act. At the moment it is not included, which can mean that some judges may not award costs.

It was noted that Section 21 of the Control of Dogs Act comments on medical expenses for an attack on a person, and queried whether this could be expanded to cover veterinary bills. It was stated that at the moment there is no recourse except under the Civil Liabilities Act.

The Department's position on these points is covered in Section 2.3.11 of this paper.

## **2.3 Department's position on control of dogs measures for all breeds**

### 2.3.1 Responsible dog ownership

The Department intends to promote, more proactively, the concept of responsible dog ownership, through the measures outlined below.

### 2.3.2 Dog control notices

The Department intends to explore the possibility of amending the Control of Dogs Act to include reference to notices (similar to those in place in Northern Ireland and Scotland). This would provide Local Authorities with another enforcement mechanism which they could use, if they chose, to ensure dogs (regardless of

breed) are controlled appropriately.

The details of the proposed notices, including when they could be issued and what could be required under the notices will be developed in consultation with the Local Authority sector (that enforce legislation in this area) as part of the process to put in place this legislation. It is not envisaged that notices would be issued based solely on an assessment by a member of the public<sup>6</sup>. Details to be developed include whether requirements could relate to matters such as training, neutering, leashing, muzzling, etc. The post-legislative review completed in Scotland will be considered as part of that process.

These dog control notices (if introduced) would be separate to Section 22 of the Control of Dogs Acts which already facilitates a process, through the courts, whereby measures can be taken in relation to individual dangerous dogs in Ireland. If introduced, it would aim to provide an alternative, less resource intensive mechanism, relative to the courts process.

While the Department will progress this, it will only be included within primary legislation if considered appropriate by the Houses of the Oireachtas.

### 2.3.3 Approach in other jurisdictions

The Department notes that, while some breed specific measures were mentioned in other jurisdictions, there was a consistent theme regarding education, training and responsible dog ownership. The Department's intention on this is outlined broadly across the measures outlined in Section 2.3.8 of this paper.

The Department will also continue to review aspects of practices in place in other jurisdictions to see if they should be used in Ireland.

### 2.3.4 Neutering

The Department accepts that neutering plays a role in reducing the level of unwanted dogs in Ireland, but notes that the appropriateness and timing of neutering may vary depending on the specific dog.

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<sup>6</sup> This was a concern raised in some responses.

The Department will explore ways to encourage neutering as part of a wider culture of responsible dog ownership, while also emphasising that this decision should be made on a case by case basis in consultation with a responsible vet.

The Department will also consider whether neutering should be included as a possible requirement under (any future) dog control notices, as referred to above.

#### 2.3.5 Effectual control

The Department will give further consideration to the possibility of being more specific regarding the term '*effectual control*' when progressing amendments to the Control of Dogs Act, but may decide to leave it as it is.

While the term '*effectual control*' is relatively general, being more specific could introduce requirements that may not be suitable for some dogs, such as pack animals, rescue dogs, working dogs, guide dogs, etc.

Therefore, rather than including more specific/detailed requirements (i.e. more specific than the broad term of '*effectual control*') within the primary legislation, the Department may explore the possibility of instead amending the primary legislation to allow the Minister to issue guidelines (in the future, if needed) regarding what is meant by '*effectual control*'. This approach would make it easier to cater for different work completed by dogs, different environments, etc. and would be easier to amend and edit, if needed.

The Department is also aware that Local Authorities can make bye-laws regarding dogs in specific areas, where needed, and this may cater for the need for strict requirements in specific areas such as beaches, parks, etc. This may be an appropriate approach to take in many cases, rather than including a less flexible, strict requirement in primary legislation that covers the entire country.

#### 2.3.6 Sale of dogs

The Department notes the work completed by DAFM regarding the sale and supply of pet animals, including dogs, and intends to update the Guidelines for Dog Breeding Establishments to ensure that they are consistent with the recent S.I. completed by DAFM <sup>5</sup>.

The SI states that:

- anyone selling or supplying six or more pet animals in a year must register with the Department of Agriculture, Food and the Marine <sup>4</sup>.
- anyone selling or supplying six or more pet animals in a year must maintain certain records regarding pet animals kept for sale or supply.
- anyone advertising a pet animal for sale or supply must include certain information in the advertisement, including the microchip number in the case of dogs.
- the new regulations prohibit the sale or supply of pet animals under certain specified minimum ages (which is eight weeks for dogs).

The Department will also work to highlight these requirements regarding the sale of dogs as part of the information/educational campaigns mentioned above.

To be consistent with the S.I., the Department will also update the Guidelines for Dog Breeding Establishments to state that dogs cannot be sold from a dog breeding establishment before the age of eight weeks.

Some respondents had mentioned traceability in the context of the sale of dogs. This is referred to below in Section 2.3.9 where microchipping is discussed.

### 2.3.7 Dog fouling

While dog fouling falls under the Litter Pollution Act (which is not under the remit of this Department), the Department will highlight this issue as part of the information/educational campaigns mentioned above.

### 2.3.8 Information campaigns and training

The Department will work with responsible stakeholders to support information/educational campaigns relating to the control of dogs.

These may include messages which relate to work which does not fall within the remit of this Department such as relating to the sale of dogs, microchipping, dog fouling, etc. and also relating to areas that do fall within the remit of this Department such as licensing, control of dogs in general and within rural areas, appropriate interaction with dogs, the importance of socialising and habituating your dog at an early age, etc. They may also include messages relating to neutering of dogs, as this impacts on the number of unwanted dogs in Ireland.

The Department will also explore how training can be encouraged, to promote responsible dog ownership, socialisation and habituation of dogs at an early stage, etc. For example, the Department is aware of training that is already provided by Local Authorities and will explore ways to promote the availability of this training.

One such example includes the following from Dublin City Council and available under its library resources: <https://www.dublincity.ie/library/blog/its-dogs-life-using-eresources-train-your-pet>

### 2.3.9 Microchipping, traceability, and identification of dogs

While microchipping falls under the remit of DAFM, the Department will promote compliance with microchipping regulations as part of the information/educational campaigns mentioned above.

Some respondents mentioned traceability, which means that details on the ownership of a dog would be recorded throughout its life. The Department considers that the framework for this is already in place under the microchipping regulations, which falls under the remit of the Department of Agriculture, Food and the Marine (DAFM), and details of which are available on the following link:

<http://www.irishstatutebook.ie/eli/2015/si/63/made/en/pdf>

In addition to promoting this as part of the information/educational campaigns mentioned above, the Department will look at other ways in which it can promote microchipping. This includes amending the form or template for the dog licence application form (which is specified within a Statutory Instrument). The form was originally specified in a Statutory Instrument before mandatory microchipping, and recording the microchip number was thus set as optional. Removing the 'optional' status will mean that it is a required field, which would help to increase compliance with microchipping regulations. This would also make it easier for the dog licence to be linked to a microchip number.

Separate to microchipping, there is currently a requirement in place that dogs have

a tag on their collar with the owners details on it<sup>7</sup>. This was in place prior to the requirement to microchip your dog came into effect, and to some extent has been superseded by microchipping as a means to identify stray dogs. The Department will consider removing this requirement to have contact details on the dog collar. If it is removed as a requirement, owners may still choose to have those details on the collar, if they had a preference for doing so.

#### 2.3.10 Licence fees and related matters

Respondents also made more detailed points regarding changes that could be made regarding licences. These include:

- Changes to how licences are issued such as, for example, providing tags for display on a dog collar when licences are issued. The intention is that this would make it easier to identify if a dog was licensed, thus aiding enforcement and increasing compliance.
- Changes to the licence fee structure, so that the fee for unneutered dogs would be higher than the fee for neutered dogs. The intention of this was to have an incentive or reward to encourage neutering, which should reduce the number of unwanted dogs in Ireland.

The Department will explore these options further with the Local Authority sector, to consider whether any changes should be made to this area.

#### 2.3.11 Enforcement

The Department will consult with the Local Authority sector regarding any impediments to the effective enforcement of the relevant legislation.

As suggested by some respondents, the Department will explore the possibility of amending the Control of Dogs Act to allow Local Authorities the option of giving non-Local Authority employees/contractors powers under the Control of Dogs Act to enforce the law (if this has not already been accommodated sufficiently). The aim would be to facilitate another additional source of resources, which could be utilised by the Local Authorities in addition to their own staff, where they thought it was appropriate and choose to do so.

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<sup>7</sup> 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 S.I. No. 442 / 1998.

This could include allowing Local Authorities to give powers to enforce the Control of Dogs Act to, for example, park wardens, wildlife rangers, Coillte staff, and others responsible for overseeing public lands. The intention is to facilitate assistance in enforcement of the Act, where this is deemed appropriate by a Local Authority and has been agreed with the organisation concerned.

The Department will also consider including a duty of care requirement within the Control of Dogs Act which would require dog owners to protect public safety, livestock safety, and the safety and welfare of dogs and other animals which may be attacked or affected by dogs.

The Department will consider amending the Control of Dogs Act to reference prosecution costs being recoverable in a prosecution under the Control of Dogs Act. This is not included at the moment, which means that some judges may not award costs. Changing this may lead to more incentives to encourage responsible dog ownership in Ireland.

The Department will also consider amending Section 21 of the Control of Dogs Act, which comments on medical expenses for an attack on a person, and consider expanding this out to cover veterinary bills. However, it is noted that this may be already appropriately covered under other legislation, such as the Civil Liabilities Act.

#### 2.3.12 General points

Some other general points were raised by respondents.

Registration of commercial dog walkers – some respondents mentioned that there should be a register of commercial dog walkers as a means to regulate this area. While the Department intends to ensure that all persons who exercise dogs do so in an appropriate manner, through the use of normal enforcement under the Control of Dogs Act and also through information/educational campaigns, the Department does not intend to introduce new requirements specific to commercial dog walkers.

Some respondents provided comments relating to the collection of data. The

Department will continue to collect and publish data on Local Authority dog control activities, as appropriate. The Department will also engage with the CSO to determine if there is an efficient, practical way to collect data regarding dog bites in Ireland and the number of dogs in Ireland.

Some respondents provided comments regarding the split of responsibilities between DAFM and the Department. The Department will continue to work closely with DAFM and other responsible stakeholders to ensure that the work completed by both Departments compliments each other.

Respondents also mentioned difficulties associated with having different Local Authorities completing work regarding the control of dogs. From the Department's perspective this model does mean that the Department completes some tasks (such as the publication of data on Local Authority activities) that it would not necessarily do if one body had responsibility for operational activities under the Control of Dogs Act. However, the model does ensure that the Act is enforced by wardens across all Local Authority areas. It is also worth noting that while each Local Authority is responsible for its own activities, Local Authorities do work together on dog control issues, such as the development of operational protocols, the national system for online purchase of dog licences, etc. Where necessary to engage with the sector, the Department can engage, if needed, with the CCMA.

## 2 Breed specific measures

### 3.1 Introduction

The second part of the consultation paper posed questions regarding the list of breeds that have additional rules imposed on them in Ireland, through the Control of Dogs Regulations, 1998. A list of these dogs is provided in Appendix 2.

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.

The questions focused on whether there should continue to be a list, if breeds should be added or removed, if the additional requirements placed on dogs on the list should be changed, and whether leashing and/or muzzling should apply to all dogs (in a public place) regardless of their breed.

### 3.2 Summary of responses to questions 7-10

Many of the responses to the query regarding whether **leashing** and/or **muzzling** should apply to all dogs (in a public place) regardless of their breed overlap with the responses and input provided regarding whether '*effectual control*' should be defined more clearly. Therefore, these have been discussed as part of Section 2 of this paper.

There were a mix of responses regarding the need for a list of restricted breeds.

**Some respondents were not in favour of the list.** Some stated that there is nothing to suggest that restricted breeds are dangerous, but that it is all to do with responsible dog ownership. Some stated that the dogs on the list are often the breeds that some people buy and teach to become aggressive. In the hands of the

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<sup>8</sup> The rules on muzzling and leashing do not apply to dogs used by An Garda Síochána, 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.

right owner there would be no issue with the dog's breed, and that it is unfair that every dog in these breed categories is being punished because of human error.

Some respondents noted that dogs on the restricted breed lists also act as police and rescue dogs in some situations, and therefore the issue is with training not the specific breed.

Some highlighted the negative consequences of the list and stated that it causes a false sense of security regarding dogs not on the list.

Some stated that studies have concluded that a pit bull or any other breed (on the list) is no more likely to attack causing a fatality than any other breed not on the list (of similar size and strength) and noted that there are documented fatal attacks perpetrated by small terrier types, which are not on the list.

Some respondents stated that it had come to their attention that there was a call to add specific dogs to the list, but stated that they did not feel there was enough evidence of that specific breed attacking humans or other dogs to warrant being placed on the restricted breed list.

Some noted that muzzling dogs in public (i.e. as required for breeds on the list) does not prevent dog bites at home, where a lot of bites take place.

One respondent (a rescue) stated that the breed specific legislation has a detrimental effect on their work in a rescue centre as people are less likely to adopt a dog if it is on the restricted breed list (meaning they spend longer time in the care of rescues, increasing costs and blocking places for other dogs). It was also stated that some Councils and landlords do not allow restricted breeds (leading to some people surrendering their pets to a rescue), some insurance companies do not cover these breeds under their policies (and when rescues make people aware of this, it is less likely that the dog will be adopted). The respondent (a rescue) also mentioned their indemnity policy forbids them from keeping restricted breeds (meaning they need to house the dogs in private kennels, which is expensive).

One respondent stated that all dogs have the capacity to bite and inflict injury, and

small non-restricted breeds have inflicted fatal injuries, especially on children. They stated that common sense would indicate that the relatively large size and strength of dogs on the restricted breeds list means their attacks have a greater capacity to inflict more serious injuries. However, they stated that there is actually relatively little scientific research available that compares bite force across different dog breeds, which supports that view of restricted dogs.

**In support of the list**, some respondents stated that the list should be retained, as the potential for significant injuries to humans or other animals is increased significantly by the large size, weight and breed physical characteristics of these dogs. They stated that there should be a mechanism for reviewing the list every 2 years.

Others suggested breeds of dogs that should be added to the list, including the Presa Canario (which was recommended for inclusion on the list by a report on the inquest into a death which occurred in Galway in 2017). One suggested that the word 'bull' should be removed from before 'mastiff' on the list, as this excludes other mastiff type breeds such as the Presa Canario, Dogo Argentino, Fila Brasileiro, Dogue de Bordeaux and Central Asian Shepherd dog. The respondent stated that listed breeds are named in the legislation on the basis that they have the potential to cause severe injury or the death of a person. They stated that it was recognised that other breeds of dog may also cause a threat if provoked, but Dog Control Notices (if introduced) may be adequate for dealing with other breeds.

Some provided other suggestions of new dogs that could be added, such as:

- Bull terrier
- Akita
- Tosa
- Siberian Husky
- Caucasian Shepherd
- Perro de Presa Canario
- Fila Brasileiro
- Alaskan Malamute
- Wolfdog
- Great Dane

- Belgian Malinois
- Australian Shepard
- Tosa Inu
- Cane Corso

In many cases no rationale was provided for the inclusion of a specific dog, although general themes included size, or the reasons for which these dogs were bred or used in the past.

Some suggested that dogs which are banned in the UK should be added to the restricted list in Ireland.

One respondent stated that an alternative approach would be to shift the focus from breed to the incident itself and to identify individual dogs as dangerous. They stated that this could be pilot tested and run in conjunction with the current list, and once proven successful, it could replace the current list.

Some stated that if the list continued to exist, there should be **exemptions** for those who participate in training schemes/assessments and those who can prove that their dogs are well behaved/under control. Some noted that highly trained dogs (including those participating in international competitions) still have to be leashed and muzzled in public places in Ireland, and did not think that was appropriate given the level of training they had attained.

Others noted the additional requirements that are in place regarding greyhounds (separate to the restricted breed list). Under the Control of Dogs Act, it is a requirement that greyhounds be leashed in a public place, and no more than four can be walked by a person at any one time. Some queried why this was the case and some stated that these dogs pose no more of a risk to the public than any other dog and unwarranted obstacles should not be placed in the way of rehoming them.

Some respondents stated that there should be a **change to the requirements**, for example, to have restricted breeds on a lead or muzzle but not both. Some respondents stated that there should be signage on the premises where restricted

breeds are kept, indicating that they are present.

One respondent stated that serious consideration should be given to measures that would safeguard persons on private property, however, it is not clear if this was referring to restricted breeds or all breeds. All measures should be taken by a dog owner to make sure that the area in which the dog is kept is suitable and will contribute to the animal's health and well-being.

### **Other comments**

One respondent stated that instead of arbitrarily targeting specific breeds, the law should focus its attention on dangerous dog policies that would hold all dog owners accountable for their pets. They stated that breed-specific legislation is ineffective because it does not address the real cause of the issue – irresponsible dog ownership.

Many respondents mentioned research or policies in other jurisdictions that pointed towards moving away from measures that targeted specific breeds as an effective measure for the control of dogs.

Some responses referenced the difficulties that the legislation posed when, for example, training rescue dogs, or training guide dogs for the blind, etc. Others wanted to ensure that any changes did not impact on their ability to utilise dogs in the course of carrying out their work (e.g. Inland Fisheries Ireland). The detail of each of these is not discussed here, but the Department wants to acknowledge these responses and state that it is conscious of not introducing changes which could have unintended consequences for such organisations.

With respect to the query regarding the **leashing or muzzling of all dogs in a public place**, some responses highlighted how important dog ownership is, including for older people. They note that dog ownership provides a social outlet and brings many benefits but for older people, walking dogs on leads can cause difficulties because of physical restraints. They stated that a ban on all off-leash dog walking would have a devastating effect on this group.

Others highlighted that this (leashing of all dogs in a public place) would cause

behavioural issues, due to dogs not being exercised appropriately.

One stated that they could not stress enough the companionship dogs give to people, in particular the elderly, infirm and those with special needs. They stated that making life more difficult for these people in terms of how they can access public spaces with their dogs is punitive and wrong.

Others were in favour of all dogs being leashed and/or muzzled, with some citing, for example, safety concerns.

### **3.3 Department's position on measures for specific breeds**

The Department agrees that measures that target specific breeds will not on their own improve dog control in Ireland, and there is a need to further promote a culture of responsible dog ownership in Ireland. The measures proposed to help promote that culture are outlined in Section 2.3.

Currently, the Department considers that the list, while not perfect, does play a role in the control of dogs in Ireland, as it is a clear, understandable tool which Local Authorities can use to ensure certain dogs are muzzled and on a leash.

The Department has outlined measures in Section 2.3 which it proposes to work on, with the aim of improving the culture of responsible dog ownership in Ireland. The Department does not consider it appropriate to remove the list at this point in time, but it may be appropriate to do so in the future, once those measures have been in place and working effectively for a period of time.

The Department also notes the response provided by Galway County Council and the Coroner's report relating to a fatality in Galway, which recommended the inclusion of the Presa Canario breed on the list. While recognising that in the longer term the list may be removed in its entirety, in the shorter term (given the fatality which occurred) the Department intends to amend the list to include this breed of dog.

With the exception of the Presa Canario breed of dog, the Department does not

intend to add any other breeds of dog to the list, but will instead focus on further promoting a culture of responsible dog ownership in Ireland.

The Department notes that the list applies in public areas only and therefore it does not replace the need to promote a wider culture of responsible dog ownership, as outlined in Section 2.3.

The Department also notes the points made by some respondents that many dogs on the list have been subject to high levels of training, for example, while training or working as guide dogs or rescue dogs, or while being trained to participate in competitions, etc. The Department will consider whether exemptions can be made to the leashing and muzzling requirements for dogs that have been provided with appropriate levels of accredited training. However, the immediate priority of the Department will be to continue to promote a culture of responsible dog ownership, in conjunction with the Local Authority sector and other responsible stakeholders.

The Department does not intend to widen the leashing and/or muzzling requirements for dogs that are not on the list. It is noted that there is a general requirement for all dogs to be kept under '*effectual control*' at all times, which in some cases may necessitate leashing and/or muzzling.

The Department will keep this area under review in the future.

As highlighted by respondents, the Department notes that there is a requirement under Section 10 of the Control of Dogs Act regarding the control of greyhounds. It states that:

- a person shall not permit a greyhound to be in any public place unless such greyhound is being led by means of a sufficiently strong chain or leash
- a person shall not lead or cause or permit to be led by any one person more than four greyhounds at a time in any public place.

The Department will consider this point further when reviewing the primary legislation in this area.

### 3 Conclusion

It is clear that the policy developed in this area must balance, among other things, the safety concerns held by members of the public (and represented within the comments received) with the benefits that other members of the public receive through dog ownership, as well as the welfare of dogs themselves.

The Department considers that there is a need to further promote a culture of responsible dog ownership in Ireland. Further detail on how the Department will do this is provided in Section 2.3 of this paper.

The Department will also further examine the possibility of introducing a mechanism within primary legislation, through which Local Authorities could issue notices (separate to the existing process which involves the courts system) when there is an issue with an individual dog.

The Department considers that measures that target specific breeds will not on their own improve dog control in Ireland. However, currently, the Department considers that the list, while not perfect, does play a role in the control of dogs in Ireland, as it is a clear, understandable tool which Local Authorities can use to ensure certain dogs are muzzled and on a leash. As outlined in this document, while recognising that in the longer term the list may be removed in its entirety, in the shorter term the Department intends to amend the list to include the Presa Canario breed. This will involve the Minister making a Statutory Instrument to amend the existing one.

With the exception of the Presa Canario breed of dog, the Department does not intend to add any other breeds of dog to the list. The Department does not intend to expand the requirements for breeds on the list, beyond the existing requirements regarding leashing and muzzling in a public place.

The Department instead intends to focus on promoting a culture of responsible dog ownership in Ireland.

# Appendix 1: Consultation 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
  - 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, 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?

### Breed specific measures

- 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.

## Appendix 2: List of restricted breeds

- 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

## Appendix 3: List of groups that responded

The following is a list of the organisations from whom responses were received. For data protection reasons, submissions from individuals who provided responses are not being published.

No.	Country	Organisations
1	Ireland	Irish Wildlife
2	Ireland	Paws and Pencils
3	Ireland	Creedons College
4	Ireland	Leitrim County Council
5	Ireland	Blackrock Park Committee
6	Ireland	Dublin City Council
7	Ireland	Best Friends World
8	Ireland	Rosslare Tidy Towns
9	Ireland	Rhodesian Ridgeback Club of Ireland
10	Ireland	Oiled Wildlife Response Network Ltd
11	Ireland	MADRA
12	Ireland	Hunting Association of Ireland
13	Ireland	Leave No Trace Ireland
14	Ireland	Dublin IFA
15	Ireland	North Wexford Society for the Prevention of Cruelty to Animals
16	Ireland	Wicklow Cheviot Sheep Owners Association
17	Ireland	Fingal Dog Owners Group (Fingal DOG)
18	Ireland	Fingal County Council
19	Ireland	DSPCA
20	Ireland	Dublin Mountains Partnership
21	Ireland	Irish Farmers Association
22	Ireland	Wicklow Uplands Council
23	Ireland	Clare Animal Welfare
24	Ireland	The Association of Pet Dog Trainers Ireland (APDT Ireland)
25	Ireland	Veterinary Ireland
26	Ireland	Nurses Brayvet

27	Ireland	Dun Laoghaire Rathdown County Council
28	Ireland	Irish Working Terrier Federation
29	Ireland	All Ireland German Shepherd Dog Association
30	Ireland	DSPCA Dog Training
31	Ireland	INHFA (Irish Natura and Hill Farmers Association)
32	Ireland	Macra na Feirme
33	Ireland	ASH Animal Rescue
34	Ireland	ISPCA
35	Ireland	Bohernabreena Branch of the Irish Farmers Association
36	Ireland	Husky Rescue Ireland
37	Ireland	Galway Dog Club
38	Ireland	AniEd
39	Ireland	CCMA/LAVS Local Authority Veterinary Service Submission on behalf of the County & City Management Association
40	Ireland	Clever Companions Ireland
41	Ireland	Waterford City & County Council
42	Ireland	Coillte
43	Ireland	Dublin City Council Parks and Landscape Services
44	Ireland	GSA Ireland (The National German Shepherd Working Dog Association Ltd)
45	Ireland	Galway SPCA
46	Ireland	WAG Rescue Group, Wicklow
47	Ireland	Village Vets, Meath
48	Ireland	Irish Masters Beagles Association (IMBA)
49	Ireland	Bark Ireland (new organisation made up of a number of people who have concerns for the welfare of dogs in Ireland)
50	Ireland	Galway County Council
51	Ireland	The Irish Kennel Club
52	Ireland	Endangered Dogs Defence & Rescue Ltd
53	Ireland	A Dogs Life (a rescue charity)
54	Ireland	Irish Veterinary Nursing Association
55	Ireland	Irish Guide Dogs for the Blind
56	Ireland	The Irish Blue Cross
57	Ireland	All Ireland Golden Retriever Club
58	Ireland	The National Association of Regional Game Councils and FACE Ireland
59	Ireland	Horsecare Ireland
60	Ireland	Mountaineering Ireland

61	Ireland	Inland Fisheries Ireland - Dublin
62	Ireland	Wicklow Cheviot Sheep Breeders Association
63	Ireland	Irish Masters of Foxhounds Association (IMFHA)
64	Ireland	Dogs Trust
65	Ireland	A Walk in the Park (Dog Walking and Pet Sitting Services) and certified Canine First Responder
66	Canada	The PAC - "Pitbull" Association of Chateauguay
67	Spain	The DogSmith of Estepona
68	UK	University of Nottingham
69	UK	University of Lincoln, Lincolnshire
70	UK	People for the Ethical Treatment of Animals (PETA) Foundation
71	UK	DDA Watch Ltd (a not-for-profit company operated by volunteers with many years of experience with dog owners whose pet dogs are affected by breed specific legislation (BSL) and other matters of canine legislation)
72	United States	Pinups for Pitbulls, Inc. (PFPB)
73	United States	National Canine Research Council
74	United States	BioPet Laboratories, an animal genetics company