

Key Reforms to Dog Breeding in Ireland

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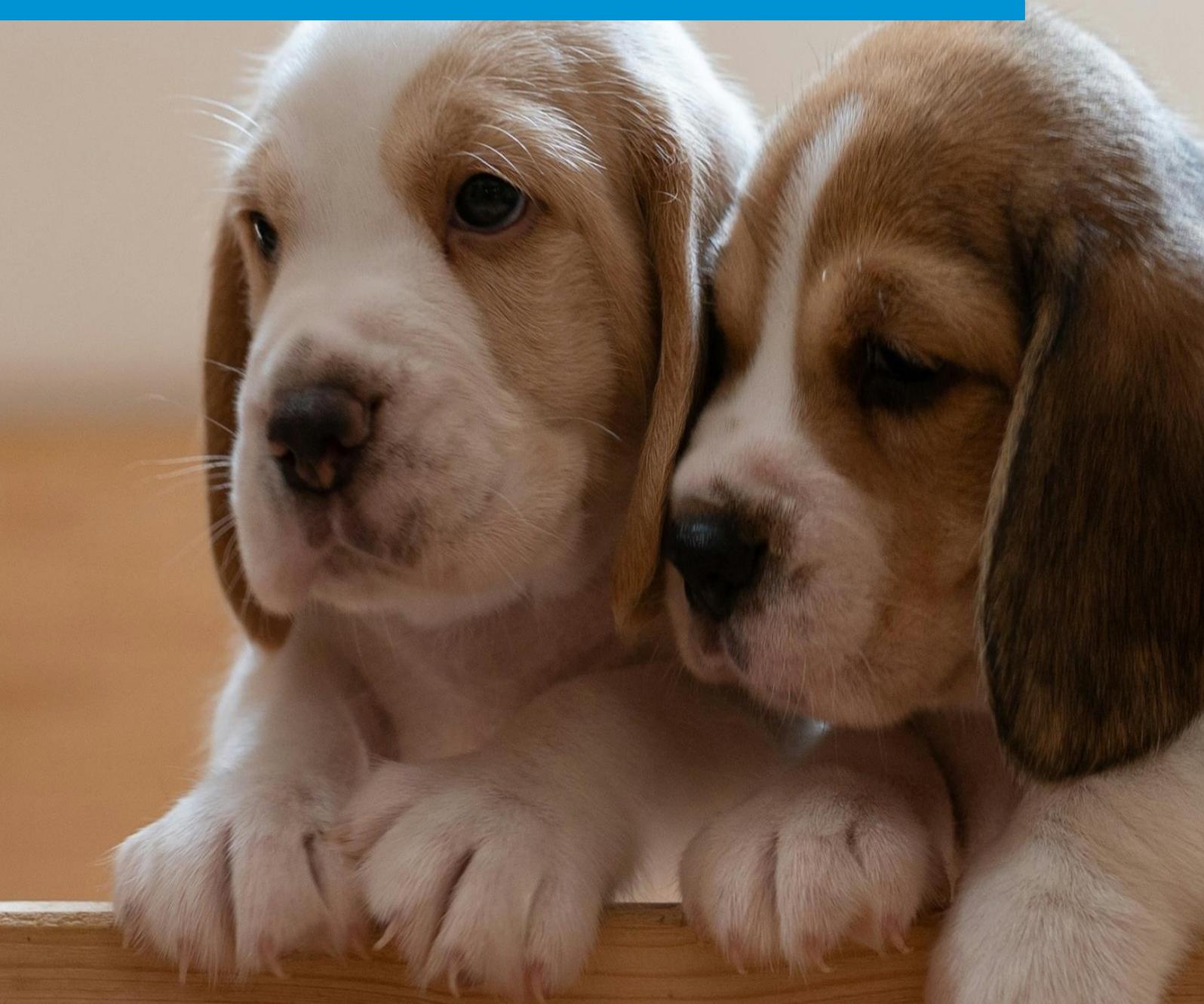


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Executive Summary

Introduction

Ireland is in the midst of a dog crisis. In August 2023, the Department of Rural and Community Development released statistics for 2022 which showed 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. In 2023, Dogs Trust also recorded the highest number of surrender requests (3,968) since it opened its doors in 2009. The number of dogs rescued by the Irish Society for the Prevention of Cruelty to Animals (ISPCA) also rose by 47% last year when compared to 2022.

Hannah Unger (Associate), Rory Ferguson (Director) and Dearbhla Walsh (Solicitor) (the "Authors") have prepared this paper on a pro bono basis, having recognised the current crisis and have undertaken a comprehensive review of Irish legislation and international law / best practice to suggest practical, measured and effective reforms.

Key Findings

Dog breeders can be divided into three groups:

- **Operators of dog breeding establishments (DBEs)** – those who have six or more female dogs capable of breeding on their premises (colloquially referred to as 'puppy farms / puppy factories').
- **Registered sellers** – those who sell or supply six or more pet animals (incl. dogs) in a calendar year but have five or less breeding bitches on their premises.
- **Private individuals** - sells or supplies five or less dogs in a single calendar year

Ireland's poor regulatory framework has created a multi-million-euro industry (estimated to be worth around €187 million) and has resulted in Ireland also becoming a huge exporter of puppies to more tightly regulated countries.

Aside from welfare concerns, this industry presents a range of other issues such as:

- tax avoidance, given the high-level of cash transactions;
- environmental concerns, due to the high-level of waste produced by hundreds of dogs on site;
- spread of diseases such as parvovirus, kennel cough, giardia, ringworm, leptosiriosis, etc; and
- fraudulent practices, such as claiming that puppies were bred in a family home when they were bred in a puppy factory.

Recommendations

The paper proposes a number of key changes, outlined below, which could drastically improve practices with regards to dog breeding in Ireland:

1. Strengthening existing legislation
2. Consolidating policy generation and implementation in one government department
3. Incentivising neutering

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4. Banning surgical insemination / regulate canine fertility
5. Establishing an independent regulator
6. Improving the microchipping system
7. Improving quality of data

A significant section of the paper is dedicated to improving legislation, of which there were three key pieces – the Dog Breeding Establishments Act 2010 ("the 2010 Act"), the Animal Health and Welfare (Sale or Supply of Pet Regulations) 2019 (the "2019 Regulations") and S.I. No. 63/2015 - Microchipping of Dogs Regulations 2015 (the "2015 Regulations").

A number of reforms are suggested, both in relation to legislation and more broadly, including:

- Establishment of a more appropriate staff to dog ratio
- Changes to the scope of 2010 Act to bring more breeders under its remit
- Change in the age of breeding bitches
- Reduction in the number of litters a breeding bitch can whelp and in what time period
- Introduction of rules relating to caesarean sections
- Introduction of a cap on breeding bitches on site
- Stricter, mandatory guidelines in relation to animal housing, hygiene, exercise, registration, personnel, animal care, socialisation, health checks, veterinary care etc.
- Standardised and more detailed DBE license application forms
- Mandatory publication of registers and inspection reports
- Increased frequency of inspections
- Increase of fines including for operating unregistered DBEs
- Ban on surgical insemination and tight regulation of canine fertility
- Increase in oversight of local authority activities and eventual establishment of an independent regulator
- Increased emphasis on health and welfare standards
- Obligation for Local Authorities to issue closure notices and seize dogs where a DBE poses a serious and immediate threat to public health or animal welfare
- Mandatory training and qualification requirements
- Evidence of tax compliance
- Establishment of a hotline to tackle unscrupulous back yard breeders
- Improvements to microchipping system
- The establishment of a centralised online microchip database
- Improvements to recording of data
- Greater enforcement of the 2015 Regulations
- Amendments to the 2015 regulations to include Registered Sellers

Conclusion

Dog breeding has morphed into a 'fast fashion' market, where any breed of puppy is readily available at the click of a button. Sadly, many consumers remain unaware of the ethical concerns embedded in this industry.

The reforms outlined in the paper are designed to ensure that Ireland creates a regulatory framework that is well resourced, controlled and enhances the welfare of dogs. It is the authors' belief that all the reforms detailed are achievable, many in the short-term, however they also recognise that some may take a number of years to implement due to lack of funding and other factors.

1. Introduction

This paper has been prepared by Hannah Unger (Associate), Rory Ferguson (Director) and Dearbhla Walsh (Solicitor) (the "Authors") on a pro bono basis. The Authors became very concerned by Ireland's current dog crisis and therefore decided to undertake a comprehensive review of Irish legislation and international law / best practice to suggest practical, measured and effective reforms. The reforms outlined in this paper are designed to ensure that Ireland creates a regulatory framework that is well resourced, controlled and enhances the welfare of dogs.

As part of this pro bono initiative, Hannah Unger has also contributed opinions in both print and broadcast media outlets. See below:

- [Hannah Unger: Ireland is the puppy farm capital of Europe – these few simple changes could solve that | Irish Independent](#)
- [Hannah Unger - Puppy Farming in Ireland | Jennifer Zamparelli on 2FM - RTÉ 2FM \(rte.ie\)](#)

The Authors are not animal welfare experts, nor are they purporting to provide legal advice in this paper. The Authors accept that this is an evolving industry but have taken care to ensure that facts and figures referred to in the paper are correct as of the date of publication.

The Authors acknowledge that the broader landscape of dog welfare encompasses multifaceted issues beyond breeding alone (e.g. responsible dog ownership, dog control measures, combating instances of cruelty etc.). However, the focus of this paper solely relates to improving the situation relating to dog breeding.

The Authors are not aligned to any particular group and have carried out this research in the public interest. However, the Authors would like to credit Wicklow Animal Welfare (RCN: 20068943) who primarily rescue dogs from puppy farms and back-yard breeders as the organisation that initially prompted the Authors to undertake this review. Additionally, credit is extended to the administrator of the 'Do Better Done Deal' Facebook page whose assistance with this review has been invaluable.



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2. How does dog breeding operate?

Dog breeders can be divided into three groups:

1.	Operators of dog breeding establishments	<p>If someone is an operator of a dog breeding establishment ("DBE"), this means that they have six or more female dogs capable of breeding on their premises.</p> <p>Under the Dog Breeding Establishments Act 2010 (the "2010 Act"), the operator must register their DBE with the local authority in whose area the DBE is situated.</p> <p>The operator must maintain certain records, be subject to inspection and must comply with the provisions of the 2010 Act. DBEs are colloquially referred to as 'puppy farms / puppy factories'.</p>
2.	Registered sellers	<p>If someone is a registered seller, this means that they sell or supply six or more pet animals (including dogs) in a calendar year but have five or less breeding bitches on their premises.</p> <p>Registered sellers must register with the Department of Agriculture, Food and Marine, maintain certain records, be subject to inspection and must comply with the provisions of the Animal Health and Welfare (Sale or Supply of Pet Regulations) 2019 (the "2019 Regulations"). Third party sellers (who sell on behalf of larger scale breeders) or 'back-yard breeders' can come within this category.</p>
3.	Private individuals	<p>A private individual is anyone who sells or supplies five or less pet animals (including dogs) in a single calendar year. A private individual does not need to register as a breeder before selling or supplying. These individuals (like operators of DBEs and registered sellers) are still subject to other pieces of legislation such as S.I. No. 63/2015 - Microchipping of Dogs Regulations 2015, Animal Health and Welfare Act 2013, Ear-Cropping of Dogs Regulations 2023 etc.</p>

3. Key Issues / Statistics

Ireland is in the midst of a dog crisis. In August 2023, the Department of Rural and Community Development released statistics for 2022 which showed 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. In 2023, Dogs Trust also recorded the highest number of surrender requests (3,968) since it opened its doors in 2009.

These shocking figures come as the ISPCA estimates that puppy factories are producing over 30,000 puppies a year, with back-yard breeders producing thousands more. Dog breeding has morphed into a 'fast fashion' market, where any breed of puppy is readily available at the click of a button. Sadly, many consumers remain unaware of the ethical concerns embedded in this industry. These concerns were starkly highlighted by the BBC a number of years ago in their Panorama documentary, which ventured into Ireland's largest puppy farm, which is still operational today. See [Panorama \(Documentary\) - Britain's Puppy Dealers Exposed \(youtube.com\)](#).

Ireland's poor regulatory framework has created a multi-million-euro industry (estimated to be worth around €187 million) and has resulted in Ireland also becoming a huge exporter of puppies to more tightly regulated countries.

Aside from welfare concerns, this industry presents a range of other issues such as:

- tax avoidance, given the high-level of cash transactions;
- environmental concerns, due to the high-level of waste produced by hundreds of dogs on site;
- spread of diseases such as parvovirus, kennel cough, giardia, ringworm, leptosiriosis, etc; and,
- fraudulent practices, such as claiming that puppies were bred in a family home when they were bred in a puppy factory.

4. Key Changes

The below key changes could drastically improve practises with regards to dog breeding in Ireland:

1. Strengthening legislation
2. Consolidating policy generation and implementation in one government department
3. Incentivising neutering
4. Banning surgical insemination / regulate canine fertility
5. Establishing an independent regulator
6. Improving the microchipping system
7. Improving quality of data

The changes have been expanded upon below:

4.1. Strengthen Legislation

4.1.1. Dog Breeding Establishments Act 2010

As set out above, the 2010 Act applies to what are colloquially known as 'puppy factories'. There is currently a 'Dog Breeding Establishments Amendment Bill 2021' (the "Bill"), seeking to amend the 2010 Act, before the Dáil at the second stage, however, this has not progressed since May 2021.

Whilst many reforms set out in this Bill are welcome, there remains additional scope for enhancement, as detailed below. All reforms detailed below are achievable, however the reforms have been categorised into 'short term' and 'long term' aims, recognising that the long term aims may take a number of years to implement due to lack of funding and other factors.

4.1.1.1 'Short Term Aims'

A. Staff to dog ratio

Current position:

There is no staff to dog ratio in the 2010 Act. The Dog Breeding Establishment Guidelines 2018 ("DBE Guidelines") currently state that 1 full time staff member to 25 breeding bitches is sufficient¹. Dogs Trust believe that this is impractical and stated during an Oireachtas debate in April 2022 that:

*'In practical terms, workers must fulfil a thorough sanitisation programme for each of the 25 dogs as well as the number of puppies born to them, which could result in as many as 150 dogs under the care of one staff member during full-time working hours.'*²

¹ [Dog Breeding Establishment Guidelines 2018](#) – pg10 para 2.3

² [Joint Committee on Agriculture, Food and the Marine debate - Wednesday, 6 Apr 2022 \(oireachtas.ie\)](#)

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Change required:

The European Commission [EU Platform on Animal Welfare], Responsible Dog Breeding Guidelines (the "EC Guidelines") states that the ratio should be 1 staff member to 10 adult dogs³. The ISPCA also operates at a ratio of 1:10⁴. Indeed, in their "*Report on Issues Impacting Dog Welfare in Ireland*" dated October 2022 (the "JOC Report")⁵, the Joint Oireachtas Committee on Agriculture, Food and the Marine recommended that staff to dog ratio in DBEs be reconsidered as the current ratio is impractical when the reality of the number of dogs that the staff member is caring for is significantly higher when the number of puppies birthed at the DBE is factored in.

At a minimum, the staff to dog ratio should be set at 1:15 and this should be set out in legislation as opposed to being contained in the DBE Guidelines.

B. Change scope of the Act

Current position

The 2010 Act states that "*dog breeding establishment*" means a premises at which bitches are kept, not less than 6 of which are—

(a) more than 6 months old, and

(b) capable of being used for breeding purposes, but shall not include a local authority dog pound;

Change required:

The number of breeding bitches on the premises should be changed to 'not less than four' breeding bitches, which is in line with the Welfare of Greyhounds Act 2011⁶ (the "Greyhounds Act"). This will mean a greater number of breeders would come within the scope of the Act.

Also, the limitation referred to above '*but shall not include a local authority dog pound*' should be amended to also include '*but shall not include a local authority dog pound or animal welfare organisation*'. This will remove the need for animal welfare charities having to register.

C. Age of breeding bitches

Current position:

There is no age limit on breeding bitches set out in legislation or in the DBE Guidelines. The only mention of age is in the definition of a DBE which refers to a breeding bitch that is more than 6 months old. The law therefore currently allows breeding bitches to be bred from their first heat when their growth plates have not yet closed and they are still very much juvenile, physically and mentally. There is also no retirement age set out in legislation.

Change required:

In terms of age, the EC Guidelines state that bitches under 18 months old should not be bred⁷. The Greyhounds Act states a person commits an offence who uses a greyhound for breeding purposes when the

³ [aw_platform_plat-conc_guide_dog-breeding.pdf \(europa.eu\)](#) – pg 11

⁴ [ISPCA statement on newly revised Dog Breeding Establishments Guidelines ISPCA](#)

⁵ [2022-10-13 issues-impacting-dog-welfare-in-ireland_en.pdf \(oireachtas.ie\)](#)

⁶ [Revised Acts \(lawreform.ie\)](#)

⁷ [aw_platform_plat-conc_guide_dog-breeding.pdf \(europa.eu\)](#) – pg 11

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greyhound has not reached the age of 15 months⁸. A similar offence should be inserted into the 2010 Act (in line with the Greyhounds Act). Bitches over eight years old should not be bred per the Irish Kennel Club (IKC) Code of Ethics⁹.

D. Age of Pups

Current position:

The 2010 Act is silent on the age pups can be sold. The DBE Guidelines state that '*Pups must not be permanently removed from their mothers before the age of six weeks of age.*' Given that this is contained in the DBE Guidelines, there are no consequences for noncompliance.

Change required:

The 2010 Act should be amended to reflect the fact that pups cannot be sold or supplied from a DBE before the age of eight weeks old. This is in line with s3(a) of the 2019 Regulations¹⁰.

E. Number of litters / Caesarean Sections

Current position:

In terms of litters s15(1)(e) of the 2010 Act currently states that breeding bitches must not whelp more than 6 litters of pups each and s15(1)(f) states during any period of 3 years, not more than 3 litters of pups are born to a bitch¹¹. However, this can often mean that breeding bitches are bred 'back to back' with no break, meaning 3 litters could be born to a bitch within 18 months (as opposed to one litter per year in the three year period).

In terms of caesarean sections, there is no mention in the 2010 Act or in the DBE Guidelines around this.

Change required:

In terms of litters, a breeding bitch must not whelp more than four litters in her lifetime¹². This is in line with the IKC guidelines on breeding and the EC Guidelines and should be set out in legislation.

S15(1)(f) should be amended to say '*during any period of 3 years, not more than 3 litters of pups are born to a bitch, being one litter per year*'.

Many brachycephalic breeds cannot give birth naturally and require caesarean sections. Per the EC Guidelines, bitches that have had a caesarean section must not be bred from again unless a veterinarian certifies that it will not compromise the welfare of the bitch to do so. Furthermore, breeding bitches that have had two litters delivered by caesarean section must not be bred from¹³. This should be set out in the 2010 Act.

⁸ S11(1) Welfare of Greyhounds Act 2011 [Revised Acts \(lawreform.ie\)](http://www.lawreform.ie)

⁹ [Code of ethics | The Irish Kennel Club \(ikc.ie\)](http://www.ikc.ie)

¹⁰ [2019 Regulations](http://www.gov.ie)

¹¹ [Review of the Dog Breeding Establishment Guidelines Consultation Summary Report - 171218130933-7647c244982e4d9fb6487e04af77f651.pdf \(www.gov.ie\)](http://www.gov.ie) pg14

¹² [Code of ethics | The Irish Kennel Club \(ikc.ie\) & aw platform plat-conc guide dog-breeding.pdf \(europa.eu\)](http://www.europa.eu) -pg

11

¹³ [aw platform plat-conc guide dog-breeding.pdf \(europa.eu\)](http://www.europa.eu) – pg 11

F. Cap on breeding bitches on site

Current position:

There is no cap set out in the 2010 Act or in the DBE Guidelines 2018 Act on the number of breeding bitches on a DBE premises. The 2010 Act envisages that there can be upwards of 300 breeding bitches on site¹⁴, which does not take account of the stud dogs or puppies also on the premises.

Change required:

The cap should be 30 (as previously called for by the DSPCA¹⁵) or lower and this should be set out in legislation. According to the Irish Coursing Club (as of 19 February 2024), only 0.5% of its dog breeding establishments have over 30 breeding bitches or more on their premises (the remainder are 30 or under) so there is national precedent for this.

By way of international comparison, Victoria in Australia introduced caps on the number of breeding bitches which a breeder is permitted to have on their premises. For example, 10 is the max number of breeding bitches allowed on site but breeders can seek permits for 50 breeding bitches if certain requirements are met¹⁶.

G. Dog Breeding Establishment Guidelines

Current position:

DBE guidelines deal with important issues including animal housing, hygiene, exercise, registration, personnel, animal care, socialisation, health checks, veterinary care etc but have no mandatory element to them¹⁷. This renders breeding bitches and their puppies dependent on the goodwill of the DBEs in which they find themselves.

Change required:

The DBE guidelines need to be redrafted in line with South Australia's Guidelines for Breeding and Trading Companion Animals which contain 'standards' and 'guidelines'¹⁸. Guidelines are used to inform best practice whilst a breach of the standards can result in criminal prosecution. An amendment to the 2010 Act would be required in such circumstances to ensure that the Minister for the Department of Rural Community and Development would have the power to draft stricter guidelines / standards resulting in potential criminal penalties.

Alternatively, if there is no appetite to redraft the DBE guidelines, then further amendments to the 2010 Act (re s15(1)) are necessary so that greater welfare standards are codified and that failure to adhere would result in an offence. Such standards could relate to things such as minimum size of accommodation, ventilation, heat, lighting etc.

¹⁴ [Revised Acts \(lawreform.ie\)](https://www.lawreform.ie) S. 13 of the 2010 Act.

¹⁵ [Joint Committee on Agriculture, Food and the Marine debate - Wednesday, 10 Nov 2021 \(oireachtas.ie\)](https://www.oireachtas.ie)

¹⁶ [Regulations for cat and dog breeders | Breeding and rearing businesses | Domestic animal businesses | Animal Welfare Victoria | Livestock and animals | Agriculture Victoria & Commercial dog breeders | Breeding and rearing businesses | Domestic animal businesses | Animal Welfare Victoria | Livestock and animals | Agriculture Victoria](#)

¹⁷ [Review of the Dog Breeding Establishment Guidelines Consultation Summary Report - 171218130933-7647c244982e4d9fb6487e04af77f651.pdf \(www.gov.ie\)](#)

¹⁸ [About Dogs and Cats Online | Dog and Cat Management Board \(dogandcatboard.com.au\)](https://dogandcatboard.com.au)

H. Disclosures / Application Form

Current position:

The application form for a DBE licence is not standardised across the various Local Authorities. For example, Laois County Council seeks details of an applicant's relevant planning permission¹⁹, whilst Limerick County Council does not²⁰. Key information is also not being sought such as:

- Tax clearance certificate (discussed in further detail on page 22 & 28 below)
- Company registration number (if applicable)
- Copies of their approved planning documentation
- Whether the applicant/a member of their family or an employee hold or have held a DBE, pet sales & supply or Type 2 transporter license and the details of such.
- Whether the the applicant/a member of their family or an employee is a registered microchip implanter.
- Whether applicants have been convicted of animal welfare or dog control breaches, or been found to have operated an illegal breeding establishment.

Change required:

The DBE license application form should be standardised across all Local Authorities and additional information should be sought / disclosed, per the above suggestions.

I. Publication

Current position:

There is currently no requirement for Local Authorities to publish inspection reports resulting in a lack of transparency and awareness among the general public of the current situation.

There are differing approaches when it comes to publication of DBE registers. Each local authority has responsibility for publishing its own register of dog breeding establishments *'in such a manner as it sees fit'*, resulting in some publishing on their website and others electing not to do so at all. Also, some decide to publish the max no. of breeding bitches that an operator is licensed for and others do not.

In addition, there is no obligation on the local authority to appropriately categorise DBEs (e.g. Hunt Club, Animal Welfare Organisation, Commercial Dog Boarding Kennels and Commercial Dog Breeding Establishment). As a result, when some Local Authorities publish their registers, they inappropriately categorise some organisations as DBEs. For example, Fingal County Council lists 'Dublin Dog Hub' as a 'DBE' when it should be listed as an 'AWO'. Overall statistics in relation how many commercial DBEs there are in the country are therefore skewed.

Change required:

With regard to inspection reports, it should be mandatory to publish same with the aim of increasing transparency in the regulation of dog breeding. This is in line with the practice of other regulators who publish inspection reports such as the Mental Health Commission, HIQA, etc.

Local Authorities should also be obliged to publish improvement notices, closure notices and notices of cases taken. This is absolutely critical. As it stands, there is no oversight and Local Authorities are not accountable to any Department for any failures to prosecute individuals who are in breach of the 2010 Act.

¹⁹ [Application-Form-to-Register-a-Dog-Breeding-Establishment.pdf \(laois.ie\)](#)

²⁰ [\(Limerick County Council\)](#)

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The Government has recently published a National DBE register²¹, which is a step in the right direction however it contains all categories of DBEs (i.e. Hunt Club, Animal Welfare Organisation, Commercial Boarding and Commercial DBE) and does not contain the max number of breeding bitches. This makes it difficult for the general public to determine if their dog has come from a puppy farm and how many breeding bitches are situated on the premises. Local Authorities should be required to provide up to date lists of their DBE registers quarterly so the Government can update the National DBE register.

As matters stand, there is no uniformity across Local Authorities for DBE registration numbers. In order to assist the general public in differentiating between the different establishment types, the registration code system should be standardised across all council areas. For example, the code should state the acronym for the relevant county, whether the establishment is a DBE, Commercial Boarding Kennel, Hunt Club or Animal Welfare Organisation and then have a unique code number:

- *CN-AWO-xxxxxx – Cavan Animal Welfare Rescue*
- *KK-DBE-xxxx – Kilkenny Dog Breeding Establishment*
- *WX-HC-xxxx – Wexford Hunt Club*
- *G-BK-xxxx – Galway Boarding Kennels*

A central database (accessible to the public) needs to be established for searching breeders similar to the 'Dogs and Cats Online' (DACO) system in South Australia²². DACO is a mandatory public database used for the registration of dogs, cats, breeders, microchip and desexing information etc. It is a good example of a system to follow here in Ireland. The proposal for a central database is discussed further detail on page 33.

J. Increase frequency of inspections

Current position:

There is currently no minimum number of inspections of DBEs required per year set out in legislation or the DBE Guidelines.

Change required:

A minimum of three inspections per year should be carried out by local authorities, one of which should be unannounced. This should be set out in legislation.

K. Increase of fines

Current position:

Fines are currently as follows under the 2010 Act:

*6.— (1) A person guilty of an offence under subsection (16²³) or (17²⁴) of section 9 or subsection (5²⁵) of section 19 shall be liable on summary conviction, to a **fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both.***

²¹ [2024 National DBE Register](#)

²² [Registrations | Dog and Cat Management Board \(dogandcatboard.com.au\)](#)

²³ 9(16) A person who purported compliance with subsection (4) knowingly or recklessly provides information or a particular to a local authority that is false or misleading in a material respect shall be guilty of an offence.

²⁴ 9(17) A person who contravenes subsection (12) shall be guilty of an offence - 9(12) The operator of a dog breeding establishment registered under this section shall display the registration certificate issued to him or her in respect thereof in a prominent position at that establishment.

²⁵ 19(5) A person shall be guilty of an offence if he or she—

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(2) A person guilty of an offence under section 12⁽⁷²⁶⁾, 21⁽⁷²⁷⁾, 22²⁸, or 23²⁹ shall be liable—

(a) on summary conviction, to a fine **not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both**, or

(b) on conviction on indictment, to a fine **not exceeding €100,000 or imprisonment for a term not exceeding 5 years or both**.

Change required:

The max fines should be increased, particularly given that the max fine on indictment for a conviction under the 2019 Regulations is €250,000, which is inconsistent given that they are doing the same activities.

6(1) "not exceeding €10,000"

6(2) "not exceeding €250,000"

L. Increase of fines for operating unregistered DBE

Current position:

Changes also need to be made to fines for operating unregistered DBEs. The current penalties for operating an unregistered DBE under the 2010 Act are as follows:

(a) obstructs or interferes with an authorised person or a member of the Garda Síochána in the course of exercising a power conferred on him or her by this Act or a warrant under subsection (4) or impedes the exercise by the person or member, as the case may be, of such power, or

(b) fails or refuses to comply with a request or requirement of, or to answer a question asked by, the person or member pursuant to this section, or in purported compliance with such request or requirement or in answer to such question gives information to the person or member that he or she knows to be false or misleading in any material respect.

²⁶ 12(7) A person who contravenes—

(a) a condition specified in an order under this section, or

(b) subsection (4)(b),

shall be guilty of an offence.

²⁷ 21(7) A person who contravenes a closure notice or a direction of the District Court under this section shall be guilty of an offence.

²⁸ 22.— (1) The owner, occupier and operator of a dog breeding establishment that is not registered in the register maintained by the local authority in whose functional area the dog breeding establishment is situated shall each be guilty of an offence.

²⁹ 23.— (1) A person who forges or utters knowing it to be forged—

(a) a register, an entry in such register or a document purporting to be an extract from such register (in this section referred to as a "forged register"), or

(b) a notice, certificate or other document purporting to be issued, granted or given under this Act (in this section referred to as a "forged document"),

shall be guilty of an offence.

(2) A person who alters with intent to defraud or deceive, or utters knowing it to be so altered—

(a) a register, an entry in such register or a document purporting to be an extract from such register (in this section referred to as an "altered register"), or

(b) a notice, certificate or other document issued, granted or given under this Act (in this section referred to as an "altered document"),

shall be guilty of an offence.

(3) A person who, without lawful authority, has in his or her possession a forged register, a forged document, an altered register or an altered document shall be guilty of an offence.

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- a) *on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both, or*
- b) *on conviction on indictment, to a fine not exceeding €100,000 or imprisonment for a term not exceeding 5 years or both.*

Change required:

Fines for operating an unregistered DBE need to be increased significantly. If the legislation is going to be tightened, then the penalty for operating an unregistered DBE needs to be significant, as operators may feel it is worth taking the chance to operate an unregistered DBE³⁰. Fines should be increased as follows:

"not exceeding €20,000"

"not exceeding €350,000"

M. Ban surgical insemination / regulate canine fertility

Current position:

Artificial insemination, transcervical insemination technique and surgical insemination is legal in Ireland and canine fertility clinics are unregulated. There is no mention of these three methods in the 2010 Act or the DBE Guidelines, leaving it open to breeders to decide whether to avail of unregulated fertility services.

Some designer breeds require artificial insemination, as it is simply not possible or safe for the dogs to breed naturally (e.g. the Pomski - a cross between the tiny Pomeranian and the much larger husky). Artificial insemination is also used by some DBEs to maximise the output of puppies and in turn, their profit.

The JOC report outlined that during surgical insemination it is necessary for the recipient to undergo general anaesthesia. This procedure is highly invasive, and requires considerable anatomical skill, knowledge and experience in ensuring the best possible recovery for the patient. The JOC report found that alarmingly, such a high-risk procedure is actually being performed by un-trained and unskilled lay persons, which is a complete contravention of the Animal Health and Welfare Act 2013 (as amended). In addition, the JOC's report stated that the Veterinary Council of Ireland has confirmed that it currently has a number of investigations in relation to canine artificial insemination and/or fertility clinics underway under part 10 of the Veterinary Practice Act 2005.³¹

Change required:

Surgical insemination is banned in the UK and the 2010 Act should similarly make this practice illegal. Per EC Guidelines, both parents must be able to mate naturally and forced mating must not take place. Artificial insemination must not be used as a default or to overcome problems due to the inability of the dogs to mate naturally. It may only be considered under exceptional circumstances, and to do so requires strict justification:

- Where its use can be demonstrated to lead to an improvement in the welfare of potential offspring by increasing the genetic variability of the breed, thereby reducing the incidence of harmful genetic mutations.
- Both parents must have a previous history of breeding naturally (e.g. mating and giving birth without intervention); it must not be used to overcome physical incapacities of the parents.

³⁰ [Puppy farmer rants in court after conviction for running unlicensed facility upheld - SundayWorld.com](#) - €500 fine for operating unlicensed DBE.

³¹ [2022-10-13 issues-impacting-dog-welfare-in-ireland_en.pdf \(oireachtas.ie\)](#)

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- Only manual collection methods can be used to collect semen; electroejaculation methods are not permitted.
- Surgical artificial insemination is not permitted.
- Semen collection and artificial insemination must only be performed by a suitably qualified veterinarian, competent and authorised in the practice of the methods.³²

Indeed, the Joint Oireachtas Committee on Agriculture, Food and the Marine in their October 2022 report on Issues Impacting Dog Welfare in Ireland made the following recommendation in respect of AI insemination:

The Committee is also concerned that canine fertility services are being performed illegally by untrained people. The Committee heard that artificial insemination techniques can be invasive and dangerous to a dog. Canine fertility services should be regulated in order to prosecute illegal occurrences of these practises, however, given Surgical Artificial Insemination carries risks even when performed in a controlled, sterile and surgical environment, the Committee recommends a complete ban on Surgical Artificial Insemination.

N. Additional miscellaneous changes to the 2010 Act

i. **Current position**

Per s9(7) of the 2010 Act, Local Authorities currently 'may refuse' to register a dog breeding establishment if the applicant has committed an offence under the 2010 Act or the Control of Dogs Act 1986 or an offence involving cruelty to an animal and the local authority considers that such refusal is necessary to ensure the safeguarding of animal welfare.

Change required:

S9(7) should be amended to say the local authority 'must' refuse or revoke registration if the applicant or registered person has committed an offence under an enactment relating to animals, animal health and welfare unless the local authority is satisfied that the applicant is unlikely to reoffend (e.g. the applicant may take steps to demonstrate that they can comply with relevant requirements). There could also be a period of enhanced oversight for persons such as this so the Local Authority can be fully satisfied that this person is suitable to operate a DBE.

ii. **Current position:**

There is currently no obligation on Local Authorities to ensure that there is a sufficient number of authorised persons employed by the Local Authority to inspect dog breeding establishments.

Change required:

Local Authorities must have sufficient numbers of authorised persons per Local Authority area, having regard to the number of dog breeding establishments situated in its functional area.

iii. **Current position:**

Per s19(2)(a) of the 2010 Act, an authorised person when carrying out an inspection can be accompanied by such number of other authorised persons or members of An Garda Síochána as they consider appropriate.

Change required:

Given that dogs are so reliant on these inspectors to safeguard their wellbeing and in order to increase the chances of issues being raised, s19(2)(a) of the 2010 Act should be amended to stipulate that there should

³² [aw platform plat-conc guide dog-breeding.pdf \(europa.eu\)](#) – pg10/11

be a minimum number of two authorised persons carrying out inspections and that they can be accompanied by such number of other authorised persons or members of An Garda Síochána as they consider appropriate.

iv. Current position

There is no oversight of the activities of Local Authorities.

Change required:

Until such time as a regulator is established, inspection reports of Local Authorities should be forwarded to the Department of Rural Community and Development for their consideration to ensure that DBEs and Local Authorities are acting in accordance with animal health and welfare legislation.

Ideally, once the Government decide to move the remit of 2010 Act from the Department of Rural Community and Development over to the Department of Agriculture, there should also be an independent team of Department of Agriculture inspectors that do unannounced inspections to ensure that the councils are implementing policy.

v. Current position:

It seems that some Local Authorities and authorised persons exercise their statutory powers with less frequency than others, the reasons for which remain unclear but under resourcing may be one of them.

Change required:

Local Authorities shall ensure that the provisions of the 2010 Act are properly enforced in relation to each DBE situated in its functional area. In addition, powers conferred on authorised persons under the 2010 Act are exercised with sufficient frequency.

vi. Current position:

There is currently nothing in the 2010 Act which prevents a local authority from registering a DBE without first carrying out an inspection.

Change required:

The 2010 Act should be amended to state that local authorities must ensure that a premises (in respect of which an application for registration has been made) is inspected by an authorised officer prior to the Local Authority making a decision in respect of registration.

4.1.1.2. 'Long Term Aims'

The following changes (although certainly achievable) are longer term aims which may take a number of years to implement due to funding requirements and other factors:

A. Increased emphasis on health

Current position:

The only mention of breeding a dog that is unhealthy / not fit to be bred is contained in the DBE Guidelines and is not set out in legislation. The DBE Guidelines also contain very little detail when it comes to dogs' ill health / medical history. Presently, there is nothing to stop a breeder breeding blind dogs or dogs with heart conditions etc. Equally there is no requirement for them to disclose this to buyers.

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Change required:

Health testing should be mandatory for all commercially bred dogs and proof of same to be provided to the purchaser.

Further provision should be set out in legislation in relation to the circumstances in which dogs cannot be bred. For example, Swedish dog breeding legislation³³ stipulates that dogs are not allowed to be bred if:

- they have diseases, lethal conditions, defects or other characteristics that can be inherited and may cause suffering to their offspring or may prevent the offspring from behaving naturally.
- They are or are very likely to be carriers of a recessive predisposition to disease, lethal predispositions, defects or other characteristics that may cause suffering or negatively affect the natural behaviour of the offspring, unless mating takes place with an individual who is found to be free of the corresponding predisposition.
- The mating combination based on available information increases the risk of illness or disability in the offspring. When we refer to 'disability' we mean a condition that impairs natural behaviours or functions in animals.
- They exhibit behavioural disorders in the form of excessive fear reaction or aggressive behaviour in unprovoked or everyday situations for the animal.
- They lack normally developed genitals and lack such body and reproductive functions that are normal to the species and that promote a natural behaviour.
- The mating combination can be assumed to result in an increased risk of birth difficulties.

Similar detail should be included in Irish legislation. Ireland should also consider banning breeding of certain unhealthy breeds like Norway³⁴ and the Netherlands³⁵ (e.g. brachycephalic breeds including English bulldogs, French bulldogs, pugs, cavalier King Charles spaniels and Boston terriers).

The introduction of 'puppy lemon laws' (similar to what they have in some States in America³⁶) would also be beneficial. These laws would give buyers a certain guarantee on genetic and parasitic disease for a certain period of time. It would act as a motivator for buyers to purchase within the law. If it was introduced, it would act as an interesting, innovative education tool, which would support compliance and good breeding practice.

B. Independent regulator

Current position:

No independent regulator oversees the work of the Local Authorities in this area.

Change required:

An independent regulator should be established (similar to South Australia's Dog & Cat Board)³⁷ to oversee the work of local authorities (discussed in further detail below).

The regulator, once established in this jurisdiction could take on the above responsibilities and play a vital role in education, particularly from the buyer's perspective. It could build on the already very successful work of Irish Pet Advertising Advisory Group (IPAAG).

³³ [SJVFS 2020:8: Statens jordbruksverks föreskrifter och allmänna råd om hållande av hundar och katter | lagen.nu](#)

– Chapter 6 – English translation required

³⁴ [Norway bans breeding of bulldogs and cavaliers - The Local](#)

³⁵ [Dutch to ban unhealthy designer pets, with pugs among breeds that could be affected \(thejournal.ie\)](#)

³⁶ [The Puppy Lemon Law as it Applies to Dogs in Pennsylvania \(pyferreese.com\)](#)

³⁷ [About the board | Dog and Cat Management Board \(dogandcatboard.com.au\)](#)

C. Closure Notices and seizures following closure notices

Current position:

A closure notice is currently served on a DBE where the Local Authority is satisfied that the DBE poses a serious and immediate threat to public health or animal welfare. However, it is often the case that despite forming this view, Local Authorities are not issuing closure notices as they are not in a position to seize the dogs.

If a Local Authority issues a closure notice, the 2010 Act does not stipulate that such dogs must be seized. The 2010 Act states that the Local Authority can require the DBE to take such measures as the Local Authority directs to enable the rehoming of the dogs, meaning that oftentimes, the DBE who is posing a serious and immediate threat to animal welfare, are being left to rehome.

Change required:

Local Authorities **must** issue a closure notice if a Local Authority is satisfied that the DBE poses a serious and immediate threat to public health or animal welfare.

Also, dogs **must** be seized following the service of a closure notice. The Local Authority, the independent regulator (once established) and rescue organisations could work together to facilitate the dogs being seized and properly rehomed. More funding to rescues who would be requested to assist with such circumstances will be required.

D. Training / Courses

Current position

When a breeder applies for a DBE licence, there is no requirement to prove that they have sufficient training, nor is this set out in the 2010 Act. The DBE Guidelines state as follows:

Personnel must comply with all dog welfare legislation and must have experience in handling dogs. Formal training in animal care is desirable. There must be an induction and training Standard Operating Procedures (SOP) for all personnel. The SOP must detail exactly what personnel are required to do with all dogs on site and provide sufficient knowledge to allow personnel to undertake their duties competently. For dog breeding establishments licensed for over 30 bitches it will be a requirement to have at least one member of personnel formally certified to have undertaken training to appropriate standards³⁸.

Change required:

Similar to France³⁹, it should be mandatory that an operator of a DBE licence and their employees have to undergo certified training or hold a professional qualification 'to acquire knowledge of the biological, physiological, behavioural and maintenance needs of cats and dogs'. The Regional Directorate of Food, Agriculture and Forestry provides lists of accredited training courses for breeders to complete. This is a mandatory requirement for anyone in France who sells more than one litter per year⁴⁰.

³⁸Para 2.1. [Review of the Dog Breeding Establishment Guidelines Consultation Summary Report \(assets.gov.ie\)](#)

³⁹ [Obtaining proof of knowledge to carry out an activity related to companion animals - Mes Démarches \(agriculture.gouv.fr\)](#)

⁴⁰ [Breeding of dogs and cats | Service-Public.fr](#)

E. Tax / Revenue

Current position:

According to Dogs Trust Ireland, most transactions for puppies / dogs in Ireland are made in cash⁴¹. This results in unscrupulous dog breeders being able to avoid paying tax. Revenue has also confirmed that dog related activities including puppy breeders, sellers and farms are included in its risk intervention programmes.⁴²

In order to tackle this, suggested changes in relation to 'NACE Codes' and tax clearance are set out below.

i. NACE Code

Current position

The pan-European 'NACE' code classification system (used by Revenue)⁴³ (designed for classifying businesses and used for statistical purposes), does not uniquely identify 'dog breeding' as an economic activity. A NACE code is required when anyone sets up a company in Ireland and registers with the Companies Registration Office. This means that when operators of DBEs set up companies, they use NACE code '01.49 Raising of other animals 0149' when they register with the Companies Registration Office.

NACE codes allow the Department of Finance to confirm the level of tax being paid by a particular industry. Given that dog breeding is not uniquely identified as part of the NACE code system, this means that the Department of Finance is unable to confirm how much tax is paid by operators of Dog Breeding Establishments⁴⁴.

Change Required:

In an industry worth hundreds of millions of euro and where it is known there is an extremely high prevalence of cash transactions, dog breeding should be given its own specific NACE code in Ireland. It is understood that NACE Rev 2.1 has already been renegotiated for 2025 and dog breeding will likely fall under the following new category:

- *raising and breeding of pet animals (except fish), e.g.:*
 - cats and dogs
 - birds, e.g. parakeets
 - hamsters

However, the problem still remains in that dog breeding will still not be separately identifiable. It is understood from liaising with the Central Statistics Office that NACE codes are renegotiated approx. every 5 years. Ireland should therefore ensure that additional categories (such as the below) are included at the next renegotiation stage:

- breeding of pet dogs
- breeding of greyhounds
- breeding of working dogs
- boarding kennels

⁴¹ [2021-06-01 opening-statement-becky-bristow-executive-director-dogs-trust-ireland-clg_en.pdf \(oireachtas.ie\)](#)

⁴² [Tax Yield – Tuesday, 15 Jun 2021 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

⁴³ [Dog Breeding Industry – Wednesday, 13 Jan 2021 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

⁴⁴ [Dog Breeding Industry – Wednesday, 13 Jan 2021 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#)

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The above would greatly help towards providing better statistics and clamping down on unscrupulous breeders.

ii. Tax Clearance

Current position

There is currently no obligation on operators of DBEs to submit tax clearance certificates⁴⁵ at the point of registration or renewal for their licence. A tax clearance certificate is confirmation from Revenue that one's tax affairs are in order. When assessing someone for tax clearance, Revenue will assess both affairs of the applicant and those connected to the applicant⁴⁶.

There are a number of licences and schemes that require a tax clearance certificate when one applies for them⁴⁷. For example:

Reason for tax clearance	Legal basis for tax clearance
Liquor licence (wholesale or retail)	S49 FA 1909-1910 plus S1094 TCA 1997
Bookmaker's licence	S7 (3) Betting Act 1931 plus S1094 TCA 1997
Gaming licence	S19 Gaming and Lotteries Act 1956 plus S1094 TCA 1997
Auctioneer's or House Agent's licence (including auction permits)	S8, 9 and 10 Auctioneers and House Agents Act 1947 plus S1094 TCA 1997
Hydrocarbon oil and LPG licences	S101 FA 1999 plus S1094 TCA 1997
Money lender's licence	Consumer Credit Act 1995 plus S1094 TCA 1997
Mortgage or credit Intermediaries authorisation	Consumer Credit Act 1995 plus S1094 TCA 1997
Licences for small public service vehicles, for example, taxis and hackneys	Section 37 of the Taxi Regulation Act 2003

Change required:

The 2010 Act should be amended so that tax clearance is required for operators of DBEs. For example, s9(13) of the Taxi Regulation Act 2003 states as follows:

S9(13) A licence shall not be granted to an applicant by the licensing authority unless the applicant produces to the licensing authority a tax clearance certificate for the time being in force in respect of the applicant.

Tax clearance should be a requirement for any DBE with 20 bitches⁴⁸ or more on their premises. The Act should be amended to reflect that this is a requirement of registration and renewal.

⁴⁵ "tax clearance certificate" means a tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.

⁴⁶ [Connected persons \(revenue.ie\)](http://revenue.ie)

⁴⁷ [To apply for or renew your licence or scheme \(revenue.ie\)](http://revenue.ie)

⁴⁸ A conservative estimate of a breeder's earnings in this scenario would be around €100,000 per annum (e.g. 20 breeding bitches giving birth to 1 litter each per year (with an average of 5 in the litter) and pups sell for €1,000 each. 100 puppies x €1,000 = €100,000).

4.1.2. Suggested changes to the 2019 Regulations

As previously outlined, the Animal Health and Welfare (Sale or Supply of Pet Regulations) 2019 (the "2019 Regulations")⁴⁹ apply to breeders who sell or supplies 6 or pet animals (including dogs) in a calendar year (but have 5 or less breeding bitches on their premises). The changes to the 2019 Regulations have been set out below.

The biggest take away point when looking at these reforms is the fact that the 2019 Regulations relate to the sale and supply of **all animals** (as opposed to just dogs). This may be the reason that key detail such as the max number of litters born to a breeding bitch in her lifetime, suitable bedding, exercise, etc. are not included in the 2019 Regulations. As a result (and **shockingly**), **dogs in puppy farms have greater legal protection than those owned by registered sellers**, even though the breeders are carrying out the same activity. These dogs rely on the provisions of the Animal Health and Welfare Act 2013, the purpose of which is to protect dogs from cruelty.

Again, as per the suggested reforms to the 2010 Act, whilst it is felt that all reforms are achievable, the reforms have been divided into 'short term' and 'long term' aims as it is acknowledged that longer term aims may take a number of years to implement due to lack of funding and other factors:

4.1.2.1 Short Term Aims

A. Change Scope of 2019 Regulations

Current position:

The 2019 Regulations apply to persons who sell or supply six or more pet animals (including dogs) in a calendar year but have five or less breeding bitches on their premises.

Change required:

If the scope of the 2010 Act is amended from six to four breeding bitches, then the scope of the 2019 Regulations will likewise change. There should be no need to amend the 2019 Regulations given that s4(b) of the 2019 Regulations states that the 2019 Regulations *'do not apply to a person to whom the Dog Breeding Establishments Act 2010 applies.'*

B. Increase Protections / Welfare Standards

Current position:

As set out above, key detail such as the max number of litters born to a breeding bitch in her lifetime, suitable bedding, exercise, etc. are not included in the 2019 Regulations. These dogs rely on the provisions of the 2013 Act which relates to animal cruelty.

The Voluntary Code of Practice for Sellers and Suppliers of Pet Animals⁵⁰ (the "Code") provides guidance to sellers and suppliers of pet animals as part of their care and management of those animals. There is a section relating to special conditions in terms of breeding cats and dogs but is missing key detail such as number of litters born to a breeding bitch in her lifetime, age, health etc. The Code is also voluntary but per s6(7) of the 2019 Regulations, the Minister may take into account either the compliance or failure to adhere to the Code when deciding whether to revoke registration or to refuse registration of a seller.⁵¹

⁴⁹ [pdf \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2019/si/2019-0000/1/2019-0000-1-0000.pdf)

⁵⁰ [b2c949842df74515b747aa878a783cd7.pdf \(www.gov.ie\)](https://www.gov.ie/uploads/system/uploads/attachment_data/file/424242/b2c949842df74515b747aa878a783cd7.pdf)

⁵¹ (7) In considering an application for, or refusal or revocation of, registration under these Regulations, where it is shown that an act or omission of the applicant or person to whom registration relates is material to the matter under

Change required:

In line with the proposal in relation to the DBE Guidelines 2018, a similar exercise should be carried out in terms of redrafting the 2019 Voluntary Code of Practice so that it contains a set of 'standards' and 'guidelines', with far more detail than what is currently there and that failure to comply with the standards is liable to criminal prosecution. Alternatively, further minimum dog welfare standards need to be set out in the 2019 Regulations.

C. Age of Breeding Bitches

Current position:

There is no age limit on breeding bitches set out in the 2019 Regulations or the Voluntary Code. The law therefore currently allows breeding bitches to be bred from their first heat when their growth plates have not yet closed and they are still very much juvenile, physically and mentally. There is also no retirement age set out in legislation.

Change required:

Similar to what is being proposed under the 2010 Act on page 11 above, it should be an offence for registered sellers to breed a dog that has not reached the age of 15 months⁵². Likewise, a retirement age of eight years old should be set. This new offence and retirement age could either be set out in the 2019 Regulations or in the updated Code of Practice once it has been redrafted (per the above).

D. Number of litters / Caesarean Sections

Current position:

Unlike the 2010 Act, there is no mention in either the 2019 Regulations or the Voluntary Code in terms of how many litters a breeding bitch can have in her lifetime. Likewise, there is no mention of caesarean sections.

Change required:

Similar to what is being proposed under the 2010 Act on page 11 above, a breeding bitch must not whelp more than four litters in her lifetime⁵³. Moreover, *'during any period of 3 years, not more than 3 litters of pups are born to a bitch, being one litter per year'*.

In terms of caesareans, breeding bitches that have had a caesarean section must not be bred from again unless a veterinarian certifies that it will not compromise the welfare of the bitch to do so. Furthermore, breeding bitches that have had two litters delivered by caesarean section must not be bred from⁵⁴. This should be set out in the 2019 Regulations. This could either be set out in the 2019 Regulations or in the updated Code of Practice once it has been redrafted (per the above).

consideration, **and the act or omission is a failure to observe a code of practice or is in compliance with that code of practice, the failure or compliance may be considered** in determining the application or whether or not to revoke registration.

⁵² S11(1) Welfare of Greyhounds Act 2011 [Revised Acts \(lawreform.ie\)](http://www.lawreform.ie)

⁵³ [Code of ethics | The Irish Kennel Club \(ikc.ie\) & aw platform plat-conc guide dog-breeding.pdf \(europa.eu\)](#) -pg 11

⁵⁴ [aw platform plat-conc guide dog-breeding.pdf \(europa.eu\)](#) – pg 11

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E. Disclosure / Amendment to Register

Current Position:

There is no cap on the number of dogs that a registered seller can sell or supply in a calendar year. This means that registered sellers can sell on behalf of puppy farmers making purchasers believe that the dogs were bred in a family home, when this was not the case. The application form to become a registered seller⁵⁵ does not ask the applicant to disclose whether they are connected to a holder of a DBE licence (e.g. are they a family member or an employee of such a licence holder).

There is also no requirement for the registered seller to disclose the source of the dogs that they are selling. Nor the number that they have sold in a calendar year (it only requests the number that they 'expect to sell or supply').

There is no requirement to disclose if they hold a Type 2 transporter licence⁵⁶, which authorises a person to export dogs.

The Register of Sellers currently only lists the following information:

- County
- Register Number
- Name of Seller
- Species

Change required:

The following information should be disclosed to the Department:

- An applicant's connection to a DBE licence holder
- where the applicant sources their dogs from
- the number of dogs sold in the previous calendar year; and
- Whether the applicant holds a Type 2 transporter licence.

A registered seller's connection to a DBE licence holder⁵⁷ and how many dogs that they have sold in a calendar year could then be made public on the Register of Sellers⁵⁸. See below example:

County	Register Number	Name of Seller	Species	Connected to DBE licence holder (Y/N)	No of pets sold in 2023
<i>Dublin</i>	<i>FPT212121C</i>	<i>Joe Bloggs</i>	<i>Dogs</i>	<i>Yes</i>	<i>150</i>

The additional disclosures made at registration / renewal stage will lead to greater oversight of the industry. The information published on the register will also bring about greater transparency and would allow the public to arrive at more informed decisions when choosing to buy from a particular breeder.

⁵⁵ [Registered Sellers Application Form \(www.gov.ie\)](http://www.gov.ie)

⁵⁶ [gov - Dogs, Cats and Ferrets – Unaccompanied or Commercial Movements – Import or Export \(www.gov.ie\)](http://www.gov.ie)

⁵⁷ A registered seller could be deemed 'connected' to a DBE licence holder if they are the family member of a DBE licence holder, they are the employee of a DBE licence holder or they source their dogs for sale or supply from a DBE licence holder.)

⁵⁸ [Register of Sellers \(www.gov.ie\)](http://www.gov.ie)

F. Ban Surgical Insemination

Current position:

Surgical insemination is legal and canine fertility clinics are unregulated. There is no mention of either of these issues in the 2019 Regulations or the Voluntary Code of Practice.

Change required:

Similar to what is outlined above under the 2010 Act, surgical insemination should be banned and canine fertility clinics should be regulated. This should be set out in the 2019 Regulations.

G. Registration – Animal Cruelty Offences

Current position:

S6(3) of the 2019 Regulations states as follows:

*S6(3) The Minister **may refuse** an application or revoke registration if—
(b) the applicant or registered person has committed an offence under an enactment relating to animals, animal health and welfare*

Change required:

The Minister **must** refuse an application or revoke registration if the applicant or registered person has committed an offence under an enactment relating to animals, animal health and welfare unless the local authority is satisfied that the applicant is unlikely to reoffend (e.g. the applicant could take steps to demonstrate that they can comply with relevant requirements). There could also be a period of enhanced oversight for persons such as this so the local authority can be fully satisfied that this person is suitable to operate a DBE.

H. Penal Provisions

(i) Provision of false information

Current position

Per s6(3)(h) of the 2019 Regulations, if an applicant or licence holder gives misleading or false information, the Minister can revoke or refuse registration. There is therefore little incentive for people to be truthful when disclosing information because all that will happen is that their registration be refused or revoked.

Change required:

The 2019 Regulations should therefore be amended to fall in line with what is already contained in s9(16) of the 2010 Act⁵⁹(e.g. that an applicant or registered seller who knowingly or recklessly provides information or a particular to an inspecting vet or to the Minister that is false or misleading in a material respect shall be subject to the penal provisions contained in s36(4)(b) of the 2013 Act⁶⁰).

⁵⁹ A person who in purported compliance with subsection (4) knowingly or recklessly provides information or a particular to a local authority that is false or misleading in a material respect shall be guilty of an offence.

⁶⁰ (4) A person who contravenes or fails to comply with a provision of animal health and welfare regulations which is stated in the regulations to be a penal provision—

(a) to which this paragraph applies, commits an offence and is liable, on summary conviction, to a class A fine, or F10[(b) to which this paragraph applies, commits an offence and is liable—

(i) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both, or
(ii) on conviction on indictment, to a fine not exceeding €250,000 or to imprisonment for a term not exceeding 5 years, or to both.]

(ii) Forgery

Current position

Given how reliant vets will be on records when carrying out inspections, it is important that such records are not tampered with.

Change required:

S23 of the 2010 Act deals with a whole section on forgery, attempts to defraud and the offences arising. Similar amendments should be made to the 2019 Regulations, so they are in line with the 2010 Act.

The absence of the above offences from the 2019 Regulations is a further example of greater protection being afforded to dogs born in puppy farms than those to registered sellers.

4.1.2.2 Long Term Aims

The following changes (although certainly achievable) are longer term aims which may take a number of years to implement due to lack of funding and other factors:

A. Increase Emphasis on Health

Current position:

There is no mention of breeding a dog that is unhealthy / not fit to be bred in either the 2019 Regulations or the Voluntary Code of Practice. Presently, there is nothing to stop a breeder breeding blind dogs or dogs with heart conditions etc. Equally there is no requirement for them to disclose this to buyers.

Change required:

Similar to the changes being proposed under the 2010 Act (page 19 above), health testing should be mandatory for all commercially bred dogs and proof of same to be provided to the purchaser. Ireland should also consider banning breeding of certain unhealthy breeds like Norway⁶¹ and the Netherlands⁶² (e.g. brachycephalic breeds including English bulldogs, French bulldogs, pugs, cavalier King Charles spaniels and Boston terriers).

The introduction of 'puppy lemon laws' (similar to what they have in some States in America⁶³) would also be beneficial.

B. Training / Courses

Current position

When a breeder applies to be a registered seller, there is no requirement to prove that they have sufficient training, nor is this set out in the 2019 Regulations. The Voluntary Code of Practice states as follows:

*The seller/supplier must ensure that:
at least one full-time member of staff has sufficient knowledge of the care of animals stocked;
all employees should undergo an induction which prepares them for the care and handling of animals;
comprehensive reference materials on each species are available for use by staff.*

⁶¹ [Norway bans breeding of bulldogs and cavaliers - The Local](#)

⁶² [Dutch to ban unhealthy designer pets, with pugs among breeds that could be affected \(thejournal.ie\)](#)

⁶³ [The Puppy Lemon Law as it Applies to Dogs in Pennsylvania \(pyferreese.com\)](#)

Change required:

Similar to the changes being proposed under the 2010 Act (pg 21 above), it should be mandatory that a registered seller and their employees undergo certified training or hold a professional qualification 'to acquire knowledge of the biological, physiological, behavioural and maintenance needs of cats and dogs'.

C. Tax / Revenue

Current position:

As set out on page 21 above, there is no specific NACE code for dog breeding and tax clearance certificates are currently not required.

Change required:

NACE codes should be expanded to include dog breeding. Tax clearance certificates should be required for anyone who sells or supplies 100 or more dogs in a calendar year. This is relatively in line with what is being proposed under the 2010 Act on pages 22 above (i.e. tax clearance required for breeders with 20 or more breeding bitches).

D. Hotline

Current position:

In most instances, 'back yard breeders' fly under the radar and will depend on neighbours to report / raise concerns. There is currently no dedicated Garda Unit to deal with issues of animal cruelty. The Department of Agriculture has a dedicated helpline to report incidents of Animal Cruelty (phone: 01 607 2379). Most people would be unaware of this service and it is unclear how well resourced and/or active the Department currently is in tackling unscrupulous back yard breeders.

Change required:

Hotline to be operated by the Regulator (once established) / tied to dedicated Garda Unit (once established) to tackle unscrupulous back yard breeders.

4.2 Consolidate policy generation and implementation in one government department

Dog welfare currently falls under two government departments i.e. the Department of Agriculture, Food and Marine and the Department of Rural Community and Development.

The JOC Report recommended that dog breeding comes under the remit of the Department of Agriculture, Food and Marine.

*“During the series of meetings, it became apparent to the Committee that it may be beneficial for legislation and policy of canine welfare to lie with one department **to avoid confusion in remit and increase joined-up thinking with regards to canine welfare policy**. As DAFM is currently responsible for general animal welfare policy the Committee believes that the responsibility for canine welfare policy and legislation should fall under their remit.”*

It is therefore anticipated that this change will be brought about in any event.

4.3 Neutering

Rescue organisations are currently at capacity and Ireland is completely saturated and overpopulated with dogs resulting in many dogs being euthanised. A two-pronged approach therefore needs to be introduced:

1. Incentivise neutering for private dog owners
2. Introduce a reimbursement scheme for dog rescues that take dogs from pounds.

4.3.1 Incentivised Neutering

Ireland should introduce reduced fees for dog licences for owners of neutered dogs like they do in Singapore (see below table from Singapore's AVS National Parks Board website⁶⁴):

Licence Fees for dogs not kept in a farm*				
Category	One-year licence	Two-year licence	Three-year licence	One-time licence**
Dogs below five months of age	S\$15 per dog	N.A.	N.A.	N.A.
First three dogs	Sterilised: S\$15 per dog Non-sterilised: S\$90 per dog	Sterilised: S\$25 per dog Non-sterilised: S\$165 per dog	S\$230 per non-sterilised dog	S\$35 per sterilised dog
Fourth and subsequent dog	S\$180 per dog OR A reduced licence fee of S\$15 for the fourth dog^	S\$325 per dog OR A reduced licence fee of S\$25 for the fourth dog^	S\$460 per non-sterilised dog	S\$460 per sterilised dog OR A reduced licence fee of S\$35 for the fourth dog^

4.3.2 Neutering Reimbursement Scheme:

Per the Dog Control Act 1986 (as amended), the Local Authority pound is permitted to rehome or humanely destroy a stray or seized dog after 5 days if the owner has been notified and the owner does not reclaim or pay all expenses relating to the dog's seizure and detention⁶⁵.

The dog therefore becomes the property of the State and the State is responsible for disposing of (i.e. rehoming) or humanely destroying the dog.

⁶⁴ ⁶⁴ [Dog licensing e-services \(nparks.gov.sg\)](http://nparks.gov.sg)

⁶⁵ [S11\(4\) Revised Acts \(lawreform.ie\)](#)

Given that dog welfare organisations are assisting with State dogs, it is essential that such organisations are reimbursed for their neutering costs. Whilst DAFM gives annual animal welfare grant funding to some dog rescues each year, this funding is not enough to meet the demands that they are under. Ireland's poor regulatory framework around dog breeding is not the fault of dog rescues nor the general public and they should not be left to bear the costs of problems generated by the State. Without dog rescues stepping in to rehome and neuter these dogs, the euthanasia rates recorded in the dog control statistics would sky rocket.

In terms of costs to implement such a reimbursement scheme, going by 2022 dog control statistics figures, it is estimated that such a scheme would cost the state €801,500⁶⁶. Receipts could be provided to the Department of Agriculture Food and Marine at year end and only those dog rescues who have been approved for animal welfare grant funding for the previous year should be deemed eligible for the scheme.

There is already international precedent for this in Victoria, Australia where eligible animal welfare organisations can be reimbursed for up to \$500 per dog for costs such as veterinary treatment, neutering, microchipping, vaccinations and any other medical treatments⁶⁷.

Ireland should therefore incentivise neutering, such as introducing reduced fees for dog licences for owners of neutered dogs (like they do in Singapore⁶⁸) and providing greater funding to rescue organisations and certain private individuals for neutering their dogs (like they do in Victoria, Australia⁶⁹). Indeed, Ms Deirdre Kelly, Principal Officer of the Department of Community and Rural Development commented as follows during the JOC debate in December 2023 on the impact of rising veterinary costs on dog ownership and surrenders and abandoned dogs:

It is intended that a portion of this additional funding will also be used to roll out a neutering campaign. The exact details of this are yet to be scoped, particularly in terms of how best to target this initiative. However, we look forward to engaging with colleagues to ensure it achieves the maximum impact possible.⁷⁰

4.4 Banning surgical insemination / regulate canine fertility

This has already been set out in detail on pages 16 and 25 of this position paper. However, it is worth noting and re-iterating the authors' comments from the JOC Report:

The Committee is also concerned that canine fertility services are being performed illegally by untrained people. The Committee heard that artificial insemination techniques can be evasive and dangerous to a dog. Canine fertility services should be regulated in order to prosecute illegal occurrences of these practises, however, given Surgical Artificial Insemination carries risks even when performed in a controlled, sterile and surgical environment, the Committee recommends a complete ban on Surgical Artificial Insemination.

⁶⁶ Of the 7,352 dogs that entered Irish pounds in 2022 (either strayed, surrendered or seized), 3,206 dogs were transferred to dog welfare groups to be rehomed. If the State paid for each of these dogs to be neutered as part of a new 'exiting from the pound system procedure', (250euro per dog), it would have cost the State €801,500.

⁶⁷ [Animal Welfare Fund Grants Program | Community and education | Animal Welfare Victoria | Livestock and animals | Agriculture Victoria](#)

⁶⁸ [Dog licensing e-services \(nparks.gov.sg\)](#)

⁶⁹ [Animal Welfare Fund Grants Program | Community and education | Animal Welfare Victoria | Livestock and animals | Agriculture Victoria](#)

⁷⁰ [Impact of Rising Veterinary Costs...: 6 Dec 2023: Oireachtas Joint and Select Committees \(KildareStreet.com\)](#)

4.5 Establish an independent regulator

Under the 2010 Act, Local Authorities are responsible for registration, enforcement and inspection of Dog Breeding Establishments. However, there is currently no independent regulator to oversee their work. This is particularly concerning in circumstances where there are varying approaches taken by Local Authorities when it comes to the publication of breeder registers, frequency of inspections and enforcement measures taken etc. As a matter of best practice, an independent regulator should be established along the lines of the South Australian Dog and Cat Board. However, this is a longer term which may take a number of years to implement due to lack of funding and other factors.

In South Australia (SA), each Council is responsible for administering and enforcing the provisions of the Act relating to dogs and cats within its area. However, the Dog and Cat Board has the following functions:

- Planning for, promote, and provide advice about, the effective management of dogs and cats throughout South Australia
- Overseeing the administration and enforcement of the provisions of the Act and monitoring the administration and enforcement of the Act by councils
- Keeping the Act under review and make recommendations to the Minister
- Undertaking or facilitate research relating to dog or cat management
- Managing, maintaining and enhancing the Dogs and Cats Online (DACO) system (online database)
- Developing policy, procedures and guidelines relating to dog and cat management administration.
- Publish annual reports, plans, strategic directions
- Undertake or facilitate educational and training programs relating to dog or cat management and the DACO system for authorised persons and industry groups
- Provide advice and support to councils about the administration or enforcement of the Act
- Accredite assistance dogs
- Accredite training programs for dogs and owners
- Keep and maintain registers for the purposes of the Act
- Carry out any other function the Minister assigns to the Board

The Dog & Cat Board has its own website which contains very useful information for the public such as standards for breeding in South Australia, an online database (Dogs and Cats Online) that you can check to see if your breeder is registered, advice to the public on a wide range of issues such as neutering, attacks, legal responsibilities of dog owners, microchipping etc.

The Dog and Cat Board also publish their positions on certain topics (such as breed specific legislation, dog training etc.). They publish strategic directions and annual reports which are very helpful and show the progress they have made throughout the year in terms of fulfilling their statutory objectives and what they plan to do in the future.

An independent regulator could be established in this jurisdiction with the statutory objectives listed in the bullet points above which would ultimately alleviate the pressure on Government Departments. The regulator could also assist with promoting responsible dog ownership, facilitating a 'dog theory test' prior to licences being granted (similar to what has been developed by Mr Ciarán Walsh, CEO of 'Dog Internet of Things'⁷¹). The regulator could also assist with monitoring online advertisements for dogs to investigate the extent to which breeders are using loopholes not to register as breeders.

⁷¹ [FAQs | DogInternetOfThings \(thedoginternet.com\)](#)

Until a regulator is established, there will continue to be a lack of transparency and oversight and as a stopgap, Local Authorities should have mandatory reporting obligations on their activities which feed into the Department of Agriculture who would then prepare and publish an annual report based on all of the Local Authorities activities in this area (to include for example, number of inspections, number of licences, number of investigations/prosecutions etc.).

As set out on page 18 above (and whilst we await the establishment of a regulator), DBEs should be subject to unannounced inspections by an independent team of Department of Agriculture inspectors to ensure proper oversight.

4.6 Improvements to microchipping system

The Microchipping of Dogs Regulations 2015 (S.I. No. 63/2015) is a good piece of legislation which essentially states that anyone who keeps, sells, purchases, or rehomes a dog, must ensure that the dog be microchipped and registered on a database approved by DAFM⁷².

Microchipping has many benefits such as:

- Assisting with identification and traceability (e.g. if a dog is lost or stolen or has been imported)
- Regulation and compliance (e.g. prosecutions against breeders for neglect)
- Public health (e.g. supports efforts to control the spread of zoonotic diseases and ensure that imported dogs meet health and safety standards); and
- The health of the dog themselves (e.g. records often include vital information about a dog's health history, vaccinations, and medical conditions).

However, there some vital improvements that need to be made to the microchipping system, namely:

1. The establishment of a centralised online microchip database
2. The improvement of recording of data
3. Greater enforcement of the microchipping regulations 2015
4. Amending the 2015 regulations to include registered sellers

Without these changes being made, the value of the microchip is being underutilised.

4.6.1 Establishment of Centralised Online Microchip Database

In Ireland, there are currently four approved databases - Animark, FIDO, Irish Kennel Club, and MicroDogID. They are required to provide their data to Europetnet which is a Europe-wide umbrella group of associations that registers owner information for microchipped pets.

They are all private databases and the State has no direct access to that information. It is paramount that this changes. The State needs to have access to that information, so that it can use the microchip to effectively enforce rules relating to the importation / exportation of dogs, breeding, sale & supply, dog control etc.

⁷² [S.I. No. 63/2015 - Microchipping of Dogs Regulations 2015. \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2015/si/63/2015)

Fido (one of the databases) appeared before the JOC Committee in March 2022 and highlighted that as computer systems are so advanced now a centralised portal for microchip data could be quickly established. The JOC Committee was told that Fido has already *'coded a centralised system and presented it to the Department of Agriculture, Food and the Marine and the other databases in 2021'*

The JOC in its Report recommended that access to microchipping information is collated and stored in one central online portal held by DAFM that Authorised Officers and canine welfare organisations can access.

A good example to follow in Ireland is the DACO system that is in place in South Australia. DACO is a mandatory public database used for the registration of dogs, cats, breeders, microchip and desexing information etc. This is accessible to breeders and the public⁷³.

4.6.2. Improving recording of data

The quality of data stored on the microchip also needs improvement. In the JOC Report, the JOC found that in some cases, due to lack of data or old/incorrect details stored on the microchip, Authorised Officers are unable to identify the current owner of a lost or stolen dog. When registering a dog's microchip 30 data fields of information are required to be uploaded, however the JOC was informed that this is not always being carried out.

Moreover, the '30 data fields' sound a lot more expansive than what they actually are in practice and they only record minimal data (see below example of a fido registration form).

⁷³ [Registrations | Dog and Cat Management Board \(dogandcatboard.com.au\)](https://www.dogandcatboard.com.au)

Key Reforms to Dog Breeding in Ireland

REGISTRATION FORM Please use this form to register a dog in accordance with The Microchipping of Dogs Regulations 2015.

INSTRUCTIONS Parts 1-4 must be completed
 The owner must sign the declaration in part 2
 The implanter must sign the declaration in part 4

Send the top (WHITE) copy to: Fido, PO Box 484, Naas, Co. Kildare (unless you are registering via the online Fido E-portal).
 Keep the middle (BLUE) copy for your records. (The regulations state you need to keep a record of this registration).
 You must give the bottom (YELLOW) copy to the owner. (This contains the T&Cs).

fido.ie
Your pet could be lost without it.

PART 1. Chip Details

Chip number
 [Grid for 15 digit number]
 (Either attach the microchip's barcode sticker here, or write in the 15 digit number)

Registration Code
5X5Q-ZZP4

Date of Microchip Implantation
 [Grid for date]

PART 2. Owner Details

1. Surname [Grid]
 2. First Name [Grid]
 3. Address [Grid]
 4. Email Address [Grid]
 5. Telephone Numbers [Grid]
 6. [Grid]
 7. Third Party Surname (optional field) [Grid]
 8. First Name (optional field) [Grid]
 9. Third Party Telephone Numbers (optional field) [Grid]
 10. [Grid]

11. Declaration: I consent to the details contained on this form being stored by Fido in accordance with the MODR 2015. I consent to these details being released to an appropriate 3rd party to be used for reunification purposes as set out in the MODR 2015. I consent to these details being released to an authorised officer as set out in the MODR 2015.

12. To be signed by the owner [Signature Line] Date [Grid]

PART 3. Pet Details

1. Name [Grid]
 2. Date of Birth [Grid] / [Grid] / [Grid] 3. Sex Male Female
 4. Breed [Grid]
 5. Colour [Grid]

PART 4. Implanter Details

1. Unique Identifying Code [Grid] 2. Date of Implantation [Grid] / [Grid] / [Grid]
 3. Surname [Grid]
 4. First Name [Grid]

5. To be signed by the implanter (Registration of this animal can not be completed unless these boxes are ticked and the declaration signed)

6. I hereby certify that (please tick)
 I have seen proof of the identity of the owner
 I have given the owner a copy of this completed registration form
 I have seen proof of permanent address
 I have checked the details on this form and they are correct
 I have witnessed the owner signing the declaration in Part 2.

7. To be signed by the implanter [Signature Line] 8. Date [Grid] / [Grid] / [Grid]

Therefore, the key data being collected when a dog is microchipped is as follows:

Pet Details

- Chip number
- Name (Optional)
- Gender
- Breed
- Colour
- DOB
- DOI (Date of implant or scan)

Owner Details

- Name
- Address

Key Reforms to Dog Breeding in Ireland

Postcode
Number
E mail
Third party details

Implanter Details

Name of Implanter/Scanner
Date of implantation
Various certifications re proof of identity / address etc

However, to enhance enforcement efforts against unscrupulous breeders and ensure the welfare of dogs, additional information should be collected:

1. Microchip of mother
2. Microchip of father
3. Place of birth (full address)
4. Name of breeder
5. Licence number of DBE operator or registered seller
6. Address of breeder
7. If the dog has whelped:
 - a. When & how many times
 - b. Whether birth was natural or by caesarean
 - c. Whether the dog conceived naturally or by AI
 - d. Microchips of puppies
8. Whether the dog has any diseases, lethal conditions, defects or other characteristics that can be inherited and may cause suffering to their offspring – and if so, details of same
9. Whether the dog has been neutered

The key is to link the mother and father to the puppies so a record can be kept of how many times a dog has been used for breeding. Collecting this additional comprehensive data by an independent implanter is essential for safeguarding dogs against exploitation and ensuring responsible breeding practices. It enhances transparency and accountability within the industry, providing valuable information to Local Authorities, Government Departments, vets, and prospective owners alike.

In order to ensure accurate information (re the breeder) is being provided to the implanter, it should be a statutory requirement that the breeder show the implanter an accepted form of identification (Passport, Driver's Licence or Photo ID issued by An Garda Síochána or a Minister of the Government) and utility bill issued within the previous three months as proof of address (similar to s7(1)(a) of the 2015 Regulations).

The JOC found in its Report that records should be regularly updated to ensure accurate data of transfer of ownership or if the dog has deceased. The JOC stated that this will help with the reunification of lost dogs to their owners and ensure that previously owned microchips are not used as a method to sell puppies illegally. The JOC also stated that moving to a vet verified system of microchipping should be examined.

4.6.3 Greater Enforcement

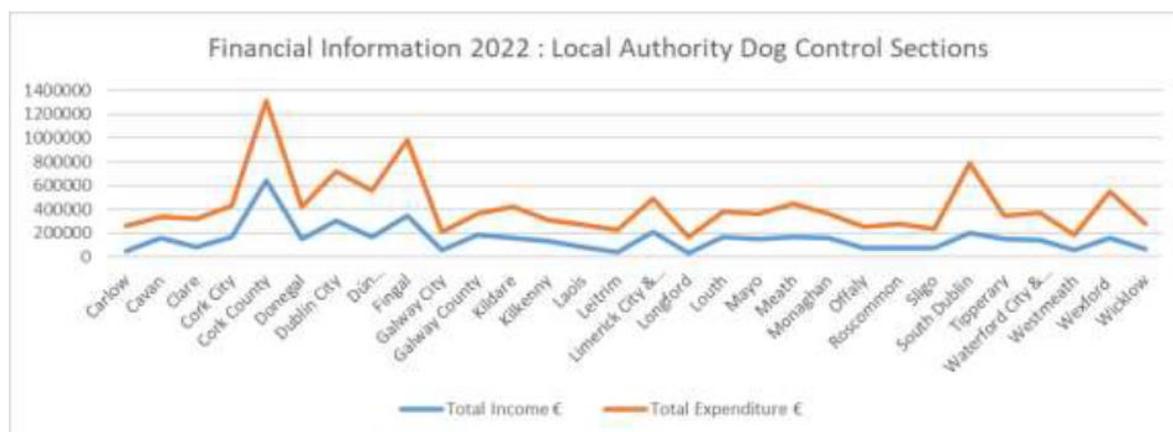
The Department of Agriculture has confirmed that, as of 23 April 2024, only six cases have been prosecuted involving charges related to a breach of the 2015 Regulations. It's important to note that in these cases, the defendants faced a combination of other charges as well. Since its inception, **no** cases have been prosecuted solely on the grounds of the 2015 Regulations. However, this is most surprising in circumstances where day in day out, pounds are taking in dogs that are chipped but registered to old owner, chipped but still registered to

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the breeder and the breeder does not have a record of who they sold the dog to, not chipped at all etc. Without this legislation being properly enforced, we will see continued trends of non-compliance.

One way of increasing compliance is linking the dog licence to the microchip. Currently, when one applies for a dog licence, there is no obligation to provide a microchip number. If it is not possible to purchase a licence unless the dog is microchipped, it would increase compliance with microchipping regulations and would compel people to get their dogs microchipped. By linking the dog licence to a dog's microchip number, it enhances the effectiveness of both systems.

Each Local Authority dog control unit's income is sourced primarily through licence fees with a nominal percentage coming from fixed charge notices. It is therefore more important than ever that the licensing system works well and money is being invested in pounds to ensure high welfare standards for Ireland's most vulnerable dogs. The Dog Control Statistics for 2022 show that every Local Authority dog control unit that submitted their financial report to the DRCD for 2022 reported an operating deficit (see below screenshot). It is therefore more important than ever that we ensure that our licensing regime is operating as effectively as possible and Local Authorities are not missing out on unpaid licence fees.



* Financial information from Kerry unavailable at time of publication

4.6.4. Amending the 2015 regulations to include registered sellers

S10(4)&(5) of the 2015 regulations states as follows:

- (4) A person shall not microchip and register a dog with a microchip if he or she or a connected person-
- (a) has a pecuniary interest or other beneficial interest in the dog,
 - (b) is the owner or part owner of the dog,
 - (c) has possession or control of the dog whether on a full time or part-time basis, or
 - (d) is a partner or an employee of a person to whom subparagraph (a), (b) or (c) refers.

- (5) **The operator of a dog breeding establishment or a person employed in connection with such an establishment shall not identify a dog for the purposes of these Regulations.**

An additional provision should be included in the 2015 Regulations so that Registered Sellers are captured (i.e. a Registered Seller or persons connected or employed in connection with the Registered Seller shall not identify a dog for the purposes of these Regulations). This will ensure that Registered Sellers and persons connected to them are prohibited from implanting any dogs that they sell or supply.

4.7 Improving quality of data

The Department of Rural Community and Development have done a good job in terms of recording the dog control statistics each year which record key information such as the number of strays entering pounds, surrenders to pounds, euthanasia rates, number of DBEs etc. However, these statistics could be greatly improved and are really just a snapshot of what is actually going on.

For example, the Government statistics do not cover (nor should they) the number strays that are found by Gardaí, or handed into vets and reclaimed from there. They also take no account of the strays and surrenders that go directly into rescues, which has become an increasing issue post covid. It also takes no account of how many healthy dogs are being euthanised in vet practices. Therefore, the figures contained in the Dog Control Statistics in terms of strays, surrenders and euthanasia are exponentially higher than what is officially recorded.

Principal Officer of the Department of Community and Rural Development commented as follows during the JOC debate in December 2023 on the impact of rising veterinary costs on dog ownership and surrenders and abandoned dogs:

Anecdotal reports from dog welfare charities suggest a return to life post lockdown, resumption of in-office working and reopening of travel and wider society has left many dog owners struggling with dogs that had been accustomed to more attention and time. When coupled with the housing crisis and reports that landlords may be reluctant to accept dog owners as tenants, exacerbated by a cost-of-living crisis, it is clear that some dog owners have struggled to cope and feel no alternative but to surrender their dogs⁷⁴.

To better inform policymaking, Ms Kelly stated that the Department of Rural Community and Development is considering, what, if any, additional statistics could be reasonably gathered and requested from local authority dog control operations from the year beginning 2024. Accurate data allows policymakers to make evidence-based decisions and prioritize resources effectively.

By way of example, additional data which could be gathered by pounds and fed back to the Department are as follows:

- **Where are dogs predominantly found straying.**
- **Previous Ownership History:** Gathering information on the previous owners of surrendered dogs, including reasons for surrender, where the previous owners lived (i.e. tenants or home owners), their age categories, can shed light on underlying issues such as housing instability, financial hardship, or behavioural challenges, guiding the development of support services for pet owners in crisis.
- **Microchip status:** gathering information on all dogs coming into the pound, stray or surrendered to understand the rate of compliance, whether the chip was properly chipped to its owner, whether the information is out of date. There should also be a note of how many people are refusing to come and collect their dogs.
- **Breed Demographics:** Collecting data on the breeds of dogs entering the pound could provide insights into breed-specific issues and trends, informing targeted interventions such as breed-specific education or legislation.

⁷⁴ [Joint Committee on Agriculture, Food and the Marine díospóireacht - Wednesday, 6 Dec 2023 \(oireachtas.ie\)](https://www.oireachtas.ie/en/joint-committees/agriculture-food-and-the-marine/diospoireacht-wednesday-6-dec-2023/)

- **Spay/Neuter History:** Collecting information on whether dogs have been spayed or neutered prior to intake helps assess the prevalence of sterilization within the community and informs population management strategies. Tracking spay/neuter status also enables the pound to prioritise surgical interventions for unaltered animals to prevent unplanned litters and reduce overpopulation.

The aggregation and analysis of this data over time can inform broader strategic planning, policy development, and community engagement efforts aimed at promoting responsible pet ownership, reducing pet homelessness, and enhancing animal welfare.

Information should be fed back to the Department every 6 months to ensure data is kept as up to date as possible. This would hopefully assist in the Department to be able to release the statistics for the preceding year in a timely manner (as opposed to being published in or around August each year). Ideally the Department would also move towards digitising the pounds' system which would help with recording and feeding back data to the Department. It is understood that the Department is currently considering this helpful measure.⁷⁵

The aggregation and analysis of this data over time can inform broader strategic planning, policy development, and community engagement efforts aimed at promoting responsible pet ownership, reducing pet homelessness, and enhancing animal welfare.

⁷⁵ [Impact of Rising Veterinary Costs...: 6 Dec 2023: Oireachtas Joint and Select Committees \(KildareStreet.com\)](#)

5. Conclusion

In light of the pressing concerns outlined in this comprehensive review, the Authors commend the fact that the Government's Spring Legislative Programme for 2024 includes the review of the 2010 Act⁷⁶. The Authors also welcome the recent announcement of the creation of a new Stakeholder Group on Dog Control⁷⁷ which will consider themes such as 'restricted dogs' legislation, guidance on proper dog control, **DBE standards** and general awareness raising.

The Authors hope that the roadmap for change outlined in this paper will assist the new Stakeholder Group when reviewing DBE standards and that they will also look at this issue more holistically than simply amending the DBE Act 2010 and will consider changes such as amending the 2015 Regulations, the 2019 Regulations, incentivising neutering etc.

Dog rescues simply cannot keep up with the pace that dog breeders are breeding at, nor can they cope with the ever-increasing surrender requests and dog abandonment rates⁷⁸. Something urgently needs to change and the Authors call on the Government to prioritise this issue.

⁷⁶ [Government Legislation Programme](#)

⁷⁷ [gov - Minister Humphreys appoints Chairperson of new Stakeholder Group on Dog Control \(www.gov.ie\)](#)

⁷⁸ ['Seriously over capacity' dog rescue in Tipperary forced to close doors \(breakingnews.ie\)](#)

[Wicklow dog shelters call for Government help as Tigger \(17\) bucks trend to get forever home | Irish Independent](#)

[Galway dog rescue service swamped with unwanted collie pups makes special appeal to farmers | Irish Independent](#)

[Independent](#)

[Call for action to halt 'surge in dog abandonment' \(rte.ie\)](#)

[Under pressure Cork animal rescue workers want number of breeding dogs to be reduced | Irish Independent](#)

[Cork animal shelter appeals for dog adoption as there's no room for any more animals | Irish Independent](#)

[Inside Ireland's dog crisis as rescues chockablock and charity chiefs cry out for neuter help amid shock death reality | The Irish Sun \(thesun.ie\)](#)

[The Irish Sun \(thesun.ie\)](#)

[Two puppies rescued from bog as Dogs Trust receives over 400 post-Christmas surrender requests \(thejournal.ie\)](#)

[Dogs Trust Ireland Receives 412 Surrender Requests Since Christmas Day | Dogs Trust](#)

[dublinpeople.com/news/features/articles/2023/11/06/52033/](#)

[Dog Behaviourist: We have a dog welfare crisis in Ireland that we can no longer ignore \(thejournal.ie\)](#)

[Kennels at full capacity after dog abandonment spiked in 2023, says ISPCA – The Irish Times](#)

['Dog crisis' in Ireland after six puppies found dumped in a plastic bag on side of the road \(thejournal.ie\)](#)

[Number of dogs euthanised doubled last year as charity warns of abandoned pets 'crisis' | Irish Independent](#)