

Rural Affairs and Islands Committee

30th Meeting, 2023 (Session 6), Wednesday, 22 November

Welfare of Dogs (Scotland) Bill

Introduction

1. This paper supports the Committee's third evidence-taking session as part of its scrutiny of the Welfare of Dogs (Scotland) Bill.
2. The [Welfare of Dogs \(Scotland\) Bill](#) was introduced on 20 June 2023 and the RAI Committee has been designated lead committee for Stage 1 scrutiny of the Bill.

The Bill

3. The policy memorandum states the aim of the Bill is to improve the health and wellbeing of dogs throughout their lives, by establishing a more responsible and informed approach to acquiring and owning a dog; and by making provision for regulating the sale or transfer of puppies from unlicensed litters.
4. The Bill consists of 14 sections arranged in three parts. Part 1 would require the Scottish Ministers to make a code of practice to set out good practice in the buying, selling and giving away of puppies and dogs of any age. The code would also require a certificate to be signed after a dog has been sold/transferred to confirm the code of practice has been followed. Part 2 would give the Scottish Ministers the power to make regulations to set up a register of unlicensed litters. Part 3 consists of general provisions.
5. [More information on the Bill is provided in the SPICe bill briefing.](#)

Written evidence

6. The Committee issued a six-week call for views over summer recess from 30 June until 11 August. The call for views included a questionnaire for the general public and a more detailed survey for stakeholder organisations. The Committee received 95 responses to the questionnaire and 23 responses to the survey.
7. [A complete list of the survey responses is available on the Committee's website.](#) In addition, [a summary of the survey responses has been produced by SPICe and is available on the Committee's website.](#)

8. [A summary of the responses to the questionnaire has been produced by PACT and is available on the Committee's website.](#)
9. On 14 November 2023, Christine Grahame MSP wrote to the Scottish Government setting out her reflections on the evidence provided by the Minister for Energy and Environment to the Committee on 25 October 2023. The letter is reproduced in **Annexe A**.

Oral evidence

10. The agreed timetable for oral evidence is—

20 September	Roundtable evidence session with stakeholder organisations
25 October	Evidence session Minister and Scottish Government officials
22 November	Evidence session with the Member responsible for the Bill (Christine Grahame MSP) and officials from the NGBU

**Rural Affairs and Islands Committee clerks
November 2023**

Letter from Christine Grahame MSP to the Minister for Energy and the Environment, 14 November 2023

I have been reflecting on the evidence you gave to the Rural Affairs and Islands Committee on 25 October 2023. I very much welcome the Scottish Government's support for Part 1 of the Bill which would establish a Code of Practice and a certificate. This would be distinct from existing material in numerous ways, including the fact that it is targeted at the cohort of people yet to buy a dog. The certificate would establish a whole new process where prospective owners actively consider whether they can provide all of the key conditions for healthy dog ownership and also consider whether the dog is coming from a reputable source (for example always seeking to see a puppy with its mother).

The potential to improve someone's understanding of the responsibility of owning a dog in advance of purchasing one would be a valuable contribution to the ongoing work you set out in evidence that is seeking to improve dog welfare and to reduce the operation of the illegal puppy farming trade in Scotland. The process of considering questions in the certificate and signing it, which I consider a key element of Part 1, would as you stated in evidence be:

“...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.”

Turning to Part 2, I have reflected on your evidence including the number and range of concerns you have in relation to whether the registration system set out in Part 2 is: workable; a proportionate response; affordable at present; and would have sufficient long-term benefits to justify it. I also noted your concerns that there could be cause for confusion for buyers between the register of reputable breeders and the register of unlicensed litters.

You confirmed to the Committee the Government's intention to seek to remove Part 2 of the Bill at Stage 2. The value of the policy set out in Part 2 is traceability and transparency of where an advertised puppy is coming from. Those are the key benefits of Part 2 from my perspective, the ability to trace every dog through for example every advert for a dog requiring to reflect a breeder licence number or an unlicensed litter number, and having one database where a person wishing to acquire a puppy can search for the name of the first owner, registration number and puppy details. I believe this would benefit those seeking to enforce dog welfare measures and aid buyers seeking to ensure the dog they are buying is from a reputable source.

That said, I was very interested in your comments in evidence in relation to microchipping as an alternative approach to achieving these benefits including your statement that “Initially, microchipping was about being able to trace lost pets, whereas now it is more about traceability”. Traceability through microchipping is something I have passionately supported for a long time and appreciate the benefits it could bring.

[The Microchipping of Dogs \(Scotland\) Regulations 2016](#), established that the ‘keeper’ of the bitch that gave birth to a puppy must not transfer the puppy until it has been microchipped. The associated details that must be recorded on a microchip database are extensive under the regulations (reproduced in the annexe for ease of reference).

It has long appeared to me to be a logical next step to establish a central database where these details are available to prospective buyers. Notwithstanding the work required to establish a workable system, would the Scottish Government be supportive in principle to developing a means of improving traceability of every puppy that is sold or given away in Scotland, based on the existing legal requirement to microchip every dog in Scotland?

In addition to an indication as to whether the Government would be supportive of such an approach, I would also be very grateful for any details of ongoing work by the Government in this area. For example, would the Government support, and has it explored the potential for, a UK wide system to improve traceability on a UK wide basis which would remove the potential for cross border issues?

If the benefits I associate with Part 2 are intended to be delivered through the existing microchipping system, I would be amenable to supporting this as a viable alternative to progressing with Part 2 of the Bill. I am also hugely committed to protecting the progress of the policy set out in Part 1.

I am copying the Committee into this letter as it is absolutely for the Committee to assess the evidence received on this Bill and base its deliberations at Stage 1 upon that evidence. On that basis I should be grateful if you could also copy your response to the Committee.

I am also going to issue a copy of this letter to all key stakeholders such as animal welfare organisations that have contributed to the policy development behind the Bill including Part 2. I will also issue this letter to all the many stakeholders who have expressed their support for the Bill, including Part 2, in their written and oral evidence to the Committee.

Extract of the Microchipping of Dogs (Scotland) Regulations 2016

Provision 7 - Details to be recorded on databases

7. The details to be recorded on a database are—

- (a) the full name and address of the keeper of the dog;
- (b) the contact telephone number (if any) of the keeper of the dog;
- (c) the e-mail address (if any) of the keeper of the dog;
- (d) where applicable, the fact that the keeper of the dog is also a breeder;
- (e) where applicable, the fact that the keeper of the dog is a person who holds a breeding licence granted under section 1(2) of the Breeding of Dogs Act 1973(1) and, if so—
 - (i) the name of the local authority which issued the breeder's licence; and
 - (ii) the breeder's licence number or code (if any);
- (f) where applicable, the fact that the keeper of the dog is licensed by a local authority under the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009(2) and, if so—
 - (i) the number of the animal dealing licence (if any); and
 - (ii) the name of the local authority which issued the animal dealing licence;
- (g) the sex of the dog;
- (h) the breed of the dog, or a description if it is a cross-breed;
- (i) the colour of the dog;
- (j) the most accurate estimate of the dog's date of birth which the keeper of the dog is capable of giving;
- (k) the unique number of the compliant microchip implanted in the dog; and
- (l) where applicable, the name or identification number given to the dog.