

Briefing for the Citizen Participation and Public Petitions Committee on PE2083: Review the rules to ensure that no dog becomes more dangerous as a result of breed specific regulations

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to review [The Dangerous Dogs \(Designated Types\) \(Scotland\) Order 2024](#) and ensure that breed specific regulations do not restrict responsible dog owners from undertaking exercise and training routines which support the dog's welfare and reduce the risk of their dog becoming dangerous. The background to the petition relates to concerns about new restrictions on owning XL Bully type dogs in Scotland (summarised below). The [petitioner states](#):

“To be well adjusted and under its owner's control, an XL Bully needs 2 hours of outdoor exercise daily, both walking to heel on a lead and a small amount of running off-lead. Without the ability to "run off" energy each day, excess energy builds up and a well-adjusted dog can quickly become an anxious dog, resulting in it becoming more dangerous in the home”.

New XL Bully restrictions in Scotland and exemption scheme

Restrictions on ownership of XL Bully type dogs have recently been introduced in Scotland under two sets of 2024 Regulations. [The Dangerous Dogs \(Designated Types\) \(Scotland\) Order 2024](#) was made under powers in section 1 of the Dangerous Dogs Act 1991 and came into force on 23 February 2024. The Order designated “the type of dog known as the XL Bully” for the purposes of section 1 of the [Dangerous Dogs Act 1991 \(“the 1991 Act”\)](#). This means that, since 23 February, it is an offence under that Act to allow an XL Bully to be in a public place without being muzzled and on a lead.

The Order also means that:

- It is now an offence under that Act to breed, sell or abandon an XL Bully
- From 1 August 2024 it will be an offence to own or possess an XL Bully.

The [Dangerous Dogs \(Compensation and Exemption Schemes\) \(Scotland\) Order 2024](#) was subsequently introduced as the “second stage” of the new rules. It sets out that from 1 August 2024, it will only be an offence to own an

XL Bully dog if the owner has not applied for and been granted an exemption. Owners of an XL Bully dog will need to apply for an exemption on or before 31 July 2024 to be able to continue owning their dog. The [process for applying for an exemption is set out on the Scottish Government website](#) alongside more information on the restrictions. Information includes links to guidance on how to safely muzzle-train a dog to support compliance with the restrictions.

Background to the restrictions

The [UK Government announced it was introducing restrictions on XL Bully dogs in September 2023](#) in response to concerns about a number of dog attacks. Owning an XL Bully dog without a certificate of exemption after 1 February 2024 became a criminal offence in England and Wales. The [UK Parliament House of Commons Library has published a briefing on those restrictions](#). The [UK Government stated regarding the new restrictions](#):

“The decision was made following a concerning rise in fatal dog attacks involving the XL Bully breed type. Up until 2021 there were around 3 fatalities per year. There have been 23 since the start of 2021 – with the XL Bully being involved in many of these tragic attacks.”

The [Scottish Government Minister for Victims and Community Safety, Siobhan Brown MSP said, in setting out its reasons for bringing in equivalent restrictions in Scotland](#):

“We have public safety always in mind. As I made clear in my statement to Parliament last month, the decision to introduce the initial new safeguards on XL bully dogs is one that we did not make lightly. We wanted to ensure that we took an evidence-based approach after engagement with relevant stakeholders, which I carried out following the United Kingdom Government’s announcement of its legislation.

After that legislation came into force, it became clear that the UK Government could not confirm that an owner of an XL bully dog who lived in England or Wales and was not able to sell or rehome a dog there could not do so in Scotland. Although to rehome such a dog would breach English and Welsh law, the legislation created a loophole that led to some owners bringing dogs to Scotland. Therefore, we moved to take action immediately by introducing the new order.”

Beyond these Regulations, [the Scottish Government has committed that in the medium term it will work with stakeholders to look at potential improvements to the Control of Dogs \(Scotland\) Act 2010](#) (which introduced [dog control notices in Scotland](#)) that could strengthen the preventative dog control regime in Scotland. A timeframe for this work has not been set out.

Forthcoming further Scottish Government work on dog control

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The Scottish Government has also recently committed to holding a summit on dog control in June 2024. [Speaking in the Stage 1 debate on the Welfare of Dogs \(Scotland\) Bill on 9 May 2024, the Minister for Agriculture and Connectivity, Jim Fairlie MSP said:](#)

“In the past year, there was a lot of concern when the UK Government announced the ban on XL bully dogs. The Scottish Government is committed to the “deed not breed” approach but, unfortunately, we had to follow the UK legislation. We do not want to find ourselves in that position again.

I announce that the Minister for Victims and Community Safety, Siobhian Brown, and I will hold a responsible dog ownership and control summit on 26 June this year. The summit will provide an opportunity for us to hear at first hand from stakeholders who are dealing with the various aspects of dog ownership and control in our communities. It will provide an opportunity for a free exchange of ideas in a focused environment to discuss how the current laws and approach on dangerous and out-of-control dogs are operating and what further measures are needed to improve public safety and continue to improve the welfare of dogs”.

Dog control and safety in private spaces

The new restrictions in Scotland mean that XL Bully dogs need to be on a lead and muzzled in public places only. One area of criticism of the new restrictions, both in Scotland and in England and Wales, has been that they do nothing to prevent dog attacks in private spaces e.g. within homes, whilst limiting the potential for exempted dogs to be exercised.

Motions to annul both of the above-mentioned Scottish Regulations were lodged and debated in the Criminal Justice Committee by Christine Grahame MSP, who raised a number of concerns about the restrictions. One area of criticism was that the new restrictions – taken forward under the framework of the Dangerous Dogs Act 1991 - only apply in public places, whereas the Scottish legal framework for Dog Control Notices under the framework of the Control of Dogs (Scotland) Act 2010 applies more broadly.

[Christine Grahame MSP stated in the Criminal Justice Committee on 27 March 2024](#) that “Many attacks take place in a garden or in a home”. The [petitioner submitted further evidence to the Criminal Justice Committee in support of the motion to annul](#) on 21 February 2024. It stated:

“I have created an XL spreadsheet detailing the 25 fatal dog attacks in the UK since 2020. Of these, 72% took place indoors or in private gardens and so would have been unaffected by the proposed negative SSI.”

And:

“The proposed requirement to muzzle and keep the XL Bully dog on a lead in a public place, if implemented, will, within a matter of days, make the general public much less safe. This includes our emergency service workers, our postal workers, and any child or elderly person who either shares a house with an XL Bully type or visits such a house. There is a genuine risk of death to anyone who has to enter the home or garden of an under-exercised XL Bully type dog who has had its training regime restricted.”

Talking to the restrictions in the Criminal Justice Committee on 21 February 2024, [the Scottish Government Minister for Victims and Community Safety, Siobhan Brown MSP](#) also recognised the need for the dog control regime to address safety within private as well as public places:

“After the UK Government implemented its legislation, there was a horrific incident down in Essex in which a woman was killed. That dog attack happened in a home, as a lot of dog attacks do. Even though we are talking about having dogs on muzzles and leads outside and bringing in safeguards, because public safety is paramount, we also have to acknowledge the responsibility that comes with dog ownership.”

Following the UK Government’s announcement in September 2023, the UK Parliament’s [Environment, Food and Rural Affairs \(EFRA\) Committee held a session on XL Bully restrictions in England and Wales on 18 October 2023](#). Witnesses highlighted that the proposed new rules would not prevent dog attacks inside a private residence. The EFRA Committee subsequently [wrote to the UK Government](#), recognising imperfections associated with the approach of the Dangerous Dogs Act 1991, but overall supporting the ban in pursuit of public safety. It stated:

“It is a matter of record that this Committee has previously raised concerns about the nature and operation of that Act. While it is imperfect, we feel the circumstances presented by the proliferation of XL Bully attacks and fatalities make its use necessary as the most effective tool available to the Government.”

One of the witnesses before the EFRA Committee, Head of Animal Welfare for IVC Evidensia (a large veterinary care provider), was subsequently quoted in the media raising concerns that the restrictions could lead to XL Bullies receiving less exercise¹ resulting in them potentially becoming frustrated and therefore more aggressive within the home.

Some owners of ‘dog fields’ in the UK are advertising that they provide private spaces where XL Bullies may be exercised off lead without breaking the

¹ BBC News, 4 December 2023, ‘XL bully ban could lead to more attacks at home – adviser’ <https://www.bbc.co.uk/news/uk-wales-67461693> (**content warning** - this article contains images of injuries sustained in a dog attack)

restrictions. In England and Wales, [the Crown Prosecution Service has issued guidance](#) clarifying that an exempted XL Bully “can be exercised in private grounds, paddocks or other places not accessed by the public in general”.

Stakeholder views about the restrictions

A number of animal welfare organisations have argued against the new restrictions. The [Scottish SPCA has not supported the restrictions and considers the Scottish Government should focus on ‘deed not breed’](#), tackling underlying causes of dog attacks such as poor breeding practices. The [Scottish Animal Welfare Commission have also raised a number of concerns](#) including that evidence supports that breed-specific legislation is not effective. There has also been some [support for breed-specific restrictions from some groups such as Bully Watch UK](#) and [the Campaign for Evidence-Based Regulation of Dangerous Dogs](#). Both organisations argue that Bully type dogs present a significantly increased risk of attack and serious injury.

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The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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