

Greyhound Racing (Offences) (Scotland) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 65-EN), a Financial Memorandum (SP Bill 65-FM), a Policy
Memorandum (SP Bill 65-PM), a Delegated Powers Memorandum (SP Bill 65-DPM) and
statements on legislative competence (SP Bill 65-LC).**

Greyhound Racing (Offences) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision prohibiting the racing of greyhounds on racetracks.

Offences relating to the racing of greyhounds

1 Offence of racing a greyhound on a racetrack

- (1) A person commits an offence if the person—
- (a) owns or is responsible for a greyhound, and
 - (b) knowingly causes that greyhound to run on a racetrack or knowingly permits another person to cause that greyhound to run on a racetrack.
- (2) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £20,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (3) In this section, a person “is responsible for” a greyhound where the person—
- (a) is responsible for the greyhound on a temporary or permanent basis,
 - (b) is in charge of the greyhound, or
 - (c) has actual care and control of a person under the age of 16 years who is responsible for the greyhound under paragraph (a) or (b).
- (4) In this section and in section 2, “racetrack” means premises provided for the purpose of running greyhounds on a track that is oval in shape.
- (5) The Scottish Ministers may by regulations modify the definition of “racetrack” in subsection (4) to include other categories of premises used for the purpose of the competing of running greyhounds.
- (6) Regulations under subsection (5) are subject to the affirmative procedure.

2 Offence of operating a track for the racing of greyhounds

- (1) A person commits an offence if the person—
- (a) owns or is responsible for the operation of a racetrack, and

(b) knowingly causes or permits another person to cause a greyhound to run on that racetrack.

(2) A person who commits an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £20,000 (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(3) In this section, a person is responsible for the operation of a racetrack if the person—

(a) manages or controls that racetrack, or

(b) is authorised to give permission for another person to cause a greyhound to run on that racetrack.

Further provision relating to offences

3 Powers of enforcement

The schedule makes provision about the powers of constables for the purposes of and in connection with this Act.

4 Time limit for summary proceedings

(1) Summary proceedings for an offence under section 1(1) or 2(1) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to the prosecutor's knowledge.

(2) But no such proceedings may be brought more than 3 years—

(a) after the commission of the offence, or

(b) in the case of an offence involving a continuous contravention, after the last date on which the offence was committed.

(3) A certificate signed by or on behalf of the prosecutor which states the date on which evidence referred to in subsection (1) came to the prosecutor's knowledge is conclusive evidence of that fact, and such a certificate which purports to be so signed is to be treated as being so signed unless the contrary is proved.

5 Deprivation orders

(1) Where a person is convicted of a relevant offence, the convicting court may make an order (in this Act referred to as a "deprivation order") in respect of any greyhound present at the commission of the offence.

(2) A deprivation order is an order—

(a) depriving a person of possession or ownership (or both) of a greyhound, and

(b) for—

(i) the destruction,

(ii) the sale, or

(iii) another disposal,

of the greyhound.

(3) The court may not make—

(a) a deprivation order which involves the destruction of a greyhound unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the greyhound,

(b) any other deprivation order unless it has considered the need to ensure the welfare of the greyhound.

(4) Where the court decides not to make a deprivation order in relation to a relevant offence, it must state its reasons unless it makes a disqualification order under section 6 in relation to the offence.

(5) A deprivation order may be made in addition to, or instead of, any other penalty or order which may be imposed in relation to a relevant offence.

(6) A deprivation order may make provision in respect of any dependent offspring of a greyhound to which it applies.

(7) A deprivation order may include—

(a) provision—

(i) appointing a person who is to secure that the order is carried out,

(ii) requiring any person possessing a greyhound to which the order applies to give it up to a person appointed under sub-paragraph (i),

(b) provision authorising—

(i) a person appointed under paragraph (a)(i), and

(ii) any person acting on that person's behalf,

to enter any premises where a greyhound to which the order applies is kept, for the purposes of securing that the order is carried out,

(c) such other provision as the court considers appropriate in connection with the order.

(8) Provision under subsection (7)(c) may in particular—

(a) require reimbursement of—

(i) any expenses reasonably incurred in carrying out the order,

(ii) if the greyhound was seized by a constable under paragraph 4(b) or 5(2)(b) of the schedule, any expenses reasonably incurred in relation to it since it was seized,

(b) relate to the retention of the proceeds of any sale.

(9) Before making a deprivation order, the court must give the owner of the greyhound concerned an opportunity to make representations unless it is not practicable for the court to do so.

(10) In this section, “relevant offence” means—

(a) an offence under section 1(1),

(b) an offence under section 2(1),

(c) an offence under section 6(10) committed by reason of owning or keeping a greyhound.

6 Disqualification orders

(1) Where a person is convicted of a relevant offence, the convicting court may make an order (in this Act referred to as a “disqualification order”) which imposes on the person one or more of the disqualifications specified in subsection (2).

(2) Those are disqualification from—

- (a) owning or keeping a greyhound (or both),
- (b) transporting a greyhound,
- (c) working with or using a greyhound (or both),
- (d) providing any service relating to greyhounds (including, in particular, for their care) which involves taking possession of a greyhound,
- (e) 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,
- (f) taking charge of a greyhound for any, or any other, purpose.

(3) For the purposes of subsections (1) and (2), disqualification in respect of an activity includes disqualification from any participation in the activity including in particular—

- (a) making arrangements in connection with the activity,
- (b) being party to arrangements under which the activity may be controlled or influenced,
- (c) being concerned (so far as relating to the activity) in the management or control of a body whose business involves the activity.

(4) However, disqualification by reference to subsection (2)(f) does not include disqualification from taking charge of a greyhound for so long as is necessary in the circumstances for the purpose of alleviating any suffering of the greyhound, if no alternative arrangements for its care are reasonably available.

(5) Where the court decides—

- (a) to make a disqualification order in relation to an offender’s first conviction for a relevant offence, or
- (b) not to make a disqualification order in relation to a relevant offence,

it must state its reasons.

(6) A disqualification order may be made in addition to any other penalty or order which may be imposed in relation to a relevant offence.

(7) A disqualification order—

- (a) has effect for such period as may be specified in the order,
- (b) may specify a period within which an application under section 9 for termination or variation of the order may not be made.

(8) The court may suspend the operation of a disqualification order—

- (a) for such period as it considers necessary for enabling arrangements to be made for the keeping of any greyhound to which the order applies,
- (b) pending an appeal.

(9) A person commits an offence if the person breaches a disqualification order.

(10) A person who commits an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(11) In this section, a “relevant offence” is—

- (a) an offence under section 1(1),
- (b) an offence under section 2(1),
- (c) an offence under subsection (9).

7 Seizure orders where disqualification breached

(1) Where the court is satisfied that a person who is subject to a disqualification order owns or keeps a greyhound in breach of the order, the court may make an order (in this Act referred to as a “seizure order”) in respect of any greyhound which the person owns or keeps in breach of the disqualification order.

(2) A seizure order may be made—

- (a) on summary application by a constable or prosecutor,
- (b) even if proceedings have not been, or are not likely to be, taken against the person for an offence under section 6(9).

(3) A seizure order is an order—

- (a) depriving a person of possession or ownership (or both) of a greyhound, and
- (b) for—
 - (i) the destruction,
 - (ii) the sale, or
 - (iii) another disposal,of the greyhound.

(4) The court may not make—

- (a) a seizure order which involves the destruction of a greyhound unless it is satisfied, on evidence provided (orally or in writing) by a veterinary surgeon, that destruction would be in the interests of the greyhound,
- (b) any other seizure order unless it has considered the need to ensure the welfare of the greyhound.

(5) A seizure order may include—

- (a) provision—
 - (i) appointing a person who is to secure that the order is carried out,
 - (ii) requiring any person possessing a greyhound to which the order applies to give it up to a person appointed under sub-paragraph (i),
- (b) provision authorising—
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person’s behalf,

to enter any premises where a greyhound to which the order applies is kept, for the purposes of securing that the order is carried out,

(c) such other provision as the court considers appropriate in connection with the order.

(6) Provision under subsection (5)(c) may in particular—

(a) require reimbursement of—

(i) any expenses reasonably incurred in carrying out the order,

(ii) if the greyhound was seized by a constable under paragraph 4(b) or 5(2)(b) of the schedule, any expenses reasonably incurred in relation to it since it was seized,

(b) relate to the retention of the proceeds of any sale.

(7) Before making a seizure order, the court must give the owner of the greyhound concerned an opportunity to make representations unless it is not practicable for the court to do so.

(8) In determining whether or how to make a seizure order, the court must have regard to the desirability of—

(a) protecting the value of any greyhound to which the order applies, and

(b) avoiding increasing any expenses which a person may be required to reimburse.

(9) When an application is made under subsection (2)(a), the court may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of a greyhound until the application is finally determined.

(10) Subsections (5), (6)(a) and (8) apply in relation to an interim order as they apply in relation to a seizure order.

8 Termination or variation of disqualification

(1) A person who is subject to a disqualification order may request the court which made the order to terminate or vary the order.

(2) An application under subsection (1) may not be made—

(a) before the expiry of the period of one year beginning with the date on which the order was made,

(b) where there has been a previous application under that subsection in relation to the same order, before the expiry of the period of one year beginning with the date on which the previous application was determined, or

(c) within any period specified under—

(i) section 6(7)(b), or

(ii) subsection (5).

(3) On an application under subsection (1), the court may—

(a) refuse the application,

(b) terminate the disqualification order, or

(c) vary the disqualification order so as to relax any disqualification imposed by it.

(4) In considering the application, the court must have particular regard to—

(a) the nature of the offence in relation to which the disqualification order was made,

- (b) the character of the applicant, and
- (c) the applicant's conduct since the order was made.

- (5) Where the court refuses an application made under subsection (1), the court may specify a period within which the applicant may not make a further application under that subsection in relation to the same order.

9 Appeals against orders

- (1) Any deprivation order or disqualification order is, for the purposes of any appeal under the Criminal Procedure (Scotland) Act 1995, to be treated as a sentence.
- (2) Where a deprivation order is made, any person (apart from a person who may appeal against the order by virtue of subsection (1)) who has an interest in any greyhound to which the order applies may appeal to the Sheriff Appeal Court against the order by the same procedure as applies under subsection (1) in relation to a deprivation order.
- (3) The disqualified person by reference to whom a seizure order is made, or any person (apart from that disqualified person) who entered the process prior to the making of the order, may appeal to the Sheriff Appeal Court against the order.
- (4) The operation of any deprivation order or seizure order is suspended until—
 - (a) any period for an appeal against the order has expired,
 - (b) the period for an appeal against the conviction on which the order depends has expired, and
 - (c) any appeal against the order or that conviction has been withdrawn or finally determined.
- (5) Where the operation of a deprivation order or seizure order is suspended under subsection (4), or such an order cannot be carried out because decree has not been extracted, the court which made the order may make an order under this subsection (an “interim order”) containing such provision as the court considers appropriate in relation to the keeping of a greyhound for so long as the deprivation order or seizure order remains suspended or incapable of being carried out.
- (6) An interim order may in particular—
 - (a) make provision—
 - (i) appointing a person who is to secure that the interim order is carried out,
 - (ii) requiring any person possessing a greyhound to which the interim order applies to give it up to a person appointed under sub-paragraph (i),
 - (b) make provision authorising—
 - (i) a person appointed under paragraph (a)(i), and
 - (ii) any person acting on that person's behalf,to enter any premises where a greyhound to which the interim order applies is kept, for the purposes of securing that the interim order is carried out,
 - (c) for reimbursement of—
 - (i) any expenses reasonably incurred in carrying out the interim order,
 - (ii) if the greyhound was seized by a constable under paragraph 4(b) or 5(2)(b) of the schedule, any expenses reasonably incurred in relation to it since it was seized.

- (7) In determining whether or how to make an interim order, the court must have regard to the desirability of—
- (a) protecting the value of any greyhound to which the order applies, and
 - (b) avoiding increasing any expenses which a person may be required to reimburse.
- (8) Where the operation of a deprivation order is suspended under subsection (4), a person commits an offence if the person sells or otherwise parts with a greyhound to which the order applies.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

Final provisions

10 Individual culpability where organisation commits an offence

- (1) This section applies where—
- (a) an offence under this Act is committed by a relevant organisation, and
 - (b) the commission of the offence—
 - (i) involves consent or connivance on the part of a responsible individual, or
 - (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
- “relevant organisation” means an organisation listed in the first column of the table in subsection (4),
- “responsible individual” means, in relation to a relevant organisation—
- (a) an individual falling within the corresponding entry in the second column of the table in subsection (4),
 - (b) an individual purporting to act in the capacity of an individual falling within the corresponding entry.
- (4) The table is as follows—

Organisation	Individual
Company as mentioned in section 1 of the Companies Act 2006	Director, manager, secretary or other similar officer, or, where the company’s affairs are managed by its members, member
Limited liability partnership	Member
Other partnership	Partner
Any other body or association	Individual who is concerned in the management or control of its affairs

11 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.
- (2) Regulations under this section may—
- (a) make different provision for different purposes,
 - (b) modify any enactment (including this Act).
- (3) Regulations under this section—
- (a) are subject to the affirmative procedure if they add to, replace, or omit any part of the text of this or any other Act,
 - (b) otherwise, are subject to the negative procedure.

12 Interpretation

In this Act, unless the contrary intention appears—

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

“deprivation order” has the meaning given by section 5(1),

“disqualification order” has the meaning given by section 6(1),

“premises” has the meaning given by paragraph 1 of the schedule,

“racetrack” has the meaning given by section 1(4),

“responsible for”, in relation to a greyhound, is to be construed in accordance with section 1(3),

“responsible for”, in relation to a racetrack, is to be construed in accordance with section 2(3),

“seizure order” has the meaning given by section 7(1),

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966.

13 Commencement

This Act comes into force at the end of the period of 12 months beginning with the day of Royal Assent.

14 Short title

The short title of this Act is the Greyhound Racing (Offences) (Scotland) Act 2025.

SCHEDULE
(introduced by section 3)

ENFORCEMENT POWERS

Interpretation

- 5 1 In this schedule—
- “domestic premises”—
- (a) means premises, or a part of premises, used (or used for the time being) exclusively as a dwelling-house, and
- (b) includes any land or structure—
- 10 (i) belonging to or usually enjoyed with the dwelling-house, or
- (ii) adjacent to and for the time being enjoyed with the dwelling-house,
- “premises” includes—
- (a) land,
- (b) any other place, including—
- 15 (i) a vehicle or vessel,
- (ii) a tent or other moveable structure,
- “relevant offence” means—
- (a) an offence under section 1(1),
- (b) an offence under section 2(1),
- 20 (c) an offence under section 6(9),
- (d) an offence under section 9(8),
- “relevant power” means a power conferred on a constable by—
- (a) a provision of this schedule, or
- (b) a warrant granted under a provision of this schedule.

25 *Entry and associated powers*

- 2 A constable may enter any premises (other than domestic premises)—
- (a) if there are reasonable grounds for suspecting that a relevant offence has been or is being committed at the premises, and
- (b) for the purpose of ascertaining whether or not a relevant offence has been or is being committed at the premises.
- 30 3 (1) A sheriff or justice of the peace may grant a warrant under this sub-paragraph if satisfied—
- (a) that there are reasonable grounds for suspecting—
- (i) that a relevant offence has been or is being committed at any premises, or
- 35 (ii) that evidence of the commission of, or participation in, a relevant offence is to be found at any premises, and
- (b) that sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies if—

(a) admission to the premises has been refused or such a refusal may reasonably be expected, and

(b) either—

(i) notice of the intention to seek a warrant has been given to the occupier of the premises, or

(ii) the giving of such notice would frustrate the purpose for which the warrant is sought.

(3) This sub-paragraph applies if—

(a) the premises are unoccupied, or

(b) the occupier is temporarily absent.

4 A warrant under paragraph 3(1) authorises a constable—

(a) to enter the premises,

(b) to search for, examine and seize any greyhound, equipment, document or other thing tending to provide evidence of the commission of, or participation in, a relevant offence.

5 (1) A constable may exercise the powers in sub-paragraph (2) without a warrant under paragraph 3(1) if—

(a) it appears to the constable that any delay would frustrate the purpose for which the powers are to be exercised, and

(b) the premises are not domestic premises.

(2) The powers are—

(a) to enter premises,

(b) to search for, examine and seize any greyhound, equipment, document or other thing tending to provide evidence of the commission of, or participation in, a relevant offence.

6 The power to seize a greyhound under paragraph 4(b) or 5(2)(b) may only be exercised—

(a) where the greyhound is in the possession or control of a person who the constable has reasonable grounds for suspecting has committed or is committing a relevant offence, and

(b) where the constable considers it appropriate to seize the greyhound for the purposes of—

(i) enabling the greyhound to be used in proceedings for a relevant offence, or

(ii) enabling the greyhound to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.

7 (1) A thing seized in exercise of the power in paragraph 4(b) or 5(2)(b) must be returned when retention of it is no longer justified for the purposes of—

(a) enabling it to be used in proceedings for a relevant offence, or

(b) enabling it to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.

- (2) Sub-paragraph (1) does not apply to perishable things which no longer have any commercial value.

Stopping and detaining vehicles or vessels

- 8 (1) A constable in uniform may stop and detain a vehicle or vessel for the purpose of the
 5 exercise of a relevant power.
- (2) A vehicle or vessel may be detained under sub-paragraph (1) for so long as it is reasonably required for the purpose of the exercise of the power concerned.
- (3) The power concerned may be exercised either at the place where the vehicle or vessel was first detained or nearby.
- 10 (4) In this paragraph, “vehicle” includes caravan (within the meaning of section 29(1) of the Caravan Sites and Control of Development Act 1960).

Entry and associated powers: supplementary

- 9 A warrant granted under a provision of this schedule remains in force for one month beginning with the date on which it was granted.
- 15 10 A constable may, if necessary, use reasonable force when exercising a relevant power.
- 11 A constable exercising a relevant power must produce evidence of the constable’s authority if asked to do so.
- 12 A relevant power includes power to take onto premises—
- 20 (a) such persons for assistance as are required for the purpose of exercising the power, and
- (b) such equipment as is required for that purpose.
- 13 (1) A person mentioned in sub-paragraph (2) must—
- (a) comply with any reasonable direction made by a constable exercising a relevant power, and
- 25 (b) in particular, give the constable such information and assistance as the constable may reasonably require.
- (2) The persons are—
- (a) the occupier of premises in relation to which a relevant power is being exercised,
- (b) a person who, in relation to a greyhound at the premises, appears—
- 30 (i) to be the owner of the greyhound,
- (ii) to be responsible for the greyhound on a temporary or permanent basis,
- (iii) to be in charge of the greyhound,
- (iv) to have actual care and control of a person under the age of 16 years who is responsible for the greyhound,
- 35 (c) a person who appears to be under the direction or control of a person mentioned in paragraph (a) or (b).
- 14 A constable exercising a relevant power in relation to unoccupied premises must leave the premises as effectively secured against entry as the constable found them.

Offences

- 15 (1) A person commits an offence if the person contravenes paragraph 13(1) without reasonable excuse.
- 5 (2) A person commits an offence if the person intentionally obstructs a constable in the exercise of a relevant power.
- (3) A person commits an offence if the person intentionally obstructs a person in the carrying out of—
- (a) a deprivation order,
- (b) a seizure order,
- 10 (c) an interim order under section 9(5).
- (4) A person who commits an offence under sub-paragraph (1), (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Powers of constables under this schedule

- 15 16 The powers conferred on constables by this schedule do not affect any powers conferred on constables apart from this schedule.

Greyhound Racing (Offences) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision prohibiting the racing of greyhounds on racetracks.

Introduced by: Mark Ruskell
On: 23 April 2025
Bill type: Member's Bill

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