

Dog Theft (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 8

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Rachael Hamilton

19 In section 1, page 2, line 8, at end insert—

- <() Where the dog which is taken or kept is a working gundog, the court must consider, when determining an appropriate sentence under subsection (6)—
- (a) any operational loss to the person who had lawful control of the dog prior to the offence, and
 - (b) the emotional impact of the offence to the person with lawful control, or other persons.>

Section 2

Maurice Golden

1 In section 2, page 2, line 19, leave out <an assistance> and insert <a helper>

Maurice Golden

2 In section 2, page 2, line 21, leave out <assistance> and insert <helper>

Maurice Golden

3 In section 2, page 2, line 21, after <dog> insert <means>

Maurice Golden

4 In section 2, page 2, line 22, leave out <has the meaning given to it> and insert <an assistance dog, as defined>

Maurice Golden

5 In section 2, page 2, line 24, leave out <includes>

Rachael Hamilton

20 In section 2, page 2, line 25, at end insert—

<(2A) Regulations under subsection (2)(b) must include working gundogs and other working dogs as a category of helper dog.

(2B) For the purposes of subsection (2A), a “working gundog” means a specialist breed of dog that is recognised as a working gundog due to its training and role in land management, shooting days and livelihoods.>

Maurice Golden

6 In section 2, page 2, line 26, leave out <an assistance> and insert <a helper>

Maurice Golden

7 In section 2, page 2, line 29, leave out <an assistance> and insert <a helper>

Maurice Golden

8 In section 2, page 2, line 33, leave out <an assistance> and insert <a helper>

After section 2

Rachael Hamilton

21 After section 2, insert—

<Theft of working dogs

(1) An offence of dog theft is aggravated if a dog which is taken or kept is a working dog.

(2) For the purposes of this section, the term “working dog”—

(a) means a dog used for—

(i) driving or tending to sheep or cattle,

(ii) official duties by a Member of His Majesty’s Armed Forces, His Majesty’s Customs and Excise or by a constable of the Police Service of Scotland,

(iii) emergency rescue work,

(iv) lawful pest control,

(v) lawful shooting of animals,

(b) includes a dog of a category prescribed by regulations made by the Scottish Ministers.

(3) Evidence from a single source is sufficient to prove that a dog is a working dog.

(4) Subsection (5) applies where it is—

(a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by a dog which is taken or kept being a working dog, and

(b) proved that the offence is so aggravated.

(5) The court must—

(a) state on conviction that the offence is aggravated by a dog which is taken or kept being a working dog,

- (b) record the conviction in a way that shows that the offence is so aggravated,
- (c) take the aggravation into account in determining the appropriate sentence, and
- (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.
- (6) Regulations made under subsection (2)(b) are subject to the negative procedure.>

Rachael Hamilton

22 After section 2, insert—

<Theft of working gundogs

- (1) An offence of dog theft is aggravated if a dog which is taken or kept is a working gundog.
- (2) For the purposes of this section, the term “working gundog”—
 - (a) means a specialist breed of dog that is recognised as a working gundog due to its training and role in land management, shooting days and livelihoods,
 - (b) includes a dog of a category prescribed by regulations made by the Scottish Ministers.
- (3) Evidence from a single source is sufficient to prove that a dog is a working gundog.
- (4) Subsection (5) applies where it is—
 - (a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by a dog which is taken or kept being a working gundog dog, and
 - (b) proved that the offence is so aggravated.
- (5) The court must—
 - (a) state on conviction that the offence is aggravated by a dog which is taken or kept being a working gundog,
 - (b) record the conviction in a way that shows that the offence is so aggravated,
 - (c) take the aggravation into account in determining the appropriate sentence, and
 - (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.
- (6) Regulations made under subsection (2)(b) are subject to the negative procedure.>

Section 3

Maurice Golden

9 Leave out section 3

After section 3

Rachael Hamilton

23 After section 3, insert—

<Research and support

Research and support

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, undertake research on areas where working gundogs are most at risk of being taken or kept.
- (2) The Scottish Ministers must, within 1 year of completion of the review under subsection (1), introduce a scheme for persons with lawful control of working gundogs to apply for financial assistance to upgrade the security of kennels in areas considered to be of highest risk of dog theft.
- (3) Financial assistance under subsection (2) may include a grant or loan scheme.>

Section 4

Maurice Golden

10 In section 4, page 3, line 15, leave out <each> and insert <the>

Maurice Golden

11 In section 4, page 3, line 19, after <include> insert <the following information in respect of the reporting period>

Maurice Golden

12 In section 4, page 3, leave out lines 20 to 36 and insert—

- <() the number of records made by the Police Service of Scotland of cases categorised by the Police Service as offences under section 1,
- () the number of persons prosecuted for an offence under section 1,
- () the number of persons convicted of an offence under section 1,>

Maurice Golden

13 In section 4, page 4, line 1, after <sentence> insert <of imprisonment or detention>

Maurice Golden

14 In section 4, page 4, line 2, leave out from <, and> to end of line 5

Rachael Hamilton

24 In section 4, page 4, line 2, at end insert—

- <() the information mentioned at paragraphs (a) to (f) and sub-paragraphs (g)(ii) and (iii) where the report, charge, criminal proceedings, conviction, sentence or fine (as the case may be) related to a dog that is a working gundog,>

Rachael Hamilton

25 In section 4, page 4, line 5, at end insert—

- <() The report must include information on the number of dogs and working gundogs that are returned to the person with lawful control of the dog following a report to the chief constable of the Police Services of Scotland of a dog being taken or kept in the circumstances mentioned in section 1(1).>

Rachael Hamilton

26 In section 4, page 4, line 5, at end insert—

- <() The report must include an analysis of the areas in which dogs, and in particular working gundogs, are taken or kept.>

Maurice Golden

15 In section 4, page 4, line 9, after <to> insert <the>

Maurice Golden

16 In section 4, page 4, line 16, leave out from <1> to end of line 17 and insert <3 years beginning with the day on which section 1 comes into force.>

Rachael Hamilton

27 In section 4, page 4, line 17, at end insert—

- <(7) For the purposes of this section, “working gundog”—
- (a) means a specialist breed of dog that is recognised as a working gundog due to its training and role in land management, shooting days and livelihoods,
 - (b) includes a dog of a category prescribed by regulations made by the Scottish Ministers.
- (8) Regulations made under subsection (7)(b) are subject to the negative procedure.>

Rachael Hamilton

28 In section 4, page 4, line 17, at end insert—

- <(7) The Scottish Ministers may, by regulations, make provision for the meaning of “working gundog” under this section.
- (8) Regulations made under subsection (7) are subject to the negative procedure.>

Section 5

Rachael Hamilton

29 In section 5, page 4, line 28, at end insert—

- <() the areas where cases of theft of dogs occurred,
- () any concerns in relation to the geographical distribution of cases of theft of dogs, and in particular theft of working gundogs,

- () the Scottish Ministers’ response to any such concerns, including whether the Scottish Ministers consider that there should be a scheme for persons with lawful control of working gundogs to apply for financial assistance to upgrade the security of kennels in areas considered to be of highest risk of dog theft.>

Rachael Hamilton

30 In section 5, page 5, line 8, at end insert—

<(6) For the purposes of this section, “working gundog”—

(a) means a specialist breed of dog that is recognised as a working gundog due to its training and role in land management, shooting days and livelihoods,

(b) includes a dog of a category prescribed by regulations made by the Scottish Ministers.

(7) Regulations made under subsection (6)(b) are subject to the negative procedure.>

Rachael Hamilton

31 In section 5, page 5, line 8, at end insert—

<(6) The Scottish Ministers may, by regulations, make provision for the meaning of “working gundog” under this section.

(7) Regulations made under subsection (6) are subject to the negative procedure.>

Maurice Golden

17 Leave out section 5

Long Title

Maurice Golden

18 In the long title, page 1, line 2, leave out <to provide for a review of the operation of the new offence;>

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