

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL FOR A MEMBERS' BILL: THE DOG ABDUCTION (SCOTLAND) BILL

1. A draft proposal for a Dog Abduction (Scotland) Bill was lodged on 21 October 2022 by Maurice Golden MSP.
2. The proposal is for a Bill to create a new statutory offence to tackle the problem of dog abduction, and other situations where a dog is taken or kept without lawful authority, that would take account of considerations such as the emotional and welfare impact on dogs. The proposal is also intended to improve data recording to better inform detection and prevention efforts.
3. The draft proposal is accompanied by a consultation document. The consultation runs from 24 October 2022 to 16 January 2023.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
6. The proposal falls within the remit of the following committees.

Committee	Remit and relevance
Criminal Justice Committee	To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.
Rural Affairs, Islands and Natural Environment Committee	To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.

7. Currently, pet abduction is treated under the common law of theft. This proposal is seeking to amend this approach by introducing a specific statutory offence in relation to dog abduction. As this proposal relates to criminal law, it is clear that the Criminal Justice Committee's remit is engaged. It should also be noted that all parliamentary questions on dog/pet theft and abduction this Session have been answered by ministers from the Justice portfolio. In addition, the Minister for Community Safety (who reports

to the Cabinet Secretary for Justice and Veterans) responded on behalf of the Scottish Government to a member's debate on dog theft, which was held on 16 March 2022. This would suggest that the Criminal Justice Committee might be the most appropriate committee to consider this proposal.

8. However, it should also be noted that the proposed legislation seeks to establish a tailored offence and associated punishments that specifically take into account how such crime impacts on the welfare of dogs. The Cabinet Secretary for Rural Affairs and Islands has responsibility for animal welfare and the Rural Affairs, Islands and Natural Environment Committee's remit is to report on matters falling within this Cabinet Secretary's responsibilities. On that basis this Committee's remit is also engaged.

Recommendation

9. This proposal for a bill falls within the remit of two committees. On balance, the Bureau is invited to refer the draft proposal on the Dog Abduction (Scotland) Bill to the Criminal Justice Committee.

Non-Government Bills Unit
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