

www.defra.gov.uk

Summary of responses to the consultation on the Welfare of Racing Greyhounds Regulations 2010 from 30 April 2009 to 22 July 2009

October 2009

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

© Crown copyright 2009
Copyright in the typographical arrangement and design rests with the Crown.

This publication (excluding the royal arms and departmental logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. The material must be acknowledged as crown copyright and the title of the publication specified.

Information about this publication and further copies are available from:

Defra
Animal Welfare Act Implementation Team
Area 8B, No 9 Millbank
c/o 17 Smith Square
London
SW1P 3JR
Tel: 0207 238 5991
Email: Animalwelfareconsultations@defra.gsi.gov.uk

This document is available on the Defra website:
<http://www.defra.gov.uk/corporate/consult/greyhound-welfare/index.htm>

Published by the Department for Environment, Food and Rural Affairs

Contents

Part I – Background	4
Part II – Analysis of Responses	6
List of respondents	6
Summary of responses by question and Government response	8
Proposal for minimum standards and a licensing scheme	8
Exemption for tracks belonging to a UKAS accredited organisation	11
Definitions of racing and trialling	13
Minimum standards / licensing conditions	15
Impact Assessment	41
Draft Statutory Instrument and guidance	44
Summary of comments on specific issues and Government response	48
Support for a Racing Dog Protection Act (RDPA).	48
Regulation of greyhound trainers' and breeders' kennels	49
Permanent Identification and a 'cradle to grave' database	50
Statutory Regulation enforced by an independent body / self regulation is not the way forward	50
Euthanasia of greyhounds by veterinarians only (where rehoming not an option)	51
Transportation	52
Retirement	53
Breeding	54
Restrictions on greyhounds imported from Eire	54
Drug Testing	55
Compulsory Bookmakers Levy	55
Part III – The Way Forward	56

Consultation on The Welfare of Racing Greyhounds Regulations 2010

Part I – Background

1.1 This consultation ran for 12 weeks from 30 April to 22 July 2009 and contained proposals to introduce regulations under section 13 of the Animal Welfare Act 2006 to implement minimum welfare standards for all greyhound racing tracks in England. These minimum standards would be enforced by either a local authority or an organisation or body that holds accreditation by the United Kingdom Accreditation Service (UKAS) in respect of the enforcement of the minimum standards set out in these regulations. The proposed minimum standards required that all greyhound tracks in England must:

- have a veterinarian present at all race meetings and trials;
- ensure that the veterinarian has suitable veterinary facilities;
- ensure that the veterinarian is able to examine each greyhound prior to racing or trialling;
- ensure that no greyhound participates in a race or trial if the veterinarian deems it unfit to run for any reason;
- provide an adequate number of suitably ventilated kennels;
- keep records of all greyhounds who race or trial at the track;
- keep records of any greyhounds injured at the track; and
- only allow greyhounds which are microchipped and tattooed (with details on an appropriate national database) to race or trial at the track.

Further details of the consultation can be found on the Defra website at <http://www.defra.gov.uk/corporate/consult/greyhound-welfare/index.htm>

1.2 A total of 2,451 responses were received during the consultation period. A list of those who responded is provided in Part II of this summary. In line with Defra's policy on openness, respondents were informed that their views may be made publicly available. Those wishing their comments to be treated confidentially were asked to make this clear. We are grateful to all those who took the time and effort to respond. This summary tries to reflect the general views offered but, inevitably, it is not possible to describe all the responses in detail.

1.3 Copies of responses to this consultation and this summary can be obtained from the Defra library at:

Defra
Information Resource Centre
Lower Ground Floor
Ergon House
17 Smith Square
London

SW1P 3JR
Tel: 020 7238 6575
E-mail defra.library@defra.gsi.gov.uk

There is a charge for photocopying and postage.

Part II – Analysis of Responses

List of respondents

2.1 The consultation package was sent to 48 bodies and individuals, and was also made available on the Defra website. Responses were received from the following:

- Action for Greyhounds UK
- Advocates for Animals
- Animal Rights Sweden
- Animals Count
- Askern Greyhound Stadium
- Associate Parliamentary Group for Animal Welfare (APGAW)
- Association of Greyhound Track Vets (AGTV)
- Association of Pet Behaviour Counsellors
- Battersea Dogs and Cats Home
- Belle Vue Greyhound Owners and Breeders Association
- Blue Cross
- Bolton and Westhoughton Greyhound Stadium
- British Greyhound Racing Fund (BGRF)
- British Small Animal Veterinary Association (BSAVA)
- British Veterinary Association (BVA)
- Clarks Farm Greyhound Rescue
- Companion Animal Welfare Council (CAWC)
- Dogs Trust
- Easington Greyhound Stadium
- Federation of British Greyhounds Owners' Association
- Gaming International Limited
- GRA Limited
- Greyhound Action
- Greyhound Board of Great Britain
- Greyhound Breeders Forum
- Greyhound Rescue Shropshire & Borders
- Greyhound Rescue Wales
- Greyhound Rescue West of England (GRWE)
- Greyhound Trainers Association
- Greyhound Welfare
- Greyhounds UK
- Greyt Exploitations
- Harlow Greyhound Stadium
- Highgate Greyhound Stadium
- Homesafe Greyhound Rescue
- Kennel Club
- Kinsley Greyhound Stadium

- Local Authorities Coordinators of Regulatory Services (LACORS)
 - Ladbroke Racecourse Management
 - League Against Cruel Sports (LACS)
 - Mildenhall Stadium
 - Nottingham Greyhound Stadium
 - People for the Ethical Treatment of Animals Europe (PETA)
 - Peoples Dispensary for Sick Animals (PDSA)
 - Race Course Promoters Association (RCPA)
 - Rescued Racers
 - Retired Greyhound Trust
 - Royal Society for the Prevention of Cruelty to Animals (RSPCA)
 - Self Help Group (SHG)
 - Sighthound Welfare Trust
 - Sittingbourne Greyhound Stadium
 - Society for the Prevention of Cruelty to Racing Animals (SPCRA)
 - Society of Greyhound Veterinarians (SGV)
 - Tia Greyhound Rescue
 - United Kingdom Accreditation Service (UKAS)
 - William Hill Organization – Racing
 - William Hill – Greyhound Stadia
 - World Society for the Protection of Animals (WSPA)
 - Yarmouth Stadium
-
- 111 private individuals.
 - 1,671 private individuals in support of a campaign by the SPCRA (Society for the Prevention of Cruelty to Racing Animals) for a Racing Dogs Protection Act (RDPA).
 - 380 private individuals or organisations in support of a campaign by the RSPCA.
 - 230 private individuals or organisations in support of a campaign by the Dogs Trust and Greyhounds UK.

Total: **2,451**

Summary of responses by question and Government response

2.2 The responses received in relation to the specific questions raised in the consultation paper are summarised below, along with the Government's response.

Proposal for minimum standards and a licensing scheme

Q1. Do you agree with introducing regulations setting minimum animal welfare standards for all tracks in England, or could this be achieved through a non-regulatory solution?

Summary of comments:

2.3.1 182 respondents addressed this question. 178 agreed with the statement that regulations should be introduced to set minimum animal welfare standards at greyhound tracks in England. This was comprised of 44 organisations (including eight greyhound tracks) and 134 individuals (including 109 individuals responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust). Four organisations disagreed with the need to introduce regulations, including two greyhound tracks and LACORS.

2.3.2 A large majority of those responding also felt that regulations should be extended to trainers' and breeders' premises, as well as the transport of greyhounds, and that these regulations should be enforced by an accountable independent body. One organisation felt that achieving minimum welfare standards for Greyhound Board of Great Britain (GBGB) tracks could be achieved through a non-regulatory solution, but accepted that a regulatory solution was required to cover non-GBGB tracks.

2.3.3 Of the four organisations that did not support the statement, one argued that new regulations were not needed as the Animal Welfare Act 2006 covered the welfare conditions of greyhounds. Separately, LACORS felt that Defra should first consider amending the Animal Boarding Establishments Act 1963 to cover trainers' premises before introducing new legislation in this area.

Government response:

2.3.4 The Government welcomes the support for new regulations for greyhound racing tracks in England. The focus of these regulations is the welfare conditions at tracks. This is where we believe that there is the potential for serious injuries to occur and, therefore, additional protection is required. Having considered the responses to the consultation we have not been convinced that there is sufficient evidence of welfare problems at trainers' kennels that merit further regulations above the already significant protection provided to greyhounds by the Animal Welfare Act 2006. Trainers' kennels have to meet the requirements laid out in Section 9 of the Animal Welfare Act, including providing greyhounds with a suitable environment, a

suitable diet, and the need to be protected from pain, suffering, injury and disease. None of the responses received provided any evidence as to either the number of trainers' kennels in England, the number of those kennels that fell below acceptable welfare standards, or why the provisions of the Animal Welfare Act are not sufficient to tackle any problems. The majority of greyhounds in kennels will also race regularly, and be examined by a veterinarian at the track each time they run. Very few other animals are examined and are as visible in this way. We also understand that many of the dogs that race at independent tracks are kept as family pets, and there would be human rights considerations were we to give local authorities a power of entry to domestic premises to check on how they are looking after their pet.

2.3.5 Amending the Animal Boarding Establishments Act 1963 would require primary legislation (i.e. an Act of Parliament). We have also considered the possibility of repealing the Animal Boarding Establishments Act and replacing it with regulations made under the Animal Welfare Act to cover all commercial kennelling, including trainers' kennels, but we do not consider this to be a realistic option. The Animal Welfare Act provides robust welfare protection for all dogs kept by man. A licensing scheme for all trainers' kennels would impose significant financial burdens on the greyhound industry. There would need to be an exemption for kennels already inspected by the GBGB, as it would be inconsistent with the Government's Better Regulation agenda to duplicate kennel inspections, especially where the inspection has been carried out by a person whose appointment for such inspection work was covered by the inspection body's UKAS accreditation. Drafting composite regulations covering both the short-term and long-term kennelling of dogs would be difficult and could not be justified in order to capture the very limited number of kennels that did not fall under GBGB inspections.

2.3.6 As well as being covered by the Animal Welfare Act, breeders' kennels in England may also fall within the scope of the Breeding of Dogs Act 1973 (as amended). Under the breeding of dogs acts, where dogs are being bred as part of business, the breeding kennels are subject to local authority inspection and limits are placed on the number of dogs that can be bred. The Act defines conducting a business as producing 4 or more litters in a year, from whatever number of bitches. We would anticipate that number of breeders in England that require such a licence would be relatively small. It has been estimated that over 75% of dogs bred for racing in the UK are bred in Eire. The welfare impact of further breeding regulations on the majority of greyhounds raced in England will be minimal, and additional regulatory burdens may well result in the number of greyhounds being sourced from Eire increasing still further.

2.3.7 A large number of responses commented on the need for an independent body to enforce the regulations, but did not elaborate on where this body should be situated (i.e. in the private or public sector), or how it should be established. The consultation document made it clear that the Government has already ruled out the possibility that it would create an independent body to regulate the greyhound industry (see paragraph 7.2 of the main consultation document and paragraphs 6.63 to 6.65 of the

accompanying Impact Assessment). As was stated, the creation of a new regulatory body would require primary legislation and public funding, and the expense involved would not be proportionate to the scale of the problem it would have to regulate. Introducing a new regulatory body would also be contrary to the 2005 Hampton Review, which recommended that there should be a substantial reduction in the number of regulatory bodies that businesses have to deal with.

2.3.8 The Government is satisfied that, should the GBGB gain UKAS accreditation for the enforcement of the standards set out in these proposals, the GBGB will be a competent enforcer of welfare standards at tracks inspected by the GBGB. Setting up a new body which would, in essence, duplicate the work already done by the GBGB would be unnecessary. The Government is also satisfied that local authorities are suitably placed to enforce the standards set out in these proposals at independent tracks.

Q2. Subject to the exemption for tracks belonging to a body that has obtained UKAS accreditation - do you agree that there should be a licensing scheme for greyhound tracks in England?

Summary of comments:

2.4.1 163 responses were received in relation to this question. 47 respondents (26 organisations, 17 individuals and four greyhound tracks) agreed that there should be a licensing scheme for greyhound tracks. 116 respondents (five organisations, one track and 110 individuals – 109 of which were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) disagreed with the statement, although the disagreement focused on the proposal to exempt tracks belonging to a body that had obtained UKAS accreditation, rather than the proposal to introduce a licensing scheme.

2.4.2 A large proportion of the respondents that disagreed with the statement rejected the proposal to exempt any tracks from the licensing scheme. Many respondents felt that UKAS accreditation would be of no material welfare benefit to greyhounds. A number of respondents felt that they could not agree to exemptions on the basis of UKAS accreditation, as they were not aware of the standards by which UKAS would accredit GBGB. The response by LACORS suggested that Defra should consider whether the regulations should be enforced by another body (such as Animal Health) or whether the entire industry could be fully self-regulated by the GBGB. LACORS did not believe that the risk posed by a small number of independent tracks necessitated a licensing scheme, or that some of the conditions of licence proposed were enforceable through periodic inspections. One respondent argued that there was no welfare gain through licensing and that the necessary powers of inspection are provided in the Animal Welfare Act.

Government response:

2.4.3 The Government is satisfied that there should be a licensing scheme for tracks in England, with an exemption for tracks that are inspected by a body that has UKAS accreditation in respect of the enforcement of the standards set out in the regulations. Exemptions will only be allowed where the body enforces (and has been accredited by UKAS for the enforcement of those standards) the standards set out in these proposals. UKAS confirmed in its response that the standards in the proposals are the minimum that GBGB must include in their standard to be acceptable for UKAS accreditation. These proposals will ensure that the same minimum welfare standards apply at all tracks in England – to be either enforced by the GBGB (or any other organisation that achieves UKAS accreditation in respect of the enforcement of the standards set out in these proposals) or by the appropriate local authority. It would be contrary to the principles of better regulation to have two competent inspecting authorities inspecting the same tracks, to ensure the same standards.

2.4.4 On the suggestion that Animal Health should be tasked with regulating greyhound tracks, the primary responsibility of Animal Health is, of course, to safeguard the health and welfare of farmed animals. It would be inappropriate to task it with regulating greyhound tracks as it does not have the relevant expertise. Similarly, it would be inappropriate to task GBGB with the regulation of all greyhound tracks. There is nothing to stop the small number of tracks who currently race independently of the GBGB from applying to join the GBGB to exempt themselves from the need to obtain a local authority licence. However, we are reluctant to force private organisations to become members of another private organisation, particularly in this instance where the minimum standards of belonging to the GBGB are higher than the minimum welfare standards proposed here, and any such requirement would, in all likelihood, have the effect of closing down some or all of the independent tracks. The Government is satisfied that local authorities, who are experienced in enforcing other licensing schemes that impact on greyhound racing tracks, as well as other animal welfare licensing schemes in general, are well placed to license a small number of independent greyhound racing tracks. Further, the Government believes that the standards that we are proposing should be relatively straightforward for a local authority to inspect.

Exemption for tracks belonging to a UKAS accredited organisation

<p>Q3. Do you agree that if a body applies, at a minimum, those standards required under these regulations at the tracks which it regulates and is accredited by UKAS then any tracks that are affiliated to it should be exempt from the proposed licensing scheme?</p>

Summary of comments:

2.5.1 169 respondents addressed this question. Of the 29 responses that agreed with the statement, 15 were from organisations, 11 were from

private individuals, and three were from individual greyhound tracks. Of the 140 responses that disagreed with the statement, 23 were from organisations, 116 were from private individuals (including 109 of which were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) and one was from a greyhound track.

2.5.2 A lot of the comments echoed arguments made in response to questions 1 and 2 of the consultation. Many respondents felt that there should be no exemptions, and that all tracks should be licensed by the local authority. Others felt that UKAS accreditation was unlikely to be of welfare benefit to greyhounds. Some respondents felt that there should be one regulatory body, otherwise the system would be too complicated. One respondent questioned whether exempting some tracks from local authority licensing was contrary to the requirements of the 1988 Competition Act, as well as potentially being a state aid that would be contrary to EC State Aid rules. One respondent felt that the proposals were contrary to the recommendation made by Lord Donoughue in his report on greyhound racing, that there should be one publicly accountable independent body.

2.5.3 LACORS in its response welcomed the exemption, and commented that if the regulations went ahead, it would work with GBGB and Defra to ensure effective communication mechanisms were in place. The British Greyhound Racing Fund (BGRF) agreed that “it would be unfortunate if the work undertaken by Lord Donoughue, the effort expended by committed participants in the reform process, and the expense incurred in setting up the GBGB were discarded without giving the new body adequate time to build on its promising start”. The Retired Greyhound Trust also feared that the introduction of regulations that did not exempt GBGB tracks would necessarily reduce the money the industry had available to spend on welfare. One organisation representing a number of greyhound tracks also felt that dual inspections (by local authorities and by the industry regulator) would be contrary to the principles of proportionate regulation.

Government response:

2.5.4 The Government is satisfied that tracks in England that are inspected by a body that has UKAS accreditation in respect of the enforcement of the standards set out in the regulations should be exempt from the requirement to obtain a licence from the local authority. As has been argued above, it would clearly be contrary to the principles of better regulation for the same track to be inspected against the same criteria by two different bodies. UKAS accreditation is an on-going process, with UKAS conducting one visit every year to the organisations it accredits, to ensure that enforcement procedures are being maintained. The Government does not agree that UKAS accreditation will not be of welfare benefit to the greyhounds involved in the sport. UKAS accreditation will ensure that the welfare standards set down, both in Government regulations and at a higher level by the industry itself, are being monitored and enforced. UKAS is the sole government-approved national accreditation body. The Government has complete confidence in UKAS’s ability to ensure that the bodies that it accredits are fully competent enforcers of agreed standards. No evidence

was submitted during the consultation to suggest we cannot trust the UKAS, or any organisation that UKAS judges to be worthy of accreditation. Furthermore, the Government has long made it clear that the industry needs to obtain UKAS accreditation for it to be allowed to continue to self regulate. The greyhound industry has never had UKAS accreditation before, so obtaining it now marks a significant break from the industry's previous self-regulatory incarnation. These proposals give effect to the commitment to allow the industry to continue to self-regulate (providing it obtained UKAS accreditation), and we believe that the argument as to why we should now renege on that obligation has not been made.

2.5.5 The Government is also satisfied that the exemption is not contrary to the Competition Act 1988 or EU State Aid rules. The 1988 Competition Act is about agreements by associations of undertakings intended to distort trade, which is not relevant to these regulations, and the State Aid rules are about distorting intra community trade, which is also not at issue here. We are satisfied that our proposal to exempt some tracks on the basis of being inspected by a UKAS accredited body is fair. Provided independent tracks can meet the standards required of the GBGB, there is nothing to stop them applying for GBGB membership. Likewise, our proposals do not prevent tracks currently affiliated to the GBGB from leaving that body. Our proposals will not prevent tracks moving freely between different industry sectors, but they will ensure that all sectors must abide by the same minimum welfare standards, which is currently not the case, as there are no specific welfare regulations at present covering independent greyhound tracks. Our proposal to allow tracks to be regulated by one of two different bodies (either local authorities or a UKAS accredited GBGB) is also in line with the recommendations of the Donoghue Report (page 92 – a Hybrid Solution¹).

Definitions of racing and trialling

Q4. Do you agree that the licensing conditions should only apply where greyhounds are being raced or trialled?

Summary of comments:

2.6.1 159 responses were received in relation to this question. 18 respondents and 141 respondents disagreed with the statement. Of those agreeing with the statement, eight were organisations, six were private individuals and four were greyhound tracks. Of those disagreeing, 22 were organisations, 118 were private individuals (including 109 of which were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) and one was from a greyhound track.

2.6.2 A number of those that disagreed argued that the regulations should be extended to cover every other aspect of a racing greyhound's life,

¹ *Independent Review of the Greyhound Industry in Great Britain – A Report by Lord Donoghue of Ashton*

or at least trainers' kennels. Other responses included the need to cover schooling tracks. The majority of the responses indicated that the regulations should cover trials that occur prior to sale ('sales trials').

Government response:

2.6.3 As indicated previously, the Government does not believe that an argument has been made to introduce regulations for greyhound premises other than greyhound racetracks. No evidence was presented during the consultation that there is a problem at schooling tracks that requires further regulation. Conditions at such tracks are, of course, covered by the Animal Welfare Act, and it is the Government's view that injuries to dogs are more likely at races and trials (where dogs are being run to their natural limit), than at premises where dogs are being schooled. The regulations will focus on the conditions at greyhound tracks. However, we agree that there are welfare concerns at sales trials that occur on greyhound racetracks that need to be covered by the regulations. We will therefore bring forward revised regulations that will require sales trials to be included.

Q5. Are the definitions of racing and trialling appropriate?

Summary of comments:

2.7.1 This question was addressed by 158 respondents. 21 respondents agreed that the definitions of racing and trialling were appropriate, while 137 disagreed. Of those agreeing, 13 were private individuals, seven were organisations and one was a greyhound track. Of those disagreeing, 21 were organisations, four were greyhound tracks and 112 were private individuals (of which 109 were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust).

2.7.2 A large number of the responses felt that the definitions should include BAGS and BEGS racing (Bookmakers Afternoon or Evening Greyhound Service), as well as trials prior to sales. Other responses felt that the definition should include schooling or anywhere a greyhound was run (irrespective of whether betting was involved). One greyhound track said that our definition of trialling may include the later stages of schooling, while another track pointed out that it was possible to have schooling trials as well as grading trials. A number of respondents argued that trialling should be defined as 'running of a greyhound on a track for any purpose other than a competitive race'.

Government response:

2.7.3 As mentioned in the response to the previous question, we agree that the definition of trialling needs to include sales trials and we have agreed to amend the draft regulations to reflect this. We believe that our original definition of racing would have captured BAGS and BEGS races.

However, we are happy to amend the regulations to make this clear. We have not been convinced that schooling needs to be included within the definitions.

Minimum standards / licensing conditions

Q6. Do you agree that there should be a veterinarian present at all race meetings and trials?

Summary of comments:

2.8.1 704 respondents addressed this question. 700 respondents agreed that there should be a veterinarian present at all race meetings and trials. Four respondents disagreed. Of those respondents in agreement, 35 were organisations, three were greyhound tracks and 662 from private individuals (of which 380 were responding with a standard response provided by the RSPCA and 230 were responding with a standard response provided by Greyhounds UK and the Dogs Trust). Of the four respondents that disagreed, three were greyhound tracks and one was an organisation.

2.8.2 Of those in agreement that there should be a veterinarian present, a large number argued that the veterinarian should be financially independent from the track (or the greyhound industry). A small number of respondents also argued that there should be two veterinarians present at all races and trials. Other responses believed that the regulation should stipulate how long the veterinarian should be in attendance, both before and after the race or trial. One respondent argued that a veterinarian was already required to ensure greyhound racing complied with the EU welfare in transport regulation (EC) No 1/2005 that requires a veterinarian to certify an animal is fit to travel (if connected with an economic activity). The same respondent queried whether, under the Regulations, a journey to and from the track would be classed as two separate journeys.

2.8.3 Of those that disagreed with the statement, two of the tracks that responded felt that a person employed by the track with an animal first aid diploma would be sufficient. Both of these respondents felt that the cost of being required to employ a veterinarian would cause their track to close. One of the tracks also felt that it would be difficult to recruit a veterinarian for trials, as some trials tended to coincide with veterinarians' surgery times. One organisation felt that it should be a matter between the track and the trainers as to whether there should be a veterinarian present. It argued that there was no evidence that greyhounds were being run while injured (which would be contrary to the Animal Welfare Act anyway), and that other activities (such as agility training) are more dangerous than greyhound racing and they do not require a veterinarian to be present.

Government response:

2.8.4 The Government welcomes the substantial support for the need to have a veterinarian present at all race meetings and trials. The

requirement to have a veterinarian present is one of the key requirements of these proposed regulations, and we believe that the mandatory presence of a veterinarian is essential to promoting welfare standards at greyhound tracks. The Government does not accept that a person with an animal first aid diploma would have sufficient expertise to fulfil the requirements of these regulations. While the Government accepts that having a veterinarian that could be said to be fully independent of the track or the industry would be the ideal, we believe that this is not practicable. None of the responses suggested a mechanism by which this could easily be achieved, and it would appear to us that only a further layer of bureaucracy would enable such independence. However, the Government is satisfied that all veterinarians present will be ethically independent from the industry. All members of the Royal College of Veterinary Surgeons (RCVS) undertake an oath when they join to ensure the welfare of the animals committed to their care. No evidence was presented during the consultation that supported the view that any vet employed by a greyhound track would not uphold this oath. Where there was any particular incident where a vet was deemed not to have met this commitment, this would be a matter for the RCVS and we are satisfied that this will be sufficient to ensure independence.

2.8.5 The Government is satisfied that the presence of one veterinarian is sufficient to fulfil all the functions we anticipate that need to be carried out under these regulations. We also feel that it is not necessary to stipulate how long the veterinarian should be in attendance before and after a race or trial. The regulations require that all greyhounds be examined before running; therefore, a veterinarian will have to be in attendance prior to the first race or trial. Where a dog is receiving treatment after a race, the veterinarian's duty to ensure the welfare of the animal in their care would ensure that they would not leave the track until that greyhound has also left.

2.8.6 The Government is concerned that some tracks feel that they would not be able to afford a veterinarian. However, Defra has been told previously by the same tracks that they already have a veterinarian present and it is not clear why such a requirement would substantially increase the costs they already incur for veterinary services. Furthermore, all GBGB-affiliated tracks already have a veterinarian present during trials, so we do not believe that it should be too difficult to recruit a veterinarian for those trials at independent tracks that do not take place immediately prior to a race meeting.

2.8.7 On transportation of greyhounds, Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations does not require a veterinarian to be present at racing tracks to ensure that greyhounds are fit to travel when transported in connection with an economic activity. The Regulation states that animals must be fit to travel, and an assessment must be carried out before transport takes place. However, the Regulation does not detail who must carry out the assessment. Therefore, it has been deemed that the person carrying out a fitness assessment should be knowledgeable, familiar with the animals in question and able to understand, interpret and use available guidance.

2.8.8 On whether a journey to and from the track would be classed as two separate journeys, the transport regulation requires that animals are rested for 48 hours before a journey begins. We recognise that for animals being transported to and from shows and competitions that this rest period is impractical. In these cases the journey time should be considered as the combined time getting to and from the competition. This is referred to as a continuous journey or round trip. The time animals spend at a show and competition is considered 'neutral time', and should not be included in journey time calculations. This method of journey time calculation takes into account that facilities are not available at show and competition locations to rest animals for the required period.

2.8.9 It should be noted that a continuous journey whose two combined legs/round trip result in exceeding eight hours would change a transporter's status within the Regulation. In the case of transporter authorisations an over 8 hour authorisation would be required, and the vehicle being used to transport greyhounds would need to be approved. Transporters also need to be aware that the Regulation states that dogs being transported must be fed at intervals of no more than 24 hours and given water at intervals of no more than eight hours. There must also be clear written instructions about feeding and watering.

Q7. Do you agree that the veterinarian does not need any specialist qualifications/training other than being a RCVS registered practising vet?

Summary of comments:

2.9.1 676 responses were received in relation to this question. 19 respondents, including nine organisations, three greyhound tracks and seven private individuals, agreed with the statement. 657 respondents, including 27 organisations, two greyhound tracks and 628 private individuals (of which 380 were responding with a standard response provided by the RSPCA and 230 were responding with a standard response provided by Greyhounds UK and the Dogs Trust) disagreed with the statement.

2.9.2 A large majority of respondents felt that the required veterinarian should be trained for greyhound work. Some respondents felt that it was essential for the veterinarian to have specialist training and experience of greyhounds and racing injuries. Some respondents also felt that the required veterinarian must also belong to a body such as the Society of Greyhound Veterinarians (SGV) or the Association of Greyhound Track Veterinarians (AGTV). Some respondents felt that the veterinarian should have a minimum of 2 year's supervised training and working with greyhounds, or attendance at a professional development course focused on racing greyhounds within the last 2 years. One organisation believed that track veterinarians themselves should be licensed. Two of the tracks felt that a veterinary nurse or first aider with a first aid diploma would be sufficient. A number of responses also

believed that the GBGB should contribute to the costs of training veterinarians.

2.9.3 Of the respondents that agreed that no specialist qualifications or training were required, one response argued that the RCVS should recognise greyhound practice as a speciality and offer training. Only once this was in place should it be made a requirement for the attending track veterinarian. Another response believed that small animal practice experience was an advantage, although not essential. One respondent agreed that, while it was preferable for veterinarians to be specialist, they recognised they were there primarily to administer first aid. Two responses argued that all vets are regulated by the RCVS, who require vets to maintain their competence and CPD appropriate to the practice they undertake. Further specified regulation and requirements here would make recruitment and locum provision for tracks almost impossible to maintain.

Government response:

2.9.4 The Government has some sympathy with the view that track veterinarians should have specialist racing greyhound qualifications or training. However, the Government does have an overriding concern that such a requirement will severely restrict the number of affordable veterinarians available to racetracks. No evidence was submitted during the consultation that provided an indication of how many veterinarians are currently available with such qualifications or training, or how readily such qualifications or training could be obtained. We have sought confirmation from the RCVS and it is in agreement that the priority must be to have a veterinarian present at race meetings and trials, and while it is desirable for them to have racing experience and/or training, this does not need to be mandatory. We therefore do not propose to amend the regulations to require any specialist qualifications or training at this time. However, we do agree that when we conduct the review of the regulations (which are due 5 years after they have come into force) we will review the qualification/training requirement to see whether there has been any difficulty in obtaining the services of a track veterinarian and whether a qualification requirement would then be necessary or appropriate. We understand that it is the GBGB's intention to run a series of courses and seminars designed to enhance the knowledge and skills of attending veterinarians. These opportunities for continuous professional development are likely to be organised in conjunction with relevant organisations such as the British Veterinary Association, RCVS, SGV and the AGTV. GBGB has also funded the development of a training CD for new vets working at tracks.

Q8. Is the list of desirable qualifications/additional training contained in the draft guidance attached at Annex D suitable? Are there any other qualifications/training that would be desirable?

Summary of comments:

2.10.1 154 responses were received in relation to this question. 19 respondents, including seven organisations, one greyhound track and 11 private individuals agreed that the list of desirable qualifications or additional training contained in the draft guidance was suitable. 135 respondents, including 19 organisations, four greyhound tracks and 112 private individuals (of which 109 were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) disagreed with the list of desirable qualifications.

2.10.2 A large number of the respondents supported the recommendations of the Dogs Trust and the RSPCA. The RSPCA (and other respondents) felt that the list contained in the guidance should be contained in the Regulations as actual requirements. It also felt that the list should be expanded to include membership of the SGV. The Dogs Trust's response stated that the guidance was not sufficient. It considered relevant qualifications essential and that the industry must work to support continuing professional development for veterinarians in this area by holding specific industry training days. Attendance at these training days must be compulsory and must provide an opportunity for regular competency reviews. The SGV felt that attendance at only 3 race or trial meetings was not sufficient and that attendance at a minimum of six meetings was necessary. It argued that greyhound track work is significantly different from general small animal practice, so time spent actively experiencing track work is equally (as) important as the thorough grounding in general small animal practice. They also recommended that the guidance should specify the qualifications and experience a mentor should have. For the same reason, mandatory attendance at a small animal emergency management course was not seen of great benefit, and attendance at CPD (Continuing Professional Development) courses devoted to greyhound track practice, canine sports medicine, orthopaedics or similar relevant fields, alongside general experience of canine medicine and surgery was preferred. However, the SGV acknowledged that reduced training might be suitable for veterinary surgeons who do very little track work.

2.10.3 Other respondents felt that no further qualifications or training were needed. They felt that ability of track vets to build up experience through tenure at a track, as well as the availability of GBGB run courses for track vets (and the availability of other professional development opportunities) was sufficient. Other respondents felt that the qualifications/training contained in the guidance were advantageous, but not essential. One respondent felt that the British Greyhound Racing Fund (BGRF) should fund training. One respondent agreed with the guidance, but felt that it would need to be reviewed annually. Another respondent also felt that the veterinarian should be able to adjudicate on issues of comfort for the greyhounds within the track kennels.

Government response:

2.10.4 The Government agrees to review the list of desirable qualifications/additional training when it reviews the qualification requirement in the 5-year review (see Government response to Question 7). We will amend the guidance now to make it clear that it would be desirable for a veterinary surgeon wishing to attend to greyhound races/trials to have attended 3 race or trial meetings (as opposed to just 3 races or trials) with an experienced greyhound veterinary surgeon.

Q9. Do you agree that the veterinarian must examine each greyhound prior to a race or trial?

Summary of comments:

2.11.1 160 respondents addressed this question. 159 respondents agreed that the veterinarian must examine each greyhound prior to a race or trial. One respondent disagreed. Of the 159 respondents that agreed, 32 were organisations, three were greyhound tracks and 124 were private individuals (including 109 of which were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust). The one respondent disagreeing was a greyhound track.

2.11.2 A large number of those responding also wished to see each greyhound examined after it had run (either in a race or trial). Some of the responses argued that the dogs should be examined at other times and the outcome of each check recorded, and that vets should also declare a track safe before a race could begin. Other responses also wished to see greyhounds accompanied by medical records, that would be updated every time the greyhound was examined. Some responses argued that there should be two checks before a race – either on arrival at the track and just before the race, or one check away from the track before it arrives and one just before the race. Other responses wished to see each greyhound given a thorough examination, including a drug test, before it was allowed to run. The one track that did not support the requirement to examine each greyhound before it ran argued that any competent person, such as a first aider or nurse, could carry out the inspection, as they have done successfully in previous years. LACORS commented that it would be not be possible for a track to demonstrate compliance with condition 1(2) – that the veterinarian must examine every greyhound running before each race or trial.

Government response:

2.11.3 While the Government understands the desire to see post-race examinations of each greyhound, we believe that the pre-race/trial examination is the more important examination. A pre-race or trial examination would pick up potential problems. A post-race/trial examination, where a greyhound will be full of adrenaline, will not show up any lesser or minor injuries. Obviously, where a major injury has occurred during a race or

trial a veterinarian will be able to spot this without the need for an examination. Any minor injuries that have occurred during the race or trial, that were not apparent immediately after the greyhound had left the track, would be covered by the Animal Welfare Act, where the trainer or owner of the greyhound would be responsible for getting any injuries treated. The Government does not see the case for veterinarians being required to complete records every time a greyhound is examined. These proposals will require the veterinarian to complete a record every time they treat an injured greyhound, but to require a form to be completed for every fit greyhound would place an additional demand on the veterinarian's time, which could be better used on welfare matters, and would not necessarily improve greyhound welfare. We also do not believe that veterinarians should approve a track before greyhounds are allowed to run. Veterinarians do not have expertise in track conditions and, although a veterinarian could always leave the track if he or she believed the conditions unsafe for the greyhounds (in effect stopping the race), where such conditions were unsafe we would expect most owners and trainers to be unwilling to race their animals in such conditions anyway. On LACORS concerns regarding the enforcement of condition 1(2) we will amend the regulations to require the veterinarian to confirm that they have examined all greyhounds that ran during a race or trial.

Q10. Do you agree that a register of veterinarian attendance must be kept at the track to demonstrate that a veterinarian has been in attendance and that this register must be kept for at least 3 years?

Summary of comments:

2.12.1 There were 161 responses to this question. 156 respondents, including 27 organisations, four greyhound tracks and 125 private individuals (of which 109 were responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) agreed that a register of veterinarian attendance should be kept at the track for at least three years. Five respondents, including four organisations and one greyhound track, disagreed with the proposed requirement.

2.12.2 A number of the respondents felt that an independent regulatory body should keep the records. Others felt that these records should be available for public scrutiny. Some organisations, including a number of tracks, felt that keeping a register for three years was not an onerous burden – although they could not understand why the requirement was for three years. The Companion Animal Welfare Council (CAWC) questioned why the requirement was for three years, and suggested that all record-keeping requirements in the regulations should be five years for consistency. A small number of respondents suggested that the record should include the time of arrival and departure, and should only be completed by the veterinarian. One respondent felt that this requirement should only apply at local authority-licensed tracks. One organisation also questioned what would happen to the records should a track close.

Government response:

2.12.3 The Government is content to proceed with the proposal that tracks should keep a register of veterinary attendance, and that these records should be kept for three years. The three-year limit was chosen because it is the maximum length of a local authority license. Therefore the local authority, if it awarded a three-year license, would need to see records for three years to be able to judge that a veterinarian had been in attendance as required. Keeping such records for longer than three years would be unnecessary. Also, as has been made clear above, the Government does not plan to introduce a statutory independent regulatory body, so it would not be possible for that body to keep these records. We are satisfied that they should be kept by the track and signed by the veterinarian. We believe that recording the date of the trial or race, along with the name, RCVS membership number and signature of the attending veterinarian would be sufficient and further details unnecessary. The purpose of the records is to demonstrate that a track has abided by the requirement to have a veterinarian present. Should the track close, then clearly it no longer needs to demonstrate that it is abiding by the requirement and any records can be disposed of appropriately. We are also satisfied that the requirement should apply to all tracks and we do not believe that the requirement will place any undue burden on greyhound tracks.

Q11. Do you agree that a veterinarian should have access to suitable facilities?

Summary of comments:

2.13.1 There were 298 responses in relation to this question. 296 responses agreed that the veterinarian should have access to suitable facilities and two responses disagreed. Of those in agreement, 34 were organisations, four were greyhound tracks and 258 were private individuals (including 230 that were responding with a standard response provided by Greyhounds UK and the Dogs Trust). Of those disagreeing with the proposal, one was a greyhound track and one was an organisation.

2.13.2 The RSPCA commented that the facilities should be located in close proximity to the track. One organisation argued that all premises from which veterinary surgeons supply veterinary medicine, must have registered with the RCVS as 'Veterinary Practice Premises', in accordance with the Veterinary Medicines Regulations and EU regulations and must comply with the inspection criteria for veterinary surgeons' practice premises.

Government response:

2.13.3 Part 1, paragraph 2(a)(ix) of the draft SI already requires that the facilities be located close enough to the race area to allow quick access in the case of an emergency. On the Veterinary Medicines Regulations, it is the Veterinary Medicines Directorate (not the GBGB) who are responsible for the

enforcement of those Regulations including, where necessary, the registration and inspection of veterinary practice premises.

Q12. Are the facilities as described here and in Schedule 1 – paragraph 2 of the draft Statutory Instrument attached at Annex C suitable?

Summary of comments:

2.14.1 157 respondents addressed this question. 154 respondents agreed that the facilities described were suitable, and three respondents did not agree. Of those responses in agreement, 27 were from organisations, four were from greyhound tracks and 123 were from private individuals (including 109 individuals responding with a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust). There was one private individual and two organisations opposed to the proposed facilities.

2.14.2 CAWC and the Association of Greyhound Track Vets (AGTV) recommended that condition 2(a)(iv) of the licensing conditions should be amended to 'adequate heating and ventilation' rather than just 'has heating'. Both also recommended that a monitor should be available in the vet's room to allow the vet to view racing. The RSPCA commented that any regulations on facilities for veterinary surgeons should be agreed in collaboration with the SGV. The SGV commented that the facilities as described constituted an acceptable minimum. One organisation also commented that facilities must be provided to allow the veterinarian to watch and record live racing to aid diagnosis. Another organisation suggested that the facilities should be 'out of sight' of people and sound-proofed to reduce stress for dogs being treated (and there should be a telephone link between facilities and race officials).

Government response:

2.14.3 The Government agrees that condition 2(a)(iv) of the licensing conditions should be amended, as recommended by CAWC and the AGTV, and we will bring forward a revised SI to reflect this change. We are satisfied that a requirement for a monitor to be available is not necessary. We agree that it is desirable for there to be a means to monitor races and trials from the veterinary room (and this is mentioned in the draft guidance), but we do not believe that a monitor is an essential requirement. We also do not believe it would be practicable or proportionate (or help veterinarians monitor races or keep the facilities near the track in case of an emergency) to require the facilities to be sound-proofed and kept out of sight.

Q13. Should any permanent room be for the sole use of the veterinarian – including any time when a race or trial is not being undertaken? If you are replying on behalf of a greyhound track, would this require you to build such a room?

Summary of comments:

2.15.1 157 responses were received in relation to this question. All 157 responses, including 29 organisations, four greyhound tracks and 124 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) agreed with the proposal.

2.15.2 One organisation pointed out that the answer would depend on the circumstances at each track (i.e. any other use should not compromise the quality of the facility for its main purpose). One greyhound track sought confirmation that the definition would not prevent access to the room by cleaners.

Government response:

2.15.3 The Government will introduce regulations that ensure that the room is for the sole use of the veterinarian. We can confirm that, as the room has to be for the 'use' of the veterinarian, this will not prevent other people – such as cleaners – gaining access to the room to clean it (they will not be 'using' the room).

Q14. Do you agree that tracks should provide ventilated kennelling for at least 20% of greyhounds that race? If a different figure is required what evidence is there to support this figure?

Summary of comments:

2.16.1 There were 163 responses in relation to this question. 11 respondents, including three greyhound tracks and eight private individuals, agreed with the proposal. 152 respondents, including 32 organisations, four greyhound tracks and 116 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) disagreed with the proposal.

2.16.2 A large majority of respondents felt that there should be kennelling available for 100% of the greyhounds that race, and some of those felt that these kennels should be temperature-controlled, to ensure temperatures remained between 10°C and 26°C. Other responses suggested that there should be kennelling for 100% of greyhounds belonging to professional trainers. Other responses argued that 100% kennelling was required for integrity and welfare purposes. Other respondents stated that greyhounds should be kennelled after journeys and before the race, to allow the dog to calm down, and therefore allow any injuries to be better spotted. Kennelling was also needed to allow dogs to rest after a race. Others wished to see all kennels fitted with air-conditioning. The Dogs Trust agreed that not all dogs required kennelling at a track but was concerned as to whether 20% would provide enough kennels for all the dogs that may need to be kennelled. It believed that tracks should be required to provide evidence to demonstrate

that 20% is sufficient kennelling for the normal requirements of those trainers and owners racing their dogs.

2.16.3 One of those that supported the proposal pointed out that at independent tracks owners or trainers would often just bring one greyhound to the track just before the race and leave soon after. The respondent felt that 20% kennelling should ensure sufficient kennels were available. Other responses believed that 20% should be the absolute minimum (although they could not provide any evidence to support a 20% figure or any other figure). One response felt that greyhounds should be habituated to use kennels and the 20% figure reviewed in 5 year's time. One respondent, who agreed with the proposal, felt that owners or trainers should have the right to provide the dogs with the dogs own bedding, as well as being provided with water and a toileting area.

Government response:

2.16.4 The Government is in agreement with the Dogs Trust that not all greyhounds need to be kennelled at racetracks. We believe that the principal reason for kennelling all dogs is to secure the integrity of the race. While we accept that there are welfare considerations as well, we believe that these are secondary to integrity. We can only produce regulations that promote welfare, we cannot regulate to secure integrity. We have not been convinced that there is sufficient welfare justification to require all greyhounds to be kennelled. We agree that greyhounds should not be left in vehicles at the track in inappropriate conditions, but we have not seen any evidence that a large number of dogs are left in vehicles in this way at those tracks that do not require all greyhounds to be kennelled. As we are not requiring that all greyhounds must be kennelled at a track, we cannot agree that there must be a statutory requirement for all greyhound racing tracks to provide kennels for 100% of the greyhounds that are running at the track. The costs to independent tracks to provide kennels for 100% of the dogs that run would be high, and would far outweigh the benefits of having a block of kennels available for 60 or 70 dogs that are mostly never (if ever) used by the greyhounds themselves. In our view, there is no welfare benefit from building a large kennel block where most of the kennels will never be used. As no other evidence was presented for any other figure than 100%, we will proceed with a requirement that all tracks must have at least kennelling available for 20% of greyhounds that are running at the race meeting or trial. However, we will agree to review this requirement when we come to review these regulations in 5 years, to see whether 20% has proved to be an appropriate figure or whether there is any evidence that a different requirement is needed. Of course, where there are instances of greyhounds left in vehicles outside a racetrack in conditions that cause a greyhound to suffer unnecessarily, this is already an offence under the Animal Welfare Act.

Q15. Are the standards proposed here and in Schedule 1 – paragraph 3 of the draft Statutory Instrument attached at Annex C for kennels appropriate?

Summary of comments:

2.17.1 166 respondents addressed this question. 20 respondents, including seven organisations, 12 private individuals and one greyhound track, agreed that the standards proposed for kennels were appropriate. 146 respondents, including 26 organisations, six greyhound tracks and 114 individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust), disagreed with the proposed standards.

2.17.2 A large number of the responses felt that the size of the kennels should conform to the sizes (1.9m²) contained in the Chartered Institute for Environmental Health's (CIEH) guidance for dog boarding establishments. The RSPCA argued that the standards should cover trainers' kennels and wondered how the sizes had been arrived at. One organisation felt that the SGV standards for transporting kennels should be used and the provision of water should be required. Another organisation also felt that greyhounds should be provided with access to food and water.

2.17.3 Many organisations, including a number of tracks, felt that the recommended kennel sizes were too large. Many tracks pointed out that some of their existing kennels did not meet the size requirements and they would be required to rebuild the kennels at significant expense. A number of organisations and tracks argued that existing conditions at GBGB kennels were sufficient and there was no evidence that the current kennel sizes had compromised welfare. A number of respondents also argued that the proposed sizes did not relate to the size of greyhounds. However, other respondents felt that the proposed width and depth of kennels were acceptable but that the proposed height was not. A number of organisations and tracks suggested that either there should be some flexibility in assessing the sizes of kennels (i.e. kennel sizes should be within a certain percentage of the proposed sizes), or that the sizes should only apply to new kennels, not existing ones, provided that the existing kennels had air-conditioning or met the remaining criteria. Two organisations recommended that, instead of sizes, the regulation should just require kennels to be large enough to enable a greyhound to comfortably enter, stand up, lie down and turn around. Another respondent commented that the proposed kennel sizes appeared to be based on the best evidence available.

2.17.4 A number of organisations and tracks felt that the recommended ambient temperatures were either inappropriate or too narrow and impossible to maintain, unless the kennels became a sealed environment. The GBGB (and other organisations) recommended that temperatures should be maintained within an acceptable range to a greyhound, as monitored by stewards and the veterinarian. They were not aware of any evidence on absolute temperatures. One organisation felt that the ambient temperature should be kept between 10°C and 22°C. The AGTV felt that relative humidity was a critical factor in preventing heat distress in dogs. Greyhounds lose most heat through panting and loss of water vapour. Therefore, if relative humidity is too high, no matter what the air temperature, cooling is compromised.

Racing kennel temperatures can rise to 28°C for a short time after racing in the summer without causing any clinical distress, as long as the relative humidity remains low enough to allow the dog to cool effectively. AGTV estimated that greater than 80% relative humidity is potentially dangerous, and could lead to hyperthermia, so maximum levels should be set with a reasonable safety margin, they recommended 70% relative humidity max. They further recommended 28°C max and 70% max relative humidity for current kennels – with an ideal recommended max of 26°C/ 70% relative humidity for future new build stadia.

2.17.5 A number of responses believed that the references to “cleaned and dried” in paragraph 2(d) and “comfortable area” in 2(e) of the kennel conditions needed to be better defined. Some organisations felt that it would not be possible to disinfect a kennel and allow it to dry between each dog at a meeting. Other responses argued that kennels should be disinfected once a week (and greyhounds should only be placed in a clean, dry kennel).

2.17.6 Some respondents that commented on the proposed kennel conditions said that the requirement for adequate lighting should be better defined so that it is clear that it applies to the paddock area, rather than each individual kennel. Others commented that the need to be able to observe the greyhound whilst inside the kennel should not mean that a completely transparent door was required, as this was not good for greyhound welfare as greyhounds could become stressed at being constantly in view. One greyhound track suggested that the minimum requirement for kennels should include a resting area, and an area for the dog to move about and defecate. Another respondent suggested that greyhounds need to be comfortable in kennels, with owners/trainers having the right to provide their dog’s own bedding in the kennels if they feel it necessary. The veterinarian should have the final say on the suitability of the bedding in kennels on race night. Also kennelling times should be set down in regulations, with greyhounds kennelled no longer than 30 minutes before the start of the first race. Other organisations agreed that the comfort of the dog was not included, or that provisions for suitable bedding should be included. Another respondent suggested that there should be time limits on how long dogs are held in kennels.

Government response:

2.17.7 The Government has not been convinced that the kennelling sizes provided by the CIEH for dog boarding establishments are appropriate for racing kennels. The sizes proposed by the CIEH are for the mid-to-long term boarding of all dogs, not the short term boarding of racing greyhounds. We are also satisfied that the sizes we have proposed are appropriate, and based on sufficient evidence of the size and needs of a greyhound. These are sizes that are supported by the Veterinary Working Group we formed to help produce these regulations. The group included representatives of the SGV and the Dogs Trust. We are satisfied that a height requirement of 110cms is required to provide larger greyhounds with sufficient extra headroom. However, we do accept that a number of existing kennels do not meet these required sizes and that the costs to the industry of rebuilding

otherwise satisfactory kennels would be high. We accept that the costs of such changes would far outweigh any welfare benefits, and that no evidence was presented during the consultation that there is a welfare problem with the sizes of existing kennels. Therefore, we propose to bring forward regulations that will require the kennel sizes to apply to only kennels installed after these regulations come into force. So long as any kennels currently in existence meet the remaining criteria for kennel conditions, as set out in the revised regulations, the proposed kennel sizes will not apply.

2.17.8 On temperatures and relative humidity, we accept that it would be difficult for tracks to maintain temperatures to within strict parameters at all times. Clearly the focus has to be on the welfare of the greyhounds, rather than whether certain arbitrary limits are maintained. Our main concern is also that greyhounds are not too hot after they have raced. While keeping a greyhound in too cold a condition is clearly a welfare concern, we accept that this can be remedied simply by the application of a coat or blanket, for example, rather than the provision of heating. The ability to cool a dog down though is a more serious concern, and would require more in the way of intervention. We propose to bring forward regulations that will require that kennels must maintain an “ambient temperature suitable for dogs just raced”. Furthermore we will clarify in the guidance that “where greyhounds are in kennels, the kennel’s temperature and humidity should be appropriate to the physiological needs of racing greyhounds. It is recommended that ambient temperature is kept below 26°C”.

2.17.9 With regard to the request to clarify ‘cleaned and dried’, we accept that this should be clearer. We agree that dogs should not be placed in kennels that are not dry and we also agree that there should be a requirement to disinfect kennels regularly. We propose to amend the regulations to require that kennels are cleaned between greyhounds (that is any waste or mess is removed from the kennel), and that the kennels should be disinfected and dried between race or trial days.

2.17.10 On the concerns expressed that greyhounds should be observable in kennels, we do not believe that this would require doors to be completely transparent. We believe the provision of only a section within the door through which it is possible to visually observe a greyhound would fulfil this requirement. Also, we believe that ‘observable’ would include audio as well as visual observance (i.e. it should be possible to hear whether a greyhound is in distress). We are also content that the requirement for kennels to be adequately lit does not refer to each individual kennel and adequate lighting in the paddock area will fulfil this requirement. We are also satisfied that the requirement that kennels should have a comfortable area for greyhounds to lie is sufficient. A comfortable area could include various forms including rubber matting and clean bedding. We believe it should be at the discretion of each individual track as to how to meet this requirement. We also believe that the provision of food and water would be covered by the provisions of the Animal Welfare Act. In addition, there will always be a veterinarian on-site to monitor and deal with any sign of distress due to lack of food or water. On kennelling times, we understand that all greyhounds at GBGB tracks are required to be kennelled prior to the first race or trial, and

that while no greyhound should be in a kennel for longer than five hours, the majority are in kennels for a significantly shorter period of 1 – 4 hours (depending on when they race or trial). Where greyhounds are kept in kennels for inappropriate lengths of time, this clearly would be covered by the welfare offence contained in the Animal Welfare Act.

Q16. Should there be a 12 month interval before the requirement to provide kennels applies? If you are replying on behalf of a greyhound track, will this condition require you to build such kennels?

Summary of comments:

2.18.1 157 respondents addressed this question. 135 respondents, including 15 organisations, three greyhound tracks and 117 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust), agreed with the proposal. 22 respondents, including 14 organisations, one greyhound track and seven private individuals, disagreed with the statement.

2.18.2 The majority of responses agreed that tracks should be allowed 12 months to build suitable kennels. Other responses suggested that the requirement should apply immediately (with racing suspended until the requirement had been met), or that 6 months would be sufficient. Other responses suggested that 3 years would be a more suitable timeframe, as the costs and planning involved are considerable. One response argued that local authorities should be given the discretion to set the allowed time in the conditions of the licence, and one response argued that tracks should provide a timetable for building kennels to the licensing authority.

Government response:

2.18.3 Our proposal that greyhound kennel sizes will only apply to new build kennels should ensure that no GBGB track kennels will need to be rebuilt. However, the target of this proposal was always the independent tracks who, in most cases, would be required to install new kennels. Having considered the responses to this question, alongside the responses to question 27, it does appear to us that the cost of installing new kennels within 12 months, alongside the cost of employing a track veterinarian, will be an additional burden that some independent tracks may not be able to afford in the current economic climate. We therefore propose to bring forward regulations that will allow tracks 36 months to install new kennels (should no suitable kennels be available when these regulations come into force). Any kennels constructed after these regulations come into force (6 April 2010) will have to adhere to all the required kennel conditions – including the new sizes.

Q17. Should identification by both microchip and tattoo be required or is microchipping alone sufficient?

Summary of comments:

2.19.1 1,843 respondents commented on the requirement for dogs to be microchipped. 30 organisations, two greyhound tracks and 127 private individuals (including 109 who were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) agreed that identification should be by both microchip and tattoo. A further 1,671 individuals using a standard response in support of a campaign by the SPCRA for a Racing Dogs Protection Act (RDPA) welcomed the compulsory microchipping requirement as a 'positive step' (although it would not remove the incentive for owners and trainers to dispose of dogs). 13 respondents, including six organisations, three greyhound tracks and four private individuals disagreed with the proposal.

2.19.2 A small number of responses, including from the RSPCA, argued that, as tattooing is generally recognised as a painful procedure, there should only be a requirement for dogs to be micro-chipped. One response argued that anaesthetic should be used when tattooing puppies. The RSPCA argued that greyhounds must be registered by the time of earmarking/microchipping. Several other respondents, including a number of independent tracks, argued that micro-chipping alone was sufficient. One organisation argued that the requirement to have greyhounds permanently identified would have a positive effect on ensuring owners of greyhounds upheld their welfare responsibilities once a greyhound had left racing. One track argued that tattoo numbers can be passed around. Another organisation argued that tattoos become more difficult to read with age and that ears of greyhounds are cut off to remove the earmark. The latter organisation, and another, also argued that DNA profiling should also be assessed as a means of identifying greyhounds. Two other organisations also felt that microchips could also be removed from greyhounds.

2.19.3 A large number of the responses argued for one central database of all microchip numbers, but did not explain who would have ownership of this database. A large number of the same responses also called for all greyhounds to be chipped and tattooed before any transfer of ownership to a UK buyer. A number of organisations argued that the success of microchipping in the sport should be assessed before considering whether to phase out tattooing. The GBGB stated that both should be required, but there should be a lead-in time for adult greyhounds not already earmarked, as they questioned whether it was reasonable (and in accordance with best veterinary practice) to expect owners of adult greyhounds currently racing to earmark them if they do not already carry such identification. A small number of responses agreed that there should be both tattooing and microchipping but also a physical description of the dogs should be kept. LACORS queried how an independent track would be able to check whether a dog was entered on a database, when the database was only open during working hours. Two responses felt that identification should be by tattooing only. One of these responses argued that microchips are known to migrate as well as being implicated in causing cancer to dogs.

Government response:

2.19.4 The Government understands the concerns expressed about the requirement to tattoo greyhounds. We agree that there are welfare concerns associated with the earmarking of adult greyhounds. We propose to bring forward regulations that will require only greyhounds born after these regulations come into force to be earmarked. We also agree to reassess the tattooing requirement in its entirety when the regulations are subject to their 5-year review. Should microchipping have proved to be successful, we will consider removing the tattooing requirement. We do not believe it is necessary to require one central database to contain all details of all greyhounds. There are a number of databases that are suitable stores for such information. It is likely that the vast majority of racing greyhounds will be on the GBGB's database, so the details of the majority of dogs will be kept on one database. The number of greyhounds racing on independent tracks is far smaller, and we believe that the requirement that these dogs' details are registered on one of a number of existing private databases is a proportionate requirement. We would not anticipate that a track would have to contact a database to confirm that a dog had been registered on that database. As we explain in the consultation document, the database would normally supply paperwork (usually a letter) to the owner of the greyhound confirming that the dog was registered. A track would only need to request this paperwork (along with the other proof of identification required) to ascertain whether a dog had been registered on one of the appropriate databases. We have no plans to request DNA to be recorded at this time, although should the technology allow this to become a cost-effective and straightforward method of identifying greyhounds we can, of course, consider the requirement in the future. We also have not been provided with any scientific evidence to support the argument that there is a health and welfare problem associated with microchipping dogs. Such cases, we believe, are extremely rare.

Q18. Do you agree that only databases which reach the standards set in Schedule 1, Part 2 of the draft Statutory Instrument attached at Annex C are appropriate databases for racing greyhounds to be registered on?

Summary of comments:

2.20.1 Responses to this question were received from 158 respondents. 26 responses, including eight organisations, four greyhound tracks and 14 private individuals agreed that the standards for suitable databases proposed were appropriate. 132 responses, including 22 organisations, one greyhound track and 109 private individuals responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust, disagreed with the proposed database standards.

2.20.2 A large number of respondents argued that there should be one central database for all greyhounds. Many of these responses argued that (i) the database should include all greyhounds from the moment they are entered

onto the studbook until 6 month's into retirement; and (ii) that the bulk of this information already exists in the GBGB's publicly accessible central database, which only needs to be enhanced to include independent tracks and stud book entries from the National Coursing Club. These responses also argued that the onus of accuracy should be placed on the owner of the dog (as per the precedent of vehicle ownership). The RSPCA was concerned that there was no definition of 'database operator' in the regulations and there was also no requirement for the database operator to monitor the database. One organisation argued that the databases should allow the tracking of greyhounds from birth to death. A number of responses argued that additional details should be recorded on the database, including the colour of the greyhound, the tattoo number, the full date of birth (not just the year), as well as a photograph and marking details of the greyhound. A number of responses also called for the databases to be open to independent scrutiny or publicly-accessible. One response argued that the information proposed was already available via existing websites. A small number of organisations argued that there should be financial penalties for withholding information from the database or failing to update the database. One organisation objected to the requirement that owners and greyhounds must be registered on a database at all. Of those that supported the standards set out for databases, most argued that the regulations need to better define 'authorised 3rd parties' (Part 2, paragraph 9(3)) to ensure that only the appropriate inspectors had access to the databases. The RSPCA argued that they should be included on the list of 'authorised 3rd parties' as defined by that part of the regulations. LACORS queried whether a track operator could be expected to ensure that a database operator was fulfilling some of the requirements of Part 2 sections 7 and 9(1). It also queried what would happen if a database ceased to operate, or what would happen if there were no suitable databases available. LACORS also requested that Defra confirm that the requirements laid down in Part 2, particularly section 9, are compliant with data protection legislation.

Government response:

2.20.3 We are content that 'database operator' needs no definition within the regulations and do not propose to make any amendments on this. Furthermore, it was never the intention that all databases would monitor or track the greyhounds on the database. We understand that the GBGB will monitor all dogs on its database, and take action against the registered owner where any dog is unaccounted for. The Government welcomes this and, as we mentioned in response to question 17, this will ensure that the vast majority of greyhounds, which are recorded on one database, are monitored. We do not believe that it would be proportionate to require all dogs racing at independent tracks to be monitored in such a way. The requirement for such dogs to be on one of the already existing databases will improve the possibility that abandoned dogs can be traced back to their owners, and we believe that this requirement is proportionate to the scale of the problem. We also believe that the details we require to be recorded are sufficient to trace, where the microchip number is available, a greyhound back to the last known owner. And, of course, under the Animal Welfare Act the owner is always, ultimately, considered the person responsible for a greyhound. If an owner

has passed the dog on to someone else then it will be their duty to either inform the database or explain to the authorities the actions they took in relation to any dog that is subsequently found either abandoned, mistreated or killed. As such, we believe the onus of accuracy is on the owner of the greyhound and that no further penalties are needed.

2.20.4 We do not think it would be reasonable to require all greyhounds to be recorded on the GBGB's database. The GBGB database stores details of all greyhounds that are registered to race within GBGB racing, and all GBGB-licensed trainers and their licensed staff, all GBGB racecourses and their licensed staff and all owners of GBGB registered greyhounds. Requiring all greyhounds to be registered on the GBGB database, where the GBGB could have no control over the information being supplied from independent tracks or independent trainers and owners, would undermine the reliability of the information on the GBGB database. We would be very reluctant to require that one private organisation accept and store information belonging to other private organisations.

2.20.5 With regard to better defining 'authorised 3rd parties', we do not believe that this is necessary. Any person claiming to be a representative of the Secretary of State or the local authority must be carrying out a function that requires them to access the database for them to be eligible. If any such information was sought from the database in someone's personal capacity (i.e. not related to that person's actual duties) then they would not be deemed to be a representative of either the Secretary of State or the local authority, and should not expect to access the database. We are also satisfied that it is reasonable for any animal welfare organisation wishing to access details of a specific owner on a database to seek the assistance of a police constable or local authority to do so. We also think that it is very unlikely that any of the current databases will cease to operate or that there will be no appropriate databases available. As outlined in the guidance, databases that meet the requirements outlined in Part 2 of the Regulations adhere to the Microchip Advisory Group Code of Practice. Further information about the Code of Practice, including those databases that adhere to it are available on line. Tracks will be able to ascertain what databases are in compliance with the regulations. The Government is also happy to confirm that the requirements laid down in Part 2, particularly section 9, are compliant with data protection legislation.

Q19. Do you agree that track managers should be responsible for ensuring that only greyhounds that are appropriately identified and registered are racing or trialling at their track?

Summary of comments:

2.21.1 161 respondents addressed this question. 157 respondents, including 29 private organisations, three greyhound tracks and 125 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust)

agreed with the statement. Two organisations and two greyhound tracks disagreed with the statement.

2.21.2 The vast majority of respondents agreed with this requirement without comment. One organisation felt that there should be penalties for track managers who allowed unregistered dogs to race. A small number of organisations felt that either an independent regulator, or the track veterinarian, should also be responsible for ensuring only appropriately identified and registered greyhounds are run. A small number of respondents felt that the person responsible for presenting the greyhound at the race or trial should also have a responsibility for ensuring that it was the correct greyhound being presented. One organisation felt it would be more appropriate to specify 'racing manager' here, rather than general manager. A small number of organisations and tracks pointed out that the identification of greyhounds is the responsibility of licensed track personnel rather than the track manager. Two independent tracks were also concerned that the requirement may prevent the track from running 'fun days', where owners of other types or breed of dog were allowed to race their animals on the track.

Government response:

2.21.3 The Government is content to bring forward regulations that will ensure that operators are responsible for ensuring that only greyhounds that are appropriately identified and registered are racing or trialling at their track. The regulations will not require that the operator themselves has to carry out the checks (this work can be delegated to other track personnel), but it will be the operator who has the ultimate responsibility. The definition of operator within the regulations ('a person responsible for managing a track') would cover either the general manager or the racing manager, depending on the circumstances at each track. We do not believe that the regulations will stop tracks hosting 'fun days', as the regulations apply only to greyhounds. Other breeds or types of dog are not covered by the licence conditions. And we also do not believe that there should be a penalty for track managers that allow unregistered dogs to race, as this is clearly a condition of the licence and a breach could well see a licence suspended or revoked.

Q20. Are the details to be recorded – as described in paragraph 5 of Schedule 1 of the draft Statutory Instrument and above - appropriate? Are there any other details that should be recorded?

Summary of comments:

2.22.1 Comments were received on this question from 156 respondents. 24 respondents, including 11 organisations, eight private individuals and five greyhounds tracks, agreed with the proposed details to be recorded. 132 respondents, including 18 organisations and 114 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) disagreed with the proposed details.

2.22.2 A large number of the responses wished to see the name of the inspecting veterinarian and whether any injury was recorded, added to the list of details to be recorded. Two organisations wanted these details, plus the date of the greyhound's last race recorded. A small number of responses wanted the colour, sex and age of the greyhound to be recorded on one database. A small number of other responses wanted a physical description of the greyhound to also be recorded. One organisation argued that these records should be available to be examined by the independent regulatory body. The RSPCA argued that there should be a requirement for owners to notify the operator of the database where there is a change of ownership or retirement (including death) of the greyhound. The name, address and contact telephone number of the current trainer of the dog should also be recorded, along with details of all the previous owners and trainers of each dog. The country of birth should also be recorded. The SGV commented that it would like to see a greyhound passport introduced. A number of GBGB tracks and related organisations pointed out that the details of owners and trainers addresses were held by the GBGB not by tracks, and that as it was part of the GBGB rules of racing that only GBGB licensed trainers or a licensed member of that trainer's staff (to be confirmed by production of the licence to the licensed Steward overseeing the race or trial meeting) are allowed to present dogs. It would, therefore, be unnecessary for the track to have to confirm the identity of the owner of a dog in person when this had already been done by the GBGB. LACORS recommended that, to aid enforcement, paragraph 5(1) should also require that the name of the database on which the greyhound is registered should also be recorded.

Government response:

2.22.3 The Government agrees that the details to be recorded should include the name of the database on which the greyhound is registered, and we will bring forward regulations to include this. However, we do not believe that any of the other details requested need to be recorded, and that the details we request will be sufficient to ensure correct records are kept. The name of the inspecting veterinarian and whether any injuries occur are other requirements of these regulations, and we do not believe it necessary for these records to be duplicated. Also, we believe that records of microchip and tattoo numbers will be sufficient to identify a greyhound. And as mentioned before, it will be in a previous owner's own interest to update a database if ownership of a dog is transferred to another owner. We can confirm that, for the purposes of GBGB tracks, the track will not need to physically hold such records and that where a central body, such as the GBGB, holds these records then as long as the track has access to the records, they will be in compliance with the regulations.

Q21. Do you agree that 5 years is an appropriate length of time for records to be kept?

Summary of comments:

2.23.1 160 respondents addressed this question. 25 respondents agreed that 5 years is an appropriate length of time for records of greyhounds ran to be kept. This included 10 organisations, 11 private individuals and four greyhound racing tracks. 135 respondents disagreed that 5 years was an appropriate length of time. This included 19 organisations and 116 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust).

2.23.2 The majority of the respondents wished to see the records kept for the life of the greyhound (although no evidence was offered as to how a track would know when a retired greyhound had died). The RSPCA suggested that the records should be kept for the life of the greyhound, plus a 'specified period of time after it had passed away'. Other responses tried to offer a specific time to cover the lifespan of a greyhound. Responses suggested 20 years, 15 years, 12 years or 10 years. Some responses also suggested 6 years, a span that would cover the maximum racing life of a greyhound. One organisation queried what would happen to the records should the track close.

Government response:

2.23.3 We agree that the records need to be kept for a longer period of time than the 5 years suggested in the consultation. As there was no agreement on a suitable time span, we propose to bring forward regulations that will require these records to be kept for 10 years – in line with the requirement to keep injury records for 10 years (and in line with comments made previously that there should be more consistency in the regulations as to the length of time required to keep records). We also agree to review this requirement when the regulations are subject to their first 5-year review. On track closures, where a GBGB track closes, the records will still be held by the GBGB. Details of dogs that have only run on independent tracks will still be on one of the microchip databases so we do not see a need to require any track that closes to transfer its records to another body.

Q22. Should both the owner and the trainer of a greyhound be required to produce identification the first time a greyhound runs at a track?

Summary of comments:

2.24.1 Responses were received on this question from 163 respondents. 144 respondents, including 22 organisations, three greyhound tracks and 119 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) agreed with this proposal. 19 respondents, including 11 organisations, six private individuals and two greyhound tracks, disagreed with the proposal.

2.24.2 A number of those who were in agreement with the proposal also suggested that the owner and trainer should produce identification every time the greyhound is run. Of those disagreeing with the proposal, a number pointed out that the GBGB already has in place a stringent identification process for trainers and their kennel staff, so it is unnecessary to duplicate this process at the track. A number of responses felt that it is unnecessary and not always practical (especially in professional racing) for both the owner and trainer to be present at the track. A number of organisations felt that it was unnecessary to require the owner to be present, while others suggested that only the trainer, or the trainer's representative, should produce photographic identification on the first occasion a dog is raced at a track. One organisation felt that only the owner needed to be present, not the trainer.

Government response:

2.24.3 The Government believes that to require that the owner and the trainer to produce photographic identification every time a dog ran would deliver very little in the way of improved animal welfare, against the requirement that photographic identification is produced on the first occasion a dog is run. The costs involved to the industry would be considerable. We cannot support this suggestion. It also seems to us to be unnecessary to require a track to confirm the identity of an owner and trainer, and that the dog be appropriately registered, where this has already been done by a central body such as the GBGB. The GBGB's Rules of Racing require that new owner's need to provide proof of address and that trainers and trainers' representatives are licensed. We understand that these Rules as they apply to tracks will be covered by UKAS accreditation and we agree that it would be unnecessary for the track to duplicate such work. We will therefore bring forward regulations that require owners and trainers to produce photographic identification on the first occasion a dog is run at the track, unless the dog is entered for a race by a person carrying photographic identity issued to owners or trainers by a body meeting the conditions set out in Regulation 3(2).

Q23. Do you agree that tracks should be required to keep injury records?

Summary of comments:

2.25.1 307 respondents commented on this question. 66 respondents, including 24 organisations, 37 private individuals and five greyhound racing tracks agreed that tracks should be required to keep injury records. 241 respondents, including 11 organisations and 230 private individuals (responding with a standard response provided by Greyhounds UK and the Dogs Trust) disagreed that tracks should be required to keep injury records. A further 1,694 respondents (including 1,671 private individuals using a standard reply in support of a campaign by the SPCRA for a Racing Dogs Protection Act) called separately for injury rates to be published.

2.25.2 A large number of the responses argued that tracks should not keep injury records, but should have access to a central injury database (which would also be accessible to the public). No mention was made as to who would own and operate this database. A number of those who responded that tracks should keep records, also requested that this data should be published (or sent to the appropriate local authority every month). A number of responses argued that the data should be made available in anonymised form to third parties, for research or scrutiny. Another response suggested that tracks should share the data with owners and trainers. One organisation argued that the recommendation in the guidance that the records be reviewed and action taken should be part of the licensing conditions. One individual argued that if the records showed an excessive number of injuries this should be a reason for withdrawal of a track licence. A number of responses suggested that the records should be kept in a standardised format by the veterinarian. One independent track agreed that records should be kept, but pointed out that not all injuries were reported to the track. Finally, one individual agreed that the records would provide “an important source of data that could be used to monitor safety and welfare standards at each track and thereby consider improvements that could reduce the risk of injuries occurring”.

Government response:

2.25.3 The Government has not been persuaded that it should create a central injury database. Such a database would likely require primary legislation and public funding, and we have not been convinced that the benefits of such a system would outweigh the likely costs involved. However, we understand that the GBGB is producing just such a database for all its tracks. As by far the most dogs run on GBGB tracks, this will ensure that the vast majority of injuries are recorded on one central database. We believe that this is sufficient, and will greatly help research into causes of injury during racing - which, of course, will benefit all tracks. The requirement for all tracks to record this data will ensure that the independent tracks also keep injury records that can be used by the track veterinarian and the track manager to consider improvements to the track. We believe that this will promote welfare at the tracks.

2.25.4 We understand that the publication of injury statistics is a sensitive issue for many respondents. We have not seen sufficient evidence that welfare standards will be improved by requiring individual tracks to publish injury statistics. Such a requirement is unlikely to encourage owners and trainers to be forthcoming in reporting injuries, as it is possible that the figures could be used by those opposed to greyhound racing to target individual tracks. However, we do believe that it is important that the sole industry governing body, the GBGB, commits itself to publishing anonymised, aggregate data collected from its tracks. We know that the GBGB is committed to putting in place systems to ensure injuries detected at its 27 tracks are appropriately and consistently recorded nationwide. Indeed, we understand that the requirement for a new, comprehensive injury database is enshrined in the company’s Memorandum and Articles of Association. It is our expectation that the GBGB will give serious consideration to the

publication of anonymous, aggregate data from this database to further demonstrate that it is an open and transparent body. However, as any standards set in these regulations would have to apply to all sections of the industry, we would be concerned that any statutory requirement for injury statistics to be published would place an unreasonable burden on the small number of remaining independent tracks, whilst at the same time producing figures that were unlikely to be statistically robust. Therefore, while we will continue to encourage the GBGB to publish injury data, we will not be bringing forward regulations that require injury statistics to be published. As there will be no requirement for tracks to publish injury statistics, we will not require such statistics to be kept in a standardised format. It will be at the discretion of each track, and the track veterinarian, to decide how the records should be best kept to enable comparison over time of the injury rates at that particular track.

Q24. Are the details to be recorded – as described in paragraph 6 of Schedule 1 of the draft Statutory Instrument and above - appropriate? Are there any other details that should be recorded?

Summary of comments:

2.26.1 Responses were received from 158 respondents to this question. Seventeen respondents, including seven organisations, seven private individuals and three greyhound racing tracks, agreed that the proposed injury details to be recorded were appropriate. 141 respondents, including 22 organisations, two greyhound tracks and 117 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) did not agree that the details were appropriate.

2.26.2 A large number of the responses wished to see the location recorded, as well as the date and time of the injury. The RSPCA wished to see all injuries in relation to training, trialling and racing recorded, whether they occurred at the track, or within a reasonable period after the animal had left the track. Other details respondents wished to see recorded were: the name of the attending veterinarian; the earmark number (both as well as, or alternatively to, the microchip number); the racing name of the greyhound; the name of the trainer; the age, weight and sex of the greyhound; weather and track conditions (including surface and maintenance); whether there was interference or a collision during the race; the activities of the dog within the week prior to the race, whether the dog was euthanised as a result of the injury; how the injury was healing; and space for any other discretionary comments. A number of independent tracks reported that they already kept injury records, including the earmark numbers, the name of the dog, the injury, the date and the treatment. A number of tracks did not see the relevance of recording the distance of a race, as they did not see this as a risk factor. However, Ladbrokes argued “the more information that can be recorded at the time the injury occurred the better, in order that some fact-based analyses can

be undertaken to better understand any link between race distance, age and injury type”.

Government response:

2.26.3 The Government agrees that the date of the injury should be recorded, and will bring forward regulations that include this requirement. We will also amend the regulations to allow for the tattoo number to be recorded where this is present. Where a greyhound is euthanised at the track by the veterinarian this should be recorded as the treatment so we do not believe this needs to be further recorded. We are also satisfied that the race distance should be recorded. We do not believe that the veterinarian should record the location on the track as it is possible that the veterinarian will not have seen the race or where the incident occurred. We believe that some of the other suggestions (name of the attending veterinarian or name of the trainer, for example) will be captured by some of the other requirements of the regulations. We are content that the details we will require are practical, and can be easily recorded. However, we will agree to review the details to see whether other practical details should be added to the regulations when they are reviewed at their 5-year review.

Q25. Do you agree that 10 years is an appropriate length of time for injury records to be kept?

Summary of comments:

2.27.1 160 respondents addressed this question. 18 respondents agreed that 10 years was an appropriate length of time for injury records to be kept. This included five organisations, 12 private individuals and one greyhound track. 142 respondents disagreed that 10 years was an appropriate length of time to keep injury records. This included 25 organisations, four greyhound tracks and 113 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust).

2.27.2 The majority of responses wished the records to be kept for the lifetime of a greyhound (13 to 14 years according to some, or 15 years according to others). A number of responses argued that records should be kept for 20 years, while one response argued that records should be kept indefinitely or not at all. Two respondents argued that there should be no limit until the regulations were subject to their first 5-year review. A number of responses argued that the records should be kept for 5 years, while others argued that they should be kept for 6 years, in line with other veterinary record-keeping requirements (or the racing life of a greyhound). One organisation suggested that there should be penalties for distorting the data, while another queried what would happen to the data should the track close.

Government response:

2.27.3 The Government is satisfied that 10 years is an appropriate length of time for injury records to be kept so as to enable the track owner, in consultation with the track veterinarian, to monitor trends over the long term, and take action at that track as appropriate. Should a track close, those records maintained by the GBGB will still be held by the GBGB. Those records held by independent tracks will only be relevant to the conditions at those tracks, and therefore we do not see a need to require any track that closes to transfer its records to another body. The 10 year requirement will also be in line with the new length of time we will be requiring greyhound records to be kept (see Government response to question 21). We do not believe that it will be necessary to introduce penalties for distorting the data. As we will not be requiring individual tracks to publish injury records, we do not believe there will be any incentive for the data to be distorted.

Impact Assessment

Q26. Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the likely costs and benefits? If not, can you provide evidence of what any likely costs and benefits should be?

Summary of comments:

2.28.1 There were 132 responses to this question. Four responses, including one organisation and three private individuals, agreed that the suggested costs and benefits set out in the Impact Assessment were a reasonable estimate. 128 respondents, including 13 organisations, four greyhound tracks and 111 private individuals (of which 109 were responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) disagreed with the suggested costs and benefits.

2.28.2 A majority of the responses felt that the costs outlined in the Impact Assessment were overstated as they did not include the use of 'Authorised Welfare Partners'. These respondents also felt that benefits of traceability were understated – although no new figure was suggested. A large number of responses felt the cost of kennels was incorrect (see question 27 for kennelling costs). One response felt that the suggested cost of providing the required veterinary facilities was also inadequate, but did not offer any alternative costs. Two independent tracks did not agree with the suggested costs, and felt that the costs would force them to close, but they could not offer any evidence for this, or what they thought the costs would be. One organisation felt that there would be extra costs due to database issues, while another felt that there were already enough databases in existence (Stud Book, GBGB, etc) that would ensure any database costs would be kept low. One organisation felt that the proposed costs would drive out many small owners and trainers, especially those that race at independent tracks. Two organisations felt that it was inappropriate for Defra to be considering

cost/benefit ratios for animal welfare, and that adequate standards must be provided regardless of the cost.

Government response:

2.28.3 As was mentioned in the consultation document, Impact Assessments are required for all Government interventions affecting the private sector, the third sector and public services. Impact Assessments are a key tool to ensure that any regulation is proportionate to the issue it is designed to tackle. The costs of any welfare improvements must be considered against the possible benefits of those improvements. The Government notes that while many disagreed with some of the costs and benefits we put forward in the Impact Assessment, no alternative costs or benefits (with the exception of kennels – see question 27) were proposed. Mention was made of ‘Authorised Welfare Partners’, but no further details of these people and how they would fit into the proposed regulations were given. Therefore, with the exception of the inclusion of sales trial costs (see question 4), the changes to the kennelling requirement (see questions 15 and 16) and the changes to ear marking costs (see question 17), we do not propose to amend the Impact Assessment.

Q27. Does the estimated cost of building a new set of kennels seem reasonable? If not, can you provide evidence of what any likely costs and benefits should be?

Summary of comments:

2.29.1 Responses were received to this question from 22 respondents. Three respondents (all private individuals) felt the estimated costs of building a new set of kennels seemed reasonable. 19 respondents, including 13 organisations, three greyhound tracks and three private individuals, did not agree that the estimated costs were reasonable.

2.29.2 A number of responses felt that the costs were understated. A number of organisations and tracks felt that it would cost between £350,000 to £750,000 to build 100 kennels per track to the standards proposed in the regulations. One organisation estimated that it would cost £300,000 to build a block of 80 air conditioned kennels. Another organisation estimated that a full kennel block would cost £300,000, possibly rising to £700,000 depending on the specification. However, another response, from a greyhound rescue centre, pointed out that it had recently built a new kennel block to accommodate 80 dogs, and this had cost approximately £50,000. Other responses felt that the estimated costs were generous. One response felt that the cost estimated would be enough to provide luxury accommodation for a greyhound. Additionally, two GBGB tracks felt that there would be no welfare benefits from requiring GBGB tracks to rebuild kennels, as there had been no welfare problems recorded with existing kennels.

Government response:

2.29.3 We note the wide range of estimated costs for the provision of adequate kennelling. However, as no clear cost has emerged, we are satisfied with the cost that was estimated in the Impact Assessment. Other than to take account of the proposed changes to the kennelling requirement, outlined in the Government response to questions 15 and 16, we do not propose to make any changes to the Impact Assessment here.

Q28. Does the estimated cost of a local authority licence seem reasonable? If not, can you provide evidence of what the likely costs would be?

Summary of comments:

2.30.1 There were 131 responses to this question. Seven respondents, including three organisations, three private individuals and one greyhound track, felt that the estimated cost of a local authority licence seemed reasonable. 124 respondents, including 13 organisations, two greyhound tracks and 109 private individuals (responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) felt that the cost did not seem reasonable.

2.30.2 A majority of the responses suggested that the estimated licence fee was overstated, as it did not include the use of 'Authorised Welfare Partners'. A number of respondents commented that the estimate seemed low. A number of organisations pointed out that the estimated cost sat below the cost of a local authority gambling or liquor licence (and these did not require inspections). The RSPCA suggested that the regulations should require yearly unannounced inspections by local authorities of greyhound tracks. One response suggested that, as local authorities did not have any direct experience of regulating this activity, an estimate of the likely licence fee could not be given. However, the ability to allow local authorities to set fees to ensure full cost-recovery was welcomed. However, another response suggested that the regulations should contain a fee cap. One track was concerned that, as they were the only track in that area, the full cost of administering the scheme would fall on them.

Government response:

2.30.3 We are satisfied that it should be at the discretion of the local authority to determine how long a licence should last (within the three-year limit provided for in the Animal Welfare Act 2006), based on a risk based assessment of each individual track. We will not be stipulating that there must be annual inspections. On the likely costs of a licence, while most felt that the estimated cost was too low, no other likely costs for these type of regulations were suggested. As indicated in the Impact Assessment, the cost was calculated based on an average of the cost of licences for similar local authority animal welfare licensing schemes where independent tracks are

located. As no new evidence has been submitted on the likely licence cost, the estimated cost in the Impact Assessment will remain the same.

Draft Statutory Instrument and guidance

Q29. Further to any questions on the draft Statutory Instrument already asked in this consultation, do you have any further comments on the draft Statutory Instrument attached at Annex C?

Summary of comments:

2.31.1 A large number of the responses to this question proposed other areas for regulation, rather than making specific comments about the Statutory Instrument as drafted. These suggestions are highlighted in the next section of this summary (Summary of comments on specific issues and Government response), rather than here. This section deals with specific comments on the Statutory Instrument. Nine responses were received which suggested specific changes to the draft Statutory Instrument.

2.31.2 LACORS questioned the lack of offences in the regulations for failure to abide by licensing conditions. It also felt that a track with a revoked licence should not be able to continually reapply for a licence (as conditions can only be fulfilled during racing, any reapplication could not be refused). It also felt that local authorities should be able to set licensing conditions locally, within specified parameters. More specifically it felt that the regulations needed to define 'local authority'. The regulations also needed to be amended so that the onus would be on applicants not to apply for a licence if disqualified (rather than on the local authority not to award a licence to a disqualified person). LACORS also suggested that the list of relevant disqualifications be expanded to include the Protection of Animals Act 1911, as disqualifications made under this Act may still be in operation. While it also welcomed the provision to allow local authorities full cost recovery it wished it to be extended to all enforcement activities under the regulations and related action under the Animal Welfare Act. LACORS also recommended that the requirement in Article 9 of the regulations for the local authority to notify the "holder immediately" when the licence is suspended should be amended to 'without undue delay'. It also recommended that, as offences and penalties are contained in the Animal Welfare Act 2006 rather than within the regulations, it would be beneficial to expand the Explanatory Note. It should also be made clear within the Explanatory Note that operating when the licence is suspended or revoked is similarly an offence by virtue of this section. Furthermore, it should be reiterated that a local authority can prosecute any offence under Section 30 the Animal Welfare Act, and that a person guilty of an offence under Section 13(6) shall be liable on summary conviction to: (a) imprisonment for a term not exceeding 51 weeks; or (b) a fine not exceeding level 5 on the standard scale; or to both. The Note could also usefully state that, to enforce section 13, local authorities will need to appoint inspectors under s.51 of the Animal Welfare Act. It may, additionally, be useful to highlight the relevant section from which inspectors draw their

powers. Another respondent also commented that the regulations should allow for locally-set licensing conditions and that the lack of offences for meeting licensing conditions was a weakness.

2.31.3 The RSPCA also made a number of comments on the draft Statutory Instrument. It suggested that paragraph 3 of Part 1 was drafted in a confusing fashion. There was also no reference in the regulations to sanctions for non-compliance. It queried whether, as Section 13(6) of the Animal Welfare Act refers to licensing and registration, if an operator is not licensed because of accreditation pursuant to paragraph 3(2), is it correct to assume that accreditation and registration as per s13 amount to the same thing? It also suggested that in paragraph 5 there should be reference to disqualifications under the Protection of Animals (Amendment) Act 1954 to catch those disqualification orders made before the Animal Welfare Act. In paragraph 13, it queried why there was an appeal period of 28 days, rather than 21 days. There was also nothing in the SI regarding producing records on the request of a Police Constable or Inspector under the Act. The RSPCA assumed that this was covered by section 25 of the Animal Welfare Act, but as section 25 related only to a holder of a licence, it queried the status of those operating under paragraph 3(2) without a licence.

2.31.4 A number of other comments that were received on the Statutory Instrument have already been addressed in response to previous questions (i.e. changes to kennel and veterinary room conditions). One other comment on the Statutory Instrument suggested that in schedule 1 Part 1(1.2), we should consider deleting 'running'.

Government response:

2.31.5 Firstly, in response to LACORS concerns: it is important to point out that these regulations are based on the need (supported by LACORS) to exempt certain tracks on the basis that the standards we wish to see in place are being enforced by another body. Therefore, the standards that apply have to be broadly equivalent for all sections of the industry. As such it has not been possible to introduce regulations that contain offences for failure to abide by licensing conditions, or allow local authorities to set some conditions locally. To provide local authorities with powers to set some licensing conditions locally could well see tracks in different sectors being regulated to different standards. The basis on which GBGB tracks would be exempted will be that they comply anyway with all the requirements of the licences that other tracks must hold. If the conditions of the licences for independent tracks are added to by local authorities then this would undermine the justification for exempting other tracks. Likewise, a criminal offence of failing to meet a licensing condition for a local authority licensed track would have no equivalent sanction in the exempted sector. We therefore do not consider it appropriate to introduce new offences or allow for local authorities to set licence conditions locally.

2.31.6 Turning to LACORS other suggestions: we will amend the draft Statutory Instrument to define 'local authorities', and also to place the onus on applicants not to apply for a licence if they are disqualified. Any licence

awarded to someone who is found to be disqualified would become invalid. We will also add disqualifications under the Protection of Animals Act 1911 to the list of Acts under paragraph 5 of the Statutory Instrument and amend Article 9 so the local authority has to notify the holder 'without undue delay' when a licence is suspended. On local authority fees, we agree to change the wording of Regulation 7 to ensure that local authorities can recover the full cost of any enforcement action they need to take. On the Explanatory Note, we will amend the Note to make clear the potential penalties involved and that local authorities have powers to prosecute under the Animal Welfare Act 2006. Finally, on the issue of applications from those tracks that had a licence suspended or revoked, we feel that the proposed powers in the regulations for local authorities to designate their own licence span (and ability to issue a licence for a shorter period where one is suspended) are sufficient. A local authority will be able to issue a new licence for a very short period and inspect during that period. We feel that the remedying of most failures to abide by the licensing conditions will be inspectable or, at least demonstrable. However, on consideration we accept that it would be difficult, as drafted for a local authority to be able to enforce the requirements in Condition 5 (2) and (3) of Schedule 1, Part 1 – which requires track operators to see photographic ID of any owners or trainers racing a dog for the first time at the track. We therefore will amend the regulations to require trainers and owners to produce two copies of photo ID/addresses – so that one copy can be kept by the track for the duration of the licence. This will allow a local authority to check that the requirement to produce identification is being upheld

2.31.7 On the RSPCA's comments: we will amend the draft regulations to add disqualifications under the Protection of Animals (Amendment) Act 1954 to the list of Acts under paragraph 5 of the Statutory Instrument. However, we consider that the wording for paragraph 3 of part 1 is satisfactory. On sanctions, as we have no plans for any sanctions, other than the operation of a track without an appropriate licence we do not believe it is necessary to spell out this one sanction in the regulations. It is also the case that tracks exempted from the licensing requirement under paragraph 3(2) of the regulations will not be regarded (or treated) as registered tracks under the regulations. We are satisfied that the appeal period should be 28 days as the consequences of withdrawal or suspensions are significant. Section 25 of the Animal Welfare Act does provide powers to check records of licensees under the regulations. It will not provide powers to check records belonging to those tracks that are not required to be licensed. We do not believe that these powers are necessary, as those tracks will be regulated by a body that has UKAS accreditation, and therefore we can be satisfied that the conditions there are acceptable. Finally, on comments from other organisations, we will amend Schedule 1, part 1(1.2) to change 'running' to 'intended to run'.

Q30. Do you have any comments on the draft guidance attached at Annex D? Is the guidance detailed enough or would it be helpful if the guidance provided a more detailed explanation of all the requirements contained in the regulations?

Summary of comments:

2.32.1 There were 132 responses in relation to this question. The majority of the responses (including 109 from private individuals responding using a standard response to the consultation questions provided by Greyhounds UK and the Dogs Trust) believed that the guidance should be amended to take account of all the suggestions made and that they should be requirements not guidance. Two responses commented that the guidance should be more detailed, while CAWC recommended that more guidance was needed for operators and regulators. One organisation commented that the guidance was perfectly clear and required no further clarification. Other individuals commented that the guidance was very clear and comprehensive in respect of the proposed regulations. APGAW recommended that the guidance should contain information to ensure the welfare of racing greyhounds. The guidance could provide more information and good practice concerning a number of different areas including transport, trainers' kennels, etc., which were not covered by the regulations. The GBGB, and two greyhound tracks, queried whether the flat area referred to in the 3rd paragraph of condition 1 was a reference to a floor area for trotting greyhounds in front of the veterinarian. The GBGB also commented (on the same point) that it should be possible for a race or trial meeting to be organised in such a way that the veterinarian is able to examine greyhounds without at the same time having to monitor racing or trialling. The examination of a greyhound is a very important duty and the veterinarian should not be distracted from doing so.

Government response:

2.32.2 The purpose of the guidance is to help people, especially operators of tracks, better understand the requirements of the regulations. If any requirement is mandatory, it should be contained in the regulations, not the guidance. Further, any guidance on wider issues, such as greyhound welfare, should be contained in a Code of Practice, which would be issued under the Animal Welfare Act and approved by Parliament. It would not be appropriate to contain such advice in a 'guidance note' that would not be subject to parliamentary scrutiny. We are happy to amend the guidance with regards to the position and description of the flat area. We will also consider what further details, if any, should be required in the guidance.

Summary of comments on specific issues and Government response

2.33 A number of those who responded did not respond to the specific questions raised, choosing instead to provide comments on other specific issues. The key issues raised, and the comments received, are summarised below.

Support for the SPCRA (Society for the Prevention of Cruelty to Racing Animals – International) campaign for a Racing Dog Protection Act (RDPA).

Summary of comments:

2.34.1 1,671 private individuals and six organisations responded to the consultation to support proposals put forward by the SPCRA for a Racing Dogs Protection Act (RDPA). While the responses welcomed Defra’s proposal to make micro-chipping compulsory as a means of identification for all racing greyhounds as a ‘positive step’, they made clear that they believed that the proposals did not address any of the cruelty issues they believed to be associated with the sport. Instead, the responses called for greyhound racing to be made animal welfare-friendly by the adoption of the SPCRA proposals for a RDPA. The RDPA proposes that betting on greyhound racing should be banned. The letters argued that the root cause of the problem with the sport was the requirement to make a profit. Once the requirement to make a profit is removed, it was argued, all the associated issues listed in the letters (such as over-breeding of greyhounds, culling of litters, poor husbandry, injuries, abandonment and unnecessary destruction of greyhounds) would be resolved, with dogs kept as pets and raced only as a hobby. Four other private individuals responded separately calling for a ban on betting on greyhound racing, while one organisation and two private individuals called for a direct ban on commercial greyhound racing.

2.34.2 The response from the SPCRA further argued that greyhound racing was already in contravention of Section 9 of the Animal Welfare Act. The SPCRA has analysed data extracted from www.greyhound-data.com to calculate the number of injuries occurring in the sport. It believed that given the apparent scale of the injury problems associated with UK greyhound racing, it remained unclear how greyhound racing aligned with the requirements of Section 9 of the Act.

Government response:

2.34.3 The draft Statutory Instrument that accompanied the consultation defined a greyhound race as the ‘competing of running greyhounds at premises where facilities for betting are being provided in relation to that activity’. Defra regards betting as an integral part of the sport of greyhound racing. As the consultation document explained, the consultation was not a consultation on whether greyhound racing should be

banned. The Government's view is that while there are genuine concerns about the welfare of greyhounds, both during and after their racing life, we do not believe these problems are inherent in greyhound racing or are insurmountable. The Government has no plans to ban greyhound racing and we would regard a ban on betting on greyhound racing as a ban on the sport.

2.34.4 Section 9 of the Gambling Act 2005 defines "betting" for the purposes of the Act as making or accepting a bet in relation to, the outcome of any race, competition or other event or process, the likelihood of anything occurring or not occurring, or whether something is true or not. It does not, therefore, seek to restrict the sporting events on which betting may take place and the Government does not intend at this time to impose such a restriction in relation to betting on greyhound racing.

2.34.5 On the argument that greyhound racing is in contravention of Section 9 of the Animal Welfare Act 2006 (the duty to ensure welfare), we do not believe that the Animal Welfare Act effectively bans greyhound racing. The Act makes clear that Section 9 requires that those responsible for animals have to take such steps as are reasonable in all the circumstances to meet their welfare needs to the extent required by good practice. These circumstances are defined, in Section 9 of the Act, as including any lawful purpose for which an animal is kept. This section of the Act was drafted this way so as to avoid placing courts in a position where they may be asked to ban an activity by the back door. It provides a direction to the court that if an activity is lawful, the fact of its lawfulness should be taken into account. This should ensure that where an activity is lawful, it will continue to be so providing good welfare standards are observed.

Regulation of greyhound trainers' and breeders' kennels

Summary of comments:

2.35.1 Some 679 respondents, including 610 private individuals using a standard response provided by either the RSPCA or Greyhounds UK and the Dogs Trust, 49 other private individuals and 20 organisations, considered that trainers' and breeders' kennels should also be inspected and licensed. Many of these respondents felt that this could be done by 'Authorised Welfare Partners'. It was argued that regulations were needed because this was where many greyhounds spent the majority of their lives.

Government response:

2.35.2 The Government's response to the suggestion that further regulations are needed for trainers' and breeders' premises is provided in paragraphs 2.3.4 to 2.3.6.

All greyhounds to be permanently identified and kept on a 'cradle to grave' central database to continuously monitor greyhounds

Summary of comments:

2.36.1 There were 675 responses calling for a 'cradle to grave' system to continuously monitor greyhounds. This included 610 private individuals using a standard response provided by either the RSPCA or Greyhounds UK and the Dogs Trust, 53 other private individuals and 12 organisations. The majority of the responses wished to see all greyhounds permanently identified at 4 to 6 weeks and a single central record kept of them through to retirement, so that numbers entering and leaving the sport can be more accurately recorded and also made publicly available.

Government response:

2.36.2 We have previously commented on the need for one central database for all greyhounds in paragraphs 2.19.3 and 2.20.3. It was explained that there will be one central greyhound database operated by the GBGB to monitor the vast majority of dogs in the sport. The provision of a central government database would require primary legislation and public funding. It would simply not be proportionate to set up such an elaborate system to cover a small minority of dogs that were not already on the GBGB database. For the small number of greyhounds that do race on GBGB tracks and will not be recorded by the GBGB database, we will require them to be recorded on one of the already available databases. This will help improve the traceability of greyhounds used only on independent tracks and we believe that this requirement is proportionate to the scale of the problem there.

Statutory or 'external' regulation is needed - to be enforced by an accountable independent body

Self regulation has not worked/is not the way forward.

Summary of comments:

2.37.1 664 respondents to the consultation commented that there needed to be 'external' regulations, or an independent body enforcing statutory regulations. This included 610 private individuals using a standard response provided by either the RSPCA or Greyhounds UK and the Dogs Trust, 51 other private individuals and three organisations. 261 respondents (also) commented that self regulation had not worked, or was not the way forward. This included 230 private individuals using a standard response provided by the Greyhounds UK and the Dogs Trust, 27 other private individuals and four organisations.

Government response:

2.37.2 As mentioned in paragraphs 2.3.7 and 2.3.8, as well as in the consultation document and the Impact Assessment, the Government has no plans to introduce a new regulatory body for greyhound racing. The Government is satisfied that, should the GBGB secure UKAS accreditation in respect of the enforcement of the standards set out in these regulations, there already exists a competent regulatory body for greyhound racing. The Government recognises that the GBGB is making significant improvements to the welfare standards within GBGB racing. However, the Government also recognises that the GBGB has only been in existence for a very short period of time. While the Government accepts that the industry in the past has not always been an effective regulator of its own affairs, we do not believe that it would be reasonable to judge the GBGB by the inadequacies of its predecessors. The Government is satisfied that the GBGB does take animal welfare matters extremely seriously and that it would be extremely premature to conclude that the GBGB has failed as regulator after less than one year in existence. However, the rectitude of the GBGB as a regulator will be continuously monitored by UKAS. GBGB tracks will only be exempt from these regulations if UKAS accredits the GBGB. UKAS will provide independent, external verification that GBGB is an open, auditable and trustworthy enforcer of welfare standards at GBGB tracks. Self-regulation in this incarnation is significantly different from previous self-regulatory regimes in the greyhound racing industry. Should at any point in the future GBGB lose UKAS accreditation, their tracks will not be exempt from these regulations and we can then say that the GBGB has failed as a self-regulator. No evidence was submitted in the consultation that would support the argument that we cannot trust the judgement of UKAS, and we are content to proceed on the basis that self-regulation by the greyhound industry is possible.

Greyhounds should only be euthanized by a veterinarian if an injury is untreatable or re-homing is not an option

Summary of comments:

2.38.1 650 respondents to the consultation considered that a greyhound should only be euthanized by a veterinarian if it had been independently verified that an injury was untreatable or re-homing was not an option. This included 610 private individuals using a standard response provided by either the RSPCA or Greyhounds UK and the Dogs Trust, 25 other private individuals and 15 organisations. Two private individuals also called for it to be made an offence for anyone to euthanise a healthy greyhound.

Government response:

2.38.2 The Government does not believe that it would be appropriate to legislate on the grounds of animal welfare for whether an owner of an animal should be allowed to euthanise that animal. Animals have long been

recognised in law as property. And while under law a person can be held responsible for the treatment of an animal (i.e. under the Animal Welfare Act 2006 it would be an offence to kill an animal in a manner that causes unnecessary suffering), tightly defining the circumstances in which a greyhound could be euthanized (even where it was not going to suffer) would amount to providing a right to life for greyhounds offered to no other animal other than man. We do not believe that a welfare case has been made why greyhounds should exclusively have such a right. The GBGB itself already has a requirement that only a veterinarian can euthanise an animal. Along with the protection provided by the Animal Welfare Act, we believe that the welfare protection currently afforded to greyhounds is sufficient.

Transportation issues should be covered

Summary of comments:

2.39.1 649 respondents to the consultation commented on the transportation of greyhounds. This included 610 private individuals using a standard response provided by either the RSPCA or Greyhounds UK and the Dogs Trust, 22 other private individuals and 17 organisations. The majority of the comments were that: greyhounds should not be transported in cages that compromise welfare; greyhounds should only be transported over long distances in cages that allow them to stand up or turn around; and that regulations should require that the transport of greyhounds should only occur in cages that enable them to stand up and turn around as per the precedent set by IATA requirements.

Government response:

2.39.2 The welfare of greyhounds during transport is already covered by the EU welfare in transport regulation (EC) No. 1/2005 on the protection of animals during transport and related operations. The regulation applies to all vertebrate animals, although there are more detailed requirements for farmed livestock & equidae than for dogs. For all species, including dogs, the regulation sets out minimum standards for vehicles. For example, the means of transport, containers and fittings shall be designed, constructed, maintained and operated so as to:

- Avoid injury and suffering and to ensure the safety of the animals
- Protect the animals from inclement weather & extreme temperatures
- Ensure that air quality and quantity is appropriate for the species
- Provide access to allow animals to be inspected and cared for.

There are also documentation requirements. Documentation must be carried that details:

- Origin & ownership of the animals
- Place of departure and place of destination
- Date & time of departure
- Expected duration of intended journey.

2.39.3 In addition, there are also fitness to travel criteria together with feeding and watering intervals that are specific for dogs. The regulation applies to those who transport animals in connection with an economic activity. Domestic legislation, the Welfare of Animals (Transport) (England) Order 2006 (with parallel legislation in Scotland, Wales & Northern Ireland) contains additional provisions for the transport of greyhounds not otherwise covered by the regulation that makes it an offence to transport any animal in a way which causes, or is likely to cause, injury or unnecessary suffering. Domestic legislation and the regulation can be combined with the Animal Welfare Act 2006 to ensure that action can be brought against those who subject dogs to unnecessary suffering during transport.

Retirement of greyhounds needs to be covered

Summary of comments:

2.40.1 393 respondents to the consultation commented that better provisions for the retirement of greyhounds are needed. This included 380 private individuals responding with a standard reply provided by the RSPCA, 10 other private individuals and three organisations. The majority of responses felt that all greyhounds should have the opportunity of retirement to a home that will give them a good quality of life for the remainder of their natural life. This should be financed and managed by the racing industry not charities. The RSPCA recommended that the licence conditions should include the requirement that a track belongs to a re-homing scheme. Another organisation called for a statutory requirement that all greyhound tracks should display a list of authorised re-homing organisations (to be agreed by the welfare members of the UK Greyhound Forum). Other suggestions included that there should be a re-homing list for retired greyhounds and all tracks should be required to have a representative of a greyhound rescue with their own veterinarian, who should have the power to take away any injured dog.

Government response:

2.40.2 The industry, through the British Greyhound Racing Fund (BGRF), already provides financial support to help re-home former racing greyhounds. This support is mainly through the Retired Greyhound Trust (RGT). The Government called on the industry in 2006 to significantly increase the amount of money it provides for welfare and we understand that the financial support for re-homing greyhounds has risen from just £250,000 in 2001 to £1.7 million in 2008. The number of greyhounds re-homed by the RGT has also risen markedly over recent years. We also understand that most tracks already display signs for re-homing schemes. The Government welcomes the work the industry has done to ensure many more dogs are re-homed after they have finished racing. Ideally the Government would like to see a situation where the number of dogs used by the sport is matched by the number of dogs that can be suitably re-homed. However, we believe that this is an issue that the industry itself should address. The Government will want

to see the industry maintain its efforts to see more dogs re-homed, but we do not believe that this is an area where Government intervention would be appropriate.

Breeding of greyhounds

Summary of comments:

2.41.1 Five organisations and 10 private individuals commented that breeding should be covered in the regulations. A number of organisations commented that Defra needs to work with the Irish Government to take urgent measures to address over-breeding. A number of other responses called on Defra to reduce the number of greyhounds bred, and that breeding should be licensed with limits introduced on the number of litters than can be produced.

Government response:

2.41.2 These regulations can only cover standards in England, they cannot set standards in other countries. The issue of breeding of dogs was addressed in paragraph 2.3.6 above. As we explained there, as 75% of dogs bred for racing in the UK are bred in Eire, we would have to consider very carefully whether the additional burden of any further breeding regulations on greyhound breeders in England might well encourage more greyhounds being brought in from Eire.

There should be a ban (or limits) on the number of greyhounds imported from Eire

Summary of comments:

2.42.1 Five respondents felt that there should be a ban (or restrictions) on the number of greyhounds imported from Eire.

Government response:

2.42.2 The free movement of goods and services between EU countries is provided for under EU free trade rules. The welfare of greyhounds during transportation is covered by the EU welfare in transport regulation (EC) No 1/2005. Any move by the UK Government to restrict the movement of greyhounds from Eire could well be challenged by the EU as unlawful. While the Government would wish to see the number of greyhounds that need to be imported reduced, it is an issue we would look to the industry to address. It is not something that the Government could address through legislation.

Drug testing should be required in the regulations

Summary of comments:

2.43.1 5 respondents commented that the regulations should require drug testing of racing greyhounds. One respondent felt that as there is no drug testing at independent tracks they would expect there to be a lot of drug abuse there.

Government response:

2.43.2 We have not seen any evidence that the use of drugs is more prevalent at independent tracks. Indeed, as there is no off-course betting at independent tracks, we would anticipate that any incentives for using drugs would be far smaller. However, during the work on the regulations the need for mandatory drug testing was considered. The GBGB already has in place a robust drug testing regime. Drug sampling takes place at GBGB tracks and, as covered by UKAS accreditation, all GBGB tracks are required to provide appropriate secure arrangements within which the sampling process takes place, including provision of secure kennels for greyhounds. We consider that imposing a drug testing requirement on independent tracks would impose a significant burden on each individual independent track that would outweigh any potential benefits. Of course, where any drug is administered to a greyhound to alter its performance, this could be covered by the Animal Welfare Act.

There should be a compulsory levy on bookmakers to pay for greyhound welfare

Summary of comments:

2.44.1 Five respondents felt that there should be a levy of some sort to fund improvements in welfare. Three of these respondents felt that the current voluntary bookmaker levy should be made compulsory.

Government response:

2.44.2 The Government has no plans to introduce a statutory levy for the Greyhound Industry. Introducing a statutory Greyhound Levy could constitute illegal state aid under European Law. The Horserace Betting Levy, which exists under the provisions of the Betting Gaming and Lotteries Act 1963, is exempt from this because it was in existence when the UK joined the Common Market in 1972 and benefits from special rules applying to pre-existing aids. The Government does, however, support the existing voluntary agreement between betting and greyhound racing through which funding is provided towards areas including welfare.

Part III – The Way Forward

3.1 The Government appreciates the time and effort people and organisations took to respond to this consultation. For some of the specific questions asked there has been a wide range of views and opinions. It is clear to the Government that many people felt that regulations were needed that went much further than those put forward in these proposals. However, the Government could not agree that such extensive regulations are necessary. Two of the key principles of the Government's Better Regulation agenda is that new regulations must be proportionate and targeted. The proposals we have put forward meet these requirements. The evidence put forward by respondents to the consultation was not sufficient to support the argument that further extensive regulations would be proportionate to the scale of the problem, or that the suggestions for further regulations would actually target the problem cases. More detailed explanations outlining the Government's position in response to some of the suggestions for regulations are provided in Part II above.

3.2 Outlined in Part II are those areas where we agree to make changes to the proposals we put forward for consultation. We will now be bringing forward amended proposals. We propose to lay a draft Statutory Instrument on the welfare of racing greyhounds before Parliament this autumn. Should this Statutory Instrument be approved by resolution of each House of Parliament, it is our intention that these regulations would come into force on 6 April 2010.