

Criminal Justice Committee
Wednesday, 24th June 2026
2nd Meeting, 2026 (Session 7)

Note by the Clerk on the Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 (SSI 2026/204)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Dangerous Dogs \(Compensation and Exemption Schemes\) \(Miscellaneous Amendment\) \(Scotland\) Order 2026](#) (SSI 2026/204)

Laid under: Section 1(5) of the [Dangerous Dogs Act 1991](#)

Laid on: 11 June 2026

Procedure: Negative

Deadline for committee consideration: 21 September 2026

Deadline for Chamber consideration: 23 September 2026

Commencement: 1 July 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee will consider the instrument at its meeting on 23 June 2026.

Purpose of the instrument

8. The Order makes amendments to the [Dangerous Dogs Compensation and Exemption Schemes Order 1991](#) and the [Dangerous Dogs \(Compensation and Exemption Schemes\) \(Scotland\) Order 2024](#).
9. The amendments remove the requirement for owners of exempted dangerous dogs to take out or renew third-party insurance from 1 July 2026. This means that owners of XL Bully dogs and other exempted dangerous dog types will no longer need to buy or renew this insurance when applying for, or holding, a certificate of exemption. However, if an owner already has a third-party insurance policy in place, they must keep it until the policy reaches its expiry date. Once it expires, they will not need to renew it.
10. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of engagement undertaken on the instrument and the anticipated financial effects. The following impact assessment has been carried out:
 - [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)

Explanation to the Presiding Officer

11. As the instrument was laid less than 28 days before coming into force, the Scottish Government is required by law to provide an explanation.
12. In correspondence to the Presiding Officer on 11 June 2026, the Minister for Victims and Community Safety explains that the Dogs Trust, the only UK provider of the required insurance, is ending its service on 30 June 2026. Despite efforts across the UK to find an alternative insurer, none were willing to provide the cover.
13. The correspondence notes that the Scottish Government delayed introducing the legislation for as long as possible to allow time for another provider to emerge. When it became clear that no alternative insurance was available, the Scottish Government has taken steps, through this instrument, to remove the insurance requirement from 1 July 2026 to ensure owners of exempted dogs, including XL Bullies and other banned breeds, would not breach the conditions of their exemption certificates when existing policies expired.

14. The correspondence also notes that the UK Government and the Northern Ireland Executive are making similar changes in England, Wales and Northern Ireland.

15. The Committee is required to consider the explanation and may comment on it in any report.

16. The correspondence is set out in full Annexe B.

Committee consideration

17. So far, no motion recommending annulment has been lodged.

18. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

19. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

20. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
June 2026**

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (MISCELLANEOUS AMENDMENT) (SCOTLAND) ORDER 2026

SSI 2026/204

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 1(5) of the Dangerous Dogs Act 1991 (“the 1991 Act”), and all other powers enabling them to do so. The instrument is subject to negative procedure.

The Order makes amendments to the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. The Order comes into force on 1 July 2026.

The amendments remove any requirement as part of the exemption schemes for dogs designated under the 1991 Act for the owner to obtain or renew third-party insurance on or after 1 July 2026. The Order will ensure XL Bully dog owners and owners of other designated types of dangerous dog who apply, or hold, a certificate of exemption will not be required to obtain or renew a third-party liability insurance policy on or after 1 July 2026, while existing policies must continue to be maintained until expiry.

Policy Objectives

Background - The Dogs Trust, as the sole provider across the United Kingdom of third-party liability insurance for dangerous dog types, has officially confirmed that the third-party liability insurance cover currently offered to members of the Dogs Trust Companion Club will cease after 30 June 2026.

In policy terms the Scottish Government continues to believe that third-party insurance offers valuable protection to both the owners of these dogs and any victims of attacks by these dogs. However, as a result of market failure in the provision of third-party liability insurance, dog owners across Scotland (and many more thousands of dog owners across the rest of the UK) are being left without a means of insuring their exempted dog as currently required by law.

Without disapplication of this requirement, it would mean owners would be breaching one of the conditions of the Certificate of Exemption for their dog by not having third-party liability insurance cover in place and would also be committing a criminal offence for reasons beyond their control.

Within this context, the Scottish Government is adjusting the requirements of the conditions attaching to an exemption to ensure owners of dangerous dogs do not face the prospect of incurring a breach of their exemption through no fault of their

own, and will be able to legally keep their dogs as long as the other exemption certificate conditions continue to be met.

Modification of the third-party insurance requirement

Article 3 of this Order amends the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. This provides for modification of the third-party insurance requirement so that it does not impose any duty to obtain a new policy or renew a previous policy on or after 1 July 2026. This does not affect the duty of an owner to maintain in place a policy taken out before that date which has still to expire (for instance by keeping to the terms and conditions of cover) or to produce evidence to responsible public authorities of either the existence of cover or the fact that it is no longer needed (because it has unavoidably lapsed on or after 1 July).

New article 8(3A) disapplies the requirement in article 8(1) – (3) to obtain or renew third party liability insurance on or after 1 July 2026.

New article 8(3B) ensures that the insertion of article 8 (3A) is without prejudice to the requirement to maintain in place a policy of insurance in respect of the dog obtained or renewed before 1 July 2026 where the cover provided by that policy has not expired.

The Order also amends the conditions attached to certificates of exemption in article 7 of the 2024 Order, to ensure that those conditions operate subject to the new provisions in article 8(3A) and (3B).

This approach ensures that existing policies remain valid until expiry, while avoiding the need for owners to obtain or renew insurance where such cover is no longer available.

Article 2 of this Order makes corresponding amendments to the Dangerous Dogs Compensation and Exemption Schemes Order 1991.

This contains the exemption scheme applicable to other breeds of dog designated in or under section 1(1) of the Dangerous Dogs Act 1991. Breeding of these dogs has been prohibited by law since they were originally designated and new exemptions can only be authorised by the courts (e.g. where a dog is discovered to belong to such a breed but is considered to be under control with a responsible owner). There are therefore very few of these dogs with exemption certificates in Scotland as compared with XL Bullies which were designated in 2024.

Article 2(4)(a) corrects an erroneous cross-reference in article 10 of the 1991 Order to a requirement originally imposed by article 7 of that Order which was removed by the 2024 Order.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, The Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to Scottish Government policy to maintain alignment with the EU.

Consultation

No formal consultation has been undertaken. However, the Scottish Government has engaged over a period of months with key dog control interests. Scottish Government officials consulted with DEFRA, officials from Northern Ireland and Wales and the Association of British Insurers (ABI) to explore whether any insurance providers would be prepared to offer owners of prohibited type dogs third-party liability insurance.

The Scottish Government will be writing to all exemption certificate holders in Scotland to provide an update on these changes before 30 June 2026. The Scottish Government will also ensure its website is updated accordingly to highlight and reflect the changes.

Impact Assessments

Given the disapplication of the requirement to obtain or renew third-party liability insurance on or after 1 July 2026, this will mean XL Bully dog owners and owners of other designated breeds will not be legally required, from 1 July 2026, to pay for this type of insurance cover. An Impact Assessment, on the basis there is no new or additional financial impact on owners, and given that no impact on the private, voluntary or public sector is foreseen, has not been produced for this instrument.

Financial Effects

The Minister for Victims and Community Safety confirms that no BRIA is necessary as the instrument has no significant financial effects on the Scottish Government, local government or on business.

Scottish Government
Justice Directorate, 11 June 2026

Annexe B: Explanation to the Presiding Officer of why the instrument was laid in breach of the statutory laying requirements

11 June 2026

Dear Presiding Officer

THE DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (MISCELLANEOUS AMENDMENT) (SCOTLAND) ORDER 2026

The Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) Order 2026 (“the Order”) was made by the Scottish Ministers under powers in section 1 of the Dangerous Dogs Act 1991 on 11 June 2026. This instrument is subject to negative procedure. The Order is being laid in the Scottish Parliament today, Thursday 11 June. The Order will come into force on Wednesday 01 July 2026.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 sets out that a negative SSI must be laid before the Scottish Parliament at least 28 days before the instrument comes into force. On this occasion, this has not been complied with and to meet the requirements of section 31(3) of that Act, this letter explains why.

In 2024 the Scottish Government introduced strict controls in relation to XL Bully dogs. As set out in [The Dangerous Dogs \(Compensation and Exemption Schemes\) \(Scotland\) Order 2024](#) (“the 2024 Order”). XL Bully dog owners were able to apply to the Scottish Government for a Certificate of Exemption for their XL Bully dog, to allow them to legally keep their dog. Since 1 August 2024 it has been an offence to own a XL Bully dog without an exemption certificate from the Scottish Government.

More than 3,400 exemption certificates have been issued to XL Bully dog owners in Scotland. Across the UK, there are more than 60,000 exemption certificates issued.

One of the conditions of obtaining a Certificate of Exemption is that the owner of the XL Bully dog must have third-party public liability insurance for their dog at all times. The Dogs Trust is the sole provider across the UK of such insurance. However, the Dogs Trust are fully stepping back from providing such insurance coverage at the end of June 2026.

Despite ongoing attempts being made to identify a new insurance provider – led by UK Government DEFRA officials, in conjunction with support and engagement from the Scottish Government and Northern Ireland Executive – no alternative insurance provider has been found to step forward and offer owners of exempted dogs third-party liability insurance cover.

These attempts have been continuing up to and including early June since the Dogs Trust announced they would no longer provide insurance. The Scottish Government did not want to lay this secondary legislation unless it was absolutely necessary i.e. no insurance provider entered the market to provide insurance. This necessitated a carefully balanced decision to allow for all avenues to be exhausted before laying.

That moment has now been reached with all avenues exhausted. As such, this secondary legislation is required to remove the duty to obtain or renew third-party liability insurance on or after 1 July 2026 as a condition of exemption in Scotland.

The removal of the third-party liability insurance cover by Dogs Trust will leave XL Bully dog owners across Scotland (and tens of thousands of dog owners across the rest of the UK) without a means of insuring their dog as required by law. This would mean that once any existing cover obtained before 1 July expired they would be breaching one of the conditions of the Certificate of Exemption by not having third-party liability insurance cover in place.

The same issue with unavailability of third-party cover also applies to other breeds designated under the Dangerous Dogs Act 1991. Those other dog breeds being: Pit Bull Terrier; Japanese Tosa; Dogo Argentino; and Fila Brasileiro.

Since those other designations date back to the 1990s, it has been illegal to breed those dogs since and new exemptions can only arise from a court order (e.g. where a dog is discovered to belong to the breed but is under control and the owner is responsible). There are very few of these dogs covered by exemptions in Scotland (approximately a dozen).

It is within this context that the Order amends both the 2024 Order and the Dangerous Dogs Compensation and Exemption Schemes Order 1991 (which covers the older designated breeds) to modify the third-party liability insurance requirement so that this does not require an owner to obtain or renew an insurance policy on or after 1 July 2026. Owners will remain under a duty to maintain in place insurance obtained before that date until it expires (e.g. by not acting in any way which would void their policy). They will also remain under a duty to provide evidence of their dog's insurance status when sought by the authorities (which may legitimately be either that cover remains in place or that it is unavoidably not in place because of the impact of the inability to obtain cover since 1 July).

The UK Government and the Northern Ireland Executive are also taking similar action to remove the insurance requirement for dog owners in England, Wales and Northern Ireland through changes to legislation applying in those nations.

I am copying this letter to the convenor of the Criminal Justice Committee and the convenor of the Delegated Powers and Law Reform Committee.

Yours sincerely

KIRSTEN OSWALD