

Welfare of Dogs (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Basis for code of practice

60, 63, 65, 66, 71, 73, 74, 77

Scope of code of practice: application to transfers

6, 8, 17, 18, 29, 30, 31, 35, 37

Scope of code of practice: extension to all dogs

7, 9, 56

Preparation of code of practice

10, 11, 12, 13, 14, 61, 62, 15, 16, 47, 48, 72, 55

Notes on amendments in this Group

Amendment 62 pre-empts amendment 15

Minor and technical

64, 67, 68, 70, 54

Content of code of practice: matters to be considered by acquirer

19, 20, 21, 22, 23, 24, 25, 26, 1, 27, 28, 38

Content of code of practice: transfer of young dog by first owner

32, 33, 36, 39, 40, 41, 42, 43, 44, 69

Removal of Part 2: registration of litters

34, 49, 50, 51, 52, 53, 57, 58

Content of code of practice: information in certificate

2, 3

Requirement to keep and produce certificate

45, 46, 4

Notes on amendments in this Group

Amendment 46 pre-empts amendment 4

Public awareness and understanding of code

75, 76, 5

Microchipping of dogs

59, 79, 78

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Amendments in debating order

Basis for code of practice

Rachael Hamilton

60 Before section 1, insert—

<Content of code of practice: in relation to the welfare of dogs

(1) The Animal Health and Welfare (Scotland) Act 2006 is modified as follows.

(2) In section 37 (animal welfare codes), after subsection (3) insert—

“(3A) A code of practice prepared under subsection (1) in relation to the welfare of dogs must set out good practice to follow in relation to—

(a) acquiring a dog,

(b) transferring a dog to another person.”>

Rachael Hamilton

63 Leave out section 1

Rachael Hamilton

65 Leave out section 2

Rachael Hamilton

66 Leave out section 3

Rachael Hamilton

71 Leave out section 4

Rachael Hamilton

73 Leave out section 5

Rachael Hamilton

74 Leave out section 6

Rachael Hamilton

77 Leave out section 7

Scope of code of practice: application to transfers

Jim Fairlie

6 In section 1, page 1, line 9, leave out <for people>

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Jim Fairlie

- 8 In section 1, page 1, line 12, leave out <selling or giving away> and insert <transferring>

Jim Fairlie

- 17 In section 1, page 1, line 22, at end insert—

<() 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.>

Jim Fairlie

- 18 In section 2, page 1, line 24, leave out <sale or>

Jim Fairlie

- 29 In section 2, page 2, line 23, leave out <sell or>

Jim Fairlie

- 30 In section 3, page 2, line 25, leave out <sale or>

Jim Fairlie

- 31 In section 3, page 2, line 29, leave out <sold or>

Jim Fairlie

- 35 In section 3, page 2, line 39, leave out <supply> and insert <transfer>

Jim Fairlie

- 37 In section 4, page 3, line 2, leave out <sale or>

Scope of code of practice: extension to all dogs

Christine Grahame

- 7 In section 1, page 1, line 11, leave out <to keep as a pet>

Christine Grahame

- 9 In section 1, page 1, line 12, leave out from <whom> to <pet> in line 13

Christine Grahame

- 56 In the long title, page 1, line 2, leave out <as pets>

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Preparation of code of practice

Jim Fairlie

10 In section 1, page 1, line 13, at end insert—

<(1A) In making the code of practice, the Scottish Ministers must have regard to the matters set out in sections 2 and 3.>

Jim Fairlie

11 In section 1, page 1, line 14, leave out <must> and insert <may>

Jim Fairlie

12 In section 1, page 1, line 15, leave out <to 4> and insert <and 3>

Jim Fairlie

13 In section 1, page 1, line 15, at end insert—

<() The code of practice must include provision giving effect to what is set out in section 4.>

Jim Fairlie

14 In section 1, page 1, line 17, at end insert—

<() 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—

(a) before the Bill for this Act was passed, or

(b) after that but before this section comes into force.>

Finlay Carson

61 In section 1, page 1, line 17, at end insert—

<() The code of practice—

(a) requires to be laid before, and approved by resolution of, the Scottish Parliament, and

(b) comes into effect on such date after approval under paragraph (a) as is specified in the code.>

Finlay Carson

62 In section 1, page 1, line 18, leave out subsection (4)

Jim Fairlie

15 In section 1, page 1, line 19, leave out <6> and insert <12>

Jim Fairlie

16 In section 1, page 1, line 19, at end insert—

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<(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.

(4B) Regulations under subsection (4A) are subject to the negative procedure.>

Jim Fairlie

47 In section 5, page 3, line 24, at end insert—

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

Jim Fairlie

48 In section 5, page 3, line 25, leave out subsections (2) and (3)

Rhoda Grant

72 In section 5, page 3, line 32, leave out subsection (6)

Jim Fairlie

55 In section 13, page 7, line 11, leave out <on the day after> and insert <at the end of the period of 2 months beginning with the day of>

Minor and technical

Rhoda Grant

64 In section 2, page 2, line 1, leave out <is to> and insert <must>

Rhoda Grant

67 In section 4, page 3, line 3, leave out <is to> and insert <must>

Rhoda Grant

68 In section 4, page 3, line 5, leave out <are then to> and insert <must>

Rhoda Grant

70 In section 4, page 3, line 19, leave out <is to> and insert <must>

Jim Fairlie

54 Leave out section 12

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Content of code of practice: matters to be considered by acquirer

Jim Fairlie

- 19 In section 2, page 2, line 1, leave out <ask themselves the following questions> and insert <consider the following matters>

Jim Fairlie

- 20 In section 2, page 2, line 3, leave out from beginning to <family> and insert <the suitability of the breed of dog to the acquirer's circumstances>

Jim Fairlie

- 21 In section 2, page 2, leave out lines 5 and 6 and insert—
<() whether the acquirer has a suitable environment in which to accommodate the dog,>

Jim Fairlie

- 22 In section 2, page 2, leave out lines 7 to 9 and insert—
<() whether the dog would fit in with the composition of the household in which it would be kept,>

Jim Fairlie

- 23 In section 2, page 2, line 10, leave out <would there> and insert <whether there would>

Jim Fairlie

- 24 In section 2, page 2, line 11, leave out from <(For> to <household?)> in line 14

Jim Fairlie

- 25 In section 2, page 2, line 15, leave out <are> and insert <whether>

Jim Fairlie

- 26 In section 2, page 2, line 16, after <insurance)> insert <are >

Ariane Burgess

- 1 In section 2, page 2, line 16, at end insert—
<() have you identified a veterinary practice where you can take the dog if needed?>

Jim Fairlie

- 27 In section 2, page 2, line 17, leave out <are you> and insert <whether the acquirer is>

Jim Fairlie

- 28 In section 2, page 2, line 17, leave out from <(which> to <required?)> in line 20

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Jim Fairlie

- 38 In section 4, page 3, line 8, leave out from <they> to <affirmative> in line 9 and insert <the prospective acquirer has considered the matters set out in the code of practice>

Content of code of practice: transfer of young dog by first owner

Jim Fairlie

- 32 In section 3, page 2, line 31, leave out <the bitch which gave birth to it> and insert <its biological mother>

Jim Fairlie

- 33 In section 3, page 2, line 31, at end insert—
<() 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.>

Jim Fairlie

- 36 In section 3, page 2, line 40, at end insert—
<() In this section, “first owner” means the person who owns the litter at the time of its birth.>

Jim Fairlie

- 39 In section 4, page 3, line 10, leave out <section 3 applies> and insert <provision giving effect to section 3 is included in the code of practice and applies to the transfer of the dog>

Jim Fairlie

- 40 In section 4, page 3, line 10, leave out <require the prospective acquirer to>

Jim Fairlie

- 41 In section 4, page 3, line 11, at beginning insert <require the prospective acquirer to>

Jim Fairlie

- 42 In section 4, page 3, line 12, leave out <and>

Jim Fairlie

- 43 In section 4, page 3, line 12, at end insert—
<() require the prospective supplier to confirm that the dog is at least 8 weeks of age, and>

Jim Fairlie

- 44 In section 4, page 3, line 13, at beginning insert <require the prospective acquirer to>

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Finlay Carson

69 In section 4, page 3, line 13, at end insert—

<() if section 3 applies, require the prospective supplier to confirm that the dog is at least 8 weeks of age,>

Removal of Part 2: registration of litters

Jim Fairlie

34 In section 3, page 2, line 36, leave out from <or> to <Act> in line 37

Jim Fairlie

49 In section 6, page 4, line 8, leave out <or Part 2 of this Act>

Jim Fairlie

50 Leave out section 8

Jim Fairlie

51 Leave out section 9

Jim Fairlie

52 Leave out section 10

Jim Fairlie

53 Leave out section 11

Jim Fairlie

57 In the long title, page 1, line 2, leave out from <about> to <2006;> in line 4

Jim Fairlie

58 In the long title, page 1, line 4, leave out from third <and> to end of line 5

Content of code of practice: information in certificate

Ariane Burgess

2 In section 4, page 3, line 13, at end insert—

<() 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.>

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Ariane Burgess

- 3 In section 4, page 3, line 16, leave out first <and> and insert <, phone number, email address and postal>

Requirement to keep and produce certificate

Jim Fairlie

- 45 In section 4, page 3, leave out lines 14 and 15

Jim Fairlie

- 46 In section 4, page 3, line 20, leave out from <and> to end of line 22

Ariane Burgess

- 4 In section 4, page 3, line 21, after <a> insert <registered veterinary surgeon,>

Public awareness and understanding of code

Finlay Carson

- 75 In section 7, page 4, line 13, at end insert—
<() 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.>

Finlay Carson

- 76 In section 7, page 4, line 13, at end insert—
<() 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.>

Ariane Burgess

- 5 In section 7, page 4, line 13, at end insert—
<() The Scottish Ministers must ensure sufficient resources are available to ensure public awareness and understanding of the code of practice.>

Microchipping of dogs

Edward Mountain

- 59 After section 11, insert—

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<PART

DUTY TO REPORT

Scottish Ministers' duty to report

- (1) The Scottish Ministers must—
 - (a) undertake a review of the operation of The Microchipping of Dogs (Scotland) Regulations 2016, in relation to whether the existence of multiple databases hinders the transparency of obtaining information on the acquisition, transfer and breeding of dogs,
 - (b) prepare a report of that review.
- (2) A review under subsection (1) must consider if improvements should be made to—
 - (a) the registration of microchip data to make the acquisition and transfer of dogs more transparent,
 - (b) the searchability of microchip databases in connection with the acquisition and transfer of dogs by—
 - (i) breeders of dogs,
 - (ii) acquirers of dogs,
 - (iii) owners of dogs,
 - (iv) veterinary practitioners,
 - (c) microchip data in relation to the sale of litters of puppies,
 - (d) the enforcement of ensuring that details recorded on the database by virtue of regulation 6(5)(b) are correct when there is a change of keeper under regulation 10.
- (3) In undertaking a review under subsection (1), the Scottish Ministers must consult—
 - (a) breeders of dogs,
 - (b) acquirers of dogs,
 - (c) microchip database operators holding information about dogs,
 - (d) veterinary practitioners, and
 - (e) such other persons as they consider appropriate.
- (4) A report under subsection (1)(b) must be published before the expiry of three years beginning with the day after Royal Assent.>

Rachael Hamilton

79 After section 11, insert—

<PART

MICROCHIP REGISTRATION DATABASE

Dog microchip database

- (1) The Scottish Ministers must by regulations provide—
 - (a) for the establishment, maintenance, operation, management and control of a national database of microchip information relating to the acquisition, supply and transfer of dogs, and

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- (b) for the appointment of a database operator (that is to say, of a person to exercise functions in relation to the establishment, maintenance, operation, management and control of that database).
- (2) Any database established under subsection (1) is to be known as the “Scottish dog microchip database”.
- (3) Without prejudice to the generality of subsection (1), the regulations may—
 - (a) specify information which must or may be entered in the database,
 - (b) permit or require any person to be given access to the database (or to some part of the database) to monitor the acquisition, transfer or breeding of dogs, and
 - (c) provide technical specifications for the database.
- (4) Before making regulations under subsection (1), the Scottish Ministers must consult—
 - (a) the Secretary of State,
 - (b) such other persons as they consider appropriate.
- (5) Regulations under this section are subject to the affirmative procedure.>

Rachael Hamilton

78 After section 11, insert—

<PART

MICROCHIP DATABASE REVIEW

Microchip database review

- (1) The Scottish Ministers must—
 - (a) undertake a review on whether a centralised database containing the microchip details of dogs should be used to monitor—
 - (i) the acquisition of dogs,
 - (ii) the transferring of a dog to another person,
 - (iii) microchipping by the first owner of a litter of puppies, and
 - (b) prepare a report on that review.
- (2) When preparing a report under subsection (1), the Scottish Ministers must consult—
 - (a) the Secretary of State,
 - (b) such other persons as they consider appropriate.
- (3) A report under subsection (1)(b) must be published before the expiry of 2 years beginning with the day after Royal Assent.>

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