PROPOSED CONTROL OF DOGS (SCOTLAND) BILL

STATEMENT OF REASONS BY CHRISTINE GRAHAME MSP ON WHY CONSULTATION ON THE DRAFT PROPOSAL IS NOT REQUIRED

Background to proposal
In line with Rule 9.14.3 of Standing Orders, my draft proposal for a Control of Dogs (Scotland) Bill was lodged on 13 March 2009. The proposal is for a Bill—

to modernise the law on out of control dogs including dangerous dogs

Currently the law aimed at controlling dogs focusses on banning certain breeds of dog considered dangerous but takes no account of the behaviour of dog owners and has no effective preventative measures aimed at stopping dogs from getting out of control in the first instance. This Bill would introduce preventative measures in the form of a Dog Control Notice regime which places a duty on the owner of a dog which has been out of control to keep their dog under control at all times.

In addition, the current legislation does not cover incidents in private places of allowing a dog to be dangerously out of control (i.e. attacking or causing reasonable apprehension that it will attack a person) for example, in their own home. Yet some of the most serious dog attacks of recent years have happened on private premises. The Bill would make it a criminal offence to allow a dog to be dangerously out of control in any place, public or private.

I believe the proposed Bill would ensure that dog owners have a clear duty to keep their dogs under control at all times, whether in public or on private property. I also believe it would improve public safety by encouraging more responsible dog ownership.

Consultation
The original draft proposal was lodged on 14 January 2008 and consulted on between 14 January and 14 April 2008 by Alex Neil MSP. He has now been appointed Minister for Communities and therefore, under Rule 9.14.1 of Standing Orders, as a member of the Scottish Executive he is unable to take the proposal forward. Alex Neil has formally authorised the Non-Executive Bills Unit to provide access to the policy formation papers, including the consultation paper and the consultation responses which have been used thus far to prepare a draft Bill.

Prior to issuing the consultation paper, Alex Neil chaired a working group comprising Advocates for Animals, the SSPCA, the Kennel Club and the Scottish Kennel Club to help inform his consultation paper. He has maintained regular contact with them.

Alex Neil issued around 340 consultation papers in total. Those consulted included animal charities, local authorities, police organisations, dog clubs,
dog wardens, government departments and 129 MSPs. Public and press awareness around the issue of the control of dogs has continued to remain high in the intervening period. Links to some of the media coverage which has brought the issue to a wide audience can be found in the Annexe to this document:

The consultation paper produced 80 formal responses, the majority of which were from individuals and the remainder from animal charities/pressure groups, dog clubs, local councils and police amongst others. Fifty-six per cent of respondents supported Mr Neil’s proposals either in whole or in part. Notable responses included those from the RSPCA who advocate a system of Dog Control Notices/Orders similar to that proposed in the draft Bill under preparation.

Copies of the consultation document and a summary of the responses can be viewed at http://www.scottish.parliament.uk/s3/bills/MembersBills/index.htm. Copies of all responses received have been placed in the Scottish Parliament Information Centre (SPICe).

In addition to the public consultation, Mr Neil carried out media interviews on the proposed Bill, held a question and answer session and met with various interested parties including trade unions and farming organisations. He also received hundreds of items of correspondence in support of his proposal.

**Statement of reasons**

In relation to my draft proposal for this Bill, I do not therefore consider that further consultation is required for the following reasons.

Alex Neil carried out a thorough, open and transparent consultation exercise, issuing around 211 consultation papers to organisations and individuals, as well as 129 to MSPs.

Alex Neil continued to take an interest in this issue since the consultation period ended. He has met with various interested individuals and organisations and received hundreds of pieces of correspondence expressing supportive of his proposed Bill. These views expressed to him outwith the Bill proposal consultation do not differ from those expressed within the Bill proposal consultation period, therefore I consider that there is no reason to believe that stakeholder/public views have changed significantly.

There have been no changes to the law on the control of dogs in Scotland since the consultation period on Alex Neil’s proposal ended. My proposal seeks to ensure the same result as the earlier proposal lodged by Alex Neil. Therefore there appears to be no reason to send a consultation paper to consultees on the same issues seeking their views.

Alex Neil’s final proposal was lodged on 12 June 2008 and attracted 26 supporters from the Scottish National Party, Labour and Liberal Democrat groups, therefore gathering sufficient support for a Bill to be introduced. I consider that further consultation on the same proposal would incur further
costs unnecessarily, duplicate effort and may create the impression of ‘over consultation’.

I believe that there is more than enough relevant published information to help test and develop my proposal and proceed with the development of the Bill’s policy and production.

I understand that this statement is not about the merits or demerits of the proposed Bill. I appreciate that it is for the Committee to decide if there has been enough consultation on the policy objectives of the proposed Bill. My own view is that we should not send the proposal out for public consultation again at public expense.

**Conclusion**

I therefore request that the Local Government and Communities Committee consider this statement of reasons and confirm that it is satisfied with the reasons for not consulting further on the draft proposal.

Christine Grahame MSP
13 March 2009
ANNEXE

Media debate interest:

Holyrood magazine, 15 January 2008
http://www.holyrood.com/content/view/1951/10552/

BBC, 15 January 2008
http://news.bbc.co.uk/1/hi/scotland/7188187.stm

The Independent, 10 February 2009
http://www.independent.co.uk/extras/big-question/the-big-question-how-
 frequent-are-maulings-by-dogs-and-how-can-you.tell-if-one.is.vicious-
 1605397.html

Holyrood magazine, 15 April 2008
http://www.holyrood.com/content/view/2353/10552/

BBC, 3 June 2008
http://news.bbc.co.uk/1/hi/uk/7432729.stm

Holyrood magazine, 17 June 2008
http://www.holyrood.com/content/view/2619/10552/

The Scotsman, 9 February 2009-02-25
http://thescotsman.scotsman.com/uk/Baby-killed-in-horrific-attack.4959159.jp