

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Prevention of harm

Section 6: Docking of dogs' tails

27. *Section 6* prohibits the docking of a dog's tail, otherwise than for the purposes of its medical treatment, the dog is a certified working dog and is not more than 5 days old. It also restricts the showing of docked dogs. A dog docked after this section comes into force can only be shown if it is for the purpose of demonstrating its working abilities.
28. *Subsections (1) and (2)* make it an offence for a person to dock a dog's tail, or for a person responsible for a dog to cause its tail to be docked or permit it to be docked, otherwise than for the purpose of its medical treatment.
29. *Subsections (3) and (4)* stipulate that an offence would not be committed under *subsection (1) or (2)* if the dog was under 5 days old and a vet had certified that he had seen evidence that it was likely to work. This would not affect the Veterinary Surgeons Act 1966 which provides that the docking of a dog's tail can only be done by a vet. *Subsections (4), (5) and (6)* provide for the appropriate national authority to make regulations specifying both the evidence that a vet must see before he can certify the dog as a working dog, what types of work will qualify a dog as a working dog and the types (breed) of dog that may be exempted from the ban.
30. *Subsection (7)* sets out a defence available in respect of the *subsection (1) and (2)* offences. A person who docks a dog's tail, or causes or permits a dog's tail to be docked, will not commit an offence if he reasonably believes that the dog is under 5 days old and that a vet has certified it as a working dog. For example, if a vet docked the tail of a 6 day old police dog, reasonably believing it was 4 days old, he would not commit an offence.
31. *Subsection (8)* requires a person who owns a dog which was legitimately docked by a vet to ensure that the dog is identified as having been legally docked. The owner will commit an offence if he does not take reasonable steps to ensure that his docked dog is so identified before it is three months old. *Subsection (13)(b)* allows the appropriate national authority to make regulations about the method of identification required, e.g. micro-chipping.
32. *Subsections (9) to (11)* introduce a restriction on the showing of docked dogs. *Subsection (9)* makes it an offence to show a dog at an event to which a fee-paying public is admitted if the dog has had its tail removed. It will be irrelevant, for these purposes, whether the dog's tail was removed in England and Wales or elsewhere. This ban on showing will apply to all dogs whose tail was removed after the date on which this section comes into force.
33. *Subsection (10)* provides an exemption to that ban if a certified working dog is being shown only for the purpose of demonstrating its working ability. *Subsection (11)*

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ensures that a person would not be liable to conviction if he could show that he reasonably believed either that the dog was docked before the section came into force, that the fee paying public was not being admitted or that the dog was a certified working dog demonstrating its working abilities.

34. *Subsection (13)* allows the appropriate national authority to make regulations about the functions of inspectors in enforcing this section. This will enable the appropriate national authority to make provision, for example, empowering an inspector to inspect a certificate or read a microchip on a dog.