Draft Regulations laid before Parliament under section 61(2) of the Animal Welfare Act 2006, for approval by a resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No. 0000

ANIMALS, ENGLAND

ANIMAL WELFARE

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

Made - - - -	*2007*
Coming into force - -	*6th April 2007*

The Secretary of State, as the appropriate national authority in relation to England, 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 Secretary of State has consulted those persons appearing to him to represent interests with which these Regulations are concerned as he considered appropriate.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Title, commencement and application

1. These Regulations—

(a) may be cited as the Docking of Working Dogs' Tails (England) Regulations 2007;

(b) come into force on 6th April 2007;

(c) apply in England only.

Interpretation

2. In these Regulations—

"armed forces identification" 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;

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

"club official" means a person who serves a shoot club in an official capacity;

"emergency rescue identification" means evidence that the person presenting the identification is a member of a body providing an emergency rescue service;

"gamekeeper" 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" means evidence that the person presenting the identification is an employee of Her Majesty's Revenue & Customs;

"land-occupier" means a person who occupies land where a shoot takes place;

"person with shooting rights" means an owner or lessee of shooting rights;

"police identification" 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" 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" means an occasion on which animals are shot for sporting purposes;

"shoot organiser" means any person responsible for the overall organisation of a shoot;

"specified type of work" 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 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 is satisfied that the dam of the dog is of one or more of the types specified in Schedule 1;

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

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

(2) The evidence is—

(a) the dam of the dog;

(b) a completed statement, 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, made in paragraph 3 of a certificate in the form prescribed in Schedule 2; 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 his 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 and that dogs bred by that breeder have been used (as the case may be) on his land, or in his shoot, or for pest control.

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

Identification of docked dogs

4.—(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 paragraph 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 paragraph 2 of a certificate in the form prescribed in Schedule 2.

Minister of State
Department for Environment, Food and Rural Affairs

Date

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

SCHEDULE 1

Regulation 3(1)(a)

Specified Types of Dog

Hunt point retrieve breeds of any type or combination of types.

Spaniels of any type or combination of types.

Terriers of any type or combination of types.

SCHEDULE 2

Regulations 3 and 4

Form of Certificate

"ANIMAL WELFARE ACT 2006, section 6The Docking of Working Dogs' Tails (England) Regulations 2007