

15th August 2023.

The **Scottish Countryside Alliance** and **The Scottish Association for Country Sports** are membership organisations that represent members' interests in fieldsports and rural matters across Scotland. We welcome the opportunity to comment on this consultation as many of our members own and breed working dogs, as well as own dogs as pets. Our dogs, working or otherwise, are an extension of our family, and welfare is of the highest priority.

Welfare of Dogs (Scotland) Bill

- 1. Do you agree there is a need for additional regulation to support a responsible and informed approach to acquiring and owning a dog?**
 - No. While we agree that there is a need for improvement within parts of the dog breeding and owning sectors, our position is that this should be achieved through better use of existing regulations. Focusing on efficient provision of advice and information to breeders and owners would be a better approach than creating additional legislation.
 - Further, in the working dog sector standards are generally already high due to the importance of breeder and owner reputations. Breeders and owners of working dogs are, by definition, already well aware of the relevant considerations highlighted in this proposed bill.
 - The proposed additional regulation would create an inequitable burden on our sector, particularly when our members are already dealing with the imposition of other inappropriate and unevidenced legislation by the Scottish Government. The proposed additional regulation appears to be aimed at the pet/companion dog sector, and the implications for the working dog sector have not been properly considered by the Member.
 - While the Member's position is clearly well-intentioned, it is not clear from the documentation provided at this stage of the bill process what positive difference the proposals would make if enacted, and how this would be competently measured.
- 2. Do you agree with the section 1 proposals to require Scottish Ministers to make a code of practice?**
 - No. Our comments in response to point 1 and point 3 refer.
- 3. How would the proposed code of practice work alongside the existing code of practice for the welfare of dogs, made under the Animal Health and Welfare (Scotland) Act 2006 and which came into force in 2010?**
 - The need for a second code in addition to the existing code has not been demonstrated. It is not clear what work has been done by the Scottish Government to promote and effectively use the existing regulations. Owners and prospective owners should be given the opportunity to follow the existing code before the Scottish Government considers introducing further legislation.
 - We consider that the provision of two codes will be confusing for the public. The member has not defined the difference between 'owning a dog' and 'caring for a dog'. In our experience in the working dog sector, owning and caring are one and the same.
 - If the Member considers that the existing code is not functioning as it should, the causes of that malfunction are already within the Scottish Government's powers to address. We do not consider additional legislation to be necessary or proportionate.
- 4. Do you agree with the section 2 proposals about the content of the code relating to the sale or transfer of a dog of any age?**

- Please see our comments above.

5. Do you agree with the section 3 proposals about the content of the code relating to the sale or transfer of a young dog by the first owner?

- Please see our comments above.

6. Do you agree with the section 4 proposals about the content of the code requiring a certificate?

- Please see our comments above.
- In addition, the evidence and monitoring position for the proposed certificate is unclear.
- Further, the use of 'any other matters' in this section causes us concern. We do not support this open-ended approach in primary legislation from Scottish Government, as we do not have clarity on what other matters could be legislated in the future to the detriment of our community.

7. Do you agree with the section 5 proposals relating to the revision of the code of practice?

- Our comments elsewhere in this response refer.

8. Do you agree with the section 6 proposals relating to the effect of the code?

- No. The effect of the code is essentially to create more guidance on top of the existing poorly publicised guidance. If a new publicity campaign is required for the new code, it appears that the same campaign could be used to promote the existing code – and at less expense to the taxpayer.

9. Do you agree with the section 7 proposal relating to a public awareness raising campaign for the code of practice and the projected costs for this set out in the financial memorandum?

- No. Insufficient information has been provided regarding the definition of 'reasonable steps'.
- Further, in our experience the figures in the financial memorandum are not realistic (too low). We would like to understand how the Scottish Government proposes to measure the outcomes, to ensure value for the taxpayer. The proposal as it currently stands does not represent proper use of public funds.

10. Do you agree with the section 8 power for Scottish Ministers to make regulations to establish a register of litters?

- As above. This would be an additional unnecessary burden for our sector.

11. Do you agree with the proposal that local authorities enforce a register of litters and the projected costs for this set out in the financial memorandum?

- We do not consider that Local Authorities will have the capacity or spare budget to deal with this. In our experience LA's are unable to efficiently manage their existing workloads. The financial memorandum does not provide sufficient assurance on this point.

12. Do you agree with the section 10 power for Scottish Ministers to make regulations to secure compliance with a register of litters?

- While the Member appears to feel that a statutory approach is not necessary or in the spirit of her intentions, this section with its potentially severe penalties appears disproportionate.
- The proposed reliance on Local Authorities is cause for concern given our comments above.
- If the Scottish Ministers do choose to use their powers under this section of the new act, that would represent a significant escalation from the status quo. From our sector's perspective, we are alarmed at the likelihood of spurious allegations made by individuals with anti-shooting interests as part of their ongoing war of attrition against us.
- Further, LA's and the SSPCA already have responsibilities in this area and possess specific powers to deal with incidents within their remit. The general public need to be given the opportunity to comply with the existing legislation, and so the Scottish Government's efforts should be focused on an effective awareness campaign of the current (or updated) code. We do not support spending on new regulations that would inadvertently compromise the working dog sector, whose standards are already above what is required under existing legislation.

13. Do you agree with the section 11 proposal relating to a public awareness raising campaign for a register of litters and the projected costs for this set out in the financial memorandum?

- Please see our comments above at point 9.

Scottish Countryside Alliance

Scottish Association for Country Sports