



The Scottish Parliament
Pàrlamaid na h-Alba

Stuart McMillan MSP
Convener
Delegated Powers and Law Reform
Committee
c/o Clerk to the Committee

Maurice Golden MSP

1 April 2025

Dear Convener

Dog Theft (Scotland) Bill

Thank you for your letter of 26 March 2025 regarding the Delegated Powers Memorandum (“DPM”) accompanying the Dog Theft (Scotland) Bill.

The Committee has asked me why the power in section 2(2)(b) refers to categories of dog without any further narrowing of the power to reflect the intention that the power is only to be used to add categories of dog trained to assist people with certain disabilities and particular needs, as set out in the DPM.

As outlined in the DPM, assistance dogs are normally trained by charities. However, it is important to note that assistance dogs can also be trained by their owners or independent trainers. I therefore do not consider it appropriate to restrict this regulation making power to only assistance dogs that are trained by charities. Furthermore, assistance dogs not only support disabled individuals but also aid people with other medical conditions in a variety of ways. Enabling the Scottish Ministers to prescribe a dog of a “category” rather than narrowing the scope of the relevant power in section 2(2)(b), will ensure that provision can also be made for specific cases in the future. Accordingly, in line with my policy intention, specific categories of assistance dogs can be prescribed in a flexible and timeously manner.

In any event, regulations made under this power can only be for the purposes of the definition of assistance dog under section 2 of the Bill. The Explanatory Notes accompanying the Bill also make clear that any such regulations would not affect the definition of “assistance dog” in section 173 the 2010 Act.

I therefore consider that the power conferred by section 2(2)(b) is sufficiently narrow and, as the Explanatory Notes make clear, only conferred in respect of the purposes of the definition in this Bill. Nevertheless, should the Committee recommend that the power ought to be narrowed or clarified further, I would be happy to consider any such recommendation carefully.

Yours sincerely

Maurice Golden MSP