



# Breed specific legislation - the need for change

*Ensuring animals have a good life by advocating on their behalf*

## Key facts...

- ★ Breed specific legislation (BSL) has not reduced the number of dog bites recorded in the UK.
- ★ Claims that prohibited types of dogs pose heightened risk simply cannot be substantiated and are both misleading and erroneous.
- ★ The basis for BSL is very weak and does not reflect an evidence-based or current understanding of dog behaviour.
- ★ Aggression in dogs is a complicated behaviour and is not simply a product of breed and breed is not a reliable predictor of aggressive behaviour.
- ★ The requirements of the 1991 Act can lead to a negative impact on dog health and welfare.
- ★ BSL means that rehoming organisations must euthanase healthy prohibited types of dogs regardless of their behaviour.
- ★ In 2018 the EFRA Select Committee found that current legislation fails to protect public safety and harms animal welfare - the RSPCA agrees with their findings.
- ★ The RSPCA strongly believes that BSL needs to be repealed and replaced with breed neutral legislation. Interventions such as education are necessary to avoid high risk behaviour around dogs. Until BSL is repealed, we urgently want the ability to rehome prohibited types of dogs and to see better protection for dogs affected by this law.

## Overview

In 1991, the UK Government passed the [Dangerous Dogs Act](#) (DDA) in response to a number of high profile dog attacks on children. Section 1 introduced the approach known as 'breed specific' legislation (BSL) prohibiting the possession, ownership, breeding, sale, exchange or transfer, advertising or gifting of four types<sup>1</sup> of dogs, identified by their appearance: the pit bull terrier, Japanese tosa, fila brasileiro and the dogo argentino. The aim of the Act was to reduce the number of these dogs and, in turn, improve human safety by reducing dog bites. However, thirty years later it has failed to deliver on these aims. Indeed the Act has resulted in significant welfare problems for those dogs affected by it and placed significant emotional strain on rescues and veterinary surgeons who have no choice but to euthanase hundreds of dogs simply due to how they look despite being suitable - from a behavioural point of view - for rehoming.

## What are the problems with BSL?

- *BSL has had not reduced the number of dog bites recorded in the UK*

Annual increases in dog bites continue to occur. Between March 2005 and February 2015, the number of hospital admissions due to dog bites in England increased by 76% from 4,110 to 7,227<sup>2</sup>. This trend has continued and in 2020 reached 8875<sup>3</sup>.

Between 1989 and 2017, 28 adult fatalities were recorded which involved 33 dogs and 20 child fatalities were recorded which involved 29 dogs. Of the 33 dogs concerning adult fatalities, four were allegedly pit bull terrier types and of the 29 dogs concerning child fatalities five were allegedly pit bull terrier types<sup>4</sup>. Based on this

<sup>1</sup> Type is not synonymous with breed and so should not be used interchangeably. In the context of case law which supports this Act, it is an animal which approximately amounts to, is near to, or has a substantial number of characteristics of a dog as described by a particular standard.

<sup>2</sup> [www.hscic.gov.uk/catalogue/PUB17615/prov-mont-hes-admi-outp-ae-April%202014%20to%20February%202015-toi-rep.pdf](http://www.hscic.gov.uk/catalogue/PUB17615/prov-mont-hes-admi-outp-ae-April%202014%20to%20February%202015-toi-rep.pdf) (accessed 31.08.16)

<sup>3</sup> <https://digital.nhs.uk/data-and-information/find-data-and-publications/supplementary-information/2019-supplementary-information-files/admissions-to-hospital-for-dog-bite-injuries>

<sup>4</sup> [Supplementary evidence](#) submitted by the RSPCA to EFRA Select Committee inquiry Controlling dangerous dogs, 2018

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information, 14.5% of dogs involved in fatal incidents are allegedly pit bull terrier types.

Defra stated in its evidence to the 2018 EFRA Select Committee inquiry<sup>5</sup>, based on its own figures of 31 fatalities, that seven pit bull terriers involved in six cases represents a far higher proportion involved in fatal attacks than would be expected from the proportion of such dogs in the wider dog population, and then uses this to underline the heightened risk these types of fighting dog pose. However, determining accurate statistics for dog bite incidents in the UK is virtually impossible as there is no data available on dog ownership levels (e.g. through compulsory registration) and it is not mandatory to record dog bites. Claims that these types of dogs pose a heightened risk simply cannot be substantiated and are both misleading and erroneous to do so.

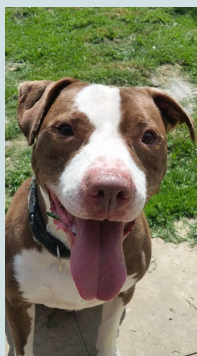
There is no robust scientific evidence to suggest that prohibited types are more likely to be involved in dog bite incidents or fatalities than any other breed or type of dog. Figures that are being used are based on incomplete and skewed data. In addition, there is a lack of robust scientific evidence to substantiate claims around the unique ability of these types of dogs to cause serious damage. Recent studies found no difference observed between legislated and non-legislated breeds in the medical treatment required following a bite or in the severity of bite and the type of dog that bit<sup>6</sup>. The basis for BSL is therefore very weak and does not reflect an evidence-base or current understanding of dog behaviour.

Aggression in dogs is a complicated behaviour. It is not simply a product of breed and breed is not a reliable predictor of aggressive behaviour. Whether a dog uses aggression is influenced by a range of factors; including how they were bred and reared and their experiences throughout their lifetime. These are all factors which can influence **any** dog to display aggression, not just those of a certain breed or type.

- *The requirements of the legislation can lead to a negative impact on dog health and welfare*

The enforcement of the law leads to dogs being exposed to a number of processes which have the potential to cause stress and compromise physical and mental health. Crucially, these include seizing the dog and then placing them in a kennel environment, both of which can compromise the dog's welfare and, in some cases, can make them more likely to display aggressive behaviour. For many dogs, confinement can extend into months or years.

Even animals which are added to the Index of Exempted Dogs (i.e. a court is satisfied that they would not pose a risk to public safety and so exempts them from the prohibition subject to certain conditions) can suffer as a result of BSL. This is because the conditions their owners must comply with can negatively impact on their dog's welfare. For example, such dogs must be kept muzzled and on a lead at all times when in a public place; both of which can inhibit their ability to display their natural behaviours and, in some instances, may increase aggression. According to the Government there are 3,678 live dogs on the Index<sup>7</sup>, the vast majority of which are pit bull terriers.



Jack was originally ordered to be destroyed because of his behaviour and issues surrounding his owner. He was also identified as a prohibited type of dog. However, the destruction order was appealed when Allie applied to be his keeper and showed that she could look after him. He had been held in kennels for two years and during this time hadn't been walked. He had several behaviour issues including over grooming of his front legs, which had resulted in sore patches, and he also chewed at the bars of the kennel.

Jack's teeth were broken and ground down as a result of chewing the bars and so it would be very difficult for him to injure anyone. He is very friendly towards other dogs and people, and is well trained. He really dislikes wearing his muzzle but he has to in order to comply with the exemption conditions.

- *BSL means that rehoming organisations must euthanize prohibited types of dogs regardless of their behaviour*

Currently, the law does not permit rehoming organisations to rehome prohibited dog types to new owners, regardless of the individual dog's behaviour, and so the only option is euthanasia. This places significant emotional strain on rescues and veterinary surgeons who have no choice but to euthanase large numbers of

<sup>5</sup> [Written evidence](#) submitted by Defra to EFRA Select Committee Inquiry Controlling dangerous dogs, 2018

<sup>6</sup> Creedon, N., Ó Súilleabháin, P.S. Dog bite injuries to humans and the use of breed-specific legislation: a comparison of bites from legislated and non-legislated dog breeds. *Ir Vet J* **70**, 23 (2017). <https://doi.org/10.1186/s13620-017-0101-1>

<sup>7</sup> Hansard, 11 June 2021, UIN 7758

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dogs because of how they look and despite being suitable - from a behavioural point of view - for rehoming. Sadly the three dogs below, Angela, Lacy and Chico, were all identified as pit bull terrier types while in RSPCA care and had to be euthanased.



### What did the EFRA Select Committee say on this issue?

In 2018 the EFRA Select Committee looked into this issue and produced a report<sup>8</sup>. The Committee found that current legislation fails to protect public safety and harms animal welfare, something that the RSPCA wholly agrees with. It specifically recommended that:

- The Government should undertake a comprehensive review of dog control legislation and policy. This should support the development of an alternative dog control model that focuses on prevention through education, early intervention, and consistently robust sanctions for offenders.
- An independent evidence review must be commissioned to determine whether the prohibited breeds/types present an inherently greater risk than other legal breeds. If not, this aspect of the law should be revised.
- To avoid imposing an unnecessary death sentence on good-tempered animals, the ban on transferring prohibited types of dogs to new owners should be removed immediately, if the animal has been behaviourally assessed and found to be safe. This should be accompanied by adequate regulation and safeguards to ensure the re-homing of prohibited types of dogs is conducted responsibly and safely.

In January 2019, the Government responded to EFRA's report<sup>9</sup>. The RSPCA welcomed DEFRA's commitment to further research around dog control and to research dog legislation and practices outside of the UK. Indeed, Defra commissioned research by the University of Middlesex to investigate measures to reduce dog attacks and promote responsible ownership amongst dog owners with dog control issues in the UK and we are expecting the results later this year. However, we are concerned that this research may fail to determine whether the prohibited types present an inherently greater risk than other legal breeds which was one of EFRA's recommendations.

We also support the Government's keenness to explore the collection of centralised data on dog bites, better childhood education around dog safety and are pleased that they agree that seized dogs should not spend long periods in kennels. This is particularly relevant at this moment in time given the impact of the COVID-19 which has resulted in a backlog of cases and for some dogs, an extended stay in kennels. However, to date we have seen little action taken on any of these commitments.

The Government also said that they would not at this time review or change the law to allow rehoming of prohibited types of dogs as they felt this had been clarified in a number of court cases most recently in the 'Webb ruling'<sup>10</sup>. This case simply confirmed the limited circumstances where transfer of ownership (or keepership) can occur with an exempted prohibited type of dog. In practice, this does little to assist rehoming organisations as it severely limits the number of people who might be able to rehome such a dog to just staff and/or volunteers. To the best of the RSPCA's knowledge only two dogs have been rehomed following this ruling, although hundreds of dogs come into rescue every year.

<sup>8</sup> EFRA Select Committee, [Controlling dangerous dogs](#), Ninth report of session 2017-19, HC 1040, 17 October 2018

<sup>9</sup> [Government Response](#) to EFRA Select Committee, Controlling dangerous dogs, HC1892, 28 January 2019

<sup>10</sup> [Webb v Chief Constable of Avon and Somerset Constabulary \(Secretary of State for Defra\)](#), EWHC 3311 (Admin), 20 December 2017

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Until the law is changed and rescues can rehome prohibited types of dog to members of the public, rescues must continue euthanasing dogs simply for the way they look. Between 2014 and 2018, the RSPCA has been forced to euthanase 618 healthy dogs simply because their appearance deemed them to be prohibited types.

Recent announcements by the Government suggest that they remain committed to a breed specific approach to public safety. In their Action Plan for Animal Welfare<sup>11</sup>, DEFRA committed to ensuring that dangerous dogs legislation continues to provide effective public safety controls. This further demonstrates that despite evidence from multiple stakeholders, including the EFRA Select Committee, the UK Government maintains its position that the current legislation is effective.

### **What is the way forward?**

The RSPCA maintains its view that the legal framework for dealing with dog bite incidents is complex, outdated, reactive and based on the wrong premise of a breed specific approach. Since the DDA was passed knowledge and understanding of dog behaviour and in particular dog aggression has increased significantly. The DDA needs to be repealed with dog control legislation consolidated into one Act, breed neutral in approach, providing an evidence-based and proportionate approach that is proactive and preventative.

In addition to this, and as noted by the EFRA Select Committee, interventions like education play an integral part in tackling dog bites and people who come into contact with any and all dogs need to know how to stay safe and how to behave appropriately. Standardised, authoritative educational resources need to be developed and distributed targeted at children, parents and others that come into contact or interact with dogs, coupled with the means to evaluate their effectiveness.

Scientific evidence shows that the cause of aggression, dog bites and fatalities are complex and multifactorial. Little is being done in the UK to investigate the factors surrounding dog bite incidents, even those which result in serious or fatal injuries. It is recommended that dog bite related incidents are investigated by suitably qualified people who are expert in dog behaviour, recorded on a centralised database, so evidence-based preventative measures can be identified.

Finally, whilst BSL remains in force, measures must be introduced to better protect the welfare of dogs affected by it. These include consistent application of the interim exemption scheme; measures to expedite court cases where animals are involved; better management of seized dogs; a more flexible approach to the conditions applied to exempted dogs and the rehoming of dogs identified as prohibited types.

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<sup>11</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/985332/Action\\_Plan\\_for\\_Animal\\_Welfare.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985332/Action_Plan_for_Animal_Welfare.pdf)

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