



Eich cyf/Your ref
Ein cyf/Our ref LF/AD-/0754/13

Lord Dafydd Elis-Thomas AM
Chair – Environment and
Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

7 August 2013

**Royal Welsh Show 2013 – areas of questioning
Control of dogs**

Thank you for your letter of 15th July. I am responding specifically to the questions you raise in that letter on the control of dogs and to your request for a response by the 2nd August. You will appreciate that it was not possible to respond before the Committee met on the 24th July.

In responding, comments have been annotated against your questions as follows:

- “Paragraph 31 of the Legislative Consent Memorandum provides that it is the Welsh Government’s view that the provisions of Part 7 of the Anti-social Behaviour, Crime and Policing Bill (“the Bill”) are within the Assembly’s competence. This does not appear to be a view shared by the UK Government (See paragraph 86 of the Explanatory Notes accompanying the Bill). Can you confirm:
- **a) Whether you have had any discussions with the UK Government in relation to the Assembly’s competence to legislate in relation to Dangerous Dogs;”**

Yes, discussions have been held. In my view, the National Assembly has the necessary legislative competence to proceed with the policy that was outlined for our proposed Control of Dogs (Wales) Bill.

- **b) Whether the motion will seek consent in relation to Clause 99 of the Bill which has been drafted in response to the *Sandhu* judgment. Whilst the Memorandum refers to Section 7 of the Bill, no mention is made of section 99;**

I confirm the motion as tabled alongside the memorandum on 23 May already seeks consent in relation to all provisions contained in Part 7 of the Bill. However as you rightly say there is no specific reference to Clause 99 within the memorandum.

As you have said Clause 99 has been drafted in response to the Sandhu judgement which related to the rehoming of breeds of dogs prohibited under section 1 of the Dangerous Dogs Act 1991. The Clause sets out the test which the courts must apply when considering Orders for destruction following a conviction under the Act. I will be laying a revised memorandum to clarify that Clause 99 is one of the provisions in relation to which we are seeking consent.

- **c) Whether in your view the Assembly has the necessary competence to introduce an exemption in relation to a “householder case” such as is contained in Clause 98 (2) (b) of the Bill; and**

Yes, Clause 98(2)(b) falls within legislative competence of the Assembly in relation to subjects listed under headings 1 (Agriculture, forestry, animals, plants and rural development), 9 (Health and health services) and 15 (Social welfare).

- **d) Why you consider it appropriate to utilise the Bill rather than bringing forward separate legislation.**

As stated in my Written Statement of 2 May, the Welsh Government is committed to ensuring that out-of-control and dangerous dogs are dealt with effectively. We are committed to a statutory framework that will make it unlawful for dogs to be dangerously out-of-control on private premises. We are also committed to protection for assistance dogs, for example guide dogs and hearing dogs, as well as a statutory training and dog welfare regime.

I gave careful consideration to how these objectives could best be achieved so that our children, families and communities are better protected. I am also committed to the long term cultural change which cannot be achieved by legislation alone but will address the root causes of the problem by promoting responsible dog ownership.

Our discussions with enforcement authorities and third sector organisations in Wales indicated that enforcers would far prefer to act on an interventionist basis and prevent both fatal incidents and/or compromising the welfare of a dog. In addition the amendments to the Dangerous Dogs Act 1991, which we had set out in our draft Bill, are now being taken forward in the draft Home Office Anti-social Behaviour, Crime and Policing Bill.

I reviewed the provisions of the draft Anti-social Behaviour, Crime and Policing Bill published by the Home Office and, whilst I accept many of the criticisms made of this draft bill, I nevertheless believe that it may provide a useful vehicle to fulfil our ambitions. The Anti-social Behaviour, Crime and Policing Bill has now been introduced to Parliament, and I will continue to work in partnership with the UK Government on this issue to ensure we achieve a seamless approach to dog control across England and Wales (given that dogs and their owners travel across borders) and continue to emphasise the importance of:

- the dog welfare aspects of proper dog control;
- the responsibilities of dog ownership; and
- the value of producing guidance on these issues that can be utilised in both Wales and England.

As part of working closely with the UK Government, a meeting was held in Cardiff on 22 July 2013 between officials from the Welsh Government, Home Office and DEFRA, a small group of local authority representatives from England and Wales, the Association of Chief Police Officers (ACPO) lead on dangerous dogs and some police force members from Wales and England. This meeting was chaired by a Welsh Government official and its purpose was to ensure the guidance being developed for enforcers is shaped appropriately and will be fit for purpose in both England and Wales.

In the meantime I have retained the option of introducing a Welsh Bill.

I hope you find these responses helpful.

The image shows two handwritten signatures in black ink. The top signature is a cursive 'Alun' with a long horizontal stroke extending to the right. The bottom signature is a shorter, more compact cursive 'Alun' with a small horizontal stroke underneath.

Alun Davies AC / AM
Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food

