

Criminal Justice Committee

**6th Meeting, 2021 (Session 6), Wednesday,
29 September 2021**

Letter from the Public Audit Committee: Post-legislative scrutiny - Control of Dogs (Scotland) Act 2010

Background

1. This paper invites the Committee to consider the letter received from the Public Audit Committee (see Annex).
2. The Public Audit Committee's predecessor carried post legislative scrutiny of the Control of Dogs (Scotland) Act 2010. It published its report, which contained a series of recommendations for the Scottish Government, in July 2019.
3. Since the publication of the report, the Scottish Government has undertaken two separate consultations in relation to improving the operational effectiveness of the 2010 Act and on wider dog control issues.
4. The Public Audit Committee's predecessor said it remained "frustrated by the pace with which the Scottish Government is responding to this extremely serious issue" and the current committee wished to bring this issue to attention of a number of parliamentary committees as part of their consideration of their work programmes

Options

5. The Criminal Justice Committee could consider the merits of repeating the post-legislative scrutiny exercise previously carried out by the session 5 Public Audit and Post-Legislative Scrutiny Committee. If this was a possibility for the Committee, members may wish to await further information on the legislative workload of this Committee before timetabling in such work.
6. Alternatively, this Committee could ask for an update from the Scottish Government on its plans and whether it intends to take forward any of the

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recommendations from the session 5 Public Audit and Post-Legislative Scrutiny Committee that fall within the criminal justice remit.

Clerks to the Committee
September 2021

Ariane Burgess, MSP
**Convener, Local Government,
Housing and Planning Committee**

Joe Fitzpatrick MSP
**Convener, Equalities, Human Rights
and Civil Justice Committee**

Audrey Nicoll, MSP
**Convener, Criminal Justice
Committee**

Public Audit Committee
Room T3.60
The Scottish Parliament
EDINBURGH
EH99 1SP

Direct Tel: (0131) 348 5390

Email:

publicaudit.committee@parliament.scot

By e-mail only

10 September 2021

Dear Conveners

Post-legislative Scrutiny: Control of Dogs (Scotland) Act 2010

As you may be aware, the remit of the Session 5 Public Audit and Post-Legislative Scrutiny (PAPLS) Committee included a role to consider and report on post-legislative scrutiny. The remit of the Session 6 Public Audit Committee, however, does not include post-legislative scrutiny.

At its meeting on 2 September 2021, the Public Audit Committee considered the PAPLS Committee's Legacy Paper and agreed to write to each of your Committees to highlight post-legislative scrutiny work carried out in relation to dog control legislation.

In Session 5, the PAPLS Committee undertook post-legislative scrutiny of the Control of Dogs (Scotland) 2010 Act (the 2010 Act). It published its [report](#), which contained a series of recommendations for the Scottish Government, in July 2019. All of the work of the PAPLS Committee on this issue can be found on its [webpage](#).

The report sought short-term improvements to the 2010 Act and a longer-term comprehensive review of all dog control legislation. The enforcement regime of the 2010 Act falls under civil law, with responsibility for the enforcement and costs of administering the 2010 Act falling to local authorities. The review of all dog control legislation includes the aspects which currently fall under criminal law.

Since the publication of the report, the Scottish Government has undertaken two separate consultations in relation to improving the operational effectiveness of the

2010 Act¹ and on wider dog control issues². In its [Legacy Paper](#), the PAPLS Committee recommended:

*“The Committee remains frustrated by the pace with which the Scottish Government is responding to this extremely serious issue. Given the high level of dog attacks that continue to be reported, and the probability that a significant number of attacks remain unreported, it is imperative that the work started by the Committee is followed through by the Scottish Government as a matter of urgency. **The Committee recommends that the next Parliament continues to place pressure on the Scottish Government to legislate to update current dog control legislation, to ensure it is fit for purpose, at the first available opportunity.**”*

Conclusion

The Public Audit Committee asks that as you develop your own work programme, you give consideration to ensuring that the work started in Session 5 to address the serious issue of dog attacks continues to be taken forward by the Scottish Government.

Yours sincerely



Richard Leonard MSP
Convener

¹ [Steps to Improve the Operational Effectiveness of the Control of Dogs \(Scotland\) Act 2010 - Scottish Government - Citizen Space \(consult.gov.scot\)](#)

² [Criminal law - dealing with dangerous dogs: consultation - Scottish Government - Citizen Space](#)