

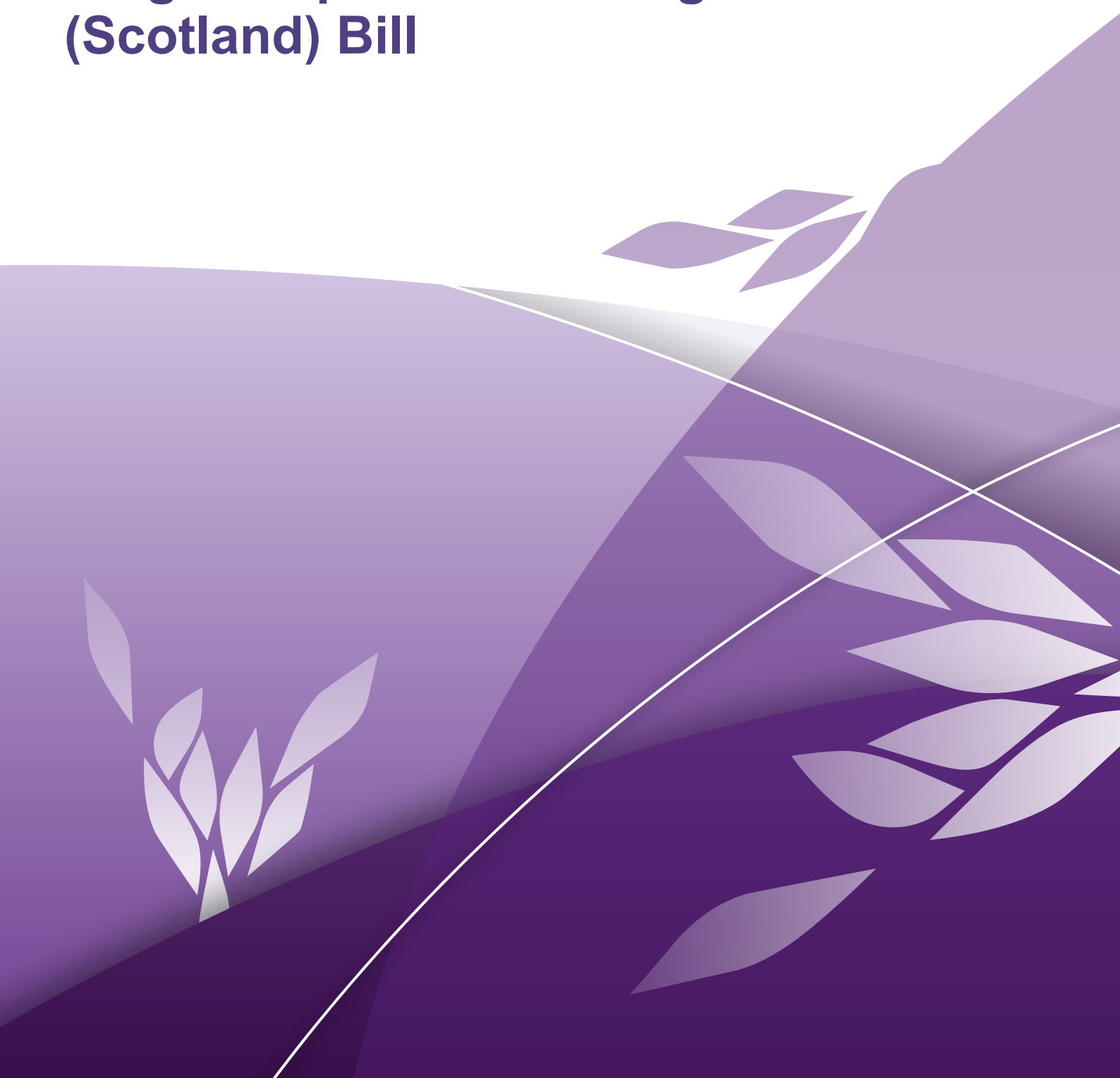


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## Rural Affairs and Islands Committee

# Stage 1 report on the Dog Theft (Scotland) Bill



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# Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)



0131 348 5985

# Committee Membership



**Convener**  
**Finlay Carson**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Beatrice Wishart**  
Scottish Liberal  
Democrats



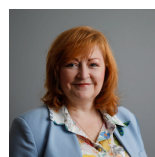
**Alasdair Allan**  
Scottish National Party



**Tim Eagle**  
Scottish Conservative  
and Unionist Party



**Rhoda Grant**  
Scottish Labour



**Emma Harper**  
Scottish National Party



**Emma Roddick**  
Scottish National Party



**Mark Ruskell**  
Scottish Green Party



**Evelyn Tweed**  
Scottish National Party

# Introduction

1. The [Dog Theft \(Scotland\) Bill](#) was introduced in the Scottish Parliament by Maurice Golden MSP on 17 February 2025 and was referred to the Rural Affairs and Islands Committee for consideration at Stage 1 on 25 February 2025. The Bill and its accompanying documents can be accessed on the [Bill's web pages](#).
2. Given the focussed nature of the Bill, and the fact that [Maurice Golden had previously published a consultation in response](#) to which 237 responses were received, the Committee agreed to undertake a truncated stage 1 inquiry and not to issue a general call for views. However, those organisations invited to give oral evidence provided written comments on the Bill which can be accessed under 'correspondence' on the Bill's web pages.
3. The [Scottish Government set out its views on the Bill in a memorandum to the Committee](#) on 14 April 2025. This stated the Scottish Government “recognises the well-intentioned nature of the Bill as introduced” but is taking a neutral position during stage 1. It also raised several questions on specific aspects of the Bill. The [Minister for Victims and Community Safety wrote to the Committee to provide further information on 15 May 2025](#).
4. Following a request from the Committee for further information on a number of points in the Bill, [Maurice Golden wrote to the Committee on 18 April 2025](#).
5. The Committee took oral [evidence on the Bill from Police Scotland, the Crown Office and Procurator Fiscal Service \(COPFS\), the Law Society of Scotland \(the Law Society\), Dogs Trust, the Scottish Society for the Prevention of Cruelty to Animals \(Scottish SPCA\), and Guide Dogs for the Blind Association on 26 March 2025](#). It then took [evidence from the Minister for Victims and Community Safety and a supporting Scottish Government official on 23 April 2025](#) before hearing from the member in charge of the Bill, Maurice Golden, the Parliament's non-government bills unit (NGBU) and a Scottish Parliament solicitor on 21 May 2025.
6. All information relating to the Committee's evidence taking is available on the Committee's web pages. The Committee thanks all those who took the time to provide evidence on the Bill, both orally and in writing.

## Financial memorandum

7. The Bill's accompanying financial memorandum sets out the member's best estimates of the expected financial impact of the Bill. The Finance and Public Administration Committee held a call for views on the financial memorandum but received no responses. There was general agreement by all witnesses from the organisations which would carry an increase in costs as a result of the Bill that the financial memorandum projections were reasonable.

## Delegated powers memorandum

8. A delegated powers memorandum was published alongside the Bill. The [Delegated](#)

[Powers and Law Reform \(DPLR\) Committee reported on the delegated powers memorandum on 23 April 2025](#). The DPLR Committee made one recommendation in relation to the proposed delegated power in section 2(2); this is detailed later in this report.

## The purpose of the Bill

9. The policy memorandum states the Bill would create “a specific statutory offence of dog theft, punishable by up to five years in prison (up to 12 months on summary conviction; up to five years on indictment) and/or the maximum fine level available to the court that the person is tried in”. The Bill also seeks to enable victims of dog theft to make victim statements to the court, would make the theft of an assistance dog an aggravated offence and require the Scottish Government to report annually to the Parliament and review the operation of the Act (should the Bill be enacted). Further information on the Bill is set out in the [SPICe bill briefing](#).

# Background

## Scottish Parliament public petition

10. In 2020, the then Public Petitions Committee considered [petition PE1776](#) which called for a change in the classification of dogs from inanimate objects to sentient beings for the purposes of legal action on dog theft. After writing to the Scottish Government, the Committee closed the petition on 1 October 2020 on the basis that—

” There seems to be agreement among the committee members that we recognise the importance of the issue, but we are satisfied with the Scottish Government's response that the theft of a dog is regarded as an offence, and potentially a serious offence.

## UK Pet Abduction Act 2024

11. The [UK Pet Abduction Act 2024](#) came into force in England and Wales on 24 August 2024, creating stand-alone offences for dog abduction and cat abduction. It also provided for a regulation-making power to extend the abduction offence to other animals commonly kept as pets.

## Scottish Government review of whether there should be a specific offence of pet theft

12. The Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 committed the Scottish Government to reviewing whether there should be a specific offence of theft of a pet by 1 April 2025.

13. The Scottish Government's [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020: provisions and requirements for additional animal welfare, animal health and wildlife offences – review](#) was published on 4 April 2025. It set out that the Scottish Government had no current plans to legislate “on the basis that there is no consensus on whether there should be a specific offence of theft of a pet”.

## Maurice Golden’s proposal for a member's bill

14. [Maurice Golden lodged his draft proposal for a member's bill on 21 October 2022 and, as required under Standing Orders, held a public consultation on the Bill between 22 October 2022 and 16 January 2023. 237 responses were received. An analysis of responses was completed by NGBU and a summary of responses was published on 13 September 2023.](#)

15. The analysis found that a clear majority of respondents supported the draft proposal (with 93% being fully supportive and 4% partially supportive). However, it is worth noting that respondents were self-selecting and may not be representative of wider stakeholder or public opinion so caution should be exercised in drawing quantitative conclusions on that basis. Whilst a majority of the 15 organisations (as opposed to 222 individuals) which provided a response supported the Bill, the Law Society took a neutral stance and the Scottish Courts and Tribunals Service did not express a view.

# Committee consideration

## Section 1(1): the offence of dog theft

16. Currently, the theft of a dog in Scotland is covered by the common law offence of theft. The policy memorandum sets out Maurice Golden's view, however, that dog theft is a "heinous crime", which causes emotional distress for owners as well as for the dog itself. In such cases, the member's view is that "greater recognition of the emotional impact on the owner is needed and ... this should be an important consideration in sentencing". The policy memorandum notes there is a low level of prosecutions under the common law for dog theft and goes on to set out Maurice Golden's view that "the introduction of a specific crime with an associated proportionate punishment would be used more in practice than the current common law offence of theft".
17. Section 1(1), therefore, would provide for a statutory offence of dog theft where a person takes or keeps a dog from "the lawful control of any person".

## Need for a statutory offence to recognise the emotional impact of dog theft on dogs and their owners?

18. The policy memorandum sets out Maurice Golden's view that "the common law offence of theft places emphasis on the monetary value of an object, and that there is insufficient focus on the emotional importance to the owner of a sentient being".
19. The Guide Dogs for the Blind Association, Dogs Trust and the Scottish SPCA agreed that the current law in this area is inadequate as it treats dogs as a commodity or possession meaning that "emphasis is placed on monetary value rather than the intrinsic emotional and welfare impact on the owner and the animal". These organisations supported the creation of a stand-alone offence which, according to the Guide Dogs for the Blind Association, would "ensure greater legal clarity, stronger deterrence, and fairer sentencing, making it clear that dog theft is dealt with by the courts as more than a property crime".
20. Police Scotland also agreed that the current common law crime of theft fails to reflect sufficiently the impact on families and pets and stated that "the animal welfare side is a welcome part of the Bill".
21. Police Scotland, COPFS and the Law Society stated that the theft of a dog was already a criminal offence and stated that, from their perspective, a statutory offence would not change how they investigate or prosecute the offence. Police Scotland suggested the Bill "is not a change in process; it is more about a change in legislation".
22. The Law Society also suggested that, in the absence of additional resource being made available for enforcement, "the creation of new offences will have a very limited impact in increasing the number of people convicted".
23. The Minister also referred to the existing common law offence; she suggested that it could "be argued that existing laws are in place with appropriate sentencing powers" and that "the courts have wide discretion to consider the facts and

circumstances” such as the distress and harm caused to the victim. The Minister highlighted the Scottish Government's 2024 review which concluded dog theft legislation was not required as “there appeared to be no consensus on whether such a move was necessary”.

24. The Minister also suggested that raising awareness of dog theft, and the associated penalties, might be an alternative approach to tackling dog theft. The Minister's supporting official highlighted that the Government is in the process of establishing an “expert advisory group that would bring in a number of key stakeholders to look at issues of dog control and dog welfare”. The Scottish Government official went on to say that—

” I am excited at the prospect of what we can achieve through the expert advisory group. I stress that it will not be a short-life working group; we plan for it to be around for the foreseeable future, because challenges regarding dog welfare, dog control and dog theft will always be on our radar. The expert advisory group will be a good opportunity to get our teeth into some of these issues.

25. The [Minister provided further information relating to the expert advisory group in her letter to the Committee, dated 15 May 2025](#).
26. Noting that current law treats the theft of a dog in exactly the same way as it treats the theft of any other household item, something he described as the “crux of the matter”, Maurice Golden stated that the creation of a new statutory offence “is an effective way of modernising the existing law”.

## **View that a statutory offence would be used more in practice than the existing common law offence**

27. The policy memorandum highlights examples of statutory offences being created when charges could already be brought under common law, including the Criminal Justice and Licensing (Scotland) Act 2010, regarding breach of the peace, and the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021. The policy memorandum suggests that the statutory offences in relation to breach of the peace and the protection of workers “are being used far more widely than the common-law offences were used”.
28. In the Minister's letter to the Committee, dated 15 May 2025, she explained that it was not appropriate to make a comparison with the statutory offence of breach of the peace as the section 38 offence is not an example of common law being directly replaced by a statutory offence. She told the Committee that “the reason why a new offence was needed was because there was a court judgement which narrowed common law breach of the peace which meant a statutory offence was needed to respond to the gap in the law that was created”.
29. In his evidence to the Committee, Maurice Golden repeated his view that the statutory offence mentioned in the policy memorandum “are being used far more widely than the common law offences were used”. He also emphasised the “critical point” that the common law offence could still be used where prosecutors felt it was appropriate.

## Role of a statutory offence to act as a deterrent

30. In his 18 April 2025 letter to the Committee, Maurice Golden wrote—
- ” When the penalties contained in the Bill begin to be imposed, it is likely that there will be publicity in the media, in particular if and when prison sentences are handed down. Such publicity will contribute to ensuring the new offence would act as a deterrent.
31. All the organisations who gave evidence to the Committee, however, disagreed with this claim. Police Scotland and representatives from the legal system expressed doubt that a statutory offence would act as a deterrent for dog theft; the Law Society suggested this point was “entirely moot”.
32. In respect of a deterrent for organised criminals, Police Scotland thought “monetary value would probably supersede any deterrent effect of the bill”. Dogs Trust and the Scottish SPCA agreed, although the Scottish SPCA noted that it was aware of cases of vulnerable individuals being used to house and sell litters of puppies and suggested that the introduction of a “stand-alone offence would show the seriousness of the issue and would encourage people not to get caught up in such situations”.
33. The Minister gave her view that “there is no strong evidence that [a statutory offence] will be a deterrent”.
34. When asked to comment on this evidence, Maurice Golden asserted that—
- ” Ultimately, passing the Bill would send a message that Parliament takes dog theft seriously. That message, along with the publicity that will follow, and campaigning and messaging by charities [...] will result on a greater focus on the issue.
- 35. The Committee agrees that a stand-alone, statutory offence would recognise that dogs are sentient beings and reflect the impact on animal welfare associated with their theft.**
- 36. The Committee notes, however, the view of Police Scotland, COPFS and the Minister that a statutory offence would not change how an offence would be investigated or prosecuted. Police Scotland told us the Bill “is not a change in process; it is more about a change in legislation”.**
- 37. The Committee notes Maurice Golden’s belief that a statutory offence would be used more in practice than the existing common law offence but agrees there is not clear evidence to support this.**
- 38. The Committee also notes Maurice Golden’s view that a statutory offence would act as a deterrent but that all the witnesses who gave evidence to the Committee disagreed with this suggestion. Without a dedicated budget for raising awareness of the statutory offence, and the similarity between the penalties for the proposed statutory offence and the existing common law offence, the Committee agrees that a statutory offence is unlikely to act as a strong deterrent.**

39. **If the Bill is to proceed to stage 2, the Committee recommends Maurice Golden explore opportunities for raising awareness of the proposed statutory offence if the Bill is passed.**
40. **The Committee notes the wide-ranging expert advisory group on dog control and dog welfare which the Scottish Government is in the process of establishing. The Committee welcomes the Minister's suggestion that the group consider dog theft, including non-legislative measures such as raising publicity around the issue.**

## **Section 1(2) to (4): defences for the section 1(1) offence**

41. Subsections 1(2) to (4) provide for three defences; in situations of a relationship breakdown (section 1(2)); where a person had either “lawful authority” or a “reasonable excuse” to take or keep the dog (section 1(3)); and where a dog is a stray and reasonable steps have been taken to report this (section 1(4)).
42. No issues were raised in relation to the proposed section 1(3) and (4) defences.
43. The Committee discussed the proposed relationship breakdown defence at section 1(2) and Police Scotland and representatives from the legal system explained their reasons for supporting the provision. The Law Society explained that it was “incredibly difficult” to identify ownership in cases of relationship breakdowns which often have “to be dealt with in a civil court in the same way—whether we like it or not—as other property belonging to the couple is dealt with”. In its view, “the idea of people having recourse to the police purely to resolve what are fundamentally property disputes would be a pretty substantial step”. COPFS agreed “there is no legislative gap that means that we cannot adequately deal with such situations with the current provisions”. Dogs Trust agreed with this position in respect of simple ownership disputes.
44. Animal welfare organisations, however, expressed concerns about the proposed defence, especially in relation to domestic abuse and coercive behaviour. For example, the Dogs Trust expressed reservations about the Bill not applying where people have previously lived together, noting it was aware of cases where perpetrators of domestic abuse had harmed or euthanised pets as a form of abuse. The Dogs Trust said that, in its view, domestic abuse legislation fails to provide adequate protection to pets and suggested the Bill could be amended to provide that “in general ownership disputes, the offence should not apply in relationship break-ups but that there should be an exemption when we know that there is domestic abuse, because of the coercive and controlling nature of those situations”.
45. The Scottish SPCA supported this position but acknowledged the difficulties of proving ownership, particularly in cases involving coercion; it called for the Bill to be strengthened to address such circumstances. Police Scotland confirmed that such cases were not uncommon and that it would welcome a strengthening of the Bill to provide greater clarity on how ownership could be proved.

46. The Committee discussed whether an equivalent of ‘Ruby’s Law’ is required in Scots law. Ruby’s law is a campaign which seeks specific changes to current family law applying in England and Wales to explicitly protect pets in households where there is domestic abuse.
47. Representatives from the legal system argued that the current domestic abuse legislation does adequately address the theft, or threat of theft, of dogs in abusive relationships. Describing Scotland’s current domestic abuse legislation as “really strong”, COPFS argued that cases of dog theft in abusive relationships “should properly be libelled within the domestic abuse legislation” rather than under the proposed legislation. The Law Society urged caution in conflating domestic abuse with relationship breakdowns, explaining that “the idea of bringing in the police to regulate issues of property ownership where there is no domestic abuse represents a very substantial step”.
48. [COPFS wrote to the Committee, on 9 April 2025](#) and confirmed that, “in scenarios involving domestic abuse, there are legislative provisions to allow prosecution of the taking of a dog from the relationship and therefore prosecutions in those circumstances are not hindered absent the proposed provisions”. COPFS concluded by advising that “issues around proof of ownership would not be remedied by further legislation in a prosecutorial context”.
49. When she gave evidence, the Minister cautioned against “legislating for a scenario that might involve a dispute over ownership in the context of criminal proceedings” and her supporting official highlighted the difficulties of resolving contested ownership following a relationship breakdown.
50. The Minister agreed there are existing legislative provisions that allow for prosecution in relation to the taking of a dog following a relationship breakdown in a domestic abuse scenario which could be treated as an aggravator under the Domestic Abuse (Scotland) Act 2018, “therefore, those types of prosecutions can already happen”.
51. Maurice Golden confirmed his view that the section 1(2) defence was necessary because taking a dog following a relationship breakdown was “not in any way criminal”. In relation to the suggestions the Bill should be strengthened in regard to the theft, or threat of theft, of a dog within an abusive relationship, Maurice Golden was clear that his Bill would do nothing to alter the existing criminal offence relating to domestic abuse and he noted the importance of considering the issue carefully “to ensure that there are no loopholes”.

**52. The Committee is content with the three defences provided for in sections 1(2) to (4).**

**53. The issue of the theft, or threat of theft, of a dog within an abusive or coercive domestic relationship, and whether the proposed section 1(2) defence adequately protects a dog in this situation, has been raised with the Committee. Within the scope of its stage 1 inquiry, the Committee has not been able to fully explore the protections available in domestic abuse legislation. On the basis of the evidence heard, however, the Committee agrees that it would not be in the scope of the Bill to set out further**

measures. The Committee recommends, however, that the Scottish Government's expert advisory group consider this issue as part of its work programme.

## Section 1(6): penalties

54. The policy memorandum sets out Maurice Golden's view that "a specific crime with an associated proportionate punishment would be used more often in practice than the current common law offence". In terms of the "proportionate punishment", the Bill proposes that a person committing a section 1(1) offence would be liable—
- on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the prescribed sum<sup>i</sup> (or both),
  - on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
55. The penalties available for the common law theft offence depend on the court in which the accused is prosecuted and the procedure under which the prosecution takes place as follows—
- Justice of the Peace Court – up to 60 days' imprisonment and/or a fine of up to £2,500
  - Sheriff Court
    - Summary Procedure – up to 12 months' imprisonment and/or a fine of up to £10,000
    - Solemn Procedure – up to five years' imprisonment and/or an unlimited fine
  - High Court – up to life imprisonment and/or an unlimited fine.
56. The proposed penalties in section 1(6), therefore, are the same as the penalties currently available for the common law offence of theft when prosecuted in a Justice of the Peace or Sheriff Court, where it is likely that these types of offences will be prosecuted.
57. When asked whether it expected the Bill to have any impact on prosecution or sentencing under the proposed new stand-alone offence, COPFS explained that "all the penalties are currently available in relation to the common-law offences" and that the penalties "would be determined by when and in which court the prosecutor would progress proceedings, whether the summary or solemn court".
58. The Minister told the Committee that the existing common law offence, with a

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<sup>i</sup> Section 1(7) provides that the 'prescribed sum' has the meaning given by section 225(8) of the Criminal Procedure (Scotland) Act 1995. This is currently £10,000.

penalty of life imprisonment if a case is tried in the High Court, provided “appropriate sentencing powers”.

59. Maurice Golden described the penalties provided for in the Bill as “reasonable and proportionate”. When asked about the maximum penalties in the Bill being set lower than the existing maximum penalty for the common law offence, Maurice Golden suggested that “we probably need to distinguish between the theory and the practice” and that it would be unlikely for a maximum penalty to be given for a dog theft. He added that the common law offence would still exist if COPFS felt that would be a more appropriate ground for prosecution.

60. **The Committee notes the penalties set out in the Bill are the same as those available for the common law offence when heard in the sheriff court and would be lower than those available if proceedings were heard in the High Court.**

## Section 2: Theft of assistance dogs

61. The policy memorandum states that the member has “identified a gap” in existing aggravating factors in respect of the theft of an assistance dog that “is guiding a blind person, assisting a deaf person with routine tasks or assisting people who are otherwise disabled with such tasks”. Given that such individuals rely on an assistance dog to carry out day-to-day functions and to provide them with independence as well as providing mental health benefits, the Member considers that deliberately taking or detaining a dog that is known to be an assistance dog “compounds the severity of the offence” committed under the Bill. In the Member’s view, this aggravator should apply regardless of whether the dog is actively providing assistance at the time of its theft or not.
62. Accordingly, section 2(1) would make theft of an assistance dog an aggravated offence. The aggravation would only apply to the statutory offence. The definition of an assistance dog is set out at section 2(2); the Bill would give the Scottish Ministers the power to amend this definition by regulations, to be laid under the negative procedure.

### Case for theft of an assistance dog to be an aggravated offence

63. Guide Dogs for the Blind Association, Dogs Trust and the Scottish SPCA strongly supported this provision. Guide Dogs for the Blind Association explained that, unlike pet dogs, “guide dogs are not simply companions but are highly trained working animals that provide essential mobility support”. Its submission highlighted that assistance dogs are “irreplaceable in the short term”, with training taking around 37 weeks and costing around £38,000. Guide Dogs for the Blind Association added that matching a trained assistance dog with an individual is a complex and highly personalised process, with some owners being matched with multiple dogs before forming a successful partnership, making them “uniquely difficult to replace as mobility aids”. These organisations agreed that, in their view, the common law offence of theft does not consider the impact the theft of an assistance dog would have on its owner’s independence and quality of life.

64. All witnesses agreed that a theft of an assistance dog has never been reported, although the Guide Dogs for the Blind Association suggested that “past attempts have been made, demonstrating that a legal deterrent is necessary”.
65. Representatives from the legal system argued that the current process already allows circumstances such as the impact of the theft on the victim to be taken into account at the point of sentencing. The Law Society told the Committee that “the circumstances that aim to be covered by the proposed aggravating factor are already considered by existing sentencing guidelines”. It added that, where the offender “is aware that the assistance dog supports a vulnerable person, it can be considered the aggravating factor of “deliberate targeting a victim who is vulnerable or perceived to be vulnerable” as a relevant circumstance for determining the seriousness of the offence. The Law Society also stated, however, that, it “would have no difficulty with the notion of the theft of an assistance dog being treated as a formal aggravation”.
66. Police Scotland raised the question of the need to demonstrate, and prove, that the person taking the dog was aware that the dog was an assistance dog. COPFS explained that “we would have to be able to demonstrate that the accused knew that the dog was an assistance dog to be able to prove the aggravation”.
67. The Minister questioned Maurice Golden’s evidence base “to support and justify the position that the emotional impact on victims is not sufficiently considered during sentencing under current law” and gave her view that “our existing law already reflects that [dog theft] as being worthy of a more serious penalty”.
68. The Member accepted that such thefts were “extremely rare” but that, in his view, the proposed aggravation was the “right thing to do” in circumstances of theft of an assistance dog and what he described as the “double whammy” of losing vital assistance along with a much-loved companion.

## Definition of an assistance dog

69. Section 2(2) defines that the term assistance dog—
1. has the meaning given to it by [section 173\(1\) \(interpretation\) of the Equality Act 2010](#),<sup>ii</sup> and
  2. includes a dog of a category prescribed by regulations made by the Scottish Ministers.
70. The Scottish SPCA questioned the definition and highlighted a recent collaborative research project which had sought to identify definitions of the different categories of how animals are used. The Scottish SPCA argued that “the specific purpose definitely needs to be taken into consideration, and the definition needs to be

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ii Section 173(1) provides that an assistance dog means- (a) a dog which has been trained to guide a blind person; (b) a dog which has been trained to assist a deaf person; (c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; and (d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

looked at as part of the bill”. Police Scotland agreed that clarity of definitions was “essential”.

71. A Scottish Government official also raised the issue of the definition of an assistance dog and queried whether it would cover all support or therapy dogs.
72. Picking up on the issue of the definition, the DPLR Committee asked Maurice Golden to respond to the discrepancy between the statement in the delegated powers memorandum – which set out the intention that the section 2(2)(b) power “would only be used to add categories of dog trained to assist people with certain disabilities and particular needs” – when this limitation is not provided for in section 2(2)(b) itself.
73. In his response, Maurice Golden highlighted the need for the power to have flexibility to allow for a category of dog to be prescribed that is not trained by a charity or is a category which assists those with medical conditions rather than a particular disabled group. The DPLR Committee noted that this explanation “departs slightly from what is said in the delegated powers memorandum” and recommended that, “in light of the Member’s explanation, consideration should be given to the affirmative procedure applying to the power in section 2(2)(b) instead of the negative procedure”.
74. When asked about the DPLR Committee’s recommendation, Maurice Golden told this Committee that his view remained that the negative procedure “seems more proportionate”.

## **Extending the proposed aggravated offence to other working dogs**

75. The Committee also explored whether the provisions relating to assistance dogs should be extended to cover other working dogs which also require extensive training and act as invaluable “equipment” for their owners (for example, working sheep dogs).
76. The Scottish SPCA agreed that this should be considered, suggesting that “someone might rightly say that their livelihood depends on having that working dog out in the field, doing the job that it needs to do, and, because they do not have that dog any more, there is an impact on their livelihood—plus all the emotional impact”.
77. The Minister agreed this was “a valid point”.
78. The Member noted that the theft of any working dog would still be an offence under the Bill, and the courts would be free to consider higher penalties in such circumstances. However, he believed an important distinction is that the owners of other types of working dogs “would not [...] require the dog to assist them with daily tasks”.

79. **The Committee recognises that the theft of an assistance dog would have a serious, life-changing, impact on its owner, both in terms of the emotional distress it would bring and the impact on their independence and ability to**

**perform everyday tasks.**

80. **The Committee notes, however, that there have not been any instances of the theft of an assistance dog and that the court system can already take into account the impact of any theft if a case did come to court. It is not clear to the Committee, therefore, that this is a proportionate provision.**
81. **The Committee also notes the comments made to it relating to the definition of assistance dog to ensure it is fit for purpose. If the Bill does progress to stage 2, the Committee suggests this definition is reconsidered to ensure it would include all dogs which provide support and assistance. The Committee is content with the negative procedure applying to any regulations made under section 2(2)(b) to amend the definition of an assistance dog.**
82. **In respect of other types of working dogs, the Committee agrees that, for example, the theft of a working farm dog would not have a life-changing impact on its owners in the same way as the theft of an assistance dog would have. The theft of a working dog would, however, cause emotional distress and could significantly impact its owner's ability to carry out their work. The Committee recommends, therefore, the proposed aggravation is extended to reflect other working dogs.**

### **Section 3: Victim statements**

83. The policy memorandum explains that the member is “unconvinced” that the impact of a dog theft on the victim, and indeed, on the dog, is fully considered in sentencing. It highlights the Pet Theft Taskforce's reference to a wider “growing public feeling” that sentencing does “not sufficiently recognise an animal as something more than mere property”.
84. Section 3 would, therefore, amend the Criminal Justice (Scotland) Act 2003 to enable victims of dog theft to make victim statements in both solemn and summary proceedings in order to “tell the court how the crime has affected them physically, emotionally and financially”.
85. Section 14 of the Criminal Justice (Scotland) Act 2003 currently provides for victims of “prescribed offences” including assault, robbery, sexual offences, murder, theft by housebreaking and fire-raising to provide victim statements to the court in solemn proceedings.<sup>iii</sup> In the member's view, “the addition of dog theft to the list of prescribed offences is entirely in keeping with the severity of offences currently in this list, reflecting as it does the emotional impact on a person of having a pet dog stolen”.
86. Of the stakeholders which provided written submissions, Guide Dogs for the Blind Association, Dogs Trust and the Scottish SPCA supported this proposal. The Dogs Trust thought the proposed provision would recognise that “the true price of a dog to

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<sup>iii</sup> Further information is set out at paragraph 39 in the policy memorandum.

an owner is the unbreakable emotional connection, which is far greater than any monetary value". The Scottish SPCA saw a "significant inconsistency in sentencing" and described the Bill as a good opportunity "to set the bar and bring in the emotional impact on the victim and the fact that dogs are sentient beings".

87. COPFS, however, stated that, under the current procedures for prosecutions under common law, "information is contained in the police report about the impact that the theft would have on a family and on children". The Law Society agreed, stating that "the sentencing process guideline makes it entirely clear that such information would have to be taken into account in the assessment of the seriousness of the offence". The Law Society added that the proposed victim impact statement for the section 1(1) offence "really replicates something that should be happening already".
88. Furthermore, COPFS argued that the Bill would create anomalies, or a hierarchy, between those victims who would have the right, and those who would not have the right, to make a victim statement. For example, victims of dog theft would have the right to make a victim support statement in a summary court but victims of domestic abuse or of health and safety offences would not.
89. The Minister highlighted that this provision had not been included in the consultation on the bill proposal. Referring to the current provision for victim impact assessments for solemn cases involving violence, sexual offences and housebreaking, the Minister queried Maurice Golden's thinking that this proposal "would be an appropriate approach".
90. The Minister also explained that the Cabinet Secretary for Justice and Home Affairs was working with another member in relation to amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill that would permit more victims of crime to make victim statements.
91. In her [letter to the Committee, dated 15 May 2025, the Minister](#) confirmed that the proposed amendments to the Victims, Witnesses, and Justice Reform (Scotland) Bill would result in victim impact assessments being available in all solemn cases. These would not provide for statements being available in summary cases, as proposed in this Bill.
92. When invited to comment on suggestions that his proposal would create an anomaly, Maurice Golden emphasised the emotional impact of dog theft. He said that "although a case of dog theft might be considered in a low-level court, the impact on the victim is not low level".

**93. The Committee notes comments from stakeholders that the courts would already consider the impact of crimes on victims in sentencing. The Committee further notes comments from stakeholders that providing for victim statements in summary courts for dog thefts whilst not doing so for other offences which, in some cases, could potentially be viewed as being more serious, would create an anomaly.**

**94. Given the Scottish Government's commitment to expand the range of offences where victim statements would be permitted, the Committee suggests this provision is removed from the Bill at Stage 2. The Committee believes any extension for victim statements for dog theft should be**

considered within the wider context of this exercise and managed in a proportionate and staged way.

## Section 4: Annual reports by Scottish Ministers; and section 5: review of operation of the Act

95. Section 4 requires the Scottish Ministers to publish and lay in Parliament an annual report on the operation of the Act. Section 4(2) sets out what matters the annual report must cover, including numbers of reports, charges, prosecutions and convictions of the proposed section 1(1) offence and details of sentences (including whether or not there was an aggravating factor) in relation to dog thefts.
96. The policy memorandum highlights that “there is currently no requirement for incidences, charges, prosecutions and convictions to be recorded specifically as ‘dog theft’” with the result that “there is no reliable data on the extent of dog theft”. The policy memorandum goes on to suggest that the data collected in these annual reports would establish the extent of dog theft, as well as informing public bodies “in allocating and deploying resources effectively to prosecute dog theft and in finding ways to proactively and preventatively address the issue”.
97. Section 5 would require the Scottish Ministers to review and report on the operation of the Act every five years. Section 5(2) sets out what matters the review and report must set out, including whether the Scottish Ministers believe a statutory offence of theft should be made for other pet animals.
98. The general view expressed by stakeholders was that it would be helpful if these provisions could improve the level of data available about dog theft, including relating to any trends relating to specific breeds. There was agreement that current figures for dog thefts are inaccurate and, most likely, under-represent the full scale of the problem. Police Scotland had provided figures of 63 thefts recorded cases of dog theft in 2024 but told the Committee it did not believe this figure is a true reflection of the incidence of such offences. The Scottish SPCA agreed that there is an under-reporting of dog theft.
99. The evidence to the Committee, however, suggested that the offence would not assist in better data collection. As a result of an upgrade to its legacy reporting and recording systems, Police Scotland initially expressed confidence “that we will have a more accurate picture going forward” including improved reporting functions which would help provide “a true reflection of what has been reported”.
100. In a letter to the Committee after giving the above evidence, however, Police Scotland stated that—

” The introduction of a stand-alone statutory offence of Dog Theft would not enhance accuracy of crime recording as the theft may be committed in commission of another crime ... In compliance with the Scottish crime recording standard the crime in these circumstances would be recorded as Robbery or Theft by Housebreaking opposed to dog theft. The same crime recording and counting rules would apply even if a stand-alone statutory offence of Dog Theft was introduced.

101. During its evidence, COPFS suggested a statutory offence “could make it more difficult to have the data available, because some would be prosecuted under one part of the legislation and some might continue to be prosecuted under the common law”.
102. The Committee asked the Minister whether the Scottish crime recording standard could be amended to require dog theft to be recorded as a stand-alone offence to facilitate data collection. In her [letter to the Committee, dated 15 May 2025, the Minister](#) said that responsibility for this sits with the Scottish Crime Recording Board and that she would “draw this request of the Committee to the attention of the Board to offer a view on”.
103. More generally, however, the Minister argued that “it may be considered unnecessary to place an annual reporting requirement on the Scottish Government for something that is considered to be low-level crime and on which we can already obtain statistics from the Crown Office.” She went on to suggest the provisions were “a bit over the top”.
104. In his evidence, Maurice Golden told the Committee that sections 4 and 5 were a “key part of the Bill, [...] ensuring that the data on the number of dog thefts is collated and published, and then scrutinised by Parliament”.
105. Maurice Golden said he expected the Bill “can facilitate improved data collection, but that is not the reason behind [introducing] it.” He expressed his hope that improved data collection, including on the targeting of specific breeds, would “assist the police, particularly in identifying organised criminal gangs and identifying where particular breeds are being targeted”.

106. **The Committee notes the Minister's statement that the section 4 and 5 provisions are unnecessary.**

107. **The Committee notes Police Scotland's statement that the data available relating to dog thefts would not improve as a result of the Bill due to the method of recording dog thefts under the current crime recording and counting rules. The Minister told the Committee that the Scottish crime recording standard would need to be amended to require dog theft to be recorded as a stand-alone offence in order to facilitate data collection and she undertook to draw this issue to the Scottish Crime Recording Board's attention. Regardless of whether the Bill is passed, the Committee agrees that it would be useful to amend the Scottish crime recording standard in order to improve the collection of data around dog thefts in Scotland.**

108. **Given that, if the Bill was passed, data collection would not improve under**

**the current Scottish crime recording standard, the Committee asks Maurice Golden for clarification about how the Scottish Government would be able to meet any obligations under sections 4 and 5 to provide and collate the information required for both the proposed annual reports and reviews.**

# Conclusion

109. **Notwithstanding the Committee's recommendations set out in this report, and members' concerns about the effectiveness of a stand-alone offence, the Committee supports the general principles of the Bill.**

