

Criminal Justice Committee
Wednesday 30 September 2026
7th Meeting, 2026 (Session 7)

Note by the Clerk on Dangerous Dogs (Compensation and Exemption Schemes) (Miscellaneous Amendment) (Scotland) (No. 2) Order 2026 (2026/212)

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 \(Compensation and Exemption Schemes\) \(Miscellaneous Amendment\) \(Scotland\) \(No. 2\) Order 2026 \(2026/212\)](#)

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

Laid on: 26/06/2026

Procedure: Negative

Deadline for committee consideration: 05/10/2026

Deadline for Chamber consideration: 08/10/2026

Commencement: 1 November 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 considered the instrument on 8 September 2026 and reported on it in its [2nd Report, 2026 \(Session 7\)](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of the instrument is to amend the Dangerous Dogs Compensation and Exemption Schemes Order 1991 and the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024. The amendment requires holders of exemption certificates to ensure that exempted dogs are not in close contact with children under 12 unless supervised by a person aged 16 or over. This applies in non-public places, including homes.
9. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [Child Rights and Wellbeing Impact Assessment](#)

Committee consideration

10. The Committee first considered the instrument at its meeting on [23 September 2026](#) and agreed to write to the Scottish Government seeking further information on several points raised during scrutiny. The Scottish Government's response was received on [24 September 2026](#) and has been published on the Committee's webpage. Members may wish to take account of that correspondence in their consideration of the instrument.
11. So far, no motion recommending annulment has been lodged.
12. 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.

13. In its correspondence with the Committee, the Scottish Government confirmed that guidance on the operation of the new condition is being developed and is intended to be published before the instrument comes into force on 1 November 2026. Members may wish to consider whether exemption certificate holders will have sufficient opportunity to familiarise themselves with the guidance before commencement.
14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
15. 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
September 2026

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE DANGEROUS DOGS (COMPENSATION AND EXEMPTION SCHEMES) (MISCELLANEOUS AMENDMENT) (SCOTLAND) (NO. 2) ORDER 2026

SSI 2026/212

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 amends 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 November 2026.

The amendment that has been made requires holders of certificates of exemption issued under these Orders to ensure that their exempted dogs do not come into close contact with a child under 12 unless supervised by a person aged 16 or over, which will apply in non-public places including homes.

Policy Objectives

This Order introduces a new child protection condition to the exemption schemes made under the 1991 Act, requiring that children under the age of 12 must not be left unattended with a prohibited-type dog in a private place. The policy aim is to ensure that the prohibited dog does not come into close contact with a child under the age of 12 unless there is supervision by another person aged 16 or over.

This legislation is intended to act as a preventative measure and reduce known safety risks in domestic settings by establishing a clear minimum standard of supervision.

All children under the age of 12 will need to have supervision from someone aged at least 16 whenever they are in a private place with a prohibited breed type dog. This supervision can be the exemption holder, but also can be a different person as long as they are at least 16 years old.

Introduction of a new child protection condition for holders of a certificate of exemption

Article 3 of this Order introduces a child protection condition that will require the holder of a certificate of exemption under the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024 to ensure that their dog does not come into close contact with a child under the age of 12 in any place, other than a public place, unless the dog or the child is being supervised by a person (whether the holder of the certificate or some other person) who is over the age of 16.

The policy intention of the condition is to reduce the risk of serious injury to children in domestic settings, while allowing exempted dogs to continue living with families where appropriate supervision or separation is in place.

Injury data indicates that children are disproportionately affected by dog bite injuries.

When dog attacks involving prohibited types occur in domestic settings, younger children are particularly vulnerable.

Data shows that children are disproportionately represented in dog bite incidents. Separately, children are more vulnerable due to their developmental stage and their inability to interpret dog behaviour.

The 12 year old age threshold targets the age group at highest risk, while reflecting established safeguarding expectations and allowing for increasing independence as children grow older.

The introduction of this child protection condition will provide an additional safeguard in the home and other non-public settings in relation to exempted dogs to require supervision in line with established safeguarding expectations where such a dog is present around children.

The condition will come into effect on 1 November 2026.

Article 2 of this Order makes a corresponding amendment 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 1991 Act. 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 Bully dogs, which were designated in 2024.

The Scottish Government intends to work with the UK Government and the other devolved administrations to develop and publish guidance in relation to the operation of the new exemption condition before it comes into force on 1 November 2026.

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) (No. 2) 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 with key Scottish dog control interests. Scottish Government officials have also discussed this new child safety condition with UK Government/ DEFRA officials, and officials from Northern Ireland and Wales.

The Scottish Government will be writing to all certificate of exemption holders in Scotland to provide an update on these changes before 1 November 2026. Once the change in law occurs, new exemption certificates will be issued. The Scottish Government will also ensure its website is also updated to highlight and reflect the policy change.

Impact Assessments

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
June 2026