



Delegated Powers and Law Reform Committee

Maurice Golden MSP

Via email

26 March 2025

Dear Maurice,

Dog Theft (Scotland) Bill

The Committee considered the above Bill at its meeting on Tuesday 25 March 2025, and agreed to write to ask for further information in relation to the delegated power contained at **Section 2(2)(b): Theft of assistance dogs**.

The Bill uses the definition of assistance dog which is set out in section 173(1) of the Equality Act 2010, which is:

- a) a dog which has been trained to guide a blind person;
- b) a dog which has been trained to assist a deaf person;
- c) dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; and
- d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

However, Section 2(2)(b) enables the Scottish Ministers to prescribe other categories of dog to be included in the definition of assistance dog for the purposes of the Bill.

The reference to 'category' is unrestricted. As such, it is possible for a category of dog to be prescribed that might not reflect the intention behind the power, by prescribing a category of dog that might not fall within what is commonly understood to be an assistance dog.

While the definition of assistance dog in section 173(1) of the Equality Act 2010 includes a similar power to prescribe further categories, that power is limited to

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email: dplr.committee@parliament.scot.

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categories of dog which have been trained to assist a disabled person who has a disability of a prescribed kind.

The Committee asks why the power in section 2(2)(b) refers to categories of dog without any further narrowing of the power to reflect the intention that the power is only to be used to add categories of dog trained to assist people with certain disabilities and particular needs, as set out in the Delegated Powers Memorandum.

The Committee requests a response by **Wednesday, 9 April 2025**.

Yours sincerely,

A handwritten signature in black ink that reads "Stuart". The letters are cursive and fluid, with the 'S' being particularly large and the 't' having a long, sweeping tail.

Stuart McMillan MSP
Convener