



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Rural Affairs and Islands Committee

Wednesday 5 November 2025

Session 6



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**Wednesday 5 November 2025**

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**RURAL AFFAIRS AND ISLANDS COMMITTEE**

**30<sup>th</sup> Meeting 2025, Session 6**

**CONVENER**

\*Finlay Carson (Galloway and West Dumfries) (Con)

**DEPUTY CONVENER**

\*Beatrice Wishart (Shetland Islands) (LD)

**COMMITTEE MEMBERS**

\*Alasdair Allan (Na h-Eileanan an Iar) (SNP)  
\*Ariane Burgess (Highlands and Islands) (Green)  
\*Tim Eagle (Highlands and Islands) (Con)  
\*Rhoda Grant (Highlands and Islands) (Lab)  
\*Emma Harper (South Scotland) (SNP)  
\*Emma Roddick (Highlands and Islands) (SNP)  
\*Evelyn Tweed (Stirling) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Siobhian Brown (Minister for Victims and Community Safety)  
Jim Fairlie (Minister for Agriculture and Connectivity)  
Maurice Golden (North East Scotland) (Con)  
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)  
Alison Irving (Scottish Land Court and Lands Tribunal for Scotland)  
Mark Ruskell (Mid Scotland and Fife) (Green)  
Andrew Voas (Scottish Government)  
Keith White (Scottish Government)

**CLERK TO THE COMMITTEE**

Emma Johnston

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



**Scottish Parliament**  
**Rural Affairs and Islands**  
**Committee**

*Wednesday 5 November 2025*

*[The Convener opened the meeting at 09:08]*

**Decision on Taking Business in**  
**Private**

**The Convener (Finlay Carson):** Good morning, and welcome to the 30th meeting in 2025 of the Rural Affairs and Islands Committee. Before we begin, I remind everyone to switch their electronic devices to silent.

The first item on our agenda is a decision on whether to consider the evidence taken as part of the scrutiny of the Greyhound Racing (Offences) (Scotland) Bill in private at this and future meetings and a decision on whether our consideration of a draft report on the bill should be taken in private at future meetings. Do members agree to those actions?

**Members** *indicated agreement.*

**Crofting and Scottish Land Court**  
**Bill: Stage 1**

09:08

**The Convener:** The next item on our agenda is an evidence session with the Scottish Land Court on the Crofting and Scottish Land Court Bill. I welcome to the meeting Alison Irving, who is the principal clerk for the Scottish Land Court and the Lands Tribunal for Scotland. Good morning. I note that you do not have to operate your microphone; a gentleman will do that for you. We do not anticipate that the session will take very long, but we have allocated it 30 minutes. Although the Scottish Land Court cannot comment on policy decisions, I hope that we can discuss some of the operational impacts that part 2 of the bill could potentially have.

My first question to you is about the main operational benefits, but also the risks, of merging the Scottish Land Court and the Lands Tribunal for Scotland. In his submission to the committee, Lord Duthie highlighted some operational implications of the bill as it is currently worded. Do you have any additional comments?

**Alison Irving (Scottish Land Court and Lands Tribunal for Scotland):** The administrative team, which I lead, has gradually been merged over the past four years, which we have found to be very beneficial. The biggest benefit is the fact that two very small teams have become one slightly bigger team, which gives us much more flexibility.

Although I am not legally qualified, I see that as being very much a benefit for the members as well. For example, it would mean that they could, without special provisions being made, change jurisdictions within our business. In the past, although it has been possible for a legally qualified member of the Lands Tribunal to take a case in the Land Court when none of the Land Court members could do it, we have had to go to the Scottish Government to get that person specially appointed, which requires a lot of extra time and energy for no particular benefit. There are a lot of benefits to our being more efficiently organised and better able to cover for people.

The convener also asked about risks, but I am not sure that I can see any risks. I suppose that the biggest one would be that the Lands Tribunal would not have its own separate identity, which some people might be attached to. However, in practical terms I cannot see any difference. As I said, administratively, we now manage the two bodies together, but we have separate systems, because they are two separate bodies.

Administratively and organisationally, it would be helpful to be just one body.

**The Convener:** At the moment, is there sometimes a sense of overlap in the expertise of the two bodies, or is there synergy between the teams such that bringing them together legally will bring benefits?

**Alison Irving:** I think so, yes. I do not know whether any of you are responsible for the Land Reform (Scotland) Bill, but you will have seen that there are various provisions in it where the Lands Tribunal or the Land Court is particularly referred to and, at times, it can hand over to the other body if it needs to. There is therefore definitely some overlap.

It would also be about broadening the range of things that we do, which would mean that the public would have a better understanding. We find that they see the word “land” and simply assume that everything comes to us—which would still not be the case, but it would certainly reduce that issue.

**The Convener:** In the mind of the public, there are grey areas in relation to what roles the two bodies have and who should deal with what. That would be taken away because there will be, if not a one-stop shop, a far clearer public understanding of the responsibilities and roles.

**Alison Irving:** I think so, yes. There will still be things that go to the ordinary courts—the sheriff court or the Court of Session—but, when things go to a specialist court, there will be just one. People will not have to decide whether it is for the Lands Tribunal or the Land Court.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I realise that there is a limit to what you can comment on, but I will pick up on some of those themes. On the administrative impact, Lord Duthie, the chairman of the Land Court, has commented on the system for appeals under the new arrangements. For example, he has mentioned that the bill

“would have the result that other than in cases where the presiding legal member is the chair, decisions in land registration, title conditions, electronic communications code and disputed compensation cases would all be subject to internal appeal. This is a significant innovation on the status quo.”

How would that work, how would that impact on the workload of the court, and how would that be managed?

09:15

**Alison Irving:** The Lands Tribunal has more work coming in than the Land Court does, and the bulk of its cases are the types of cases that are listed there. I am not suggesting that every case

goes to appeal, but it would definitely increase our workload if the Lands Tribunal had to deal with internal appeals in some of those cases. We would also have to schedule time for three members, not just one, because internal appeals are heard by the chair plus two other members. Those two people must also not have been involved in the case, which would seriously restrict how many people would qualify. It might mean looking for people from outside the normal membership of the current team. The only experience that we have at the moment is in the Land Court, which has four or sometimes five members, and, if most of them are disqualified because they have already had some involvement in the case, we have to approach retired members, which is quite difficult as well. There would be a practical impact because of the scheduling, the time that would be required and the fact that those people would not be available for other cases. All of those would be knock-on effects.

**The Convener:** Lord Duthie also highlighted that there have been no applications from Gaelic speakers in the past 10 years and that the requirement to have a Gaelic-speaking member could potentially restrict the pool of candidates for an appointment. Is that policy out of date now? Does it need to be updated to ensure that there is no restriction on the pool of potential candidates?

**Alison Irving:** I will be careful in what I say here, because my role is only operational. Clearly, as soon as you add more qualifications, you make it more difficult for people to apply. So, yes, I am sure that it will have an impact.

From a purely practical point of view—I believe that Lord Duthie mentioned this—it would be very difficult to have only a Gaelic speaker; you would also need to employ an interpreter, as you would for any other person with a different language need. In the interests of open justice, we would want to be seen to ensure that everybody could understand what was going on, and my personal opinion is that having only one Gaelic speaker would open the door to there being a conversation between that Gaelic-speaking member and the applicant, with nobody else in the room able to understand what was happening.

**The Convener:** I guess that the requirement for a member to have Gaelic is not necessarily the most important thing. The most important thing is that there is access to Gaelic within the operational concerns, and an amendment to that effect could be lodged.

**Alison Irving:** Looking at the process purely operationally—I do not want to stray into policy—the important thing is to ensure that everybody is clear about what is happening. It would be like what we do for Polish speakers, for example. In

the court service, we have provisions to get translations.

**Alasdair Allan:** I appreciate your description, but I would add, just for the record, that it is possible for people to learn languages, including Gaelic.

**Alison Irving:** Yes.

**Ariane Burgess (Highlands and Islands) (Green):** This might be straying from operational matters, but I wonder whether the requirement for a Gaelic speaker is really more about a cultural piece and people's relationship to the Gàidhealtachd and dùthchas. Is it about not only the language but the culture? That might be straying beyond what you can comment on.

**Alison Irving:** I think that it probably is. I understand what you are saying, and it is certainly helpful, but the court has to apply the legislation. It would be a case of everybody understanding what the court was doing, and that would be about the language as much as anything else.

**Beatrice Wishart (Shetland Islands) (LD):** Good morning. Some concerns were raised in evidence that the merger is a cost-cutting exercise. You have indicated that the two courts have gradually merged over the past four years. Are you able to provide any reassurance that the efficiency of the expanded court will not be compromised by the merger?

**Alison Irving:** As the lead for the team, I certainly would not want to see it compromised. We started merging the administrative support four years ago, because the Lands Tribunal was supported by a very small team. There were only three of them, and two of those three retired that year. The decision was purely functional, and we have brought in all the tools and resources that they need. It would have been much easier to have a merged support system, but we do not yet have that, because we are not merged at the top. However, it is not about cutting costs or staff. In fact, we have more bodies, although the organisation is slightly different.

**Evelyn Tweed (Stirling) (SNP):** Good morning, and thank you for your answers so far. In your opinion, would Lands Tribunal members sitting in the new Land Court retain the same decision-making powers and independence as before?

**Alison Irving:** Again, I can answer only from the operational side. I cannot see any reason why not. The Land Court and the Lands Tribunal have been co-located for many years, and, as I believe you are aware, they have had the same chairman or president since the 1970s, I think. The leadership has always been aware of what is happening in both bodies, and I see no reason why that would change. All the members are

independent minded and would continue to function independently.

**Rhoda Grant (Highlands and Islands) (Lab):** The Land Court and the Lands Tribunal have different expertise in a lot of areas. The concern is not about the here and now, but about the future. Is there likely to be a loss of that expertise? Would people taking on a broader range of cases mean that they would have wider knowledge rather than in-depth knowledge about certain issues?

**Alison Irving:** The expanded Land Court would still require to have agricultural members and surveyor members, so I presume that that level of expertise would be retained. Again, that is a bit outside my sphere.

Speaking administratively, some things across the two jurisdictions are very similar, while some areas are very different and separate. People can and still do specialise in those separate areas, but we can cover if somebody goes off sick, for example. If one specialist goes off long-term sick, it is difficult to replace their expertise, but at least if other people are prepared to cover they will build up their expertise more quickly if there has to be a sudden change.

I have no concerns about that. It gives us more flexibility and more opportunities to build up knowledge that will help us across the board.

**Tim Eagle (Highlands and Islands) (Con):** How would you ensure that, following the merger, parties would have rights of appeal that were equivalent to those that they have now?

**Alison Irving:** That would be a legislative provision.

**The Convener:** Simple questions, simple answers—that is the way we like it. The next question, from Ariane Burgess, might not be quite so straightforward.

**Ariane Burgess:** My question is about the potential expansion of the Land Court's functions. The Scottish Government has stated that

"consideration will be given to the expanded Land Court taking on new functions in relation to Aarhus cases in time to come".

I am interested in your thoughts on the idea of that expansion and how it might impact the Land Court.

**Alison Irving:** Whether that happens is a policy question, and, as I am on the operational side, I would do whatever I was asked to do. Having said that, the Land Court already has a number of niche jurisdictions, so it is used to dealing with a range of different pieces of legislation, for example, not necessarily with a large volume of the same type of case. We are not set up to deal

with just one type of case time and time again; we are set up to deal with a number of different areas.

**Ariane Burgess:** So, you could take on Aarhus-related cases.

**Alison Irving:** I would have thought so, but that is purely from the operational side. Unless something was going to come with a large amount of extra work—in which case we would have to look at the staffing to go with it—it should not make a difference to how we operate.

**The Convener:** An environmental court could be a big and very busy body. Since Brexit, there has been talk about whether there should be an environmental court and about the Government's policy position on that. We are not going to go into the policy position, but it is almost the case that, within the legislation, the Government might or might not do it at some time in the future. At this point in time, when we are considering legislation as it goes through, would the development of an environmental court within the two bodies that are merging under the bill not impact considerably on your operational capacity? Would there not need to be a long lead-in time to develop the systems and the capacity not just for what would be an add-on but for the significantly heavier workload that an environmental court might bring?

**Alison Irving:** Again, I can only give you my opinion, which is based on the operational side. We already deal with appeals against some Scottish Environmental Protection Agency decisions. However, I am sure that you are right. A full-scale environmental court is a very different thing, and a lot of policy decisions would have to be made about it, but I cannot comment on them. If it was going to mean a significant increase in workload, questions would definitely have to be asked about resourcing, the technology that we use and all the rest of it. It would be a large-scale exercise, and I imagine that it would take some time to put in place.

**The Convener:** Given that we are touching on the subject, and given how big a change it might be, has the Scottish Government consulted or asked the Scottish Land Court and the Lands Tribunal about taking on environmental court status?

**Alison Irving:** I am honestly not aware of any official approaches, but it would be outside my remit, so it could have been done and I would not have known about it.

**The Convener:** We have no more questions, so I thank you for your evidence this morning. It has been very helpful.

I suspend the meeting for five minutes, to allow a change of witnesses.

09:27

*Meeting suspended.*

09:32

*On resuming—*

## **Greyhound Racing (Offences) (Scotland) Bill: Stage 1**

**The Convener:** Agenda item 3 is an evidence session with the Scottish Government as part of our consideration of the Greyhound Racing (Offences) (Scotland) Bill at stage 1. I welcome to the meeting Jim Fairlie, the Minister for Agriculture and Connectivity, who is joined by, from the Scottish Government, Andrew Voas, who is veterinary head of animal welfare, and Keith White, who is a lawyer. I also welcome Mark Ruskell.

We have allocated approximately 90 minutes for this session. We have quite a few questions to get through, so I ask members and the minister to be succinct in their questions and answers.

I will kick off. We understand that the Scottish Government supports the general principles of the bill, even though the minister told the committee in 2024 that it considered that an outright ban was not necessary, although it thought that there was a case for licensing. What has changed?

**The Minister for Agriculture and Connectivity (Jim Fairlie):** Would you prefer me to move straight to answering questions instead of making an opening statement?

**The Convener:** No, I am quite happy for you to make an opening statement. That would be helpful.

**Jim Fairlie:** Thank you.

I thank the committee for inviting me to give evidence on the Greyhound Racing (Offences) (Scotland) Bill on behalf of the Scottish Government. When the bill was first proposed, the Government adopted a neutral position. At that stage, the proposal sought to prohibit all greyhound racing in Scotland. Given the breadth of the proposal and the fact that the details of precisely what would be prohibited were still being developed, it was entirely pragmatic for the Government to reserve its position until the final content of the bill was known.

In addition, as the committee will be aware, the Scottish Government was also considering the feasibility of introducing statutory licensing for greyhound racing and whether that could drive the animal welfare improvements that we all want to see.

The bill that is now before the Scottish Parliament is narrower in scope in that it seeks specifically to prohibit the racing of greyhounds on oval tracks. The stated aim of the bill is to address

the inherent welfare risks associated with the running of dogs at speed on oval tracks. Even with good practice, those risks cannot be eliminated entirely, and licensing would not eliminate them.

Having carefully considered the evidence that has been presented, the Scottish Government has agreed to support the general principles of the bill, as it recognises that it represents a proportionate response to those risks. As I have already highlighted to the committee and to Mr Ruskell, we will seek to make some amendments to the bill. However, I look forward to working with the member on those amendments in the weeks ahead.

Although we support the general principles of the bill, we are very mindful of the implications for the individuals and communities that are connected with greyhound racing in Scotland, especially those that are involved at the Thornton track in Fife. In recent years, the activity at Thornton has been on a small scale and largely informal. For many people who have continued to run their dogs there, that has been less about serious competition and more about companionship—it has offered a chance to meet friends and others with a shared interest, to socialise and to give their dogs a run on the track. Although I recognise that the bill will not prevent greyhound owners from meeting and socialising with others to exercise their dogs freely in open spaces, we must be cognisant of the bill's impact on such social and community aspects.

We recognise that the bill addresses legitimate welfare concerns. In practice, it will affect only a very small number of individuals and animals, given the current minimal activity at Thornton, although it will prevent oval tracks from being set up for racing elsewhere in Scotland.

I want to briefly comment on the concerns that have previously been raised regarding the rehoming of greyhounds that might be given up as a consequence of the bill. For some time now, most owners who go to the Thornton track have kept their greyhounds more as pets than as competitive racing dogs. On that basis, we do not anticipate significant displacement, nor do we expect a major rehoming challenge to arise.

Finally, I want to emphasise that the Government's position on the bill relates solely to the specific welfare concerns that are based on the evidence that has been presented regarding the racing of greyhounds on oval tracks. It should not be interpreted as indicating a wider position on other animal-related sports or activities, each of which has its own circumstances and regulatory framework.

I hope that that gives some clarity on the Government's reasoning and on the considered

approach that we have taken in reaching our position. I will be happy to take questions from the committee.

**The Convener:** Thank you, minister.

I gave away my first question, but it still stands. What has changed? Back in 2024, you stated:

“the Scottish Government is not persuaded of the need to ban greyhound racing in Scotland.”

You were talking about racing on an oval track. You went on to say:

“In particular, we are not convinced that such a ban is a proportionate and fair response to the animal welfare concerns”.

You also cautioned

“against making assumptions about the current situation in Scotland and legislating to ban a sport ... without a sound evidence base for doing so.”

What has changed with regard to your having a sound evidence base for the existence of animal welfare concerns?

You said that there was an inherent risk in everything that we do and that greyhound racing was no different in that respect. You also said:

“no complaints have been made to the Scottish Society for the Prevention of Cruelty to Animals about the activities at Thornton ... and no enforcement action has been taken”.—[*Official Report, Rural Affairs and Islands Committee*, 22 May 2024; c 4.]

What evidence do you have to suggest that the situation has changed, such that there is now an inherent animal welfare issue that has led the Government to support the general principles of the bill?

**Jim Fairlie:** When I gave evidence to the committee at that time, I had not met Mr Ruskell or looked at the specific considerations in relation to greyhound racing on an oval track, which is the aspect that the bill is now focused on. When Mr Ruskell introduced his bill, he spoke about dogs hitting that first bend at 40mph. There is no way of removing that risk while racing continues to take place on oval tracks. That is the specific reason why the Government is now prepared to support the bill.

**The Convener:** Where is the sound evidence base for that?

**Jim Fairlie:** The sound evidence base relates to oval tracks and dogs hitting the first bend at 40mph. Mr Ruskell has given evidence to the committee on how that affects the front part of the dog.

There is evidence to suggest that there are dangers to the dogs. There is also the danger that the speed at which they are going and the fact that they can lose their footing on that bend can result

in collisions and the dogs hitting barriers. All those things put an inherent risk on that part of the track.

**The Convener:** I am not sure that evidence from the member who introduced the bill is a sound evidence base.

You have commented that Thornton racetrack is inherently different from Greyhound Board of Great Britain tracks. Thornton is an oval track and GBGB tracks are oval tracks. What has changed to suggest that we should now ban racing at Thornton?

**Jim Fairlie:** The proposal at that time was not about banning racing on oval tracks; it was about banning racing all over.

**The Convener:** At that time, you did not suggest that there was an issue at Thornton, but now you are now suggesting that there is.

**Jim Fairlie:** Because it is an oval track.

**The Convener:** Okay.

You said then that you did not believe that the ban was proportionate. What has changed in terms of proportionality so that an all-out ban is now proportionate?

**Jim Fairlie:** The bill does not propose to ban racing in all circumstances; it would ban racing on an oval track.

**The Convener:** Is there any evidence that any other kind of racing takes place in Scotland?

**Jim Fairlie:** Not in Scotland.

**The Convener:** So, effectively, there would be an all-out ban on greyhound racing.

**Jim Fairlie:** Not if somebody wants to set up a straight track.

**The Convener:** I have a question from Tim Eagle.

**Tim Eagle:** Good morning. Can you talk us through the consultation, evidence gathering and engagement that the Scottish Government has undertaken over the past several years to develop its current position on the bill? Can you take into account Thornton racetrack’s concern that the only people who replied to the consultation on the bill were animal activists? How has the Government tried to make that all as broad as possible?

**Jim Fairlie:** I will let Andrew Voas talk to the evidence gathering that has been done in the past number of years. However, I sat on the committee when Thornton greyhound racetrack owner gave evidence to it and I have spoken to a number of greyhound owners over the piece. In fact, when I gave evidence to the committee, I cited the fact that I had spoken to a friend who had rescue greyhound dogs, which attracted considerable

response. I will let Andrew give you a flavour of the kind of consultation that has been done.

**Andrew Voas (Scottish Government):** In the past few years, we have considered the evidence that has been supplied to the committee in response to the petition. That has included the Scottish Animal Welfare Commission's research, the report of which quoted various pieces of research to underline the fact that it is now widely accepted that there is an inherent risk of injury associated with greyhounds running around bends. There are specific patterns of injuries to dogs involving the left foreleg and the right hind leg. Various studies have been done in the United Kingdom and internationally, particularly in Australia and New Zealand, that back that up. There is ample evidence to suggest that there is a particular risk associated with running around bends.

We have also been monitoring the responses to the bill and the call for evidence, and looking at the evidence that has been presented to the Senedd in Wales in evidence sessions and submissions.

We also considered the latest published results from the Greyhound Board of Great Britain, which, as I am sure you know, produces annual reports of injuries and fatalities. In the 2024 season in England and Wales, there were 3,800 injuries, and 123 dogs were put to sleep on humane grounds at the track. The board gives a whole host of detail in its reports. I could give a few examples, such as the number of dogs that were put to sleep on vets' advice away from the track and deaths of dogs that were designated unsuitable for homing. Those things are laid out in detail in the Greyhound Board of Great Britain reports and have been part of our consideration.

**Tim Eagle:** Could you twist your mic up slightly in case people cannot hear you?

To clarify, are you satisfied that you have reached as wide a group of people as you can with the consultation that has been done, either by the Government or by the member in charge of the bill? Going back to the convener's point about the change in the Government's position as the bill has developed, are you satisfied that consultation pre and post that change has brought in all the evidence that we need to see?

**Andrew Voas:** Yes. I should say that we consulted on our licensing proposal a couple of years ago, so we have considered a wide range of evidence that has now informed our position suitably.

09:45

**Tim Eagle:** Okay. So, in your mind, Thornton racetrack's concern that the only people who had

replied were animal activists is not fair, because you think that a broad range of people have responded.

**Andrew Voas:** Yes. Clearly, Thornton has had the chance to respond and other voices from the Greyhound Board of Great Britain have responded and have submitted detailed responses to the committee and to the Senedd. Obviously, we have looked at those responses as well. Other pro-racing groups have had the chance to put their views as well.

**Jim Fairlie:** The committee has taken evidence widely and has brought in people with different arguments. In fact, when I was still a back bencher, I think that I was involved in one of the sessions when the GBGB was here. The process has not been a flick of a switch—a lot of consideration has gone into it.

**The Convener:** I want to touch on the different evidence base that has developed since you said that your position was that you were not in favour of banning because that was disproportionate. What has changed? We had the Scottish Animal Welfare Commission's report at the time when you decided not to support a ban. I think that Andrew Voas said that the only thing that has changed is that we now have the 2024 GBGB report. Is that right?

**Jim Fairlie:** No. The bit that has changed is Mr Ruskell's position in the bill, which will now ban racing on oval tracks. That is the primary bit.

**The Convener:** No—I am talking about your position on whether oval tracks are dangerous.

**Jim Fairlie:** My position is that it is oval tracks where the ban will be implemented.

**The Convener:** But the only additional evidence on oval tracks, which has made you change your mind since you last appeared in front of the committee, is the 2024 GBGB report. Is that correct?

**Jim Fairlie:** No. It is the fact that racing is being banned on oval tracks.

**The Convener:** I am not talking about that. I need to make myself clear. You are—

**Jim Fairlie:** I am not sure how to make it any clearer. There has been wide-scale consultation. I sat in the committee, listening to the evidence. When I was made a minister and was given the bill, the Government took a neutral position. At that time, the bill would have banned racing in Scotland across the board. That has subsequently changed to banning it on oval tracks. The oval tracks bit is the specific bit that has allowed the Government to support the principles of the bill.

**The Convener:** I do not think that anybody at any point discussed racing on anything other than

oval tracks, because at that time any evidence that we had was on oval tracks. The member's bill specifically mentions oval tracks, but, when you were in front of the committee previously, there was no discussion of potentially racing on straight tracks. It was about the current situation in Thornton. So, minister—

**Jim Fairlie:** I dispute that. I think that, when I was a back bencher and a member of the committee, I asked whether there would be a problem if there were straight tracks. I think that I recall that the answer at that point—it will be in the *Official Report*—was yes but that there are no straight tracks in Scotland, although it could be done on straight tracks. That is the specific bit that Mr Ruskell has changed in his bill—it is now about racing on oval tracks.

**The Convener:** Right. I need to be clearer on this. At the time, you were not minded to ban racing at Thornton, which was an oval track. You are now minded to ban that. On what basis? What further or changed evidence has come forward on racing on an oval track since you said that it was okay? From what I understand, the evidence that you had at that time from the Scottish Animal Welfare Commission was based on oval tracks. Therefore, the only thing that has changed relating to evidence on oval tracks is the GBGB 2024 report. Is that correct? I am focusing on oval tracks.

**Jim Fairlie:** Is the timing relevant in relation to that position?

**The Convener:** In effect, we have had no more evidence suggesting the inherent risk of racing on an oval track other than the GBGB 2024 report.

**Jim Fairlie:** No. The only thing that has allowed the Government to come to the position that it has come to is the fact that Mr Ruskell has changed the bill from banning racing in its entirety to banning it on oval tracks.

**The Convener:** That does not make sense. When we were talking about banning greyhound racing at Thornton, on an oval track, you did not support that ban, but you are now supporting the ban on oval track racing at Thornton. That position has changed. Are we agreed?

**Jim Fairlie:** Yes.

**The Convener:** What has made you change your position? What evidence has come forward since you decided that the ban should not be in place at Thornton, given that you now think that it should be?

**Jim Fairlie:** Because the bill, at that time, was talking about banning the racing of greyhounds—

**The Convener:** We are not talking about the bill; we are talking about your position on racing on

oval tracks. In 2024, you did not suggest that there should be a ban on oval track racing.

**Jim Fairlie:** It was not my bill to bring forward in 2024 to say that it was about oval track racing. Let me be absolutely clear, convener, because I see where you are trying to go with this. The position of Mr Ruskell's proposed bill at that point was to ban racing—end of. There was no mention of oval tracks—you are absolutely correct that there was no mention of oval tracks. Mr Ruskell has now changed the bill so that it will ban racing on oval tracks. We can support that, based on the evidence that we have about the inherent risk of animal welfare issues from oval tracks. That is the only thing that has changed.

**The Convener:** But you had that evidence in 2024.

**Jim Fairlie:** But that is not what the bill was asking us to do.

**The Convener:** Forget about the bill—

**Jim Fairlie:** But the bill is the important bit, convener.

**The Convener:** Please, minister. It is a simple question—

**Jim Fairlie:** I have given you a simple answer.

**The Convener:** No, you have not answered my question.

**Jim Fairlie:** I think that I have.

**The Convener:** In 2024, you were not minded to ban racing at Thornton. Is that correct?

**Jim Fairlie:** We were not minded to ban racing in Scotland.

**The Convener:** It was in Thornton.

**Jim Fairlie:** It was not necessarily about Thornton on its own; it was about racing in Scotland. Thornton was the track at that time. I believe that Mr Ruskell has thought about how to ensure that the ban gets support. I apologise if I am putting words into the member's mouth, but, in the conversations that we have had with him, his concern has always been about the inherent risk on bends. That is where the problem actually lies.

When he proposed his bill to begin with, it was about banning greyhound racing. It did not mention oval tracks, and we were not minded to ban racing across the board. The member has now changed his bill so that it will ban racing on oval tracks. That is where the inherent risk is, which has allowed the Government to say that we can accept and support the bill.

**The Convener:** I am sorry, minister, but I am not going to let this lie. You said:

“my understanding of what happens at Thornton is that it is an entirely different beast from what is happening at the highly charged atmospheres of the tracks down south”—

that is, in England, where dogs are seen as “commodities”. You went on to say that, in Scotland,

“dogs are as much part of the family ... as they are for racing.”—[*Official Report, Rural Affairs and Islands Committee, 22 May 2024; c 5.*]

At that point, you did not support a ban at Thornton, which has an oval track. Is that—

**Jim Fairlie:** We did not support—

**The Convener:** Sorry, minister. Is that correct?

**Jim Fairlie:** We did not support a ban across Scotland.

**The Convener:** I am talking specifically about the oval track at Thornton. You did not support the banning of racing on an oval track at Thornton. It is quite clear that that is what the record says. On that basis—

**Jim Fairlie:** But the bill was not about Thornton.

**The Convener:** We are not talking about the bill; I am asking about your opinion on oval track racing.

**Jim Fairlie:** We are talking about the bill—

**The Convener:** Your view on oval track racing—

**Jim Fairlie:** I am giving evidence on the bill that the member has introduced, so we are absolutely talking about the bill.

**The Convener:** No. You are here to answer questions.

**Jim Fairlie:** I am answering the questions.

**The Convener:** No, you are not.

**Jim Fairlie:** Well, I think that I am.

**The Convener:** Your position has changed on oval track racing.

**Jim Fairlie:** My position has changed on oval track racing—yes.

**The Convener:** Right. Okay. That is fine. On what basis has it changed? From what I can see, the only additional evidence on oval track racing since your position was not to ban it is the 2024 GBGB report.

**Jim Fairlie:** Because Mr Ruskell’s bill—

**The Convener:** No, no—let us focus on this. You have changed your position from not wanting to ban oval track racing to wanting to ban it. All that I want to know is what evidence has changed for you to change your mind on that.

**Jim Fairlie:** What has changed is that Mr Ruskell introduced his bill with—

**The Convener:** No, no. Sorry, minister—

**Jim Fairlie:** I do not know how to make this any clearer. It is about the proportionality of banning racing across Scotland. As the proposed bill stood right at the start, it would have banned racing across Scotland on any track. Mr Ruskell has introduced a bill that will ban racing on oval tracks. I am now convinced that there is enough inherent danger in oval tracks and that enough welfare concerns are raised to say that that should no longer be allowed. I do not know how to make that any clearer.

**The Convener:** Minister, I do not think that you are being genuine here. In 2024, you did not think that racing at Thornton should be banned, and that was happening on an oval track. You did not think that it should be banned; you now believe that it should be banned. All that I am asking is, on what evidence? What has changed for you to change your view on banning oval track racing at Thornton?

**Jim Fairlie:** Because the proportionality of the bill that Mr Ruskell introduced at that time was on racing—

**The Convener:** I am sorry, minister, but you are not answering the question.

**Jim Fairlie:** I think that I am.

**The Convener:** The evidence in the GBGB report suggests that the number of injuries has reduced—it is at a record low. If the evidence has made you change your mind, I do not understand that, because there is less evidence of injuries on tracks in 2024 than there was prior to 2024. I hope that it is on the record that you are refusing to answer a simple question. It is disappointing, because all we want to do is find out what evidence has been brought to the Government to make it change its position on banning racing on oval tracks, and we have not been able to do that.

**Jim Fairlie:** Your position, convener, is that the number of injuries has gone down. It has gone down very marginally, and there has certainly not been any reduction in the number of deaths, based on the GBGB information. That is the GBGB information—

**The Convener:** But it has gone down, minister.

**Jim Fairlie:** It may have gone down marginally, but it is about proportionality, and the oval track is the bit that is causing the issue for the welfare—

**The Convener:** So, what has changed your mind since 2024?

**Jim Fairlie:** Because Mr Ruskell’s bill is now about banning—

**The Convener:** Okay—we will move on. I have a question from Alasdair Allan.

**Alasdair Allan:** I am interested in Thornton specifically. Am I right in thinking that Thornton is not currently operating?

**Jim Fairlie:** It is not operating race days, as I understand it, at this moment in time.

**Alasdair Allan:** Is there currently any activity that would be banned as a result of the bill, or is the problem essentially in the past tense?

**Jim Fairlie:** I am not sure of the last time that they had an official race at Thornton, so I cannot answer that. Andrew Voas may have more information than I do.

**Andrew Voas:** No, we are not aware of there having been any racing at Thornton for several months—in fact, for most of this year. There does not seem to be any racing at Thornton.

**Alasdair Allan:** Could that arguably be said to create a simpler situation in that it would appear that we are now dealing with preventing something from happening in the future rather than stopping something that is currently under way?

**Jim Fairlie:** Potentially, yes.

**Alasdair Allan:** In that case, would it be fair to describe this as a situation that has possibly resolved itself, notwithstanding the fact that there may need to be legislation for the future? If it is a problem—which many people out there would consider it to be—has it essentially come to an end?

**Jim Fairlie:** I do not have the figures in front of me, but I know that there has been less and less interest in greyhound racing in Scotland. It has definitely been a diminishing sport, but one of the issues that Mr Ruskell brought to us was the fact that a GBGB track could open up. Through this legislation, we would be able to have a prohibition on oval tracks, which is the proportionate line to take at this moment in time.

**Alasdair Allan:** So, the focus in the future would probably be on preventing commercial activity from starting, since it would appear that this type of non-commercial activity is pretty much at an end.

**Jim Fairlie:** The bill is more about welfare, so I do not think that commerciality is the issue. It is about the inherent risk on those bends, where the collisions are more likely to take place.

**Alasdair Allan:** Okay. Thank you.

**Evelyn Tweed:** Good morning, and thanks for your answers so far. The bill looks to criminalise both the track owner and the individual who is racing their greyhounds on the racetrack. That is

different from Wales, where the Prohibition of Greyhound Racing (Wales) Bill would criminalise only those operating a greyhound racing venue or actively organising greyhound racing. What are your reasons for supporting the criminalisation of both track owners and individuals who are racing their greyhounds, and what do you think the consequences of that difference might be?

10:00

**Jim Fairlie:** The bill was prepared for Mr Ruskell by the non-Government bills unit, so we did not have any say in the drafting of it. However, we understand that it will need to include a suitable disincentive to avoid there being any unintended loopholes that could exist if the narrow approach of penalising only track owners were taken. As I said, it was Mr Ruskell's bill, and his team had it drafted in that way.

**Evelyn Tweed:** Do you think that its differences from the Welsh legislation will have any consequences?

**Jim Fairlie:** Consequences in what sense?

**Evelyn Tweed:** Unintended consequences.

**Jim Fairlie:** Keith White can respond about whether we think there will be unintended consequences from a legal perspective.

**Keith White (Scottish Government):** Well, not really. The bill is aimed at protecting the welfare of greyhounds, so I can see why it is an acceptable approach that both of the kinds of people who are responsible for the greyhounds are held responsible for not running them on an oval track and that people are prohibited from setting up oval tracks where greyhounds can be run.

**Emma Roddick (Highlands and Islands) (SNP):** Minister, you said that, because this is a non-Government bill, you did not have the opportunity to feed in to the specifics. Would you potentially be looking to amend this section of the bill at later stages? If so, how?

**Jim Fairlie:** We will be looking to work with the member in charge to lodge several amendments, potentially to sections 3 to 9 and to the schedule. That is in the early stages of discussion with the member.

**Emma Roddick:** What would the policy purpose be?

**Jim Fairlie:** The policy purpose would be to bring the bill into line with the Animal Health and Welfare (Scotland) Act 2006, as opposed to the Hunting with Dogs (Scotland) Act 2023, which the bill has been modelled on. There are various things that we would need to discuss with the member before we lodged those amendments.

**Emma Roddick:** The bill creates two offences. The last time you gave evidence on the bill, in its early stages, there was discussion of dogs from Scotland being raced in England. Do you see there being an opportunity in the bill as drafted, or through the amendments that you hope to lodge, to do something about that behaviour if it is—

**Jim Fairlie:** Do you mean to prevent dogs from going south to race?

**Emma Roddick:** To prevent the owners from organising and taking them to a track in England.

**Jim Fairlie:** All owners are bound by the legislation on transport authorisations when it comes to the moving of animals. I do not anticipate the Government lodging amendments to prohibit the transportation of the animals.

**The Convener:** I want to go back to your support for criminalising both the track owners and the individuals who race dogs, which is unlike the approach in the Welsh bill. Why do you support that?

**Jim Fairlie:** It is to bring home the seriousness of the animal welfare aspects and the fact that it is not in anyone's interest to break the law. Not just one side or the other would be caught out—both the racer and the racetrack owner could be found to be in breach, so they could both be liable.

**Alasdair Allan:** I will pick up on the same point. I am interested in the Government's attitude towards any potential amendments around the issue of criminal penalties. You have said that the penalty should apply to both the racetrack operator and the dog owner. The bill also proposes imprisonment, potentially for up to five years, which is the kind of sentence that somebody would serve for an assault on a person leading to a serious injury. Will the Government give consideration to what the penalty should be?

**Jim Fairlie:** The penalties that we are looking at will be in line with the Animal Health and Welfare (Scotland) Act 2006, and that is the maximum penalty available under that act. Rather than have a bespoke system specifically for greyhounds, it will probably be better to tie the penalties in to the 2006 act. That does not mean that it is a given that the maximum penalty will be applied. That is not for the Government to decide; it is for the judiciary and whoever the case is in front of.

**The Convener:** Emma Harper has a question about the definition of a racetrack.

**Emma Harper (South Scotland) (SNP):** I do not want to belabour the oval racetrack issue, but I am looking at evidence on injuries to hocks, wrists, feet, hind long bones, fore long bones, hind limbs and muscles. There has been loads of evidence that thousands of dogs have been injured on oval racetracks.

Minister, I joined the committee when you left it, so I was not part of the previous evidence gathering. However, having worked with Mark Ruskell in the past few years, looking at evidence and listening to what the Dogs Trust, the Scottish Society for the Prevention of Cruelty to Animals and OneKind are saying, I believe that all the evidence points to the fact that oval racetracks cause damage to dogs. I am interested in whether the Scottish Government supports the approach to oval racetracks, which you mentioned in your opening statement. I suppose that we are linking the oval racetrack issue with the evidence that oval racetracks cause injury. Is the evidence that I am looking at defining that? Is that correct?

**Jim Fairlie:** Yes, it is about the oval shape of the track. There is evidence from the United Kingdom and abroad of the injuries and fatalities that occur on those oval tracks. There are a small number of straight tracks in other countries and there is no evidence of the same degree of risk to justify a ban on straight tracks. If a straight track opened in Scotland, we would keep it under review, but the focus has definitely been on the oval track.

**Emma Harper:** If a straight racetrack were to open and you kept it under review, the flexibility in the proposed legislation would allow the Government to alter its approach, because the proposal covers only oval racetracks.

**Jim Fairlie:** It would be for the Government of the time to make that decision.

**The Convener:** I want to look at the narrowing of the bill's scope in relation to definitions of racing and wider animal welfare concerns. In discussions on the bill and the previous petition, concerns were raised with the committee about the welfare of greyhounds away from the track—particularly about the fact that there are no specific regulations on kennelling. What is your position on the need for regulations on kennels and on whether there are wider animal welfare issues around the movement of dogs for racing?

**Jim Fairlie:** We have no plans to introduce specific regulations on other aspects of greyhound racing in Scotland, including the keeping, breeding, kennelling, training and transport of greyhounds. The bill is specifically about racing them. The other activities that you are talking about are already covered by the general provisions of the Animal Health and Welfare (Scotland) Act 2006 and other legislation that applies to all dogs.

**The Convener:** The Scottish Animal Welfare Commission's view is that kennels are not compatible with a good quality of life. Do you agree or disagree with that?

**Jim Fairlie:** Kennels are—?

**The Convener:** They are not compatible with a good quality of life.

**Jim Fairlie:** I have stated previously that I do not entirely agree with that, because I know an awful lot of kennel dogs that live very good-quality lives.

**The Convener:** And you do not accept the Scottish Animal Welfare Commission's position on that basis.

**Jim Fairlie:** I have made it clear that I am not entirely convinced that the quality of life of a kennel dog is any less than that of a dog that lives in a home.

**The Convener:** What about the suggestion that, if we ban greyhound racing in Scotland, that will not have an impact on GBGB tracks that are licensed south of the border? Do you believe that the bill could provide the opportunity to improve the lives of greyhounds that are kennelled in Scotland but race in England? If that is the case—

**Jim Fairlie:** Sorry—could you repeat that, convener?

**The Convener:** At the moment, the bill will not stop greyhounds being kennelled in Scotland and raced in England. Is there not a concern that the bill should also cover kennelling, so that the dogs that continue to be raced south of the border have a good quality of life?

**Jim Fairlie:** If that is the scope of the bill that Mr Ruskell has introduced, that is entirely up to him.

**The Convener:** Okay. Thank you. We will move on to questions on enforcement provisions, from Ariane Burgess.

**Ariane Burgess:** Good morning, minister. The bill makes provision for enforcement, deprivation orders, disqualification orders and seizure orders in relation to greyhounds. The Scottish Government's memorandum on the bill sets out that the Government will seek to make some amendments to those provisions. I would be interested to understand why you consider that amendments to those provisions are needed.

**Jim Fairlie:** It is to streamline enforcement and avoid the need to establish new court systems and processes, because we currently have the Animal Health and Welfare (Scotland) Act 2006. There is suitable capability in that legislation to allow any enforcement to take place.

**Ariane Burgess:** So, it is primarily about the streamlining of those processes. Do you have a sense of who would be responsible for enforcing the legislation? For example, would local authorities have a role?

**Jim Fairlie:** Under the bill as introduced, it is the responsibility of Police Scotland only. Scottish

local authorities could potentially be added as enforcers, subject to their agreement. I think that I am right in saying that Mr Ruskell is currently talking to the Convention of Scottish Local Authorities about the potential to do that. It would broaden the scope if other bodies were to have an enforcement role.

**Ariane Burgess:** Thank you.

**The Convener:** Ariane, would you like to cover responsibility for enforcement?

**Ariane Burgess:** I just asked that question.

**The Convener:** You are happy with that.

**Ariane Burgess:** Yes.

**The Convener:** We will move to questions on implementation, transition and review, from Rhoda Grant.

**Rhoda Grant:** We have heard that there is little or no racing happening at Thornton at the moment, but has the Scottish Government had any dealings with Thornton representatives about whether there is a need for transitional arrangements, given that a business would be closed down as part of this? Staff might be employed there. What transitional arrangements can the Scottish Government put in place?

**Jim Fairlie:** We are not anticipating that a large number of additional greyhounds will need to be rehomed in Scotland as a consequence of the bill.

**Rhoda Grant:** Sorry—I am not talking about the greyhounds; I am talking about the business at Thornton and the staff who might be employed there.

**Jim Fairlie:** Oh, sorry—I misheard what you said. Could you repeat the question?

**Rhoda Grant:** I am wondering whether you have had discussions with Thornton about transitional arrangements, given—

**Jim Fairlie:** About the site?

**Rhoda Grant:** About the site, the employees and the business.

**Jim Fairlie:** No, we have not.

**Rhoda Grant:** Do you anticipate having discussions to see what support might be needed?

**Jim Fairlie:** I am not averse to doing that. I am more than happy to have those discussions with the owner of Thornton racetrack.

**Rhoda Grant:** You also said in your opening remarks that Thornton is very much a social racetrack rather than one where a lot of money changes hands. We all know that older men have difficulty in finding social outlets. The men's sheds are one such outlet, but there are very few others.

Given that there could be isolation and a lack of social activity for the people who normally go to Thornton, have you had any discussions with those people or with organisations that might represent them about what could be put in place to ensure that they do not become isolated?

10:15

**Jim Fairlie:** I absolutely take your point on board. It goes back to one of the things that I talked about before, which is the social value of the activity. However, that cannot get in the way of the welfare scenarios that are in the scope of the bill. To answer your question, no, I have not spoken to anyone about the transition points that you raised. I am more than happy to have those discussions with such organisations, because I take your point on board—I take it very seriously.

**Rhoda Grant:** It would be useful if, when you do that, you could drop us a line to let us know the outcome of those discussions.

**Jim Fairlie:** I would be happy to.

**The Convener:** Again, it seems a bit strange that the Government has backed the bill but has not looked at the implications for the one track that exists. It would not have taken much to contact Thornton and ask what the impact on its business—and the wider impact—would be.

In the previous evidence session that you attended, you said that you are

“making a distinction”

and that

“it would be disproportionate to ban what is a pastime for the vast majority of people who do it in Scotland, as opposed to the professionalism of what is happening down south.”—[*Official Report, Rural Affairs and Islands Committee*, 22 May 2024; c 7.]

However, you have supported this bill without looking at the impacts that you so clearly touched on the previous time that you were in front of the committee.

**Jim Fairlie:** I absolutely accept that I have not contacted them. In my defence, on a number of occasions, I tried to go to the racetrack, but no racing was happening. Perhaps I could have made more of an effort to reach out to the owner and speak to him when there was no racing. I accept that, I will take it on board, and I will absolutely endeavour to do that now.

**Emma Harper:** Retired greyhounds make great pets when they are rehomed. It looks as though we have lots of dogs that need to be rehomed in Scotland, even though racing is not happening in Scotland. I am looking at some of the data on charities that are sometimes burdened because of dogs having injuries that need to be dealt with

before they can be rehomed. Is the Government working with some of those charities to look at the number of animals that need surgery or other treatment before they are rehomed? Is such data being gathered? I am looking at Andrew Voas as well.

**Jim Fairlie:** No, it is not. We do not anticipate a huge number of additional issues for dogs, but GBGB does a lot of work on rehoming dogs that have had specific injuries. I have visited a rehoming centre in my constituency, where GBGB pays to have the operations done. GBGB does that work itself, and I anticipate that it will continue to do so.

**The Convener:** On the back of Emma Harper’s question, do you have any idea of how many greyhounds in Scotland will be affected by the bill?

**Jim Fairlie:** We do not have specific numbers, but we are not anticipating huge numbers of dogs being rehomed as a result of the bill. Having had a conversation with Mr Ruskell, I understand that the Scottish SPCA and another organisation, whose name has gone out of my head at the moment, have accepted that they will have the capacity to do any rehoming that is needed.

**The Convener:** My question goes beyond rehoming. This is a piece of legislation that is going through the Parliament. Given that your views are now based on animal welfare, how many greyhounds in Scotland will be affected by the ban?

**Jim Fairlie:** By not racing? I do not have specific numbers to say how many dogs are racing.

**The Convener:** You are supporting a member’s bill, but you do not know whether it is going to be of significant benefit to greyhounds in Scotland.

**Jim Fairlie:** I know that dogs that are raced on an oval track have an inherent risk of injury. I do not have a specific number for how many dogs the bill will affect or how many dogs are being raced in Scotland. Andrew, do you have a specific number?

**Andrew Voas:** Well—

**The Convener:** Again, minister, you have made a decision to support the bill but you do not know whether the number of dogs that it will affect is proportionate to a piece of legislation.

**Jim Fairlie:** I have told you the answer. I do not have a specific number. Andrew Voas might, but that was not the point. It was not about numbers of dogs but about the inherent risk of racing on an oval track.

**Andrew Voas:** As far as we know, no dogs are racing in Scotland at the moment, because Thornton has not operated for several months. If

dogs are taken from Scotland to race, maybe in the north of England, the bill will not interfere with them carrying on doing that.

As you know, the number of racing dogs has declined naturally for several years, as Thornton has declined because of falling attendances and difficulty in arranging for the bookmaker to attend. The activity at Thornton has declined over several years and, as far as we know, no dogs are actively racing in Scotland, because the only track has been closed for most of the year.

**The Convener:** So, currently, the bill will not improve the animal welfare of any dogs in Scotland.

**Jim Fairlie:** Unless they start racing.

**Beatrice Wishart:** Good morning. I guess that this question could come under the unintended consequences heading. In its written evidence, GBGB stated that,

“were a ban on greyhound racing to be introduced, there is a very real risk that the activity would be driven underground.”

It then stated that that would pose a greater risk to welfare. Has the Scottish Government considered that risk and whether any underground activity would be a likely or realistic consequence of the bill?

**Jim Fairlie:** I had that thought and I asked the question. There was no evidence of underground greyhound racing in Scotland in response to the closure of Shawfield previously. We understand that the intention of the bill is that it will remain legal to take greyhounds to race in England. Therefore, if people want to race their dogs, they still have the option to do it down south. At this moment in time, we do not have any evidence of the potential for underground racing.

**Beatrice Wishart:** So, you do not see it as being a possibility.

**Jim Fairlie:** Anything is a possibility. However, at this moment in time, there is no evidence that anything is happening in that space.

**Emma Roddick:** We know that there tends to be displacement when breed-specific restrictions, regulations or legislations are brought in, and different breeds start to become involved in whatever the regulation was looking to prevent. Is there concern that different breeds might be subject to the kind of dangerous racing that greyhounds are put through, which we have been discussing, and that the same welfare risk would apply to those breeds?

**Jim Fairlie:** Do you mean whippet racing, for example, as opposed to greyhound racing?

**Emma Roddick:** Sure.

**Jim Fairlie:** Well, it comes down to the same response and to whether dogs are racing on an oval track. Again, we do not have any specific evidence at the moment, but if you are going to be racing a whippet, it is likely to be less of a high-intensity, commercially-driven sport than the way in which greyhound racing is done in other parts of the country.

**Emma Roddick:** Is the Scottish Government planning to keep, or willing to consider keeping, under review the matter of whether other breeds are now at risk should the bill pass?

**Jim Fairlie:** I would imagine that any Government will constantly keep these things under review, and I am sure that members such as Mr Ruskell will be quick to highlight problems if they anticipate them.

**The Convener:** The Government’s position has changed from being potentially pro-licence to being pro-ban. Was there not more scope to have a broader impact on the welfare of greyhounds with licensing rather than with what the bill will deliver—which, from what you have just told us, will not impact any greyhounds? The Government had it in its powers to introduce licensing, which could have been more encompassing and had a bigger impact by looking at things such as kennelling and dog transport. Your position has changed from licensing to a ban. What has changed since the last evidence session, in 2024, that has made you side with a ban rather than licensing?

**Jim Fairlie:** Licensing is still an opportunity if somebody brings forward a straight track, for instance. The bill’s specific purpose, which we support, relates to the oval track. If somebody wants to open up a straight track, licensing has the potential to be taken forward.

**Tim Eagle:** I want to pick up on that point. Does that mean that you do not see any potential in licensing for an oval track instead of an outright ban? I think that the matter came before the committee in May 2024, which was prior to my time on the committee, but it is my understanding that, when we considered the petition, it was reported that there was no need for a ban, and your initial position was that there was no need for a ban. You do not see that there is a potential benefit here—that, rather than going down this route, we could use licensing both for an oval track and for any future straight track.

**Jim Fairlie:** As I have said, there is potential for a licence to be brought in if somebody wants to open a straight track. It was Mr Ruskell’s change to a ban on racing on oval tracks that allowed the Government to change its position to supporting the principles of the bill.

**Tim Eagle:** Okay, but I just want to confirm this, and it goes back to the convener's earlier question. The change in the Government's position from 2024 to 2025 concerned only the change from implementing an outright ban to banning racing only on oval tracks.

**Jim Fairlie:** Yes.

**Tim Eagle:** And that is despite the fact that the original discussions were all about Thornton track, which was an oval track at the time.

**Jim Fairlie:** It was not about that; it was about banning greyhound racing in Scotland across the board.

**Tim Eagle:** Okay.

**Rhoda Grant:** Turning to a wider question, we have a member's bill before us; we are looking at another member's bill, the Dog Theft (Scotland) Bill, later in the meeting; and we have had Christine Grahame's bill on dog breeding. When is the Scottish Government going to take a holistic approach to the welfare of dogs? Does it have any plans to produce legislation and pull it together? It seems that there is something missing, and it is members who are filling the gaps.

**Jim Fairlie:** I am not sure that that is the case. I think that the Government takes a very strong view on animal welfare issues across the board. If members have specific areas of concern that they want to raise, the beauty of our Parliament is that members are free to do so.

**Rhoda Grant:** It is very fragmented.

**Jim Fairlie:** That is potentially a fair statement, but that is the way that the provisions currently are. We have members who are very capable of producing bills to be debated by the Parliament and then decided on, one way or the other.

**Tim Eagle:** Rhoda Grant makes a fair point. Do you think that there is a responsibility on the Government here? Governments are held to higher account. Is there a responsibility on the Government, noting that multiple members' bills are being introduced that are all pooling the same thought? Does the Government need to step in and, rather than accept and back those various bills, look at the bigger picture more holistically?

**Jim Fairlie:** Not at this moment in time, no.

**Emma Harper:** Consolidation legislation was talked about when I was pursuing my livestock-worrying bill, the Dogs (Protection of Livestock) (Amendment) (Scotland) Bill. My goal at the time was to update the 70-year-old legislation in the UK, as alpacas and llamas are now livestock, which was not the case under the original legislation. Consolidation legislation is an option. However, it is resource intensive to pull all the legislation together. Although it is an option,

producing such a bill is very resource intensive and time intensive. Is that what consolidation legislation would involve?

**Jim Fairlie:** I can comment on that just from experience of the level of engagement that is required for a specific bill. If we were to consolidate all the relevant bills, then, yes.

I am sure that Keith White would be able to give a more fundamental answer than I can on the work and resource that would be involved, but I know from the individual bits of legislation that I take forward that the process is incredibly intense. I therefore imagine that, if you were to consolidate all of it, that would be the same.

**Keith White:** The Animal Health and Welfare (Scotland) Act 2006 was intended to be a consolidation of a lot of animal welfare legislation, applying the same rules across the board to the protection of animals. Naturally, there are specific welfare issues that come up and that deserve a particular approach. Yes—consolidation involves a great deal of policy work and legal work. With the particular nature of animal welfare, individual concerns arise where people feel that a particular solution is needed.

**Jim Fairlie:** In the case of Maurice Golden's Dog Theft (Scotland) Bill, it became very clear for a period that dogs were being stolen because they were of enormous value, but that was perhaps not the case for the bill that was enacted in 2006. As things evolve and situations arise, members feel compelled to bring proposals forward, I would presume.

10:30

**Tim Eagle:** I do not know whether this is a fair question, but people will be watching this, and we have mentioned the other bills. For absolute clarity, I am conscious that amendments have been lodged to Maurice Golden's bill that will open up its scope to include working dogs and so on. We are talking about greyhounds here, but dogs are used in a multitude of different disciplines in Scotland. At present, the Government is not looking at doing anything else with sheepdogs, working dogs, retrieval dogs for field sports or anything like that. Is this bill, including at stage 2, for you purely about greyhounds in Scotland?

**Jim Fairlie:** Yes.

**The Convener:** Before we move on to Mark Ruskell, I have another question. I want to get a feel for how the bill will go as far as it needs to go to improve animal welfare. Do you have an indication of how many greyhound dogs are raced on GBGB tracks south of the border but are kennelled in Scotland?

**Andrew Voas:** I think that there are some numbers on record. As I recall, there are around 20 trainers in Scotland.

**Jim Fairlie:** We can write to the committee with as accurate a figure as we have.

**The Convener:** Again, that is quite important, because the Government has taken the position that it will support the bill rather than introduce its own legislation, but it does not address one of the key issues that has been raised throughout this parliamentary session on the overall welfare of greyhounds in Scotland, whether they are raced in Scotland or not. The vast majority of greyhounds that are injured in Scotland are being raced in England. I would have thought that you would have known how many greyhounds are kennelled in Scotland to be raced in England.

**Jim Fairlie:** We will have figures, but, as I said, I do not have them to hand. We can write to the committee with those figures. This is as much an evidence session for the Government as it is for everybody else. Is the committee's position that there should be a ban on allowing dogs to travel south of the border? I am more than happy to hear what the committee's positions are on such things.

**The Convener:** The reason why we have you in front of us is to work out why the Government supports the bill and on what basis you support it. You have made the decision, and the idea of the evidence session is for us to understand why you have taken that decision. You have the capacity and the resources to look into it in great detail and form an opinion, and you have done that, but it appears that there are gaps in the information and we will have to write to you to get the data. I am surprised that the Government has come to a position but is not able to provide some of the information that the decision was ultimately made on.

**Jim Fairlie:** The bill is about Scotland, not England.

**Mark Ruskell (Mid Scotland and Fife) (Green):** It has been a very interesting evidence session. I have a couple of questions for you and your team. First, you alluded to a letter that was sent to you from the Dogs Trust, Blue Cross, the SSPCA and the Scottish Greyhound Sanctuary. In that letter, they make a commitment to rehome any dogs as a consequence of the bill. It mentions that between 40 and 60 dogs may require to be rehomed. Does that give you confidence that the bill, should it go to a stage 3 vote and be passed, could be implemented sooner rather than later, and certainly within the 12-month implementation date in the bill?

**Jim Fairlie:** We are due to discuss the implementation date. That is one of the discussions on the implications of all the evidence

that we will have. That letter will be fully analysed and discussed with officials, and we will take that forward from there to discuss it with you.

**Mark Ruskell:** Is ensuring that dogs can be rehomed your primary concern?

**Jim Fairlie:** It is one of our concerns.

**Mark Ruskell:** Thanks for that. I will turn to an issue that a number of committee members have raised this morning, which is the matters that are not covered by the bill, such as the situation that can arise when GBGB trainers are taking dogs to race at tracks in England. The current regulations for that fall under the Animal Welfare Act 2006. Minister, you mentioned the regulations relating to the transport of animals for commercial purposes, and you mentioned kennelling. That area of wider animal welfare relates to greyhounds but also to dogs and other animals. Is the Government reviewing that area, has it reviewed it, or is it in the process of reviewing it?

I would be interested in hearing Andrew Voas's views on what work the Government has been doing to review those provisions, because they do affect greyhounds. I am thinking particularly about transport, because I know that there have been concerns that some trainers have not gone through the proper regulatory process of applying for transport licences. Has the Scottish Government reviewed that recently, or is it doing so?

**Andrew Voas:** As you know, we consulted fairly recently on the potential licensing of various animal-related activities, including dog walking and dog grooming, and kennelling might also come into that area. We are currently taking forward work to look at the licensing of canine facility services, because we think that that is the highest priority due to the potential harm to animals in Scotland. That is where my welfare team is concentrating its resources at the moment.

On the issue of transport, there is legislation based on European Union requirements for the commercial movement of dogs, including greyhounds. We are not actively reviewing that at the moment, but we will monitor any future developments at EU or UK level regarding the review of transport legislation that affects dogs. We are keeping an eye on that area, but we do not have any active plans in Scotland at the moment.

**Mark Ruskell:** It is my understanding that a Welsh bill that is broadly similar to this one is going through the Senedd at the moment and that the Welsh Government has made a commitment that, as well as making it an offence to race a greyhound in Wales, it will look at the wider issue of dogs being transported over the Welsh border. Is that something that you could consider before the stage 1 debate on this bill? What commitment

could the Government make to look at the wider issue of transportation licences? That issue has been raised with me, particularly in connection with enforcement and with whether the regulations are working effectively.

**Jim Fairlie:** Authorisation is already required for anyone who transports animals. There are type 1 and type 2 authorisations, and those who transport greyhounds are responsible for ensuring that they comply with the regulations that are currently in place. That is our position at the moment.

**Mark Ruskell:** Okay.

Keith, if the bill were to ban someone who lives in Scotland from racing a dog in England, would that be legal and proportionate? Is it difficult to ban someone who is resident in Scotland from doing something in another jurisdiction?

**Keith White:** I have not considered that, because that is not the intention of the bill at the moment and it is not the basis on which the Government has been supporting the bill.

**Mark Ruskell:** My final question is about the issue of other forms of track, such as straight tracks, that do not exist in the UK at the moment. Minister, there is a provision in the bill for future ministers to consider and change the definition of a track should evidence emerge of other forms of greyhound racing, because of the risk of harm that could result from that. Do you welcome that? There has been some discussion today of straight tracks, which do not exist in this country, so there is no evidence base for them, but do you welcome the provision in the bill to keep the definition under review and amendable through secondary legislation?

**Jim Fairlie:** The definition of a track is in the bill and we are supporting the bill at this stage.

**Mark Ruskell:** There is a wider provision enabling ministers to review that definition if there is evidence of some form of underground racing that no one has yet invented.

**Jim Fairlie:** Yes.

**Mark Ruskell:** Okay. That is all from me for now.

**The Convener:** Thank you, Mr Ruskell. That brings us to the end of this part of the meeting, and I thank the minister and his officials for attending.

I am going to suspend the meeting until 10.45. However, given that we are running ahead of time, I propose that we then move into private session for 15 minutes, until 11 o'clock, before moving on to our consideration of the Dog Theft (Scotland) Bill at stage 2.

10:39

*Meeting suspended until 10:45 and continued in private thereafter until 11:06.*

11:06

*Meeting continued in public.*

## Dog Theft (Scotland) Bill: Stage 2

**The Convener:** Welcome back. Agenda item 4 is consideration of the Dog Theft (Scotland) Bill at stage 2. I welcome Maurice Golden, the member in charge of the bill, who is supported by officials from the Parliament's non-Government bills unit, and Siobhian Brown, Minister for Victims and Community Safety, who is supported by Scottish Government officials. We will shortly be joined by Rachael Hamilton, who has lodged amendments on the bill. Parliament officials who are seated at the table are here to support the member in charge but are not permitted to speak in the debate on amendments.

I will briefly explain the stage 2 procedures for members of the public—and to bring myself up to speed, to be honest. There will be one debate on each group of amendments. I will call the member who lodged the first amendment in that group to speak to and move that amendment and to speak to all the other amendments in the group. Members who have not lodged amendments in the group but who wish to speak should catch my attention. If the member in charge has not already spoken on the group, I will then invite him to contribute to the debate.

The debate on each group will be concluded by my inviting the member who moved the first amendment in that group to wind up, and I will then check whether they wish to press that amendment to a vote or withdraw it. If they press it, I will put the question on that amendment. If they wish to withdraw the amendment after it has been moved, they must seek the agreement of other members to do so. If any member present objects, the committee will immediately move to a vote on the amendment.

If any member does not want to move their amendment when called, they should say, "Not moved." Please note that any other member present may then move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division is by a show of hands. It is important that each member keeps their hand clearly raised until the clerk has recorded the vote.

The committee is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point.

No members are participating remotely. We move to the marshalled list for stage 2 amendments.

## Section 1—Dog Theft

**The Convener:** Group 1 is on sentencing consideration and victim statements. Amendment 19, in the name of Rachael Hamilton, is grouped with amendment 9.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Amendment 19 would require courts, when sentencing for the theft of a working gun dog, to consider both the emotional and the operational impact of that theft. The amendment seeks to ensure that the court takes into account the operational loss that is suffered by the lawful owner and the emotional impact of the theft on not only the owner but others who are affected by the loss.

Gun dogs are trained working animals that often have a high financial and operational value, and their theft disrupts land management, shooting days and livelihoods, and it causes acute welfare and owner trauma. That was evident in a case in which dogs were taken from my constituency in the Borders, which got a lot of coverage in the media. Current common-law theft can treat dogs like property. If we had a specific offence, that would recognise the sentient and working status of gun dogs. Amendment 19 seeks to recognise the unique role that working dogs play and the serious consequences that their theft can have.

With regard to my colleague Maurice Golden's amendment 9, which seeks to remove section 3, I am aware that that reflects the Government's commitment to expand the range of offences in relation to which victim statements would be permitted. The committee recommended that that issue should be considered in its wider context, rather than in the context of the bill. I therefore add my support for amendment 9, and I hope that the Government's commitment to expand the range of offences on which victim statements would be permitted will cover dog theft, too.

I move amendment 19.

**Maurice Golden (North East Scotland) (Con):** I will start by speaking to Rachael Hamilton's amendment 19. The emotional impact of the theft of a dog should be recognised in law. That is the main purpose of the bill. I also recognise that there are situations in which there will be an operational loss or loss of earnings for a person who owns a working dog.

Although I do not want to jump ahead to the debate on a future group, I point out that amendments 1 to 8, in my name, open up the possibility of the aggravation in section 2 being widened by regulations to include working dogs and, potentially, working gun dogs, although that would be a matter for the Scottish ministers.

Amendment 19 would place a specific type of dog—a working gun dog—at the heart of the section 1 offence. I understand Rachael Hamilton’s policy intention in seeking to ensure that the impact on owners of working gun dogs is fully taken into account in the criminal justice system when such a dog is stolen. However, in my view, singling out working gun dogs over other dogs in section 1 would give a pre-eminence in statute to the theft of those dogs over the theft of other dogs. It would also single out the theft of such dogs for special treatment in sentencing. I am not sure where that would sit alongside the aggravations in section 2, although I note that Ms Hamilton has lodged amendments to that section as well.

The theft of an assistance dog is not singled out in section 1 in the same way that amendment 19 seeks to single out the theft of a working gun dog. The particular issue in relation to working gun dogs did not explicitly come up during the committee’s stage 1 scrutiny of the bill, and, before changing the law on the issue, I would want there to be consultation on and scrutiny of such matters.

All the amendments that I have lodged have been developed following discussions with the Scottish Government, and I thank the minister for her engagement with that. At the outset, I want to express my appreciation for the support that I have received in developing the amendments that are before the committee today in a very short period.

Amendment 9 was lodged following careful discussion and feedback from the committee’s stage 1 report. I believe that the emotional and welfare impact on the owner and, indeed, on the dog itself should be taken into account when a sentence is handed down. However, the Parliament has recently legislated to provide for victim impact statements in solemn cases. I accept that, if we were to make provision through the bill for such statements in summary cases of dog theft, that would create a precedent that the Government and stakeholders such as the Scottish Courts and Tribunals Service might not welcome. Therefore, having tested the issue, I am prepared to accept that there is no appetite to include victim statements in the bill. That is why I have lodged amendment 9 to that effect. Nevertheless, I believe that the emotional impact of a dog being stolen should be taken seriously.

11:15

**The Minister for Victims and Community Safety (Siobhian Brown):** I can confirm that Mr Golden and I have had constructive discussions since stage 1, and I am pleased to say that the

Government will support all the amendments that he has lodged at stage 2.

Unfortunately, I cannot support any of the amendments in the name of Rachael Hamilton. Although I understand the sentiment behind amendment 19, it is the wrong approach. Sentencing in criminal cases is for the independent courts and is subject to certain parameters that are set out in law. Amendment 19 would require the court to consider two specific matters when sentencing for the dog theft offence, but only if the dog in question was a working gun dog. No definition of the expression “working gun dog” is included in amendment 19.

The court will already take into account the two matters that are specified in the amendment—operational loss and emotional impact—in its consideration of all relevant facts and circumstances in a case. Specifying those two matters is unnecessary and risks skewing the sentencing process by giving undue prominence to the specified matters.

**Rachael Hamilton:** Would the minister be open to considering the impact of the theft of working dogs? We know that there were about 1,800 thefts of dogs in the UK last year, but we do not know how many of those were working dogs. There is also an issue with operational loss through loss of income, training time and all the rest of it. If the court was not aware of those situations, it would be going in blind, so how could it determine the emotional and financial loss?

**Siobhian Brown:** I do not know whether Ms Hamilton is aware that, last year, Jim Fairlie and I held a summit on dog legislation and dog welfare, as a result of which an expert advisory group was set up. The group has made quite a lot of progress, and I updated the committee on that at stage 1. Given some of the concerns that were raised at stage 1 about working dogs in general, not just gun dogs, one of Mr Golden’s amendments is for the Government to get the experts in the advisory group work to define “working dog”. That is why I cannot support amendment 19 at this stage.

The expert advisory group is also looking at welfare and a range of other issues. I could go into them, but perhaps it would be better if I wrote to advise Ms Hamilton of all the work that is being done in the background, which she might not be aware of.

**Rachael Hamilton:** That is generous of the minister. I feel quite positive about that, because something could be brought back at stage 3 not only to recognise the work that the expert advisory group is doing, but to understand the necessity of recognising working dogs in the bill.

**Siobhian Brown:** Absolutely. That is a main part of Mr Golden’s amendments.

Amendment 19 would also risk creating doubt about whether the courts should take account of the two specified matters when the dog that has been stolen is not a working gun dog. That goes back to the definition of a working dog: we want them all to be covered, not just the working gun dogs.

The theft of other types of working dog can also cause operational loss, and, whether the theft of any dog causes operational loss or not, it is likely to have an emotional impact. It would be unhelpful to frame the law in a way that signals that the courts need to consider those matters in sentencing only when the dog that has been stolen is of a particular kind. I therefore urge the committee to reject amendment 19.

I encourage members to support amendment 9, which will remove section 3 from the bill and ensure that the treatment of the dog theft offence is consistent with the treatment of all other offences that are prosecuted under solemn procedure.

As Mr Golden said in his opening remarks, the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 includes provision to extend victim impact statements to all solemn cases, which will include cases of dog theft that are prosecuted under solemn procedure. That is the right approach.

I urge members to support amendment 9.

**The Convener:** I call Rachael Hamilton to wind up and to press or withdraw amendment 19.

**Rachael Hamilton:** I appreciate the comments made by Maurice Golden and the minister about my amendments. As I said to the minister, I feel that there is a chink of light in that there could be some solace for those who have experienced the theft of a working dog and more particularly of a gun dog, which we know are a recognised target. They are from specific—and valuable—breeds that can only be working dogs, and, because of the rurality of their accommodation, they can be targets for theft.

I will not press amendment 19, but I will meet the minister to discuss it further.

*Amendment 19, by agreement, withdrawn.*

*Section 1 agreed to.*

## Section 2—Theft of assistance dogs

**The Convener:** Group 2 is on aggravations. Amendment 1, in the name of Maurice Golden, is grouped with amendments 2 to 5, 20, 6 to 8, 21 and 22.

**Maurice Golden:** My suite of amendments—amendments 1 to 8—seeks to ensure that the aggravation can be extended by regulations to apply to the theft of dogs that would not ordinarily be considered to be assistance dogs. The amendments would replace the label “assistance dog” with the broader expression “helper dog”. The broader term would enable Scottish ministers to extend the definition of “helper dog” through regulations. In practice, it would allow the Scottish ministers to extend the definition to include, for example, service dogs and other working dogs, should they choose to do so.

The amendments would not affect the aggravation’s operation in relation to assistance dogs as defined by the Equality Act 2010.

**Ariane Burgess:** I would like some clarification, which I think that you are providing, on the amendments to change the term from “assistance dog” to “helper dog”. I have heard concerns that using a different term from the one that is established in law could create operational issues for law enforcement, which might undermine what section 2 intends to achieve. Will you go into that more fully, to allay the concerns that have been brought to me? That would be welcome.

**Maurice Golden:** I am happy to do so. Ultimately, the amendments would not affect the aggravation’s operation in relation to assistance dogs. Amendments 1, 2, 6, 7 and 8 would replace the references to “assistance dog” with “helper dog”. Amendments 3 and 4 would slightly reword section 2 to make it clear what a helper dog is—namely, an assistance dog as defined under the Equality Act 2010 and

“a dog of a category prescribed by”

ministers in regulations.

The suite of amendments is about providing an opportunity for flexibility to broaden the definition and allow, perhaps in due course through the work of experts and ultimately with the decision of Scottish ministers, for the broadening of that definition. That speaks to many of Rachael Hamilton’s amendments.

**Rhoda Grant:** You are saying that your amendments would allow “assistance dog” to be defined in the bill and the provisions to be expanded to working dogs or other dogs that are used for different purposes. The definition will be much wider if the Government decides to do that.

**Maurice Golden:** Yes. Assistance dogs would be treated the same; the change is that other categories could, potentially, be included in that definition. That is what amendments 1 to 8 seek to achieve.

Rachael Hamilton's amendment 20 would require regulations that were made under section 2(2)(b) of the bill to

"include working gundogs and other working dogs as a category of helper dog."

Although I recognise the policy intention behind that amendment, it is my view that, if Parliament provides ministers with a regulation-making power, ministers should have an element of discretion in exercising it, albeit that the exercise of that power is subject to parliamentary procedure at a future juncture.

**Rachael Hamilton:** If you are happy that the Scottish ministers will have the ability to make a further definition by regulation, does that mean that you support amendment 20?

**Maurice Golden:** I think that, in the fullness of time, and after the expert working group has been consulted, working dogs and working gun dogs should be defined as helper dogs if the expert advisory group and Scottish ministers choose to go down that path. However, amendment 20 is, in my view, too restrictive and prescriptive. Amendments 1 to 8 would enable the policy intent behind amendment 20 to be achieved in any event. Ultimately, any regulations would be subject to scrutiny by Parliament—not by me.

Amendments 21 and 22 would create new sections after section 2. Their effect is similar, albeit that amendment 22 is specific to working gun dogs while amendment 21 relates to working dogs more generally. The amendments would provide for an aggravation in respect of those dogs. In relation to both amendments, I reiterate my earlier point that my amendments 1 to 8 would provide ministers with the regulation-making power to designate different categories of dogs, which could include working dogs or working gun dogs, as helper dogs.

I understand that ministers would develop regulations in concert with their expert working group. Therefore, it would be prudent to allow the working group and ministers the time to consider whether such aggravations should be applied to, for example, working dogs or working gun dogs.

I move amendment 1.

**Rachael Hamilton:** My amendments would establish that the theft of a working dog includes the theft of a working gun dog and that such thefts should be treated as a specific aggravated offence. Amendment 21 would introduce an aggravation for the theft of any working dog, using the definition that is found under section 6 of the Animal Welfare Act 2006. Amendment 22 would apply the same principles specifically to working gun dogs.

The amendments define working dogs to include those that are used in sheep herding, policing, rescue operations, pest control and lawful shooting. Working gun dogs are defined as dogs that are used in shooting and land management work.

Amendment 20 would work alongside Maurice Golden's amendments and expand the scope of the aggravation under section 2 of the bill. The amendment would require that any regulations to prescribe categories of helper dogs

"must include working gundogs and other working dogs."

My amendments would also allow Scottish ministers to expand the definitions later by regulation.

Under the amendments, courts would have to

"state ... that the offence is aggravated",

record it as such,

"take the aggravation into account"

when sentencing and explain why the sentence is or is not different because of it. As I have explained previously, the amendments would ensure that the law reflects the seriousness of stealing working dogs, which play an important role in rural and agricultural communities.

Maurice Golden has explained, in relation to his amendments 1 to 8, that the issue could be dealt with in guidelines from Scottish ministers. I recognise that, but I do not believe that describing the specific group of dogs as "helper dogs" recognises the full extent of my policy intent.

11:30

**Siobhian Brown:** As I made clear during the stage 1 debate, the Scottish Government supports the creation of the aggravated offence for the theft of assistance dogs. Having listened to MSPs during the debate, the Scottish Government also supports extending the aggravated offence to cover other categories of dogs that might not naturally be called "assistance dogs".

To go back to Ariane Burgess's point, a research paper from the SSPCA that was given to the committee during stage 1 highlighted the complexities of the definition. That is why we will engage with the expert working group, as I will come on to explain, so that the experts can define what a working dog is. If the bill is passed at stage 3, the Scottish Government will engage with all its justice partners to ensure that implementation is straightforward.

**Ariane Burgess:** Concerns have been raised with me that using a different term from the established legal one could create operational issues for law enforcement. Will you give me some

certainty that you are aware of that and will address it?

**Siobhian Brown:** Absolutely. Anybody may get in touch with Mr Golden before stage 3, and we will work with him if he wants to lodge anything at stage 3. We are aware of the complexity of the definition, and we are putting the expert working group in place to determine what it should be.

**Rachael Hamilton:** Would it be necessary to update sentencing guidelines to include some of the stated definitions that I have just read out, including that of working dogs?

**Siobhian Brown:** I do not think that that is necessary at this stage, but it could be considered.

I will move on, because there are a few points that I want to touch on. As I said, we support extending the aggravated offence to cover categories of dog that might not naturally be called assistance dogs—for example, working dogs, such as farm dogs, gun dogs, service dogs with the police, and support dogs whose owners receive specific forms of support from them that go way beyond the support from just owning a pet. I am pleased that amendments 1 to 8 will adjust the enabling power in section 2 of the bill to ensure that the full range of helper dogs can be added to the aggravated offence in the future.

The Scottish Government established the responsible dog ownership expert advisory group following last year's dog summit. The group includes key dog welfare stakeholders such as the Dogs Trust and the Scottish SPCA. I have commissioned that group to consider what further types of helper dogs could be added to the aggravation and, crucially, how best to define them. That is with a view to using the enabling power during implementation to add the further categories, so that the aggravation applies to them.

It is important that criminal law is clear. Therefore, definitions matter. That is why I do not support Rachael Hamilton's amendments. Properly identifying different types of dogs in legislation is challenging, and it is right that we listen to the experts in that area.

**Emma Harper:** In the expert working group's discussions on helper dogs, has the issue been raised of the ownership versus the handling of certain dogs? For example, although an expert sniffer dog that is used at airports might not necessarily be owned by the handler, the handler might take care of the dog and take it home every night. Has the clarity that is required regarding the owner versus the handler been part of the discussions?

**Siobhian Brown:** The group met only last month for the first time. As the bill passes through

the Parliament, the group will be taking all these issues on board. I am sure that it will listen to and take on board all the issues that are raised today.

**Rachael Hamilton:** Why is the minister not taking into account the amendments that I have lodged if the advisory group has met only once and she does not have a clear guideline as to its recommendations?

**Siobhian Brown:** We do have that—I have a lot of information on that work. I will not go through all the detail, but I am happy to send it to Rachael Hamilton. A lot of work is going on, and the bill is just going through the Parliament now. Last month, there was a meeting with the expert advisory group, which felt that it needed to be involved in the bill. We have commissioned the group to be tasked with producing the definition, if the bill is passed.

As I said, it is important that criminal law is clear. Therefore, definitions matter. That is why we cannot support Rachael Hamilton's amendments. It is important that we listen to experts in this area.

Amendments 20 to 22 would pre-empt the work of the expert advisory group by providing definitions of certain types of dogs—working dogs and gun dogs—in primary legislation. If such provisions were created in primary legislation rather than in secondary legislation, any future change would require an amendment to the initial primary legislation, which would be disproportionate and not a good use of parliamentary time.

In addition, the definition of “working gundog” that is used in amendments 20 and 22 is especially problematic. It begins by talking about breeds but ends with the training and roles of individual dogs. The clear problems with that definition are enough on their own to mean that I cannot support either amendment 20 or amendment 22.

The major issue with amendment 21, which is also relevant to amendment 22, is that it cuts across section 2, as amended by Maurice Golden's amendments 1 to 8. Creating separate bases for what is in effect the same aggravation risks causing confusion about which of the enabling powers in the legislation can be used to specify the type of dog. That is because of the presumption in law that a more specific rule in legislation will be seen as parliamentary intent, where a general rule in legislation also exists.

In due course, such provisions could lead to confusion among prosecutors about which aggravation to charge. The amended section 2 will create aggravations for the theft of any dogs that would be covered by the sections that amendments 21 and 22 would insert in the bill. It is better for the operation of the law to have one

section that deals clearly with the aggravation of the offence. As I have said, criminal law needs to be clear.

I therefore ask members to support Maurice Golden's amendments and reject those of Rachael Hamilton. I offer to discuss the subject with Ms Hamilton prior to stage 3 if she would like to not move her amendments. We can also discuss it with officials or perhaps even the expert advisory group. I would be happy to enable that.

**Maurice Golden:** This has been a helpful debate on group 2. I have nothing to add.

*Amendment 1 agreed to.*

*Amendments 2 to 5 moved—[Maurice Golden]—and agreed to.*

**The Convener:** Does Rachael Hamilton wish to move amendment 20?

**Rachael Hamilton:** On the basis of what the minister said, I will not move amendment 20.

*Amendment 20 not moved.*

*Amendments 6 to 8 moved—[Maurice Golden]—and agreed to.*

*Section 2, as amended, agreed to.*

#### After section 2

*Amendments 21 and 22 not moved.*

#### Section 3—Victim statements

*Amendment 9 moved—[Maurice Golden]—and agreed to.*

#### After section 3

**The Convener:** Amendment 23, in the name of Rachael Hamilton, is in a group on its own.

**Rachael Hamilton:** Amendment 23 would require ministers to undertake research into areas where working gun dogs are most at risk of being stolen or unlawfully kept. Within one year following the completion of that research, ministers would have to establish a grant or loan scheme to support owners to improve kennel security in high-risk areas.

As I have indicated, data shows that, in the United Kingdom and Scotland, dog theft remains an issue for working dog owners. Industry analysts estimate that 1,800 thefts are carried out each year—that figure was from 2024. That means that about five thefts happen per day. Often, recovery rates are low. Reports suggest that about 50 per cent of dog thefts each year relate to dogs in the working dog category, with the most commonly stolen gun dogs being cocker spaniels, springer spaniels and Labradors.

Working gun dogs are vulnerable to theft because, as I have already indicated, they have a very high market value and undergo specialist training. If they are in a kennel, they are exposed to theft. A properly trained gun dog might be worth several thousand pounds and could have taken up to two years to train, which means that not only is the theft of the working dog financially rewarding to a criminal, but, as we have talked about, it disrupts land management and shooting days and causes significant emotional trauma.

The proposed kennel grant scheme would support professional gun dog keepers and those who shoot in high-risk areas to upgrade security. It could cover measures such as closed-circuit television, flood lighting and alarmed padlocks. By ensuring that the areas that are most at risk are identified and financial support offered, the amendment aims to reduce the incidence of theft and better protect those animals, particularly in rural areas.

I move amendment 23.

**Siobhian Brown:** I do not support amendment 23, which would commit the Scottish Government to providing, on the basis of geographical area, direct financial assistance to improve the security of kennels where working gun dogs are kept.

The targeting of financial assistance would be informed by research carried out by the Scottish Government into areas where working gun dogs are at greatest risk of being stolen. In my view, that is an entirely inappropriate use of public funds. It is for those who own working dogs—and all of us who own dogs—to ensure that the security for their resources is adequate, in the same way as any other organisation does.

There is also a significant risk that funding such a scheme or, indeed, even the research could become a perverse incentive not to ensure adequate security if it is seen as a way of having security paid for by the taxpayer, particularly if it is supposed to be based on where risk is greatest, because the risk would be greatest where there is least security.

For those reasons, I ask members to reject the amendment.

**Maurice Golden:** I have a number of concerns with the amendment. First, I am not entirely clear why a specific fund would be created to upgrade the security of kennels housing gun dogs and not other dogs. It would seem to create an inequity between those dogs and other working dogs, assistance dogs or, indeed, dogs generally. I am not clear why those dogs should receive protection that is not afforded to other dogs.

Secondly, the amendment appears to carry with it significant cost, and that causes me concern.

Currently, the bill is relatively inexpensive. If agreed to, amendment 23 would potentially change that and the benefit would be experienced by only a small proportion of dogs and owners. My bill already creates an offence for the theft of all dogs, including working gun dogs. Furthermore, the amendments in my name that the committee has agreed to mean that the Government could create an aggravation for the theft of working gun dogs via regulations, should it choose to do that. Amendment 23 goes significantly beyond that. Ultimately, the proposal is potentially expensive, it is too specific to a particular type of dog, and it is fraught with unintended consequences.

**The Convener:** I call Rachael Hamilton to wind up and to press or withdraw amendment 23.

**Rachael Hamilton:** I have no further comments to make, and I will not press the amendment.

*Amendment 23, by agreement, withdrawn.*

11:45

#### **Section 4—Annual reports by Scottish Ministers**

**The Convener:** Amendment 10, in the name of Maurice Golden, is grouped with amendments 11 to 14, 24 to 26, 15, 16, 27 and 28. I point out that, if amendment 14 is agreed to, it will pre-empt amendment 24.

**Maurice Golden:** This suite of amendments has been lodged following discussions with the minister and in response to the committee's stage 1 report. Concerns were raised at stage 1 about the burden that the reporting requirement would place on bodies, and some considered that an annual reporting requirement would be overly onerous.

I have listened to those concerns, and I am seeking to amend section 4 to provide for a one-off reporting requirement after three years and to allow the level of information that is required to be reported to be reduced to the numbers of cases, prosecutions and convictions. There is nothing preventing the report from including information that was previously set out in section 4, however.

Under section 4(3), the Scottish ministers may add "other information" that they "consider appropriate." However, ministers are now not required, for example, to report on the number of cases that are prosecuted under common law or the number of cases that are prosecuted under summary or solemn procedure.

I will turn to my individual amendments in the group. Amendment 11 clarifies that the information that the report is to contain is to relate to things that have happened over the course of the three-year reporting period. Amendment 12 amends the

information that is required to be reported on. Amendment 13 is a technical amendment to ensure that the bill is clear that the reference to "length of sentence" in section 4(2)(g)(ii) is to a custodial sentence as opposed to, for example, the period of a work requirement imposed under a community payback order. Amendment 14 removes the requirement to report on cases of dog theft prosecuted under the existing common-law offence of theft. Amendment 16 is a consequential amendment and amendment 15 is a minor and technical amendment.

Although I strongly believe that good data collection and reporting to the Parliament are important, I want to balance that with proportionality, allowing bodies such as Police Scotland and the Crown Office and Procurator Fiscal Service to get on with their jobs. I have listened to concerns that were raised at stage 1.

I was therefore happy to lodge my amendments in this group, which I believe strike an appropriate balance, and I thank the minister and her officials for their constructive engagement in helping me to develop them.

I thank Rachael Hamilton for lodging her amendments 24 to 28. As with her other amendments in relation to working gun dogs, I remain to be persuaded of the need to include them in the bill. I would have no objections to the report that is required under section 4 providing information on working gun dogs. However, I am not sure that specifying that in the bill is necessarily helpful, as it would mean making a separate case for working gun dogs.

I have just spoken about amendments 10 to 16, which would reduce the amount of information that was required to be reported on. I lodged those amendments following discussions with the Scottish Government, in which there was recognition of the need to balance good data collection and reporting mechanisms with proportionality. My fear with amendments 24 to 26 is that they go against that approach and would place overly burdensome duties on bodies in relation to a very specific type of dog.

Amendments 27 and 28 define a working gun dog in two alternative ways. As mentioned earlier, I have a concern about amendment 27 in respect of the way it conflates breeds and training.

More broadly, I am encouraged by the fact that Rachael Hamilton will engage with the minister following stage 2, and I believe that they will be able to reach a consensus that will allow the issues in Ms Hamilton's amendments to be addressed.

I move amendment 10.

**Rachael Hamilton:** It seems as though my amendments will not be successful today, given the comments of the minister and Maurice Golden. However, I would say that, without those working dogs, country sports such as shooting, which are worth millions to the economy, would not be possible. Therefore, I do not want the role of working dogs to be devalued.

I know that the minister and Maurice Golden respect the intention behind my amendments, which aim to strengthen and expand the reporting and monitoring duties in the bill.

Amendment 24 provides that each of the reporting requirements under section 4(2)(a) to 4(2)(g) should also be reported on in relation to working gun dogs.

Amendment 25 adds that the ministers' annual report in section 4 must also include information on the number of dogs that are returned to their owners.

Amendment 29 adds a reporting requirement to include in the annual report the areas where cases of dog theft have taken place. That is important and it is perhaps something that the working group could commit to looking at.

Amendment 27 provides a definition of working gun dog for the purposes of sections 4 and 5.

Amendment 28 allows the definition to be set entirely by regulations, offering flexibility to adapt to future needs.

I have lodged all my amendments in good faith. I know that, when a member brings forward a bill, they must work with the Government and listen to the concerns of the committee and the Government, which means that there must be some compromise and negotiation.

Having listened to Maurice Golden and the minister, I hope that they will take all those amendments in good faith. However, I am not planning to move them.

**The Convener:** Thank you. I call the minister.

**Siobhian Brown:** I could go through my spiel, but I will not do so, given that the member is not going to move the amendments.

**The Convener:** I call Maurice Golden to wind up.

**Maurice Golden:** I have nothing further to add.

*Amendment 10 agreed to.*

*Amendments 11 to 13 moved—[Maurice Golden]—and agreed to.*

**The Convener:** I call Maurice Golden to move amendment 14 and remind members that, if it is agreed to, amendment 24 will be pre-empted.

*Amendment 14 moved—[Maurice Golden]—and agreed to.*

*Amendments 25 and 26 not moved.*

*Amendments 15 and 16 moved—[Maurice Golden]—and agreed to.*

*Amendments 27 and 28 not moved.*

*Section 4, as amended, agreed to.*

### **Section 5—Review of operation of the Act**

**The Convener:** Group 5 is on the review of the act. Amendment 29, in the name of Rachael Hamilton, is grouped with amendments 30, 31, 17 and 18.

**Rachael Hamilton:** Amendment 29 would add a reporting requirement to section 5 to include any concerns about the geographical distribution of dog theft and a consideration of whether a financial scheme should be introduced for kennel upgrades, as was previously outlined in amendment 23 in group 3, which I did not press.

Like previous amendments, amendments 30 and 31 provide a definition of a working gun dog and also allow definitions to be set by regulations.

That is short and sharp, and I will leave it there.

I move amendment 29.

**Maurice Golden:** I will speak to my amendments 17 and 18. I am acutely aware that, in its stage 1 report, the committee recommended that section 5 be removed from the bill. The minister, too, has made her position clear. Following discussions with ministers and officials, I agreed to lodge amendment 17 to remove section 5 from the bill, to give effect to the policy of removing the requirement for review. Amendment 18 is consequential to that and would remove from the long title the reference to a review.

I thank the committee, Rachael Hamilton, the minister and her officials for constructive discussions throughout stages 1 and 2.

**Siobhian Brown:** When it comes to this group of amendments, the choice for members is straightforward: to support either Maurice Golden's amendment, which will remove the ministerial duty under section 5 to review the act, or Rachael Hamilton's amendments, which would add to the matters that the Scottish Government's review under section 5 would have to address. I encourage members to support Mr Golden's amendment.

The Government's position on reviewing the act is that any such review is best undertaken by the Parliament, not the Government, and that it is up to the Parliament and relevant committees to do that scrutiny as they see fit. I urge the committee

to support Mr Golden's amendment and to reject Ms Hamilton's amendments.

I also place on record the fact that I am keen to work with Ms Hamilton as we move to stage 3. However, the bill is not mine but Mr Golden's, so I encourage her also to engage with him.

**The Convener:** I call Rachael Hamilton to wind up and to press or withdraw amendment 29.

**Rachael Hamilton:** I will be cheeky and say that I am not sure that it is Maurice Golden's bill; given the removal of section 5, it might be the minister's bill. However, I understand that Maurice Golden needs to be flexible and work with the Government in order to get his bill through.

I contest the minister's comment on the Scottish ministers reviewing a piece of legislation, because it is a normal part of any act that ministers review its operation or impact. I do not accept the minister's comments. However, to make life easy for the committee, I will not press amendment 29.

*Amendment 29, by agreement, withdrawn.*

*Amendments 30 and 31 not moved.*

*Amendment 17 moved—[Maurice Golden]—and agreed to.*

*Sections 6 to 8 agreed to.*

### Long Title

*Amendment 18 moved—[Maurice Golden]—and agreed to.*

*Long title, as amended, agreed to.*

**The Convener:** That ends stage 2 consideration of the bill.

*Meeting closed at 12:00.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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