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# Dog Theft (Scotland) Bill

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The Dog Theft (Scotland) Bill creates a new standalone statutory offence of dog theft, with an aggravation for the theft of an assistance dog. It also allows victims to make a victim statement about the effect of the crime on them to the court.



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# Contents

<b>Summary</b>	<b>3</b>
<b>Introduction</b>	<b>4</b>
<b>Background to the Bill</b>	<b>6</b>
Current offences in Scotland	6
Review of whether there should be a specific offence of pet theft	7
UK Pet Abduction Act 2024	7
Data on dog thefts	8
Public Petition	10
Member's Debate	10
Consultation on the Bill	11
Policy objectives of the Bill	12
<b>Section 1 - Dog theft</b>	<b>14</b>
Consultation	14
Provision in the Bill	15
<b>Section 2 - Theft of assistance dogs</b>	<b>17</b>
Consultation	17
Provision in the Bill	17
<b>Section 3 - Victim statements</b>	<b>18</b>
Consultation	18
Provision in the Bill	18
<b>Sections 4 and 5 – Annual reports by Scottish Ministers and Review of the Act</b>	<b>19</b>
<b>Financial Memorandum</b>	<b>20</b>
Savings	21
<b>Bibliography</b>	<b>22</b>

# Summary

The Dog Theft (Scotland) Bill creates a new standalone statutory offence of dog theft, with an aggravation for the theft of an assistance dog.

The main provisions of the Bill are set out in the following sections:

- Section 1 - creates a new standalone offence of dog theft
- Section 2 - introduces an aggravation to the offence of dog theft where the dog is an assistance dog
- Section 3 - allows a victim of dog theft to make a victim statement about the effect of the crime on them to the court
- Section 4 - requires the Scottish Ministers to report annually on the operation of the Act
- Section 5 - requires the Scottish Ministers to review the Act five years after it comes into force.

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# Introduction

The [Dog Theft \(Scotland\) Bill](#) ("the Bill") is a Members Bill which was introduced in the Scottish Parliament on 17 February 2025 by Maurice Golden, MSP <sup>1</sup>.

Documents published along with the Bill include [Explanatory Notes](#) <sup>2</sup>, a [Policy Memorandum](#) <sup>3</sup>, [Financial Memorandum](#) <sup>4</sup>, [Delegated Powers Memorandum](#) <sup>5</sup> and [Statements on Legislative Competence](#) <sup>6</sup>.

While a [distinct process must be followed to introduce a Member's Bill](#), which differs from where a Bill is introduced by the Scottish Government, the process after its introduction will follow the same three stage process as Government Bills.

The Bill seeks to:

- introduce a standalone offence for dog theft, including a statutory aggravation for the offence where the dog is an assistance dog
- enable victims to make a victim statement about the effect of the crime on them to the court
- introduce annual reporting requirements for Scottish Ministers and a requirement to review the Act five years after its implementation.

The [Policy Memorandum](#) (para 8) outlines that the Member has introduced this Bill as he believes there needs to be a standalone offence of dog theft to address the low level of prosecutions currently and to enable the emotional impact of dog theft on owners to be fully taken account of, stating:

“ At present he believes there is a low level of prosecutions under the common law for dog theft, and 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. He believes 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. A dog is irreplaceable (and often considered a member of the family) whereas most inanimate objects can be easily replaced.”

The [Policy Memorandum](#) (para 13) also outlines what the Member believes would be a deterrent effect resulting from this Bill:

“ Detailed data would enable the enforcement authorities to identify where more focus and resource is required to tackle the crime, thus improving enforcement. Improved enforcement, a tailored criminal offence used more frequently than the current offence, accurate data reflecting punishments and an increased awareness that dog theft will be punished, including imprisonment would also generate a deterrent effect.”

It notes that this Bill has been introduced in the context of “a rise in the levels of dog theft since the beginning of the COVID-19 pandemic” <sup>7</sup> and “growing evidence of systematic dog theft through organised crime” <sup>8</sup>.

This briefing sets out the background to the Bill, provides information on the processes

which led to its development, and considers its key provisions.

# Background to the Bill

This section covers the context and background to the introduction of the Bill including:

- [current offences in Scotland](#)
- [the UK Pet Abduction Act 2024](#)
- [data on dog thefts](#)
- [public petition](#)
- [Member's Debate](#)
- [consultation on the Bill](#)
- [policy objectives of the Bill](#).

## Current offences in Scotland

Theft in Scotland is a common law offence. This means that the law is derived from the decisions of courts rather than being an offence which is set out in legislation. As theft is a common law offence it means that the crime can be prosecuted under either summary or solemn procedure. Summary procedure is for relatively less serious and solemn for more serious offences. The penalties available depend on the procedure under and court in which the accused is prosecuted:

- Justice of the Peace Court – up to 60 days' imprisonment and/or a fine of up to £2,500
- Sheriff Court
  - Summary – up to 12 months' imprisonment and/or a fine of up to £10,000
  - Solemn – up to five years' imprisonment and/or an unlimited fine
- High Court – up to life imprisonment and/or an unlimited fine.

[Section 7 of the Criminal Procedure \(Scotland\) Act 1995](#) sets out the offences where a Justice of the Peace court cannot have jurisdiction, which includes theft or reset (knowingly receiving stolen goods) where the value of the item stolen exceeds £2,500.

Where a theft involves violence or takes place from a specific location, separate offences are used. For example:

- robbery (theft accompanied by an assault)
- theft by housebreaking
- theft by opening lockfast places (for example, vehicles or safes but not buildings).

An aggravation to a criminal offence makes it more serious and is likely to make any sentence given for that offence more severe. For example, this can be where an offender shows ill-will towards a victim based on a specific protected characteristic, or where the

offence relates to domestic abuse or organised crime.

While there are no specific sentencing guidelines for theft in Scotland, the more general guidelines on the [Principles and purposes of sentencing](#)<sup>9</sup> and [The sentencing process](#)<sup>10</sup> will apply.

The [sentencing process guideline](#) outlines the process of arriving at a sentence for an offence where the court must take account of the seriousness of the offence, the culpability of the offender and the harm caused to any victim, as well as any other aggravating or mitigating factors. In terms of harm it states that (para 14):

“ Harm is to be interpreted broadly. It includes cases where actual harm was caused, and cases where there was a risk of harm but no actual harm resulted. It includes a wide range of different types of harm, such as offences where harm is caused to an individual or to property, or more widely to society or the environment.”

In terms of property offences (of which theft is an example) it states the following as an example of a factor which may be relevant to the assessment of harm (para 16):

“ high value (including sentimental value) of property to the victim, or substantial consequential loss (e.g. where theft of equipment causes serious disruption to a victim's life or business).”

## **Review of whether there should be a specific offence of pet theft**

The Scottish Government committed to reviewing whether there should be a specific offence of theft of a pet by 1 April 2025<sup>11</sup>.

Following the Member's Debate on tackling dog theft in 2022 (see [the section below](#) for more details), the then [Minister for Community Safety, Ash Regan MSP](#), stated that:

“ The Government is happy to work with interested parties, including the police and animal welfare organisations, to look at what can be done to improve how pet theft is addressed in our criminal justice system. I am happy to consider any specific new evidence-based proposals on how the criminal law could be improved in this area.”

## **UK Pet Abduction Act 2024**

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

The creation of a new 'pet abduction' offence was a recommendation in the UK Government's [Pet Theft Taskforce Policy paper](#), published in September 2021.<sup>8</sup> In terms of the offence referring to 'abduction' rather than 'theft' it stated that (p 9):

“ The taskforce does not believe that the creation of a new pet theft offence or a statutory aggravating factor – in line with recent campaigns – would have the desired impact. This is because theft deals with the deprivation of property, and so the welfare of the stolen animal would not be a primary consideration when sentencing. However, a new ‘pet abduction’ offence could switch the focus from the loss to the owner to the welfare of the animal.”

Addressing the fact this Bill only deals with the theft of dogs and not cats, as is the case with the UK Pet Abduction Act 2024, the [Policy Memorandum](#) published along with the Bill states (para 63):

“ The Member recognises that, in light of the provisions of the Pet Abduction Act 2024, there may also be a case for making cat theft a specific offence in Scots Law, and that the argument can be made for other animals. The Member hopes that introducing specific legislation to make it an offence to steal a dog would provide a helpful model for future such proposals. In bringing forward this Bill, the Member has followed the traditional Member's Bill process of seeking to change the law in relation to one targeted policy. However, it is very much the Member's hope that his Bill will succeed and that this will be a catalyst for change in that it will lead to wider legislative change including a tailored offence relating to cats and other animals.”

## Data on dog thefts

There is no data routinely collected or published on the prevalence of dog theft or related prosecutions in Scotland or the rest of the UK. The UK Pet Abduction Act 2024 did not include any reporting requirements. Therefore, it is not possible to gain an accurate picture of dog thefts. These thefts may not always be reported to the police, resulting in an under-estimation of the level of this type of offending in the figures below. Even where the theft is reported, it will be recorded within wider offence categories (for example, theft, robbery or theft by housebreaking) which means they cannot be easily identified as a specific subset of offences.

This section provides a number of estimates on the levels of offences and prosecution of these offences, however none are likely to represent a full and accurate picture of the prevalence of dog theft.

In response to a number of enquiries relating to the theft of dogs, Police Scotland produced a report, [Recorded Theft of Dogs in Scotland April 2019 – March 2021](#), in June 2021<sup>12</sup>. It notes that when owner disputes (including domestic incidents between separating couples) were removed from the data (14 in 2019-20 and 28 in 2020-21) that there were the following levels of dog thefts:

- 2019-20 – 48
- 2020-21 – 60

This data was provided following a search of local crime management systems; and, since Police Scotland do not record thefts of dogs as a specific offence, the figures above may not capture all offences of dog theft reported to the police.

During a debate in the Chamber on Motion [S6M-02745](#) on 16 March 2022, Ash Regan

MSP, then Minister for Community Safety, stated that:

“ Police Scotland has indicated that, while it does not as yet have statistics for 2021-22, its impression is that levels of dog theft have since fallen and have returned to what they were previously. It is estimated that there are at least 600,000 dogs in Scotland. In that context, the scale of theft is low, although the theft of a loved family pet is undoubtedly a traumatic experience.”

Police Scotland has provided updated figures on dog theft from January to December 2024. During this period, 63 dogs were stolen (based on offences of theft where the property stolen was recorded as 'Animal > Dog')<sup>i</sup>. They have been unable to provide figures prior to this (other than those outlined above) because prior to January 2024 not all police Divisions were on UNIFI (Police Scotland's national crime recording software). Therefore, legacy systems with different methodologies would have been used.

The [House of Commons Library briefing paper](#) that accompanied the UK Pet Abduction Bill reported the following levels of dog theft offences across 33 of the 43 police forces in England and Wales, from data analysed by the campaign group, Pet Theft Reform <sup>13</sup> :

- 2019 – 1,452
- 2020 – 1,504

The paper also reported that the number of recorded offences was higher in 2017 (1,909) and 2015 (1,559), but stated that this data should be treated with caution due to possible changes in police recording practices.

The Metropolitan Police have a [Stolen animals dashboard](#) where data is provided on the numbers of stolen animals reported within the London area from January 2012 to February 2024. This shows that dogs are the animal most commonly stolen.

Other estimates of dog theft include:

- 193 in Scotland in 2020 ([Kennel Club](#))<sup>ii</sup>
- a 170% increase in stolen dogs across the UK registered on the DogLost website from 172 in 2019 to 465 in 2020 ([DogLost](#))<sup>iii</sup>.

In terms of prosecutions for dog theft, [fewer than 5% of dog theft cases resulted in a 'charge'](#) each year from 2015 to 2019, based on an analysis of Freedom of Information (FOI) data from police forces across England and Wales <sup>14</sup> . The figure was [less than 1% in 2020](#) (again based on FOI data from police forces across England and Wales) <sup>15</sup> .

The UK Government Pet Theft Taskforce also identified a possible link between pet theft and organised crime, stating in their policy paper that <sup>8</sup> :

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i Data provided by Police Scotland to SPICe (12 March 2025). This data is management information only.

ii Media article containing estimate based on Freedom of Information request from police forces across the UK, though no further detail is provided.

iii This may be due to a more proactive approach of the organisation to encourage reporting over this period.

“ There has also been some evidence that as the value of stolen dogs has increased, in some areas this has attracted the interest of Organised Crime Groups (OCGs), who have adapted their criminality in response, taking advantage of the marketplace.”

The [Policy Memorandum](#) (para 83) also draws this connection, stating that:

“ Finally, the Member believes that deterring or catching more individuals who consider dog theft as a means of income could help contribute to breaking up organised crime gangs.”

In terms of data, the Policy Memorandum (para 13) states that:

“ The current data does not reflect the extent of the problem and the Member considers accurate data is crucial in ensuring the extent of the level of dog theft is understood, including any particular patterns and trends. He also considers that it is essential that the response to crime is appropriately targeted. Detailed data would enable the enforcement authorities to identify where more focus and resource is required to tackle the crime, thus improving enforcement.”

The [Law Society of Scotland, in its response to the Bill's consultation](#), stated:

“ If the Police, COPFS [Crown Office and Procurator Fiscal Service] and the Scottish Courts and the SCTS [Scottish Courts and Tribunals Service] can adapt their systems to record that property stolen in theft and robbery cases included a dog, then that should be done independently of creating a new statutory offence of dog abduction. We believe that further data should be obtained prior to the creation of legislation.”

## Public Petition

Petition PE1776 called on the Scottish Parliament to urge the Scottish Government to change the classification of dogs from inanimate objects to sentient beings for the purposes of legal action on dog theft. The Public Petitions Committee (as it was then) discussed this petition at a meeting on [20 February 2020](#), wrote to the Scottish Government, and then closed the petition on [1 October 2020](#) stating:

“ 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.”

## Member's Debate

A [Member's business debate on motion S6M-02745](#), in the name of Maurice Golden MSP, on tackling dog theft took place in the Scottish Parliament on 16 March 2022. Key points raised during this debate included:

- estimates of the prevalence of, and recent growth in, dog theft offences, while also acknowledging the incompleteness of this data
- that animals are sentient beings and a separate offence would differentiate between the theft of an object and a living animal

- the role of dogs in people's lives
- that a separate offence could address the gap in data and act as a deterrent
- that cats are also the subject of pet theft.

In the then Minister for Community Safety, Ash Regan MSP's response to the debate, she noted that this is not a high volume crime, and while the data could be improved, the existing crime of theft is sufficient.

## Consultation on the Bill

A [public consultation on the Bill](#) ran from 22 October 2022 to 16 January 2023. During this time the Member also met with a [range of stakeholders](#) to consult them on the proposal. An analysis of the responses to the consultation was carried out by the Scottish Parliament's Non-Government Bills Unit and a [summary of the responses](#) was published on 13 September 2023. The [individual consultation responses](#), where consent was given, were also published.

The consultation covered the aims and approach of the Bill and its financial implications. Questions on the following aspects were included:

- whether the offence is required
- views on whether the offence will result in the crime being treated as a matter of welfare rather than monetary value
- views on a maximum imprisonment term of five years
- the role of a specific new offence as a deterrent
- tackling the fear of dog theft
- improving data quality.

In total, 237 responses were received - 222 from individuals and 15 from organisations. These are broken down as follows:

- 202 (85%) were members of the public,
- 10 (4%) were professionals with relevant experience,
- 7 (3%) were politicians
- 3 (1%) were academics
- 12 (5%) were from third sector bodies,
- 2 (1%) were representative organisations, and
- 1 was a public body.

An analysis of these responses found that the majority were supportive of the draft

proposal (93% fully supportive; 4% partially supportive). Among organisations, a majority supported the proposal. The Law Society of Scotland took a neutral stance and the Scottish Courts and Tribunals Service did not express a view. When considering the data quantitatively in this way, it should be noted that the respondents are self-selecting and therefore may not be representative of wider stakeholder or public opinion.

Organisations and individuals who were supportive of the proposed Bill gave a range of reasons for their support, including:

- that this new offence would help recognise the sentience of dogs and the strength of the human/dog bond
- that the offence would place a focus on animal welfare rather than the financial value of the dog throughout the prosecution process
- that a standalone offence would result in improved data collection and this could help highlight trends and allow preventative measures/strategies to be put in place
- the deterrent effect of the proposed Bill, if matched with enforcement of the legislation.

Some of the issues raised by those who were less supportive of the proposal included:

- a lack of current data to point to the need for a new offence
- a lack of a need for a new offence given the existing offence of theft
- that associated sentences with the existing offence can be higher than those under the proposed new offence
- that it will not result in a deterrent effect
- that courts currently take account of animal welfare, victim impact and any other relevant considerations when dealing with dog theft cases, including in sentencing.

Some respondents also suggested that consideration should be given to widening the scope of the Bill to include cats and other family pets.

Where responses are relevant to particular parts of the Bill these are included in more detail in the relevant sections of this briefing below.

## **Policy objectives of the Bill**

The objectives of this Bill are set out in the [Policy Memorandum](#) which notes that the introduction of a “specific, tailored offence of dog theft” would:

- address the low level of prosecutions under the common law for dog theft
- allow a greater recognition of the emotional impact on the owner of dog theft, particularly in relation to sentencing
- generate a deterrent effect from improved enforcement and an increased awareness that dog theft will be punished, including by imprisonment.

It also notes that this Bill has been introduced in the context of “a rise in the levels of dog theft since the beginning of the Covid pandemic”<sup>7</sup> and “growing evidence of systematic dog theft through organised crime”<sup>8</sup>.

The Bill seeks to achieve these objectives by introducing a standalone offence for dog theft, including an aggravation for where the dog is an assistance dog. It also amends existing legislation to allow victims of dog theft to make a victim statement about the effect of the crime on them to the court.

The [consultation document for the Bill](#) framed the creation of a new offence as one “that reflects the impact on the welfare of the dog being stolen”. The Bill as introduced retains a focus on the welfare of the dog, as well as on the emotional impact on, and well-being of, the dog’s owner. The Policy Memorandum (paras 8 and 9) states:

“ He [the Member] believes 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. A dog is irreplaceable (and often considered a member of the family) whereas most inanimate objects can be easily replaced. The Member believes greater recognition of the emotional impact on the owner is needed and that this should be an important consideration in sentencing. He believes the process followed in considering punishment for the individual convicted should take into account that emotional impact to a greater extent than at present.”

The change from dog 'abduction' in the proposed Bill to dog 'theft' in the Bill as introduced reflects that the victim of the offence is the owner of the dog.

The main provisions of the Bill are set out in the following sections, each of which is outlined in more detail below:

- [dog theft](#)
- [theft of assistance dogs](#)
- [victim statements](#)
- [annual reports by Scottish Ministers](#)
- [review of the Act.](#)

# Section 1 - Dog theft

## Consultation

### Provision in the Bill

## Consultation

The [questions within the Bill consultation](#) were on the draft proposal for the Bill so do not, and would not be expected to, mirror the final provisions in the Bill exactly. Amongst other questions, it asked:

- Which of the following best expresses your view of the proposed Bill? [Scale from fully supportive to fully opposed] Please explain the reasons for your response.
- Do you think legislation is required, or are there are other ways in which the Bill's aims could be achieved more effectively? Please explain the reasons for your response.

A significant majority (93%) of the 237 respondents to the consultation fully supported the proposed Bill with a further 4% expressing partial support. Though, as noted above, respondents are self-selecting and therefore may not be representative of wider stakeholder or public opinion. The Law Society of Scotland took a neutral position and the Scottish Courts and Tribunals Service did not express a view. While no other organisations within the criminal justice system responded to the consultation, the Member did consult with Police Scotland, the Crown Office and Procurator Fiscal Service, and the Faculty of Advocates during the consultation process.

Animal welfare organisations responding to the consultation (e.g. Dogs Trust, Kennel Club, OneKind, Scottish SPCA) tended to be supportive of introducing legislation in this area. Dogs Trust, for example, said:

“ Dogs Trust believes that legislation to introduce a specific offence for dog abduction is required to achieve the Bill's aims and result in tougher sentences for those found guilty of this offence. Furthermore, the creation of a specific offence will improve the recording and hopefully reporting of pet theft offences. Accurate data is needed to understand the true scale of the issue of dog abduction, which is unclear at present due to crimes going unreported. This would then support appropriate penalties for perpetrators.”

OneKind, a Scottish-based animal welfare charity, highlighted the issue with dogs being treated as inanimate property under the current common law theft offence:

“ The current situation of classifying dogs as property that can be stolen, rather than recognising them as sentient individuals, means that existing legislation and judicial processes fail to account for the mental and emotional impacts on the dogs and people involved when that dog is taken unlawfully.”

Battersea Dogs and Cats Home also highlighted the difference between the theft of a dog and other types of theft in terms of the impact on owners:

“ Pet theft is devastating to pet owners, who often feel like they've lost a member of the family, and it is traumatic for pets themselves. It is emotionally different to many other categories of theft, which is why Battersea has long supported reforming the penalties for dog theft, so they reflect the heartbreak caused to owners, the distress caused to animals, and the status of dogs as sentient family members.”

On whether legislation is required to achieve the aims of the Bill, however, the Law Society of Scotland and Dr Craig Anderson, a university lecturer in law, did not agree that it was.

The [Law Society of Scotland](#) stated that "it is not clear there is a need for a separate offence". Going on to note that there is:

- no available data to show the extent of dog abduction and this should be obtained prior to the introduction of any offence
- no evidence courts are not taking adequate account of factors such as the welfare of the animal and only focussing on its value
- no evidence prosecutions for dog theft are failing (i.e. where a guilty defendant is not convicted)
- insufficient evidence there is a gap in the current law which could be remedied by a new statutory offence.

They suggest that an alternative to legislation could be inviting the Scottish Sentencing Council to consider issuing guidelines on thefts involving live animals. They are [currently developing guidelines on environmental and wildlife crime](#). The Council has broad discretion as to what guidelines it should prepare, though [lists the criteria that will be taken into account when selecting topics](#) on their website. This includes being obliged to prepare a guideline if requested by the High Court or Sheriff Appeal Court, and having regard to any request made by Scottish Ministers.

In response to the question of how the Bill's aims could be achieved more effectively if not with legislation, [Dr Craig Anderson](#) stated that:

“ ... only increased resources for law enforcement is likely to have the desired effect. The creation of a specific offence is unlikely to make any difference either way. Indeed, it is difficult to see how it could.”

## Provision in the Bill

Section 1 of the Bill creates a new statutory offence of dog theft, defined as to:

“ ... take a dog so as to remove it from the lawful control of any person, or keep a dog so as to keep it from the lawful control of any person who is entitled to have lawful control of it.”

It draws on wording from the UK [Pet Abduction Act 2024](#) (the "2024 Act"), however, it uses the term 'theft' rather than 'abduction'. Theft is defined as the taking and/or appropriating of property belonging to another, without the owner's consent, with the intention to deprive them of its use. Abduction is a common law offence in Scotland and is defined as carrying off or confining a person against their will and without legal authority. The victim of an

offence of theft is the owner of the property. The victim in an offence of abduction, is the person who has been abducted.

The section sets out conditions for where no offence is committed, again drawing on the wording used in the 2024 Act. The [Explanatory Notes](#) state that (para 11):

“ In short, the offence does not apply where a person who previously lived together in the same household with the dog takes or keeps the dog. This would, for example, cover a scenario where a couple separate following a domestic dispute and one partner keeps the dog.”

Should there be a requirement to charge someone with theft in this circumstance, it would still be possible to do so under the existing common law theft offence.

The Bill also sets out three available defences to the offence which are:

- lawful authority
- reasonable excuse
- defence in relation to finding or taking possession of stray dogs.

This wording is also taken from the 2024 Act. An example given in the Explanatory Notes (para 12) for a reasonable excuse is “the belief that the person had the consent of the owner or (for example) a dog sitter to keep or take the dog”.

The penalties on conviction for this offence are set out in the Bill as up to 12 months’ imprisonment and/or a fine of up to £10,000 where the offence is dealt with by summary proceedings, and up to five years’ imprisonment and/or an unlimited fine where it is dealt with by solemn proceedings.

Summary procedure is used for less serious offences and may ultimately lead to a trial before a sheriff or, in justice of the peace courts, before a bench of one or more lay justices. Solemn procedure involves the most serious of criminal cases and may ultimately lead to a trial conducted with a jury in the sheriff or High Court.

A definition of “taking” and “keeping” is included in this section of the Bill to ensure that where someone did not commit the physical act of stealing the dog, but facilitated the theft, they would also be covered by the definitions, and therefore could be charged with this offence.

# Section 2 - Theft of assistance dogs

## Consultation

### Provision in the Bill

## Consultation

The [consultation for this Bill](#) did not ask any specific questions on including an aggravation to the offence for the theft of an assistance dog. However, a [theme from the 76 responses to the consultation question](#) on the impact any new law could have on different individuals in society in terms of those with protected characteristics (question 9) noted that:

“ A theme among these [responses] was how dog abduction can affect people who are impacted by disability and who rely on assistance dogs, noting how a reduction in such crime might have a disproportionately positive impact on them.”

## Provision in the Bill

Section 2 of the Bill creates a statutory aggravation to the offence of dog theft in section 1 where the dog is an assistance dog (defined by applying the meaning given to it under [section 173\(1\) of the Equality Act 2010](#)). The dog does not have to be working as an assistance dog at the time it was stolen for this aggravation to apply to the theft.

An aggravation to a criminal offence makes it more serious and is likely to make any sentence given for that offence more severe. Some of the main existing aggravating factors to offences are:

- where an offence is committed while someone is on bail
- where an offender shows ill-will towards a victim based on a characteristic such as race, religion, disability, sexual orientation or transgender identity
- where the offence relates to domestic abuse or serious organised crime.

The [Policy Memorandum](#) (para 44) sets out the reasoning behind the inclusion of the statutory aggravation in the Bill relating to the theft of an assistance dog, stating:

“ Given that an individual relies 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.”

The Scottish Ministers are able to add to the categories of “assistance dog” as an aggravating factor under a regulation-making power in the Bill which would be subject to the negative procedure.

# Section 3 - Victim statements

## Consultation

### Provision in the Bill

## Consultation

The [consultation for this Bill](#) did not ask any specific questions on allowing victims to make statements about the effect of the crime on them to a court. However, the Law Society of Scotland did reference this in their [response to the consultation](#), noting that (p 9):

“ Even though there are currently no offence specific sentencing guidelines for theft, and victim statements can be made only in respect of a list of prescribed offences [[Criminal Justice \(Scotland\) Act 2003 at section 14](#) and [The Victim Statements \(Prescribed Offences\) \(Scotland\) Order 2009](#) ], the court is not precluded from taking into account the evidence of the victim or from thinking other than in terms of simple monetary value.”

And also that (p 3):

“ Scottish Ministers have the power to make regulations to amend aspects of section 14 of the Criminal Justice (Scotland) Act 2003 (Victim Statements). The list of prescribed offences [[The Victim Statements \(Prescribed Offences\) \(Scotland\) Order 2009](#)] could be altered for example to include prosecutions where a live animal is stolen.”

## Provision in the Bill

Section 3 of the Bill amends [section 14 of the Criminal Justice \(Scotland\) Act 2003](#) so that the offence of dog theft is treated as a prescribed offence. This means that victims of dog theft will be able to make a victim statement about the effect of the crime on them to the court.

The list of current prescribed offences is set out in [Schedule 1 of the Victim Statements \(Prescribed Offences\) \(No. 2\) \(Scotland\) Order 2009](#). It includes violent and sexual offences as well as serious road traffic offences, theft by housebreaking and fire-raising.

Section 14 of the 2003 Act also requires that the offence be heard in a prescribed court to enable a victim statement to be made.

Currently, the list of prescribed courts is set out in [Victim Statements \(Prescribed Courts\) \(Scotland\) Order 2009](#). It states that prescribed courts are the High Court and Sheriff Court when sitting as a solemn court (e.g. hearing the most serious of criminal offences with a jury). This Bill allows any court that the offence of dog theft is heard in to be treated as a prescribed court. This would therefore allow these statements to be made in summary courts (e.g. Justice of the Peace courts and summary Sheriff Courts) for the first time.

## Sections 4 and 5 – Annual reports by Scottish Ministers and Review of the Act

Section 4 requires the Scottish Ministers to publish annual reports on the operation of the Act while section 5 requires them to review the operation of the Act five years after section 1 comes into force. The Bill sets out what the annual reports and review must include.

Annual reports must include, for example:

- the number of reports received by the police of a dog being taken or kept in the circumstances set out in section 1(1) of the Bill, i.e. that creating the new offence
- the number of reports where it was assessed by the police that no offence was committed or a defence applied
- the number of persons charged with the new offence
- the number of cases for which criminal proceedings are undertaken for the new offence
- the number of convictions obtained, procedure used (i.e. summary or solemn), and the nature of sentence imposed
- the number of persons charged (and subsequently convicted and the sentence imposed) where the charge was common law theft, where a dog was the property taken.

In terms of the review, this includes whether the Scottish Ministers consider that there should be a statutory offence of theft for any other type of animal normally kept as a pet.

# Financial Memorandum

The estimated costs arising from the changes made by the Bill are outlined in the [Financial Memorandum](#).

These are based on estimates of the additional cases which the justice system may have to deal with following the introduction of a dog theft offence and are estimated at an **additional 140 to 240 offences** each year. The Financial Memorandum does not include the costs for the estimated existing 60 cases which are already being funded.

There is no data on the current levels of prosecutions of this offence. The Financial Memorandum sets out how it has calculated its estimate that 6% of the 140 to 240 additional cases would be prosecuted, meaning an **additional eight to 15 prosecutions** each year.

The costs set out in the Financial Memorandum will be incurred across the criminal justice system, as well as by local authorities and the Scottish Government. These are set out as:

- year 1 - £150,448 to £190,291
- ongoing annual cost - £222,834 to £262,677
- year 5 - £277,345 to £327,188 (where the review of the Act will take place).

The breakdown of these annual costs by organisation is set out in Table 1 below.

**Table 1: Annual costs of the Bill by organisation**

Organisation	Annual cost	Estimate basis
Police Scotland	£50,000	25 hours per case x £69.40 per hour of a police officer's time x 15 additional prosecutions (£26,025). £50,000 has been included given the importance of ample police resources, resourcing more complex investigations and investigations which ultimately do not progress to charges being brought, as well as further costs for the police after charges are brought.
Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service	£22,139 - £51,030	Three-six additional prosecutions in Justice of the Peace courts, four-six in Sheriff Courts under summary procedure and one-three in Sheriff Courts under solemn procedure.
Scottish Prison Service	£48,257 (year 1) and £120,643 (ongoing)	One additional case prosecuted under solemn procedure resulting in a maximum five-year sentence (with release from the halfway point).
Local authorities	£15,333 - £26,285	Seven-12 additional cases prosecuted under summary procedure resulting in Community Payback Orders.
Scottish Government	£14,719	Annual reporting on the Act.
Scottish Government	£54,511 - £64,511 (year 5 only)	Reviewing the Act (including public consultation).

Source: [Financial Memorandum](#)

## Savings

The [Financial Memorandum](#) also outlines corresponding savings that may be made following the introduction of a separate offence for dog theft. This is based on an anticipated increase in the number of prosecutions for dog theft and that this will result in an increased income to the Scottish Consolidated Fund through a greater number of fines being issued.

The Financial Memorandum sets the levels of these additional fines out as follows (para 80):

“ For example, should 8 to 15 additional cases result in fines of £2,500 being issued in the Justice of the Peace Court and £10,000 in the Sheriff Court, that would represent additional income in fines to the Scottish Consolidated Fund ranging from £57,750 to £105,000.”

[Data published by the Scottish Government](#) <sup>16</sup>, however, notes the following:

“ The median fine imposed by Courts on individuals (excluding companies) in 2021-22 was £280, in cash terms. The median fine has increased by 40% (£80) over the most recent 10 years, up from £200 in 2012-13. The median value is the midpoint of a ranked series of data. It is used so that very high or very low values do not impact excessively on the calculated average.”

It should be noted that this data on median level fines is for fines imposed across all offences and is not directly comparable to offences of theft, let alone specific offences of dog theft.

# Bibliography

- 1 Scottish Parliament. (2025). Dog Theft (Scotland) Bill [as introduced] Session 6 (2025) SP Bill 58. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/bill-as-introduced.pdf>
- 2 Scottish Parliament. (2025). Dog Theft (Scotland) Bill: Explanatory Notes Session 6 (2025) SP Bill 58-EN. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/explanatory-notes.pdf>
- 3 Scottish Parliament. (2025). Dog Theft (Scotland) Bill: Policy Memorandum Session 6 (2025) SP Bill 58-PM. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/policy-memorandum.pdf>
- 4 Scottish Parliament. (2025). Dog Theft (Scotland) Bill: Financial Memorandum Session 6 (2025) SP Bill 58-FM. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/financial-memorandum.pdf>
- 5 Scottish Parliament. (2025). Dog Theft (Scotland) Bill: Delegated Powers Memorandum Session 6 (2025) SP Bill 58-DPM. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/delegated-powers-memorandum.pdf>
- 6 Scottish Parliament. (2025). Dog Theft (Scotland) Bill: Statements on Legislative Competence Session 6 (2025) SP Bill 58-LC. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/dog-theft-scotland-bill/introduced/statements-on-legislative-competence.pdf>
- 7 The Scotsman. (2021). Nearly 200 suspected dog thefts in Scotland in 2020, say police. Retrieved from <https://www.scotsman.com/news/crime/nearly-200-suspected-dog-thefts-in-scotland-in-2020-3322619>
- 8 UK Government. (2021). Pet Theft Taskforce Policy Paper. Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014947/Pet\\_Theft\\_Taskforce\\_Report\\_GOV.UK\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014947/Pet_Theft_Taskforce_Report_GOV.UK_PDF.pdf)
- 9 Scottish Sentencing Council. (2018). Principles and purposes of sentencing: Sentencing guideline. Retrieved from <https://www.scottishsentencingcouncil.org.uk/media/j1jo1tw2/guideline-principles-and-purposes-of-sentencing.pdf>
- 10 Scottish Sentencing Council. (2021). The sentencing process: Sentencing guideline. Retrieved from <https://www.scottishsentencingcouncil.org.uk/media/jtbhlsre/the-sentencing-process-guideline-d.pdf>
- 11 Scottish Government. (2020). Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 (Section 16). Retrieved from <https://www.legislation.gov.uk/asp/2020/14/contents>
- 12 Police Scotland. (2021). Recorded Theft of Dogs in Scotland April 2019 – March 2021. Retrieved from <https://www.scotland.police.uk/spa-media/ab1dbbri/redacted-report.pdf>

- 13 House of Commons Library. (2024). Pet Abduction Bill 2023-24 Research Briefing. Retrieved from <https://researchbriefings.files.parliament.uk/documents/CBP-9929/CBP-9929.pdf>
- 14 Allen, D. (2020). Written evidence from Dr Daniel Allen (PEE0001) 12 October 2020 (HC 546). Retrieved from <https://committees.parliament.uk/writtenevidence/12901/default/>
- 15 Selby-Fell, H., & Allen, D. (2021). Dog Theft: What can we infer from the evidence so far?. Retrieved from [https://www.pettheftreform.com/\\_files/ugd/dfd928\\_0be050c2d1c441d2b5c626690b2d8af0.pdf](https://www.pettheftreform.com/_files/ugd/dfd928_0be050c2d1c441d2b5c626690b2d8af0.pdf)
- 16 Scottish Government. (2024). Criminal Proceedings in Scotland, 2021-22. Retrieved from <https://www.gov.scot/publications/criminal-proceedings-scotland-2021-22/pages/15/>

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