

PE2083/C: Review the rules to ensure that no dog becomes more dangerous as a result of breed specific regulations

Petitioner written submission, 4 June 2024

The SPICe briefing provides a useful update on this evolving situation and highlights the increased risk of more indoor dog attacks.

Since that briefing was published, an Edinburgh owner has suffered serious injuries after being attacked by her two XL bullies in her home¹. A police investigation is ongoing. The woman appears to have been compliant with the current restrictions. It is of the utmost importance that the Government takes full responsibility and an active role in monitoring and investigating incidents where “compliant” XL Bully type dogs have attacked, because, as outlined in my previous submissions, it is likely that these dogs were not dangerous before their welfare was restricted by this legislation.

The SPICe briefing didn't mention the mental health of affected owners or the negative effects this is having on their dogs' behaviour. A submission provided to the Criminal Justice Committee in advance of consideration of the Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024, presented evidence that 89% of owners were struggling with stress and anxiety as a result of the ban and that 64% of owners were suffering suicidal thoughts some or all of the time related to the ban. An extrapolation of these statistics suggests that between 3,200 and 19,200 people in Scotland may be experiencing suicidal thoughts as a result of the implementation of this legislation; each unstable individual remains in charge of a potentially dangerous dog.

[There is a direct correlation between poor mental health of owners and negative behaviour traits in their dogs, as researched by Barcelos et al in their 2023 study.](#)

The results of this study revealed that higher occurrences of aggressive dog behaviour, fearful dog behaviour, and lack of control over the dog were all directly correlated with mental health difficulties of owners. This suggests that the Government has made these dogs much more dangerous by adversely affecting the mental health of owners through hasty implementation of the restrictions.

I am lucky. My 26” crossbreed rescue bulldog has recently been assessed by an English Dog Legislation Officer (we do not have any in Scotland). I now have a 4-page document outlining why he doesn't meet the DEFRA conformation standards. Since I made the positive, fully informed decision not to exempt him, and have stopped muzzling him, my mental health has turned around. In April I was uncharacteristically suffering daily with suicidal thoughts, and now I am returned to full health. This is evidence of the direct link between this legislation and affected owners' mental health. By marginalising and stigmatising a minority group of innocent civilians, threatening the lives of our pets, restricting animal welfare and

¹ BBC News, 22 May 2024, “Woman attacked by her own XL bullies in flat”, <https://www.bbc.co.uk/news/articles/c2vvgx1y1x8o>

leaving us with no hope of justice and a real sense of hopelessness, the Government has directly created a massive mental health crisis in this population. This owner-instability is making those dogs much more dangerous, right now.

Suggested action points for the Scottish Government:

1. Repeal this legislation as soon as possible. It is unfair and is having a net-negative effect on public safety. It is in direct contravention to the government's own "deed not breed" policy.
2. Show active compassion to affected owners through pro-active use of the exemption register database. Contact exempted dog owners and ask relevant questions:
 - a. Request a photo and measurements of each dog on the exempted list. Employ an expert to check whether they fit the DEFRA guidance. This will dramatically reduce the number of exempted dogs, thus relieving owners of their mental health issues and making their dogs safe again.
 - b. Assess each owner's mental health. Those most badly affected must be offered genuine compassion and support through this living nightmare. Remember that most affected owners are guilty of no crime and their dogs are loved pets which have never hurt anyone. Owners need to feel some kind of hope; they need to escape their feeling of entrapment; they need to feel respected rather than stigmatised and included rather than marginalised. Repealing the legislation and treating all potentially dangerous dogs the same would be a step forward to preventing suicides and making these dogs safer again.
 - c. Assess how owners are currently exercising their dogs and how the ban has affected that. Offer practical support to owners whose dogs are struggling to cope with the mandatory reduction in welfare: all dogs must be enabled to exercise daily in a safe environment off lead and without a muzzle. This is vital for the health of both dog and owner, to keep everybody safe. This may mean the government paying for secure dog-park time for those on restricted incomes, and using local dog wardens in remote and rural areas to agree safe places where a dog can be exercised if no secure dog-park is available.
3. Where an owner of an exempted dog dies by suicide or dog attack, accept some responsibility and have a formal investigation.
4. Arrange for the movement of these dogs across the border. The current situation that Scottish exempted dogs are not exempted in England and vice versa is keeping families apart and this is having a huge toll on the mental health of affected families, causing their dogs, potentially, to become much less safe as described in the Barcelos report.

Suggested action points to avoid a repeat scenario:

1. Make it mandatory that the Scottish Animal Welfare Commission is consulted by the Scottish Government on all primary and secondary legislation affecting the welfare of animal sentient beings, that the SAWC views are updated so as to be currently relevant at the time of decision-making, and that these views are made available to Parliament, either in writing or in-person, at the time of decision-making. This would help ensure committees are more fully informed of the potential impacts of regulations when considering whether or not to approve proposals such as this one.
2. Implement the Government's Suicide Prevention Strategy in all parliamentary decision-making processes. Wherever evidence of a significantly increased suicide risk becomes apparent, stop proceedings, and introduce Time, Space & Compassion. On this occasion, evidence of a massively increased suicide risk was ignored. This has resulted in the mental health of thousands of owners being destabilised, directly causing their dogs to become more dangerous. This will result in an increase in dog-attacks and deaths. Compassion must be central to any future dog legislation proposals to protect owners' mental health and thus prevent animals from becoming more dangerous.