

## Stage 1 Briefing

### Dog Theft (Scotland) Bill

September 2025



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## Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Dog Theft (Scotland) Bill<sup>1</sup> is a Members Bill which was introduced by Maurice Golden MSP on 17 February 2025. We submitted written evidence on the Bill to the Rural Affairs and Islands Committee in March 2025<sup>2</sup> and provided oral evidence as part of the Committee's Stage 1 consideration of the Bill 26 March 2025.

The Rural Affairs and Islands Committee's stage 1 report on the Bill<sup>3</sup> was published on 2 July 2025.

We welcome the opportunity to consider and provide comment for the benefit of MSPs ahead the Stage 1 debate scheduled to take place in the Scottish Parliament on 2 October 2025.

## General Comments

The relationship between dogs and their owners usually involves a strong emotional bound. Dogs are considered by many as members of their families and are crucial in providing support to the most vulnerable in our society<sup>4</sup>. Dog theft incidents can produce significant negative impacts for both owners and animals<sup>5</sup>. It is a matter for the Parliament to consider if a standalone offence would be the best option to address those incidents in the future.

As we indicated in our [written evidence](#) presented before the Rural Affairs and Islands Committee in March 2025, we have a neutral view on the creation of a standalone offence of dog theft in Scotland. We see merit in the Bill's policy

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<sup>1</sup> <https://www.parliament.scot/bills-and-laws/bills/s6/dog-theft-scotland-bill>

<sup>2</sup> <https://www.lawscot.org.uk/media/fyzngur0/25-03-11-crim-dog-theft-s-bill-written-evidence.pdf>

<sup>3</sup> <https://bprcdn.parliament.scot/published/RAI/2025/7/2/bf17f036-7cbf-45f1-b50f-b701ea1d083d/RAIS062025R7.pdf>

<sup>4</sup> Letter from Maurice Golden MSP to the Convener of the Rural Affairs and Island Committee of 18 April 2025 – [parliament.scot](#)

<sup>5</sup> Oral evidence session of Dr Paula Boyden from the Dogs Trust – 11<sup>th</sup> Meeting, session 6 of the Rural Affairs Committee, 26 May 2025 – [parliament.scot](#)

intentions, which seem to be supported by a significant proportion of the consultation stage responses<sup>6</sup>.

However, we are unsure that the proposed legislation is required. Theft is already an offence under the common law, defined as “to appropriate moveable, corporeal things belonging to another person, without the consent of that person, where the accused knows that those things belongs to another and intends to deprive the owner of their use permanently, indefinitely or (in certain circumstances) temporarily”<sup>7</sup>. This offence can be used to prosecute dog theft incidents.

Judges in Scotland have the tools to assess and sanction appropriately dog theft offences, considering the harm that such behaviours may cause to the animal's welfare and the dog's owners and family. The sentencing process guideline, effective from 22 September 2021, contains a “sequence of actions or ‘steps’ which courts should follow in order to reach a sentencing decision, including some of the factors which may be taken into account”<sup>8</sup>. The guideline considers factors such as the harm caused by the offence and aggravators that should be reflected in sentencing not only theft, but all offences in Scotland. We consider that many of the concerns expressed by relevant stakeholders are already addressed by the Scottish Sentencing Council's guideline.

## Comments on sections of the Bill

### Section 1

Section 1(1) defines the offence of dog theft as taking a dog so as to remove it from the lawful control of any person, or keeping a dog so as to keep it from the lawful control of any person who is entitled to have lawful control of it.

The proposed offence was drafted considering the definitions provided in the Pet Abduction Act 2024<sup>9</sup>. Scotland is the only UK jurisdiction that does not have a standalone offence for dog theft cases. However, we note that the offence introduced by the Pet Abduction Act 2024 covers not only dogs but also cats and, potentially, other animals that are usually kept as pets. We are of the view that a consistent approach between all UK jurisdictions may contribute to reducing confusion. In addition, we consider that the policy intentions that support the Bill<sup>10</sup> are also applicable to other animals that are commonly kept as pets.

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<sup>6</sup> According to the Summary of Consultation Responses published by Maurice Golden MSP, 93% were fully supportive of the draft proposal of the Bill and 4% partially supported. The full report is available at [parliament.scot](https://parliament.scot)

<sup>7</sup> Timothy H Jones and Ian Taggart Criminal Law (7th edn W Green 2018) 10-02.

<sup>8</sup> Scottish Sentencing Council – The sentencing process guideline – [scottishsentencingcouncil.org.uk](https://scottishsentencingcouncil.org.uk)

<sup>9</sup> Pet Abduction Act 2024 – [legislation.gov.uk](https://legislation.gov.uk)

<sup>10</sup> Dog Theft (Scotland) Bill Policy Memorandum (para. 7-17) – [parliament.scot](https://parliament.scot)

One of the reasons provided by the Member who introduced the Bill for supporting the creation of the new offence was its potential deterrent effect<sup>11</sup>. However, the Rural Affairs and Island Committee noted that “all the witnesses who gave evidence to the Committee disagreed with this suggestion”<sup>12</sup>. The Committee considered that appropriate resources for raising awareness of the statutory offence proposed and its penalties is fundamental to achieving the potential deterrent effect<sup>13</sup>.

We also highlighted the importance of the allocation of appropriate resources for the enforcement of the proposed offence in our [written](#) and [oral](#) evidence provided before the Committee. We indicated that providing sufficient resources for investigations and prosecutions is critical to achieving any real difference.

The Policy Memorandum indicates that the Member who introduced the Bill considers that it is likely that a standalone offence for dog theft will be used more in practice<sup>14</sup>. However, the Stage 1 Report<sup>15</sup> indicates that there is no clear evidence that supports such a conclusion. In addition, when providing oral evidence, Laura Buchan from the COPFS indicated that having both the statutory offence of dog theft and the common law offence of theft may make it more difficult to collect data as some of the cases “would be prosecuted under one part of the legislation and some might continue to be prosecuted under the common law”<sup>16</sup>. In her view, prosecutors will assess the better approach to take on a case-by-case basis.

Section 1(2) excludes from the definition of the offence situations in which two persons have ceased to live together in the same household, and one of them takes or keeps the dog after the separation.

In its Stage 1 Report, the Rural Affairs and Islands Committee considered the issue of dog thefts in the context of an abusive or coercive domestic relationship. On that basis, it was recommended that the Scottish Government to consider this issue<sup>17</sup>. The Committee was reassured by the evidence provided by the COPFS that the current domestic abuse legislation in Scotland addresses cases of coercive control that may involve the use of pets.

In this context, we recommended when provided [oral evidence before the Committee](#) caution in conflating domestic abuse and relationship breakdown. We indicated that resolving disputes on ownership when a couple decide to finish the relationship and no domestic abuse is involved can be incredibly difficult. We

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<sup>11</sup> Policy Memorandum (para. 13) – [parliament.scot](#)

<sup>12</sup> Stage 1 Report on the Dog Theft (Scotland) Bill (para. 38) – [parliament.scot](#)

<sup>13</sup> Ibid. (para. 38).

<sup>14</sup> Policy Memorandum (para. 29) – [parliament.scot](#)

<sup>15</sup> Stage 1 Report (para. 37) – [parliament.scot](#)

<sup>16</sup> Official Report of the meeting of the Rural Affairs and Island Committee of the 26 March 2025 – [parliament.scot](#)

<sup>17</sup> Stage 1 Report (para. 53) – [parliament.scot](#)

highlighted that property disputes, whether a pet is involved or not, are mainly resolved by our civil courts.

Section 1(3) and 1(4) introduce a list of statutory defences such as having a reasonable excuse for taking or keeping the dog; believing the dog was stray, lost or abandoned; taking reasonable steps for delivering a stray dog to the owner or officer of local authority; and keeping the dog for less than 96 hours. This provision seems to replicate the statutory defences provided by Section 1(4) of the Pet Abduction Act 2024.

Penalties for the offence of dog theft would be imprisonment of up to 5 years on conviction on indictment.

It is important to highlight that, as mentioned in the Stage 1 report<sup>18</sup>, penalties for the common law offence of theft can be higher than those proposed in the Bill for the statutory offence.

## Section 2

Section 2 defines as an aggravated offence the theft of assistance dogs. Section 2(2) adopts the same definition of assistance dogs than section 173(1) (interpretation) of the Equality Act 2010, allowing the Scottish Ministers to include additional categories of dogs only for the purposes of the Bill.

Section 2(3) indicates that evidence from a single source would be sufficient for proving that a dog is an assistance dog.

Subsections 4 and 5 provides some obligations on the court when convicting for the aggravated offence, including recording the conviction in a way that reflects the aggravation and considering it for sentencing purposes.

The Rural Affairs and Islands Committee indicated in its report that it is not clear if this is a proportionate provision as “there have not been any instances of the theft of an assistance dog and [...] the court system can already take into account the impact of any theft if a case did come to court”<sup>19</sup>.

We indicated in our [written evidence](#) that we understand the important support provided by assistance dogs. We also understand the negative impact suffered by people supported by assistance dogs when the dog is stolen. However, we also expressed that those factors are already captured under current sentencing guidelines issued by the Scottish Sentencing Council. [The sentencing process guideline](#) indicates that the seriousness of an offence is determined, amongst others factors, by the harm that it causes. Some examples provided by the guideline of relevant factors in the assessment of the harm are:

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<sup>18</sup> Stage 1 Report (para. 55) – [parliament.scot](https://www.parliament.scot)

<sup>19</sup> Stage 1 Report (para. 80) – [parliament.scot](https://www.parliament.scot)

- “an especially serious physical or psychological effect on a victim, even if unintended”, and
- “in property offences, high value (including sentimental value) of property to the victim, or substantial consequential loss (e.g. where theft of equipment causes serious disruption to a victim’s life or business).

In addition, the guideline provide as an example of aggravating factors “the deliberate targeting of a victim who is vulnerable or perceived to be vulnerable”.

While the Scottish Sentencing Council has not published a specific guideline for theft, we think that the guidelines available provide to judges the tools they require to consider the impact that the theft of an assistance dog may have for the person supported by it.

## Section 3

Section 3 amends section 14 of the Criminal Justice (Scotland) Act 2003, allowing the victims of the offence of dog theft to provide victim statements.

Laura Buchan from the COPFS indicated before the Committee that, currently, the victim impact statement scheme is used for some offences tried in solemn courts. She also highlighted that:

“The bill’s provisions mean that the victim impact statement scheme would apply to the theft of any dog, and the offence could be prosecuted in any court. There could be an anomaly if a domestic abuse victim in a summary court case were not entitled to make a victim impact statement, but a summary court prosecution of the theft of a dog could involve one. We absolutely support victims being able to provide impact statements and the courts being able to have that information available, but we must ensure that we are creating the scheme in the right way”<sup>20</sup>.

Ms Buchan also reassured to the Committee that other mechanisms are used to communicate to judges and sheriff the impact that the offence has in its victims. We echoed Ms Buchan’s statement in our [oral evidence session](#).

## Section 4

Section 4 provides that the Scottish Ministers must publish and lay before the Scottish Parliament a report on the operation of the Act, 1 year after Section 1 comes into force. The report must contain the number of cases reported and charged under Section 1, the number of convictions obtained, and the nature of each sentence imposed.

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<sup>20</sup> Official Report of the meeting of the Rural Affairs and Island Committee of the 26 March 2025 – [parliament.scot](https://www.parliament.scot)

The Scottish Courts and Tribunal Service, the Lord Advocate, and the chief constable of Police Scotland must provide to the Scottish Ministers the information required for the purpose of the report.

We have no comments on this section.

## Section 5

Section 5 indicates that the Scottish Ministers must undertake a review of the operation of the Act and report on the review conducted, 5 years after Section 1 comes into force. The report must set out the extent to which the Act was effective in reducing the theft of dogs, number of cases of theft of dogs prosecuted under the standalone offence and the common law offence of theft, potential concerns in the operation of the Act and how the Scottish Ministers respond to those concerns, and if any other any animal different to dogs should be included in a standalone offence of pet theft.

Currently, the method for recording crimes in Scotland does not allow to identify accurately the number of dog theft cases. According to Police Scotland, this situation may not change if the Bill passes<sup>21</sup>. Irrespective of the Bill's outcome, the Committee considered that an amend is required to the crime recording system to improve the collection of data of dog theft cases<sup>22</sup>.

The Committee also indicated in its report:

“Given that, if the Bill was passed, data collection would not improve under the current Scottish crime recording standard, the Committee asks Maurice Golden for clarification about how the Scottish Government would be able to meet any obligations under sections 4 and 5 to provide and collate the information required for both the proposed annual reports and reviews”<sup>23</sup>.

We have no further comments on this section.

## Section 6

Section 6 indicates that the Scottish Ministers may modify the Bill for the purpose of, in connection with, or for giving full effect to any provision of the Act.

We have no comments on this section.

## Section 7

Section 7 indicates that sections 6 and 8 come into force the day after Royal Assent. The other provisions come into force when the Scottish Ministers appoint by regulations.

We have no comments on this section.

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<sup>21</sup> Stage 1 report (para. 100) – [parliament.scot](https://www.parliament.scot)

<sup>22</sup> Stage 1 report (para. 107) – [parliament.scot](https://www.parliament.scot)

<sup>23</sup> Stage 1 report (para. 108) – [parliament.scot](https://www.parliament.scot)



## Section 8

Section 8 provides for the short title.

We have no comments on this section.



For further information, please contact:

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