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# The Welfare of Dogs (Scotland) Bill

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A briefing on the background and context of the Welfare of Dogs (Scotland) Bill, and an explanation of the changes being made by the Bill.



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# Summary

The [Welfare of Dogs \(Scotland\) Bill](#) is a members' bill introduced on 20 June 2023 by Christine Grahame MSP. The Bill "aims to improve the health and wellbeing of dogs throughout their lives, by establishing a more responsible and informed approach to acquiring and owning a dog" and by making provision "for the regulation of the selling or transferring of puppies from unlicensed litters."

The Bill has two main parts:

- Part 1 requires Scottish Ministers to make a code of practice ('the Code') in relation to buying, selling and giving away puppies and dogs as pets. The Bill stipulates certain elements that a Code must include.
- Part 2 gives Scottish Ministers the power to make regulations requiring litters intended to be advertised, sold or transferred to be registered in a national database if they [do not already have to be licensed under existing regulations](#).

Bill documents can be found on the Scottish Parliament's website. These include:

- The [Bill as introduced](#)
- The [Policy Memorandum](#), explaining the intention behind the proposals in the Bill
- [The Explanatory Notes](#)
- A [Financial Memorandum](#)
- A [Delegated Powers Memorandum](#)

This briefing sets out:

- [Brief background to the Bill](#).
- An [overview of existing relevant legislation](#).
- [Examples of campaigns and voluntary initiatives](#) around responsibly acquiring a dog.
- [An overview of the provisions of the Bill in more detail](#).
- [A brief overview of stakeholders reactions](#) (more detail on specific views can be found in [the summary of the call for views](#)).
- [An overview of the Scottish Government's view](#).
- [A brief overview of other relevant actions](#) currently being taken in the Scottish Parliament and Scottish Government.

# Background to the Bill

The Bill is a [members' bill](#), introduced on 20 June 2023 by Christine Grahame MSP. A draft proposal was originally lodged and consulted on by the same Member in May 2018 and a final proposal for a Bill lodged in February 2019. This first version of the Bill (which was introduced on 1 June 2020) did not begin Stage 1 consideration before the end of Session 5 because of time constraints in the lead committee, in part due to the Covid-19 pandemic. The Bill therefore fell at dissolution in May 2021.

A new draft proposal for the Bill was lodged in February 2022. The original proposal predated [the Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(discussed further in a later section of this briefing\)](#), which made provision for some of the changes in the Member's original proposal. For example, the regulations require anyone breeding three or more litters of puppies in a 12 month period to have a licence, reducing this threshold from five litters. It also extends the scope of these requirements to include any transfer or supply of puppies. The updated bill proposal builds on the steps that have been taken in that regulation.

The [Policy Memorandum for the Bill](#) states that:

“ The Bill aims to improve the health and wellbeing of dogs throughout their lives, by establishing a more responsible and informed approach to acquiring and owning a dog; and by making provision for the regulation of the selling or transferring of puppies from unlicensed litters.”

It aims to do so by requiring the Scottish Government to produce a code of practice setting out steps that should be taken to responsibly acquire, sell or give away a dog. It is proposed that the Code must include a checklist of questions ([an example of which is set out in the Policy Memorandum](#)), which a person intending to acquire a dog should ask of themselves and of the person selling or giving away the dog to ensure that relevant legislation has been complied with.

It also gives Scottish Ministers the power to make regulations requiring litters to be registered in a national database if they do not [already have to be licensed under existing regulations](#).

The Policy Memorandum notes of the intentions behind the Bill that:

“ The Member believes that improving the health and welfare of puppies means addressing both the supply and the demand sides of the trade: regulating the breeding of unlicensed litters to further reduce the room for manoeuvre of those breeding puppies irresponsibly; and helping achieve a shift in social practice with a much greater awareness of how to acquire a dog responsibly, in a more informed way. The Member believes that improving responsible acquisition should make it significantly more difficult for people attempting to circumvent the regimes in place and/or those breeding irresponsibly, to find a market for their puppies.”

The Policy Memorandum suggests that the legislation is necessary due to an increasing dog population fuelled by the Covid-19 pandemic, and against this backdrop a need to ensure responsible acquisition and ownership of dogs. It also suggests that there has been a "rise in unscrupulous breeding" such as illegal puppy farming. The [Scottish SPCA suggests that illegal puppy farming is worth around £13 million](#) in Scotland, and that "the

main driver behind the demand for puppies is the general public".

[A report produced by researchers at the University of Edinburgh along with the Scottish SPCA](#) suggested that "more behavioural issues, health conditions and infectious diseases are evident among dogs raised in puppy farms, compared with those raised in other breeding environments" and "current activities, guidelines and expert advice are having little impact on consumers, suggesting a lack of public knowledge and awareness regarding this issue." The Bill aims to encourage prospective owners to ask questions and take steps to ensure the breeder is reputable, and to ask themselves questions about their ability to care for the dog. The Policy Memorandum states that the expectation is that "if either party [the breeder or prospective buyer] is not satisfied on the basis of the verbal exchange, they would simply walk away".

Several respondents to [the Rural Affairs and Islands Committee's call for views](#) on the Bill pointed to the [PDSA's 2023 Animal Wellbeing Report](#), which found low awareness of regulations and best practice in relation to acquiring dogs. Among other things, the report stated that:

- 43% of UK dog owners knew that puppies for sale should be seen with their mother.
- 42% of UK dog owners had checked if the breeder was licensed with the local authority.
- 26% of UK dog owners had not heard of any breeding and selling guidelines or regulations referred to in the survey (e.g. Microchipping, licensing).
- 26% of UK dog owners knew that puppies should be sold from the place they are bred.

The Bill would join an existing landscape of broad animal welfare legislation and dog-specific legislation largely aimed at the control of dogs, as well as existing codes of practice and [voluntary initiatives](#). [Existing legislation is outlined in more detail in the next section](#).

## Existing related legislation

There are several pieces of legislation which relate to the welfare and control of dogs and to animal welfare more broadly. These are:

- The Animal Health and Welfare (Scotland) Act 2006
- The Control of Dogs (Scotland) Act 2010
- The Dangerous Dogs Act 1991
- The Dogs (Protection of Livestock) Act 1953 (as amended)

## The Animal Health and Welfare (Scotland) Act 2006

[The Animal Health and Welfare \(Scotland\) Act 2006](#) ('the 2006 Act') is the main piece of legislation setting out general obligations around the health and welfare of animals. Part 2 of the Act concerns the welfare of animals, and sets out obligations to prevent harm and promote welfare, as well as provisions around taking possession of animals in distress and other enforcement aspects of animal welfare.

Sections 26 and 27 of the 2006 Act are referred to in the Bill. This is discussed further in later sections of this briefing.

[Section 26 provides that Scottish Ministers may by regulations make provision to secure the welfare of animals](#) (and their offspring) for which a person is responsible. This power has been used to make regulations about specific aspects of animal welfare, for example:

- Mandatory use of CCTV in slaughterhouses,
- The welfare of farmed animals, and
- Microchipping dogs.

[Section 27 provides that Scottish Ministers may, by regulations, prohibit certain activities involving animals without a licence](#). This power was used recently to make [specific regulations about the licensing of animal activities, such as breeding](#).

In addition, [Section 37 is relevant to the Bill as it provides that Scottish Ministers may make codes of practice](#) to provide practical guidance on meeting animal welfare requirements. A [Code of practice for the welfare of dogs](#) was produced in 2010 as a result. This Code is [discussed in more detail later in this briefing](#).

## The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021

[The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) ('the 2021 Regulations') were made under the [power in Section 27 of the 2006 Act](#).

Among other things, the 2021 regulations provide that a person may not carry out a "licensable activity" without the authority of a licence. Licensable activities are set out in Schedule 1 of the regulations, and include:

- Selling animals as pets.
- Engaging in animal rehoming activities.
- Operating an animal welfare establishment (e.g. an animal shelter).
- Breeding dogs - licences are required by persons who breed three or more litters of puppies within any 12 month period.
- Breeding cats - licences are required by persons who breed three or more litters of kittens in any 12 month period.
- Breeding rabbits - licences are required by persons who breed six or more litters of kits (baby rabbits) in any 12 month period.

The effect of the regulations is that additional conditions apply to persons who breed three or more litters of puppies in 12 months and therefore must be licensed. For these breeders, specific conditions apply to the sale or transfer of puppies. For example:

- No puppy under 8 weeks may be sold or permanently separated from its mother,
- A puppy may only be shown to a prospective purchaser with its biological mother (unless other specific conditions apply)
- A dog may only be sold if the name, and an address, of the licence holder are disclosed to the purchaser.
- The number of breeding females and the number of litters produced is limited. A licence will specify the maximum number of breeding female dogs permitted on the premises, and the number of litters produced on the premises may not exceed the maximum number of breeding female dogs specified in the licence.
- A suitable environment, diet, and opportunities for exercise, developing behaviours and training is required.

## Dog-specific legislation

There is also both UK and Scottish dog-specific legislation.

[The Dangerous Dogs Act 1991](#) ('the 1991 Act') created the offence of allowing a dog to be "dangerously out of control". It is an aggravated offence if a dog that is dangerously out of control injures any person or assistance dog. The 1991 Act also banned four breeds of dog from the UK: the pitbull terrier, Japanese tosa, dogo Argentino, and fila Brasileiro.

[The Control of Dogs \(Scotland\) Act 2010](#) ('the 2010 Act') is intended "to promote more responsible ownership of dogs and ensure that dogs which are out of control are brought and kept under control in Scotland." <sup>1</sup>

The 2010 Act established a system of civil 'dog control notices' (DCNs) which can be imposed by local authority officers on dog owners who allow their dogs to be out of control. DCNs may impose certain conditions, such as requiring a male dog to be neutered, or requiring a dog to be on a lead in public. The 2010 Act gave Scottish Ministers the power

to establish a DCN database. [A database has been operational since February 2022.](#)

[The Dogs \(Protection of Livestock\) Act 1953](#) (as amended) sets out the offence of livestock "worrying": where a dog attacks or chases livestock in a way that could be reasonably expected to cause injury, suffering or reproductive issues, or is otherwise "at large" in a field or enclosure with sheep. This legislation was updated in 2021 with the [Dogs \(Protection of Livestock\) \(Amendment\) \(Scotland\) Act 2021](#) to bring definitions, enforcement provisions and penalties up to date.

These Acts and the Bill are related in trying to advance responsible dog ownership, though they address separate issues.



# Campaigns and voluntary initiatives

Animal welfare organisations run existing campaigns and voluntary initiatives to encourage responsible dog breeding and ownership. These initiatives include:

- ['Say no to puppy dealers'](#) - an information campaign from a large number of animal welfare organisations such as the Scottish SPCA and Dogs Trust, as well as the Scottish Government, universities, councils, UK government departments and veterinary organisations. The Campaign prompts consumers to make a pledge to say no to puppy dealers and provides information on warning signs for puppy farms (i.e. not being able to see the mother, or meeting outside the breeding location), and on how to buy a puppy responsibly.
- [The Puppy Contract](#) - a website and tool developed by the Animal Welfare Foundation and RSPCA to help buyers make informed decisions about finding and choosing a dog. This includes checklists of questions for prospective owners around their suitability, and information on finding a reputable breeder. The website includes a downloadable 'puppy contract' which can be completed by the buyer and seller on a voluntary basis.

# The Bill

As [set out in the explanatory notes](#), the Bill:

- "requires the Scottish Ministers to make a new code of practice that should be followed by any person who is considering acquiring a dog to keep as a pet, and by any person who is considering selling or giving away a dog to someone else;
- "requires Scottish Ministers to take reasonable steps to ensure public awareness and understanding of the code of practice and its content;
- "includes provision for Scottish Ministers to make regulations which provide for a register of unlicensed litters of puppies to be established;
- "requires Scottish Ministers to take reasonable steps to ensure public awareness and understanding of the licensed breeding regime and, at such a time as it is in place, the register of unlicensed litters."

The Bill consists of three parts. Part 1 requires the Scottish Ministers to make and publicise a code of practice for buying, selling and giving away of puppies and dogs. Part 2 confers a power to make regulations to set up a register of unlicensed litters and raise awareness of requirements. Part 3 consists of general provisions.

## Part 1: Code of practice

**Section 1** requires Scottish Ministers to make a code of practice ('the Code') in relation to buying, selling and giving away puppies and dogs as pets. This section requires that:

- the Code must include the things set out in Sections 2 to 4 of the Bill;
- Scottish Ministers must consult on the content of the Code;
- the Code must come into effect no later than 6 months after Royal Assent; and
- the Code must be published.

Though the Scottish Ministers already have the power to make codes of practice for animal welfare under [Section 37 of the Animal Health and Welfare \(Scotland\) Act 2006 \('the 2006 Act'\)](#), they are not required to do so.

[A code of practice on the welfare of dogs](#) was produced and approved by a resolution of the Scottish Parliament in 2010 ('the 2010 Code'). The Code provides guidance for anyone responsible for a dog on how to meet the requirements of the 2006 Act. The 2006 Act sets out that an animals' needs include:

- A suitable environment
- A suitable diet
- The need to exhibit normal behaviour patterns
- The need to be housed with, or apart from, other animals

- The need to be protected from suffering, injury and disease

The Code proposed in the Bill has slightly different aims to the 2010 Code. While the 2010 Code sets out best practice for keeping an animal in accordance with animal welfare laws, the proposed Code in the Bill would apply specifically to the buying, selling or transfer of dogs and puppies. The Policy Memorandum highlights that:

“ The Member acknowledges that an existing code of practice on the welfare of dogs is in place. However, she wishes to provide for a new code set out in the terms she considers are most important to the responsible acquiring and ownership of dogs, rather than to amend an existing code. Her view is that the existing code focuses more on caring for a dog, rather than looking at how to responsibly acquire and own a dog. She also considers that the existing code is not functioning as it should including due to very low public awareness of its contents.”

A breach of a code is not in itself an offence, but compliance or non-compliance with a code of practice can be used to support a determination on whether another relevant animal welfare offence has been committed. [A similar approach is being proposed in the Bill.](#)

As noted above, the Bill requires Scottish Ministers to produce a code of practice for buying, selling and transferring a dog 'as a pet'. The Bill does not define 'pet', nor is there a definition in the Animal Health and Welfare (Scotland) Act 2006. It is not clear from the documents accompanying the Bill whether the Bill is intending to address only buying, selling or transferring dogs which are to be kept in the home for company or enjoyment, excluding e.g. working or racing dogs.

Many respondents to [the Rural Affairs and Islands Committee's call for views](#) agreed that a code of practice for the sale or transfer of dogs is desirable. Several respondents highlighted the existing power to create animal welfare codes and the existing code of practice, but noted that this covers caring for a dog, but not responsibly buying, selling and transferring puppies and dogs. [The Scottish Animal Welfare Commission](#), for example, felt that it is appropriate for the Bill to require the Scottish Ministers to set out a code of practice in this area given that they have not voluntarily done so. However, they also suggested that it would be undesirable to have more than one welfare code for dogs, and felt that "The solution is for Scottish Ministers to introduce a revised code under the combined authority of the 2006 Act and the present Bill once enacted".

Other animal welfare charities expressed similar views on the need for a Code, support for a requirement to produce guidance on this issue and support for these provisions in the Bill. Some of those, such as [the Scottish SPCA](#), felt that the codes could be combined. Others, such as [Blue Cross](#), felt that the two codes could complement each other.

Respondents who opposed the need for further regulation overall had mixed views on the Code of Practice. The [National Working Terrier Federation](#) do not believe that further regulation is necessary though support a code of practice as part of an education programme. [The Scottish Countryside Alliance and Scottish Association for Country Sports](#) did not feel that there is a need for a second code and it is already in the Government's power to address any shortcomings of the existing code.

## Content of the code

**Sections 2 to 4** set out required content of the Code. Other content may be included over

and above these required elements.

**Section 2** sets out that the Code must include a series of questions which a person intending to acquire a dog of any age must ask themselves. The questions are:

- "is the breed of dog suitable for you and your family (recognising that some breeds require more space, exercise and care than others)?
- "is the environment in which the dog would be kept suitable to accommodate it? (For example: is there enough space? Is there a quiet area for the dog to rest in?),
- "would the dog fit in with the composition of the household in which it would be kept? (For example: would the household contain other animals or small children? If so, how are they likely to interact with the dog?),
- "would there be suitable arrangements for walking, exercising and playing with the dog regularly? (For example: would the household in which the dog would be kept have enough time and energy to walk, exercise and play with the dog regularly? Is the dog likely to be left unsupervised for large parts of the day due to other commitments of members of the household?),
- "are the costs associated with keeping the dog (for example, food, bedding, veterinary treatment, insurance) affordable on an on-going basis?
- "are you committed to caring for the dog throughout its life (which may be many years)? (For example: are you prepared to and will you be able to groom the dog as may be required? Are you prepared to and will you be able to take the dog to veterinary appointments as may be required?)."

The Code must also state that the person acquiring and the person selling or giving away the dog should meet in person before deciding on a sale or transfer.

**Section 3** prescribes that the Code must include certain elements relating to the first sale or transfer of young dogs.

This section applies if the dog is less than 12 months, and is being sold or given away by the "first owner" of the litter. "First owner" is defined in Section 12, in relation to a litter of puppies, as "the person who owns the litter at the time of its birth" (i.e. often the breeder).

The Code must set out that:

- Dogs should not be sold or transferred before they are 8 weeks old;
- The person intending to acquire the dog should see the dog with its mother "unless this is not practicable";
- The person intending to acquire the dog should check that the person supplying the dog has any required license or registration in place. Licences or registration may be required in regulations made under the Animal Health and Welfare (Scotland) Act 2006 ('the 2006 Act'), or, in future, in regulations made under Part 2 of the Bill. Currently, under [the Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) a licence is required to breed three or more litters of puppies in any 12 month period.

**Section 4** relates to certificates to be completed at the sale or transfer of a dog of any age.

The person intending to acquire a dog should complete a certificate which is then signed by both the person acquiring and the person selling or giving away the dog. The Code must prescribe the form of the certificate. This section prescribes some of the content of the certificate, including:

- The person intending to acquire the dog must confirm that they have asked themselves the questions in Section 2 and answered them affirmatively,
- In the case of young dogs under 12 months at first sale or transfer, the person intending to acquire the dog must confirm that they:
  - have checked and believe the dog is at least 8 weeks,
  - have seen the dog with its mother, and
  - have established whether licence or registration is required, and if so, that it is in place.
- The person intending to acquire the dog must confirm that they understand that they must keep the certificate for the duration of their ownership of the dog, and must show it to a police officer or inspector in response to any reasonable requests to see it.
- The certificate must include the name and address of both the person acquiring and the person selling or giving away the dog.

Scottish Ministers may prescribe other content for the certificate in the Code.

The certificate must be kept for the period of ownership of the dog, and shown to a police officer or inspector "in response to any reasonable request to see it".

**Section 5** provides that Scottish Ministers may revise the Code from time to time, so long as it continues to give effect to Sections 2 to 4. Before revising the Code, Ministers must consult as appropriate and re-publish the revised Code, unless none of the revisions materially alters its effect.

## Effect and promotion of the code

**Section 6** clarifies that failure to comply with the Code is not an offence in and of itself.

However, in any proceedings for a 'relevant offence', failure to comply with relevant provisions in the Code can be used to establish liability (i.e. evidence that the person committed an offence). Compliance with the Code may be treated as evidence that the person did not commit an offence. Relevant offences are animal welfare offences under Part 2 of [the Animal Health and Welfare \(Scotland\) Act 2006](#), offences under [regulations made under Sections 26 and 27 of that Act](#), or future offences under Part 2 of the Bill.

This approach to the effect of the Code in relation to criminal liability is also used for animal welfare codes made under [Sections 37\(8\) and \(9\) in the 2006 Act](#), such as the [existing code of practice on the welfare of dogs](#). There are some differences between the provisions on animal welfare codes in the 2006 Act and the provisions in the Bill. For example, codes developed under the 2006 Act must be approved by a resolution of Parliament.

**Section 7** requires Scottish Ministers to take reasonable steps to ensure public awareness and understanding of the Code.

## Part 2: Register of unlicensed litters

Part 2 of the Bill is about the registration of litters from breeders who are not required to have a licence.

**Section 8** confers a power on Scottish Ministers to make regulations to prohibit the "first owner" (the owner of the puppies at the time of their birth) of a litter of puppies from selling, giving away or advertising a member of that litter under 12 months (or permitting someone else to do so) if the litter is not registered.

As noted above, under [the Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) a licence is required to breed three or more litters of puppies in any 12 month period. The purpose of this provision in the Bill is to provide the option to require registration of litters which do not fall within the scope of that licensing requirement.

Any regulations made under this section must except activities which already require a licence or registration under [Section 27\(1\) and \(2\) of the 2006 Act](#) (e.g. licensed litters under the regulations above), and first owners which are not resident in Scotland at the time that they wish to advertise, sell or transfer the puppies. Regulations may provide for other exceptions.

Scottish Ministers may, by regulations, make provision about registration, including:

- the establishment and operation of a register (including a power to arrange for the register to be established and operated by another person; if they decide to do so, information about those arrangements must be published, aside from any payment arrangements.),
- procedures for obtaining registration,
- information which must be provided to the first owner of a litter following registration,
- requirements around giving notice of changes to registration information,
- circumstances where registration information can or must be amended or deleted, or where registration can or must be suspended or resumed.
- public or other access to registration information,
- fees or other charges in connection with the exercise of functions under the regulations.

Scottish Ministers do already have the power to, by regulations, prohibit specific activities involving animals without registration under [Section 27\(2\) of the 2006 Act](#). Similarly to the Bill, Scottish Ministers have the discretion to make these regulations but are not required to. This power is not specific to requiring the registration of unlicensed litters.

In the [Rural Affairs and Islands Committee's call for views](#) there was strong general support for registration of those breeders and litters who are not covered by licensing

requirements amongst respondents who support further regulation. Of those who do not support additional regulation, they felt that registration would be an additional burden.

**Section 9** provides that powers to make regulations under this part include power to make incidental, supplementary, consequential, transitional, transitory or saving provision, and make different provision for different purposes. Regulations are subject to the affirmative procedure, and before making regulations, Scottish Ministers must consult appropriate people.

**Section 10** provides that Scottish Ministers may make regulations about securing compliance with regulations made under section 8. Provisions for compliance may include (but are not limited to) prohibitions or requirements on the first owner of a litter of puppies, provisions for enforcement and offences, post-conviction orders, powers of entry, search, inspection and seizure in connection with breaches, and provision for exemptions from or qualifications to any offences under the regulations.

Powers to create offences under this section are limited to creating offences that are punishable on [summary conviction](#) (the procedure for less serious crimes) only and have a maximum penalty of imprisonment up to 12 months or a fine not exceeding £40,000 (or both).

**Section 11** provides that Scottish Ministers must take reasonable steps to ensure public awareness and understanding of licensing requirements for supplying a dog under 12 months old under any regulations made under Sections 27 (1) or (2) of the Animal Health and Welfare (Scotland) Act 2006 or regulations made under Section 8 of this Bill.

## Part 3: General provisions

**Section 12** defines terms such as "advertise" and "first owner".

**Section 13** provides for commencement on the day after Royal Assent; **Section 14** sets out the short title.

# Stakeholder responses to the Bill

The Rural Affairs and Islands Committee held [a call for views on the Bill between 29 June and 11 August 2023](#). Full summaries of the responses [are published on the Committee's web pages](#). [The responses to the detailed survey are also available to read](#).

In terms of overall views on the intentions behind the Bill, animal welfare and rehoming groups, amongst others, were generally positive about what it sets out to achieve. Many of the organisations who responded felt that there is a need for additional regulation, citing general concerns about the lack of knowledge and awareness of what to consider when acquiring a dog among many prospective buyers. They also referred to the increase in demand for dogs during the pandemic, and the consequent increase in rehoming requests in recent years. Some respondents highlighted a gap in the guidance when it comes to responsibly buying, selling, and transferring dogs. In relation to the specific provisions in the Bill, respondents who were generally positive about the intentions had a number of specific qualifications, questions, and views on desired additions and amendments.

Some respondents, however, disagreed and did not feel that the Bill is necessary or did not agree that it would achieve its aims. Some respondents in the countryside or working dog sector felt that the provisions were overly bureaucratic and favoured better education as an alternative, or felt that the provisions have been designed for pet/companion dogs and have not adequately considered working dogs.



# Scottish Government's response

[The Scottish Government wrote to the Rural Affairs and Islands Committee on 15 August 2023](#) setting out its initial response to the Bill.

The Scottish Government stated that it agrees with the general principles of the Bill, but has some reservations about the provisions in Part 2 on the register of unlicensed litters. They said:

“The Scottish Government is committed to achieving the highest standards of animal welfare and supports the general intention of the Bill in attempting to increase public awareness of responsible behaviour when acquiring a dog by providing practical guidance which may help drive behavioural change. The Scottish Government is also aware of the frustration of animal welfare organisations that have been promoting more responsible behaviour by buyers and seeking tighter controls on those selling puppies as there continue to be significant welfare problems associated with the illegal activities of unscrupulous dealers fraudulently posing as home breeders. The Scottish Government is not however convinced that developing a registration scheme would be an effective or proportionate way of tackling these issues in practice that should be prioritised over other animal welfare commitments at this time, and is not convinced there is a need for new powers that duplicate existing powers to establish such a scheme.”

They noted in conclusion that “the Scottish Government will support the general principles of the Bill and may seek amendments to address issues that are identified.”

## Other relevant activities

There are currently two other relevant strands of work within the Scottish Government and Parliament relating to the welfare of dogs.

### Greyhound racing

The Rural Affairs and Islands Committee has been considering [a petition to end greyhound racing in the UK](#). Though largely a separate issue from the topic dealt with in the Bill, there is a potential link in that the Bill aims to provide better oversight over litters of puppies born in Scotland.

Among other things, groups who oppose greyhound racing raise concerns about the difference between the number of greyhound puppies estimated to be born, and the number of dogs which go on to race at greyhound tracks; [critics consider that a number of puppies are 'unaccounted for'](#).

The Bill proposes to give Scottish Ministers the power to make regulations requiring litters to be registered in a national database [if they do not already have to be licensed under existing regulations](#). As noted above, the Policy Memorandum states that the aim is to "reduce the room for manoeuvre of those breeding puppies irresponsibly". Any future requirement to register unlicensed litters could potentially provide greater oversight over greyhound breeding in Scotland.

However, the legislation is clear that any requirement to register would not apply to "a first owner of a litter of puppies who is not at the time resident in Scotland". Given that many greyhounds who race in the UK are bred in Ireland, it may remain difficult to get a full picture. [A report from the Scottish Animal Welfare Commission](#) stated that:

“ In 2021, there were 12,960 Irish bred puppies registered at the time of whelping yet approximately 10% were not registered at 12 months of age meaning over a 1000 puppies were unaccounted for. In Great Britain similar patterns were seen with around 13% less dogs being registered to race under *GBGB* compared with numbers of puppies registered on the Greyhound stud book.”

With regard to the Code of Practice for buying, selling and acquiring dogs, it is not clear whether this would apply to greyhounds bred, sold and purchased for racing. As noted above, the Bill requires Scottish Ministers to produce a code of practice for buying, selling and transferring a dog 'as a pet'. It is not clear whether the Bill is intending to address only buying, selling or transferring dogs which are to be kept in the home for company or enjoyment, excluding e.g. working or racing dogs.

## Consultation on licensing of activities involving animals

At the time of writing, [the Scottish Government is seeking views on proposals to licence additional activities involving animals](#). As noted above, the Scottish Government has already made a number of activities, including breeding three or more litters of puppies in

a 12 month period, subject to a licence from the local authority. The consultation proposes to licence:

- dog walking,
- dog grooming,
- providing livery services,
- offering canine fertility services, and
- greyhound racing.

In addition, it is proposing to replace existing legislation covering animal boarding (including day care) and riding establishments with updated licensing requirements,

These are relevant to the wider welfare of dogs but do not specifically overlap with the proposals in the Bill.

# Cover image credit

Image by [Birgit from Pixabay](#)

# Bibliography

- 1 Scottish Government . (2020, December 23). Control of Dogs (Scotland) Act 2010: guidance - updated. Retrieved from <https://www.gov.scot/publications/updated-guidance-control-dogs-scotland-act-2010/pages/2/> [accessed 26 July 2023]



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