

Welfare of Dogs (Scotland) Bill

[AS AMENDED AT STAGE 2]

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Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

Welfare of Dogs (Scotland) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision as to a code of practice in relation to the acquisition of dogs; and to ensure public awareness and understanding of the code of practice.

PART 1

PROMOTION OF GOOD PRACTICE

- 5 **1 Ministers to make code of practice**
- (1) The Scottish Ministers must make a code setting out good practice to follow in relation to—
- (a) acquiring a dog, or
 - (b) transferring a dog to another person.
- 10 (1A) In making the code of practice, the Scottish Ministers must have regard to the matters set out in sections 2 and 3.
- (2) The code of practice may include provision giving effect to what is set out in sections 2 and 3 and any other matter that the Scottish Ministers consider appropriate.
- (2A) The code of practice must include provision giving effect to what is set out in section 15 4.
- (3) Before making the code of practice, the Scottish Ministers must consult such persons as they consider appropriate.
- (3A) It is immaterial that anything done by way of preparation of, or consultation in relation to, the first code of practice under this section was done—
- 20 (a) before the Bill for this Act was passed, or
- (b) after that but before this section comes into force.
- (4) The code of practice is to come into effect on a date, specified in it, that is no later than 12 months after Royal Assent.
- (4A) The Scottish Ministers may by regulations modify subsection (4) to change the date which is for the time being specified there as the latest date by which the code of practice is to come into effect.
- 25 (4B) Regulations under subsection (4A) are subject to the negative procedure.
- (5) The Scottish Ministers must publish the code of practice.

- (6) The references in sections 5 to 7 to “the code of practice” are to the code of practice made under this section.
- (7) In this Act, “transferring” a dog includes selling, giving away, exchanging, bartering or arranging for the long term loan or long term fostering of a dog, and related expressions are to be construed accordingly.

2 Content of code: in relation to sale or transfer of dog of any age

- (1) This section applies in relation to the transfer of a dog of any age.
- (2) The prospective acquirer is to consider the following matters before acquiring the dog—
- (a) the suitability of the breed of dog to the acquirer’s circumstances (recognising that some breeds require more space, exercise and care than others)?
 - (aa) whether the acquirer has a suitable environment in which to accommodate the dog,
 - (ab) whether the dog would fit in with the composition of the household in which it would be kept,
 - (d) whether there would be suitable arrangements for walking, exercising and playing with the dog regularly?
 - (e) whether the costs associated with keeping the dog (for example, food, bedding, veterinary treatment, insurance) are affordable on an on-going basis?
 - (f) whether the acquirer is committed to caring for the dog throughout its life.
- (3) The prospective acquirer (or a person acting on that person’s behalf) and the prospective supplier are (unless this is not practicable) to meet in person before reaching any agreement to transfer the dog from one to the other.

3 Content of code: in relation to sale or transfer of young dog by first owner

- (1) This section applies in relation to the transfer of a dog if—
- (a) the dog is aged less than 12 months, and
 - (b) the prospective supplier is the first owner of the litter of puppies from which the dog comes.
- (2) The dog is not to be transferred if it is aged less than 8 weeks.
- (3) Before acquiring the dog, the prospective acquirer is (unless this is not practicable) to see the dog with its biological mother.
- (3A) Subsection (3) does not apply if—
- (a) separation of the dog from its biological mother is necessary for the welfare of the dog, other dogs from the same litter or its biological mother, or
 - (b) its biological mother is deceased.
- (4) Before acquiring the dog, the prospective acquirer is to—
- (a) become familiar with circumstances in which the activity of supplying a dog aged less than 12 months would require a licence or registration under regulations made under section 27(1) or (2) of the Animal Health and Welfare (Scotland) Act 2006, and

(b) if it appears that any such circumstances may be applicable in relation to the transfer of the dog, take all reasonable steps to establish that the licence or registration (as the case may be) is in place.

(5) In this section, “first owner” means the person who owns the litter at the time of its birth.

4 Content of code: certificate

(1) This section applies in relation to the transfer of a dog of any age.

(2) Before acquiring the dog, the prospective acquirer is to complete a certificate relating to the matters mentioned in subsection (4) which the prospective acquirer and the prospective supplier are then to sign.

(3) The code of practice must prescribe the form of the certificate.

(4) The certificate must—

(a) require the prospective acquirer to confirm that the prospective acquirer has considered the matters set out in the code of practice,

(b) if provision giving effect to section 3 is included in the code of practice and applies to the transfer of the dog—

(i) require the prospective acquirer to confirm that they have checked with the prospective supplier and believe the dog is at least 8 weeks of age,

(ia) require the prospective supplier to confirm that the dog is at least 8 weeks of age, and

(ii) require the prospective acquirer to confirm that they have complied with section 3(3) and (4),

(ba) require the prospective acquirer to confirm that they have received—

(i) any relevant health records relating to the dog, and

(ii) details of the veterinary practice the prospective supplier is registered with.

(d) include the name and address of the prospective acquirer and the prospective supplier, and

(e) include any other matter the Scottish Ministers consider appropriate.

(5) The certificate is to be kept during the period of ownership of the dog.

5 Revision of code

(1) The Scottish Ministers may revise the code of practice as it has effect for the time being.

(1A) Section 1(1A) to (3) apply to revising the code of practice as they apply to making the first code of practice.

(4) A revised code of practice is to come into effect on such date as is specified in it.

(5) Whenever the code of practice is revised, the Scottish Ministers must re-publish the code of practice as revised.

6 Effect of code

- (1) A person's failure to comply with any provision of the code of practice does not of itself make the person liable to proceedings of any sort.
- (2) In any proceedings for a relevant offence—
- 5 (a) failure to comply with a relevant provision of the code of practice may be relied on as tending to establish liability, and
- (b) compliance with a relevant provision of the code of practice may be relied on as tending to negative liability.
- (3) A “relevant offence” is an offence under—
- 10 (a) Part 2 of the Animal Health and Welfare (Scotland) Act 2006, or
- (b) regulations made under section 26 or 27 of that Act.
- (4) The references in this section to the code of practice are to it as it has effect at the time of the failure to comply, or the compliance, concerned.

7 Public awareness and understanding of code

- 15 (1) The Scottish Ministers must take reasonable steps to ensure public awareness and understanding of the code of practice.
- (2) The Scottish Ministers must, in particular, take reasonable steps to ensure that there is awareness and understanding of the code of practice among school pupils.
- 20 (3) Before determining what steps to take to ensure public awareness and understanding of the code of practice, the Scottish Ministers must—
- (a) consult organisations with an interest in the welfare of dogs, and
- (b) consider how such organisations could contribute to any steps to be taken.

PART 3

GENERAL

13 Commencement

25 This Act comes into force at the end of the period of 2 months beginning with the day of Royal Assent.

14 Short title

The short title of this Act is the Welfare of Dogs (Scotland) Act 2024.

Welfare of Dogs (Scotland) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision as to a code of practice in relation to the acquisition of dogs; and to ensure public awareness and understanding of the code of practice.

Introduced by: Christine Grahame
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Bill type: Member's Bill

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