

# Dog Theft (Scotland) Bill

Submission from Dogs Trust, 18 March 2025

## 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?

Dogs Trust does not believe that the current law, and its enforcement, to protect dogs from theft is effective. Dogs Trust advocates for dog theft to be a standalone crime in Scotland. We were delighted at the introduction of the Pet Abduction Act 2024, which came into force in England and Northern Ireland in August 2024. Direct Line's latest data shows that the total number of dogs reported stolen dropped in 2024 by 21%, possibly in reaction to the introduction of the Pet Abduction Act<sup>1</sup>. Dogs Trust believes that Scotland should align with England and Northern Ireland and introduce a specific offence for the theft of a dog.

Dogs are classed as 'property' under Scottish common law, meaning that if someone steals a dog, they will be sentenced in the Courts in the same way as someone who steals a non-living object, such as a mobile phone.

Equating dogs to 'property' is not reflective of their sentience or of the significant impact such a theft will have on an owner. This is particularly problematic given the strong bond between a dog and their owner. A survey found that 99% of respondents considered their pets to be family members<sup>2</sup>, and the dog-human bond has been linked to that found between a parent and child<sup>3</sup>.

In the field of psychology, 'ambiguous loss' is the term for the grief felt in response to a missing person. It is characterised by a lack of closure or understanding and can be long-lasting. Given the above, it is therefore likely that the emotional impact of a dog going missing has a similar effect on the owner. Sentences relating to dog theft must therefore 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>4</sup>, Dogs Trust believes standalone legislation would be a positive step in recognising dogs as sentient and to truly take into account the welfare impact on both the stolen dog and their owner.

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<sup>1</sup> <https://www.directlinegroup.co.uk/en/news/brand-news/2025/five-dogs-stolen-every-day-.html>

<sup>2</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>3</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>4</sup> <https://www.sentencingcouncil.org.uk/outlines/general-theft/>

Dogs Trust hopes that recognition of dogs as sentient beings, rather than inanimate objects, would result in punishments that are reflective of the crime which, in turn, would act as a deterrent.

Furthermore, the creation of a specific offence will improve the recording and hopefully reporting of dog theft offences. In order for police forces (and other organisations) to take an evidence-based approach to tackling crime problems, they must first have a clear understanding of the extent and nature of the problem<sup>5</sup>. Accurate data is needed to understand the true scale of the issue of dog theft, which is unclear at present due to a lack of official, up-to-date data. This data could then support appropriate penalties for perpetrators, as well as support further interventions to prevent pet theft.

In addition, as there is no specific offence for dog theft, there is not currently a requirement for Police Scotland to record the theft of a dog separately from the theft of other types of theft under common law. This failure to produce reliable data is potentially masking a much wider issue than the available data suggests. Accurate data reporting will capture the true 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.

If the existing offence is maintained in law alongside a new piece of legislation, Dogs Trust advocates the creation of clear guidance on which piece of legislation is used and when, to avoid confusion in reporting. Robust data collection is also pivotal to this, including when a dog is abducted as part of a theft alongside inanimate objects.

For the Bill to become an effective deterrent to dog theft, effective sentencing and an improved police emphasis on recording thefts and enforcement of the sentencing must be introduced, to ensure that the creation of the new offence makes an impact on prosecutions for dog theft. We recommend effective sentencing guidelines are introduced and enforced alongside the creation of a specific offence of dog theft, to ensure that appropriate penalties are imposed. Under common law, when penalties are being handed out for theft, which would include the theft of a dog, the monetary value of the item is taken into consideration. We believe the theft of a dog from their owner should be treated the same under the offence regardless of their perceived monetary value. For example, someone adopting a rescue dog from Dogs Trust in Scotland would pay an adoption fee of £275 whereas someone may pay upwards of £1,000 to buy a dog from a breeder. Regardless of the deemed financial value, the emotional impact on the owner will be equally significant regardless of the monetary value of the dog.

Ultimately the impact of the Bill would be felt through the introduction of tougher sentencing, which would both reflect the welfare impact of the crime and aim to deter

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<sup>5</sup> (Tilley & Laycock, 2002)

[https://www.pettheftreform.com/\\_files/ugd/dfd928\\_6962d7760ae54dbb83066ccd91ded5c2.pdf](https://www.pettheftreform.com/_files/ugd/dfd928_6962d7760ae54dbb83066ccd91ded5c2.pdf)

perpetrators. With dog theft currently listed as a common law offence in Scotland, there is no specific sentencing guidance on this, so the Bill would help to address this and effectively enforce specific punishment for the crime.

Sadly, our previous research found only 1 in 5 of those dogs reported stolen are returned to their families<sup>6</sup>, showing that much more needs to be done to improve justice for the owners of stolen dogs.

**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?**

Dogs Trust strongly supports treating the theft of assistance dogs as an aggravated offence in the Dog Theft (Scotland) Bill.

As all dogs are treated as inanimate objects under Common Law, there is nothing in law to set apart the theft of an assistance dog from any other domestic dog. It is crucial that consideration is given to the impact that the theft of an assistance dog can have on their owner, including to their quality of life and ability to carry out daily activities. Not only is there an emotional impact of losing their dog, as explained in our previous answer, but also the removal of vital support. In many cases, assistance dogs provide a lifeline to their owner and offer them increased independence.

We believe that standalone legislation and an aggravated offence for the theft of an assistance dog will influence sentences befitting of the crime and, if effectively enforced, act as a strong deterrent to stop criminals targeting assistance dogs.

**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?**

Dogs Trust is supportive of victim statements being allowed to be heard on summary and indictment cases so that the Court can take in to account the emotional impact on the dog owner in cases of dog theft and sentence criminals accordingly. It is vital that a dog is recognised by the Courts as a sentient being capable of experiencing distress and emotional trauma. By allowing victim statements, owners will be able to outline to the Court the devastating mental and emotional impact that the theft of a dog has had on them.

By introducing standalone legislation that recognises dogs as sentient, this abrogates current common law where the monetary value of a stolen item is considered by the courts. A senior rescue dog may not be deemed to be of the same value as a young puppy that has just been bought from a breeder, but they mean

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<sup>6</sup> Calculated from information provided by 37 police forces in response to Dogs Trust Freedom of Information requests for 2017 data

just as much to their family. The true price of a dog to an owner is the unbreakable emotional connection, which is far greater than any monetary value.

**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?**

Dogs Trust understands that the Courts can currently take in to account the welfare impact on the owner and dog in cases of dog theft under Common Law<sup>7</sup> but the extent of this should be answered by other agencies with more extensive experience in this area.

Dogs Trust can speak on the importance of a dog being recognised as a sentient being in the cases of theft. The strength of the human-animal bond should be a primary consideration in the Court's decision when sentencing for crimes involving the theft of a dog. Dogs Trust believes that a standalone crime for dog theft would help to achieve this.

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

Dogs Trust is not a reporting agency and therefore there will be no change to reporting requirements for the organisation.

**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?**

Dogs Trust does not believe that there will be any financial implication to the organisation should the Bill be introduced.

**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?**

Dogs Trust welcomes the introduction of the Dog Theft (Scotland) Bill and believes it is the best way to appropriately tackle the issue. Dogs Trust has been campaigning for standalone legislation for dog theft for a number of years to act as a strong deterrent and for dogs to be finally recognised as sentient beings in law.

Dogs Trust would support sentencing guidelines alongside a specific offence for dog theft. We would not, however, support the introduction of sentencing guidelines as an alternative to a standalone offence. Sentencing guidelines would not resolve the

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<sup>7</sup> <https://www.sentencingcouncil.org.uk/outlines/general-theft/>

challenges with accurate data reporting. Furthermore, the development of sentencing guidelines for dog theft is not currently in the Scottish Sentencing Council's guidelines development workplan<sup>8</sup> and therefore, there may be an extended timeline if guidelines were to be produced for dog theft. If sentencing guidelines were pursued over a standalone offence, it's important that the monetary value of the dog does not determine the length of the sentence. We do not believe that putting a price on a dog reflects the strength of the emotional connection between a human and their dog. The adoption fee for a dog rescued from a Dogs Trust Rehoming Centre is £275. If someone buys a dog from a breeder, they may pay substantially more for their dog. However, the theft of a rescue dog or dog acquired from a breeder would have the same devastating impact on the owner, regardless of the monetary value of the dog.

The creation of a statutory dog theft offence will prioritise the welfare of both dogs and their owners in sentencing and be a positive step forward to ensure sentencing adequately reflects the wide-ranging impact of the crime beyond the monetary value of the stolen dog.

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<sup>8</sup><https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines/guidelines-in-development>