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Dear Finlay Carson MSP

Following my appearance before the Committee on 23 April 2025 to give evidence on the Dog Theft (Scotland) Bill (“the Bill”), I am writing to provide the Committee with further information in relation to several issues that were raised at that evidence session.

Dogs Advisory Group and Dog Licensing

Following discussion about the ‘Responsible Dog Ownership’ Summit that I hosted with my Ministerial colleague Jim Fairlie on 20 September 2024, I was asked to provide an update on the work of the Dogs Advisory Group and also an update on dog licensing.

I would refer the Committee to the [Summit Report](#) that is available on the Scottish Government website.

The Report contains key outputs and recommendations from the Summit. As noted in the Report, I have asked officials to progress plans to establish an advisory group that will be led by Scottish Government officials to look at the various issues raised at the summit, to help determine what steps can be progressed in the short, medium, and long term. For example, in the short term what positive action can be taken that does not require legislation. That work is ongoing. We are pleased to confirm a number of stakeholders have expressed an interest in joining the group and we plan to commence the work of the group in the next few weeks.

The Report also contains a variety of comments from those present in relation to the issue of dog licensing. I can confirm that at this time the Scottish Government has no current plans to introduce a compulsory dog licensing scheme. However, the opportunity to collectively consider the pros and cons of licensing is a matter that can be considered by the group.

Development of specific statutory offences to replace common law offences - parallels between creation of a dog theft offence and when the threatening or abusive behaviour offence (section 38 of the Criminal Justice and Licensing (Scotland) Act 2010) was created

I noted the discussion from Members of the Committee about the offence created by section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. In his letter to the Committee, Maurice Golden quotes evidence that indicates that the common law offence of breach of the peace has, increasingly, been replaced by an offence under section 38 of this Act. Mr Golden suggests that “it is likely that there will be a similar trend in respect of the theft of a dog”.

It may be helpful to explain that section 38 offence was not an example of common law being directly replaced by a statutory offence. The reason why a new offence was needed was because there was a court judgement which narrowed common law breach of the peace which meant a statutory offence was needed to respond to the gap in the law that was created. The judgement effectively meant breach of the peace could not be used to deal with behaviour occurring in private. To address this gap in the law created by the court judgement, provisions were developed which created a new statutory offence of ‘threatening or abusive behaviour’ to ensure behaviour that previously could have been prosecuted under common law breach of the peace could continue to be prosecuted under the new offence. As such, there is not necessarily much read across to the proposal of a new dog theft offence to replicate what is already criminal under the common law of theft.

Scottish Sentencing Council – sentencing guidelines

With regard to the comments about the preparation of sentencing guidelines, it is the case that the Scottish Ministers can ask the Scottish Sentencing Council to consider developing guidelines on specific area. It is up to the Council to decide whether to do so. However, it is also worth highlighting that any person is free to suggest to the Council that guidelines be created on specific issues.

Further information is available on the [Scottish Sentencing Council website](#). The website includes the Council’s business plan for 2024-2027.

Amending the crime recording standard to require dog theft to be recorded as a specific stand-alone offence

I was asked if the Scottish Government would consider amending the crime recording standard to require dog theft to be recorded as a specific stand-alone offence, rather than as an offence of robbery, theft or housebreaking.

I would note responsibility in this area sits with the [Scottish Crime Recording Board](#) who support the production of accurate and objective statistics on crime in Scotland. The Board ensures that crime data is comprehensive, consistent, transparent and trustworthy. It takes into account the needs of both users and providers in the production of crime statistics and ensures that this process is undertaken in a manner consistent with the Code of Practice for Official Statistics.

The Board is chaired by the Justice Analytical Services division of the Scottish Government and a wide range of organisations are represented including Police Scotland, the Scottish Police Authority, Her Majesty’s Inspectorate of Constabulary in Scotland (HMICS) and the Crown and Procurator Fiscal Service (COPFS).

We can draw this request of the Committee to the attention of the Board to offer a view on.

Victim Impact Statements

In the discussion on victim impact statements, it was noted general changes are being progressed to the system of such statements through the Victims, Witnesses, and Justice Reform (Scotland) Bill ("VWJR Bill"). The Scottish Government has given a commitment to bring forward amendments at Stage 3 of the VWJR Bill to this effect. The VWJR Bill does not currently contain these provisions. These changes, if the VWJR Bill is approved by Parliament, will result in victim impact statements being available in all solemn cases.

It is noted that Mr Golden's Bill currently provides for victim impact statements for any prosecution for dog theft including in a summary court. No current offences prosecuted in a summary court have victim impact statements available with the focus on expanding their use being in the solemn courts. This is an area that the Scottish Government would suggest will need consideration if the Bill proceeds to Stage 2.

We look forward to seeing further scrutiny on this topic by committee when Mr Golden appears before the committee to give evidence on his Members Bill and in due course considering the Committee's Stage 1 report.

I trust that this information will be of assistance to the Committee.

Yours sincerely,



SIOBHIAN BROWN