

Welfare of Dogs (Scotland) Bill

Policy memorandum

Introduction

1. As required under Rule 9.3.3A of the Parliament's Standing Orders, this Policy Memorandum is published to accompany the Welfare of Dogs (Scotland) Bill introduced in the Scottish Parliament on 20 June 2023.
2. The following other accompanying documents are published separately:
 - statements on legislative competence by the Presiding Officer and the member who introduced the Bill (SP Bill 32–LC);
 - a Financial Memorandum (SP Bill 32–FM);
 - Explanatory Notes (SP Bill 32–EN);
 - Delegated Powers Memorandum (SP Bill 32–DPM);

Policy objectives of the Bill

3. The Bill aims 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 the regulation of the selling or transferring of puppies from unlicensed litters.

Code of practice

4. The Bill introduces provisions to help ensure more informed and responsible dog ownership and the basis for a more responsible transaction, through the promotion of good practice when someone is acquiring, selling or transferring a dog. The provisions are intended to be educational, aiming to bring about a cultural shift in the way puppies and dogs are acquired, sold, or transferred.
5. It requires the Scottish Ministers to make a new code of practice that should be followed by any person who is considering acquiring a dog to keep as a pet, and by any person who is considering selling or giving away a dog to someone else. The Bill sets out the essential content of the code which the Scottish Ministers must give effect to when making it. Some of the content relates to the sale or transfer of a dog of any age, such as questions that a potential dog owner should consider for themselves before

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they take on the animal as a pet. These questions should prompt careful consideration of the main factors related to owning and caring for a dog responsibly and ensuring its wellbeing throughout its life. Other parts specifically focus on the sale or transfer of puppies.

6. The content of the code also includes a certificate to show whether the prospective acquirer has complied with the requirements of the code ahead of the sale or transfer of a puppy or dog. The prospective acquirer must confirm for example that they have considered the questions set out in the code of practice and can answer them in the affirmative before getting a puppy or dog. This provides a mechanism, that should cause prospective owners to pause for thought before acquiring a dog and should result in better informed decisions on dog ownership. The supplier of the puppy or dog also has to be privy to this process as they should be sure that the prospective owner is the right fit for the dog they are selling or giving away. They are therefore also required to sign the certificate.

7. The Member's intent is that the new owner must keep a signed copy of the certificate and produce it if required by an authorised person in cases of a suspected animal welfare issue. Any failure to produce a signed certificate could then be used as part of a body of evidence, should welfare concerns be raised about a dog.

8. These measures are intended to generate behavioural and attitudinal change, by encouraging those acquiring a dog to consider whether their own situation is suited to taking a particular breed of dog, or indeed any at all. The measures should also encourage those selling or transferring puppies or dogs to be aware of how to do so in a responsible manner.

9. The Bill includes a requirement for the Scottish Government to undertake public awareness raising to promote understanding of the code. For the behavioural shift envisaged to take place, effective public awareness raising will be vital in ensuring those acquiring a dog become aware of and understand the contents of the code and the associated certificate.

Regulation of unlicensed breeding

10. The Bill includes provision for Scottish Ministers to make regulations which provide for a register of unlicensed litters of puppies to be established.

11. While it will be for Scottish Ministers to determine if and when to make such regulations, the Member's view is that the Scottish Government should set up a register of unlicensed litters in which a person who owns a bitch that produces a litter which is not covered by a dog breeding licence must register the litter in a Scotland-wide database before advertising, transferring or selling the puppies.

12. The Bill includes details of what provision the Scottish Government may include in regulations relating to the registration of unlicensed litters. The Scottish Government

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may, for example, make provision in regulations for how the register should be set up, what information should be provided to the first owner of an unlicensed litter following registration, provision for amending or deleting a register entry, for access to the register and for registration fees to be charged.

13. The Member believes that improving the health and welfare of puppies means addressing both the supply and the demand sides of the trade: regulating the breeding of unlicensed litters to further reduce the room for manoeuvre of those breeding puppies irresponsibly; and helping achieve a shift in social practice with a much greater awareness of how to acquire a dog responsibly, in a more informed way. The Member believes that improving responsible acquisition should make it significantly more difficult for people attempting to circumvent the regimes in place and/or those breeding irresponsibly, to find a market for their puppies.

14. The establishment of a register would serve as a means of regulating the activity of those breeding puppies who are not required to register for a dog breeding licence under existing legislation. The Member considers that the current absence of regulation of those breeding fewer than three litters in a 12-month period but wishing to sell or transfer puppies from such a litter creates a lacuna that needs to be filled.

15. The intention is that the Scottish Ministers make provision to ensure that every puppy sold or transferred in Scotland would either be subject to registration or be covered by a breeding licence. Anyone seeking to sell or transfer a puppy should have to demonstrate that they either have a licence or an entry for the litter on the new register. An acquirer would also be able to check the status of the litter by accessing the unlicensed litter register or by accessing details of licensed breeders in Scotland. In addition, should someone seek to register more than two litters on the unlicensed register, it would become apparent to those with access to the register that that person should be seeking to get a breeding licence. In these ways, the improved transparency generated by the combination of access to details of licenses and to the unlicensed litter register would enable prospective acquirers, and local authorities with enforcement responsibilities, to identify where certain sales may not comply with either regime.

16. This in turn should assist acquirers in deciding which supplier is complying with existing regimes and therefore can be trusted as legitimate, and those who are operating outwith the system. On that basis acquirers will be in a position to take more informed decisions and avoid suppliers who may not be breeding puppies in healthy environments, including puppy farms. The eventual effect would be a reduction in the sales from settings such as unlicensed puppy farms and a reduction in irresponsible breeding.

Background

An increasing dog population

17. Dog owners are not required to register a new dog in Scotland, making it difficult to make a definitive determination of the current dog population. In 2016, it was

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estimated that there were 680,000 dogs in Scotland.¹ However, more recent information on Scotland's dog population is limited, with most data relating to the UK as a whole.

18. Reports published in 2022 by the People's Dispensary for Sick Animals (PDSA)² and UK Pet Food³ estimated the UK dog population as 10.2 million and 13 million respectively. The current UK dog population could reasonably be estimated to be somewhere between these two figures.

19. Based on the assumption that Scotland's dog population is proportional to its share of the UK population of people at 8%, this means that an estimated population of between 800,000 and 1 million dogs in Scotland, demonstrating a significant increase from the figures estimated for 2016.

20. It is apparent that this level of demand can be at least in part be attributed to the surge in demand for so called 'pandemic puppies' during the Covid-19 pandemic, with reports in March 2021 suggesting around 3.2 million puppies were purchased in the UK since the pandemic began.⁴

21. The Member considers the high demand for puppies and dogs to be a long-term issue borne from a variety of factors including, but not limited to, the impact of the Covid-19 pandemic. She considers that this rising demand increases the need for a more responsible approach to ownership and strengthened regulation of the selling and transferring of dogs and puppies.

Need for responsible acquisition and ownership

22. In addition to avoiding puppy farms and similar establishments when obtaining a dog, the Member considers that potential acquirers must give consideration to their own ability to look after a dog in the long-term. The Member believes that the Bill will result in more prospective dog owners taking sufficient time to consider the numerous long-term implications involved in the commitment of taking on a dog.⁵

23. Studies have found that potential owners may not be carrying out enough research before acquiring a dog, to ensure that they are suitable owners. One found that 20% of owners they spoke to who bought a puppy during the pandemic had not "fully considered the long-term commitment or responsibility that comes with having a dog." Further to this, 18% were not sure how their dog would be looked after should they have to return to the office after having worked from home, 15% were unsure about

¹ Microchipping of Dogs (Scotland) Regulations 2016, Business and Regulatory Impact Assessment [The Microchipping of Dogs \(Scotland\) Regulations 2016 \(legislation.gov.uk\)](#) accessed 25 May 2023

² Report by the PDSA [The PAW Report 2022 - PDSA](#) accessed 25 May 2023

³ [UK Pet Population | UK Pet Food](#) accessed 25 May 2023

⁴ [Households 'buy 3.2 million pets in lockdown' - BBC News](#) accessed 25 May 2023

⁵ The Code of Practice will include information relating specifically to the sale or transfer of dogs under the age of 12 months ("a puppy") in addition to information relating to the sale or transfer of dogs of all ages.

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whether they could afford their dog and 15% considered that in hindsight they were not ready to own a dog.⁶

24. While the impulse purchasing of puppies appears to have been worsened by the Covid-19 pandemic, it predated the pandemic and is likely to continue to be an issue in the long-term. Scottish Government-commissioned scoping research from 2017 points to many consumers not being aware or informed enough prior to purchase, which can also account for the large number of puppies later discarded:

“This can be due to the purchasers not understanding the requirements of owning a dog or the issues in the puppy trade, not doing enough research prior to their purchase or purchasing on impulse ... In particular, experts suggested that many consumers do not understand the responsibilities, costs or implications of ownership.”⁷

25. The Member’s intention is that, with the help of an information campaign on the provisions of the Bill, and with the support of animal welfare organisations, the public will become more aware of their responsibilities and of the long-term commitment of dog ownership. The aim is to get to a situation where fewer puppies suffer as a result of going to owners who are not in a position to care for them, and where fewer puppies are mistreated or abandoned as a consequence. The process may expose those breeders or registered litter owners who are unable to adequately answer questions that the prospective owner asks or who seem evasive, which should give prospective dog-owners cause for concern. The expectation is that if either party is not satisfied on the basis of the verbal exchange, they would simply walk away.

Rise in unscrupulous breeding

26. The Member considers that the public has an important role to play in better understanding how their decisions and actions can impact on irresponsible and illegal breeders on one hand, and also on the long-term health and welfare of the puppies and dogs they are acquiring.

27. The Scottish Society for Prevention of Cruelty to Animals estimates that illegal puppy farming is worth £13 million in Scotland.⁸ Animal welfare charities have raised concerns that a growing demand for puppies has led to prospective owners purchasing from potentially unscrupulous sellers. For example, research by the Royal Veterinary College found that people purchasing a puppy during the pandemic were “less likely to

⁶ [1 in 4 admit impulse buying a pandemic puppy | Kennel Club \(thekennelclub.org.uk\)](#) accessed 25 May 2023

⁷ [Scoping Research on the Sourcing of Pet Dogs From Illegal Importation and Puppy Farms 2016-17 \(www.gov.scot\)](#) accessed 30 May 2023.

⁸ [Say No To Puppy Dealers | Scottish SPCA](#) accessed 25 May 2023

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have sought credible breeders, less likely to have viewed their puppy in-person prior to collection and more likely to have paid in excess of £2,000.”⁹

28. The price of purchasing a puppy has also increased dramatically, particularly since the beginning of the Covid-19 pandemic, due to a rise in demand. As a result, the number of puppies imported from other countries has also risen in order to meet demand. The RSPCA reports that between 2020 and 2021 there was an 11% increase in commercially imported dogs in the UK.¹⁰ Imported puppies are often cheaper or easier to obtain than those bred in the UK, making them more appealing to those wishing to purchase a dog. However, the RSPCA further states that:

“Sadly, buying an imported pet, especially one that has been smuggled, could cost thousands in vet fees and even more in emotional distress. Poor breeding and rearing can result in hidden risks such as lifelong illness, suffering and premature death. These could all be on the cards, along with certain heartache.”¹¹

29. Trading Standards Scotland has also noted the growth in demand for so-called ‘designer dogs,’ leading to an increase in “unscrupulous individuals, often involved in other criminal activities, who sell puppies obtained from illegal puppy farms”.¹²

30. Along with a general increase in sales of puppies, and the demand for certain breeds, there is also a trend towards online sales. 2019 research by the Scottish Government found that 45% of people who bought a puppy that year did so online, up from a quarter (25%) the previous year. The Government stated that illegal dealers were most likely to use websites to advertise the sale of puppies and that 20% of puppies purchased from such sites fall ill or die within a year.¹³ This situation again appears to have been exacerbated by the Covid-19 pandemic, with, for example, reports suggesting that google searches for the term ‘buy a puppy’ had risen by 115% during the pandemic.¹⁴

31. Research by the Scottish SPCA and the University of Edinburgh set out how puppy farming can negatively impact puppies, including:

- The intensive breeding environment causes increased stress to puppies and mothers.
- Farmed puppies are more likely to have a genetic disorder and are more at risk of deadly infectious diseases such as parvovirus.

⁹ [RVC Research study reveals consequences of extreme demand for puppies during COVID-19 Pandemic](#) accessed 25 May 2023

¹⁰ [Stop Puppy Imports | #ActNowForAnimals | RSPCA](#) accessed 25 May 2023

¹¹ RSPCA website, Stop Puppy Imports Campaign [Stop Puppy Imports | #ActNowForAnimals | RSPCA](#), accessed 30 May 2023.

¹² [Illicit puppy trade - Trading Standards Scotland \(tsscot.co.uk\)](#) accessed 25 May 2023

¹³ [New drive to curb online puppy sales - gov.scot \(www.gov.scot\)](#) accessed 25 May 2023

¹⁴ [Puppy Prices At All Time High | News | Dogs Trust](#) accessed 25 May 2023

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- Dogs from puppy farms have more behavioural issues than dogs from other breeding environments and are likely to display fear, anxiety and aggression.
- They have not been socialised with people or introduced to family life, meaning they are frightened by strangers and scared by common household noises and activities.
- The environment and breeding process often means puppies will require veterinary treatment soon after arriving in their new home.
- They will not have had the required vaccinations or treatments, such as worming.¹⁵

32. Further to this, Trading Standards Scotland reports cases of commercial breeding and dealing being carried out in Scotland without a licence, and that often there is evidence of very poor welfare for the dogs involved.¹⁶ In such cases, the Member understands that the main motivation is often maximising profit, which happens at the expense of the welfare of the puppies. Very often, people operating on this basis will ignore animal welfare concerns and the needs of young puppies, selling on animals that often turn out to be sick or psychologically damaged. This is devastating for the puppies and can be very distressing for owners, who may find themselves unable to cope with or look after their pets. They can also face higher costs in vets' bills, as the puppies may need special care.¹⁷

33. It is clear that there is a high demand for puppies and that can be linked to a rise in unscrupulous behaviour of some puppy traders, particularly those running puppy farms or importing puppies from abroad. This in turn, can have a detrimental effect on the health and wellbeing of puppies and dogs.

34. The Bill's code of practice will play an important role as it will set out the practice that should be followed by someone seeking to acquire a puppy or dog, and by someone wishing to sell or give away a puppy or dog. The code sets out that anyone acquiring a puppy should check they are doing so either from a licensed breeder or, when a puppy register as per Part 2 of the Bill has been established, from someone who has registered a litter. Part 2 of the Bill enables the Scottish Ministers to make it an offence to advertise, sell or transfer an unlicensed litter without prior registration. These measures are about transparency in knowing where the puppy comes from and about ensuring that the transferred animal is healthy and does not develop illnesses shortly after the transfer, due to bad breeding practices or neglect. This should in turn help make it more difficult for those acting irresponsibly or illegally to sell their puppies. On that basis, the establishment of a register set out in Part 2 of the Bill complements the code of practice established under Part 1, and strengthens the ability of the code to have the desired dual effect of ensuring someone does not acquire a dog when they are not in a position to own one responsibly, whilst also ensuring the acquirer is sufficiently

¹⁵ [What is a puppy farm? - Say No To Puppy Dealers](#) accessed 25 May 2023

¹⁶ [Illicit puppy trade - Trading Standards Scotland \(tsscot.co.uk\)](#) accessed 14 June 2023

¹⁷ [New drive to curb online puppy sales - gov.scot \(www.gov.scot\)](#) accessed 25 May 2023

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informed and questioning of the way in which the puppy has been bred, including where a lack of licence or register details could point towards irresponsible breeding.

Current law and practice

Legislation relating to animal welfare and dog breeding

35. The main animal welfare legislation in Scotland is the Animal Health and Welfare (Scotland) Act 2006 (the “2006 Act”).¹⁸ Under this Act, animal owners and keepers have a legal duty of care for animals they are responsible for. The duty of care is based on section 24(3) of the 2006 Act, which sets out an animal’s five “welfare needs”: (a) its need for a suitable environment, (b) its need for a suitable diet, (c) its need to be able to exhibit normal behaviour patterns, (d) any need it has to be housed with, or apart from, other animals, and (e) its need to be protected from suffering, injury and disease. If a person fails to take such steps as are reasonable in the circumstances to ensure the welfare needs of the animal are met, then the person commits an offence.

36. Section 37 of the 2006 Act also provides for the making of Animal Welfare codes by Scottish Ministers. A Code of Practice for the Welfare of Dogs¹⁹ was made in December 2009, was approved by resolution of the Scottish Parliament in January 2010 and came into effect on 1 May 2010. It covers topics such as the need to provide the dog with a suitable environment and diet.

37. Prior to 2021, the Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999 had set out the licensing regime for anyone keeping a breeding establishment for dogs. These were repealed as a consequence of the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 (“the 2021 regulations”) coming into effect.

38. The 2021 Regulations came into force on 1 September 2021. They provide for the licensing of persons who in Scotland carry on activities of selling animals as pets, rehoming animals as pets, operating animal welfare establishments (including sanctuaries and rehoming centres), breeding dogs, breeding cats and breeding rabbits. The regulations lowered the threshold of the number of litters that trigger the need to become licensed from five to three. The scope was extended beyond the sale of puppies to apply when puppies are sold “or otherwise supplied”.

39. The regulations also require licensed breeders to use their unique identification number in any advertisements for the sale of dogs and to ensure that the dogs are kept healthy, in good environments and that certain information is provided by the licence holder to potential new owners. As mentioned above, sales and transfer of puppies from litters below the licensing threshold of three litters are currently not regulated.

¹⁸ [Animal Health and Welfare \(Scotland\) Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/16/section/24)

¹⁹ Scottish Government Welfare of Dogs: Code of Practice [Welfare of dogs: code of practice - gov.scot \(www.gov.scot\)](https://www.gov.scot/welfare-of-dogs-code-of-practice) made under the Animal Health and Welfare (Scotland) Act 2006 accessed 25 May 2023

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40. The 2021 regulations also introduced “Lucy’s Law”, which prevents the sale of dogs under six months’ old as pets by third parties such as pet shops or commercial dealers, unless the seller has bred the animal themselves.²⁰

41. Guidance on the regulations was published in December 2021.²¹ The guidance is advisory only and covers thresholds and criteria for licensing, the application process, the appeals process and offences and penalties. The guidance advises that local authorities will act as licensing authorities and that people should contact their local authority regarding applying for a licence.

Legislation in other parts of the UK

England and Wales

42. The Animal Welfare Act 2006 places a duty on the person responsible for an animal to ensure its welfare (in line with the five welfare needs included in the Animal Health and Welfare (Scotland) Act) It also provides that it is an offence if a person acts or fails to act resulting in animal suffering.

43. In 2017, the UK Government published a Code of Practice for the Welfare of Dogs designed to assist in helping people to comply with the provisions of Section 9 of the Animal Welfare Act 2006 (duty of person responsible for animal to ensure welfare). Breach of a provision of the code is not an offence in itself but, if proceedings are brought against an individual relating to an offence under Section 9 of the 2006 Act, the Court will look at whether or not the individual has complied with the code in deciding whether they have committed an offence.

44. In 2014 changes were made to the law regulating dog breeding in Wales, with the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.²² The licensing threshold for breeding puppies was reduced to three or more litters (from five or more). The new legislation also extends the scope to cover the supply of puppies, not only sale. It requires breeders to keep a written record of their breeding bitches and to pass it on if the animals are transferred. It also requires them to keep a written puppy record/logbook with specified details that must be passed on if the puppy is transferred.

45. The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 were passed in March 2021. These stipulated that those selling animals as pets in the course of a business require a pet vending licence. This includes

²⁰ The law is named after Lucy, a Cavalier King Charles Spaniel who was rescued from a puppy farm where she was subjected to terrible conditions.

²¹ [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021: guidance for dog breeders - gov.scot \(www.gov.scot\)](#) accessed 25 May 2023

²² [The Animal Welfare \(Breeding of Dogs\) \(Wales\) Regulations 2014 \(legislation.gov.uk\)](#)

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the sale of puppies by a breeder who breeds one or two litters a year, if it is deemed those puppies are sold in the course business.

46. The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018²³ (and the statutory guidance²⁴ that accompanies them) reduce the breeding threshold to three or more litters (from five or more), but do not extend the scope to cover the supply of puppies as well as sale. Accordingly, there is an exception for breeding three or more litters of puppies in any 12-month period if the person carrying on the activity provides documentary evidence that none of them have been sold (whether as puppies or as adult dogs). (Schedule 1, Part 5, paragraph 9(c)).

Non-legislative actions and measures

47. Animal welfare charities and organisations provide a range of information and campaigning resources aimed at ensuring the public can access information about how to look for and acquire a puppy.

48. The Puppy Contract is a tool to encourage responsible breeding and buying of puppies which was developed by the RSPCA and the Animal Welfare Foundation. The Puppy Contract website states that it is:

“a tool to encourage the responsible breeding and buying of puppies - ensuring buyers have all of the information they need to make an informed decision when buying a puppy and allowing responsible breeders to set themselves apart by demonstrating the care and attention they have put into breeding puppies with the best chance of being happy and healthy.”²⁵

49. Various other animal welfare organisations have advice on their websites regarding what considerations should be made before deciding a puppy. For example, Dogs Trust has a ‘buying a puppy checklist’ and the RSCPA’s website includes a calculator, allowing potential owners to estimate the costs of dog ownership before acquiring one as well as guidance on picking the right breed for your circumstances and caring for your dog.

50. Other examples of campaigns and information include “Say no to puppy dealers”, a campaign run by the Scottish SPCA in partnership with other organisations. Its aim is to inform the public of how they can help tackle irresponsible dog breeding and the illegal puppy trade. Its website states:

²³ [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk) accessed 19 June 2023

²⁴ [Animal activities licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

²⁵ [The Puppy Contract - for responsible puppy breeding and buying.](https://www.puppycontract.org.uk) accessed 25 May 2023

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“Although it can be hard to walk away from a puppy that looks like it needs your help, you will only be funding the illegal trade by purchasing a puppy and another dog will soon take its place.”

51. The Scottish Government and the Scottish SCPA website and campaign buyapuppysafely.org includes advice on what prospective owners should look for when acquiring a puppy, along with details of what someone should consider about their own lifestyle, resources and time before doing so.

52. The Scottish SPCA’s Assured Puppy Breeder Scheme, launched in November 2019 provides a mechanism for responsible breeders to sign up to be inspected by the Scottish SPCA, and a space where the public can see available litters.²⁶

53. Existing initiatives, guidance, websites and campaigns continue to carry out the important role of informing the public and encouraging them to act responsibly when seeking to acquire a puppy. The Member’s view is that, whilst important, they can only achieve so much with a large number of initiatives being patchy in their reach and application with no enforcement element attached. Despite years of having an extremely active animal welfare charity sector, and despite a number of improvements over the years in terms of regulation to protect animal welfare, such as the Animal Health and Welfare (Scotland) Act 2006, significant animal welfare concerns persist, in particular with regards to puppy welfare.

Detail of the Bill

Part 1 – Promotion of good practice

Making a code of practice

54. Part 1 of the Bill requires the Scottish Ministers to make a code of practice to set out the process that should be followed by anyone considering acquiring a dog as a pet, and by anyone selling or giving away a dog to another person, to keep as a pet.

55. The code, and any revised versions of the code, must give effect to the content contained in sections 2 to 4 of the Bill. The Member’s view is that the content outlined in the Bill is core and essential and therefore must feature in the code and future revised versions of the code. However, while the content of those sections must be included in the code, the Scottish Ministers may include additional content when the code is first published or add content at a later point.

56. The Ministers are required to consult such persons that they consider appropriate before publishing the initial code, and before making any revisions to the code. The initial code must be published by the Scottish Government and come into effect no later

²⁶ [Scottish SPCA Assured Puppy Breeder Scheme - Say No To Puppy Dealers](#)

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than 6 months after Royal Assent. Any revisions to the code should be published, with the exception of instances in which the Scottish Ministers consider the revision does not materially alter the effect of the code.

Content of the code

57. Section 2 sets out the questions that anyone acquiring a dog of any age should consider before acquiring the dog. The questions are:

- a) is the breed of dog suitable for you and your family? (recognising that some breeds require more space, exercise and care than others?);
- b) is the environment in which the dog would be kept suitable to accommodate it? (For example: is there enough space? Is there a quiet area for the dog to rest in?);
- c) would the dog fit in with the composition of the household in which it would be kept? (For example: would the household contain other animals or small children? If so, how are they likely to interact with the dog?);
- d) would there be suitable arrangements for walking, exercising and playing with the dog regularly? (For example: would the household in which the dog would be kept have enough time and energy to walk, exercise and play with the dog regularly? Is the dog likely to be left unsupervised for large parts of the day, due to other commitments of members of the household?);
- e) are the costs associated with keeping the dog (for example, food, bedding, veterinary treatment, insurance) affordable on an on-going basis?;
- f) are you committed to caring for the dog throughout its life (which may be many years)? (For example: are you prepared to and will you be able to groom the dog as may be required? Are you prepared to and will you be able to take the dog to veterinary appointments as may be required?).

58. As far as is practicable, the two parties should meet in person before reaching an agreement to transfer or sell the dog from one to the other. The policy intention is that the set of questions in the code of practice form the basis for a conversation between both parties. The prospective owner may need additional information about the breed, its character and needs in order to consider, in an informed way, whether they are in a position to give the pet adequate care.

59. The Member's intention is that, when a register of unlicensed litters is set up, on registering, litter owners will receive information on how to look after young puppies, as well as the code of practice, setting out how to transfer or sell a puppy responsibly, including the set of questions. In this way, the Bill is also intended to ensure a more informed approach by litter owners to responsible breeding, including to ensure the necessary standards of care required are provided to the puppies.

60. Section 3 of the Bill contains a set of additional requirements that apply to the sale or transfer by the first owner of a puppy or younger dog (up to the age of 12 months). The interpretation section in the Bill explains that a first owner of a litter of

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puppies is the person who owns it at the time of birth. Whilst there are provisions in existing legislation to prevent licensed breeders selling puppies under the age of eight weeks, this does not cover the sale or transfer of unlicensed litters.

61. The Bill sets out, as part of the good practice expected by a first owner with a registered litter who is selling or transferring a puppy, that a puppy should not be sold or transferred before it is eight weeks old. Similarly, someone acquiring a puppy should not buy or accept a puppy under the age of eight weeks. This is based on the need to keep a puppy with its mother for a minimum period of time in these formative weeks of its life. The prospective acquirer is also required, as far as is practicable, to see the young dog with its mother.

62. The prospective acquirer should familiarise themselves with the circumstances in which either a breeding licence or registration is required and check that the person they are getting a dog from is either a licensed breeder or, at such a time as a register of unlicensed litters is in place, has registered the litter.

Content of the code - certificate

63. Under the code, anyone wishing to own a puppy or dog has to complete and sign a certificate to acknowledge that they understand the responsibilities and costs involved in dog ownership.

64. The content of the certificate will reflect the questions to be contained in the code, as set out in section 2(2) of the Bill. Filling out the certificate involves the acquirer confirming that they have considered answering the questions set out in section 2(2) and answered them in the affirmative. If the dog is younger than 12 months, the certificate will also cover whether the prospective acquirer has complied with the additional requirements set out in section 3 (and explained in paragraphs 61-62 above). The Scottish Ministers may add additional content to the certificate, and it is for the Ministers to determine the design and layout of the certificate. The Member has produced a pro-forma template setting out what the Member considers to be the certificate's key content.

65. The new owner should keep a signed copy of the certificate and produce it if required by an authorised person in cases of a suspected animal welfare issue. Any failure to produce a signed certificate could then be used as part of a body of evidence, should welfare concerns be raised about a dog.

66. The Member considers this approach be appropriate and proportionate, given the Member's intention to achieve behavioural change, without placing formal legal obligations on the parties involved and without penalising well-intentioned and generally law-abiding citizens.

| | |
|--|---|
| CERTIFICATE | |
| Sale or transfer of dog of any age | Please tick to confirm: |
| 1.The breed of dog is suitable for me and my family | |
| 2.The environment in which the dog would be kept is suitable to accommodate it | |
| 3.The dog will fit in with the composition of the household in which it would be kept | |
| 4.There will be suitable arrangements for walking, exercising and playing with the dog regularly | |
| 5.The costs of the dog are affordable on an ongoing basis I am committed to caring for the dog throughout its life | |
| 6.I will keep this certificate during my period of ownership of the dog and will show it to a police officer or inspector in response to any reasonable request to see it I understand that complying with, or failing to comply with, any provision of the code of practice may be influential in determining whether I have committed certain animal welfare offences in relation to the dog | |
| Sale or transfer of young dog by first owner (if applicable) | Please tick to confirm (in case of question 3 give an answer) |
| 1.Having checked with the prospective supplier of the dog. I believe that the dog is aged at least 8 weeks | |
| 2.I have seen the dog with the bitch which gave birth to it If previous question cannot be answered in the affirmative, please state why this was not possible | |
| 3.I have familiarised myself with the circumstances in which the activity of supplying a dog aged less than 12 months would require a licence or registration under the Animal Health and Welfare (Scotland) Act 2006 or the Welfare of Dogs (Scotland) Act 2023 | |
| 4.I have taken all reasonable steps to establish that any licence or registration which requires to be in place in connection with the sale or transfer of the dog to me is in place | |

| | |
|--|--|
| Prospective acquirer Name..... Address..... | |
| Prospective supplier Name..... Address:..... | |
| Prospective acquirer Signature..... Prospective supplier Signature..... | |

Effect of code

67. The aim of the code is to set out a number of requirements on those acquiring and those selling or giving away dogs and puppies, to help achieve behavioural change in favour of more informed and responsible dog ownership. There is no penalty for failing to do any of the things mentioned in the code, including signing the certificate. However, if, further down the line, the person is investigated for a “relevant offence”, evidence that the way they have looked after the dog was incompatible with the code (e.g., by keeping a dog in an unsuitable environment for its size, or by being unable to afford veterinary treatment) could be taken into account. In other words, given the existence of the code and the requirement to work through the terms of the certificate and actively confirm key factors have been considered, it will be presumed that the dog-owner should have been aware of these factors (e.g. the need to keep the dog in a suitable environment, the likely cost of veterinary treatment) – something that can be used in proceedings to help establish liability for the relevant offence. Similarly, if the person followed the requirements of the code (including having a signed copy of the certificate) then this can be used to help negate liability. (For the purposes of the code of practice, the “relevant offences” are the offences created under Part 2 of the 2006 Act or in regulations made under section 26 or 27 of that Act. It also includes any offence under Part 2 of this Bill.)

Public Awareness

68. Section 7 of the Bill requires Scottish Ministers to take reasonable steps to ensure public awareness and understanding of the code of practice. While it will be for Scottish Ministers to determine what this will entail, the Member considers that an advertising campaign with emphasis on the questions that a new owner should take into consideration prior to acquiring a dog as well as on the certification requirement would be appropriate. As set out above, this legislation is intended to bring about behavioural shifts to ensure responsible ownership and responsible breeders. These behavioural shifts require the acquirer to possess the necessary information contained in the code. This will enable acquirers to become more informed both of the key considerations they should work through in deciding whether they can own a dog responsibly, and also to be equipped to identify where an animal may have been bred by irresponsible individuals in cruel conditions such as puppy farms. For these reasons the awareness of the code of practice through a public awareness campaign will be crucial to this Bill's implementation.

Part 2 – Regulations: Registration of litters

69. The Bill includes provision for Scottish Ministers to make regulations that prohibit the first owner of a litter of puppies from selling or giving away or advertising a puppy from that litter or allowing someone else to do so if the litter is not registered. While it will be for the Scottish Ministers to determine if and when to use the powers conferred upon it, the Member's intention is that the Scottish Government uses the powers to set up a register of unlicensed litters. The Member's intention is that anyone breeding less than three litters a year (the threshold for requiring a breeding licence) should have to register each litter they breed in order to transfer or sell a puppy or puppies from the litter.

70. The policy intention behind Part 2 of the Bill is to promote the increase of traceability and transparency of where an advertised puppy is coming from (for example not a product of irresponsible and illegal breeding, ignoring animal welfare concerns). With the breeding of litters that are not subject to a breeding licence currently being unregulated, the provisions in Part 2 of the Bill are aimed at changing this. In addition to increasing transparency, they are also about ensuring that the transferred animal is healthy and does not develop illnesses shortly after the transfer, due to bad breeding practices or neglect.

71. While not specified in the Bill, the Member envisions that any advertisement for the sale of a puppy will be required to include either the breeder's breeding licence number²⁷ or (once established) the litter registration number and that a person wishing to acquire a puppy is able to search the register for a name/registration number. With the addition of the register of unlicensed litters as intended under this Bill, there would be no legitimate reason for a supplier not to be part of some form of regulated process

²⁷ See para 2 of Schedule 6 of [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#) accessed 25 May 2023

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for the sale of puppies. The absence of a licence number or registration number could therefore be reasonably taken to mean that the supplier is not willing to comply with the necessary regime. On that basis, an acquirer may question why the supplier is not willing to do so. In addition, the very existence of the regulation of unlicensed litters may lead to the realisation for those undertaking irresponsible or illegal breeding that there is no longer scope for them to sell a large number of puppies in Scotland.

72. The Member's preference is that a person who intends to keep the full litter of puppies would not be required to register the litter. However, should they initially intend to keep the litter and then decide to sell or give away a puppy, within a 12-month period following the birth of the litter, then the member's intention is that registration would take place at that point. It would be the "first owner" of the litter (i.e. the person who owns the litter at the time of its birth) who is responsible for registering the litter.

73. The Bill sets out what may be included in provisions to establish a register, including as to how the register will be established and operated, including that Scottish Ministers may make provision for another person or body to operate the register on their behalf. These are discussed in more detail below:

Procedure for obtaining registration

74. While it will be for the Scottish Ministers to determine the details of the registration process, the Member's view is that registration should not be an onerous task and that applicants should have to fill out a simple online form providing:

- the name and address of the first owner;
- the date on which the litter was born;
- the number of puppies born alive;
- how many puppies were male and how many were female;
- the breed/s of puppies;
- microchipping information.

Updating the register

75. The Scottish Ministers may make provision relating to updating the register should circumstances change. The Member is of the view that the register should also make it relatively easy for the person with a registered litter to update any of the registration information that changes (for example a change of address or to add the microchip details of the puppies, if they were not available when the register entry was created).

76. The registered litter owner should update the register entry in this way during the period in which they still have puppies to transfer or sell, and update the register as soon as they have no puppies left to transfer or sell (unless the litter is at least 12 months old, at which point the updating requirements no longer apply). Keeping names

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and addresses up to date, and including microchip numbers at the appropriate time, is important to the functioning of the register, to ensure anyone buying a puppy can check litter registration and to facilitate traceability if required.

77. The Scottish Ministers will also be able to make provision for the deletion of entries in order to ensure the register is kept up to date while also ensuring compliance with the data protection legislation.

Information to be provided to first owner following registration

78. The Scottish Ministers may make regulations about what information should be provided to the first owner following registration. The Member is of the view that when a person registers a litter, in addition to a unique registration number for the litter, they should also receive guidance on how to look after young puppies, on the responsibilities of being a litter owner, and on how to sell or transfer their puppies responsibly. This should include a copy of the code of practice, which will include the set of questions that a prospective owner should consider for themselves before taking on a puppy.

79. To ensure the effective functioning of the register, and that those registering are aware of their responsibilities, the Member considers that they should also receive information about any obligation to include the registration number in any advertisement, on any penalty for not doing so, on the obligation to update the register entry in certain circumstances and on any penalty for not doing so. The register should also aid in the enforcement of the dog breeding licensing regime by helping identify those breeding more than three litters in a 12-month period. The rationale is therefore different in relation to older dogs (aged more than 12 months). It is also considered unlikely that anyone breeding irresponsibly or illegally, with the intention of maximising profit, would hold on to puppies for as long as 12 months.

Accessing the register

80. Scottish Ministers will be able to make provision regarding public or other access to the register. The Member expects that a prospective owner searching the register will either be able to enter the name of a registered litter owner and see the corresponding registration number; or to enter the registration number and see the name of the registered litter owner. They would also see details related to the litter, including the date of birth of the litter, the number of puppies, their colour and breed (or description if cross-bred), and the microchip numbers (where available). 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. For example, should someone have registered numerous unlicensed litters on the register and this is in excess of the threshold for requiring a breeder licence then this individual could be contacted by animal welfare officers to enable these officers to investigate further.

Fees for registering

81. The Member's view is that the Scottish Ministers should have discretion to charge a fee for registration, and the Bill provides them with the power to do so through regulations. The Member's policy intention is that Ministers should have the ability to cover the costs of setting up and running the register, if required, through the charging of a fee. In addition to having the power to specify a fee for registering, Ministers may also provide for different amounts (including zero) to be payable in different circumstances.

Compliance

82. While not specifically creating new offences, the Bill provides the Scottish Ministers with the powers to set out in regulations measures to ensure compliance with any regulation made under the Bill relating to the register of unlicensed litters of puppies. This includes measures imposing requirements or prohibitions on the first owner of the litter of puppies and specifying means of enforcement. If considered appropriate and necessary, it may also include: provisions conferring on specified persons powers of entry, search, inspection and seizure, and provision that obstructing a person in exercising a power conferred by the regulations is an offence.

83. The Member envisages that the main enforcement will most likely be carried out by local authorities. Local authorities already have responsibility for enforcing the legislation related to the dog breeding licensing regime. Given the interplay between the two schemes – breeding licensing and registration – and the need to ascertain that those breeding more than three litters and require to have a licence are aware of and apply for one, the most practical approach would seem to be for local authorities to have a role in enforcing the Bill's provisions.

Public awareness

84. The Bill requires Scottish Ministers to take reasonable steps to ensure public awareness and understanding of the licensed breeding regime and, at such a time as it is in place, the register of unlicensed litters. This is to encourage individuals to acquire puppies in a responsible manner through a licensed breeder or through someone who has registered their litter. It is also to dissuade people from purchasing from puppy farms or other unscrupulous breeders.

Alternative approaches

Require a register

85. The Bill sets out that the Scottish Ministers may make regulations to establish a register of unlicensed litters and includes information about what provision the Scottish Government may include in regulations relating to the registration of unlicensed litters.

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86. While it is the Member's intention that Scottish Ministers should use regulations provided for in the Bill to create a register, the Bill does not place an obligation on it to do so. In taking this approach, the Member wanted to create the power and impetus to set up a register, while giving the Scottish Government flexibility to determine when and how this should best be achieved.

Require all breeders to be licensed

87. As noted above, under current legislation, anyone who breeds three or more litters in the course of a year is required to obtain a breeding licence. Requiring all those breeding any number of litters of dogs to obtain a breeding licence was considered a disproportionate approach. This approach would mean a large increase in both new and renewal applications for the relevant licensing authorities to process, as well as the associated checks and inspections to be carried out. Whilst agreeing with the overall aim of such an approach, which seeks to secure the improved welfare of puppies and their mothers, the Member believes that for those with one or two litters in a 12-month period, a puppy litter register with less stringent processes and requirements is a more proportionate approach, accompanied by a reduction in the number of litters that can be produced before a breeding licence is required.

Require all dog owners to obtain a dog licence

88. In some other countries, such as Northern Ireland, in most circumstances individuals are required to obtain a licence in order to own a dog. All dogs must have a valid licence and wear identification with the name and address of their keeper. A licence is valid for 12 months.

89. The member does not consider that requiring a dog licence is the preferred method of ensuring the responsible acquisition and ownership of dogs. Licensing systems including that used in Northern Ireland often do not require, in applying for a licence, an individual to consider specific considerations on welfare. On that basis applying for a licence would not require an individual to educate themselves on the key considerations to take into account before buying a dog. The process for obtaining a licence would also not require a buyer to honestly consider and confirm that they can fulfil all of the key requirements of owning a dog. She considers that the thought processes required by the prospective owner in the self-certification process proposed in her bill ensures the required key considerations are taken into account when contemplating owning a dog in advance of purchase. Indeed it may lead to someone deciding they should not own a dog at all. These educational thought processes would not be mirrored under a dog licensing scheme.

90. The member also considers that setting up and enforcing such a regime would require significant Scottish Government and local authority resources, which in her view, would be disproportionate to the potential benefits of such a scheme and may be challenging in the current economic climate. She is further aware that a dog licence would have an associated cost to the owner and it is not her intention to increase the

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financial burden of owning a dog. The process of filling out a certificate would not have any financial implications for the prospective acquirer or the prospective supplier.

Obligations rather than code

91. The Member's aim is to set out in primary legislation the framework for a process that will lead to more responsible acquisition of puppies and dogs. The code will give effect to sections 2-4 of the Bill, which sets out what is expected of a prospective acquirer of a dog, and what is expected of a prospective supplier.

92. Whilst the Member's intention is to have a specific framework set out on the face of the Bill, which goes beyond general guidance on dog welfare, it was felt that framing this as statutory obligations on the parties with penalties for failing to comply could be seen as excessively invasive and difficult to enforce.

93. The Bill provides for compliance (or otherwise) with the code to be relied upon in the event of any subsequent animal welfare-related investigations. In other words, the code will set out clearly what is expected of each party, without it being a punishable offence for failing to comply. The Member's view is that this is a proportionate approach which, at the same time goes further than existing guidance.

Amending existing code of practice

94. The Member acknowledges that an existing code of practice on the welfare of dogs is in place. However, she wishes to provide for a new code set out in the terms she considers are most important to the responsible acquiring and ownership of dogs, rather than to amend an existing code. Her view is that the existing code focuses more on caring for a dog, rather than looking at how to responsibly acquire and own a dog. She also considers that the existing code is not functioning as it should including due to very low public awareness of its contents.

95. The member's aim is to set out in primary legislation the framework (via a code of practice) for a process that will lead to more responsible acquisition of puppies and dogs. The code will set out what is expected of a prospective acquirer of a puppy or dog, and what is expected of a prospective supplier.

Placing existing schemes on a statutory basis

96. The member acknowledges the work carried out by animal charities and by the Scottish Government and considers them to play a significant role in encouraging the responsible acquiring and ownership of dogs and to deter people from using puppy farms and other such unscrupulous breeders. Her view is that these schemes can work in conjunction with the provisions in her Bill.

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Consultation and previous Bill

97. On 3 May 2018, Christine Grahame MSP lodged a draft proposal for a Member's Bill in the following terms:

“A proposal for a Bill to improve the health and wellbeing of dogs throughout their lives by strengthening the regulation of the activity of breeding, and of selling or transferring puppies, and by establishing a more responsible and informed approach to acquiring and owning a puppy or dog.”

98. The draft proposal was accompanied by a consultation exercise. The consultation period ran from 4 May until 30 July 2018 and 92 responses were received.

99. In general, there was strong support for tightening the regulation of dog breeding and achieving higher levels of responsible dog ownership.

100. A summary of the responses was published on the Parliament's website, from where it remains accessible.²⁸

101. In general, there was strong support for tightening the regulation of dog breeding on the one hand and the ambition to achieve higher levels of responsible dog ownership on the other. For each of the questions under the four key strands of the proposal (as set out in bullet points above), respondents indicated a majority support for the measures proposed. The bullet points below reflect the support for the elements of the Member's original proposal:

- 91% supported reducing the threshold for a breeding licence from five to three litters;
- 89% supported the proposal to require people to be licensed as breeders even if they do not sell their puppies but transfer them or give them away;
- 82% supported the introduction of a temporary registration scheme for those breeding one or two litters in a 12-month period, who wish to sell or transfer their puppies;
- 86% of respondents were supportive of placing an obligation requiring anyone acquiring a puppy from a breeder in Scotland to check that the breeder is licensed or registered;
- 90% supported the placing an obligation on prospective owners to consider carefully a set of questions related to their capacity to take on a puppy/dog;

²⁸ Proposal for Christine Grahame MSP's member's bill in session 5 of the Scottish Parliament [Proposed Responsible Breeding and Ownership of Dogs Scotland Bill | Scottish Parliament Website](#) accessed 25 May 2023

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- 91% supported placing an obligation on the breeder/keeper of a dog to check that any prospective owner is aware that they should have considered these questions.

102. A final proposal for a Bill was lodged on 26 February 2019 and gained cross-party support from 36 MSPs. As a result of the support, the Member earned the right to introduce a bill and subsequently introduced the Welfare of Dogs (Scotland) Bill on 1 June 2020, and it remains accessible on the Parliament website, as do its accompanying documents.²⁹

103. The Environment, Climate Change and Land Reform Committee was designated as the lead committee for Stage 1 scrutiny of the Bill. In part due to the point in the parliamentary session when the Bill was introduced combined with the pressure of the Covid-19 pandemic on Parliamentary committees' work programmes, the Committee did not begin stage 1 consideration of the Bill prior to the end of Session 5 and the Bill fell at dissolution on 5 May 2021.

104. In session 6 of the Parliament, the Member lodged a draft proposal for a bill on 10 February 2022, along with a statement of reasons, explaining why she did not consider further consultation necessary. The statement of reasons also explained how the proposal for a bill had changed from Session 5 to Session 6 and the basis for these changes.³⁰ The proposal was drafted in the following terms:

“A proposal for a bill to improve the health and wellbeing of dogs throughout their lives, including by establishing a more responsible and informed approach to acquiring and owning a puppy or dog; and to regulate the selling or transferring of puppies from unlicensed litters, including by introducing a power for the Scottish Government to introduce regulations.”

105. The proposal was referred to the Rural Affairs, Islands and Natural Environment Committee, which determined that it was content with the statement of reasons and that further consultation was not required. The Member then lodged a final proposal, in the same terms of the draft proposal, on 28 April 2022, and gained the right to introduce a bill on 27 May 2022.

²⁹ Christine Grahame MSP's Welfare of Dogs (Scotland) Bill, introduced on session 5 of the Scottish Parliament [Welfare of Dogs Scotland Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#) accessed 25 May 2023

³⁰ Christine Grahame MSP's Statement of Reasons for her proposal for a Member's Bill in Session 6 of the Scottish Parliament [Proposed Welfare of Dogs \(Scotland\) Bill statement of reasons](#) accessed 25 May 2023

Effects on equal opportunities, human rights, island communities, local government, sustainable development etc.

Equal opportunities

106. An Equality Impact Assessment (EQIA) has been carried out and a summary of its findings is provided below. The EQIA did not demonstrate any particular positive or negative impact with regards to any of the protected characteristics.

107. The establishment of a new code of practice for those acquiring and supplying puppies and dogs will apply equally to everyone, including those with protected characteristics.

108. The provision in the code of practice advising that anyone acquiring a puppy should meet the supplier and see the dog with the bitch that gave birth to it is qualified in terms of what is practicable, partly to acknowledge that this may not physically be possible for certain individuals.

109. It is envisaged that a register of unlicensed litters would be set up electronically. However, this would not prevent the register operator from ensuring full accessibility for those who find engagement with online media challenging, including those with a sight impairment, or other disability, as with any other publicly-run process. Similarly, there will be a need to take account of groups that do not have a permanent address, or who only have an address for part of the year, both in terms of how to reach them, to inform them, but also in terms of the registration process (for those with dogs that have litters). Again, this is not unique to this Bill and the same considerations should be taken into account as with other public authority-run processes.

Human rights

110. The Scotland Act 1998 places a duty on the Scottish Ministers to act in accordance with the European Convention on Human Rights (ECHR). It is the Member's view that all of the Bill's provisions are fully compatible with Convention rights. The Member is of the view that the Bill provisions strike a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. In particular, the Member believes that the measures adopted through the Bill's provisions are a proportionate tool to help secure the welfare of puppies that will make people more aware of their responsibilities by providing them with information on how to look after puppies and how to help ensure they go to appropriate homes.

111. It is the Member's view that although, legally, puppies may be defined as 'goods', they are sentient beings. A person who has a bitch has a responsibility, either to ensure it has no litters by having it spayed, or to ensure that any litter is well cared for, and that

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the puppies go to appropriate homes. The animal welfare benefits of the measures adopted through the Bill's provisions outweigh any possible interference in people's lives.

Island communities

112. The Bill should have no significant impacts specific to island communities. Should a register be established, the intention is to enable online registration in the vast majority of cases, it should be possible to register a litter from a remote location, provided there is an internet connection. It is in any case expected that the register operator will need to provide offline options for creating and updating a register entry, not just for those living in island or remote communities, but for people living anywhere who, for whatever reason, do not have internet access or are incapable of using it.

Local government

113. The Bill provides for the Scottish Government to make regulations which would establish a register of unlicensed litters. The Member's intention is that the register would aid local authorities in identifying when someone has exceeded the two-litter limit for a 12-month period and therefore requires a dog breeding licence. It should help provide them with a clearer overview of all those in their local authority area that are producing litters of puppies (whether licensed breeders or registered litter owners).

114. It is the Member's intention that authorities will not be responsible for the administration and maintenance of the register, but it is envisaged that they will have access to the information it contains about people with litters in the authority's area. The Member believes that there are a number of ways in which the design and operation of the register could facilitate enforcement by local authorities. For example, the software used to manage the online register could automatically notify a local authority whenever a register entry is created with an address in the local authority's area or generate an alert if a name or address appears three or more times in any 12-month period. This could aid local authority officers in identifying potential breaches of the Bill's requirements.

115. The Member also intends that those selling or transferring puppies should be required to include either a dog breeding licence number or a litter registration number in any advertisement to sell or transfer a puppy. This should also assist local authorities in identifying those potentially trading illegally.

116. A basic principle underpinning the Bill is the Member's belief that the responsible actions of the public will also help detect those acting irresponsibly and illegally. It is the member of the public seeking to acquire a puppy, but unable to get a valid registration number from the person seeking to sell the puppy, who is likely to approach the local authority to report this.

Sustainable development

117. The Member considers that the Bill can be delivered sustainably as it requires no unsustainable financial or other resource input to implement and maintain, will make a positive social contribution, and has no negative environmental impacts. The Member considers that the Bill may improve some of the factors related to sustainable development, such as wellbeing and equity.

118. Although primarily focused on the welfare of dogs, the Bill will also have a positive impact on people. For example, by encouraging more responsible dog breeding, it is hoped that it will help minimise the distress experienced by those owners who have to deal with puppies displaying serious physical and psychological issues due to irresponsible breeding and ill-treatment.

119. By encouraging a more responsible and informed approach to acquiring a dog, the Member believes that the Bill should help reduce the supply of puppies coming from irresponsible or illegal breeders and could contribute to reducing criminal activity.

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Welfare of Dogs (Scotland) Bill

Policy Memorandum

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