WELSH STATUTORY INSTRUMENTS

2007 No. 1028 (W.95)

ANIMALS, WALES
ANIMAL WELFARE

The Docking of Working Dogs' Tails (Wales) Regulations 2007

Made - - - -	*28 March 2007*
Coming into force - -	*29 March 2007*

The National Assembly for Wales, as the appropriate national authority in relation to Wales, makes the following Regulations in exercise of the powers conferred by section 6(4), (5), (6), (8) and (14) of the Animal Welfare Act 2006(**1**).

In accordance with section 6(15) of that Act, the Assembly has consulted those persons appearing to it to represent interests with which these Regulations are concerned as it considered appropriate.

Title, commencement and application

1. The title of these Regulations is The Docking of Working Dogs' Tails (Wales) Regulations 2007. They apply in relation to Wales and come into force on 28 March 2007.

Interpretation

2. In these Regulations—

"armed forces identification" ("*dynodiad yr heddlu*") means evidence that the person presenting the identification is a member of one of Her Majesty's armed forces, or is otherwise employed by or contracted to work for one of Her Majesty's armed forces;

"club official" ("*swyddog clwb*") means a person who serves a shoot club in an official capacity;

"emergency rescue identification" ("*dynodiad achub mewn argyfwng*") means evidence that the person presenting the identification is a member of a body providing an emergency rescue service;

"gamekeeper" ("*ciper*") means a person engaged by a person with shooting rights to preserve, protect or rear animals and to manage or assist with the management of a shoot;

"HMRC identification" ("*dynodiad CATHEM*") means evidence that the person presenting the identification is an employee of Her Majesty's Revenue & Customs;

(**1**) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act.

"land-occupier" ("*meddiannydd tir*") means a person who occupies land where a shoot takes place;

"person with shooting rights" "*person sydd â hawliau saethu*") means an owner or lessee of shooting rights;

"police identification" ("*dynodiad yr heddlu*") means evidence that the person presenting the identification is a police officer, or is otherwise employed by or contracted to work for a police authority;

"prison service identification" ("*dynodiad gwasanaeth carcharau*") means evidence that the person presenting the identification is an authorised employee of either Her Majesty's Prison Service or of an organisation contracted to provide custodial services on behalf of the Secretary of State;

"shoot" ("*crych saethu*") means an occasion on which animals are shot for sporting purposes;

"shoot organiser" ("*trefynydd cyrch saethu*") means any person responsible for the overall organisation of a shoot;

"specified type of work" ("*math penodedig o waith*") means work in connection with law enforcement, activities of Her Majesty's armed forces, emergency rescue, lawful pest control, or the lawful shooting of animals.

Certification requirements

3.—(1) A veterinary surgeon may certify that he or she has seen evidence that a dog is likely to be used for a specified type of work and is a dog of a specified type, where—

(a) he or she is satisfied that the dam of the dog is of one or more of the types specified in Schedule 1;

(b) he or she reasonably believes that the dog is not more than 5 days old; and

(c) the owner of the dog, or another person whom the veterinary surgeon reasonably believes to be representing the owner, has shown to the veterinary surgeon the evidence specified in paragraph 2.

(2) The evidence is—

(a) Evidence of the dam of the dog;

(b) a completed statement, made in Part 1 of a certificate in the form prescribed in Schedule 2, signed and dated by the owner of the dog or by another person whom the veterinary surgeon to whom it is presented reasonably believes to be representing the owner; and

(c) one of the following—

(i) where the dog is presented for certification on behalf of one of Her Majesty's armed forces, armed forces identification;

(ii) where the dog is presented for certification on behalf of a body providing an emergency rescue service, emergency rescue identification;

(iii) where the dog is presented for certification on behalf of a police authority, police identification;

(iv) where the dog is presented for certification on behalf of Her Majesty's Prison Service or of an organisation contracted to provide custodial services on behalf of the Secretary of State, prison service identification;

(v) where the dog is presented for certification on behalf of Her Majesty's Revenue & Customs, HMRC identification;

(vi) evidence that the owner of the dog, or an agent or employee of the owner most likely to be using the dog, will be using the dog for work in connection with lawful pest control;

(vii) a current shotgun or firearm certificate issued to the owner of the dog, or to the agent or employee of the owner most likely to be using the dog for work in connection with the lawful shooting of animals;

(viii) a letter from a gamekeeper, a land-occupier (or their agent), a person with shooting rights, a shoot organiser, a club official, a person representing the National Working Terrier Federation, or a person engaged in lawful pest control, stating that the breeder of the dog whose tail is to be docked is known to him or her and that dogs bred by that breeder have been used (as the case may be) on his or her land, or in his or her shoot, or for pest control.

(3) Any certification under paragraph (1) must be given in Part 2 of a certificate in the form prescribed in Schedule 2.

Confirmation of tail docking

4. A veterinary surgeon who removes the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment, must certify that fact in Part 3 of a certificate in the form prescribed in Schedule 2.

Identification of docked dogs

5.—(1) In order to be identified as a subsection (3) dog as required by section 6(8) of the Animal Welfare Act 2006 a dog must be microchipped—

(a) by a veterinary surgeon or a veterinary nurse acting under the supervision of a veterinary surgeon; and

(b) using a microchip which complies with either ISO standard 11784 or Annex A to ISO standard 11785 of the International Standards Organisation's standards for microchips(**2**).

(2) A dog may only be microchipped for the purposes of these Regulations after the owner, or a person whom the veterinary surgeon who is to carry out or supervise the microchipping reasonably believes to be representing the owner, has made a signed and dated statement in Part 4 of a certificate in the form prescribed in Schedule 2.

(3) The veterinary surgeon who carries out or supervises the microchipping must certify that fact in Part 5 of a certificate in the form prescribed in Schedule 2.

(**2**) ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembé, Case postale 56, CH-1211, Geneva 20, Switzerland.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**).

D. Elis-Thomas
28 March 2007 The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.

SCHEDULE 1 Regulation 3(1)(a)

Specified Types of Dog

Spaniels
of the following breeds:
English Springer Spaniel
Welsh Springer Spaniel
Cocker Spaniel,
but not combinations of breeds.
Terriers
of the following breeds:
Jack Russell Terrier
Cairn Terrier
Lakeland Terrier,
Norfolk Terrier
but not combinations of breeds.
Hunt point retrieves
Of the breeds listed below:
Braque Italian
Brittany
German Long Haired Pointer
German Short Haired Pointer
German Wire Haired Pointer
Hungarian Vizsla
Hungarian Wire Haired Vizsla
Italian Spinone
Spanish Water Dog
Weinmaraner
Korthals Griffon
Slovakian Rough Haired Pointer
Large Munsterlander
Small Munsterlander