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Edward Mountain MSP
Convener
Rural Economy and Connectivity Committee
Room T3.04
Scottish Parliament

Reply to: rec.committee@parliament.scot

19 October 2020

Dear Edward,

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

Thank you the e-mail of 5 October 2020 from your Committee regarding additional information following my evidence session with the Committee on 23 September 2020. That request concerned the option of using the Scottish Rural University College's (SRUC) veterinarians in a statutory role under the above-mentioned Bill to examine, and to take samples from, a dog seized by a constable or inspector for the purposes of identifying and securing evidence of the commission of an offence under the terms of the Bill.

The Scottish Government currently contracts SRUC to undertake farm animal post-mortem work and also some wildlife crime post-mortem investigations.

As part of this SRUC is sometimes involved in gathering evidence of livestock attacks by undertaking post-mortem examinations on livestock that have been attacked, which can include confirming that wounds are typical of a dog attack and gathering material for DNA analysis to confirm that dog saliva is present in any wounds. DNA analysis is carried out at a separate lab run by Science and Advice for Scottish Agricultural (SASA) and the cost of this analysis is normally charged to the investigating enforcement authority.

SRUC is also able to carry out post-mortems on shot dogs. However, if the dog has been shot in the act of chasing livestock this may not be necessary if there is already considered to be sufficient evidence to link the dog to an attack. These actions are not, however, statutory responsibilities and SRUC will be acting at the request of the investigating enforcement authority, which will normally be Police Scotland.

There are various possible scenarios in which it might be appropriate for forensic evidence to be collected from a live suspect dog to link the dog to a particular attack, although such cases

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will probably be rare and the need to collect and analyse such evidence would normally be agreed in advance by Police Scotland with the Crown Office and Procurator Fiscal Service depending on its potential relevance to any possible prosecution case. If it was considered appropriate to gather forensic evidence from a live dog (such as saliva sample for DNA analysis that might be matched with a sample from an animal that had been attacked), there would be different ways of arranging this depending on the availability of suitably trained persons to collect a sample and handle the dog. This could involve Police Scotland officers with the assistance of other enforcement authorities, the Scottish SPCA or local vets as appropriate for the particular circumstances at the time and of the case.

While SRUC staff could potentially take saliva samples from live dogs if requested, they have a limited number of laboratories and these do not possess handling facilities for live animals. If saliva samples from live animals for subsequent DNA analysis were requested by the enforcement authority, it would seem to be more practical, for these to be collected by a local vet or possibly by a Police scene of crime officer with the assistance of a local vet, local authority or Scottish SPCA staff in scanning the dog's microchip to identify it and handling the dog to allow a sample to be collected if needed.

SRUC has offered to work with Police Scotland, the British Veterinary Association and the British Small Animal Veterinary Association to discuss possible protocols for local vets or police officers in taking saliva samples from suspect dogs and to provide advice on gathering evidence in individual cases as these arise.

It is not considered that any statutory power for SRUC or local vets is required in the legislation as they can already be involved in collecting evidence from animals presented to them by Police Scotland or another investigating enforcement authority.

I am copying this letter to Emma Harper MSP, as the sponsor of The Dogs (Protection of Livestock) (Amendment) (Scotland) Bill.

Yours sincerely



MAIRI GOUGEON

Cc: Emma Harper MSP, Emma.Harper.msp@parliament.scot

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