

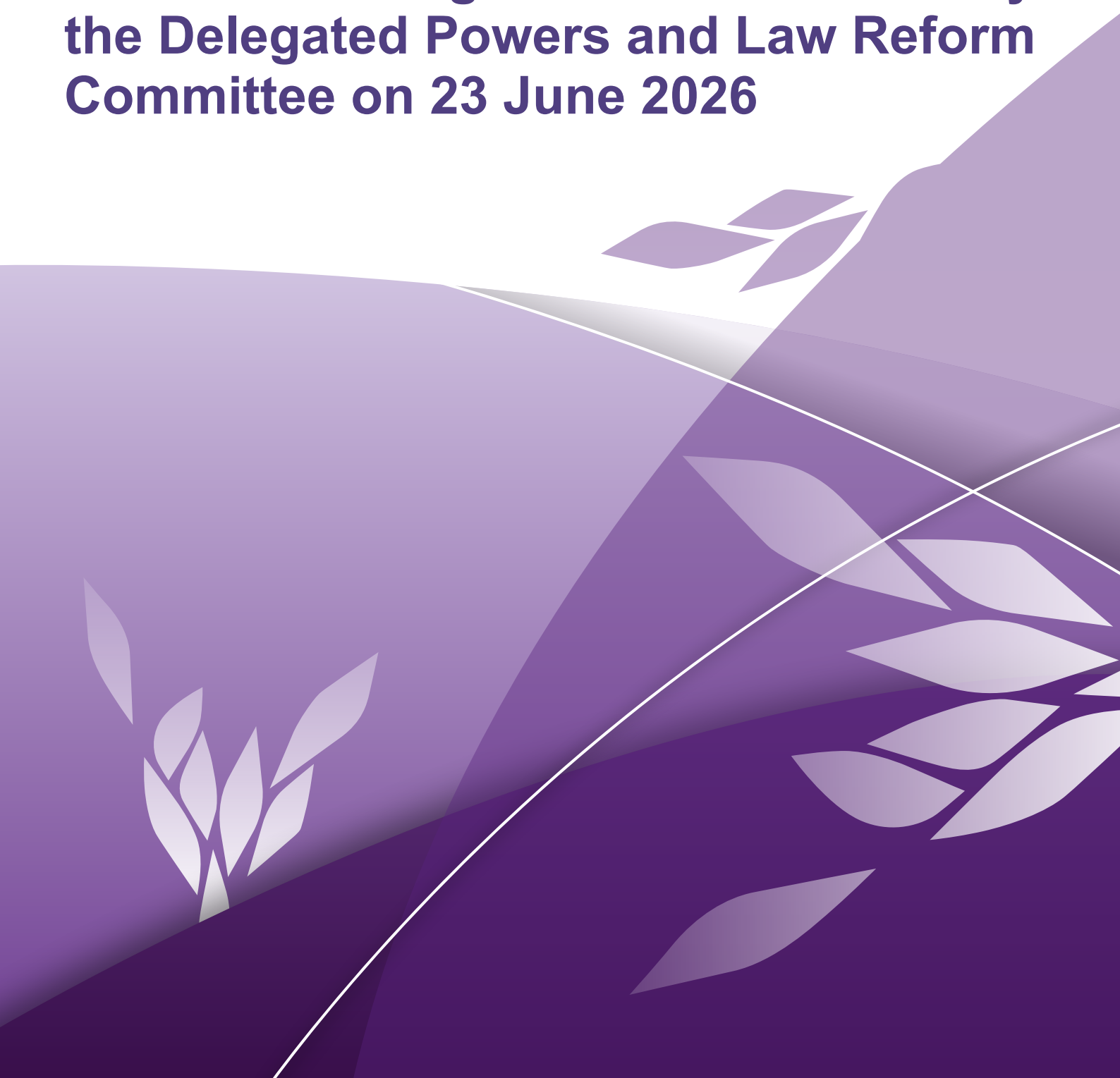


The Scottish Parliament  
Pàrlamaid na h-Alba

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## **Delegated Powers and Law Reform Committee**

# **Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 23 June 2026**



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# Delegated Powers and Law Reform Committee

To consider and report on the following —

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1;

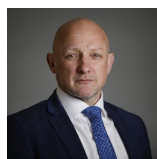
(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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# Committee Membership



**Convener**  
**Calum Kerr**  
Scottish National Party



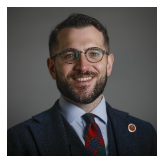
**Q Manivannan**  
Scottish Green Party



**Colm Merrick**  
Scottish National Party



**Amanda Lindsay**  
Reform UK



**Paul Sweeney**  
Scottish Labour

# Introduction

1. At its meeting on 23 June 2026, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
  - The Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 (SSI 2026/204).
2. The Committee's recommendations in relation to this instrument are set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments in the "No points raised" section of the report.

# Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament

## Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 (SSI 2026/204)

4. This Order concerns the conditions for obtaining or holding a certificate of exemption which allows a person to keep an otherwise banned breed of dog. These breeds include XL Bully dogs, pit bull terriers, Japanese tosas and other types of dog designated under the [Dangerous Dogs Act 1991](#).
5. It removes the requirement that the owner has to have third-party public liability insurance in respect of injury or death caused by the dog, as of 1 July 2026. This is because the only UK provider of such insurance will stop offering it at the end of June. Existing insurance policies must be kept in place until they expire.
6. The instrument is subject to annulment (negative procedure). Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (the “2010 Act”) requires that a negative instrument must be laid before the Scottish Parliament at least 28 days before it comes into force.
7. This instrument was laid on 11 June 2026 and comes into force on 1 July 2026, breaching that rule. Breaching this rule does not affect the validity of the instrument, but does trigger an automatic report by this Committee.
8. The Scottish Government is required by section 31(3) of the 2010 Act to explain to the Presiding Officer why the laying requirements have not been complied with. The Scottish Government has done so in its letter to the Presiding Officer of 11 June 2026, which is set out in full in the **annexe** of this report.
9. In summary, it states:
  - UK Government DEFRA officials have been attempting to identify a new insurance provider, with support and engagement from the Scottish Government and Northern Ireland Executive, up to and including early June but have been unsuccessful;
  - the Scottish Government did not want to lay this instrument unless absolutely necessary (that is, if no other provider could be found), which necessitated a carefully balanced decision to allow for all avenues to be exhausted before laying the instrument;
  - the point has now arrived that all other avenues are exhausted, and this instrument is required to avoid the owners of these types of dog being in breach of the legal requirements of their exemption when their existing insurance cover expires.
10. The lead committee for this instrument is the Criminal Justice Committee.

**11. The Committee draws the instrument to the attention of the Parliament under reporting ground (j) for a failure to lay the instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.**

**12. The Committee is content with the reasons provided for the failure to comply with the laying requirements.**

# No points raised

13. The Committee considered the following instruments under its remit and agreed not to draw them to the attention of the Parliament.

## Economy, Tourism and Energy Committee

The Digital Assets (Scotland) Act 2026 (Commencement) Regulations 2026 (SSI 2026/197 (C.18))

## Rural Affairs Committee

The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 4, Transitional and Saving Provisions) and the Natural Environment (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 (SSI 2026/200 (C. 20))

## Social Justice, Housing and Local Government Committee

The draft Visitor Levy (Miscellaneous Amendment) (Scotland) Regulations 2026

- In relation to this instrument, the Committee welcomes that the Scottish Government has taken the opportunity to address [points that were raised by the Session 6 Delegated Powers and Law Reform Committee in January 2026 on the Visitor Levy \(Local Authority Assessment\) \(Scotland\) Regulations 2026](#).

The Visitor Levy (Amendment) (Scotland) Act 2026 (Commencement and Transitional Provisions) Regulations 2026 (SSI 2026/198 (C. 19))

# Annexe

Correspondence from the Scottish Government to the Presiding Officer, 11 June 2026

The Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 (“the Order”) was made by the Scottish Ministers under powers in section 1 of the Dangerous Dogs Act 1991 on 11 June 2026. This instrument is subject to negative procedure. The Order is being laid in the Scottish Parliament today, Thursday 11 June. The Order will come into force on Wednesday 01 July 2026.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and to meet the requirements of section 31(3) of that Act, this letter explains why.

In 2024 the Scottish Government introduced strict controls in relation to XL Bully dogs. As set out in [The Dangerous Dogs \(Compensation and Exemption Schemes\) \(Scotland\) Order 2024](#) (“the 2024 Order”). XL Bully dog owners were able to apply to the Scottish Government for a Certificate of Exemption for their XL Bully dog, to allow them to legally keep their dog. Since 1 August 2024 it has been an offence to own a XL Bully dog without an exemption certificate from the Scottish Government.

More than 3,400 exemption certificates have been issued to XL Bully dog owners in Scotland. Across the UK, there are more than 60,000 exemption certificates issued.

One of the conditions of obtaining a Certificate of Exemption is that the owner of the XL Bully dog must have third-party public liability insurance for their dog at all times. The Dogs Trust is the sole provider across the UK of such insurance. However, the Dogs Trust are fully stepping back from providing such insurance coverage at the end of June 2026.

Despite ongoing attempts being made to identify a new insurance provider – led by UK Government DEFRA officials, in conjunction with support and engagement from the Scottish Government and Northern Ireland Executive – no alternative insurance provider has been found to step forward and offer owners of exempted dogs third-party liability insurance cover.

These attempts have been continuing up to and including early June since the Dogs Trust announced they would no longer provide insurance. The Scottish Government did not want to lay this secondary legislation unless it was absolutely necessary i.e. no insurance provider entered the market to provide insurance. This necessitated a carefully balanced decision to allow for all avenues to be exhausted before laying.

That moment has now been reached with all avenues exhausted. As such, this secondary legislation is required to remove the duty to obtain or renew third-party liability insurance on or after 1 July 2026 as a condition of exemption in Scotland.

The removal of the third-party liability insurance cover by Dogs Trust will leave XL Bully dog owners across Scotland (and tens of thousands of dog owners across the rest of the UK) without a means of insuring their dog as required by law. This would mean that once any existing cover obtained before 1 July expired they would be breaching one of the conditions of the Certificate of Exemption by not having third-party liability insurance cover

in place.

The same issue with unavailability of third-party cover also applies to other breeds designated under the Dangerous Dogs Act 1991. Those other dog breeds being: Pit Bull Terrier; Japanese Tosa; Dogo Argentino; and Fila Brasileiro.

Since those other designations date back to the 1990s, it has been illegal to breed those dogs since and new exemptions can only arise from a court order (e.g. where a dog is discovered to belong to the breed but is under control and the owner is responsible). There are very few of these dogs covered by exemptions in Scotland (approximately a dozen).

It is within this context that the Order amends both the 2024 Order and the Dangerous Dogs Compensation and Exemption Schemes Order 1991 (which covers the older designated breeds) to modify the third-party liability insurance requirement so that this does not require an owner to obtain or renew an insurance policy on or after 1 July 2026. Owners will remain under a duty to maintain in place insurance obtained before that date until it expires (e.g. by not acting in any way which would void their policy). They will also remain under a duty to provide evidence of their dog's insurance status when sought by the authorities (which may legitimately be either that cover remains in place or that it is unavoidably not in place because of the impact of the inability to obtain cover since 1 July).

The UK Government and the Northern Ireland Executive are also taking similar action to remove the insurance requirement for dog owners in England, Wales and Northern Ireland through changes to legislation applying in those nations.

