

Dog Theft (Scotland) Bill

Submission from Guide Dogs for the Blind Association, 20
March 2025

Question 1: Do you think there is any gap or inadequacy in the common law offence of theft in dealing with dog theft that having a standalone statutory offence would address?

Guide Dogs response to question 1:

The current legal framework in Scotland does not sufficiently recognise the significance of dog theft or the emotional and practical impact it has on victims. Under common law, dog theft is prosecuted in the same manner as the theft of an inanimate object, meaning courts primarily consider its financial value rather than the distress and disruption caused to the owner. The key gaps in the current approach are:

- The law treats dogs as property rather than sentient beings. This fails to recognise the deep emotional bond between dogs and their owners, meaning sentences are often disproportionately lenient.
- Theft sentencing is based on monetary value. Many dogs, particularly non-pedigree pets and retired assistance dogs, have low market value, resulting in inconsistent and inadequate sentencing under common law.
- Dog theft is not separately recorded in crime statistics, creating difficulties in accurately tracking trends and assessing the scale of the issue.
- For guide dog owners, theft will have life-changing consequences. While there are no recorded cases of guide dog theft in the UK, the retirement of a guide dog can already be a challenging time and is often accompanied by feelings of grief and loss. If a dog were stolen, the loss would be far more abrupt and damaging, leaving the handler without vital support for mobility and independence.

The introduction of a standalone statutory offence for dog theft would address these issues by:

- Ensuring sentencing reflects the harm caused, not just the dog's financial value.
- Providing clear legal recognition that dog theft is a distinct and serious offence.
- Improving deterrence by imposing stronger penalties and making dog theft a higher policing priority.
- Allowing for better crime data collection to inform future policy and enforcement strategies.

The current law does not provide sufficient protection for dog owners or reflect the full impact of dog theft. A standalone offence would ensure greater legal clarity, stronger deterrence, and fairer sentencing, making it clear that dog theft is dealt with by the courts as more than a property crime.

Question 2: What are your views on the inclusion of an aggravation to the offence of dog theft for the theft of an assistance dog? Would this achieve something that cannot be achieved under the common law offence of theft?

Guide Dogs response to question 2:

The inclusion of an aggravation for the theft of an assistance dog is essential to ensuring that the justice system recognises the severe impact of such a crime. Unlike pet dogs, guide dogs are not simply companions but are highly trained working animals that provide essential mobility support. While no guide dog has been successfully stolen in the UK, past attempts have been made, demonstrating that a legal deterrent is necessary. Our key points in support of this aggravation are:

- **Assistance dogs are irreplaceable in the short term.** Guide dog owners rely on their dog to safely navigate public spaces, hazards, road crossings, shop doors, and public transport. The sudden loss of a guide dog can leave an individual unable to live independently, increasing isolation and distress.
- **The financial and time investment is substantial.** It takes around 37 weeks and costs approximately £38,000 to train a guide dog from the first day of training to its qualification as a working partnership. While the Bill aims to decouple sentencing from monetary value, these figures highlight the level of expertise and resources required to produce a working guide dog.
- **Guide dogs are uniquely difficult to replace.** Unlike mobility aids such as canes, or assistive technology devices with screen-reading software, which can be replaced quickly, matching a guide dog with its owner is a highly personalised process.
- **Matching a guide dog to an individual is complex.** The process is not simply about readiness to train together; specialist staff carefully assess the lifestyle, preferences, and mobility needs of the individual. Some guide dog owners are matched with multiple dogs before forming a successful partnership.
- **Current common law does not reflect the seriousness of this crime.** Without an aggravation, courts may treat guide dog theft no differently than pet theft, failing to acknowledge the immediate life-changing impact on the handler.

This Bill provides an opportunity to recognise the distinct harm caused by assistance dog theft and ensure that sentencing reflects the real consequences of such a crime.

Question 3: What are your views on the provision which allows victims statements to be made to the court where an offence of dog theft is prosecuted, and that this can take place in any level of court? Is this required

and how will it fit within the current system around prescribed offences and courts?

Guide Dogs response to question 3:

Guide Dogs supports the inclusion of a provision allowing victim statements to be made in court when an offence of dog theft is prosecuted. This measure is necessary to ensure that courts fully understand the emotional and practical impact of dog theft on individuals, particularly those who rely on assistance dogs for independence and mobility. There is currently no specific requirement for courts to consider the psychological distress, disruption to daily life, or long-term consequences experienced by the victim.

For guide dog owners, losing their dog to theft would not only be a devastating experience but also a serious threat to their ability to live independently. Without their guide dog, someone with sight loss may struggle to leave their home, access public spaces, maintain employment or socialise. We are person-centred in the provision of all our services, including our guide dogs, and believe that the disruption and emotional harm that would result from the theft of a guide dog cannot be adequately captured without a personal account of the victim's lived experience.

Allowing victim statements at any level of court ensures that judges and sheriffs are fully aware of the true impact of dog theft, particularly for vulnerable individuals who may rely on their dog to maintain independent living. It also aligns with legal practice in other areas where victims' statements provide courts with a fuller picture of the harm resulting from the crime.

By introducing this provision, the Bill recognises that dog theft can severely affect people's lives, independence, and emotional wellbeing to a much greater extent than the financial aspects of the loss. Guide Dogs supports this measure as an important step in ensuring that the voices of victims are heard and can have a meaningful influence on the sentencing for dog theft.

Question 4: How is harm to the victim currently accounted for if a case of dog theft is prosecuted under common law? Do you feel this is sufficient or does the Bill address deficiencies in the current process?

Dog theft is currently prosecuted as a general theft offence in Scotland, which means that the monetary value of the stolen property is the primary factor in sentencing rather than the harm caused to the victim. Our understanding is that courts have some discretion to consider victim impact during sentencing for theft, but there is no specific requirement placed on them to do so. We believe that this is likely to result in a failure to fully consider the emotional, psychological, and practical impact on an individual or family that experiences dog theft. In terms of our dogs, this impact will be felt whether the dog is a puppy taken illegally from a volunteer puppy raiser or a working guide dog stolen from its owner.

Question 5: What are your views on the reporting requirements included in the Bill for your organisation (if applicable)?

Guide Dogs response to question 5: The reporting requirements in the Bill do not apply to Guide Dogs.

Question 6: What are your views on the costs included in the Financial Memorandum published with the Bill for your organisation (if applicable), do you think costs will be incurred over and above those outlined?

Guide Dogs response to question 6: The costs included in the Financial Memorandum do not apply to Guide Dogs.

7. The aim of the Bill is to address the fact that currently “the common law offence of theft places emphasis on the monetary value of an object, and that there is insufficient focus on the emotional importance to the owner of a sentient being” and also the low levels of prosecutions for the offence of dog theft. Do you think there are alternatives to introducing a standalone offence that could achieve these aims?

Guide Dogs response to question 7:

Guide Dogs believes that no alternative approaches to addressing dog theft would be as effective, enforceable, or comprehensive as introducing a standalone offence.

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