

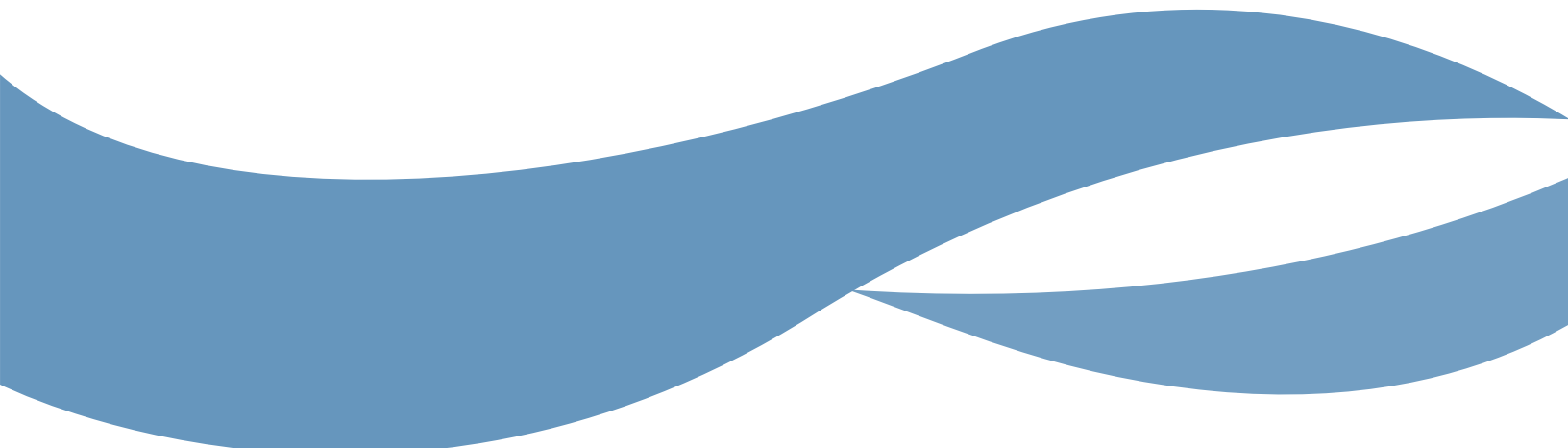
Dogs (Protection of Livestock) (Amendment) (Scotland) Bill

Stage 1 Briefing

19 January 2021

About Scottish Land & Estates

At Scottish Land & Estates (SLE) our work helps to ensure that rural Scotland thrives. We are a membership organisation for landowners, rural businesses, and rural professionals. We promote the wide range of benefits land-based businesses provide: tourist attractions, leisure facilities and landscapes enjoyed by the public, as well as housing, employment, tourism & enterprise and farming opportunities. We represent the interests of our members and wider rural Scotland to the UK and Scottish Governments to help ensure that policy and legislation reflects the unique requirements of rural Scotland and its communities.



Introduction

Scottish Land & Estates (SLE) welcomes the opportunity to provide views on the Dogs (Protection of Livestock) (Amendment) (Scotland) Bill. We are grateful to Emma Harper MSP, the members of the Rural Economy and Connectivity Committee and the Minister for their work on it. **We encourage MSPs to vote in favour of the Bill at Stage 1.**

The Bill aims to strengthen and update the law in relation to livestock worrying and proposes increased penalties and additional investigative and enforcement powers.

The effects of livestock worrying on farmers cannot be underestimated – the worrying of sheep and other livestock by dogs not only has an obvious financial and emotional impact on farmers when their animals are killed or injured, but also has an effect on the animals themselves, their productivity and welfare. In recent years, SLE has been involved in multi-agency partnerships and campaigns to highlight problematic incidents, including livestock worrying and attacks, that occur across rural Scotland. We are a key partner in the Scottish Partnership Against Rural Crime and a contributing member of the National Access Forum (NAF).

We **fully support the Bill's objective** to strengthen and update the law in relation to “livestock worrying” – in which sheep or other farmed animals are chased, attacked or killed by dogs. It is right for the Bill to be ambitious in proposing measures to better protect livestock and we support increases in penalties and the provision of additional powers for the investigation and enforcement of livestock worrying offences. However, we do have concerns regarding the provisions to appoint inspectors to lead on the investigation of offences.

Recommendations from the Rural Economy and Connectivity Committee

SLE shares the Rural Economy and Connectivity Committee's general view on the Bill that immediate action to amend this legislation is warranted. **We support the general principles of this Bill and agree that it should be passed at Stage 1 and move to Stage 2.**

Higher penalties

SLE supports the introduction of higher penalties for livestock worrying offences. Current penalties often do not reflect the seriousness of the offence with the maximum penalty of £1000. Stated in the Stage 1 report, Scottish Government research found that on average, each incident costs the farmer just under £700. More extreme cases can cost thousands. Additionally, there is a time cost involved when responding to incidents. Increased penalties will act as a strong deterrent and will ensure farmers are not left out of pocket. It sends a strong message to dog owners that allowing their dog to worry/attack livestock is wholly unacceptable. SLE supports an increase in penalties and we agree with the Rural Economy and Connectivity Committee that **penalties in this Bill should be brought in line with existing animal welfare legislation**, such as the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill. Each case should be judged on its own circumstances and the highest penalties only used in extreme cases, where there is clear intent or for repeat offences. Additionally, we appreciate that increased penalties alone will not prevent offenders and further preventative measures are also required, for example education and awareness raising.

Inspecting bodies

Whilst we recognise the need for additional support for police to investigate and enforce livestock worrying offences, we remain concerned about the provisions in the Bill which would allow Scottish Ministers to appoint inspectors. It is our view that for a crime to be taken seriously, it should be investigated fully by trained police officers, who may seek assistance from other bodies if/when this is required. During Stage 1 proceedings, several stakeholders voiced concerns about this provision including the National Dog Warden Association (Scotland) and the Law Society of Scotland. Additionally, the SSPCA expressed reluctance to take on the role of an “inspecting body”, as did Local Authorities. Both noted they would be happy to continue assisting the Police where possible. SLE agrees with the Rural Economy and Connectivity Committee that **should the Bill proceed, these provisions should be removed.**

Prevention, education and awareness raising

During consideration of the Bill at Stage 1, we highlighted the need for a programme of education and awareness raising alongside strengthening the legislation, to effectively reduce the number of livestock worrying incidents. SLE is pleased to see this reflected strongly by the Committee in the Stage 1 report and we would like to reiterate our calls for a **fully resourced, long-term awareness raising campaign** which incorporates clear and consistent messaging.

Data collection and reporting of incidents

There is a clear need for a more consistent approach on the investigation, recording and sentencing of incidents. There needs to be a clear process on formal recording and data collection and this needs to be understood by all parties. Increased awareness of this process should encourage more farmers and dog owners to report when livestock worrying has occurred. The Committee Stage 1 report notes that the Scottish Government was open to a national database, to hold information on Dog Control Notices and other key information and we would like to **see work on this commence as soon as practicably possible.** A national database would allow for greater transparency and monitoring of DCNs and would be particularly useful when dealing with repeat offenders and offenders crossing from one Local Authority to another.

Compensation

It is our underlying view that compensation should be easily accessible to farmers affected by livestock worrying incidents and the financial burden should not lie with the owner of the livestock to foot the bill. Whilst we understand the incorporation of compensation payments is outwith the scope of a Members Bill, we believe the Scottish Government should bring forward measures to ensure that any future changes also include provision for full compensation to affected farmers based on actual losses suffered. In addition, **increasing awareness of the availability of compensation mechanisms to farmers** and landowners is required to ensure that financial losses incurred are adequately compensated.

Scottish Land & Estates supports the proposals to:

- Amend the maximum penalty to be in line with existing animal welfare legislation, such as the Animals & Wildlife (Penalties, Protections and Powers) (Scotland) Bill.
- Remove the inspecting bodies provisions of the Bill and ensure all livestock worrying crimes are investigated by fully trained police officers.

For more detailed information

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