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Dear Convener,

### **Dog Theft (Scotland) Bill**

I write to thank the Rural Affairs and Islands Committee for your helpful Stage 1 Report on the Dog Theft (Scotland) Bill published on 2 July 2025, and to provide an update on the Scottish Government's position in relation to the Bill.

Having carefully considered the Committee Report in detail, and the evidence upon which it was based, I can confirm that the Scottish Government will support the general principles of the Bill at Stage 1, conditional on a number of changes to the Bill that we would require to be made by Mr Golden if the Bill progresses to Stage 2. In general terms, these changes reflect a number of concerns expressed by the Stage 1 Committee Report and my position in relation to each section of the Bill, is detailed below.

The Committee will be pleased to know that I had a constructive meeting with Mr Golden to discuss the changes we would require to support the bill. I am pleased to confirm that if the Bill progresses to Stage 2, I have offered Scottish Government support to Mr Golden and officials from the Non-Government Bills Unit to progress some of the necessary amendments.

#### Section 1: the offence of dog theft

The Bill seeks to make dog theft a specific statutory offence with penalties of up to five years in prison and/or an unlimited fine.

The Committee offered qualified support for the offence. I can confirm that the Scottish Government also supports the creation of this offence, and therefore we will not bring forward any amendments to change this principle part of the bill.

## Section 2: Theft of assistance dogs

The Bill makes the theft of an assistance dog an ‘aggravated’ offence. As a result, the court is required to consider whether a sentence should be more severe to reflect the significance of taking an assistance dog.

The Committee recognised that the theft of an assistance dog would have a serious impact on the dog’s owner and were supportive of the aggravation. The Scottish Government agrees and supports the creation of the ‘aggravated’ offence.

However, there was a concern expressed by the Committee about the definition used for assistance dogs. In particular, the issue that may arise is that not all dogs that provide “assistance and support” for owners would be covered.

Although there is an enabling power on the face of the Bill that allows for changes to the definition, this would leave the issue for the Scottish Government to address. As such, I welcomed a commitment from Mr Golden to bring forward amendments at Stage 2 that ensure appropriate coverage of the aggravation is achieved to dogs that provide assistance and support to owners. This would be necessary as part of Scottish Government support for the Bill.

In the Committee’s Stage 1 Report, in respect of working dogs generally (i.e. not simply those who provide assistance and support), the Committee recommended that the proposed aggravation is extended to reflect other working dogs, for example working farm dogs.

Notwithstanding this, neither Mr Golden nor I support this recommendation to extend the proposed aggravation to reflect other working dogs, such as working farm dogs. As such, I do not plan to make changes in this area and would not support any that did.

## Section 3: Victim statements

The Bill would allow people who are victims of dog theft to give a victim impact statement to the court. This would apply in any level of court.

As the Committee is aware, victim impact statements are currently available for certain solemn offences only. However, in the recent Stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill, Parliament agreed an amendment to extend the use of victim impact statements to all solemn cases. We do not therefore support this part of the Bill, so government’s continued support for the Bill requires that this section be removed at Stage 2.

## Section 4: Annual reports by Scottish Ministers

The Bill places a duty on the Scottish Government to collect certain data on dog theft and to publish and lay before the Parliament an annual report which includes that data.

For this reporting requirement there are a number of aspects which would be impossible to deliver operationally. It would also present significant resourcing challenges and as such this seems significantly disproportionate to what the report would provide. As such, I have informed Mr Golden that Scottish Government support for the Bill requires adjustment to the reporting requirement.

My officials will engage with the Non-Government Bills Unit to help develop what is a deliverable, appropriate and proportionate reporting requirement rather than a recurring annual statutory requirement.

#### Section 5: Review of operation of the Act

The Bill places a duty on Scottish Ministers to review how the Act is working after five years. For this review requirement, I consider it is more appropriate for Parliament to undertake post-legislative scrutiny for this members bill and therefore do not support this section of the Bill and would want to see that removed at Stage 2.

The majority of these areas of concern, are similar to those of the Committee, so I hope you will be able to support my position.

I trust that this information is of assistance to the Committee ahead of the debate on Thursday 2<sup>nd</sup> October.

Yours sincerely,



**SIOBHIAN BROWN**