

Dog Theft (Scotland) Bill

Submission from Scottish SPCA, 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?

The Scottish SPCA is of the view that the common law offence of theft is inadequate when it comes to dog theft. Under common law, dog theft is treated primarily as the loss of a commodity, where emphasis is placed on monetary value rather than the intrinsic emotional and welfare impact on the owner and the animal. A standalone statutory offence would explicitly recognise the unique nature of dog theft, ensuring that both the welfare of the animal and the profound emotional distress experienced by its owner are properly accounted for in both the prosecution and sentencing process. This focused approach would also improve data collection and enforcement consistency, making the offence more visible and better targeted in practice.

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?

We fully support the inclusion of an aggravation for the theft of an assistance dog. Assistance dogs provide essential support to their owners, offering not only companionship but also vital services such as mobility aid and safety. Their theft can therefore have an especially severe impact on the victim's independence and quality of life. The common law offence of theft, which centres on the value of the stolen item, does not capture this enhanced harm. An aggravating factor would ensure that sentencing appropriately reflects the additional distress and practical hardship caused by the theft of an assistance dog, thereby achieving a level of justice that is not possible under the current common law framework.

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?

We believe that allowing victims to present statements in court is a necessary and welcome provision. Such statements enable victims to formally articulate the emotional and psychological impact of dog theft—a dimension that is largely overlooked under the current system. Providing a platform for these personal accounts helps ensure that the true harm inflicted by the offence is considered during sentencing. It is important to note that theft of a dog has an impact not only on the adult owner of that dog but also on other members of that family particularly children. We know through our research conducted in partnership with the University of Edinburgh that attachment to pets, especially dogs, has an important role in children's social, emotional and cognitive development, their mental health, well-being, and quality of life. Children are emotionally expressive towards their pets and are strongly connected to them, often reporting them as one of the most important

figures in their lives. In fact, 76% of children involved in our research reported that their pet was their best friend with 62% reporting that they would be lonely without their pet. Our analysis showed that children who had a pet dog or cat scored significantly higher on attachment than children who did not. We also found that children with pet dogs were significantly less accepting of animal cruelty and animal neglect than children without pet dogs. These findings demonstrate that pets are important source of emotional attachment in the lives of children. We therefore believe this provision fits well within the current system by complementing the existing framework for prescribed offences, as it reinforces a more holistic approach to justice that recognises both material and emotional losses.

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?

Presently, when a case of dog theft is prosecuted under common law, harm to the victim is predominantly measured in financial terms. Although the courts can take the victim's distress into account, this is generally secondary to the monetary valuation of the stolen item. We contend that this approach is insufficient, as it fails to capture the deep emotional trauma and the disruption to the victim's life that dog theft causes. The Bill addresses these deficiencies by explicitly recognising the welfare of both the dog and its owner, ensuring that sentencing reflects the full scope of the harm—both financial and emotional. This, in turn, would lead to more appropriate and proportionate outcomes.

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

The Scottish SPCA welcomes the reporting requirements set out in the Bill. Standardising the way in which dog theft data is collected and recorded will enable a clearer understanding of the scale and nature of the problem. Currently, the lack of consistent data hampers efforts to identify trends and allocate resources effectively. Improved reporting not only supports enforcement efforts but also facilitates targeted prevention strategies and policy adjustments. We believe that this measure will ultimately benefit both animal welfare and public safety by ensuring that dog theft is properly monitored and addressed.

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 appears to have carefully considered the costs associated with implementing the Bill. However, it is possible that additional expenses may be incurred—particularly in the early stages of implementation. These could include costs related to additional training for police officers, upgrades to crime-recording systems, and the development or integration of a national microchipping database. Despite these potential extra costs, we believe that the long-term benefits—such as improved enforcement, better victim support, and enhanced data collection—justify the investment. Ongoing review and collaboration

between government agencies and relevant stakeholders will be essential to manage and potentially mitigate any unforeseen financial impacts.

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?

While there are alternative approaches—such as amending existing sentencing guidelines to allow for greater consideration of emotional harm or introducing specific aggravating factors—these measures do not fully address the inherent limitations of the current common law framework. A standalone statutory offence provides a dedicated legal framework that explicitly recognises the unique nature of dog theft, both in terms of the emotional bond between a dog and its owner and the broader animal welfare implications. This focused approach not only improves the clarity and consistency of the law but also enhances deterrence by ensuring that prosecutions and sentencing fully reflect the multifaceted harm caused by the offence. As such, we consider the introduction of a standalone offence to be the most effective solution to the issues identified.