

Dog Theft (Scotland) Bill

Submission from the Scottish Courts and Tribunals Service (SCTS), 17 March 2025

Dear Sir/Madam,

Thank you for the invitation to attend the Rural Affairs and Islands Committee Meeting on 26th March 2025.

The SCTS, given its function to provide efficient and effective administration to the courts and tribunals in Scotland, considers that there is a limited amount of information that it can provide to the Committee to assist in its consideration of the general principles of the Bill. Therefore, if it is acceptable to the Convenor, we would offer the following written submission, which does not include the views of the judiciary, in response to the questions posed in the call for views in lieu of attendance at the Committee session. We are content that this submission be presented as evidence to the Committee.

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?

The SCTS cannot provide a view on offences.

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?

The SCTS cannot provide any view on the inclusion of the aggravation.

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?

The SCTS provides no view on the provision but would note that the presentation of victim statements by the prosecutor may impact on court time and associated staff and judicial resources. As noted in the financial memorandum, it is expected there will be low numbers of prosecutions for this new offence therefore it is likely any impact will be minimal. However, the extent of any increase in court time and therefore potential for increased costs will be dependent on the volume of statements made.

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?

Information relating to the impact on victims is presented to the court by the prosecutor, for consideration of the judiciary when sentencing. The SCTS cannot provide a view on whether the current process is sufficient.

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

The SCTS provides no view on the requirement other than to confirm that the SCTS would provide any information as required if it holds it in a way that can be extracted from our case management system. The detail and practicalities of this would be discussed with Scottish Government and justice partners.

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?

The financial memorandum indicates there may be a small increase in prosecutions as a result of the new dedicated offence type.

There may be a need for amendments to be made to the SCTS case management system, for example in relation to the reporting requirements within the Bill. There will be costs associated with this. These cannot be quantified at this stage until it is clearer what Ministers may require the SCTS to provide.

As noted in our response to question 4, there may be costs associated with the Crown presenting victim statements, however it is expected these will be minimal.

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?

The SCTS cannot provide a view on this point.

We would be grateful if we could be kept informed of the progress of the proposed Bill and we would be happy to contribute to any supplementary financial memorandum if required.

Yours sincerely
Gillian Stewart
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Legislation Implementation team