

PE2083/E: Review the rules to ensure that no dog becomes more dangerous as a result of breed specific regulations

Petitioner written submission, 28 July 2024

It is unclear from the Minister's response whether any affected owners will be invited to the September summit on dog control. I would be happy to attend this Summit if invited. As "it is likely the XL Bully dog safeguards will be discussed", it is vital that the lived experience of those "safeguards" is represented. The primary impact of these is happening inside thousands of private homes – no organisation can represent that experience. To move forward wisely, the voice of lived experience must be included in any discussion on future dog control measures.

"The Scottish Government recognises the importance of engaging with and hearing from XL Bully dog owners on the impact of the new safeguards."

Although I had a meeting to discuss these matters, there were no answers forthcoming from the Government official relating to the important public safety and dog welfare questions which are raised in this petition.

The Minister's recent submission betrays a fundamental lack of understanding. She restates, "There is a balance to be struck between protecting dog welfare and protecting public safety" but both scientific research and lived experience indicate that this statement is false. A significant body of research indicates that any reduction in dog welfare standards (muzzling, restricting running, etc) reduces public safety. Safety is therefore currently being compromised in XL Bully households and, [as stated in my submission of 04/06/24](#), in at least one home we may already be too late. This law, in my researched opinion, is making the households of affected dogs less safe, and that is a key issue which needs to be understood and addressed, to inform future dog control measures. The Government has offered no counter argument and appears to have failed to conduct any of its own research to explore this issue of public safety.

While the Government has "engaged with" stakeholders, it has failed to hear, understand fully, or respond with any form of counterargument or constructive proposal thus far. The response is always the same: guiding affected owners to the new rules and instructing us to comply.

The Minister states,

"Before implementing the new safeguards in regard to ownership of XL Bully dogs, the Scottish Government met with a range of expert stakeholders to inform the way forward, including: the Scottish SPCA, the Dogs Trust, individual clinical dog behaviourists, the British Veterinary Association and the National Dog Warden Association."

But how many of these stakeholders supported the proposed policy? This exact question was raised in the discussion of the SSI at the Justice Committee meeting

earlier this year and it was clear from the Minister's response that, in fact, none of these experts were supportive of these so-called safeguarding measures.

The expert advice received by the Government, which was to avoid breed specific legislation and find alternative ways forward, was ignored. Most of the organisations named are members of the Dog Control Coalition, which made a public statement in October last year. It has not changed its stance since:

"The Dog Control Coalition agrees that urgent action needs to be taken to protect the public from out-of-control dogs, but we are disappointed that the [UK] Government hasn't taken the opportunity to completely overhaul the Dangerous Dogs Act. With its continued focus on specific breeds, rather than a focus on prevention and implementation of tougher penalties for those owners not in control of their dogs, it is not fit for purpose."

In terms of individual cases, the Minister suggests that "the most appropriate approach for owners of XL Bullies who are concerned about the welfare of their dog is to consult with their vet who will be familiar with the dog, will be able to offer tests if appropriate, and will be able to monitor any changes in the dog's condition." Having a vet "monitor" and "test" a dog which has been adversely affected by this legislation does not solve the core problem of chronic stress, which research shows can lead to negative behavioural issues and aggression in dogs. The Minister for Safety is therefore suggesting that owners should simply monitor their dog as it becomes increasingly dangerous.

Regarding the verification of XL bully dog characteristics, the Minister responded:

"The Scottish Government will not be involved in the assessment process. Owing a dog brings with it responsibilities and it is initially an owner led process... it is the responsibility of owners to check if their dog is an XL Bully."

I agree that owning a dog brings with it legal responsibilities: to care for the animal, meet its welfare needs, and keep it under control to ensure public safety. But no dog owner in Scotland knew, on acquiring their dog, that it might later become a legal responsibility to be able to identify its breed type. Identifying the origin of a crossbreed mongrel requires the expertise of a Dog Legislation Officer, who has been trained and has experience of hundreds of dogs. Most individual owners cannot accurately identify whether their dog is "of type" – they are just not sure. Owners are advised, if in doubt, to exempt the dog anyway, muzzle it and keep it on a lead, causing potential chronic stress to the animal, thus making it more dangerous. Ultimately the stressed dog might attack or even kill a visitor or a family member in its own home - all as a direct result of avoidable misidentification and legally enforced mismanagement of the dog's welfare. The Government must address the central issue of dog welfare – every day that passes puts more lives at risk.

There remain some outstanding issues which the Petitions Committee might yet raise with the Government:

- What research has the Government done into how these measures are affecting the mental health of owners, and what research has been conducted

into how the mental health of owners subsequently affects dog behaviour and ability to control dogs? This issue is also highly relevant to the safety impact of any future dog control measures.

- I understand that the Scottish Animal Welfare Commission will now be consulted ahead of the September summit. Can the Petitions Committee please request that a representative of SAWC will also be invited to attend, to represent the welfare of dogs?
- The issue of sentience – The Dangerous Dogs Act regards a dog merely as a “possession” rather than as a sentient being. A dog reacts to however it is treated – its behaviour changes. This is obviously not true of most possessions. Individually and collectively, we have a duty to respect the sentience of both dogs and owners, and to afford basic welfare rights to both.

The Scottish Animal Welfare Commission can investigate and advise:

- how the welfare needs of sentient animals are being met by devolved policy
- possible legislative and non-legislative routes to further protect the welfare of sentient animals
- the research requirements to provide an evidence base for future policy development.

Thanks again for continuing to investigate this matter.