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# Dog Theft (Scotland) Bill: Consideration prior to Stage 3

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Stage 3 proceedings for the Dog Theft (Scotland) Bill are due to take place on 16 December 2025. This briefing outlines the main issues considered during Stages 1 and 2.



4 December 2025  
SB 25-60

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# Summary

The [Dog Theft \(Scotland\) Bill](#) ("the Bill") was introduced by the Member, Maurice Golden MSP, as he believed a stand-alone offence of dog theft was required to address the low level of prosecutions and to enable the emotional impact of dog theft on owners to be fully taken into account.

Section 1 creates a new stand-alone offence of dog theft. No amendments to this section were agreed to at Stage 2.

Section 2 introduces an aggravation to the offence of dog theft where the dog is an assistance dog.

Amendments agreed to at Stage 2 included:

- replacing the label "assistance dog" with the broader expression "helper dog", and enabling Scottish Ministers to extend the definition of a "helper dog" through regulations.

Section 3 allows a victim of dog theft to make a victim statement about the effect of the crime on them to the court. This section was removed by an amendment at Stage 2.

Section 4 requires the Scottish Ministers to report annually on the operation of the Act.

Amendments agreed to at Stage 2 included:

- changing the annual reporting requirement on the Scottish Ministers to a one-off reporting requirement after three years
- reducing the information to be included in this report to only cover the numbers of cases, prosecutions and convictions.

Section 5 requires the Scottish Ministers to review the Act five years after it comes into force. This section was removed by an amendment at Stage 2.

Cover photograph of "[Happy Dog!](#)" by [@orre](#) is licensed under [CC BY 2.0](#).

# Introduction

The Dog Theft (Scotland) Bill was introduced on 17 February 2025.

The [Policy Memorandum](#)<sup>1</sup>, [Explanatory Notes](#)<sup>2</sup>, [Financial Memorandum](#)<sup>3</sup> and [Delegated Powers Memorandum](#)<sup>4</sup> were published alongside the Bill.

The [SPICe briefing](#)<sup>5</sup> on the Bill provides detailed consideration of its provisions and policy context.

Three Stage 1 evidence sessions took place between 26 March and 21 May 2025. The [Stage 1 report](#)<sup>6</sup> was published on 2 July 2025 and the [Stage 1 debate](#) took place on 2 October 2025.

Stage 2 scrutiny took place at a [meeting of the Rural Affairs and Islands Committee](#) on 5 November 2025.

Stage 3 proceedings (final consideration) are scheduled to take place on 16 December 2025.

# Stage 1 scrutiny

The Parliament's Rural Affairs and Islands Committee was designated as lead committee for parliamentary consideration of the Bill. The Financial Memorandum was considered by the Finance and Public Administration Committee, while the Delegated Powers Memorandum was considered by the Delegated Powers and Law Reform Committee. Details of these separate processes are outlined below.

## Rural Affairs and Islands Committee

The Parliament's Rural Affairs and Islands Committee was designated as lead committee for parliamentary consideration of the Bill.

One evidence session was held with stakeholders. This took place on [26 March 2025](#).

An evidence session with the Minister for Victims and Community Safety, Siobhian Brown MSP, was held on [23 April 2025](#). The Minister provided further information following this session in written correspondence to the Committee on [15 May 2025](#).

An evidence session with Maurice Golden MSP, the Member in charge of the Bill, took place on [21 May 2025](#).

Mr Golden had already provided written information to the Committee in a letter on [18 April 2025](#), in response to a request from the Committee with a list of questions about the Bill on [27 February 2025](#).

The [Committee's Stage 1 report](#) <sup>6</sup> was published on 2 July 2025. Maurice Golden MSP provided a written response to the Stage 1 report on [4 August 2025](#) <sup>7</sup> and the Scottish Government provided their written response on [29 September 2025](#) <sup>8</sup>.

In relation to the general principles of the Bill, the Stage 1 report stated:

“ 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.”

The sections below include key conclusions and recommendations made by the Committee, and the related Scottish Government response, under each part of the Bill.

### Section 1 - Dog theft

The Rural Affairs and Islands Committee agreed that a stand-alone, statutory offence would recognise that dogs are sentient beings and reflect the impact on animal welfare associated with their theft. They also, however, noted the view of Police Scotland, the Crown Office and Procurator Fiscal Service and the Minister for Victims and Community Safety that a statutory offence would not change how an offence would be investigated or prosecuted.

The Committee noted Maurice Golden MSP'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 given the similarity between the penalties for the proposed statutory offence and the existing common law offence, the Committee agreed that a statutory offence was unlikely to act as a strong deterrent.

The Committee recommended that:

“ Maurice Golden explore opportunities for raising awareness of the proposed statutory offence if the Bill is passed.”

The Committee was content with the three defences provided for in sections 1(2) to (4) of the Bill. The issue of whether the theft, or threat of theft, of a dog within an abusive or coercive domestic relationships was raised with the Committee. The Committee stated that:

“ 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.”

The Committee noted that the penalties set out in the Bill were 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.

The Scottish Government, in their response to the Stage 1 report, offered "qualified support for the offence", stating:

“ I can confirm that the Scottish Government also supports the creation of this offence, and therefore we will not bring forward any amendments to change this principle part of the bill.”

## **Section 2 - Theft of an assistance dog**

The Rural Affairs and Islands Committee noted the serious, life-changing impact the theft of an assistance dog could have on an owner,. They also noted, however, that there have not been any instances of the theft of an assistance dog and the court system can already take into account the impact of any theft if a case did come to court, stating, "it is not clear to the Committee, therefore, that this a proportionate provision".

In terms of the definition of an assistance dog within the Bill, the Committee stated:

“ 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 also recommended that the proposed aggravation be extended to reflect other working dogs, stating:

“ 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.”

The Scottish Government, in their response to the Stage 1 report, stated that they supported this provision within the Bill, however this was conditional on the Member "bring[ing] forward amendments at Stage 2 that ensure appropriate coverage of the aggravation is achieved to dogs that provide assistance and support to owners".

The Scottish Government went on to state that:

“ In the Committee's Stage 1 Report, in respect of working dogs generally (i.e. not simply those who provide assistance and support), the Committee recommended that the proposed aggravation is extended to reflect other working dogs, for example working farm dogs. Notwithstanding this, neither Mr Golden nor I support this recommendation to extend the proposed aggravation to reflect other working dogs, such as working farm dogs. As such, I do not plan to make changes in this area and would not support any that did.”

### **Section 3 - Victim statements**

The Rural Affairs and Islands Committee noted the comments from stakeholders that the courts would already consider the impact of crimes on victims in sentencing. They also noted comments that providing for victim statements in summary courts for dog thefts while not doing so for other offences which, in some cases could potentially be viewed as more serious, would create an anomaly.

The Committee went on to state that:

“ 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.”

The Scottish Government, in their response to the Stage 1 report, responded to this by stating:

“ As the Committee is aware, victim impact statements are currently available for certain solemn offences only. However, in the recent Stage 3 of the Victims, Witnesses, and Justice Reform (Scotland) Bill, Parliament agreed an amendment to extend the use of victim impact statements to all solemn cases. We do not therefore support this part of the Bill, so government's continued support for the Bill requires that this section be removed at Stage 2.”

### **Sections 4 and 5 - Annual reports by Ministers and Review of**

## **operation of the Act**

The Rural Affairs and Islands Committee noted that the Minister for Victims and Community Safety had given evidence stating that the section 4 and 5 provisions in the Bill were unnecessary.

The Committee also noted that Police Scotland had stated 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 undertook to draw this issue to the Scottish Crime Recording Board's attention.

The Committee went on to state:

“ 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.”

The Committee concluded that:

“ 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.”

The Scottish Government, in their response to the Stage 1 report, responded to the annual reporting requirements by stating:

“ For this reporting requirement there are a number of aspects which would be impossible to deliver operationally. It would also present significant resourcing challenges and as such this seems significantly disproportionate to what the report would provide. As such, I have informed Mr Golden that Scottish Government support for the Bill requires adjustment to the reporting requirement.”

In terms of the provision requiring the Scottish Government to review the operation of the Act, they stated:

“ The Bill places a duty on Scottish Ministers to review how the Act is working after five years. For this review requirement, I consider it is more appropriate for Parliament to undertake post-legislative scrutiny for this members bill and therefore do not support this section of the Bill and would want to see that removed at Stage 2.”

## **Finance and Public Administration Committee**

The Finance and Public Administration Committee held a call for views which closed on 21 April 2025. The Committee received no submissions to its call for views and so agreed to take no further action.

## Delegated Powers and Law Reform Committee

The Delegated Powers and Law Reform Committee discussed the Bill in private at a meeting on 25 March and on 22 April 2025, where they considered the response from the Member in charge to points raised on the delegated powers in this Bill at Stage 1.

The Committee published its [report at Stage 1](#) on 23 April 2025.

### Stage 1 debate

The [Stage 1 debate](#) took place on 2 October 2025, following which the [general principles of the Bill were unanimously agreed to](#).

There was no financial resolution for the Bill, with [the Presiding Officer writing to Maurice Golden MSP](#) on 24 April 2025 to advise that no resolution under Rule 9.12 was required.

During his opening and closing speeches, Maurice Golden MSP, the Member in charge of the Bill:

- stated that he was happy to lodge amendments to remove the provision on victim statements and amend the definition of assistance dogs
- stated that he would work with the Scottish Government to look at the data and reporting provision
- recognised the need for awareness raising but felt this did not need to be codified in the primary legislation
- noted that he was not convinced there was a clear case for the extension of the aggravation to apply to working dogs
- stated that he was not convinced that this Bill was the appropriate vehicle to deal with dogs being weaponised as part of coercive control relationships.

The Minister for Victims and Community Safety, Siobhian Brown MSP, made the following points in her opening and closing remarks:

- the Scottish Government's support of the key component of the Bill, to make dog theft a statutory offence
- the Scottish Government will work with the Member to ensure that all dogs that provide support and assistance are recognised in the aggravation and to produce a more deliverable and appropriate reporting provision
- the Scottish Government do not support the provision on victim statements
- it was more appropriate for the Scottish Parliament rather than the Scottish Government to review the Act
- the Scottish Government would work with the Member to raise awareness of the dog theft offence if the Bill becomes law

- this was not the right Bill to address the issues raised around the context of pet theft in domestic abuse
- valid points had been made regarding the need for a consolidation Act on animal welfare but that there would not be time to do this in the current session.

During the debate:

- a number of MSPs felt that the Bill should be extended to include other animals, for example, cats
- a number of MSPs stated that working dogs should be added to the assistance dog aggravation
- Elena Whitham MSP raised the issue of where a dog was stolen in the context of domestic abuse and that an aggravation for offences committed in a domestic abuse context should be considered, or the explicit linking up of data on domestic abuse charges and animal abuse, though she did note that this Bill may not be the vehicle for this
- there were mixed responses on the victim statement provision, with some MSPs supporting this while others did not
- MSPs stated the importance of raising awareness of the offence and that data collection should be improved even if the Bill was not passed
- Christine Grahame MSP and Richard Leonard MSP did not support the annual reporting and review provision as they felt this was a role for the Scottish Parliament
- Emma Harper MSP stated there needed to be clarity on the resource implications for the police and judicial services.

## Stage 2 scrutiny

Stage 2 scrutiny took place at a meeting of the Rural Affairs and Islands Committee on 5 November 2025.

The [Marshalled List](#) and [Groupings of Amendments](#) can be viewed on the Parliament website.

The results of all amendments can be viewed in the [Rural Affairs and Islands Committee Minutes](#) and what was said can be viewed in the [Official Report](#).

The [Bill as amended at Stage 2](#)<sup>9</sup> and [Supplementary Delegated Powers Memorandum](#)<sup>10</sup> were subsequently published on the Parliament's website.

Amendments which were moved at Stage 2 are outlined below as they relate to the relevant sections of the Bill.

A number of amendments relating to specific references being made to working dogs and working gun dogs in the Bill were withdrawn/not moved by Rachael Hamilton MSP.

These amendments included:

- 19 - requiring courts, when sentencing for the theft of a working gun dog, to consider both the emotional and the operational impact of that theft
- 20-22 - requiring working dogs and working gun dogs to be included in any regulations prescribed by Scottish Ministers (20) and on the face of the Bill (21-22) to allow an aggravation to apply to their theft
- 23 - requiring Ministers to undertake research into areas where working gun dogs are most at risk of being stolen or unlawfully kept and subsequently establish a grant or loan scheme to support owners to improve kennel security in high-risk areas
- 24-28 - amending the reporting requirements to include additional information, including in relation to working gun dogs, the number of dogs that are returned to their owners, and areas where cases of dog theft have taken place
- 29-31 - adding a reporting requirement to section 5 to include any concerns about the geographical distribution of dog theft and a consideration of whether a financial scheme should be introduced for kennel upgrades.

In response to amendment 19 in particular, the Minister for Victims and Community Safety, Siobhian Brown MSP, offered to write to Rachael Hamilton MSP to advise of the work being done in the background by the expert advisory group.

In response, Ms Hamilton stated:

“ That is generous of the minister. I feel quite positive about that, because something could be brought back at stage 3 not only to recognise the work that the expert advisory group is doing, but to understand the necessity of recognising working dogs in the bill.”

## Section 1

No amendments were made to this section of the Bill.

## Section 2

Maurice Golden MSP's amendments 1 to 8 would replace the label "assistance dog" with the broader expression "helper dog" in the Bill. He stated that:

" the broader term would enable Scottish Ministers to extend the definition of "helper dog" through regulations. In practice, it would allow the Scottish Ministers to extend the definition to include, for example, service dogs and other working dogs, should they choose to do so."

Mr Golden noted that "the amendments would not affect the aggravation's operation in relation to assistance dogs as defined by the Equality Act 2010".

The Minister for Victims and Community Safety advised that the Scottish Government supported these amendments. She noted the complexity of providing a definition and stated that the Scottish Government have commissioned the Responsible Dog Ownership Expert Advisory Group to "consider what further types of helper dogs could be added to the aggravation and, crucially, how best to define them".

Amendments 1 to 8 were agreed to without division.

## Section 3

Maurice Golden MSP's amendment 9 would remove section 3 of the Bill. He noted that the Scottish Parliament had recently legislated to provide for victim impact statements in all solemn cases under the Victims, Witnesses, and Justice Reform (Scotland) Act 2025.

Mr Golden stated:

" I accept that, if we were to make provision through the bill for such statements in summary cases of dog theft, that would create a precedent that the Government and stakeholders such as the Scottish Courts and Tribunals Service might not welcome. Therefore, having tested the issue, I am prepared to accept that there is no appetite to include victim statements in the bill."

Amendment 9 was agreed to without division.

## Section 4

Maurice Golden MSP's amendments 10 to 16 would reduce the annual reporting requirement set out in the Bill to a one-off reporting requirement after three years and allow the level of information that is required to be reported to be reduced to the numbers of cases, prosecutions and convictions. This amendment does not prevent the report from

including information that was previously set out in section 4, for example, to report on the number of cases that are prosecuted under common law or the number of cases that are prosecuted under summary or solemn procedure.

Amendments 10 to 16 were agreed to without division.

## **Section 5**

Maurice Golden MSP's amendment 17 would remove section 5 of the Bill, so there would be no requirement on the Scottish Government to review the Act.

His amendment 18 would remove the reference to a review from the long title of the Bill.

The Minister for Victims and Community Safety stated that she supported these amendments and that it was the Scottish Government's view that any review should be undertaken by the Scottish Parliament rather than the Scottish Government and that "it is up to the Parliament and relevant committees to do that scrutiny as they see fit".

Rachael Hamilton MSP, in winding up, contested this comment, stating:

“ I contest the minister's comment on the Scottish ministers reviewing a piece of legislation, because it is a normal part of any act that ministers review its operation or impact. I do not accept the minister's comments.”

Amendments 17 and 18 were agreed to without division.

## Stage 3 timetable

The deadline for Stage 3 amendments is 12 noon on 9 December 2025. Stage 3 Proceedings are due to be held on 16 December 2025 in the Chamber. Details of proposed amendments lodged can be viewed on the [Scottish Parliament website](#).

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