

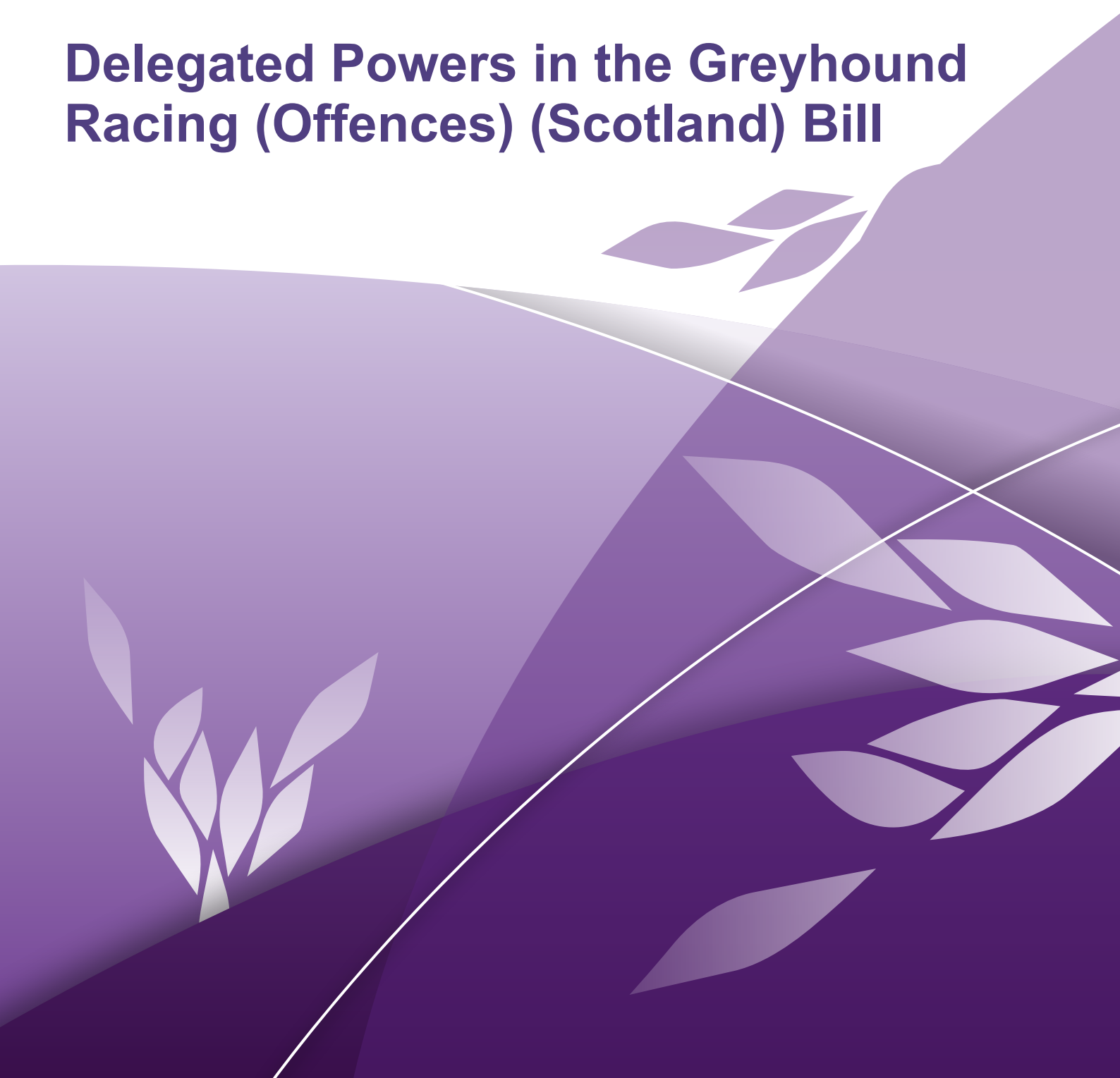


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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Delegated Powers in the Greyhound Racing (Offences) (Scotland) Bill



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Contents

Introduction	1
Overview of the Bill	2
Delegated Powers	3
Review of relevant powers	4

Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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Introduction

1. The purpose of this paper is to consider the delegated powers in [the Greyhound Racing \(Offences\) \(Scotland\) Bill](#) (“the Bill”).
2. This Members’ Bill was introduced by Mark Ruskell MSP (“the Member-in-charge” / “the Member”) on 23 April 2025. The lead committee is the Rural Affairs and Islands Committee.

Overview of the Bill

3. The Policy Memorandum states that the objective of the Bill is “to improve and protect the welfare of greyhounds in Scotland by making it an offence to race greyhounds on greyhound racetracks in Scotland.”
4. The Bill consists of 14 sections and 1 schedule. The main provisions in respect of offences that can be committed and orders that can be made are outlined below.

Offences

5. Section 1 provides that a person commits an offence if they own or are responsible for a greyhound and allow that greyhound to run on a racetrack or permit another person to allow that greyhound to run on a racetrack. A racetrack is defined as premises provided for the purpose of running greyhounds on a track that is oval in shape. Section 2 provides that a person commits an offence if they own or are responsible for the operation of an oval racetrack and allows or permits another person to allow a greyhound to run on that racetrack.

Orders

6. Section 5 provides that a deprivation order may be made where a person is convicted of an offence under sections 1, 2 or 6. Section 6 provides that a disqualification order may be made where a person is convicted of an offence under sections 1 or 2 or for breaching a disqualification order. It sets out the nature of the disqualifications which may be imposed including owning or keeping a greyhound or working with or using a greyhound. Section 7 allows the court to make a seizure order where a greyhound has been kept in breach of a disqualification order. Both deprivation and seizure orders deprive a person of possession or ownership of a greyhound and can order the destruction, sale or other disposal of the greyhound. Section 8 allows a person who is subject to a disqualification order to ask the court to terminate or vary the order. Section 9 makes provision for appeals against orders.

Delegated Powers

7. The Bill confers two delegated powers to Scottish Ministers and these are discussed fully below.
8. On behalf of the Member, the Non-Government Bills Unit has produced a [Delegated Powers Memorandum](#) (“DPM”) which sets out his reasons for taking the delegated powers in the Bill and for the procedure chosen. Comment on the powers, the procedure and the Committee's recommendations are set out below.

Review of relevant powers

Section 1(5): Power to modify the definition of “racetrack”

Power conferred on: Scottish Ministers

Power exercisable by: Regulations

Parliamentary procedure: Affirmative

Provision

9. Section 1(4) of the Bill provides that the offences in the Bill of racing a greyhound or of operating a track apply to racetracks defined as “premises provided for the purpose of running greyhounds on a track that is oval in shape.” Section 1(5) provides that Scottish Ministers can modify that definition “to include other categories of premises used for the purpose of the competing of running greyhounds.” Regulations would be subject to the affirmative procedure.

Committee consideration

10. The Member explains in the DPM that most racetracks used for greyhound racing are oval and currently there is only one greyhound track in Scotland, which is oval in shape. He considers that, due to the curvature, oval tracks carry an inherent risk to greyhounds of injury and fatality. The Member is therefore seeking to address these welfare concerns by prohibiting racing greyhounds on an oval track in Scotland. However, he also considers it conceivable that greyhound racing might move to other types of tracks. The Bill provides for Scottish Ministers to make regulations to cover these other types should these come about and pose a risk of injury or fatality to greyhounds.
11. The Member further explains in the DPM that, as the regulations would be amending the definition of racetrack in primary legislation, the affirmative procedure is appropriate as it would allow Parliament to debate the impact on the welfare of greyhounds of racing on a different type of track.
12. The Committee finds this power acceptable and considers that there is sufficient detail in the DPM as to why this power is considered consistent with the overall policy objective of the Bill “to improve and protect the welfare of greyhounds in Scotland.” Further, the parameters of the power are limited and appropriately balanced as other types of racetracks would firstly have to come into being and secondly would have to pose a risk of injury or fatality to greyhounds, for Scottish Ministers to consider amending the definition to effectively ban greyhound racing on other types of racetracks. The Committee also agrees that the affirmative procedure is appropriate given this power can amend primary legislation and that this provides for sufficient parliamentary oversight.
13. **The Committee finds the power acceptable in principle and is content that it is subject to the affirmative procedure.**

Section 11: Ancillary provision

Power conferred on: Scottish Ministers

Power exercisable by: Regulations

Parliamentary procedure: Affirmative if making amendments to an Act, otherwise negative

Provision

14. Section 11 gives Scottish Ministers the power to make regulations to 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 the Bill or any provision of the Bill.
15. The Bill, if enacted in this form, will allow regulations made under this section to be subject to the negative procedure, unless they add to, replace or omit any part of the text of an Act in which case they are subject to the affirmative procedure.

Committee consideration

16. The Member explains in the DPM that this power allows for the flexibility to make any necessary change that might be needed to make sure that the Bill can operate effectively in practice. Further, without such a power it would be necessary to return to the Parliament with another Bill to deal with any minor matters to properly give effect to a Bill already passed by the Parliament.
17. The Member further explains in the DPM that the proposed procedural approach is typical for ancillary powers and reflects that the Parliament should be able to carefully scrutinise any amendments to primary legislation, while ancillary changes to subordinate legislation are likely to be of a more technical nature and so merit a lesser degree of parliamentary scrutiny.
18. This power is similar in terms to other ancillary powers that the Committee has scrutinised in most Bills. The extent of the power is restricted as it can only be used for the purposes of giving full effect to the Bill as enacted and any provision made under it. The power also allows issues of an ancillary nature which may arise to be dealt with effectively by the Scottish Ministers. Without such a power, any changes would require to be made by primary legislation, which the Committee considers would not be an effective use of either the Parliament's time or the Scottish Government's resources.
19. **The Committee finds the power acceptable in principle and is content with the specified parliamentary procedures which are dependent on whether or not the power is exercised to amend primary legislation.**

