

# Greyhound Racing (Offences) (Scotland) Bill

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## Explanatory Notes

### Introduction

1. As required under Rule 9.3.2A of the Parliament's Standing Orders, these Explanatory Notes are published to accompany the Greyhound Racing (Offences) (Scotland) Bill, introduced in the Scottish Parliament on 23 April 2025.
2. The following other accompanying documents are published separately:
  - a Financial Memorandum (SP Bill 65–FM);
  - a Policy Memorandum (SP Bill 65–PM);
  - a Delegated Powers Memorandum (SP Bill 65–DPM);
  - statements on legislative competence made by the Presiding Officer and the Member in Charge of the Bill (SP Bill 65–LC).
3. These Explanatory Notes have been prepared by the Non-Government Bills Unit on behalf of Mark Ruskell MSP, the Member who introduced the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.
4. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

### Overview

5. The Bill makes it an offence to race greyhounds on racetracks in Scotland. The Bill also makes it an offence for a person (including racetrack owners/managers) to knowingly use, or permit the use of, greyhounds in racing at racetracks. The offence applies to any racetrack used for the purpose of racing greyhounds that is oval in shape, and therefore applies to greyhound racing at licensed and unlicensed racetracks and covers both commercial and non-commercial activities. The offences cover any racing activity, and as such apply to races, as well as time-trials and sales-trials taking place on racetracks. The racing of one or more greyhounds at a racetrack in Scotland, for whatever purpose, will be an offence.

6. The Bill consists of 14 sections and a schedule.

## Commentary on sections and schedule

### Offences relating to the racing of greyhounds

#### Section 1 – Offence of racing a greyhound on a racetrack

7. Subsection (1) provides that a person commits an offence if they own or are responsible for a greyhound and knowingly causes that greyhound to run on a racetrack or knowingly permits another person to cause that greyhound to run on a racetrack in Scotland. A racetrack is defined in subsection (4) as premises provided for the purpose of running greyhounds on a track that is oval in shape.

8. Subsection (3) provides further detail on when a person is considered to be “responsible for” a greyhound.

9. Subsection (5) allows Scottish Ministers to make regulations to modify the definition of “racetrack” from that provided in this Bill. Subsection (6) provides that regulations made under subsection (5) are subject to the affirmative procedure<sup>1</sup>.

10. Subsection (2) sets out the penalties for an offence under subsection (1).

#### Section 2 – Offence of operating a track for the racing of greyhounds

11. Subsection (1) provides that a person commits an offence if they own or are responsible for the operation of a racetrack (as defined in section 1(4)) in Scotland and knowingly cause or permit another person to cause a greyhound to run on that racetrack.

12. Subsection (3) provides that a person “is responsible” for the operation of a racetrack, for the purposes of this section, if they manage or control the racetrack, or are authorised to give permission for another person to cause a greyhound to run on that racetrack.

13. Subsection (2) sets out the penalties for an offence under subsection (1).

### Further provision relating to offences

#### Section 3 – Powers of enforcement

14. Section 3 introduces the schedule, which makes provision about the powers of “constables”, i.e. police officers. A “constable” is defined in section 12 of section 99(1) of

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<sup>1</sup> Affirmative procedure means that regulations must be laid in draft before the Parliament for approval by resolution.

the Police and Fire Reform (Scotland) Act 2012<sup>2</sup> as “an individual holding the office of constable who is serving as a constable of the Police Service”.

## Section 4 – Time limit for summary proceedings

15. Section 4 provides that proceedings for offences under section 1(1) and 2(1) must be brought within 6 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor’s knowledge. But no proceedings may be brought after 3 years following the commission of the offence (or the last date on which the offence was committed where there is a continuous contravention).

## Section 5 – Deprivation orders

16. Section 5 provides that a deprivation order may be made where a person is convicted of an offence under section 1(1) (offence of racing a greyhound on a racetrack), section 2(1) (knowingly causing or permitting another person to cause a greyhound to run on that racetrack), or section 6(9) (breaching a disqualification order by reason of owning or keeping a greyhound). The deprivation order may be made in respect of any greyhound used in or present at the commission of the offence.

17. Subsection (2) provides that a deprivation order is an order which deprives a person of possession or ownership of a greyhound and orders the destruction, sale or other disposal of the greyhound.

18. Under subsection (3) the destruction of a greyhound may only be ordered if the court is satisfied on evidence by a veterinary surgeon that it would be in the interests of the greyhound. For example, this might be the case where the greyhound was in a very poor state of health. A veterinary surgeon does not necessarily require to attend the court in person but can provide evidence via alternative methods (such as video link, teleconferencing or in writing).

19. The court must also consider the need to ensure the welfare of the greyhound before making a deprivation order other than one involving destruction.

20. Under subsection (4), if the court decides not to make a deprivation order, it must state its reasons unless it makes a disqualification order under section 6. Subsection (5) provides that a deprivation order may be made in addition to or instead of any other penalty for the offence. Subsection (6) allows the court to make provision in respect of any dependent offspring of the greyhound.

21. Subsections (7) and (8) make further provision as to what can be included in a deprivation order. This includes provision for appointing someone to carry out the deprivation order, requiring delivery of greyhounds, conferring powers of entry on the person appointed to carry out the order and such other provision as the court considers

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<sup>2</sup> [Police and Fire Reform \(Scotland\) Act 2012 | legislation.gov.uk](https://www.legislation.gov.uk/ukpga/2012/15/section/1).

appropriate, including reimbursement of expenses incurred in carrying out the order or for the care of the greyhound if it was seized by a constable under the powers included in the schedule.

22. Subsection (9) provides that the owner of the greyhound (who may not be the person convicted of the offence) must be given the opportunity to make representations unless this is not practicable (for example, if the person was indisposed for any reason). This will allow the owner to put forward any arguments as to why a deprivation order should not be made.

## Section 6 – Disqualification orders

23. Section 6 provides that a disqualification order may be made where a person is convicted of an offence under section 1(1) (offence of racing a greyhound on a racetrack), 2(1) (knowingly causing or permitting another person to cause a greyhound to run on that racetrack), or subsection (9) (breaching a disqualification order).

24. Subsections (2) and (3) set out the nature of the disqualifications which may be imposed. Working with or using a greyhound ((2)(c)) could, for example, include any activity beyond companionship, such as racing the greyhound, or using a greyhound for protection. Taking possession of a greyhound for the purpose of providing a service related to it ((2)(d)) could, for example, include dog-walking. Taking possession of a greyhound for the purpose of an activity in respect of which a disqualification mentioned in paragraphs (a) to (d) is imposed ((2)(e)) means having control of the greyhound for the intention of using it for a relevant activity (for example, training). Taking charge of a greyhound for any, or any other, purpose ((2)(f)) means being responsible for a greyhound for any purpose at all, or any additional purpose the court may prescribe. Subsection (4) provides that a person subject to a disqualification order under subsection (1) may nevertheless take charge of a greyhound if it is necessary to alleviate the suffering of the greyhound (for example, a person subject to a disqualification order could apply treatment to an injured greyhound to alleviate suffering, such as by stopping bleeding, or freeing a greyhound if caught or trapped).

25. Subsection (5) provides that if the court decides to make a disqualification order in relation to a person's first conviction for a relevant offence, or not to make a disqualification order, it must state its reasons.

26. Subsection (6) provides that a disqualification order may be made in addition to any other penalty.

27. Subsection (7)(b) allows the court to specify the length of time which must pass before the person who is the subject of a disqualification order may apply to have it terminated or varied.

28. Subsection (8) allows the court to suspend the operation of the disqualification order to enable practical arrangements to be made for the greyhounds affected or for the period while an appeal may take place.

29. Subsection (9) makes it an offence to breach a disqualification order, and subsection (10) sets out the penalties for such breach.

## Section 7 – Seizure orders where disqualification breached

30. Subsection (1) allows the court to make a seizure order where a greyhound has been kept in breach of a disqualification order. Such an order may be made on summary application by a constable or prosecutor and even where separate proceedings have not been brought for breach of a disqualification order under section 6(9).

31. Subsection (3) provides that a seizure order is an order which deprives a person of possession or ownership of a greyhound and orders the destruction, sale or other disposal (for example, placing the greyhound in the care of an animal welfare organisation) of the greyhound.

32. Under subsection (4) a seizure order which involves the destruction of a greyhound may only be ordered if the court is satisfied on evidence by a veterinary surgeon that it would be in the interests of the greyhound. For example, this might be the case where the greyhound was in a very poor state of health. A veterinary surgeon does not necessarily require to attend the court in person but can provide evidence via alternative methods (such as video link, teleconferencing or in writing).

33. The court must also consider the need to ensure the welfare of the greyhound before making a seizure order other than one involving destruction.

34. Subsections (5) and (6) make further provision as to what can be included in a seizure order. This includes provision for appointing someone to carry out the seizure order, requiring delivery of relevant greyhounds, conferring powers of entry on the person appointed to carry out the order and such other provision as the court considers appropriate, including reimbursement of expenses incurred in carrying out the order or for the care of the greyhound if it was seized by a constable under the powers included in the schedule.

35. Subsection (7) gives the owner of the greyhound the opportunity to make representations, unless this is not practicable (for example, because the owner is indisposed). The owner of the greyhound may not be the person who has breached the disqualification order, and this provision will allow the owner to put forward any arguments as to why a seizure order should not be made.

36. Subsection (8) requires the court to consider the desirability of protecting the value of any greyhound to which the order applies (for example, this could relate to the greyhound requiring specialist care and/or training, or to the greyhound being pregnant) and avoiding increasing expenses which a person may be required to reimburse (i.e. the court must consider the desirability of avoiding increasing the associated costs a person may be required to pay back, such as the costs of the care of the greyhound while seized).

37. Subsection (9) provides for the making of an interim order pending the final determination of a seizure order. The court may make an interim order in relation to the keeping of a greyhound before the application for a seizure order is determined and which has effect until such time as the application and any appeal is determined.

## Section 8 – Termination or variation of disqualification

38. Subsection (1) allows a person who is subject to a disqualification order to ask the court to terminate or vary the order. However, under subsection (2) such an application may not be made within the period of one year from the date the order was made or the date a previous application under this section was determined, or within a period specified by the court when making the order or (under subsection (5)) when determining an application under this section.

39. Subsection (3) allows the court to refuse the application, terminate the disqualification order or vary the disqualification order by relaxing the disqualification. The court cannot impose a more extensive disqualification in response to an application under this section.

40. Subsection (4) sets out factors to which the court must have particular regard.

## Section 9 – Appeals against orders

41. Section 9 makes provision for appeals against orders made under sections 5, 6 and 7.

42. Subsection (1) provides that when a deprivation or disqualification order is imposed it is to be treated for the purposes of any appeal as part of the convicted person's sentence. Any appeal will follow the appeal procedure set out in the Criminal Procedure (Scotland) Act 1995<sup>3</sup> for appeals against sentence.

43. Subsection (2) allows any other person with an interest in a greyhound to which a deprivation order applies to appeal to the Sheriff Appeal Court on the same basis.

44. In relation to a seizure order, the disqualified person or any person who entered the process prior to the making of the order may appeal to the Sheriff Appeal Court by virtue of subsection (3).

45. Subsection (4) suspends the operation of any deprivation or seizure order until the periods for appeal against the order and conviction have expired and any appeal has been withdrawn or determined.

46. Subsection (5) allows the court to make an interim order where a deprivation or seizure order is suspended under subsection (4), or where it cannot be carried out because decree has not been extracted, and subsection (6) gives examples of what

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<sup>3</sup> [Criminal Procedure \(Scotland\) Act 1995 | legislation.gov.uk](https://legislation.gov.uk/ukpga/1995/44).

may be included in an interim order (such as appointing a person to carry out an interim order and authorising them, or anyone acting on their behalf, to enter premises for the purposes of carrying out the order, and requiring any person subject to an interim order to give the greyhound to such authorised persons. An interim order may also require reimbursement of expenses incurred by carrying out the order.).

47. Subsection (7) requires the court to consider the desirability of protecting the value of any greyhound to which the interim order applies, and avoiding increasing expenses which a person may be required to reimburse (see paragraph 36 for related explanation).

48. Subsection (8) provides if the operation of a deprivation order is suspended, a person commits an offence if they sell or otherwise part with a greyhound to which the deprivation order applies.

49. Subsection (9) sets out the penalties for an offence under subsection (8). Note that level 5 of the standard scale is, at time of writing, a maximum of £5,000.

## Final provisions

### Section 10 – Individual culpability where organisation commits an offence

50. Section 10 provides that where an organisation commits an offence, and the commission of the offence involves consent or connivance by a responsible individual or is attributable to neglect by a responsible individual, the individual as well as the organisation commits the offence.

51. Subsection (3) and the table in subsection (4) set out who will be a responsible individual with respect to different types of organisation.

### Section 11 – Ancillary provision

52. Section 11 allows the Scottish Ministers to make such incidental, supplementary, consequential, transitional, transitory or saving provision by way of regulations that they consider appropriate in order to give full effect to the Act.

### Section 12 – Interpretation

53. Section 12 provides definitions of various terms in the Bill.

### Section 13 – Commencement

54. Section 13 provides that the Act comes into force at the end of the period of 12 months beginning with the day of Royal Assent.

## Schedule: Enforcement powers (introduced by section 3)

55. The schedule makes detailed provision concerning the Bill's enforcement powers.
56. The definition of "relevant offence" in paragraph 1 means that these powers can be used in relation to any offence under the Act, other than the offence contained in paragraph 15 of the schedule itself.
57. Paragraph 2 allows a constable to enter any premises other than domestic premises without a warrant if there are reasonable grounds for suspecting that an offence has been or is being committed. The definition of "constable" is set out in section 12. Definitions of "premises" and "domestic premises" are set out in paragraph 1. The definition of "premises" includes land. By virtue of schedule 1 of the Interpretation and Legislative Reform (Scotland) Act 2010, land includes buildings and other structures.
58. Paragraph 3 provides that a sheriff or justice of the peace may grant a warrant if satisfied that the requirements set out in that paragraph are met. By virtue of section 45 of the Courts Reform (Scotland) Act 2014, the power to grant a warrant will extend to a summary sheriff.
59. Paragraph 4 sets out what that warrant would allow a constable to do.
60. Under paragraph 5, a constable may enter premises (other than domestic premises) and search for, examine and seize items without a warrant if it appears that a delay would frustrate the purpose for which the powers to be exercised (for example, if items of evidence might be moved or destroyed).
61. Paragraph 6 sets out the circumstances in which a greyhound can be seized. A greyhound can only be seized if in the possession or control of the person the constable believes has committed, or is committing, the offence, and if the constable considers the greyhound is necessary for use in proceedings for a relevant offence, or for enabling the greyhound to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.
62. Paragraph 7 provides that a thing seized (in exercising the powers set out in paragraphs 4(b) or 5(2)(b) of the schedule) must be returned when it is no longer required to be used in proceedings or to be forfeited under Part 2 of the Proceeds of Crime (Scotland) Act 1995. This does not apply to perishable things which no longer have any commercial value.
63. Paragraph 8 provides that a constable in uniform may stop and detain a vehicle or vessel for the purposes of exercising a power under this Bill (for example, if a constable believed a greyhound relevant to an offence was located in car, caravan or boat).



64. Paragraphs 9 to 12 and 14 make supplementary provision in relation to powers of entry and associated powers.

65. Paragraph 13 requires the persons specified in sub-paragraph (2) to comply with any reasonable direction made by a constable and in particular to give such information and assistance as the constable may reasonably require. Contravening this requirement is an offence under paragraph 15. Paragraph 15 also makes it an offence to intentionally obstruct a constable exercising a power under the schedule, or to obstruct a person in the carrying out of a deprivation order (see section 5), a seizure order (see section 7), or an interim order (see section 9(5)). Paragraph 15 sets out maximum penalties for these offences (note that level 5 on the standard scale is, at time of writing, a maximum of £5,000).

66. Paragraph 16 provides that the powers conferred by the schedule do not affect any powers conferred on constables apart from the schedule (for example, in another Act).

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