

## Open Letter to Minister Calleary: Concerns re the Control of Dogs (XL Bully) Regulations 2024

Date: 12 February 2025

Dear Minister Calleary,

We, the undersigned, founders of **Dog Law Ireland**, comprising of solicitors Hannah Unger, Demi Mullen, and Carrie McMeel, write to express our deep concerns in relation to the Control of Dogs (XL Bully) Regulations 2024 (the “**Regulations**”)<sup>1</sup>. This is Dog Law Ireland's second open letter to the office of the Minister for Rural and Community Development (the “**Minister**”), with our initial open letter (drafted pre-publication of the Regulations) (the “**Initial Letter**”) contained as **Appendix 1** to this letter.

We would like to congratulate you on your appointment as Minister. We sincerely hope that you will consider the issues outlined in this letter and our Initial Letter from an evidenced based and practical perspective. This letter highlights the shortfalls contained in the Regulations and the issues of concern which have continued and/or emerged since our Initial Letter.

We want to make it clear at the outset that our concerns go beyond animal welfare or dog ownership. The Minister has failed to show that breed bans improve public safety—on the contrary, and as we outlined in our Initial Letter, research shows they are ineffective<sup>2</sup>. This creates a false sense amongst the public that proper measures are in place to protect the public when the evidence shows that they are not. While we acknowledge the Dog Control Stakeholder Group’s ongoing discussions, we have little confidence in its effectiveness due to its advisory role and the lack of meaningful consultation in relation to the Regulations.

We have summarised our concerns below:

### Shortfalls in Legislation

#### 1. **No Appeals Process**

The Regulations do not envisage an appeals process for decisions made regarding the classification or exemption of XL Bully Type dogs. The Control of Dogs Act 1986 (as amended) allows for the destruction of dogs in four circumstances:

1. where they are unwanted;
2. where they are straying and not returned home or rehomed;
3. where the owner has been disqualified from keeping dogs; and
4. where the dog has been found to be dangerous and not under proper control.

The latter two circumstances require a court order for the humane destruction of the dog. Allowing a dog warden to be the individual who decides whether a dog can be euthanised in circumstances outside of straying / unwanted dogs is **a significant departure** from what is envisaged in the primary legislation, and therefore it is incredibly worrying that no appeals process has been included.

When queried about this in a parliamentary question by Chris Andrews TD<sup>3</sup>, Ms Humphreys noted the following:

*“Under the Control of Dogs Acts, dog wardens have the power to seize any dog and detain it in order to ascertain whether an offence under the Act is being or has been committed and may enter any premises (other than a dwelling) for the purposes of such seizure and detention”.*

According to the Regulations, it appears that once this has been done, a dog warden can then unilaterally decide to euthanise a dog. Given the lack of clarity within the Regulations as a whole and the fact that the XL Bully Type identification training was not even mandatory for dog wardens, this is extremely concerning.

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<sup>1</sup> [pdf \(irishstatutebook.ie\)](https://pdf.irishstatutebook.ie/)

<sup>2</sup> [https://drive.google.com/file/d/1p6E8f4UFiliopByaEyMqhAaiKvx6\\_Lo/view?usp=drive\\_link](https://drive.google.com/file/d/1p6E8f4UFiliopByaEyMqhAaiKvx6_Lo/view?usp=drive_link)

<sup>3</sup> [Control of Dogs – Wednesday, 16 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

Ms Humphreys also noted that<sup>4</sup>:

*“Under the existing provisions of the Control of Dogs Act, a dog warden can make a complaint to the District Court that a dog is dangerous and not kept under proper control. Where the District Court determines the dog is dangerous and not kept under proper control, the Court may, in addition to any other penalty which it may impose, order that the dog be kept under proper control or be destroyed. In such cases, the owner can appeal a decision of the District Court.”*

The appeal process outlined here **relates to circumstances where a dog is allegedly dangerous and not kept under proper control** and **not to dogs seized for suspected breach of the Regulations (e.g. for failure to have a Certificate of Exemption)**. This omission in the Regulations is deeply concerning and needs to be rectified or clarified **immediately**.

As the Regulations directly implement the UK physical conformation standard, it is unclear why the appeals process which is found in the UK's Dangerous Dogs Act 1991 (the "**1991 Act**") was omitted (either inadvertently or purposefully) from the Regulations.

When a banned dog is seized in the UK, a police dog expert will judge what type of dog it is and whether it is, or could be, a danger to the public. Depending on their decision, the dog will either be released or if the owner does not relinquish ownership the dog will be kept in kennels before the case goes to court. In court, it is the owner's responsibility to prove the dog is not a banned type. If successful, the dog will be released to the owner. If not, the owner will be found guilty of owning a banned type of dog and if the owner can prove a dog is safe, despite it being a banned breed, then the owner can get a certificate of exemption from the court. This will mean the dog does not have to be euthanised and the owner will just have to comply with the requirements involved.<sup>5</sup>

There have been many cases taken in the UK whereby owners have successfully argued against the classification of their dog as a banned breed or have successfully gained a certificate of exemption outside of the official application window<sup>6</sup>.

'**Save our seized dogs**'<sup>7</sup> is a not for profit organisation in the UK who assists owners of dogs seized under the 1991 Act. 82% of cases that they deal with are dogs who have not caused harm or fear and in most cases, they relate to dogs who have not been properly exempted for one reason or another. Save our seized dogs have helped thousands of families through the court process and in most cases, they ensure a safe return of the dogs to their families either with or without conditions. Their work over the years demonstrates that this is not a straightforward process and requires oversight by the Court.

It is beggars' belief that for an owner to have a right of appeal in this jurisdiction (and by Ms Humphreys' own account<sup>8</sup>), their dog would have had to have been allegedly "dangerous and out of control". We believe the lack of an appeals process in Ireland is constitutionally unsound and breaches an owner's right to fair procedures and is an unlawful invasion of property rights<sup>9,10</sup>. This needs to be rectified **immediately**.

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<sup>4</sup> [Control of Dogs – Wednesday, 16 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

<sup>5</sup> <https://saveourseizeddogs.org/what-is-bsl/>

<sup>6</sup> [Three owners deemed 'fit and proper' and XL Bully returned home - BBC News](#)

[Magistrates spare the lives of unregistered suspected XL bullies \(bbc.com\)](#)

[Colchester mum allowed to keep XL bully Marley by magistrate | East Anglian Daily Times \(eadt.co.uk\)](#)

[XL Bully given second chance at life as judge says it 'could be as soft as muck' - LancsLive](#)

[Penrith woman given time to plead life of banned XL Bully | News and Star](#)

[Cumbrian woman given extra time in bid to save life of XL Bully - cumbriacrack.com](#)

[XL Bully owners appear in court after owners fail to register banned breed with certificate of exemption](#)

<sup>7</sup> [Home | Save Our Seized Dogs & save our seized dogs - facebook](#)

<sup>8</sup> [Control of Dogs – Wednesday, 16 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

<sup>9</sup> [Irish Constitution - Bunreacht Na hÉireann](#)

<sup>10</sup> [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG)

## 2. *Classification of an XL Bully*

While the intention behind the ban has been stated to be a ban in respect of 'XL Bully' dogs only, the Regulations are drafted so broadly and subjectively that a number of other breeds could inadvertently be captured and therefore the Regulations go much further than intended by your Department. This is particularly evident with the recent case of Kodi, a **7-month-old puppy** (American Pitbull Terrier mix) who found himself as a stray coming into Louth Pound and was killed a few days after arrival as his owner (who he was still chipped to) did not reclaim him and Louth Pound would not transfer Kodi to a rescue (despite a rescue space being offered).<sup>11</sup>

Of concern is that the definition of an XL Bully Type dog in the Regulations is *"...a dog which substantially meets the physical conformation standard specified in Schedule 1 and, in the case of an XL Bully which has not attained the age of 18 months, has the potential to do so on or after attaining that age"*.

It is entirely unclear what "substantially meets" means in practice and it is hard to understand how any layperson tasked with the responsibility of assessing their own dog is expected to be able to interpret this and many owners of rottweilers, cane corsos, mastiffs, American bulldogs, etc. are extremely worried. It is unclear what percentage of the characteristics are required to "substantially meet" or the extent to which they must be met. Moreover, there is no weighting attributed to the individual characteristics which makes it even more ambiguous and difficult to arrive at a conclusion. This makes it very difficult for dog owners to know whether their dogs are captured.

Of extreme concern, the Regulations do not set out that dogs below the height requirement of 20 inches for a male and 19 inches for a female are not captured by the ban. This is despite the Government's document titled 'XL Bully Type Dog Regulation Ireland Frequently Asked Questions' (the "FAQ Guide") and the extensive media campaign stating that dogs below this height requirement are not captured by the ban. In the Regulations, the height standard does not automatically exclude dogs below a certain height but instead is merely one of the standards referred to. This is also contrary to the position in the UK which Ms Humphreys said that it was imperative that we align with and needs to be **rectified immediately**.

As regards puppies, countless lives could be at risk due to someone guessing how that puppy will mature given that the Regulations apply to dogs under 18 months which have the **potential** to substantially meet the characteristics. This is especially concerning given that many canine professionals are of the belief that it is impossible to definitively assess a puppy's breed without knowing the breeds of the parents.

In response to a Freedom of Information request, we obtained the draft *"Guidelines for Completing the Application Form for a Certificate of Exemption to keep an XL Bully type dog in Ireland"* provided by your Department to local authorities for use on their websites. It is notable that the Guidelines state that individuals should *"Use the XL Bully Type Physical Conformation Standard to check if your dog is an XL Bully type"* and that *"If you are not sure after checking, you may apply for a Certificate of Exemption as a precaution"*, showing just how unclear the Regulations are.

## 3. *XL Bully Type Images*

The Physical Conformation Standard<sup>12</sup> to enable individuals assess whether or not their dog is classified as an XL Bully Type dog originally included three pictures which were noted to be *"indicative of what an XL Bully type looks like"*. While it was also noted that *"a dog does not have to look exactly like this to conform to the standard above"*, we would expect, and think it reasonable to expect, that the only photographic evidence enabling people to assess their dogs be extremely clear and actually contain pictures of XL Bully Types. However, numerous members of the dog rescue, training and behaviourist community confirmed that they would not classify Dogs 1 or 2 as XL Bully Types and noted they would need to measure Dog 3 in order to be able to confirm.

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<sup>11</sup> [Dogs who are not XL bullies being put down due to 'ignorant' law, say campaigners - Gript](#)

<sup>12</sup> [www.gov.ie/pdf/?file=https://assets.gov.ie/305533/72b8c17c-f7ce-4f7e-9734-157f919fe2fd.pdf](https://assets.gov.ie/305533/72b8c17c-f7ce-4f7e-9734-157f919fe2fd.pdf)

On 16 October 2024, Chris Andrews TD queried Ms Humphreys' views *"on the fact that there are three photographs on Gov.ie of Bull Breeds which are not XL Bully types; the reason these photos have not been removed, as it will cause confusion for the dog wardens and it will lead to serious mistakes and the death of dogs<sup>13</sup>"*. With all due respect, Ms Humphreys' answer was entirely unsatisfactory.

Ms Humphrey noted that *"the images... were provided by the Irish Society for the Prevention of Cruelty to Animals (I.S.P.C.A.), and confirmed to be XL Bully type dogs in their care"*. However, our understanding is that none of the charities or rehoming organisations in the country have had training as to what an XL Bully Type dog is under the Regulations so it is hard to understand how the ISPCA would have adequately been able to identify such dogs. Even if any of these organisations did happen to attend such training, our understanding is that the training occurred after the publication of the Physical Conformation Standard, so again, it is hard to understand how accurate images would have been given ahead of this date.

On or around 12 December 2024, we note that the Physical Conformation Standard was updated to remove the three pictures originally included and they were replaced with a different example. However, given the ban has been in effect since 1 October 2024, this is entirely unsatisfactory and indeed such images are still incorrectly being used by some local councils and in media reporting, thus compounding the confusion amongst affected stakeholders. We would also argue that the length of time it took for this amendment to be made, despite the error being flagged at a very early stage, has caused significant concern for dog owners and unnecessarily added to confusion.

#### 4. **Rationale for Refusal**

As set out in our Initial Letter (specifically in the section *"Lack of clarity in relation to local authorities ability to refuse an application"*), the rationale for a local authority's ability to refuse an application for a certificate of exemption is unclear and worryingly this has been solidified in Regulation 2(b) of the Regulations.

#### 5. **Withdrawal of Registration**

Given the lack of clarity surrounding the definition of an XL Bully Type dog and the concerning way the ban has been implemented, we anticipate that a number of people will exempt their dogs despite them not falling within the Physical Conformation Standard.

The **UK government** has specifically provided for this and notes on its website: *"If you no longer think your dog is an XL Bully, **you will be able to ask DEFRA to withdraw your certificate**. DEFRA will provide more information about how to do this soon."* **No similar clarification has been provided in Ireland.** This is especially concerning in the cases of puppies where, again, there appears to be no withdrawal process. The FAQ Document merely notes that *"If you are uncertain whether your puppy will have the characteristics of an XL Bully type dog on maturity, you should apply for a Certificate of Exemption. However, you may **cancel your application** if your puppy does not attain the characteristics of an XL Bully type dog on maturity"*. No clarity has been given as to the timelines around this or the practicalities, which is entirely unsatisfactory.

The suggestion that owners should apply for a Certificate of Exemption as a precautionary measure (as outlined above), as well as the lack of a withdrawal process, is especially concerning given that there are significant legislative responsibilities imposed on those who register their dog as an XL Bully Type dog, for example, notifying the relevant local authorities of any change of residence, restrictions on number of days their dog can be away from their place of residence, and other potential fallouts such as lack of available dog minders, inability to get dog insurance etc. Therefore, it is not as simple as just exempting your dog as a precaution simply because the Regulations are unclear, especially as we do not fully understand the ramifications of registering as of yet.

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<sup>13</sup> [Control of Dogs – Wednesday, 16 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

## 6. **Neutering**

Whilst we absolutely support the need for incentivised neutering programmes to control the population of dogs, the neutering component to the exemption process appears to not have been thought through. For example, we are aware of individuals' dogs who were neutered but their vet either does not hold records to confirm this (as the neutering took place over 7 years ago) or the vet practice has since shut down or the vet has retired etc. Such individuals are extremely concerned about how to comply with this part of the exemption process as the form / Regulations do not cover this event.

The decision to neuter a dog is also not an easy decision to make for many individuals, particularly when it comes to XL Bully Types as there is a suggestion that XL Bully dogs can suffer severe complications during neutering<sup>14</sup>. While this is not our field of expertise, we do not believe that any meaningful consideration was given to this by your Department.

While the certificate of exemption may be free, there are significant cost implications associated with neutering. It is notable that the Government funding of €100,000 for the DRCD Dog Neutering Scheme was only sent to three Irish charities in early December 2024. Further, Ireland's "leading animal welfare charity" did not advertise the availability of this funding until mid-January, a mere two weeks before the implementation of the Regulations. We do not believe that this is good enough.

## 7. **Declaration Issues**

We have significant concerns in respect of the declarations contained in Schedule 2 of the Regulations (Application for Certificate of Exemption), which owners were required to sign upon applying for a Certificate for Exemption.

Declaration 5 in the Schedule 2 (the Application Form) states:

*"I understand that it is my responsibility as the dog owner to ensure that I am compliant with all other relevant legislation relating to the ownership of the dog".*

Owners are also required to "acknowledge that providing false details or failing to comply with the Certificate of Exemption requirements will invalidate the Certificate" and that in such cases they "may face prosecution, and the dog mentioned in this application may be seized and subsequently destroyed in a humane manner".

It is not immediately clear what the "Certificate of Exemption requirements" are. We assume that they are the requirements set out in Regulation 8, but that has not been made clear. It could potentially be read, for example, that Declaration 5 itself is a Certificate of Exemption requirement. In essence then, in signing the Application Form, an owner could be agreeing that a breach of any legislation relating to dogs invalidates their Certificate of Exemption and could result in euthanasia of their dog. We believe this goes significantly further than was intended by the Regulations.

While we do not intend on going into the specific detail in this letter, we are also concerned with the manner in which the Application Form in Schedule 2 has been implemented by local authorities. We believe it provides even less clarity as to what people are declaring and agreeing to comply with.

The wording of these declarations and the way the application form is being utilised creates significant confusion and potential for misuse and needs to be rectified.

## 8. **Place of Residence**

Owners are now required to keep the dog at the address specified on their certificate of exemption, except for a maximum of 30 days per year<sup>15</sup>. This means that if an owner exempts their dog and decides to spend a few months of the Summer in another country with their dog, the dog's certificate of exemption may no longer be valid upon return to the country pursuant to Regulation 8(4). This has the

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<sup>14</sup> <https://www.licenceme.org.uk/post/information-for-owners-and-vets-regarding-xl-bully-neutering>

<sup>15</sup> [S.I. No. 491/2024 - Control of Dogs \(XL Bully\) Regulations 2024 – Regulation 8](#)

potential to significantly impact an owner and their dog's quality of life if travel outside of the jurisdiction for more than 30 days per year is no longer allowed. It also raises the query as to whether an owner's right to move freely and reside within the EU is impacted. No rationale has been provided for this and at the very least, it should be made clear in the FAQ Guide as many owners would be unaware of this restriction.

#### 9. **Authorised Officer Definition**

The declarations contained in Schedule 2 of the Regulations (Application for Certificate of Exemption) introduce the concept of an Authorised Officer, as follows:

*"I understand that failure to comply with any of the above conditions may result in the seizure of the dog by an **Authorised Officer** and that the dog may be destroyed in a humane manner by a registered Veterinary Surgeon".*

*"I understand that it is a criminal offence to keep a dog of this type after 31 January 2025, without having made a valid application for a Certificate of Exemption. This may result in the seizure of the dog by an **Authorised Officer** with subsequent arrangements for euthanasia by a Veterinary Surgeon."*

However, an 'Authorised Officer' is not defined under the Regulations or primary legislation. We note that a definition is provided in the FAQ Guide but this is unsatisfactory for the purposes of the actual legislation. It is concerning that a person is being asked to certify their understanding that an 'Authorised Officer' can seize and arrange for their dog to be euthanised, when it is entirely unclear who this is for the purposes of the legislation.

### **Additional Issues**

#### 1. **Lack of Evidence**

As previously outlined in our Initial Letter (specifically, the sections headed "*Lack of Evidence Based Research / Clarity*" and "*Ineffectiveness of Breed Specific Legislation*"), the Government has failed to show how the ban will act in furtherance of public safety and this has not been satisfactorily addressed by your Department during parliamentary questions'.<sup>16</sup>

Not only that, but we note that in April 2022, following a review and public consultation, your Department published "*A review of measures relating to the control of dogs in Ireland*"<sup>17</sup> and concluded the following:

- In respect of the restricted breeds list and the aim of improving the culture of responsible dog ownership: "*The Department does not consider it appropriate to remove the list at this point in time, but it may be appropriate to do so in the future, once those measures have been in place and working effectively for a period of time*".
- "*With the exception of the Presa Canario breed of dog, the Department does not intend to add any other breeds of dog to the list, but will instead focus on further promoting a culture of responsible dog ownership in Ireland*".
- "*The Department will consider whether exemptions can be made to the leashing and muzzling requirements for dogs that have been provided with appropriate levels of accredited training*".
- "*The Department does not intend to widen the leashing and/or muzzling requirements for dogs that are not on the list*".

Not only did this report **not recommend breed specific legislation**, it also discussed the potential for a move away from such policies.

Further, in response to "*a number of serious dog attacks on people (including children) and on sheep*", your Department was involved in establishing the Working Group on Dogs whose terms of reference included the requirement to meet regularly and make recommendations to your Department and the Minister for Agriculture,

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<sup>16</sup> [Control of Dogs – Monday, 9 Sep 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#).

<sup>17</sup> [A review of measures relating to the control of dogs in Ireland - May 2022](#).



Food and the Marine on options to progress the issues listed therein. This included examining and making recommendations on “dangerous breeds”. Following several meetings, the Working Group on Dogs published a report in March 2024<sup>18</sup> which contained a number of recommendations to improve dog control in Ireland, **none of which included recommendations for breed specific legislation.**

As you are aware, the newly established Dog Control Stakeholder Group which is made up of representatives from key government departments and interest groups recently published the minutes of their June 2024 meeting<sup>19</sup> where the XL Bully Type ban was discussed. The group concluded that “*a wide variety of views with respect to a ban on XL Bully type dogs were expressed, but there was **not universal agreement in the group that such a ban would be effective.***”

Despite the advice of your own Department, two expert groups and the overwhelming expert evidence in this area which supports the fact that breed specific legislation does not work to protect public safety, it is difficult to understand the rationale for the ban and the change in policy.

In the interests of transparency and fairness, we believe that the actual evidence relied upon to show that the implementation of the Regulations would increase public safety should be made publicly available **immediately.**

## 2. Training

As outlined in our Initial Letter (specifically, point 4 of the section headed “*The Conformation Standard*”) we have significant concerns in respect of the fact that the Dog Control Service National Training Programme 2024 was not mandatory in nature.

As noted in our Initial Letter, in response to a PQ from Deputy Hourigan, Ms Humphreys stated “*The County and City Management Association (CCMA) Dog Control Working Group developed the programme in association with my Department*”<sup>20</sup>. Further, in response to parliamentary questions on 8 October 2024<sup>21</sup> and 22 October 2024<sup>22</sup> Ms Humphreys noted “*... my Department is also supporting a national training programme for dog wardens to ensure consistency and a standardised approach to enforcement. This training commenced in April*”.

However, in response to a Freedom of Information request which sought ‘*Copies of all materials / information / guidance provided to dog wardens as part of their training in respect of the XL Bully Ban - which took place over 3 days (2 in September and 1 in October)*’, the response was as follows:

*“...local authorities are responsible for the operation of dog control services and it is therefore a matter for each local authority Chief Executive to determine how best to ensure their staff/contractors have the necessary capacity or training to deliver on their remit. The Department did not organise, administer or deliver the training referred to in your FOI request for dog wardens in relation to the XL Bully type dog ban”.*

It is difficult to understand how these two statements align and how your Department could possibly ensure a ‘*consistent and standardised approach to enforcement*’ where it is not involved in organising, administering or delivering the training. This raises significant questions as to how dog warden training is implemented in general, not only in relation to the XL Bully Ban.

## 3. Practical Issues with Applications

Given that we are now past the deadline of 1 February 2024, it is extremely concerning that a number of people have been unable to receive their Certificate of Exemption and upon following up have been advised that there are resourcing issues causing delays and backlog. We are aware of a number of parliamentary questions put to Ms Humphreys with regard to whether the resources were in place to implement the Regulations. It now appears that resourcing of the administrative side of the application process has not even been assured. This is incredibly worrying and stressful for owners, especially given the numerous concerns surrounding the Regulations.

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<sup>18</sup> [Report of the Working Group on Control of Dog - March 2024](https://www.gov.ie/pdf/?file=https://assets.gov.ie/309654/efb63dfe-9deb-4e12-a949-8f8be9151deb.pdf#page=null)

<sup>19</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/309654/efb63dfe-9deb-4e12-a949-8f8be9151deb.pdf#page=null>

<sup>20</sup> <https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/>

<sup>21</sup> [Control of Dogs – Tuesday, 8 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

<sup>22</sup> [Control of Dogs – Tuesday, 22 Oct 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

#### 4. Freedom of Information Requests

We note that there were a significant number of incidences of aggressive dog behaviour noted in the 2023 Control of Dogs Statistics:

- 1,383 incidences of aggressive dog behaviour reported to Local Authorities (increased from 791 in 2022); and
- 442 people were physically injured (this includes damage to clothes) (increased from 308 in 2022)<sup>23</sup>.

Given this, we have submitted Freedom of Information requests to local authorities to try and ascertain further detail as to incidences of aggression / dog attacks recorded by local authorities.

We are working on compiling the information we have received and will make it publicly available as soon as we have all responses. To date, we do not believe that the statistics available justify the implementation of the Regulations.

Regardless of the findings, what we would really like to understand is whether your Department undertook a similar process of reviewing this information, which is collated within your own Department and therefore readily available to you, ahead of implementing the Regulations. It is hard to understand how such a law could be implemented without taking this information into account, especially given that it was already being collated.

#### 5. Rehoming Organisations and Pounds

In our Initial Letter, we outlined the concerns and strain that dog rescues in Ireland are facing as a result of this ban. With the publication of the Regulations, we are disappointed that rehoming organisations and pounds have not been properly or adequately considered therein.

Article 5(1) of the Regulations prohibits the abandonment of XL Bully Type dogs. However, the ban will inevitably lead to increased abandonment if owners are unable to comply with the Regulations. This places additional strain on rehoming organisations and pounds, which are already facing significant resource and financial constraints.

While the partial short-term amnesty given to pounds and rehoming organisations was welcomed by stakeholders, it does not go towards providing any additional support to these organisations come 1 February 2025. This is arguably one of the worst times for implementation of such a ban as the post-Christmas period (particularly January and February) is well known to be a significant time of struggle for these organisations. This amnesty comes across as a method by which to placate those who are affected by this ban, while completely missing the point of the struggles faced by these organisations.

It is hard to comprehend how such an amnesty could have been given considering your Department's stance on the ban and totally undermines the rationale for implementing same. **Why Minister, is it safe for responsible, experienced dog welfare organisations to rehome XL Bully Types already in their care from October 2024 up to 01 February 2025 but it is somehow 'unsafe' for them to do so after this time period?** With respect, the logic is entirely flawed and in fact, absent of any logic at all.

In this context, it is beggars' belief that Veterinary Inspector James Madden can on the one hand say that the XL Bully Ban is warranted yet he takes no issue with these dogs being rehomed by Swedish charity 'Hundar Utan Hem' in Sweden. When asked if we are "*not just exporting the problem*" by rehoming XL Bully Type dogs in Sweden via rescue Hundar Utan Hem, he replied "*Not in my opinion. The Swedish charity... have rehomed many hundreds of dogs from Ireland in recent years. They're going to find good homes for them in Sweden... I don't think it's irresponsible*"<sup>24</sup>.

The hypocrisy and flawed logic behind this is utterly disturbing and at the very least, a permanent amnesty on rehoming should be granted. As outlined in our Initial Letter, whilst the authors are entirely against breed specific legislation (for the reasons outlined in this letter and our Initial Letter), **prescribed rehoming organisations should be allowed to continue to rehome in line with the process adopted by the Government under SI 412 of 2023 (Ear-Cropping of Dogs Regulations 2023).**

<sup>23</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/307767/7ca82948-cb76-4556-bf98-570208411d8a.pdf#page=null>

<sup>24</sup> [XL Bullies being exported to S - Today with Claire Byrne - Apple Podcasts](#)



**Summary:**

The Regulations which came into effect on 1 October 2024 were published just 4 days before (Friday, 27 September 2024). Given the significant concerns and uncertainty surrounding the implementation, timing and delivery of the ban (as detailed at length in our Initial Letter), we had hoped that the Regulations would be clear, understandable and provide certainty to stakeholders. Unfortunately, this has not been the case.

The Regulations have, concerningly, done two things:

1. Provided additional detail for stakeholders to try and comprehend over the course of **one business day**; and
2. **Omitted a number of significant details** which stakeholders are now struggling to get answers and/or clarification in relation to.

We would very much welcome the opportunity to engage with you further on this and you might please address any future correspondence to [doglawireland@gmail.com](mailto:doglawireland@gmail.com).

**Yours sincerely,**

Hannah Unger  
Demi Mullen  
Carrie McMeel

***Dog Law Ireland***



## **APPENDIX 1 – INITIAL LETTER**

## Open Letter to Minister Humphreys: Reconsideration of the XL Bully Type Ban

Dear Minister Humphreys,

We, the undersigned, as representatives of **Dog Law Ireland**, comprising solicitors Hannah Unger, Demi Mullen, and Carrie McMeel, write to express our deep concerns regarding your recent decision to ban XL Bully Type dogs in Ireland. While we fully recognise the need to ensure public safety and to address behavioural issues in dogs, we believe that the proposed ban raises several legal, ethical, and practical challenges that require further reflection and reconsideration.

We have set out our concerns below but most importantly, our alternative suggestions to the breed ban are outlined **on pages 9-11** of this letter which include potentially adopting a more humane model in line with *SI 412 of 2023 (Ear-Cropping of Dogs Regulations 2023)* when it comes to rehoming.

### Timing / Delivery

The ban was announced on 12 July 2024, the day the Dáil's summer recess began.

The timing between the announcement of the ban and the implementation of the first set of proposed measures, which includes a prohibition on rehoming XL Bully Types, is 80 days. This, in and of itself, is not sufficient time for relevant stakeholders to prepare themselves. However, of greater concern, is the fact that we are now only a few days away from the initial implementation and no legislation has been published.

The UK Government published detailed guidance on preparing for its XL Bully Type Ban on 31 October 2023 in preparation for an initial implementation on 31 December 2023 (nearly 9 weeks). This included the conformation standard for XL Bully Types, something that was confirmed **for the first time** in Ireland on 20 September (a mere 10 days before implementation). Pounds and rescue organisations have therefore been left in the invidious position being unable to adequately prepare for this ban and not knowing which dogs would be at risk of death and those which would not, thereby affecting their ability to rehome XL Bully Types.

The manner in which this information has been delivered has been arbitrary and thoughtless. For example, on 06 September 2024, James Madden, Veterinary Officer, Leitrim County Council confirmed on the RTE Radio 1 Claire Byrne show that the UK conformation standard would apply. On 09 September 2024, the position was again confirmed by you in reply to a Parliamentary Question ("PQ"). This is not a sufficient manner through which to provide information on an upcoming piece of legislation which many stakeholders are concerned about and for which hundreds if not thousands of dogs lives depend on.

The timing of this announcement coupled with the delivery and lack of information provided by the government has caused mass panic, significant concern and immeasurable stress for rescue organisations, local authority pounds, dog wardens, vets, and the general public who have concerns for these dogs. The decision to provide information piecemeal and via PQs, ahead of publishing the actual legislation, has compounded public concern.

A further significant concern is XL Bully Type pregnant mothers and their puppies. A dog's pregnancy typically lasts around 62 to 64 days (approximately 9 weeks) from the date of conception<sup>1</sup>. Puppies generally start the weaning process at around 3 to 4 weeks old and are usually fully weaned by 8 weeks old<sup>2</sup>. If a mother conceived in July, the puppies would likely be born in September meaning that

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<sup>1</sup> [Pregnancy in dogs | Dog breeding | The Kennel Club](#)

<sup>2</sup> [Feeding puppies from birth to weaning | Kennel Club \(thekennelclub.org.uk\)](#)

she would still be weaning on 1 October. Therefore, owners and rescue organisations have been left with the impossible decision to either separate mothers and puppies early (thereby causing unnecessary suffering) or keeping them together which means that they face certain euthanasia, which is cruel and unjust and not within the spirit of the Animal Health and Welfare Act 2013.

### Lack of Evidence Based Research / Clarity

You announced the establishment of the Dog Control Stakeholder Group (“DCSG”) to consider and make recommendations to strengthen policy in relation to dog control issues and to *“examine the issue of restricting certain breeds of dogs, in line with actions being taken by regions in the UK, including Northern Ireland”*. However, it appears that the ban was announced without meaningful consideration of the DCSG and, in any event, it was announced without any transparency in respect of the views of the DCSG. Notably, the minutes of the June meeting of the DCSG, which presumably is when the proposed ban was discussed given it was not discussed at the March<sup>3</sup> meeting, are still not publicly available.

Secondly, while the ban was announced *“following consultation with the chairperson of the DCSG”*, 6 of the 18 members of the DCSG have issued public statements expressing their concerns around the ban (DSPCA<sup>4</sup>, ISPCA<sup>5</sup>, MADRA, Dogs Trust, Irish Blue Cross<sup>6</sup> and Association of Pet Dog Trainers Ireland<sup>7</sup>). Notably, these 6 members include the only 5 dog rehoming organisations which are part of the DCSG.

Therefore, it is unclear who was responsible for reviewing whether the ban would effectively enhance public safety and prevent further incidences of dog attacks, and no evidence has been provided as of yet to support that view. It is also unclear who is responsible for drafting and reviewing the implementing legislation and how this is being done in a manner that will effectively enhance public safety and prevent further incidences of dog attacks.

On 09 September 2024, in response to a PQ, you confirmed that *“...an Implementation Team for the XL Bully regulations was established by the chair of the [DCSG]... to support the development of the regulations”*<sup>8</sup>. This is the first time that this implementation team was referenced and no further information as to their identity, qualifications or remit has been provided.

In response to a question from Deputy Neasa Hourigan about your *“...plans to reduce dog bite incidents in the community; if [your] attention has been drawn to research which suggests legislation banning a specific breed has little effect on the total number of dog bites and that a multifactorial approach is needed instead”*, we note that you replied as follows:

*“...The [DCSG] have been tasked with considering the policy and legislative matters under the remit of my Department, specifically the Dog Control Acts and the Dog Breeding Establishments Act. This includes but is not limited to how to address issues such as dog bites. However, the issues raised are **wide ranging and complex and require in depth analysis and consultation to ensure amendments are not just robust, fit for purpose and implementable, but that they also deliver the best outcomes for communities and for dogs themselves.** This work will progress throughout 2024...”*<sup>9</sup>.

Your response also notes that the proposed XL Bully Type Ban was announced *“...in the interest of public safety following a number of recent horrific attacks...”* however it does not address how this proposal aligns with the research referenced by Deputy Hourigan, namely that such a ban has little effect on the total number of dog bites, and therefore would do little in furtherance of public safety.

<sup>3</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/297555/06a9dd32-3ac8-4f99-afb2-b29b5cc629b4.pdf#page=null>

<sup>4</sup> [DSPCA Statement: XL Bully Ban - DSPCA](https://www.dspca.ie/)

<sup>5</sup> <https://ispca.ie/ispca-raises-concerns-over-xl-bully-dog-ban-and-impact-on-animal-welfare/>

<sup>6</sup> <https://www.dogstrust.ie/what-we-do/stories/joint-statement-on-the-ministerial-announcement-to-ban-xl-bully-dogs>

<sup>7</sup> <https://www.apdt.ie/post/apdti-statement-on-xl-bully-ban>

<sup>8</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2062/#pq\\_2062](https://www.oireachtas.ie/en/debates/question/2024-09-09/2062/#pq_2062)

<sup>9</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2023/#pq\\_2023](https://www.oireachtas.ie/en/debates/question/2024-09-09/2023/#pq_2023)

It is therefore hard to comprehend how the decision to implement such a ban could have already been made given the numerous acknowledgments that these issues are **wide ranging and complex and require in depth analysis and consultation**. It is not clear whether this in depth analysis and consultation has already occurred or whether the decision to implement the ban was made without such analysis and consultation.

### Ineffectiveness of Breed Specific Legislation (“BSL”)

As mentioned above, to date, **no evidence** has been provided to show how the ban will further public safety or how similar breed bans reduced dog attacks in other countries.

Conversely, we draw your attention to some examples of the significant body of evidence globally to show that breed bans are ineffective:

1. A ten year retrospective study of BSL in Spain concluded that BSL has not produced a reduction in dog bite related fatalities<sup>10</sup>.
2. A government commissioned study of BSL in the Netherlands concluded that BSL was not effective and preventative measures such as responsible dog ownership were a better approach<sup>11</sup>.
3. A review of the impact of BSL in Denmark supported previous studies showing that BSL has no effect on dog bite injuries<sup>12</sup>.

We also draw your attention to a recent report prepared by Dogs in Society, a new stakeholder group made up of experienced dog behaviour professionals and educators, titled *'Position on Breed Specific Legislation'*<sup>13</sup>.

Most recently the Independent Newspaper in the UK revealed that data obtained by them via freedom of information requests to 27 police forces showed that the number of recorded incidents of out-of-control dogs injuring people or guide dogs has **risen by 9 per cent**<sup>14</sup> since the ban came in. Breed bans have been proven not to work. They are not effective as a method of increasing public safety or preventing incidences of dog attacks as they do not address to root cause of why dogs are biting in the first place.

On the contrary, as shown below and as already evidenced in Ireland to date, breed bans do have an effect on abandonment numbers which have been shown to rise exponentially. We would like to understand whether the government has considered the public safety issue that may arise in scenarios where large numbers of dogs are abandoned and strayed, particularly given the fact that the dog warden / pound service is not a 24/7 service and is arguably already under-resourced.

### Negative Effects of Breed Specific Legislation

According to a recent RSPCA study<sup>15</sup>, the following are the percentage increases in reports made to the RSPCA concerning XL Bully Types between January to August 2024 (when compared to the same time period in 2023 before the ban was announced):

1. **Intentional Harm – Up 164%**
2. **Abandonment – Up 692%**
3. **Neglect – Up 239%**

<sup>10</sup> [Fatal dog attacks in Spain under a breed-specific legislation: A ten-year retrospective study - ScienceDirect](#)

<sup>11</sup> [Dog bites in The Netherlands: a study of victims, injuries, circumstances and aggressors to support evaluation of breed specific legislation - PubMed \(nih.gov\)](#)

<sup>12</sup> [The effect of breed-specific dog legislation on hospital treated dog bites in Odense, Denmark—A time series intervention study | PLOS ONE](#)

<sup>13</sup> [DIS BSL statement.pdf - Google Drive](#)

<sup>14</sup> [Dog attacks rise despite XL Bully ban, figures reveal | The Independent](#)

<sup>15</sup> [Neglect of XL Bullies up 230% since ban - RSPCA - rspca.org.uk](#)

Not only do breed bans not work to reduce dog bite incidents or improve public safety, they also have a significant negative impact on animal welfare.

Since the announcement of the ban, rescues and pounds in Ireland have been inundated with bully breeds being abandoned or surrendered. There is already a crisis in Ireland with dogs being surrendered or abandoned and this has only increased with the announcement of the ban.

The majority of rescues in Ireland are entirely volunteer run and largely public funded. In 2024, Dogs Trust Ireland reported that it has received 2,366 requests from people looking to surrender their dogs<sup>16</sup>. This is one rescue, and we would highlight that a lot of rescues in Ireland do not have the resources to record the amount of surrender requests they receive in a day. While this statistic relates to dogs being abandoned in general and not specifically bully breeds, this number is concerning. Moreover (and as previously outlined), the RSPCA found that post introducing the UK ban, abandonment rates of XL Bully Types increased by 692% and neglect increased by 239%, and it is likely that we will see similar figures in Ireland post the ban being introduced.

Last year MADRA, Galway County Council and the Department of Rural and Community Development coordinated the first national census of homeless dogs. 3,227 dogs were waiting for homes across 120 rescues and local authority pounds. This number was not inclusive of the hundreds of dogs on waiting lists to be surrendered. MADRA is conducting a similar census this year with the results to be published on 04 October 2024 and with the announcement of the ban, we expect this number will increase.

The financial strain that this is putting on rescue organisations in Ireland is immeasurable.

### The Conformation Standard

A number of issues arise in relation to the conformation standard to identify XL Bully Types:

1. **The timing of it** (i.e. published 10 days before the first phase of the ban comes into effect) therefore preventing rescues and pounds to identify XL Bully Type dogs in their care and give them a fair chance of rehoming them.
2. **The fact that (unlike the UK), the Irish Conformation Standard does not provide specific guidance in relation to how to identify the XL Bully Type dog.**

The conformation standard in the UK<sup>17</sup> gives advice to enforcers / owners to decide if the dog is an XL Bully Type: *To be considered a type 'known as the XL Bully' a dog must meet the minimum height measurements set out in the conformation standard below. In addition to this height requirement, we consider that a dog will be of a type 'known as the XL Bully' if the dog has a substantial number of the other physical characteristics set out in the conformation standard below. This approach reflects how the courts have interpreted whether a dog is of a 'type known as the pit bull terrier'.*

This information is not contained in the Irish conformation standard<sup>18</sup>. Instead, it just lists the characteristics with no guide on how to apply them. The Irish FAQ Guide<sup>19</sup> mentions the minimum height but no further guidance is given. Our understanding is that a conference took place over 19-20 September in respect of XL Bully Type dogs whereby a UK behaviourist took participants through the identification process and participants were told that a dog needs to have 65% of the characteristics in the conformation guide to be classified as an XL

<sup>16</sup> [Dogs Trust Launches Ireland's First-Ever Dog Census to Help Uncover Vital Insights on Irish Dogs and their Needs | Dogs Trust](#)

<sup>17</sup> [Applying the XL Bully breed type conformation standard \(publishing.service.gov.uk\)](#)

<sup>18</sup> [www.gov.ie/pdf/?file=https://assets.gov.ie/305533/72b8c17c-f7ce-4f7e-9734-157f919fe2fd.pdf](https://assets.gov.ie/305533/72b8c17c-f7ce-4f7e-9734-157f919fe2fd.pdf)

<sup>19</sup> [www.gov.ie/pdf/?file=https://assets.gov.ie/305534/87534248-f5c4-4d2a-8d90-54e7465aac66.pdf](https://assets.gov.ie/305534/87534248-f5c4-4d2a-8d90-54e7465aac66.pdf)



Bully Type. However, this is not public knowledge and is not clear to rescue organisations or private individuals thereby compounding uncertainty and confusion.

3. **The subjectivity of the criteria and the fact that many bull breeds (American Staffordshire Bull Terriers, American Pitbull Terriers, mixes of these breeds, etc which are not banned breeds) will be arbitrarily caught by this standard and therefore at risk of death.** In response to a PQ, you confirmed that *"...While there are a series of subjective criteria contained in this standard to support the identification of an XL Bully, there is one size criteria that is definitive..."*<sup>20</sup>. Deputy Chris Andrews accurately noted in the Topical Issue Debate on 19 September 2024 that *"...Thousands of restricted dogs could be killed as a result of this ban because XLs are not a breed, they are a type of dog that is a variety of breeds. Therefore, deciding on which dog is killed is going to be subjective and arbitrary, and that is simply unacceptable..."*<sup>21</sup>.
4. **The training of dog wardens in relation to identifying XL Bully Type dogs is voluntary.** It is not clear whether the relevant authorities have been sufficiently trained to identify an XL Bully Type dog. In response to a PQ from Deputy Hourigan, you stated *"...To support the work of dog wardens and to ensure consistency and a standardised approach to enforcement, my Department has provided funding towards the cost of the Dog Control Service National Training Programme 2024. The training commenced in April and the next module consists of 2 days of XL Bully identification training that includes a half day hands-on with dogs. The **programme is voluntary**, however all dog control personnel are actively encouraged to attend. The County and City Management Association (CCMA) Dog Control Working Group developed the programme in association with my Department. This Working Group is chaired by a Local Authority Director of Services and includes Local Authority Veterinary Officers and Dog Wardens..."*<sup>22</sup>

It is hard to understand how such a training programme would not be mandatory in nature and no information has been given as to how any wardens who have not taken this training will be able to adequately identify an XL Bully Type dog. As set out above, our understanding is that a conference took place over 19-20 September in respect of XL Bully Type dogs, however, no further information has been made available. It is unclear whether this is separate to the training referred by you in the PQ. It remains unclear whether every dog warden has now been sufficiently trained to adequately identify an XL Bully Type dog. It also remains unclear as to whether they are adequately resourced to be able to undertake this responsibility.

5. **It is unclear the extent to which Gardaí have been prepared to identify XL Bully Type dogs / to effectively partake in the implementation of this legislation as it does not appear that this training extends to them.** In response to another PQ, we note that you confirmed that *"...Local authority dog warden services will be primarily responsible for the enforcement of the regulations and will be responsible for the initial accommodation of seized XL Bully dogs. It is envisaged that, where appropriate, local authority dog warden services will liaise with An Garda Síochána in the enforcement of the regulations, as is the current practice..."*<sup>23</sup>. However, it is not clear whether local authorities and the dog warden services are adequately prepared and resourced to do this. It is our understanding that the dog warden services and pounds are only available 9am-5pm Monday to Friday. In the absence of these services, will the Gardaí not be expected to be able to be the primary enforcers of the legislation? Can they do this without additional training? Do they have the resources to enable them to enforce this legislation?

<sup>20</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq\\_2056](https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq_2056)

<sup>21</sup> <https://www.oireachtas.ie/en/debates/debate/dail/2024-09-19/38/#s40>

<sup>22</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/#pq\\_2064](https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/#pq_2064)

<sup>23</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/#pq\\_2064](https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/#pq_2064)

6. **Lack of clarity in relation to local authorities ability to refuse an application.** The Irish FAQ Guide<sup>24</sup> notes with regard to applications for certificates of exemption that *"In the event of refusal of your application for any other reason, you may be required to surrender your dog to the Local Authority Dog Warden and the dog may be euthanised in a humane manner"*. This gives an indication that local authorities will have the power to refuse certificates of exemption but no further information has been given as to in what circumstances and on what basis this can be done. This is especially concerning given we are not aware of what training (if any) has been provided to local authority staff who will deal with these applications and given that we are not yet aware of whether any specific appeals process will be made available.

## Enforcement and Preparedness

You recently confirmed that *"...The regulation will be enforced within the framework of the primary legislation - in this case, the Control of Dogs Act 1986 and 2014. In this context, the local authorities, through the Dog Warden Service will be responsible for its enforcement..."*<sup>25</sup>. As of 2024, there are only 74 dog wardens employed across the local government sector for a population of over 5 million with an estimated 1 in 4 households owning a dog<sup>26</sup>. In 2021, the national expenditure on dog warden services was approximately €7.1 million, while the income from dog control activities was around €4.7 million<sup>27</sup>.

You have also noted the recent announcement of *"...funding of €2 million for local authorities to support the resourcing of dog warden services from 2025..."* and that this *"...recognises the increased demands in the area of dog control and the need to ensure resources on the ground to enforce the pending ban on XL Bully dogs..."*<sup>28</sup>. While the employment of more dog wardens is welcomed to assist with dog control and the protection of dogs, this does not address the impending issue that more bully breed types will be (and have already been) abandoned as a result of the ban. It has not been shown how this funding will allow sufficient resourcing of what we already understand to be a significantly under-funded service. Nor does it set out how other key employees will be prepared to implement this ban and whether they have received guidance or training (e.g. other local authority employees, admin staff, vets, pound operators, etc.).

Further, it was noted that there are plans to transfer all current local authority vets to the Department of Agriculture, Food and the Marine by January 2025. In response to a query from Deputy Hourigan about *"...any provision for the additional funding and resources of veterinary services by local authorities to implement the XL Bully ban..."*<sup>29</sup> given this planned transfer, you could not provide any definitive plans.

Ireland has substantial animal welfare laws but enforcing our existing laws has proven to be difficult, especially when the ISPCA (Ireland's national animal welfare organisation) is so under resourced. By way of example, in addition to public donations, the ISPCA received over €1million in State funding last year<sup>30</sup> but still required a €200,000 advance in grant funding from the State this year to be able to continue to function<sup>31</sup>. This is because the ISPCA simply cannot keep up with the level of cruelty and neglect that is being experienced day in day out in Ireland. See below extract from the ISPCA's 2023 Annual Report<sup>32</sup> which gives a snapshot of the increase in ISPCA demands from 2013 – 2023.

<sup>24</sup> [www.gov.ie/pdf/?file=https://assets.gov.ie/305534/87534248-f5c4-4d2a-8d90-54e7465aac66.pdf](https://www.gov.ie/pdf/?file=https://assets.gov.ie/305534/87534248-f5c4-4d2a-8d90-54e7465aac66.pdf)

<sup>25</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg\\_2056](https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg_2056)

<sup>26</sup> [Dog Behaviourist: We have a dog welfare crisis in Ireland that we can no longer ignore \(thejournal.ie\)](https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg_2056)

<sup>27</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/251302/e793aefb-6e47-4c87-8a1d-1cfd64a4db58.pdf#page=null>

<sup>28</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg\\_2056](https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg_2056)

<sup>29</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg\\_2061](https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg_2061)

<sup>30</sup> [278498\\_c9206792-cac4-4360-a5a5-41fd0bc5c056.pdf \(ffwuk.local\)](https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg_2061)

<sup>31</sup> [Turmoil at ISPCA eased by €200,000 advance from state \(thetimes.com\)](https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg_2061)

<sup>32</sup> [ISPCA Annual Report 2023](https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg_2061)

10-YEAR SNAPSHOT OF ISPCA ACTIVITIES 2013 to 2023				
	up to 2013	up to 2023	2013 - 2023	
HELPLINE CONTACTS	20,516	143,310	122,794	+ 499%
INSPECTOR INVESTIGATIONS	3,407	32,194	28,787	+ 745%
ANIMAL ADMISSIONS	676	10,718	10,042	+ 1,386%
COURT CASES	19	155	136	+ 616%

In addition, the Dog Control Statistics for 2022 show that that 7,352 dogs entered Irish pounds, a 77% increase from 2021. Moreover, 340 dogs were euthanised in Irish pounds, twice as many as 2021<sup>33</sup>. As of 25 September 2024, we still await the dog control statistics for 2023 which we anticipate will show even more concerning trends and will only further demonstrate Ireland's inability to adequately deal with the current levels of cruelty / neglect to dogs. In such circumstances, it is unclear how this ban can be adequately enforced.

### Euthanasia of Healthy Well Behaved Dogs

You confirmed in response to a PQ that “...Any XL Bully Type dogs that are in dog shelters after the 1st October **will be** handed over to the Dog Warden where arrangements will be made to **euthanise the dog** in a humane manner.”<sup>34</sup> This is irrespective of whether the dog has been assessed as having any behavioural issues.

We would argue that dog shelters (aka pounds) already have established practices in place to ensure that (i) dogs are assessed for any behavioural issues; and (ii) dogs are only rehomed to responsible dog owners capable of meeting their needs. No rationale has been provided as to why an XL Bully Type dog with a valid certificate of exemption and no behaviour issues cannot be rehomed to a responsible owner. Healthy, well behaved dogs will die as a result of this policy and it will be the responsibility of dog wardens, those in pounds and vets to oversee this. As mentioned below, this will be extremely detrimental to the mental health of these individuals who are likely in these positions due to their love of dogs.

Animal rehoming organisations will have to make the decision as to whether to arrange for euthanasia of any XL Bully Types in their care on 1 October or whether to take on the financial and emotional strain of having them live out their days with that rescue. This will be incredibly detrimental to their mental health and exhaust budget which the majority of rescues do not have. Further, it appears that little thought has been given to such organisations in the Irish context as it is not clear how they will apply for certificates of exemptions for XL Bully Types in their care. We note that the UK<sup>35</sup> and NI<sup>36</sup> have provided specific guidance for rehoming organisations in their jurisdictions, whereas none has been provided to date in Ireland.

You also confirmed in response to a PQ that “...Where a person does not hold a valid Certificate of Exemption after the 1st February 2025 or have proof of application for same, the dog will be seized and thereafter maybe euthanised by a veterinary officer on behalf of the local authority<sup>37</sup>.” As of yet, it is not clear if there is any specific appeals process for these decisions. This is especially concerning given the lack of clarity around training of dog wardens and Gardaí. As mentioned, it is also not clear

<sup>33</sup> [gov - Dog Control Statistics \(www.gov.ie\)](http://gov.ie/Dog-Control-Statistics)

<sup>34</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq\\_2056](https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq_2056)

<sup>35</sup> <https://www.gov.uk/guidance/ban-on-xl-bully-dogs>

<sup>36</sup> <https://www.nidirect.gov.uk/articles/xl-bulley-dogs#:~:text=The%20first%20set%20of%20legal,lead%20when%20in%20public%20places.>

<sup>37</sup> [https://www.oireachtas.ie/en/debates/question/2024-09-09/2062/#pq\\_2062](https://www.oireachtas.ie/en/debates/question/2024-09-09/2062/#pq_2062)

if local authorities are sufficiently resourced to deal with housing of these dogs in the interim. We would also have concerns about the additional strain this will put on our already under resourced court system.

### **Mental Health Impact**

A number of stakeholders will be detrimentally impacted by this Ban:

1. Those involved in dog rescue organisations;
2. Those working in pounds;
3. Dog wardens who are responsible for implementing the subjective conformation standard;
4. Vets who are asked to euthanize healthy well behaved dogs; and
5. Owners of dogs who may be caught by the ban, who have to assess their dogs themselves on the basis of mainly subjective criteria, and face the risks that non-compliance entails.

Deputy Chris Andrews noted in the Topical Issue Debate on 19 September 2024 that *"...the mental health of those who are working in the dog rescue organisations is absolutely on the floor. These organisations and those volunteering and working in rescue groups are very committed to dog welfare, and now the Minister wants them to do the very opposite of what is in their nature, namely, to oversee the killing of dogs. So many staff are devastated by what is to come"*<sup>38</sup>.

In an interview with Dublin Live<sup>39</sup>, Brenda Fitzpatrick, Co-founder of Working Animal Guardians, has stated that the upcoming legislation is also having an impact on the mental health of people working in dog pounds and shelters. Brenda has stated that *"People are so demoralised and stressed, and really can't cope with what's happening. I have people calling me and telling me about the uncertainty they're facing about the dogs within their care."*

Martina Kenny from My Lovely Horse Rescue has told us *"I've never experienced and seen such worry and anxiety within the rescue community over this awful XL ban, I'm in rescue over 20 years, this is cruel to animal lovers and the animals themselves"*.

Rosie Dowling and Jennifer Nolan from the Haven Rescue have told us *"The last few weeks/ months have been very hard in rescue. Everyone is talking about the dogs and euthanasia, but people are forgetting the people in rescue. Running the rescue, I not only have to think about the dogs but my friends who work in the pounds, that constantly plead with us every day, and I mean every day, we have had a pound contact us since the ban was announced. Can we help? The wardens, who honestly don't know how they're going to cope / enforce this ridiculous ban. The foster families, with children, who have had bull breeds for weeks or months (as it's statistically harder to rehome bull breeds anyway, never mind since the ban was announced) mothers, friends and volunteers for years, wondering, is their foster dog going to be taken from them and put to sleep? How are we going to explain to \*Rachel aged 8 (name changed) that this foster dog will leave? But there will be no happy pictures of her in her foster home this time. For the last few weeks, my own mental health has deteriorated drastically, dealing with all this everyday. Thinking, how to save them? When realistically, we can't. We are receiving 8 owner surrender requests daily, roughly, and 7 of these are bull breed or bull breed crosses..... The impact is just overwhelming."*

### **Media bias**

Anecdotally, we are aware of other serious incidents of aggression (towards dogs and humans) in other dog breeds that have not been reported in the media and that have resulted in the dog being seized and brought to the pound. It is often the case that a number of attacks take place in any given week (from a variety of breeds) but the media largely only reports on stories relating to XL Bully Types

<sup>38</sup> <https://www.oireachtas.ie/en/debates/debate/dail/2024-09-19/38/#s40>

<sup>39</sup> <https://www.dublinlive.ie/news/its-annihilation-whole-population-dogs-29975617>

therefore giving the public a distorted picture of dog attacks only ever coming from one particular breed.

For clarity and transparency, we have made a number of freedom of information requests to local councils to get a true picture of incidents of aggression by reference to particular breeds. We are awaiting the information from these requests.

### Concerning Trends – Local Authorities

The narrative that has surrounded this ban, even ahead of its announcement, has caused actions to be taken by local authorities which are of significant concern. Worrying trends are emerging from local authorities in respect of **restricted breeds as a whole**, that **do not align with the Government position which only applies to XL Bully Types**. For example:

#### *Dún Laoghaire-Rathdown County Council ("DLRCC")*

In June, DLRCC advised its pound operator that all restricted breeds entering the pound from the Dún Laoghaire-Rathdown area were not to be re-homed. This direction was not made public knowledge until confirmed in response to a specific query from a charity in July and local counsellors in DLRCC appear to have not been made aware of the decision.

In response to public outcry, DLRCC issued a statement on 15 July 2024 noting that:

- the decision was made by management in the Dog Control Section of DLRCC;
- following the announcement of the XL Bully Ban, it is reviewing the position on the inclusion of all restricted breeds;
- it has advised the pound that no further dogs are to be put to sleep until this review takes place; and
- it is taking this opportunity to reassess its policies and ensure that it is making decisions in the best interest of all dogs in its care.

To date, DLRCC has not confirmed the findings of this review.

#### *Limerick City and County Council ("LC")*

On 22 July, LC announced that surrender fees for restricted breeds entering the Limerick Dog Shelter will be waived. Limerick Garda Superintendent Andrew Lacey also noted that "... we hope to see members of the public actively participating in reducing the threat posed by these dogs [restricted breeds] by surrendering them to Limerick Dog Shelter or by choosing not to purchase or adopt them in the first place".

Promoting dog surrender at a time when dog abandonment is at an all-time high in Ireland is inherently irresponsible, contradictory and sends a message which is not in line with the Irish Government's message of responsible dog ownership.

### Alternative Suggestions

One of the arguments the Government is advancing in justifying the ban is the requirement to align with the position in the UK and Northern Ireland. We would argue that Ireland are in a unique position to be able to implement effective dog control measures, unlike our neighbours, who have had legislation banning certain types of dogs in place for over 30 years (England, Scotland and Wales), a period during which there has been a significant **increase** in dog bites.

Unlike our neighbours, we already have a licencing system and restricted breed requirements in Ireland which, if improved and enforced effectively, could assist with public safety and reducing instances of dog attacks.

We agree with you that *“the issues raised are wide ranging and complex and require in depth analysis and consultation to ensure amendments are not just robust, fit for purpose and implementable, but that they also deliver the best outcomes for communities and for dogs themselves.”* While we also agree that action needs to be taken, we do not believe that a knee-jerk response is appropriate or effective.

We have set out below some suggested alternative options you might want to consider.

- 1) **Establishment of an independent regulator** – similar to the Dog & Cat Board in South Australia<sup>40</sup> whose statutory remit includes (inter alia):
  - a. Educating the public on things like dog bite prevention, children and dogs, responsible dog ownership etc
  - b. Facilitating research, developing policies, procedures, guidelines relating to dog control, dog welfare etc
  - c. Overseeing the work of local councils when it comes to dog breeding and dog control, etc.
- 2) **Thorough investigations of dog bites by the regulator**. Data is currently not being recorded (e.g. breed of dog, how long the owner was in possession of the dog, had the dog previously attended with a trainer, where was the dog sourced from (e.g. breeder, rescue, etc), were the dogs needs being met, the full circumstances of the incident etc). This data could then be used to form a picture in relation to the incidents that are emerging which could help inform policy making.
- 3) **A straight forward procedure for reporting dog bites and / or dogs deemed to be aggressive, which can allow anonymity**. This must then be followed up on seriously, with fair outcome for dog, owner, and human safety.
- 4) **Serious penalties** for those who are responsible for a dog that is knowingly aggressive and they have not acted upon minimising the risk of this dog.
- 5) **More dog wardens** - It seems that there is only one dog warden to every 3,000 dogs<sup>41</sup>. All restricted breeds should be muzzled in public places in accordance with existing legislation. If everyone followed this rule, there would be ZERO instances of attacks by restricted breeds in public places. However, this cannot be done unless there are more dog wardens monitoring people on walks.
- 6) **Introduce mandatory theory tests (valid for 10 years) to obtain dog licence**. The theory test should cover things like socialising a puppy, responsible dog ownership, understanding dog body language (which is key to bite prevention), understanding the dangerous side effects to using painful training tools, etc. All of this information needs to be carefully understood before owning a dog.
- 7) **Greater enforcement of licensing system**. The state is missing out on a huge amount of licence fees that could be used to invest in its dog control system. Licence fees could go towards funding the regulator. Requesting owners to provide their dog's microchip number to obtain a dog licence would also ensure greater compliance with microchipping requirements as there is currently no requirement to do so.

<sup>40</sup> [Dog and Cat Management Board \(dogandcatboard.com.au\)](http://dogandcatboard.com.au)

<sup>41</sup> [Control of Dogs – Tuesday, 5 Mar 2024 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas.](#)



- 8) **Serious regulation of the dog training industry** with a ban on the use of aversives – studies show that punishment leads to increase in aggression.
- 9) **Temperament / character testing for restricted breeds** (like they do in Germany)<sup>42</sup>.
- 10) **Rigorous reforms to dog breeding legislation in Ireland**. Dogs born to back yard breeders, illegal puppy farmers, commercial dog breeding establishments, etc are significantly more likely to show aggressive behaviours than dogs born through responsible breeding measures. Further detail in relation to suggested reforms is outlined in Fieldfisher Ireland LLP's pro bono paper titled '*Key Reforms to Dog Breeding in Ireland*' and can be accessed [here](#).
- 11) **Mandatory veterinary check-ups annually for pain**, as pain is often a contributing factor in aggression.
- 12) **Third party public liability insurance for restricted breeds**.

Whilst the authors are wholeheartedly against breed specific legislation (for the reasons previously outlined), if the government is steadfast in implementing this ban, we urge you to consider a more humane approach i.e. by simply removing the prohibition on rehoming and to allow prescribed organisations to do so in line with the process adopted under the SI 412 of 2023 (Ear-Cropping of Dogs Regulations 2023)<sup>43</sup>.

We would very much welcome the opportunity to engage with you further on this and you might please address any future correspondence to [doglawireland@gmail.com](mailto:doglawireland@gmail.com)

**Yours sincerely,**

Hannah Unger  
Demi Mullen  
Carrie McMeel

***Dog Law Ireland***



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<sup>42</sup> [Negative certificate for fighting dogs - Hauptabteilung I Sicherheit und Ordnung, Prävention Allgemeine Gefahrenabwehr – Landeshauptstadt München \(muenchen.de\)](#)

<sup>43</sup> [268993\\_7e47b3d8-3b2e-4362-ab23-d5cd084dae8a.pdf \(ffwuk.local\)](#)