



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

Christine Grahame MSP
By email

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Dear Christine

Welfare of Dogs (Scotland) Bill at Stage 1

The Delegated Powers and Law Reform Committee considered the delegated powers in the above Bill at its meeting on 26 September and seeks an explanation on the following provision:

Sections 1 and 5 – Making and revising of code of practice

Power conferred on:	The Scottish Ministers
Power exercisable by:	Code of practice
Parliamentary procedure:	none

As you are aware, Section 1(1) of the Bill provides that Scottish Ministers make a code setting out good practice that should be followed by anyone considering acquiring a dog or puppy as a pet; and by anyone selling or giving away a puppy or dog to another person, to keep as a pet.

Section 5 provides that the Scottish Ministers may revise the code of practice, although not in such a way that means it does not include provision giving effect to sections 2 to 4. Scottish Ministers must consult such persons they consider appropriate before making such a revised code of practice. The Scottish Ministers must re-publish the code of practice as revised unless none of the revisions materially alters the effect of the code.

The Delegated Powers Memorandum (“the DPM”) states that the reason for taking the power is to strengthen a culture of responsible dog acquisition and ownership in Scotland and achieve behavioural change, without placing formal legal obligations on the parties involved. It also explains the code is not subject to any Parliamentary procedure because the substantive elements of the code will be set out in the Bill itself.

Furthermore, the DPM states that the power allowing the Scottish Ministers to add further matters to the code is narrowed by the requirement that it is tied to the purpose of setting out good practice to follow when acquiring or supplying a dog. It therefore suggests it would not be a good use of valuable parliamentary time to also require Parliament to approve the code at a later point.

The Committee asks the Member:

- 1. to provide more information regarding the decision to take a different approach to parliamentary scrutiny in respect of the code of practice than the one taken in the Animal Health and Welfare Act 2006, whereby section 37(6) of that Act sets out that an animal welfare code requires to be laid before, and approved by resolution of, the Scottish Parliament; and**
- 2. specifically, what “other matters” she envisages the Scottish Ministers could add in time, and why she does not feel it necessary that such an inclusion should be subject to no parliamentary scrutiny.**

I would be grateful if you could please email your response to dplr.committee@parliament.scot by **Thursday, 12 October 2023**. The Committee will then consider your response at a future meeting and report on the delegated powers in the Bill to the lead committee.

Yours sincerely

Stuart McMillan MSP
Convener of the Delegated Powers and Law Reform Committee