

# Proposed Welfare of Dogs (Scotland) Bill

Statement of Reasons by Christine Grahame MSP on why further consultation is unnecessary.

## Draft proposal

My draft proposal was lodged on 10 February 2022. It is:

A proposal for a bill to improve the health and wellbeing of dogs throughout their lives, including by establishing a more responsible and informed approach to acquiring and owning a puppy or dog; and to regulate the selling or transferring of puppies from unlicensed litters, including by introducing a power for the Scottish Government to introduce regulations.

## Procedure

Under Rule 9.14.3 of the Parliament's Standing Orders, a draft proposal should be lodged with either:

- a consultation document; or
- a written statement of reasons why, in the member's opinion, a case for the proposed Bill has already been established by reference to specified published material and that consultation on the draft proposal is therefore unnecessary.

## Draft proposal in Session 5

In Session 5, I consulted on the following draft proposal for a Responsible Breeding and Ownership of Dogs (Scotland) Bill:

“A proposal for a Bill to improve the health and wellbeing of dogs throughout their lives by strengthening the regulation of the activity of breeding, and of selling or transferring puppies, and by establishing a more responsible and informed approach to acquiring and owning a puppy or dog.”

My draft proposal was accompanied by a [consultation document](#). This document was published on the Parliament's website, from where it remains accessible.

Respondents were asked for their views on the key strands of the proposed Bill, including:

- reducing the threshold for a breeding licence to three litters a year
- extending the breeding license regime to any form of transfer, not only sale.
- introducing a temporary registration scheme for those that breed fewer than three litters in 12 months but wish to sell or transfer puppies
- ensuring the future health and welfare needs of dogs through a more responsible and informed approach to acquiring and owning a puppy/dog.

As set out below in the section on Scottish Government regulations, the Government has introduced regulations that address bullet points one and two above. This

document therefore explains why I consider no further consultation is necessary on the elements of my Session 5 proposal that were not implemented by the Scottish Government and that I wish to include in a bill in Session 6.

## Consultation on previous proposal and draft Bill

The consultation period ran from 4 May to 30 July 2018.

The following organisations and individuals were sent copies of the consultation document or links to it:

- All 32 Scottish local authorities
- Blue Cross
- Dogs Trust
- Edinburgh Dog and Cat Home
- OneKind
- Scottish SPCA
- The Kennel Club & The Scottish Kennel Club.

There was a press launch at Edinburgh Dog and Cat Home on Friday 4 May 2018 to which national press were invited. The launch received coverage on the BBC and in various newspapers. A press release was also issued. The consultation was promoted regularly on my Facebook page and had a dedicated page on my website. I also mentioned it in local newspaper columns and took part in national media appearances (for example on BBC Radio Scotland), to discuss the Bill and its aims.

In total, 92 responses were received. The responses can be categorized as follows:

- one (1%) from a representative organisation, a joint response from the British Veterinary Association Scottish Branch with the British Small Animal Veterinary Association
- nine (10%) from Scottish local authorities
- one (1%) from a private sector organisation
- six (7%) from third-sector organisations
- 75 (82%) from private individuals.

A [summary of the responses](#) was published on the Parliament's website, from where it remains accessible.

In general, there was strong support for tightening the regulation of dog breeding on the one hand and the ambition to achieve higher levels of responsible dog ownership on the other. For each of the questions under the four key strands of the proposal (as set out in bullet points above), respondents indicated a majority support for the measures proposed. The bullet points below in *italics* reflect the support for the elements of my original proposal:

- 91% supported reducing the threshold for a breeding licence from five to three litters
- 89% supported the proposal to require people to be licensed as breeders even if they do not sell their puppies but transfer them or give them away

- 82% supported the introduction of a temporary registration scheme for those breeding one or two litters in a 12-month period, who wish to sell or transfer their puppies (see pages 13-17 of the consultation summary)
- 86% of respondents were supportive of placing an obligation requiring anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered (consultation summary pages 24-27)
- 90% supported the placing an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog. (consultation summary pages 19-22)
- 91% supported placing an obligation on the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions (consultation summary pages 22-24)

A final proposal for a Bill was lodged on 26 February 2019 and was supported by 36 MSPs from five different parties in addition to from one independent member. The [list of the Bill's supporters](#) was published on the Parliament's website, from where it remains accessible.

As a result of the support, I earned the right to introduce a bill and subsequently introduced the [Welfare of Dogs \(Scotland\) Bill](#) on 1 June 2020, and it remains accessible on the Parliament website, as do its [accompanying documents](#). The Bill was based on my draft and final proposals and can broadly be broken into three parts. Parts 2 and 3, in italics, are the elements I intend to pursue in my new proposal for a bill:

1. reducing the threshold for a breeding licence from five to three litters a year (including dogs which are transferred by means other than sale) and requiring the licence number to be included in any advertisement for the dog
2. *setting out the responsibilities of prospective owners/sellers of puppies and dogs through the creation of a code of practice.*
3. *introducing a temporary registration scheme for those that breed fewer than three litters in 12 months but wish to sell or transfer puppies.*

## Parliamentary scrutiny

The Environment, Climate Change and Land Reform Committee was designated as the lead committee for Stage 1 scrutiny of the Bill. In part due to the point in the session when the Bill was introduced combined with the pressure of the COVID-19 pandemic on Parliamentary committees' work programmes, the Committee did not begin stage 1 consideration of the Bill prior to the end of Session 5 and the Bill fell at dissolution on 5 May 2021.

## Scottish Government regulations

Subsequent to my Bill being introduced, the Scottish Government brought in the [Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#), which came into force on 1 September 2021. The regulations address some of the matters covered in my Session 5 Bill, including:

- lowering the threshold of the number of litters that trigger the need to become licensed from five to three. This applies when puppies are sold “or otherwise supplied” and is therefore in line with my session 5 Bill’s aim to expand the breeding license regime to any form of transfer
- requiring licensed breeders to use their unique identification number in any advertisements for the sale of dogs
- requiring the licence holder to ensure that the dogs are kept healthy, in good environments and that certain information is provided by the licence holder to potential new owners.

I was always aware in developing my Session 5 Bill that the Scottish Government was considering bringing forward these Regulations. Accordingly, the policy provisions delivered in these Regulations will not be included in my new draft proposal.

My draft proposal will therefore focus on the other parts of my Session 5 Bill. Specifically, the aims of my draft proposal include to:

### **Responsible ownership**

- require Ministers to make a code of practice regarding acquiring/owning a dog
- require someone acquiring a dog under 12 months to ensure that the person they are obtaining it from is either licensed or, at such time as a register of unlicensed litters is in place, the person acquiring a puppy would be required to check whether a puppy is registered
- set out that, as far as practicable, someone acquiring a dog should meet with the owner, see the dog with its mother etc
- ensure that, at such a time as a register of unlicensed litters is in place, someone registering a litter will be given the code of practice, and any other relevant code of practice made under the Animal Health and Welfare (Scotland) Act 2006.

### **Selling or transferring puppies from unlicensed litters**

- enable the Scottish Government to introduce regulations on the selling or transferring of puppies from unlicensed litters. These regulations should include introducing a register of unlicensed litters.

This differs slightly from my original proposal and subsequent Bill, not in terms of policy intention but in terms of policy delivery. While the Session 5 Bill placed a requirement on the Scottish Government to set up a register of unregistered litters of puppies within 6 months of the Act receiving Royal Assent, this draft proposal would give the Scottish Government the power to introduce regulations.

### **Why consultation is unnecessary**

I consider that consultation is not required for my draft proposal for the following reasons:

- As set out above, my Session 6 draft proposal is based on my Session 5 proposal for a members' bill and subsequent member's Bill, which was introduced on 1 June 2020.
- I consulted on all the elements of my Session 5 proposal (including on those elements which are no longer required to feature in my new proposal as a result of the implementation of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021).
- A variety of individuals and organisations – including local authorities and those that work with animals engaged with the consultation and as demonstrated above, there were high levels of support for the policy strands that feature in my Session 6 draft proposal.
- I am confident that the wide range of responses to that consultation from the public and other stakeholders remain relevant to my proposal and provide a credible resource to help inform the drafting of the new proposed Bill and its accompanying documents. I also intend to ensure the revised Bill dovetails with the specific terms of the Scottish Government Regulations.

Finally, I believe my draft proposal is even more necessary now than in the last parliamentary session, due to the increase in dog ownership, associated with the COVID-19 pandemic. There remains a high volume of casual buying of puppies and dogs through the internet and of imported puppies from puppy factory farms. Repeating the consultation would therefore in my view unnecessarily slow down the progress of what I consider to be a vital piece of legislation.

**Christine Grahame MSP**

**10 February 2022**