



LANDMARK CHAMBERS 11 / MAY / 2021

## Court of Appeal upholds Government policy on electronic dog collars

The Court of Appeal has dismissed an appeal by manufacturers of electronic dog collars in respect of the Government's proposal to ban the use of these devices in England. The collars in question are remote controlled and use an electric shock or noxious spray to control the animal. The proposed ban was upheld by the High Court ([2019] EWHC 2813 (Admin)) and the manufacturers appealed. They argued that the decision was irrational because it originated from an unreasoned change of position on the evidence in respect of the welfare implications of the devices and that there was an inconsistency of treatment with other devices; and that the proposed ban was a disproportionate interference with the manufacturers' property rights as protected under Article 1 of the First Protocol to the ECHR.

The Court of Appeal (David Richards, Henderson and Elisabeth Laing LJ) dismissed each ground of appeal and upheld the Secretary of State's further argument that Article 1 of the First Protocol was not engaged on the facts.

[Richard Turney](#) acted for the Secretary of State for the Environment, Food and Rural Affairs, instructed by the Government Legal Department.

Click here for the judgment – [R \(The Electronic Collar Manufacturers Association\) v Secretary of State for the Environment, Food and Rural Affairs \[2021\] EWCA Civ 666](#)

Land Chambers website:

<https://www.landmarkchambers.co.uk/court-of-appeal-upholds-government-policy-on-electronic-dog-collars/?fbclid=IwAR1COIAuDi9W4Z3IkqIQT5WG5mQiGGBDG2CAOb8uTQTkbFKIOIttRltqIsQ>