

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 conception¹. Puppies generally start the weaning process at around 3 to 4 weeks old and are usually fully weaned by 8 weeks old². If a mother conceived in July, the puppies would likely be born in September meaning that

¹ [Pregnancy in dogs | Dog breeding | The Kennel Club](#)

² [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 March³ 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 (DSPCA⁴, ISPCA⁵, MADRA, Dogs Trust, Irish Blue Cross⁶ and Association of Pet Dog Trainers Ireland⁷). 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”*⁸. 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...”*⁹.

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.

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

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

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

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

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

⁸ https://www.oireachtas.ie/en/debates/question/2024-09-09/2062/#pq_2062

⁹ 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 fatalities¹⁰.
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 approach¹¹.
3. A review of the impact of BSL in Denmark supported previous studies showing that BSL has no effect on dog bite injuries¹².

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'*¹³.

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**¹⁴ 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 study¹⁵, 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%**

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

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

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

¹³ [DIS BSL statement.pdf - Google Drive](#)

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

¹⁵ [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 dogs¹⁶. 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 UK¹⁷ 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 standard¹⁸. Instead, it just lists the characteristics with no guide on how to apply them. The Irish FAQ Guide¹⁹ 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

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

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

¹⁸ [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)

¹⁹ [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..."*²⁰. 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..."*²¹.
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..."*²²

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..."*²³. 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?

²⁰ https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq_2056

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

²² https://www.oireachtas.ie/en/debates/question/2024-09-09/2064/#pq_2064

²³ 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 Guide²⁴ 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..."*²⁵. 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 dog²⁶. 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 million²⁷.

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..."*²⁸. 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..."*²⁹ 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 year³⁰ but still required a €200,000 advance in grant funding from the State this year to be able to continue to function³¹. 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 Report³² which gives a snapshot of the increase in ISPCA demands from 2013 – 2023.

²⁴ www.gov.ie/pdf/?file=https://assets.gov.ie/305534/87534248-f5c4-4d2a-8d90-54e7465aac66.pdf

²⁵ https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg_2056

²⁶ [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)

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

²⁸ https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pg_2056

²⁹ https://www.oireachtas.ie/en/debates/question/2024-09-09/2061/#pg_2061

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

³¹ [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)

³² [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 2021³³. 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.”³⁴ 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 UK³⁵ and NI³⁶ 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 authority³⁷.” 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

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

³⁴ https://www.oireachtas.ie/en/debates/question/2024-09-09/2056/#pq_2056

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

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

³⁷ 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"*³⁸.

In an interview with Dublin Live³⁹, 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

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

³⁹ <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 Australia⁴⁰ 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 dogs⁴¹. 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.

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

⁴¹ [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)⁴².
- 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)⁴³.

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

Yours sincerely,

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Dog Law Ireland



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

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