

# **Dog Theft (Scotland) Bill**

Submission from the Scottish Companion Animal Welfare Group (SCAWG), 18 March 2025

## **Summary**

- The Scottish Companion Animal Welfare Group (SCAWG) and the British Veterinary Association (BVA) have long advocated for dog theft to be a standalone crime in Scotland and support the introduction of the Dog Theft (Scotland) Bill.
- We believe that the theft of a dog is a fundamentally different offence than the theft of property such as mobile phones or TVs.
- We believe that the current law, and its enforcement, are insufficient deterrents to protect dogs from theft.
- We welcome dogs being recognised as sentient beings in law and that the welfare impact on dogs and humans will be paramount in the Bill.
- We therefore urge the Committee to support the Bill so it can proceed to the next stage.
- We are disappointed that cats have been excluded from this Bill and would like cats to be given the same protections from theft as their canine counterparts.

## **Support for the Dog Theft (Scotland) Bill**

- The Bill will ensure that dogs are recognised as sentient beings capable of experiencing distress and emotional trauma.
- The Bill will take in to account the welfare impact of dog theft on both the human and dog.
- We hope that recognition of dogs as sentient beings, rather than inanimate objects, would result in penalties that are reflective of the crime which, in turn, would act as a deterrent. We welcome the maximum penalty of a 5-year custodial sentence which would align with the maximum sentencing for animal welfare offences.
- The Bill will allow for more accurate data collection to help identify areas for further interventions.
- Dog theft being a standalone crime will bring Scotland in line with England and Northern Ireland where the Pet Abduction Act was introduced in 2024.

## **Background**

According to Scottish common law, dogs are considered 'property', and therefore stealing a dog presently results in the same punishment in the courts as stealing a household item like a mobile phone or bike.

Equating dogs to 'property' is not reflective of their sentience or of the significant impact such a theft will have on a person. This is particularly problematic given the strong bond between a dog and their human. A survey found that 99% of respondents considered their pets to be family members<sup>1</sup>, and the dog-human bond has been linked to that found between a parent and child.<sup>2</sup>

Victims of stolen dogs often feel 'ambiguous loss', which is the term for grief in response to a missing person, due to lack of closure and full understanding of what had happened, as well as 'disenfranchised grief', which describes grief that is not acknowledged by society, causing grievers to feel that they cannot grieve openly for fear of not being taken seriously – for example being faced with unsympathetic comments such as 'it's just a dog'. This only extends the time for the griever to recover or come to terms with their loss<sup>3</sup>. It is therefore likely that the emotional impact of a dog going missing has a profound and devastating effect on the person. We therefore particularly welcome the Bill providing for the inclusion of victim statements in such cases.

The monetary value of an item stolen under common law is taken into consideration when punishments are being considered in cases of theft. The emotional value of a sentient being to their carer is not given enough attention. Sentences relating to dog theft must reflect the extent of the impact of the theft of a loved one, rather than the monetary value of the stolen dog.

Whilst it is possible for the Courts to consider the impact of stolen property on the complainant or victim, including the emotional impact<sup>3</sup>, we believe standalone legislation is needed to recognise dogs as sentient and to truly take into account the welfare impact on both the stolen dog and their human.

As dog theft is not a specific crime, Police Scotland is not currently required to report dog theft separately from other common law thefts. This failure to produce reliable data may be concealing a much wider issue than the available data suggests. The creation of a specific offence will improve data reporting and capture the scale of the issue of dog theft in Scotland and will help to identify dog breeds or types more at risk of being stolen and any areas where dog theft is prevalent. This data could then support appropriate penalties for perpetrators, alongside supporting more targeted interventions to help prevent dog theft.

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<sup>1</sup> P Planchon, L.A, D.I; Stokes, S.; Keller, J. Death of a Companion Cat or Dog and Human Bereavement: Psychosocial Variables. *Soc. Anim.* 2002

<sup>2</sup> Stoeckel, L.E; Palley, L.S; Gollub, R.S.; Niemi, S.M.; Evins, A.E. Patterns of Brain Activation When Mothers View Their Own Child and Dog: An fMRI Study. *PLoS ONE* 2014

<sup>3</sup> Planchon, L.A, D.I; Stokes, S.; Keller, J. Death of a Companion Cat or Dog and Human Bereavement: Psychosocial Variables. *Soc. Anim.* 2002

## **A Specific Offence for Cat Theft**

While we fully support the Bill as companion animal welfare charities, it is important that we raise the omission of cats from the Bill. Although the Bill provides for a future review of the Act which could create other specific offences of animal theft, we believe cats should be protected from theft now. Cats are a much loved and popular pet who are sadly, the second most stolen pet in the UK.<sup>4</sup> It is devastating when a cat is taken from their loving home. The stress and suffering caused to the cat and their family is no different to that of a dog. We therefore believe that cats should be given the same protections under the law against theft as dogs in Scotland, as is the case in England and Northern Ireland under the Pet Abduction Act.

The Scottish Companion Animal Welfare Group (SCAWG) consists of Blue Cross, Cats Protection, Dogs Trust, Edinburgh Dog and Cat Home, OneKind, PDSA and the Scottish SPCA.

### **In association with**

British Veterinary Association (BVA)

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<sup>4</sup> UK Pet Theft Report 2023 <https://www.adt.co.uk/blog/pet-thefts-index-2023>