

American Bully XL Ban Implications

Key Information

- The Government announced on 15th September 2023 that American Bully XLs will be added to Section 1 of the Dangerous Dogs Act (1991) (DDA) before the end of this year. The Government laid the SI to implement this on 31 October to come into force by the end of the year.
- The RSPCA agrees, in light of recent serious dog bite incidents, that increased enforcement is necessary to improve human safety and expresses deep concern to anyone impacted by these tragic incidents.
- The RSPCA is part of the Dog Control Coalition with Dogs Trust, the British Veterinary Association, Battersea Dogs & Cats Home, Blue Cross, Hope Rescue, the Scottish SPCA and the Kennel Club.
- The Coalition is concerned that the speed at which this ban is being introduced means that its wider implications have not been considered and that the standard and its application will affect a far greater number of dogs than is intended.
- The rescue sector in the UK has at least 217 suspected American Bully XLs in their care of which the RSPCA has 110 dogs, reflecting our position as the only organisation investigating animal cruelty in England and Wales; all dogs in our care on 31 December 2023 will have to be euthanised.
- The RSPCA fears the ban on ownership of a American Bully XL unless the dog is exempted from 1 February will result in a huge increase in abandonment and stray dogs from owners worried about the costs of meeting these restrictions. We are also concerned on the impacts on veterinarians who will have to neuter exempted dogs and euthanise dogs given up.

Identifying Dogs

- The RSPCA is concerned that the definition of this type of dog released by Defra is incredibly broad. We are extremely concerned about the number of healthy, much-loved dogs that will unnecessarily be swept up in this ban. The RSPCA will continue to support owners and our staff in any way we can, including offering support and advice.
- It is not possible to accurately estimate the impact of this ban on the number of dogs and owners but it could be over 50,000 dogs. As the identification of this dog is broad, an even greater number of dogs may be affected to include other bully breeds and types.
- It is highly likely that dogs of a legal pure or cross breed will be mistakenly identified as an American Bully XL type due to definition and application of it¹.

Impact on the Rescue and Veterinary Sectors

- The rescue and veterinary sectors are both under considerable strain and pressure following the pandemic and the cost of living crisis with concerns about costs and the increased amount of animals coming into the sector's care.
- A recent survey undertaken by ADCH, the trade group for animal rescues in the UK, showed animal rescues operating at over 100% capacity as animals are abandoned due to the cost of living crisis.

¹ To be identified as 'a prohibited type', the dog is expected to approximately amount to, be near to, or have a substantial number of the characteristics of a dog described by the standard. These terms are not quantified leaving interpretation and application open to the assessor and resulting in an exercise which is very subjective. Furthermore, genetics and the dog's parentage are not taken into account; the assessment focuses predominantly on the dog's physical appearance. In practical terms, this means that it is possible for a range of legal pure and cross breeds to be identified as a prohibited type if their appearance is considered to sufficiently match the standard resulting in unnecessary exposure to stressful procedures and, in some cases, being needlessly destroyed.

- The RSPCA alone has 275 dogs in private boarding as its kennels are full. This in turn puts pressure on the private boarding sector which is already near capacity.
- We are hugely concerned about the fate of puppies who are born to American Bully XL types in our care. Formal identification won't be possible until they are physically mature which means the process for their management until this time is unclear.
- There is also significant doubt around the ability of the veterinary profession to meet the neutering demand which will be necessary to fulfil the requirements of any exemption process. Given the time taken to neuter a large sized dog and the sheer scale, this will have a large impact on an already pressured profession.
- Given the potential number of dogs affected by the ban, a significant number of requests from the public to take dogs away is expected as well as possible abandonments. As owners and the rescue sector are unable to sell, advertise or rehome those identified dogs after 31 December 2023, this will lead to additional emotional trauma for those who care and manage these dogs, those who have to euthanize them and the resulting welfare impact on the dogs themselves.
- We are increasingly concerned about the UK Government's expectation for the sector to assist with the implementation of this "breed" ban when many in the sector are already struggling.
- While the RSPCA remains committed to assisting those dogs and owners affected by this ban, doing so will be to the detriment of other animals facing cruelty, neglect, abandonment and relinquishment and may prove beyond our means.

Impact on Dog Welfare and Human Wellbeing

- Owners will be able to exempt their dogs suspected of being a prohibited type. Owners may be able to claim compensation if they do not wish to keep their dogs. After 1 February 2024, suspected dogs that meet the standard and are not exempted will be illegal to own and may be seized and identified by police.
- Dogs identified as prohibited types of dogs in rescue centres cannot legally be rehomed to members of the public after 31 December 2023. It is not clear what exemption process will apply but dogs in RSPCA care will probably have to be euthanased.
- The euthanasia of physically healthy dogs, who in many cases would have been suitable candidates for rehoming, will have a large impact on human wellbeing. For example, when the RSPCA had to euthanise a large number of birds due to avian influenza there was a significant impact on the mental health of those involved and resulted in staff leaving. The total cost to provide support to members of staff at one centre was £3250. Given the dog-human relationship, the significant bond between dog and staff due to many dogs requiring intensive care and the length of time that many dogs spend in the care of an organisation, this impact is expected to be much greater.

Impact on Enforcement Bodies

- Dog Legislation Officers (DLO) will likely have to assess any dog suspected of being type after 1 February 2024 including those in the care of rescues. This is the first case of adding a new 'type' to Section 1 since 1991. A one day training course will be used to train current DLOs on the interpretation and application of the standard used to describe an American Bully XL.
- Considering the large number of dogs potentially affected by the prohibition, additional and increased demand is likely on a limited number of police DLOs. It is not clear if there are enough DLOs to identify all the owned potential American Bully XL dogs.

- Owners can give up their suspected type dogs for euthanasia. However abandonment and an increase in stray dogs is expected. As kennels are already full it is not clear where these additional dogs will be housed.
- Local authorities are responsible for picking up stray dogs. The numbers of abandoned and stray dogs is expected to increase now the announcement has been made. ADCH members have 124 contracts with local authorities to take stray dogs. All are already full so it is not clear where dogs will be kennelled given that they must be held for a statutory seven days before euthanasia.
- It will be illegal to breed a suspected American Bully XL as of the 1st January 2024. This will be enforced by local authorities who are required to licence those dog breeders meeting the “business test”. We have concerns about how consistent and effective the current licensing regime is but, if improved, remains a potentially effective opportunity to tackle irresponsible and illegal breeding.

Financial Impacts

- Compensation will be paid to owners at £100 for euthanising the dog and £100 for the cost of the dog. This is similar to the compensation paid in 1991 (£100 per dog).
- However, it is likely that euthanasia will cost more than this figure and therefore could incentivise irresponsible owners to abandon their dogs or leave others with no choice. The cost of neutering to the owner for a male is £250+ and female can be £350+².
- It is unclear if there is the veterinary capacity to neuter tens of thousands of dogs or euthanise the ones discarded by owners.
- To comply with the exemption conditions, after 1 February 2024, owners will need to muzzle their dog when in a public place, neuter them and have third party liability insurance.
- The average cost for a muzzle is £16. Some retailers are already out of stock of the largest sizes and supply is expected to be a problem as more owners become aware of the restrictions under the ban.

Recommendations

- **The Government must urgently provide clarity around the transition period and exemption process for rescues and private owners while ensuring that the provisions necessary to ensure compliance. For example, third liability insurance is not readily available.**
- **Utilise existing provisions to tackle irresponsible and illegal breeding as well as dogs whose behaviour is dangerously out of control.**
- **This legislation only applies at present to England and Wales. The Scottish and Northern Irish Governments must clarify their position on the breed ban and process.**
- **In the longer term, we strongly believe there is the need to consolidate and reform current legislation with the introduction of genuine early intervention and prevention measures such as Dog Control Notices (DCNs) and a UK wide dog control database.**

² (N.B: costs of neutering vary depending on a range of factors so these are provided as an indication). 60% of dogs based on Blue Cross data: ranging from 7,500 @£250/male dog: £1,875,000 to £350/female dog: £2,625,000