



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Rural Affairs and Islands Committee

Wednesday 25 October 2023

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE

26th Meeting 2023, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Kate Forbes (Skye, Lochaber and Badenoch) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Stewart Forsyth (Scottish Government)

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

Gillian Martin (The Minister for Energy and the Environment)

Andrew Voas (Scottish Government)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament
Rural Affairs and Islands
Committee

Wednesday 25 October 2023

[The Convener opened the meeting at 09:00]

Decision on Taking Business in
Private

The Convener (Finlay Carson): Good morning, and welcome to the 26th meeting in 2023 of the Rural Affairs and Islands Committee. We have apologies from Rhoda Grant, who is unable to make the start of the meeting but will hopefully join us at approximately 10 am. I remind members who are using electronic devices to switch them to silent.

The first item of business is a decision on whether to take item 3 in private. Are we agreed?

Members *indicated agreement.*

Welfare of Dogs (Scotland) Bill:
Stage 1

09:01

The Convener: We now have an evidence session on the Welfare of Dogs (Scotland) Bill. I welcome to the meeting Gillian Martin, the Minister for Energy and the Environment, and her officials, who are Andrew Voas, veterinary head of animal welfare, and Stewart Forsyth, animal health and welfare policy adviser. I also welcome to the meeting Christine Grahame MSP, who is the member in charge of the bill. We have scheduled approximately 90 minutes for this session. I invite the minister to make an opening statement.

The Minister for Energy and the Environment (Gillian Martin): I welcome the opportunity to contribute to the committee's evidence sessions on Christine Grahame's Welfare of Dogs (Scotland) Bill. As we all know, animal welfare is not only an important issue but an emotive one. The Government takes animal welfare very seriously and is committed to the highest possible welfare standards. We welcome Ms Grahame's effort in this area and support the general principles of the bill. We need to emphasise to people that they must be responsible owners and act responsibly when deciding to buy a dog or take one into their lives. The bill will help to do that.

The low-welfare puppy trade is unacceptable and is an area that the Scottish Government has been concerned about for many years. We have worked closely with stakeholders such as the Scottish Society for the Prevention of Cruelty to Animals and the Dogs Trust to improve enforcement and understanding of the welfare problems and the risks to buyers associated with criminal activity behind the trade. That has included marketing campaigns, which were effective at raising awareness of the importance of seeing puppies with their mother before buying. We know that the movement restrictions during the Covid pandemic meant that that was not possible for a significant period and that there was an increased demand for puppies to be kept as family pets. It is therefore appropriate to consider again what more can be done to influence changes in buyers' behaviour so that they make the right choices when sourcing a pet.

We look forward to hearing stakeholders' views, as well as those of the committee, and we will consider carefully the committee's stage 1 report. We have some issues with the framing of some parts of the bill, which we consider might benefit from amendment. We are very happy to discuss that with the committee and Ms Grahame during the bill process, but I hope that we will be able to reach an agreement on those and other matters

so that we can arrive at a bill, at stage 3, that everyone can support and that will have a tangible impact on dog welfare.

The Convener: Thank you. I will kick off the questions. We know that the Government agrees with the general principles of the bill and its attempt to increase public awareness, but surely that can be done without a bill. The only new powers that the bill creates are in sections 2 to 4, which describe certain items that need to be included in the code. Do you really believe that there is a gap between what is already in place and the provisions that the bill might put in place? Is it not a sledgehammer to crack a nut?

Gillian Martin: I guess that it is really for the committee to decide whether that is the case when it questions Ms Grahame. I go back to what I said in my opening statement. There has been a real increase in the practice of selling puppies without the puppies' welfare at heart, and it is becoming increasingly difficult for people who want to source a puppy to know whether they are getting one that has been bred well and that they are not perpetuating some kind of trade that does not have animal welfare at heart.

We have all heard the terrible and heartbreaking stories and have seen the documentaries about the illegal puppy trafficking trade, which tries to dupe families into taking pups. We support the general principles, because anything that would create an improved code of practice that was up to date to deal with the issues that I mentioned and give people advice, through a campaign that was centred on the subject, would be helpful.

Is the bill a sledgehammer to crack a nut? In my opening statement, I alluded to provisions that we think need to be amended, which we can come on to. It is for the member in charge to show that the bill is required, but we support Christine Grahame on the bill's general principles.

You asked about gaps. There are gaps that a new code of practice could usefully fill, such as a lack of awareness of health issues that affect particular breeds. As we all know, breeds of dogs come into fashion, and some of them have congenital issues that shorten their lives or result in health issues throughout their lives. Some dogs—French bulldogs come to mind—have issues with breathing, and other dogs are prone to heart or joint conditions. There must be awareness of the potential maintenance costs for a buyer of dogs from breeds that have health issues. One gap that could be filled would focus on the buyer's knowledge and highlight best practice in how to source a puppy that will live a long and happy life.

The Convener: I still think that the situation is a bit bizarre. We all—in the public and not just the committee—would welcome anything to increase

public awareness about the rights and wrongs of buying a puppy, but it sounds as if the only gaps are in the current code of practice, and you have legislation in place that gives you powers to change that code of practice. The majority of the bill's other provisions would not force the Government to do anything, apart from those on registration, which you are against. I still worry that we are about to consider a bill when, without additional legislation, you already have the powers to address the concerns that you have raised.

Gillian Martin: That is a fair point. We could, of course, amend the existing code of practice, which would not require any legislation. I have heard animal welfare organisations say, in the committee and outwith it, that they would not want two codes of practice. I see their point, which I have some sympathy with.

At the same time, Ms Grahame's bill could shine an additional spotlight on the issues. Such organisations have said that advice for those who are adopting or buying dogs would help in getting the messages across to the public. Having a parliamentary bill to focus on that would provide that spotlight and allow dog purchasers to buy with confidence.

I have not yet mentioned the issues with adopting dogs from other countries. Good practice guidance on that is not in the current code of practice. It is up to the committee to decide whether legislation is required, but my view is that a bill could shine a spotlight.

The Convener: I question whether using the Parliament's time to deal with a bill under the legislative process is the best way to highlight or spotlight things—there are other ways to do that, and that is not the reason to introduce bills.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Minister, you and the convener have identified the need for education more generally around buying and selling a dog. What does the Scottish Government do at present to promote that education, and how do you see those activities relating to the code of practice proposed in the bill?

Gillian Martin: I can go through some of the things that we are already doing. For some time, we have had campaigns, and we have been working with other agencies on campaigns, particularly the one that highlighted the need for prospective buyers to see pups with their mother. The tagline was "Where's mum?"

The Scottish Government is doing other work in partnership with the United Kingdom Government and border agencies. I will run through some of those things. We have been part of a puppy trade working group led by the SSPCA, which has encouraged the sharing of intelligence between

enforcement agencies across the UK about illegal breeding and import and trade of puppies. His Majesty's Revenue and Customs is also part of that group, and we have been able to reclaim significant amounts of tax and undeclared income from puppy breeders and dealers.

That work has also enabled us to identify some of the people involved. It is a very lucrative business. It involves organised crime and the sort of people who are involved in other lucrative criminal enterprises. Of course, the product here is puppies. As we know—we have heard heartbreaking stories about it—a lot of those puppies do not live very long, and families are absolutely devastated and have no recourse. We do not know where those puppies come from. The buyers would not even know where those puppies were bred.

Therefore, there is all that work as well as the campaigns that we have been jointly involved in with the SSPCA. Members will know that those campaigns come to the Parliament every year. We have particular campaigns around Christmas time to highlight the fact that buying a puppy at Christmas is not the best idea and to shine a light on the “Adopt, don't shop” message, on which we work with the SSPCA. As we saw during the Covid lockdowns, a lot of people took on puppies but realised that the lifestyles that they went back to after Covid were not in line with caring for a dog. The shelters are chock-full of dogs that need homes.

Those are the aspects that we have concentrated on but, as I said, Christine Grahame's bill wants to shine a light on other areas of advice and campaigning that could reasonably help people to make informed choices about buying a puppy.

Ariane Burgess (Highlands and Islands) (Green): Good morning. I will follow on from Alasdair Allan's question. The charity Blue Cross says that a separate code of practice for those about to buy a dog, rather than on ownership itself, would complement the existing code of practice, as that would cover two different areas of dog ownership—namely, acquiring a dog and owning a dog. Is the Scottish Government supportive of producing guidance on responsibly acquiring, buying and selling a dog?

Gillian Martin: Yes, we absolutely are. I have alluded to certain areas in which there could usefully be more updated advice, particularly on the health issues associated with some breeds. The Kennel Club has been lobbying the UK and Scottish Governments on that, highlighting some of the health issues that are associated with dogs that are particularly fashionable at the time—they are on Instagram, influencers have them, and so on. We might smile, but they are influencers for a

reason. People might rush into buying a dog and find out a year down the line that the dog is seriously ill or has issues that mean that they have to pay an absolute fortune, month on month, for medication to keep the dog healthy, which they had not factored into their household budget.

09:15

With regard to the code of practice outlined in Ms Grahame's bill, I said in my opening statement that there are some areas in the bill that we would like to be amended, and we think that this particular provision is quite prescriptive at the moment. I believe that, where a code of practice is associated with legislation, the work on such a code should be done through consultation once the bill is passed. After all, you might well get views from a large range of stakeholders on what should be in it. As a result, I would not want a prescriptive provision in primary legislation tying us to a definitive code of practice, given that such a code might usefully cover other areas.

Ariane Burgess: Thanks for that.

You mentioned the Kennel Club. Our papers refer to its surveys in 2021, 2022 and 2023, which make it clear how bad the situation is and how things have just stayed the same. In that respect, I would be interested in hearing your response to a couple of things. First, given the continuing problems with puppies, why have ministers not brought forward a code through the powers under the Animal Health and Welfare (Scotland) Act 2006?

My second question is about amendments. I understand the general practice of trying not to put things into legislation, because of the need for flexibility or consultation, but I would imagine that Christine Grahame has already consulted on the elements that need to be in the bill. If the bill is not going to cover the kind of specifics that she is asking for, why not? What makes this issue so special? I guess that the question is connected to the one that I asked initially: why have ministers not brought forward something already?

Gillian Martin: Gosh! I am not entirely sure that I can answer that question. I have been responsible for animal welfare since June, by which point Ms Grahame's bill was well under way. I also know that a lot of members have raised dog ownership issues and that there have been other bills, petitions et cetera on the subject.

We have really just been concentrating on the campaigns that I have mentioned and which come off the back of our partnership work with organisations. We help to promote and fund such campaigns, and there is also what might be called the rolling work that we do on highlighting issues around dog ownership. We think that that has

been reasonably successful in raising public awareness.

As has been said, the code of practice has not been revised. Given that it came off the back of a piece of legislation in 2006 and was not enacted until 2009, I agree that it is time for a refresh. It is possible that, if Ms Grahame had not introduced the bill, we might have been looking at doing that work.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): It looks as though I am going to do this question to death, as it has already been asked twice by my colleagues. The feedback that we got from stakeholders was that the 2006 code needed to be updated and revised. Indeed, the Scottish Animal Welfare Commission suggested that a solution would be for Scottish ministers to introduce a revised code under the combined authority of the 2006 act. There has, therefore, been considerable evidence that Scottish ministers should consider the issue.

One area that has been discussed is whether we should consider using the mechanisms that are already in place. Given that the committee needs to come to a conclusion on Ms Grahame's bill, what are your views on using those existing mechanisms? Can you expand on some of the questions that have already been asked and reflect on the evidence that people have given?

Gillian Martin: I appreciate that Ms Hamilton wants to hammer home points that have already been made, but I am not entirely sure what I can usefully add to what I have already said. It is right to point out that the code of practice already exists, as do the powers to amend it under the 2006 act.

There is one thing to say about members' bills. I know that a few people around this table have introduced members' bills in the past; I certainly did when I was a back bencher. A member's bill can raise awareness of an issue and can have a campaign associated with it. It can shine a light on an issue that a member feels lacks awareness in society. I applaud members who do that, and this is one such case.

Rachael Hamilton: [*Inaudible.*]
—we consider and come to the recommendation that we believe that the code of practice under the 2006 act could be revised or updated. What happens after that? Would Scottish ministers respond in a more detailed fashion? I do not feel that the committee is able to make a decision on whether we need another code of practice at the moment. The code under the 2006 act provides a high level of parliamentary scrutiny, because, if it was revised, it would have to come back to the Parliament for consideration, but the code of practice under Ms Grahame's bill would not. Can you enlighten us or

even possibly commit to writing to us on what might happen if there was a recommendation from this committee to revise the code of practice under the 2006 act?

Gillian Martin: I would respond to any recommendation that the committee made to me. That is a general professional response. Any recommendation that the committee made, whether it took the form of a letter, a stage 1 report or communication from the convener, would get a response from me.

Rachael Hamilton: I am not trying to be cheeky; I am trying to establish in my own mind how we understand this process. It is ultimately up to you to decide whether the code of practice in the 2006 act could be revised, updated or amended to reflect the new content that some stakeholders are asking for.

Gillian Martin: What is in front of us right now is Ms Grahame's bill, which intends to introduce a new code of practice. It is up to the committee to decide whether to get behind Ms Grahame's ideas about having a new code of practice based on what is outlined in her draft bill, propose amendments to what is outlined in her draft bill, or take a different view on the revision of the existing code of practice. It is in the committee's gift to make that recommendation.

Rachael Hamilton: Let us be clear. You, as the minister in charge, believe that the content of the code of practice under the 2006 act could be updated, amended or revised.

Gillian Martin: It is not a belief; it is a statement of fact—it could be revised.

Rachael Hamilton: It needs to be.

Gillian Martin: A number of areas in dog welfare and the sale of puppies to the public could do with being in a code of practice—absolutely.

The Convener: Let us be clear. Given your concerns about the gaps in the current code of practice, which you have clearly stated in response to Alasdair Allan and Rachel Hamilton, if the committee decides not to recommend that Christine Grahame's bill go forward or that Parliament not vote for it at stage 1, do you commit to addressing the gaps in the current code of practice, which you have clearly laid out?

Gillian Martin: Convener, if I can—to use the words of Ms Hamilton—be a bit cheeky, I remind the committee that it is Ms Grahame's bill that is in front of us. Ms Grahame is in the room and wants to see her bill go forward. You are asking me to say, in effect, that we will do everything that Ms Grahame wants to do in her bill anyway without the need for her bill, so I do not think that that is a particularly fair question, although it may be a fair question for you to deliberate in private.

We have set out our support for the general principles of the bill, but we have also outlined areas where the bill could usefully be amended, and I will continue to do so during the session today if asked.

The Convener: I have the utmost respect for any member who introduces a member's bill, and I take my hat off to Christine Grahame for her attempts—successful and otherwise—with the bills that she has introduced over her time in this place. However, we, as a committee, must recognise resource capacity and prioritisation.

Given your statement and given that the Government's view is that you already have the powers to address almost everything that Ms Grahame's bill would address, I get the feeling that you see this as a public awareness exercise. You can already do those things under the existing powers—that is where our concern comes from.

Gillian Martin: I can see that.

The Convener: It is not about disrespecting Ms Grahame's bill; it is about seeking a means to an end.

Gillian Martin: You are asking me to commit to something outwith the confines of the bill. I would rather concentrate on our view on the bill as laid and the amendments that we might want to see.

The Convener: I still think that the question stands. If the bill does progress, given your comments about the concerns with and the gaps in the existing code of practice, will you commit to addressing those gaps through the powers that you already have?

Gillian Martin: I will commit to improving dog welfare wherever I can.

The Convener: Thank you. We have another question from Alasdair Allan.

Alasdair Allan: You have hinted at this, but what is your view on the fact that, under sections 2 to 4, a code of conduct is set out on the face of the bill? If, at some future stage, we were dealing with new breeds of dogs and new problems, what would be involved to amend that code of conduct?

Gillian Martin: Dr Allan, you have hit upon my issue with prescribing what should be in that code of practice. We would like to see amendments made to that provision. If we are too prescriptive about what is in a code of practice that is in a bill, we need secondary legislation to amend it as things change and go forward.

As I have said in my responses to other members, things do change. Trends change in dog ownership, breeding standards change, and different types of dogs with different issues come on the market. We see that all the time. People who are involved in the less-than-professional

aspect of puppy breeding are clever and able to do things to avoid detection. They are fleet of foot in any aspect of duping the public into thinking that they are responsible breeders. Therefore, notwithstanding that we have not revised the 2009 code, which is an issue for us to discuss, having a prescriptive code of practice in the bill would make it harder to change, because it would have to go through Parliament as secondary legislation.

Alasdair Allan: I am sure that all ministers come under pressure, particularly at stage 3 of legislation, to put all sorts of things on the face of a bill—that phrase is thrown around—but are you saying that putting everything with regard to the code of conduct on the face of the bill would not be helpful, in the Government's view?

Gillian Martin: I do not think that, in general, it is helpful to do that, because it means that there is not the flexibility to adapt to a changing circumstance of any type.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Good morning. You mentioned in your opening statement that the Government had identified some areas in which it might seek to amend the bill, and your memorandum specifies that. Can we unpack a little bit more the specific amendments that the Government would work with Christine Grahame on, particularly regarding tweaks to part 1?

09:30

Gillian Martin: I am probably about to repeat myself. The issue with part 1 is about the wording of any code of practice. At the moment, some of the wording looks directive rather than advisory. Not too much would be required in order to make that clearer.

Without putting words into Christine Grahame's mouth, I think that the intention behind part 1 of her bill is to be advisory rather than directive. In her policy memorandum, she has stated that she wants to achieve

"behavioural change, without placing formal ... obligations on the parties involved".

Some amendments are required to the wording, to make that clear.

I have already mentioned to other members the prescriptive content of the code of practice in the bill. I never feel that such a thing is particularly helpful. As has been mentioned, when things are on the face of the bill and circumstances change, that takes up parliamentary time. What we need in the bill is something that would not necessarily require adaptation but would have flexibility built in: a code of practice for X that could be added to and changed over time.

Kate Forbes: In summary, those are relatively minor points. Nothing is fundamental.

Gillian Martin: Another aspect is the code of practice being ready within six months of royal assent. I have talked about the code of practice in the bill not being prescriptive, and the most useful course of action when a bill is passed that requires a code of practice is for the code to go out for consultation again once the legislation has been passed. Six months is not enough time for that to be achieved. If the bill is to have the impact that Ms Grahame wants—we all know that she cares very much for the welfare of animals—the best thing to do is have a consultation that means that the code of practice is the best that it can be, and we would require more than six months for that.

The Convener: Minister, what is your understanding of the definition of a pet?

Gillian Martin: A pet is an animal that someone has in their domestic house, which they asked to be there and which is a member of their extended family, I suppose.

The Convener: What are your views on the bill's covering only pets—not other dogs, potentially?

Gillian Martin: Are you asking my view on the bill's not being applicable to working dogs that live outwith the home and are not classed as pets?

The Convener: Yes—or greyhounds, according to how some people view greyhounds.

Gillian Martin: Maybe that should be explored. My impression was that the bill is about the purchasing of all puppies, regardless of whether they will be a pet or whether they will necessarily be in someone's home. My understanding is that Ms Grahame's bill is about decisions on purchasing a puppy or a dog in general.

The Convener: Currently, it excludes working dogs.

Gillian Martin: Okay.

The Convener: Do you agree with that, or should working dogs be included?

Gillian Martin: I need to give that some more thought, because I had not really appreciated it.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Good morning, minister. We have had various engagement sessions with stakeholders, who have suggested that public awareness of the existing code of practice is low. How would the Scottish Government intend to effectively raise awareness of any new guidance that is required under the bill?

Gillian Martin: I have heard the evidence that the awareness of the code of practice is low. I

imagine that the general public has a low awareness of quite a lot of codes of practice that have resulted from legislation. They would have to go to a Government website. However, it is about the campaigns that happen off the back of those codes of practice, which I have alluded to.

Although we might not have a lot of people logging on to look at the 2009 code of practice, we have the awareness that has emanated from that as a result of the public campaigns that I mentioned, which involve the Scottish Government working with the SSPCA. The “Where's Mum?” campaign, the yearly campaigns that we are all aware of about buying puppies at Christmas time and the “Adopt, don't shop” campaigns all emanate from that code of practice.

I understand that people's awareness of the letter of the code of practice as it is written is probably not high. Let us face it—we are talking about the general public, who do not spend their time on Government websites. However, there is an awareness out there—very much so—of the importance of seeing puppies with their mother, of looking to adopt adult dogs rather than puppies and of what people need to consider ahead of taking a dog into their home if it is to fit in with their lifestyle. As I said, there is also more awareness of health conditions that are associated with dogs. That general awareness has come from campaigning that probably stemmed from the existing code of practice.

Jim Fairlie: The only campaign that I remember is “A dog is for life, not just for Christmas.” That is the only one that has stuck with me.

Gillian Martin: That just goes to show how effective it was.

Jim Fairlie: It shows how old I am, as well.

Gillian Martin: I was not going to say that. *[Laughter.]*

Jim Fairlie: The financial memorandum mentions £200,000 to £250,000 for an initial public awareness raising campaign. What is your view on those figures?

Gillian Martin: I do not have any concern about the figures in the financial memorandum associated with the campaign. I think that they are realistic and in line with those for similar campaigns.

The Convener: On that point, can you tell us what the Scottish Government's budget is for animal welfare regarding dogs at the moment?

Gillian Martin: I do not have that information in front of me. I do not know whether any of my officials has it. We can certainly write back to you with it.

The Convener: That would be helpful, because public awareness is a recurring theme—

Gillian Martin: It is a reasonable question, but I do not have that information in front of me.

The Convener: You mentioned the “Where’s Mum?” campaign, the Christmas campaigns and so on. It would be good to find out exactly what the Government’s contribution to those public awareness schemes is. If you could get back to us on that, that would be helpful.

Gillian Martin: We will do that.

Rachael Hamilton: I have a supplementary question that follows on from Jim Fairlie’s questions. Given what you said about public awareness, you must have concerns about the awareness of the code of practice under the 2006 act and how effective it is. If you create another code on top of that, will it not just have the same outcome? Failure to comply with the existing code is not an offence, so where is the carrot here? Would the proposed code not be duplication? Would it not just be for show?

Gillian Martin: I think that the carrot, as you put it, is about families and people who are buying dogs having good advice and knowing, when they buy a puppy from somewhere, that they have followed the best practice. It is about people having comfort that they have not participated in the perpetration of any kind of nefarious trade and that they have not bought, potentially, an ill puppy, because it is devastating for people when puppies become ill. That is the carrot.

I do not want to put words into Ms Grahame’s mouth, but I suppose that, from her point of view, the carrot is also that people who conform to the code when they sell puppies will have, almost, a kind of quality assurance associated with what they are doing.

Rachael Hamilton: The convener asked about the cost of the public awareness campaign. How much involvement have the Scottish ministers had in relation to the cost of the staffing for that? Were the figures provided by Ms Grahame? I cannot ask her directly about that.

Gillian Martin: Again, that is really a question for Ms Grahame, as she has come up with those figures. However, we have looked at them and they seem to be in line with figures for other campaigns of that sort. I imagine that the estimated cost—I cannot remember whether it is £200,000 or £250,000—takes into account the cost of the staffing associated with such a campaign and the materials involved. Given that those materials will probably be digital, we are talking mainly about staffing and creative costs.

Rachael Hamilton: Thank you.

Ariane Burgess: I want to come back to your remark about the prescriptive nature of the code. The provisions that Christine Grahame has included in sections 2 to 4 all seem to be fairly generic. I cannot imagine that there would be a problem with the proposed questions, because those are questions that any prospective owner would want to ask themselves, although we might want to change the provisions in section 4, on the certificate. It seems to me that what is laid out in sections 2 to 4 would be required, but section 5 provides that ministers may revise the code from time to time, as long as it continues to give effect to sections 2 to 4. Christine Grahame wants to ensure that the provisions of sections 2 to 4 will have a lasting life. Those provisions seem fairly generic in that they include fundamental things that we would want a code to include.

You said that the code of practice provisions are a bit prescriptive, but you also pointed to the six-month period for the code of practice to come into effect and the desire to go out to consultation again. I would be interested in hearing whether you would be open to the six-month period being amended and what sort of period you think would be appropriate.

Gillian Martin: We would certainly be open to an amendment that would double that time. As I said in response to Ms Forbes, we would support amendments that clarified that the provisions of sections 2 to 4 on the code of practice are advisory in nature rather than directive. I think that that is where we have an issue.

Ariane Burgess: So, it is a language issue.

Gillian Martin: Yes.

Ariane Burgess: That is helpful.

The Convener: I now bring in Christine Grahame.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Thank you, convener. I promise that I will not give evidence, although it is terribly tempting to do so. I shall have my day.

I want to challenge the minister on one or two things—you knew that I would. You said that the existing code of practice is functioning. If that code is effective, how is it that so many people are still buying online and puppy factory farms are still very successful?

Gillian Martin: I refer back to everything that I have said about the people who are perpetrating these less-than-optimum practices for puppy breeding. They are very clever people. Although you have great intentions with regard to what the bill might achieve, I worry about some aspects of it. I do not necessarily think that a code of practice

is the only tool in the box that we need to have in order to deal with the illegal puppy trade.

I have mentioned some of the work that has been done by the Scottish Government and other agencies as part of the group that has been set up. That involves working with HM Revenue and Customs, Border Force and other Administrations to tackle the organisations that are involved in the practices in question. I do not think that a code of practice will ever solve that problem.

However, I agree that we need to have a new set of guidance that enhances and improves people's awareness of some of the practices that are happening now and some of the issues that they should take into account when they are looking to buy or adopt a dog or a puppy. A new set of guidance will be helpful in that regard.

Will it solve the terrible situation that we see with puppies coming in from, in particular, Eastern Europe or Ireland that are, in effect, farmed in massive sheds that are like conveyor-belt factories? To do so will require working between Administrations, working with border forces and, as I have said, working with HMRC to identify the individuals who are making money from puppies and who are involved in organised crime. That task is a lot bigger than what you are proposing in your bill.

09:45

Christine Grahame: Do you accept that my intention with the bill is to try to tackle the very supply that you have named through education? Do you accept that that is what the bill is about? If we can educate people through provisions such as those in section 2, we will at least have a better go at preventing the misery that some puppies go through than by trying to do it by catching those individuals at the other end of the process.

Gillian Martin: That is why I am very supportive of part 1 of the bill, because it is about education.

Christine Grahame: On the existing code of practice, although I would dispute that people pay much attention to it, do you accept that, unlike the code of practice in my bill, it does not deal specifically with all the issues that are raised prior to acquiring a dog? I am not talking about issues that come up once someone gets a dog but issues that arise before they even get to that point, which might mean that they might not get one at all.

Gillian Martin: That is why I am supportive of the general principles of your bill. What is absolutely required is enhanced advice that could be given to people well ahead of having a puppy or a dog in their homes.

Christine Grahame: Codes of practice are not primary legislation, but, by putting such a code in

primary legislation, you can bed it into the public conscience that it is, to put it in common parlance, the law, whereas people do not see codes of practice as the law. Do you accept that?

Gillian Martin: We need to have a discussion about the wording around the bill and the code of practice, to address some of the concerns about advisory and directory. I get the wider point, and I have probably said something fairly similar to what you have just said, which is that, by having something in a bill such as this, it has left behind it.

Christine Grahame: I just have two more questions, and I am trying to be very pointed about them.

Minister, you referred to section 2(2) as being prescriptive; I will talk specifically to section 2(2)(a). You talked about different breeds of dog. I understand all about the breeds and how difficult it is when they are bred in certain ways, and I do not think that that section is prescriptive. It says:

“is the breed of dog suitable for you ... ?”,

which is very broad. It takes into account any changes in breeding that take place. If breeds come along that are fashionable and that are—to use a term that is perhaps controversial—deformed or have difficulties in breathing, walking or whatever, that is contained in the provision.

The provision asks, as I have said,

“is the breed of dog suitable for you ... ?”,

and it goes on to say:

“recognising that some breeds require more space, exercise and care than others”.

Does that encapsulate the concerns that you have raised about bulldog breeds such as—I can never say the word—Staffordshires and their difficulties with breathing and your point that people should consider all that before they take on such breeds?

I think that section 2(2)(a) is very broad and that it allows for future changes. I am just contesting your evidence.

Gillian Martin: I believe that tweaks are required to that part of the bill that would give real flexibility in the code of practice for unforeseen developments in that area and I am not entirely sure why Ms Grahame would not want that.

Christine Grahame: I will come in again briefly, because this is my only chance to do so. Nobody has mentioned the little certificate that is covered in section 4. Would the minister accept that putting that simple requirement in the bill will provide confirmation that both the person who is transferring the animal and the person who is acquiring it have read and understood the commitments that lie ahead?

Gillian Martin: Yes—I think that the requirement for a certificate is helpful and that it will focus minds. It is almost a psychological thing. If someone has to sign something in order to get a certificate, to show that they have had to think through some of the aspects of that, that would prompt reflection. I agree with the requirement, as people should very much be doing that already. They are making a commitment of up to about 15 years—they will have a living being in their house, which will require expense and attention and make a massive difference to their everyday life. The requirement for a certificate acts almost as a checklist, and I agree with that.

Christine Grahame: I have one final question, convener—I thank you for your tolerance. Has the minister seen my response to the Delegated Powers and Law Reform Committee regarding the code of practice and any revisions to it?

Gillian Martin: I probably have a copy of that in all the briefings that I have gone through in the past couple of days, Ms Grahame. Am I going to be tested on it?

Christine Grahame: I do not want to embarrass the minister, but I advise her that I have agreed with the DPLR Committee that the code can come forward for parliamentary scrutiny. I do not know whether this committee has seen that. It is a shame that you do not have it either, minister, because that issue has already been resolved.

I have no further questions, convener—well, I have a lot more, but I am taking up a lot of time.

The Convener: Thank you, Ms Grahame. I understand that the DPLR Committee has not yet reported on the bill, so we have yet to see that.

Before we move on from the code of conduct—the code of practice; I beg your pardon—I note that the minister talked about the bill as a method of raising awareness. We could say that the bill has been a means to an end; it has resulted in the committee considering something that we probably would not have scheduled otherwise, so it has already achieved something.

There is a code of practice, minister, and, as a committee, we have held you to account over that. That has highlighted that there are gaps in the code of practice. Given that the welfare of dogs is your responsibility, why do you not simply change the code of practice? We can then all go home happy that the ultimate aim of Christine Grahame's bill has been achieved.

Gillian Martin: That could be your recommendation, convener. The committee will have to discuss how it views Ms Grahame's bill and put all those questions to her when she comes before you. You will be reporting on the bill,

and we will have a debate, at stage 1, and that could be the committee's view.

The Convener: That could be one of the solutions.

Gillian Martin: You know how these things work, Mr Carson—you have been doing it long enough.

The Convener: Thank you.

We now move on to the registration of unlicensed litters, with a question from Beatrice Wishart.

Beatrice Wishart (Shetland Islands) (LD): Good morning. Given that organisations such as the Dogs Trust and the Battersea Dogs & Cats Home agree with the idea of registering litters from breeders below the current licensing threshold, perhaps the minister could explain why the Scottish Government disagrees with the need for that.

Gillian Martin: There are a couple of things to say in response to that. In 2021, we made changes to that process, and I have to give Christine Grahame credit for prompting that. Initially, Ms Grahame was looking at doing work on the welfare of dogs. Changes were proposed with regard to the breeding of three litters and upwards a year needing to be licensed and registered, and that was a good move—that has really made a difference to the whole regime.

These are my issues. There will be families and individuals whose pet dog will have one litter or perhaps they have another dog that has a second litter, or whatever. That is not necessarily a breeding business. That is a family whose dog has had a litter, and I do not think that it can be classed in the same way as a business.

My main issue is that local authorities already have responsibility for licensed breeders that can breed three litters and above. To add a register for unlicensed breeders would add too much of a burden, and I am not convinced about what it would achieve for animal welfare.

There are also responsible people in this situation who will apply when they have a litter, whereas irresponsible people will not. How can local authorities enforce that? The personnel power that would be needed for that is unquantifiable. How would the people be identified and quantified? Again, we are talking about what is probably a domestic situation.

Karen Adam made a good point in an earlier meeting. Mistakes happen, not to put too fine a point on it, and, all of a sudden, you might find that your unneutered dog is having puppies in your kitchen at 4 in the morning. You might not have the wherewithal or the time for that and, all of a

sudden, you have to be licensed as a dog breeder. That is onerous and probably unmanageable from local authorities' point of view at a time when they are stretched and finding it difficult to provide the services that they already provide.

To be fair to Ms Grahame, the policy memorandum recognised the enforcement burden on local authorities, but there is also a cost to establishing and maintaining such a register and the personnel who would enforce it. I just do not see how it would be workable.

That is my reason for my support of the general principles of the bill, particularly around education of the buyer and so on, but I am not convinced that the registration of unlicensed breeders is needed, that it would have an effect and that it would be workable.

Beatrice Wishart: My second question was going to be about local authority resources, but you have answered that, so I will leave it there.

The Convener: Alasdair Allan, do you have a supplementary question?

Alasdair Allan: Yes, thank you, convener. I appreciate that we are asking a lot of questions about a bill that is not yours, minister, but I am keen to know your view about the efficacy of a registration scheme, the costs associated with maintaining it and who would update it.

Gillian Martin: My understanding is that the updating and everything else to do with the register would fall to the local authority. I have in front of me the estimated costs. The cost of setting up the register is estimated to be about £20,000—I presume that that is for every local authority to set up a database—and the maintenance of that is estimated to cost about £16,000 a year. I see that as only part of the costs—there would also be the cost of enforcement in relation to people registering.

There is another issue to consider. I worry that being on a register would almost act as a false kite mark for the puppies and the breeder. It does not have much in the way of responsibilities associated with it. It does not come with any of the conditions that licensed breeders have to meet, around inspection and other animal welfare concerns.

10:00

Going back to our concerns about the individuals and organisations that are involved in puppy trafficking, I worry that, if there is a public register, families with a dog might be targeted by those people as a front for their operations. We have already seen that sort of thing before with puppies being brought in from outwith Scotland or the UK; there have been cases of people renting,

say, Airbnbs and finding a bitch there that is not, in fact, the mother of those puppies. People come to what they think is a family home, when it is not.

Potentially—this is just a niggle that I have—such a register could act almost as a kite mark type of front that would add legitimacy to something that was otherwise not legitimate. That is just a little worry that I have about this.

Alasdair Allan: Thank you, minister.

The Convener: We now have a question from Karen Adam.

Karen Adam (Banffshire and Buchan Coast) (SNP): Good morning, minister. My question is in two parts. First—you have probably touched on this already—does the Scottish Government agree that there is a need for greater traceability and oversight of the selling of puppies in general?

Gillian Martin: There are a couple of things that I would say in response to that. First, going back to the issues that we have described with regard to the illegal puppy trafficking trade, I would point to a number of things that are being done UK-wide as well as in Scotland on the traceability of puppies. For example, it is the owner's responsibility, by law, to get their dog microchipped, and one possibility might be to adapt microchipping databases to cover more than just the owner's address. Initially, microchipping was about being able to trace lost pets, whereas now it is more about traceability. Should databases contain information about breeders? Could they? Would that necessarily add anything? Again, these illegal organisations are very clever at circumventing such things. In any case, though, there are already multiple databases for microchipped dogs, and there is good awareness in that respect.

Of course, with pedigree dogs, there is additional administration in the form of Kennel Club certificates. Anyone who buys a pedigree dog or who responds to an advertisement for a pedigree dog would be very silly indeed if they bought the dog without seeing its Kennel Club registration. I think that there is decent public awareness of that. If someone is going to spend upwards of £1,000 on, say, a King Charles spaniel puppy, it would be very silly if they came away without the associated documentation that told them about its parents and grandparents—that is, the kind of registration that we already have. There is already a traceability element in that respect. Of course, that does not cover all dogs; not all dogs are Kennel Club registered, and, indeed, people will buy dogs that are not KC registered, too.

Dog breeding is licensed under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. I have already

mentioned the situation for those with three-plus litters, which means that they are effectively breeding businesses and as a result, they have to be registered and licensed. There is quite a lot of information there.

Moreover—and I just want to look this up first, because I do not want to get it wrong—there was the Animal Welfare (Kept Animals) Bill that the UK Government introduced. The Scottish Parliament gave that bill legislative consent in January 2022. The bill proposed to set an age limit on puppies for import; those below a certain age would not be able to be imported. That would have added to traceability, but, unfortunately, the bill was dropped, although I believe that the provisions could come back in a private member's bill next year. I would welcome that, and I hope that the Parliament would give legislative consent again, as that would be another tool in the box.

Part of the problem that Ms Grahame's bill is trying to address is the importing of puppies from parts of the world that do not have the strict regulations that this country has. Such provisions would be a welcome step that would also add traceability.

Karen Adam: That is helpful. Is there anything in the bill to tackle the traceability issues and provide oversight of the puppy trade? If not, what is already in the toolbox?

Gillian Martin: There are a number of points. Would the bill solve the problem that we are all wrestling with? No. Would it increase public awareness of good practice, to ensure that buyers came away with a healthy puppy, were ready for dog ownership, would be a responsible dog owner and would make a responsible choice? Yes, I think so.

Karen Adam: That is helpful. Thank you.

Alasdair Allan: What is the Government's understanding of how the register would be publicly accessed? Does that take us into the realms of data protection law? How would people view that data?

Gillian Martin: I ask you to give me a moment. You ask about how data protection would apply, whether the register would be public and what would be available for anybody to look at on the register. You will have the opportunity to ask Ms Grahame how she sees the register functioning, but what would be there for the public to access is one question.

What would a person who wanted to buy a puppy from somebody see on the register? What would show them that they were making a responsible purchase, that the puppy had had its welfare looked after and that they could trust

where the puppy had come from? The register would probably have relatively little on that.

The bill asks for names and addresses to be on the register but, even with that, I come back to my little niggle about making available on a public register information about people whose dog could have had just one litter. I worry that they could be targeted by people who might offer them money to act as a front for activities. That is what I worry about most.

The Convener: You have concerns about the information being publicly available. If it was not publicly available, how would the register work?

Gillian Martin: That is a good question. To be honest, we are not sold on part 2 of the bill. Would a register of unlicensed individuals whose pet dogs have had a litter of puppies do anything for animal welfare? I am not convinced about that.

The Convener: In effect, you do not see how a register could work.

Gillian Martin: I am concerned about what a register would achieve. Before my time as the minister, the Government looked at the question. Maybe Andrew Voas can step in and help me, because he was involved in that. When the Scottish Government looked at the issue, it was decided that such a register would be disproportionately expensive given what it would achieve in addressing animal welfare concerns. I will bring in Andrew Voas, who was involved in that.

Andrew Voas (Scottish Government): We had discussions with stakeholders when we were preparing for the licensing legislation that we introduced a few years ago and we explored the options, one of which was having a two-tier system in which we would have registration for people who had one or two litters and licensing for those who had three or more.

It became apparent that there was a lot of confusion about the difference between registration and licensing. The basic registration requirement simply requires someone to give their name. That might not be on a public register; it might just be a number where the local authority keeps their details. The public cannot just see a number, so there are then issues about checking. Licensing comes with stringent conditions about how the accommodation for the dogs should be constructed and how bitches should be looked after, as well as restrictions on how they are bred. Those conditions come with inspections by local authority inspectors and periodic renewal of the license, so it is a stringent protocol.

There is clearly room for confusion for the general public, who would not necessarily understand the difference between a simple

registration requirement and a much more substantial licensing requirement. As the minister explained, we also had concerns about proportionality and putting an enforcement burden on local authorities. Comparisons were made with the dog licence, which used to be a general requirement but was dropped in the 1980s because it was not being enforced. Basically, it was such a low amount that the local authorities did not enforce it.

We came to the opinion that, although there are potential advantages to registration, overall, it is not a proportionate burden for local authorities. That is why we did not introduce it through that licensing legislation.

Gillian Martin: While Andrew Voas was speaking, I was able to locate what I wanted to bring to the answer on fraudulent and unlicensed breeders.

A register of the type proposed in the bill would not prevent puppies from being sourced from unlicensed breeders but it could confuse the public or provide false assurance to them because there might be confusion with licensed breeders who have fulfilled all the conditions for their licences. If someone in a house in a certain street with one litter—just a domestic situation—was on a register, they could be confused with a licensed breeder in the public's mind because of a confusion about what the two registers mean. That is a concern.

The Convener: Given the arguments that you and Andrew Voas made—that you cannot see how registration can work in practice and that it would cause confusion—will you seek to remove that section by amendment if the bill proceeds to stage 2?

Gillian Martin: I think so, yes.

Rachael Hamilton: Does that affect the part of the bill that says that an unlicensed operator could advertise?

Gillian Martin: The part of the bill that says an unlicensed operator could do what?

Rachael Hamilton: I wish that I could ask Christine Grahame to clarify my understanding.

Gillian Martin: You might have to wait a couple of weeks.

Rachael Hamilton: Would that provision not be relevant either?

Gillian Martin: Perhaps you should save that question for Christine Grahame. I do not want to tell you what to do, Ms Hamilton, but it might have implications. That is for you to decide. I have set out some of the reasons for our reticence about the registration provisions in part 2 of the bill. However, the committee might take a different view.

Rachael Hamilton: The reason why I highlight that is that a lot of the problem surrounds unlicensed people advertising on Facebook, for example. There was an uptick in online sales in 2019, which reflected that problem. If part 2 is not taken forward, the advertising provisions, which are included in it, will not be either.

10:15

The Convener: To continue on that theme, Alasdair Allan has a question on resources.

Alasdair Allan: It has been put to the committee that enforcing the register would have resource implications. Again, I appreciate that this is not your bill, but what is your understanding of what resources might be required for enforcement? What is the cost-benefit analysis, and how would enforcement of the bill relate to enforcement of any existing measures?

Gillian Martin: I have thought about that question. That is one of the most difficult things to put a number on, because it would depend on the local authority. Think about the resource implications for the Highlands and Islands compared with Clackmannanshire or another small geographical area with fewer people. What increase in personnel would be required if it was expanded to the unlicensed breeders that we are talking about? What boots on the ground would be required on your patch? What transport costs would there be? It is a difficult thing to quantify. You would probably get a different answer from every local authority that you asked. Some might think that they needed another full-time equivalent person in the animal welfare team, and some might be able to absorb the resource implications. I do not have a definitive answer to that question, because every local authority would have a different answer.

Ariane Burgess: I heard your concerns about the registration scheme. We have heard from stakeholders that a system of regulation to cover all litters is welcome, but that it would have to sit alongside a user-friendly, easily accessible, centralised and transparent register of anyone breeding and selling dogs in order to be easily enforced. I heard your concerns about names and addresses, but what came up at our previous evidence session related to the centralised nature of the scheme and that it would be good to be able to cross-reference on a national basis.

Gillian Martin: The question for the member who has introduced the bill is whether she is looking at 32 registers that feed into one central database. How would that work? How would they speak to one another? You could be travelling from one local authority area to another to buy a dog—most people do, because they go to where

the dog that they want to purchase is. You would want all those databases to speak to one another.

The Convener: I now bring in Christine Grahame for questions on the registration scheme.

Christine Grahame: Thank you, convener. That is very kind. Do you accept, minister, that I have, from the previous bill that I proposed but did not proceed with because of the pressures of Covid, moved from providing for a mandatory regulatory scheme to making it a discretionary chance for the Government to introduce it? That is explained in the explanatory notes. With current inflationary pressures and everything else, I understand that we do not want to burden national or local government, so the scheme is discretionary.

Gillian Martin: I accept that. On part 2, you are right—it is a suggestion. However, we already have the powers to put a register in place under previous legislation. I agree with you that the wording of part 2 does not mean that a register would have to happen; you just want the ability for it to happen. I hope that I have outlined some concerns that you might want to address when you give evidence and as you take the bill forward.

Christine Grahame: I will move on. I accept that you can have a register, but the bill tries to specify some things in that register. Section 8(3) states:

“The Scottish Ministers may by regulations make provision”.

It is fairly flexible for Government and leaves it in the current context.

I accept the data protection issues, and have thought about all that. The wording of section 8(4)(g) is:

“provision for or in connection with public or other access to registration information”.

Do you accept that the Government has far more resources at hand than I have to consider the legal requirements for a register to give data protection cover, if I can put it in that way, to the transferrer and the transferee?

Gillian Martin: Potentially, Ms Grahame, but it is your bill and you have to answer the questions on what information you would like to see in some kind of register. I go back to the question, which I think was asked by Dr Allan, about what information the public register could usefully include that would help buyers to know anything about the puppies, the home or the breeder. What would the registration of those individuals mean in terms of animal welfare? What comfort could buyers take from the existence of the register?

Christine Grahame: What would precede that is compliance with the code that I am trying to put

into primary legislation, which involves people considering whether they have got the right breed, et cetera. That would all have to be done in advance.

I refer you to paragraph 80 of the policy memorandum, which says:

“Scottish Ministers will be able to make provision regarding public or other access to the register.”

I will not read out the whole paragraph, but further on it says:

“It is envisaged that specified third parties such as animal welfare officers and animal welfare organisations might be given access to the register information in order to enable them to fulfil their enforcement roles.”

It is seen as almost a two-tier thing.

Somebody may pretend that they have a litter of puppies because there has been an accident with their bitch, but if there was a sequence of numerous unlicensed litters, alerts would be put out. Do you accept that it would be possible to have some limited information available to the public—I understand the need to protect people—and for legitimate charitable organisations such as the SSPCA, the Dogs Trust and Blue Cross to have access to another level of information in order to enable them to detect whether there is covert criminal activity?

Gillian Martin: Of course. I accept that any additional information could help any organisation that is involved in enforcement to join the dots.

Christine Grahame: I turn to the final thing that I want to raise. Thank you for your tolerance, convener—you are well known for it. How bloody condescending of me to say that! I do not want to patronise you. *[Laughter.]*

It is interesting that the minister mentioned the multiple providers of microchipping information. That has been a bugbear of mine for a long time. Why is it that we have come so far down the road but we do not have a central Scottish register of microchipped puppies, even though that has been promised? If we had that, we could add the registration information that we have been discussing and also whether owners have been issued with dog control notices under the Control of Dogs (Scotland) Act 2010. It seems to me that this area is begging for a joining up of the dots, to use the minister’s favourite phrase.

Will you pursue the creation of a central Scottish database with the minister who is responsible, whether it is the Minister for Victims and Community Safety or another minister? The information is out there. It is just not centralised.

Gillian Martin: Because that is not in the bill, it is not something that I have necessarily an answer to—

The Convener: Minister, I am very tolerant, as Christine Grahame suggested, and I did not have high expectations about how timekeeping would go this morning, but that is outwith the realm of the bill, so I do not think that you need to answer it.

Christine Grahame: The only reason that I raised it, convener, is because the minister raised it.

The Convener: Feel free to respond, minister.

Gillian Martin: I will finish my response. If that had been put into the bill, we could have addressed it.

The Convener: Okay. That may be something that we can consider.

We will move on to our final set of questions, which are on enforcement.

Kate Forbes: This fairly simple question is based on a question that I put to our stakeholders. On the one hand, Governments and decision makers are always inclined to improve behaviour by regulating it further, but one of the risks of bringing more people into better regulation is that it can push bad behaviour further underground. With the greater costs at various points of the process, how do you ensure that enforcement is targeted not only at those who are reachable, but at those who might be most inclined to engage in even worse practices in the darkness?

Gillian Martin: That is a key question. As I was listening to it, I was thinking about two things. On the one hand—as with quite a lot of this bill—the responsible people will sign up, but the question is: how can we find the people who do not? I do not know—it is impossible.

The other unintended consequence is that if people think that there might be penalties associated with not registering, they might not seek veterinary assistance. What if a household gets caught out and finds itself with a litter? They might want to move the litter on to people whom they know, advertise or whatever, but they might also be worried about the expense of everything else involved. If they cannot afford that, they might worry that, when they take the puppies to the vet for a check-up, the vet might phone the council to say that they are not registered.

It is a complex issue. We have to take into account the fact that we are not talking about people who are breeding for an income; after all, having up to two litters is not a business. We are probably talking about families who are going through a once or twice-in-a-lifetime experience. They might want to let their dog have a litter and to sell the puppies to people in their community whom they might know. Should they then have to do this onerous task? Perhaps I should take away the word onerous, as Christine Grahame is not

suggesting anything onerous, but what does it really achieve?

The other question that I keep coming back to is this: does being on a register give some kind of false legitimacy to the welfare issues around puppies? That is a worry, too.

Kate Forbes: At the risk of giving evidence and not asking a question, I would just say that the advantage of simplicity is that it attracts more people, but if the registration system is overly simple, people might not take it seriously.

Gillian Martin: I could not have put it better.

The Convener: Christine Grahame, do you have any further questions?

Christine Grahame: Just to go back to compliance, this is, as we all know, very discretionary—it is not mandatory. For example, section 10(1) says:

“The Scottish Ministers may by regulations make provision for or in connection with securing compliance with regulations”.

Also, you are worried about people inadvertently ending up being caught up in some proceedings, given a fine or something, but section 10(2)(b) recommends that

“That provision may in particular include ... provision for the enforcement other than by way of proceedings for an offence of any provision of the regulations”.

Does the minister accept that, if all that was given was a warning to somebody that they should have had a puppy registered, it could leave things open for somebody masquerading as an innocent person who has been caught out who is actually either being used by criminal gangs or part of a criminal gang?

We must accept that there are options other than by way of proceedings. As I have said, the regulations are for the Government—they are just guidance for it.

Gillian Martin: I accept that, but I come back to our issues with part 2, which are to do with what it will actually achieve with regard to animal welfare.

Christine Grahame: My final question is about section 11. You asked how we know that what we are proposing will work. Would you accept that section 11 will improve public awareness and understanding of the relevant regulatory regimes? Its purpose is to ensure that people understand that the supplying of a dog that is less than 12 months old requires

“registration under regulations made under section 8”?

Do you accept that, in the context of the entire bill, the purpose of section 11 is not about raising awareness before registration is required, but about ensuring that, if we were to proceed with

registration, the public would be aware that there was a registration scheme and that it would, in a way, be for the public to police it? If someone was not registered, people could check that out.

Gillian Martin: I do not really know what to say to that. Are you expecting members of the public to phone up and identify neighbours with a litter of puppies?

Christine Grahame: It would depend on what was on the database. I put it to you that, if there were no registration number, they would not proceed, because it would be a requirement in law that the puppy or dog be registered. They would say, "It's not registered. What's that all about?"

The Convener: I, too, have a final question. We understand that the Government supports the general principles of the bill. Other than education and public awareness, which we do not need legislation in order to provide, what significant policy will the bill put in place, if it goes through Parliament?

Gillian Martin: That depends on the shape or form in which the bill goes through Parliament. There are two parts to it. If it goes through in its current form, there will be a registration system for unlicensed breeders and—

The Convener: I am sorry to interrupt. What significant improvement would you welcome that the bill, if passed in its current form, would bring?

Gillian Martin: It would be a code of practice that was targeted and focused on buying decisions and the provision of advice to people who were considering getting a puppy or a dog.

The Convener: Okay, but you already have the powers to provide that.

Gillian Martin: Convener, that is a statement rather than a question.

The Convener: Absolutely.

I thank the minister and her colleagues for their time and for what has been a very useful session. That concludes our business in public.

10:32

Meeting continued in private until 12:13.

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