



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 57 of 2015

Ref: CS/LS

10 November 2015

Attachments: Consultation Paper

Dear Colleague

Potential controls or prohibition of electronic training aids in Scotland – Consultation

I refer to the above and attach herewith the consultation paper for your perusal.

Please submit any comments you may have to Lesley.Stevenson@spf.org.uk by **Friday 8 January 2016**.

Yours sincerely

Calum Steele
General Secretary

Potential controls or prohibition of electronic training aids in Scotland

Consultation Document

Consultation open – 6th November 2015 to 29th January 2016

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PART I - ABOUT THIS CONSULTATION

Topic of this consultation

This consultation is seeking views on whether the Scottish Government should ban or regulate the use of electronic training collars for animals.

There are four options proposed in this consultation.

- 1 **Status quo** (Produce industry guidance for dogs owners and trainers on the proper use of electronic training collars).
- 2 **Develop guidance or a statutory welfare code** (Produce a code of practice or animal welfare code under Sections 37 and 38 of the Animal Health and Welfare (Scotland) Act 2006).
- 3 **Develop regulations on the use of electronic collars** (Introduce regulations or legislative controls under Sections 26 and 27 of the 2006 Act).
- 4 **Ban the use of electronic collars** (Introduce regulations to ban the use of electronic collars in Scotland under Section 26 of the 2006 Act).

Scope of this consultation

The consultation covers the use of electronic training devices for cats and dogs. It includes remote control training collars, anti-bark collars and pet containment fences (also known as electric boundary or freedom fences) using either a static electric pulse, sound, vibration or water or citronella spray.

This consultation does not cover the use of electric fences used for livestock and horses.

Geographical extent

Animal welfare is a devolved matter and this consultation applies to the use of electronic training devices in Scotland only. This matter is considered separately in other parts of the UK and the appropriate administration should be approached for further information on the use of electronic training collars in that country.

Business and regulatory impact assessment

If legislation is introduced to ban or regulate the use of electronic training collars there may be cost implications for those with commercial interests in these devices and possibly for some animal behaviourists and dog trainers. This consultation asks questions in relation to this to help assess potential impact.

Audience

Anyone may reply to this consultation. The Scottish Government would particularly like to hear from: dog owners, cat owners, pet behaviourists, collar suppliers, collar manufacturers, dog trainers, animal welfare organisations and members of the general public.

Body responsible for this consultation

The Scottish Government's Animal Welfare Team is responsible for this consultation.

Duration

This consultation starts on 6 November 2015.

This consultation closes on 29 January 2016.

This constitutes a full consultation period of 12 weeks.

How to make an enquiry

If you have any queries about this consultation please contact the Scottish Government Animal Welfare Team (0300 244 9382).

The Scottish Government consultation process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises.

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: Scottish Government consultations (<https://consult.scotland.gov.uk/>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Responding to this consultation paper

We are inviting responses to this consultation paper by **29th January 2016**.

To improve ease of analysis of the consultation responses we would be grateful if, where possible, you could use the online survey facility hosted by Citizenspace, which can be accessed via <https://consult.scotland.gov.uk/animal-welfare/electronic-training-aids>

We recommend that you fully consider this Consultation Document and all the questions before sitting down to complete the on line survey.

Alternatively, you may use the Consultation Questionnaire Word document supplied to provide your response electronically by sending it, **along with your completed Respondent Information Form** (see "Handling your Response" below) to:

electronictrainingcollars@gov.scot

Handwritten responses will be accepted, although the previous methods are preferable. Again, you should use the Consultation Questionnaire provided as this will aid our analysis of the responses received. Please send your response, **along with your completed Respondent Information Form**, to:

Electronic Training Collars Consultation
Scottish Government Animal Welfare Team
P Spur
Saughton House
Broomhouse Drive
EH11 3XD

Please note that responses not using either the online Citizenspace survey or the Consultation Questionnaire Word document provided might not be considered in the analysis of this consultation.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. If using the Consultation Questionnaire Word document rather than the online facility, please complete and return the **Respondent Information Form** enclosed with this consultation paper as this will ensure that we treat your response appropriately. Similar questions will be asked by the online facility. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. If appropriate, please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under Freedom of Information legislation. However, because of the law, we cannot promise that we will always be able to keep those details confidential.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public (see the attached Respondent Information Form). We will make these available to the public on the Scottish Government consultation web pages as soon as possible.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on whether there will be a prohibition on the use of electronic training aids in Scotland or Regulations put in place to control the use of these devices. We aim to issue a report on this consultation process and, if appropriate, to lay legislation before the Scottish Parliament during 2017.

Comments and complaints

An opportunity to provide comments on your experience of the consultation is provided as part of the consultation questions. Alternatively you may also send any comments that you may have about how this consultation exercise has been conducted to the contact details in the 'Responding to this consultation' section.

PART II - BACKGROUND INFORMATION

What are electronic training aids?

There are a number of different electronic training aids and, whilst they are mainly used on dogs, some are also designed for use on cats. Some collars are designed to pass an electric current between two terminals that make contact with the animal's neck (a static pulse collar). These collars will transmit an electric current through the skin of the animal wearing it. There are also other training aids that are operated electronically but do not pass a current to the animal. These collars operate by emitting a noise or ultrasonic sound; or a spray of water or citronella.

The principle is the same for all of these devices; the static pulse, noise, ultrasound or spray is distracting and is activated when the animal engages in unwanted behaviour. The devices are designed so that the animal associates the behaviour with the unpleasant sensation and, in time, the unwanted behaviour stops.

There are three main uses of electronic training collars to modify an animal's behaviour.

- Remote training collars. These collars are used as part of a training regime to address undesirable behaviours and deliver a stimulus (an electric static pulse, sound, vibration or spray) via an owner-operated remote control. The intensity of the stimulus can be varied depending on the model.
- Anti-bark collars. These are used to train a dog not to bark. The collars are similar to remote training collars but are vibration or sound sensitive (sometimes both) and are activated when the dog wearing it barks.
- Electric boundary or "freedom" fence. Designed to keep a dog or cat within certain boundaries, e.g. to avoid pets running out of a garden onto a road. Can be used indoors to deter pets from entering certain rooms. A boundary wire that carries a radio signal is placed in, or on, the ground or on an existing fence that the pet could potentially jump over or dig under. The wire transmits a continuous signal that is received by the electronic collar. When the animal approaches the wire it triggers a pre-set stimulus, sometimes preceded by a warning sound.

Existing legislation

At present there is no specific legislation in place in Scotland for the regulation, manufacture or use of electronic training devices.

Section 19 of the Animal Health and Welfare (Scotland) Act 2006 ("the Act") makes it an offence to cause a protected animal unnecessary suffering. A "protected animal" is defined in section 17 and in these circumstances would normally relate to any animal under the control of man. Section 48 of the Act makes it clear that "suffering" includes mental as well as physical suffering. If it could be proved that activating, or causing an electric collar to be activated on a dog or cat caused it to suffer unnecessarily then an offence would have been committed.

In deciding if suffering is unnecessary, a court would consider if the use of an electric collar was for a legitimate purpose. Legitimate purposes could include use for the purpose of benefiting the animal or for the purpose of protecting a person, property or other animal. The court would also consider whether the suffering could reasonably have been avoided or reduced; whether the conduct was in compliance with any relevant enactment or provisions of licence or code of conduct; whether the suffering was proportionate to the purposes of the conduct; and whether in the circumstance the conduct was that of a reasonably competent and humane person.

Section 24 of the Act makes it an offence for a person to fail to take reasonable steps to meet the needs of an animal for which the person is responsible to the extent required by good practice. These needs include its need to be protected from suffering, injury and disease. However, a court would have regard to whether the circumstances included any lawful activity undertaken in relation to the animal.

Previous public consultation

In 2007 the Scottish Government issued a consultation paper on the use, sale, distribution and possession of Electronic Training Aids to obtain information and evidence about how these devices were used, their benefits and the problems which can arise from their use. A copy of the previous consultation paper can be found at

<http://www.gov.scot/Publications/2007/09/04164628/0>

The full public consultation, which was also specifically targeted at around 300 organisations that were considered to have an interest in dog welfare, elicited 164 responses.

Support for a ban on some types of collars, including sonic or spray collars, from some animal welfare organisations was balanced by strong opposition to a ban from other organisations. Views amongst individual non-affiliated respondents were mixed.

It was noted that electronic training collars had developed considerably since the 1970's. The static pulse collars no longer reached the same maximum intensities, many were fitted with variable levels from vibrate or sound and the intensity of the static pulse provided by the collars varied on at least a 10 point scale. It was pointed out in many of the responses that devices contemporary to 2007 produced a stimulus less painful than a static shock from an electric fence.

It was acknowledged that electronic training aids could be misused, but that pain could also be inflicted on a dog or cat by its owner using a stick or lead.

Those who were against the use of the electronic training aids believed that the most effective way of training an animal was through positive reinforcement by rewarding the animal for good behaviour, rather than punishing it for unwanted behaviour.

Those in favour of a ban also believed that when using an electronic training device an animal only responded out of fear or pain, and may associate the stimulus with something in the area rather than with unwanted behaviour. Those opposed to the use of electronic collars commented that the most effective way to stop a dog chasing livestock was to keep it on a lead and that a suitable physical fence would keep a dog in a garden.

In contrast, some individuals felt that the use of electronic training aids had saved their pets from being destroyed. The devices were said to be used as a last resort, teaching their pets to remain within a garden and stopping them from chasing other animals (including livestock). Many felt that a freedom fence gave an animal more freedom to roam a safe area and prevented them from straying on to roads.

Many respondents believed that after the initial training, using static electric pulses, only the audio or vibrate function would be required as animals learn quickly.

On balance, there was no clear consensus from respondents to the consultation as to whether or not some or all electronic training aids should be banned.

A copy of the full consultation analysis and link to responses can be found at

<http://www.gov.scot/Publications/2009/07/28114139/0>.

Developments in electronic training aids

Since the public consultation in 2007 the technical specifications of these electronic training devices have again moved on and instructions for use have improved. There is also now a larger range of electronic training collars and greater availability of these devices with many being sold through the internet.

In the past few years some countries have introduced bans or regulated the use of these devices, and there has been further research into the welfare impact of such devices on animals.

Research

There has been limited research into the welfare impact of the various types of electronic training aid, particularly into the welfare impact of more recent alternatives to the use of the static pulse as a stimulus, such as noise, vibration, or citronella spray. However, the results of some recent studies into the welfare impact of static pulse collars are presented here.

Defra research projects AW1402 and AW1402A

Defra and the Scottish Government considered that previous studies on electronic training collars were not sufficiently robust and that more evidence was needed before further thought could be given to either banning or regulating the use of these training devices.

Defra commissioned research from the Universities of Lincoln and Bristol. Project AW1402 was commissioned to assess the effect of pet training devices, specifically remote static pulse systems, on the welfare of domestic dogs. This ran from September 2007 to November 2010 with the final report being published on the 10th June 2013.

These studies looked at the physical characteristics of static electric pulse collars and the physiological, behavioural and psychological consequences of their use in dog training.

The key findings included:

- There are differences in stimulus strength/duration between brands of electronic collars
- While manuals were clear on the operation and fit of the collar, there were varying levels of information on their use in training and such advice was not always taken up by users.
- The majority of owners in the study used electronic collars for specific problem behaviours: recall problems and livestock chasing being most commonly reported.
- Over one third of owners reported their dogs vocalising on first use of an e collar and over a quarter did so regarding subsequent use.
- Some dogs did react to being trained with electronic collars, with levels of stress hormones and behavioural indicators of tenseness increasing between testing without a collar and testing with a dummy collar for some dogs using collars compared with those dogs subject to positive reinforcement measures.

The second project, AW1402a, was a field study of dogs in training. Physiological and behavioural measurements were taken in 3 groups of 21 dogs in twice daily training sessions dealing with animal chasing/recall problems by experienced trainers over 4/5 days, with one group using static electric pulse collars in accordance with manufacturers guidelines, the other two groups without electronic collars. The project ran between October 2010 and June 2011 with a final report being published on the 10th June 2013.

The main findings of this project were –

- Dogs trained using collars exhibited more yawning and showed more “tense” behaviour during training; however, other behavioural differences between the groups were insignificant or related to the approach of the trainer.
- There were no significant differences in the physiological measurements of urinary corticosteroid and salivary cortisol (which could indicate a response to stress) before and after training.
- Cognitive bias testing and other behavioural assessments of the dogs 3 months later when they returned to the training environment also showed no significant difference in their behaviour, physiology or emotional state apart from a temporary elevated salivary cortisol in the group trained with collars

When considered in full detail, this research did not provide clear evidence that electronic training aids are inherently harmful to the welfare of dogs in general or convincing evidence of long-term effects on welfare following collar use in accordance with manufacturer’s instructions. The researchers have however suggested the research demonstrates that electronic collars are a potential risk to the welfare of some dogs when equally effective results can be achieved by other forms of training. This research considered the use of remote static electric pulse collars for recall training only and did not consider anti-bark or boundary collars.

The reports can be viewed at:

AW1402a:<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=17568>

AW1402:<http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&Completed=0&ProjectID=15332>

Companion Animals Welfare Council (CAWC) report

The Companion Animals Welfare Council (CAWC) report, published in 2012 (<http://eprints.lincoln.ac.uk/14640/1/CAWC%20ecollar%20report.pdf>), identified only ten publications of direct relevance to the specific use of static electric pulse collars in dogs; noted there were significant limitations in the quality of reporting and conclusions that could be drawn; concluded that there are sound animal welfare based arguments both for and against the use of electronic training aids in theory and a lack of relevant research to inform the debate; suggested that there is inconsistency in attitudes towards the use of electric current with animals, with general acceptance for livestock; suggested that regulated use of manual devices may be acceptable with safeguards and makes recommendations on the design and use of electronic aids

Industry standards

There were indications in 2007 that some members of the electronic collar industry recognised the need for change to help protect the welfare of pets using such devices, and that some helpful changes had already been put into place. There has been further progress since then.

The Electronic Collar Manufacturers Association

The Electronic Collar Manufacturers Association (ECMA) was established in 2004 following increased awareness of a need to regulate the industry and to promote the safe and responsible use of electronic pet training equipment.

ECMA states that its members commit to meet the requirements set out in the ECMA Charter for Animal Welfare; and that only products that meet the ECMA standards are allowed to carry the “ECMA approved” mark on their products.

ECMA Standards include:

Mandatory inclusions in instruction manuals

All products must include a user manual containing operational and training instructions. Manuals must advise operators that the electronic training equipment should only be used on animals over 6 months old and include advice on avoidance of pressure necrosis.

The manual should also advise that the collar is not worn continually (maximum 12 hours), that the collar fit is checked regularly and the animal's neck is checked often.

Approvals and product marking

All static correction products must –

- Comply with current relevant EU standards (approval and test certificates must be kept by members and be made available if requested);
- Comply with current EU radio frequency regulations;
- Carry the Conformité Européene (CE) logo;

- Carry the ECMA “Approved Product” logo

Product safety requirements for static correction products

ECMA advise that the power of static correction should not exceed either 15 mA RMS, or 100 mA maximum

The length of the stimulation must be limited by an automatic safety cut-out and the collars must have variable levels of correction power to suit the needs of the animal and the situation. Collar contacts must be safe, with rounded points. The distance between collar contact points must not exceed 60 mm.

Continuing developments

ECMA are working with Defra and the UK Department of Business, Innovation and Skills to develop a set of manufacturing standards for static pulse training collars to make sure any collars on sale are made to high standards and to draw up guidance about how such collars should be used properly to avoid misuse.

Other collar manufacturers

It must be recognised that not all electronic collar manufacturers are members of ECMA. With the increasing use of the internet to buy and sell electronic training aids, it is evident that there is a range of collar manufacturers producing these devices to varying degrees of quality and safety, and providing varying levels of information on how to use the devices correctly to ensure effectiveness and safety. Some such manufacturers may meet or even exceed some/all of the ECMA standards outlined above; others may fall significantly short.

Controls in other countries

The debate surrounding the use of electronic training collars is not restricted to Scotland or even the UK. Similar issues have been tackled in various ways by other countries around the world, and there may be useful lessons to learn.

Bans in other countries

Electronic training collars are banned in several countries including Denmark, Norway, Sweden, Australia (in most states), Austria and Wales.

Wales

The Welsh Government banned the use of any electronic collar capable of causing an electric shock to any cat or dog, including collars used to control behaviour and electric boundary fences, as a precautionary measure on the 24th March 2010 under the Animal Welfare (Electronic Collars) (Wales) Regulations 2010. Other types of electronic training aids (noise, vibration and spray) are not banned. This followed a review of the science on the topic existing at that time (The use of shock collars and their impact on the welfare of dogs: A review of the current literature – Emily Blackwell and Rachel Casey, University of Bristol, 2006); three consultations (November 2007, March 2009 and December 2009) and discussions with the European Commission.

The electronic collar industry raised a challenge by judicial review following the introduction of the ban. This looked at the process of the introduction of the ban introduction and the evidence on which the decisions were made. The ban was upheld.

The Welsh Government agreed that the decision to ban the selected electronic collars would be reviewed if significant evidence was subsequently produced that would merit a change to the policy decision. They consider that the subsequent Defra funded research did not show conclusively whether the static pulse devices investigated were significantly harmful or not. The Welsh Government has not moved to change the existing legislation; however, they are preparing to review this legislation (a standard approach in Wales following a period of time after legislative change).

Austria

In June 2004 Austria introduced Animal protection legislation which prohibits the use of spike collars, collar type pronged collars and animal training devices using electricity or chemical substances.

Denmark

“Executive Order 607 of 25 June 2009 on a Ban on the Use of Certain Devices, Collars, etc, for Animals” was introduced in Denmark in 2009. This prohibits the use of “any remotely operated or automatically-acting device that could secure to an animal and cause the animal electrocution or other significant disadvantage when activated.”

The legislation also covers the sale and advertisement of such devices. A fine or an imprisonment of up to 4 months could be imposed on anyone who violates the ban.

Germany

Under section 3 (1a) (11) of the Animal Welfare Act it is prohibited to use a device which by applying direct electrocution restricts the species specific behaviour of an animal, in particular its movement, or forces it to move, thereby causing the animal considerable pain, suffering or harm, unless provisions of federal or Land law authorise such practices.

Regulation in other countries

Other countries, including New Zealand, have issued guidance on the use of collars in statutory dog welfare codes. Some jurisdictions continue to permit the use of collars but have direct legal controls - one example is the Australian State of Victoria, where there are detailed legal requirements on the technical specification of collars and a direct legal requirement to use them only in accordance with a statutory code of practice under the supervision and written instructions of a veterinary practitioner or a qualified dog trainer.

Australia

Under the Prevention of Cruelty to Animals Act it is illegal to use, sell, possess or import an electronic collar in most Australian States. However, there are exemptions when veterinarians prescribe their use.

Australian State of Victoria

Under the Prevention of Cruelty to Animals Act 1986, the Victoria State Government introduced a Code of Practice for Training Dogs and Cats to Wear Electronic Collars that is compulsory where such training aids are put to use. This included the use of remote training collars and anti-bark collars for dogs and containment fences for both cats and dogs.

The Code of Practice sets out the minimum standards required when using any collar capable of imparting an electric shock to an animal. This includes ensuring that the animal has had veterinary checks before first use; the conditions in which the animal is introduced to the collar; and that the electronic collar is used only under the supervision and written instruction of a veterinary practitioner, competent trainer or qualified dog trainer. Operators must also comply with conditions on the power of the collar and design of the electric contacts.

New Zealand

In 2010, New Zealand introduced the Animal Welfare (Dogs) Code of Welfare 2010, which issued under the Animal Welfare Act 1999.

The Code of Welfare restricts the use of electronic devices (remote control collars, anti-bark collars and boundary containment systems) to competent operators only for use as a training aid for serious behavioural faults when other methods have proved ineffective and when without the use of such device the dog is likely to be euthanased.

Switzerland

A ban on the general use of electronic devices, acoustic signal devices and collars that operate with chemical agent was introduced in Switzerland in April 2008. Some exceptions are made for the use of these devices, for example for therapeutic purposes, however the operator must show they are competent in their use by sitting exams, document the use of the devices by submitting reports at the end of each calendar year with description, identification of the dog and outcome of the equipment use.

Pros and cons of different types of training aids

Stimulus type

Static pulse

Most debate surrounds static pulse collars. Collar manufacturers believe that the static pulse stimulus may be uncomfortable or startling but, if used properly, it is not painful or harmful. They maintain that static pulse training aids are safe, humane

and effective training for dogs. Only a small amount of electrical energy is used and the intended effect is to startle the animal and not to cause pain.

The majority of modern devices now issue an audible or sensory warning that alerts the animal that their behaviour is undesirable and the static pulse will only follow if the behaviour is not modified. Devices from responsible manufacturers are now also fitted with automatic time-out and fail-safe features and are designed to shut down the static pulse in the case of malfunction.

However, a number of animal welfare organisations still believe that these devices are painful and cause the animal pain and distress. They also maintain that the collars would not be effective unless the static pulse was painful to the animal.

Vibration, noise, spray

There is perhaps less debate surrounding the use of more recent alternatives to static pulse collars, which can use vibration, noise, or a spray as an alternative stimulus. There appears to be a general assumption that these alternatives are more welfare friendly; however, again, there is no clear evidence to support this and some important questions remain. For example, do long periods of vibration cause increasing levels of discomfort from friction? How loud are any sounds emitted to the cat or dog, which have different ranges of hearing to humans, and are they ever painful to sensitive hearing? In particular, while a squirt of water could perhaps be considered harmless, we have no real information, for example on the effect of citronella spray on the sensitive nasal passages of a cat or dog. Concerns have been expressed that such chemicals might linger in the nose for some time, causing lengthy periods of irritation as opposed to other more distinctly action-associated stimulus types, such as noise, vibration, or static pulse.

Collar purpose

Remote controlled collars

Many people who are against the use of electronic training collars emphasise that reward based training is more effective than negative training methods. Most animal behaviourists do now believe that training methods that are based on rewards and an understanding of animal behaviour are generally more likely to be effective. These positive training methods can train dogs quickly without any risk of fear and pain or potentially damaging the relationship between dog and trainer.

Those against the use of collars suggested that there is the risk that the dog may not be aware what has caused any stimulus and associate it with something else within their immediate environment rather than their behaviour. It is suggested that such an association based on a painful stimulus could lead to the dog attacking another animal, or a human, within their vicinity at the time they experience the static pulse, though there is no clear evidence that this has ever happened

However, supporters of electronic collars counter that there are some instances where reward-based training regimes have failed to be effective. Those that were in favour of electronic training devices in the previous consultation believed that electronic training aids had saved animals lives as they had been successfully trained not to chase livestock or game, attack other pets or people or eat dangerous material.

Anti-bark devices

Collars were also reported to have been successfully used to cure excessive barking. In many cases electronic training collars had been used as a training aid of last resort after other training methods had been tried and failed.

However, animal welfare organisations have concerns that the devices deal with the symptom rather than the underlying problem. It is suggested this may result in further behavioural issues in the future.

It has also been claimed that older style anti-bark devices could be activated by noises within the environment rather than by the dog barking. It is not clear whether this is the case with more modern devices.

Boundary fence systems

Freedom fences can be used where it is not possible, or practical, to place a physical fence or where the dog or cat can climb over or dig under an existing fence. There are many pet owners and dog trainers who believe that electronic training collars have saved pets from persistent straying, causing road traffic accidents, being rehomed or even being euthanased. It is claimed that animals learn quickly to respond to any audio warning and after the first few initial stimuli, the system rarely needs to be activated.

Some dog owners state that their dogs looking forward to putting their collars on as they have the freedom of the garden. Boundary fence systems can prevent dogs and cats from wandering, thereby preventing road traffic accidents or damage to other person's gardens and property.

However, it has been suggested that it might be possible for a pet to escape from a boundary fence system and then be unwilling to return. These devices are also unable to prevent other animals entering into containment area, which the resident would then potentially be unable to avoid.

PART III - OPTIONS

There are four options being proposed, bearing in mind that different approaches may be appropriate for different types or uses of collars.

1. Status quo

The Scottish Government supports the work currently being done between Defra and the Electronic Collar Manufacturers Association (ECMA) on guidance for dog owners and trainers advising how to use electronic collars properly.

ECMA are also working with the UK Department of Business, Innovation and Skills to develop a manufacturers' charter to make sure any electronic collars on sale are made to high standards.

2. Develop guidance or a statutory welfare code

It would be possible under Section 37 of the Animal Health and Welfare (Scotland) Act 2006 for Scottish Ministers to produce a code of practice providing practical guidance on the use of electronic training devices. Codes of practice are a useful source of information and advice on how to provide acceptable welfare standards for animals and may be taken into account by the courts.

These codes must be consulted on and approved by the Parliament before coming into effect and revocation.

Under Section 37 (8) and (9) of the Act failure to comply with an animal welfare code is not itself an offence, but could be relied upon to establish liability for an offence under the Act.

As an alternative, under Section 38 of the Act, Scottish Ministers may issue guidance to secure the welfare of protected animals. This type of guidance would not need to be formally consulted on or approved by the Parliament. It would give a clear outline of 'good practice', as referred to in Section 24(1) of the Act to ensure the welfare of protected animals.

3. Develop regulations on the use of electronic collars

In order to secure the welfare of animals it is possible for the Scottish Ministers to make regulations under section 27 of the Animal Health and Welfare (Scotland) Act 2006 requiring those who sell, distribute or use these devices on protected animals to be licensed or otherwise authorised.

Under section 26 of the 2006 Act, legislative controls could be introduced on the technical specification of the collars that could, for example, specify the maximum strength of stimulus that could be administered and require that the strength could be adjusted, with suitable graduations, to avoid excessive stimulation.

In practice, in today's global and internet market, regulation of the manufacture or sale of electronic training aids is likely to be difficult to enforce. However, the use of these devices could be limited to those, for example, who held a qualification in animal training or behaviour. Alternatively there might be a legal requirement for

written approval by recognised trainers or veterinary surgeons and for the devices to be used only in accordance with official guidance.

4. Ban the use of electronic collars

There is provision in section 26 of the 2006 Act to allow Scottish Ministers to make regulations banning electronic collars if it can be shown that a ban on these devices would secure the welfare of animals and that this would be a proportionate measure.

Any such regulation could make it an offence to use one of these devices on an animal.

PART IV – CONSULTATION QUESTIONS

All the consultation questions are listed below. When considering these, we ask that you take into consideration the information provided in this document alongside any other knowledge or personal experiences that could be relevant. All opinions are welcome.

We ask that you use either the online Citizenspace facility or the consultation questionnaire provided to respond to this consultation as this will help with our analysis of responses. Please try to answer all the questions; however if you are unable to answer any particular question then please feel free to move on to the next. The questionnaire and on-line facility will also ask questions relating to your interest in this matter and where you currently reside; this will aid in the analysis of the responses to this consultation.

In order for us to deal with your response appropriately in terms of making responses publically available, please ensure that you complete a Respondent Information Form. This will ensure that if you ask for your response not to be published that we regard it as confidential and will treat it accordingly.

Evidence on electronic training aids

This section gives you the opportunity to provide us with any information you may have on any misuse or positive outcomes of the use of electronic training collars

Consultation Question 1 - Do you have evidence of any intentional or unintentional misuse or abuse of any type of electronic training aids in Scotland? If yes, please provide details, including which type of collar or device.

Consultation Question 2 - Do you have evidence of positive outcomes following the use of electronic training aids in Scotland? If yes, Please provide details, including which type of collar or device.

Existing animal welfare protection

Currently, the Animal Health and Welfare (Scotland) Act 2006, section 19 and 24, makes it an offence to cause a protected animal “unnecessary suffering” and to fail to meet the needs of an animal.

Consultation Question 3 - Do you believe that this is sufficient to protect animals who wear electronic training aids? Please explain why.

Consultation Question 4 - Do you think that Scottish Government guidance or a statutory welfare code is required? Please explain why and what you would like to see in place.

Ban or regulations

This section will allow us to gather views on a potential ban or stricter regulations.

Consultation Question 5 - Thinking about the current legislation, which one of the following do you think is necessary: a complete ban of certain devices; stricter regulations; a combination of bans and stricter regulations depending on devices;

Scottish Government guidance or a statutory welfare code; nothing, current legislation is sufficient? Please explain why.

Potential ban

Consultation Question 6 - In your opinion, which, if any of the devices listed should be banned? Please explain why.

Potential regulation

Consultation Question 7 - In your opinion, which, if any, of the devices listed require regulation? Please explain why.

Consultation Question 8 - If the use of electronic training aids was regulated, what conditions should be required for the authorisation of their use? Please explain why you think that this is necessary.

Consultation Question 9 - If the use of electronic training aids was regulated, which bodies would be best placed to authorise the use of electronic training aids? Please explain why.

Use and financial impact

This section is seeking information to inform any business and regulatory impact assessment that may be required.

You are requested to only answer the questions that are applicable to you.

Pet owners

Consultation Question 10 - Have you ever bought an electronic training device? If yes, please specify which device(s) you have purchased.

Consultation Question 11 - From where did you purchase your device?

Consultation Question 12 - How much did your device cost?

Manufacturers/retailers

We would like information on how introducing a ban or regulations would affect your business in the collar industry.

Consultation Question 13 - Would your business/company be affected by any ban or stricter regulations put on the use in Scotland of any of the electronic training aids listed? Please provide details of any effect on your business/organisation:

Consultation Question 14 - If known, how many of the listed electronic training aids has your business sold to users in Scotland within the 2014/15 financial year?

Consultation Question 15 - If known, please provide an approximate annual profit obtained from sales of electronic training devices per year. If possible, please indicate what proportion of those sales was in Scotland or the UK.

Dog trainers/behaviourists/manufacturers/retailers

This section allows you to provide information on the use of electronic devices in Scotland.

Consultation Question 16 - Would a ban or restriction in Scotland on the use of any of the electronic training aids listed have an effect on your business or organisation? Please provide details of any effect on your business/organisation:

Consultation Question 17 - Please describe what effect restricting the use of electronic collars to authorised persons would have on your business or organisation.

Pet behaviourists/pet trainers

We would like you to provide information on the use of electronic collars in Scotland

Consultation Question 18 - Approximately how many dogs did you recommend the use of electronic training collars for in Scotland in 2014?

Consultation Question 19 - If you sometimes recommend the use of an electronic training collar, generally, do you provide the electronic training collars or do owners purchase the collar themselves?

About the consultation

While we have done our best to explain the issues facing us clearly, there may be aspects that you feel that we have not explained well or have not covered at all.

The following questions in this consultation paper are to provide you with the opportunity to raise such points, and to provide us with feedback on the consultation itself.

Consultation Question 20 – Please provide any other comments you may wish to add on a potential ban or regulation of electronic training devices.

Consultation Question 21 – Do you consider that that consultation explained the key issues sufficiently to properly consider your responses?

Consultation Question 22 – Do you consider that you had sufficient time to respond to the consultation?

Consultation Question 23 – Do you have any other comments on the way this consultation has been conducted?



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