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WELSH STATUTORY INSTRUMENTS

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**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<sup>(1)</sup>.

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;

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(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<sup>(2)</sup>.

(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.

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

28 March 2007

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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

(3) 1998 c. 38.

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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

## SCHEDULE 2

Regulations 3 and 4

### Form of Certificate

ANIMAL WELFARE ACT 2006, section 6

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

#### *Part 1 - Presentation of dog for Certification*

(To be completed by the person presenting the dog  
for certification)

#### **Details of the person presenting the dog for certification**

1. Name and address:
2. Relationship to the dog whose tail is to be docked [on [INSERT DATE] by the veterinary surgeon signing the certificate in part 2 below] (delete as appropriate):
  - owner of the dog;
  - person authorised to represent the owner of the dog.

#### **Details of the dog presented for certification**

3. Date of birth:
4. Type of dog (tick as appropriate):
  - a. Spaniels of the following breeds:
    - English Springer Spaniel
    - Welsh Springer Spaniel
    - Cocker Spaniel
  - b. Terriers of the following breeds:
    - Jack Russell Terrier
    - Cairn Terrier
    - Lakeland Terrier
    - Norfolk Terrier
  - c. Breeds of hunt point retrieve listed below:
    - Braque Italian
    - Brittany
    - German Long Haired Pointer
    - German Short Haired Pointer
    - German Wire Haired Pointer
    - Hungarian Vizsla

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- Visla Gwifrflew Hwngari
- Spinone'r Eidal
- Ysbaengi Sbaen
- Weimaraner
- Griffon Korthals
- Cyfeirgi Crychflew Slofacia
- Munsterlander Mwyaf
- Munsterlander Lleiaf

5. Math y fam (ticier yn ôl priodoldeb):
- a. Ysbaengwn o'r bridiau a ganlyn:
    - Ysbaengi Lloegr
    - Ysbaengi Cymru
    - Ysbaengi Adara
  - b. Daeargwn o'r bridiau a ganlyn:
    - Ysbaengi Jack Russell
    - Ysbaengi Byrgoes
    - Ysbaengi Ardal y Llynnoedd
    - Ysbaengi Norfolk
  - c. Brid o gi hela, cyfeirio, cyrchu a restrir isod:
    - Brac yr Eidal
    - Adargi Llydaw
    - Cyfeirgi Hirflew yr Almaen
    - Cyfeirgi Byrflew yr Almaen
    - Cyfeirgi Gwifrflew yr Almaen
    - Visla Hwngari
    - Visla Gwifrflew Hwngari
    - Spinone'r Eidal
    - Ysbaengi Sbaen
    - Weinmaraner
    - Griffon Korthals
    - Cyfeirgi Crychflew Slofacia
    - Munsterlander Mwyaf
    - Munsterlander Lleiaf

#### **Gofynion Ardystio**

6. Mae'r ci yn debygol o gael ei ddefnyddio at waith mewn cysylltiad â (ticier yn ôl priodoldeb):
- a. gorfodi'r gyfraith;
  - b. gweithgareddau lluoedd arfog Ei Mawrhydi;
  - c. achub mewn argyfwng;
  - ch. rheoli cyfreithlon ar blâu; neu

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- e. the lawful shooting of animals.
7. Where the dog is likely to be used for work in connection with one or more of the purposes listed in paragraph (6)(a) to (c), one or more of the following must be submitted with this form (tick as appropriate):
- a. armed forces identification;
  - b. emergency rescue identification;
  - c. police identification;
  - d. prison service identification;
  - e. HMRC identification;
8. Where the dog is likely to be used for work in connection with lawful pest control, the following must be submitted with this form:
- a. evidence that the owner of the dog, or an agent or employee of the owner, is likely to use the dog for work in connection with that purpose; or
  - b. written evidence from one of the following (tick as appropriate):
    - i. a gamekeeper;
    - ii. a land-occupier (or his or her agent);
    - iii. a person with shooting rights;
    - iv. a shoot organiser;
    - v. a club official;
    - vi. a person representing the National Working Terrier Federation;

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.

9. Where the dog is likely to be used for work in connection with the lawful shooting of animals, the following must be submitted with this form:
- a. a current shotgun or firearm certificate issued to the owner of the dog, or to an agent or employee of the owner that is likely to use the dog for work in connection with the lawful shooting of animals; or
  - b. written evidence from one of the following (tick as appropriate):
    - i. a gamekeeper;
    - ii. a land-occupier (or his or her agent);
    - iii. a person with shooting rights;
    - iv. a shoot organiser;
    - v. a club official;
    - vi. a person representing the National Working Terrier Federation;

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- vii. 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.

**Declaration**

I confirm that the information provided above and the evidence submitted with this form are true and accurate.

I am aware that it is an offence knowingly to give false information to a veterinary surgeon in connection with the issuing of a certificate for the purposes of section 6 of the Animal Welfare Act 2006.

Signature of person presenting the dog for certification:

Name:

Date:

*Part 2 - Certification of the dog as a working dog*

(To be completed by the veterinary surgeon certifying the dog)

1. I am satisfied that the type of the dog and of its dam are indicated in paragraphs 4 and 5 respectively of Part 1.
2. I have seen the evidence submitted in accordance with paragraphs 7-9 of Part 1 above, that the dog is likely to be used for work in connection with one of the purposes specified in paragraph 6 of Part 1 above.
3. In accordance with section 6(4) of the Animal Welfare Act 2006 I certify that the conditions in section 6(5) and (6) of the Act are met in relation to the dog presented to me and in relation to which Part 1 above has been completed.

Signature of Veterinary Surgeon:

Name:

Date:

Address of Veterinary Surgeon's Practice:



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*Part 3 - confirmation of docking of a dog's tail*

(To be completed by the veterinary surgeon having docked the dog's tail)

I confirm that on [date] I docked the tail of the dog in relation to which Parts 1 and 2 of this form have been completed.

Signature of Veterinary Surgeon:

Name:

Date:

Address of Veterinary Surgeon's Practice:

*Part 4 - presentation of dog for identification*

(To be completed by person presenting dog for microchipping)

1. Name and address of person presenting dog for identification:
2. Relationship to the dog (delete as appropriate):
  - owner of the dog;
  - person authorised to represent the owner of the dog.
3. I confirm that the dog I am presenting for microchipping today is the same dog whose tail was docked on [DATE] and in relation to which Parts 1 to 3 of this certificate were completed.
4. I am aware that it is an offence knowingly to give false information to a veterinary surgeon in connection with the giving of a certificate for the purposes of section 6 of the Animal Welfare Act 2006.

Signature of owner of the dog or of the person authorised to represent him:

Name

Date:

*Part 5 - confirmation of microchipping*

(To be completed on the date on which dog is microchipped by the veterinary surgeon responsible)

1. I confirm that I/a veterinary nurse acting under

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my supervision (delete as appropriate) inserted a microchip into the dog presented for microchipping.

2. I am satisfied that the dog presented for microchipping is the one in relation to which Parts 1- 4 of this form were completed.
3. The microchip was inserted into the dog on: [date].
4. The microchip reading is [INSERT MICROCHIP READING].

Signature:

Name:

Address of Veterinary Surgeon's Practice:

Date:

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Under section 6 of the Animal Welfare Act 2006 (c. 45), working dogs may be exempted by regulations from the prohibition upon the removal of the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment.

Regulation 3 sets out the requirements to be observed before a veterinary surgeon may certify that the dog is a working dog. Regulation 3(1)(a) and Schedule 1 specify the types of dog that are capable of being certified, and regulation 3(1)(c) and 3(2) describes the further evidence (concerning the likelihood that the dog will be used for certain work) that is required to be shown to a veterinary surgeon in order to obtain such a certificate. Regulation 4 requires a veterinary surgeon to certify the fact that he or she has docked a dog's tail. Regulation 5 prescribes the way in which a dog whose tail is docked is to be identified by microchipping. Schedule 2 prescribes the form in which the certificate is to be given.

A regulatory appraisal has been prepared. Copies may be obtained from the Office of the Chief Veterinary Officer, the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.