Dear David

Post-legislative scrutiny of the Dog Fouling (Scotland) Act 2003

Earlier in the year the Public Audit and Post-legislative Scrutiny Committee sought views from the public on which Acts would benefit from post-legislative scrutiny.

From the 24 Acts suggested the Committee agreed a shortlist of those it wished to take forward in the first instance. For the others the Committee agreed to write to the Scottish Government seeking information on the issues and concerns that were raised in the submissions.

In respect of the above Act I am writing to you seeking a written response to these issues. I would be grateful if you could provide a reply by Friday 23 February 2018.

A copy of the information provided in the submission can be found in the Annexe.

A link to our post-legislative scrutiny page can be found here:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/105094.aspx

Yours sincerely,

Alison Wilson
Assistant Clerk
Background

Under the Dog Fouling (Scotland) Act 2003 it is an offence for the person in charge of a dog not to remove its faeces immediately from any public open place, unless having reasonable excuse or relevant permission.

This Act specifically exempts agricultural land, including grazing land meaning that there is no legislation requiring dog owners to remove faeces when walking their dogs in these areas.

Dogs can be infected by a disease known as Neospora caninum which is a parasite carried by domestic dogs. An infected dog has parasites multiplying in the intestine and the infective eggs are passed in the dog’s faeces.

Cattle will become infected if they eat food or drink water contaminated with Neospora eggs. Infection in cattle is common and frequently there are no obvious ill effects for cow or calf. However, the disease manifests when Neospora multiplies in the cells of the developing calf and its placenta and causes sufficient damage to trigger abortion or stillbirth.

No animals other than dogs have been known to spread the parasite in faeces.

Control of Neospora abortion is difficult as there are no drugs currently available to control the disease in cattle, or to cure infected animals, but certain management practices can be applied to reduce the risks.

For many years, NFUS has carried out awareness-raising of the possible impacts of not picking up after dogs on agricultural land and strongly considers that the current exemption in the exiting Dog Fouling legislation sends out a conflicting message to dog walkers.

We wish for this exemption to be reviewed, and removed from the legislation.